

TOWN OF HINGHAM



WARRANT

for the
ANNUAL TOWN MEETING
April 28, 2014
at 7:00 P.M.

and

REPORTS
of the

Advisory Committee
Capital Outlay Committee

Board of Selectmen
Personnel Board

School Department

Elder and Handicapped transportation available – Register: 781.741.1458

Please bring this report to the meeting for use in the proceedings
at
Hingham High School, 17 Union Street

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

Welcome to the 2014 Hingham Town Meeting. In our commitment to open town meeting, Hingham remains true to a wonderful tradition – of vesting in each citizen both voice and vote, enabling all of us to play a pivotal part in the work of our town and in shaping its future. Town meeting is not only a gathering of citizens to consider matters of common concern, it is the legislative body of the town. As such, the meeting must be conducted in a fair and open manner and in accordance with the Town By-Laws, as well as traditions that we have followed in Hingham town meetings for many years. Several matters of procedure are summarized below.

- An **article** in the warrant states a question for the town meeting to answer. A **motion** is a proposed answer to the question and must be within the scope of the article. An article (once published in the warrant) may not be amended, but a motion may be amended by vote of the meeting. All motions must be seconded.
- If the Advisory Committee is recommending an **affirmative motion** under an article, its motion will be received as the main motion under the article. A voter may propose to amend this motion either to change it in part or to substitute a whole new motion (sometimes called a "substitute motion"). In any such case, the proposed amendment will be taken up and voted on first and then the main motion, as it may have been amended, will be acted upon.
- If the Advisory Committee is recommending **no action** under an article and a voter offers an affirmative motion, the voter's motion will be received as the main motion under the article. Such a motion is likewise subject to amendment.
- All **motions and proposed amendments** involving the expenditure of money must be **in writing**. So must all other motions and proposed amendments unless they are so brief and simple as to be easily understood when stated orally (*e.g.*, motion for the previous question, motion to adjourn). Voters are welcome to seek the assistance of counsel for the Town in preparing motions or proposed amendments.
- **Limits on speaking:** No one may speak on any subject for more than six (6) minutes for the first time or for more than three (3) minutes for the second time. No one may speak more than twice on any question unless all others who have not spoken on the question shall have spoken if they desire to do so, and unless leave of the meeting is first obtained. A person may speak more than twice, but only to make a brief correction of an error in or misunderstanding of his or her previous statement, including brief answers to questions from the floor (addressed through the Moderator).
- No speaker is allowed to **indulge in personalities**, but must confine his or her remarks to the matter before the meeting.
- Persons who are not registered voters of the Town may be admitted to the meeting as **guests** by the Moderator. A guest of the meeting may be granted permission to address the meeting by majority vote.
- The purpose of the **motion for the previous question** is to end discussion and have an immediate vote on the pending question. The motion is not debatable and requires a

majority vote for adoption. The Moderator will decline to accept a motion for the previous question if other voters are seeking recognition and if both sides have not had a fair opportunity to be heard. The Moderator will accept the motion for the previous question if it appears that both sides have been heard and the discussion is becoming repetitious.

- **Voting procedures:** All votes are taken in the first instance by voice vote. If the Moderator is in doubt as to the results or if seven (7) voters rise and express doubt as to the result declared by the Moderator, a standing vote is taken, **except** that a ballot vote is taken (instead of a standing vote) if either the Advisory Committee or fifty (50) voters promptly call for a ballot vote. As a ballot vote takes considerable time, our practice has been not to request a ballot vote in the absence of compelling reasons.
- At a **Special Town Meeting**, no money may be appropriated for any purpose if the Advisory Committee recommends against the appropriation, except by a **two-thirds vote** of the meeting.
- No vote may be **reconsidered** except after a **two-thirds vote** on a motion to reconsider such vote. A vote may not be reconsidered a second time or after a motion to reconsider it has failed to pass.
- A vote adopted at one session of the town meeting may not be **reconsidered at a later (adjourned) session** of the meeting unless the mover has given notice of his or her intention to make such a motion either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk not less than 12 hours before the hour to which adjournment has been voted and not more than 48 hours after the hour of adjournment of such session. Any motion for reconsideration pursuant to such notice of intention will be taken up at the beginning of the adjourned session.
- **Articles** in the warrant are to be acted upon **in their order** unless the meeting otherwise determines by majority vote.
- A **motion to adjourn** the meeting to a later time is a privileged motion and is decided by majority vote without debate. When the warrant is completed, a **motion to dissolve** the meeting is in order.
- The number of voters constituting a **quorum** in order to convene the first session of a Regular or Special Town Meeting is 300. The number of voters necessary to convene the second or any subsequent session of a Regular or Special Town Meeting is 200. Once convened, the quorum to transact business at any Regular or Special Town Meeting is 200; provided, however, that a number of less than 200 may from time to time adjourn the same. Once a quorum is determined at the start of the meeting (or adjourned session), the presence of a quorum is presumed to continue unless a point of no quorum is raised and a count of the meeting shows that a quorum is not present. In that event, the meeting may be adjourned to a later date.
- **If you wish to speak**, please rise and seek the attention of the Moderator or the Assistant Moderator. When recognized by the Moderator, you should come to a microphone. Please state your name and address at the outset each time you speak.

REPORT OF THE ADVISORY COMMITTEE

OVERVIEW

The Advisory Committee recommends the proposed Fiscal Year 2015 budget (Articles 4, 5 and 6) for Town Meeting approval.

The Town's operating budget (Articles 4, 5 and 6, less employee benefits, insurance and debt service) reflects an increase of 4.0% over the 2014 budget resulting from the combined effect of wage inflation and modest increases in service levels to either respond to increasing demand or to partially restore service reductions made during Fiscal Years 2009 through 2011. Budgeted expenditures for employee benefits are essentially unchanged, while expenditures for insurance have increased by 30.4%, primarily due to recent claims experience. Debt service is budgeted to increase by 28.9%, reflecting borrowings for the new Middle School and the High School fields project. The increase in expenditures for 2015 will be funded by a 2.5% increase in the tax levy, new growth of approximately \$975,000, modest increases in state aid and local receipts, an increase of approximately \$737,000 in property taxes excluded from the 2.5% limitation (principally related to construction of the new Middle School), and \$1,050,000 of meals tax revenue, of which \$450,000 will be transferred from the stabilization fund and \$600,000 is expected to be collected in 2015.

The Town continues to strengthen its financial position while maintaining reasonable service levels and providing for the Town's capital needs. In developing the proposed FY 2015 budget, the Advisory Committee has been mindful of four important considerations: (1) delivery of Town services in the most cost-effective manner possible; (2) addressing the capital and infrastructure needs of the Town; (3) the effect of the Committee's recommendations on residential property taxes; and (4) maintenance of the Town's Aaa bond rating.

- (1) The budget before Town Meeting is based on a "level services" budget, i.e., FY14 service levels adjusted for FY15 costs. The Board of Selectmen, School Committee and Advisory Committee have considered and recommended certain strategic additions which reflect restoration of services lost since 2008 or new initiatives to meet increasing demand for services. These additional requests were weighed carefully, particularly where the request involved additional personnel costs. The Board of Selectmen, Personnel Board, and School Committee have worked diligently this past year to ensure that Town employees are compensated fairly. The cost of employee payroll accounts for approximately 55% of the Town's total FY 2015 budget.
- (2) The Town is committed to providing for its capital needs within the tax levy or operating budget of the Town. Rebounding from a low in capital spending in FY10, there has been a slow, but steady, increase in capital funding through the capital outlay process. Working with the Capital Outlay Committee, the Advisory Committee continues to balance the need to repair and replace capital items, before such costs become unreasonable, with all of the other pressures on operating revenues. For FY15, Capital Outlay (excluding Sewer, Recreation and the South Shore Country Club, which are funded from rate charges and user fees) is approximately \$2,287,000 which represents a 37% increase compared to FY14. In addition, as with the prior year budgets, money is included in the FY15 Department of Public Works budget to continue road repair, leveraging state road funds for this purpose. The warrant also includes Articles to authorize the purchase of two new fire engines at a cost of approximately \$1.2 million and certain grounds maintenance equipment for the South Shore Country Club at a cost of approximately \$191,000, both requests to be funded through borrowing.

- (3) In constructing the FY15 budget, the Board of Selectmen and the Advisory Committee continue to be concerned about the effect of the budget on property taxes. Last year, Town Meeting approved several initiatives to mitigate the residential property-tax burden, including use of the meals tax to reduce the tax burden resulting from borrowings for construction of the Middle School and to fund expansion of the Town's Property Tax Work-Off Program. The Town also adopted the VALOR Act, which established a tax work-off program aimed at tax relief for veterans. As described further below, the FY 15 budget contemplates further tax relief through expanded use of the meals tax to offset Middle School borrowing costs and by implementing a tax rate increase at less than the maximum amount allowed by the October 2011 debt exclusion.
- (4) The Advisory Committee continues to monitor the ratio of the Town's Fund Balance to the Town's Total Annual Expenditures—a key metric of fiscal health and effective management in evaluations by all three bond rating agencies. The Town's Aaa bond rating provides the Town access to debt markets when other potential borrowers—with lower bond ratings—are unable to find purchasers for their riskier debt. The Aaa bond rating also means the Town can secure the lowest-possible interest rates for its bond offerings, resulting in lower debt-service costs funded by property taxes. For instance, when the Town most recently went to the debt market to borrow on a short-term basis, the rate secured by the Town was 0.18%. The availability of debt at reasonable rates is a key component of the Town's financial assumptions. The resulting debt service costs at lower than projected levels also reduces the tax burden for Hingham households. In February 2014, Standard & Poors affirmed its AAA rating for Hingham's general obligation debt, reflecting its continued confidence in the Town's financial condition and fiscal management.

The FY 2015 Article 4, 5, and 6 budgets for the Town (net of the Sewer and South Shore Country Club budgets, which are financed by rate charges and user fees) will change relative to the FY 2014 budget as follows:

	<u>FY 2014</u>	<u>FY 2015</u>
Municipal Departments:	\$22,832,925	\$23,589,608
School Department:	41,838,227	43,490,722
Capital Outlay:	1,668,922	2,000,000*
Employee Benefits:	12,210,765	12,235,588
Debt Service:	7,368,224	9,500,765
Insurance and Incidentals:	<u>391,950</u>	<u>510,950</u>
TOTAL	<u>\$86,311,013</u>	<u>\$91,327,633</u>

*an additional \$286,922 to be funded through available reserves

With respect to Municipal Departments, the year over year increase of \$756,683 includes wage inflation and modest increases to services, all of which are closely scrutinized by each department head, the Town Administrator, the Board of Selectman and the Advisory Committee. With respect to the School Department FY 2015 operating budget, the Advisory Committee is recommending appropriation of an amount that is \$1,652,495 more than the FY 2014 funding authorization. This increase represents wage inflation, enrollment growth and continued restoration of services that were curtailed during the economic crisis. Prior to submitting its budget request to the Advisory Committee, the School Committee and School Administration undertook a thorough process to develop a needs-based budget,

which process included public hearings, including joint hearings with the Board of Selectman and the Advisory Committee.

The Advisory Committee believes that the FY15 budget presented to Town Meeting is fair and equitable to all departments and represents a level of service consistent with the expectations of the Town's residents.

All departments, Municipal and School, worked through the financial constraints of the last several budget cycles with no significant disruption, and only minimal erosion, in services; however, increasing service demands, as well as the increase of unfunded federal and state mandates, require the allocation of additional dollars to meet the most pressing needs. Unfunded mandates will continue to influence future budgets.

One of the most visible unfunded mandates is the special education portion of the School Department budget. For FY 2015, as in FY 2014, the Town was fortunate to avoid significant increases in required out-of-district tuitions. Despite the Town's most recent experience, the risks that unanticipated special education costs pose to the Town's financial condition are still very real. In order to help manage these risks, the Special Education Funding Working Group has proposed a warrant article, to be considered at this year's Town Meeting, to establish a trust fund that can be used to offset unbudgeted extraordinary out-of-district tuitions and associated transportation costs. The trust fund will give the Town greater flexibility to address unbudgeted costs; however, a state-wide solution is still necessary. The Working Group is also working with our state senator and representatives to identify possible legislative solutions to address the chronic underfunding and delayed reimbursement from the Commonwealth of special education out-of-district tuition and transportation costs.

FINANCIAL POLICY CONFORMANCE

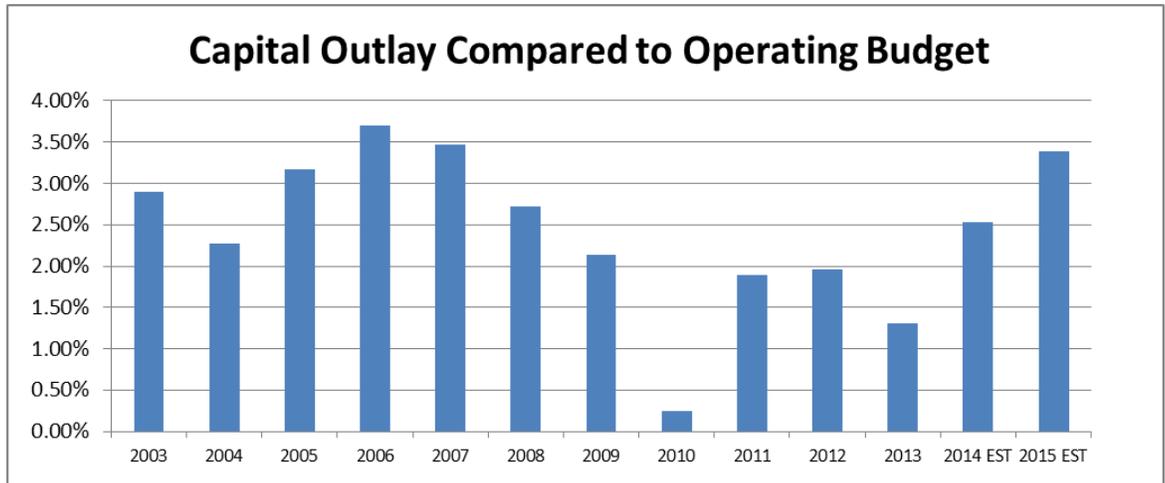
During FY 2014, the Advisory Committee undertook a thorough reconsideration of the Town's Financial Policy, which was last revised in June 2010. While the principal foundation of the policy remains unchanged, certain adjustments were made to reflect current circumstances. Most significantly, the policy now recognizes multiple components of fund balance in accordance with governmental accounting rules and recommends that Unassigned Fund Balance be maintained at a level of no less than 16% and as high as 20% of Total Annual Expenditures, as defined.

Expenditures in the proposed FY 2015 Article 6 budget conform to the Town's Financial Policy guidelines as follows:

- Unassigned Fund Balance between 16% and 20% of Total Annual Expenditures
 - As of the end of FY 2013 (the most recently completed fiscal year), the percentage of Unassigned Fund Balance to Total Annual Expenditures is 18.07%, which is near the midpoint of the desired range.
 - Total Fund Balance reserves (including amounts restricted for other specific purposes) have increased from 8.9% of Total Annual Expenditures at the end of FY 2009 to 25.08% at the end of FY 2013. Approximately \$6,054,101, or 27.94%, of Fund Balance is 'reserved' for particular future uses since the corresponding revenue has unique, specialized sources, i.e., real estate sales, the Stabilization Fund, mooring permits, meals tax, and sewer betterments.

- Capital Expenditures between 2% and 5% of the Operating Budget

- The proposed capital expenditures funded from the tax levy or available reserves account for 3.4% of the proposed FY 2015 operating budget.
- The Town’s capital outlay continues to warrant ongoing focus throughout the term of the *Five-Year Capital Plan*, including consideration of the targeted use of debt to address major capital expenditures, such as is the case this year with the proposed borrowing of \$1.2 million to acquire two new fire engines.



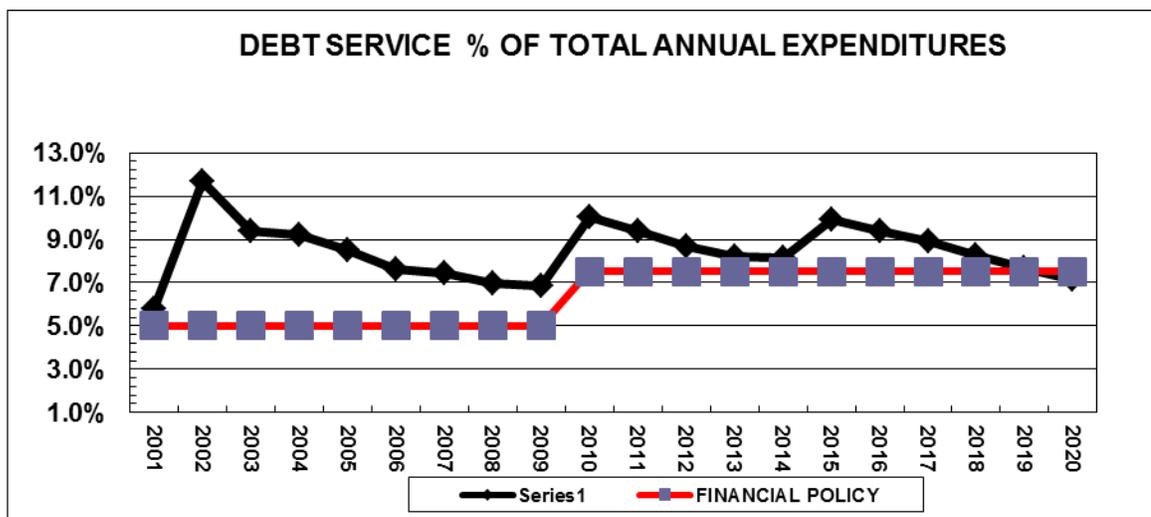
- For FY 2015, the Capital Outlay Committee reviewed and evaluated departmental spending requests using the following six criteria, in descending order of importance:
 - If lack of the capital item puts citizen safety at risk
 - If the capital item is broken
 - If the department cannot function without the capital item
 - If the capital item is still functional but repairs are required that would cost 25% or more of the new item purchase price
 - If the capital item is substantially beyond its projected useful life and its failure would jeopardize performance of the department’s overall mission
 - If the cost of the capital item can be recovered in three years or less
- From initial capital requests in excess of \$5 million, the Capital Outlay Committee (COC) recommended an FY 2015 capital budget funded from the tax levy of \$2,000,000, plus \$286,922 to be funded from available reserves.
- In addition, the Advisory Committee and COC recommend that the Town spend \$1.2 million and \$191,417 to purchase two new fire engines and golf course maintenance equipment, respectively, such purchases to be funded with borrowing if approved by Town Meeting.
- The Advisory Committee and COC also recommend that an additional \$329,500 be expended on capital outlays for the Sewer Commission (\$164,500), Recreation Commission (\$65,000), and South Shore Country Club (\$100,000)—all funded by user fees and/or rate charges.

- Reserve Fund of approximately 0.75% of the Operating Budget
 - Massachusetts General Laws provide for annual appropriations to a Reserve Fund from which transfers for extraordinary or unforeseen expenditures may be made from time to time, with the advice of the Board of Selectmen and the approval of the Advisory Committee. The Reserve Fund is used to save the time and expense of a Special Town Meeting for relatively low-cost items.
 - In FY 2013, Reserve Fund transfers were made as follows:

<u>DEPARTMENT</u>	<u>AMOUNT</u>
Fire Dept.-Capital Outlay	\$18,500
Harbormaster-Capital Outlay	7,742
Town Meeting	9,500
Project Engineering-Paving Supplies	12,163
Library-Expenses	6,200
Fire-Fire Hydrant	10,000
Dispatch-Town Assessment	83,016
Bathing Beach-R&M Grounds	30,000
Fire-Salaries	75,000
Legal	96,000
Emergency Water	37,924
Selectmen Salaries	10,000
SSCC	50,000
Fire-Salaries	12,508
Fire-Expenses	9,537
TOTAL APPROVED TRANSFERS- 6/30/13	<u>\$468,090</u>

- Unexpended Reserve Fund revenue for a fiscal year, if any, is returned to Fund Balance effective the end of that fiscal year.
- The proposed FY 2015 Reserve Fund is 0.81% of the operating budget and 0.59% of total budgeted appropriations.
- Long-term financial obligation and liability funding
 - Contributory Retirement and OPEB are funded as required by law and—considering the recommendation to fund each at 100% of the Annual Required Contribution—should not burden future generations with unsustainable or disproportionate financial obligations.
- Caution in incorporating long-term revenue-growth assumptions
 - The projection of New Growth revenue for FY 2015 and beyond is based on the extrapolation of building-permit activity and other indicators of the local economic outlook.
 - Similarly, future Local Receipts revenue—primarily from Motor Vehicle Excise taxes—is tracked carefully and forecast conservatively.

- Non-recurring revenues and long-term costs
 - Non-recurring revenues are deposited in Fund Balance unless Town Meeting directs otherwise.
 - The Board of Selectmen and Advisory Committee continue to require full life-cycle cost projections for incorporation in budget forecasts whenever new operating and/or capital funding requests are presented.
- Debt service between 5% and 7.5% of Total Annual Expenditures
 - Debt service represents 10.4% of FY 2015 Total Annual Expenditures—an increase from 8.16% for FY 2014.
 - The debt exclusion for constructing, furnishing, and equipping the new Middle School—approved by the October 2011 Special Town Meeting—will increase the debt-service portion of projected Total Annual Expenditures through FY 2020. Assuming no additional borrowing, debt service would return within Financial Policy guidelines by FY 2020.
 - While the current debt service exceeds the financial policy guidelines, the need to build a new Middle School and modernize the High School athletic fields represented exceptional circumstances requiring immediate attention. Further, both projects include significant contributions from others (in the case of the Middle School, the Massachusetts School Building Authority; in the case of the fields project, Town funds are supplemented by private donations) that allow the Town to maximize its investment.
 - The availability of historically low interest rates, facilitated by the Town’s Aaa bond ratings, make borrowing an attractive means to fund certain capital needs; however, continued vigilance is necessary to ensure debt is used responsibly.
 - The graph below shows currently-authorized debt only:



FY 2015 TAX RELIEF

As noted above, the FY 15 budget includes tax relief for the benefit of all taxpayers. Pursuant to Article 14 of the April 2013 Annual Town Meeting, \$450,000 of meals tax receipts from prior years, currently held in the Meals Tax Stabilization Fund, will be transferred for the purposes of FY 15 tax relief. In addition, \$600,000 will be appropriated from FY 15 meals tax receipts, also to fund FY 15 tax relief. By using meals tax receipts to offset some of the borrowing costs associated with the new Middle School construction project, the Town can reduce the amount of property tax it will raise under the October 2011 debt exclusion. The tax rate for FY 2015 will still be higher than in FY 2014; however, the amount of increase will be less than it would be otherwise.

In evaluating the FY 2015 budget, the Advisory Committee considered whether the unused levy (i.e., taxes authorized, but not raised), as proposed by the Board of Selectman, could be put to other uses, including the purchase of capital assets, retirement of outstanding debt or to increase fund balance, and noted the following:

- For 2015, the proposed budget, together with the warrant articles to authorize purchase of two fire engines and golf course maintenance equipment, includes capital outlay of more than \$4 million, or approximately 80% of total capital requests for the year. The Advisory Committee notes that the Town has an effective capital outlay process that carefully assesses current and future capital requirements and balances departmental requests with available resources. There is no pressing need to circumvent this process.
- While the Town's current debt service requirements exceed the guidelines in its Financial Policy, the Advisory Committee believes the Town has managed its debt responsibly, specifically with regard to using borrowings at low interest rates to address significant infrastructure needs (e.g., the new Middle School, the High School fields). In addition, leveraging these and other initiatives with responsible borrowing gives the Town flexibility to respond to emergent requirements or opportunities. The Town's debt service requirement is manageable, now and for the foreseeable future, and does not warrant raising additional taxes to reduce outstanding borrowings.
- The Town's percentage of Unassigned Fund Balance to Total Annual Expenditures is 18.07%, which is near the midpoint of the desired range in the Financial Policy. Based on recent experience, it is reasonable to expect that Unassigned Fund Balance will increase modestly in FY 14 and FY 15. Based on the foregoing, and considering the significant growth in Unassigned Fund Balance since 2009, increasing Unassigned Fund Balance is not a valid basis for raising additional taxes at this time.

The Town's financial forecast includes tax relief in future years, but there is no guarantee that the Town's financial condition will support tax relief. Further, it is important to note that by choosing not to raise taxes to the maximum level, the Board of Selectmen is creating unused levy capacity, which, unless tax relief is made permanent through enactment of a property tax override (i.e., permanently reducing the property tax base, which requires both a Town Meeting vote and a ballot vote), will be available in future fiscal years and, if accessed, could result in significant tax increases. The Town's current budgeting process includes appropriate checks and balances to manage the risk and the Town's recent history of fiscal discipline and responsibility bode well for the future; however, continued diligence by the Board of Selectmen and the Advisory Committee is necessary to ensure the success of this tax relief proposal.

REVENUE SOURCES AND USES

For 2015, total budgeted Uses include Article 4, 5 and 6 appropriations of \$95,819,422 and amounts reserved for State Assessments, Overlay and Other Expenses totaling \$1,265,453.

The aggregate budget Uses for FY 2015 of \$97,084,875 balance to the forecasted revenue Sources of \$97,085,979, resulting in a projected Excess (i.e., surplus) of \$1,104.

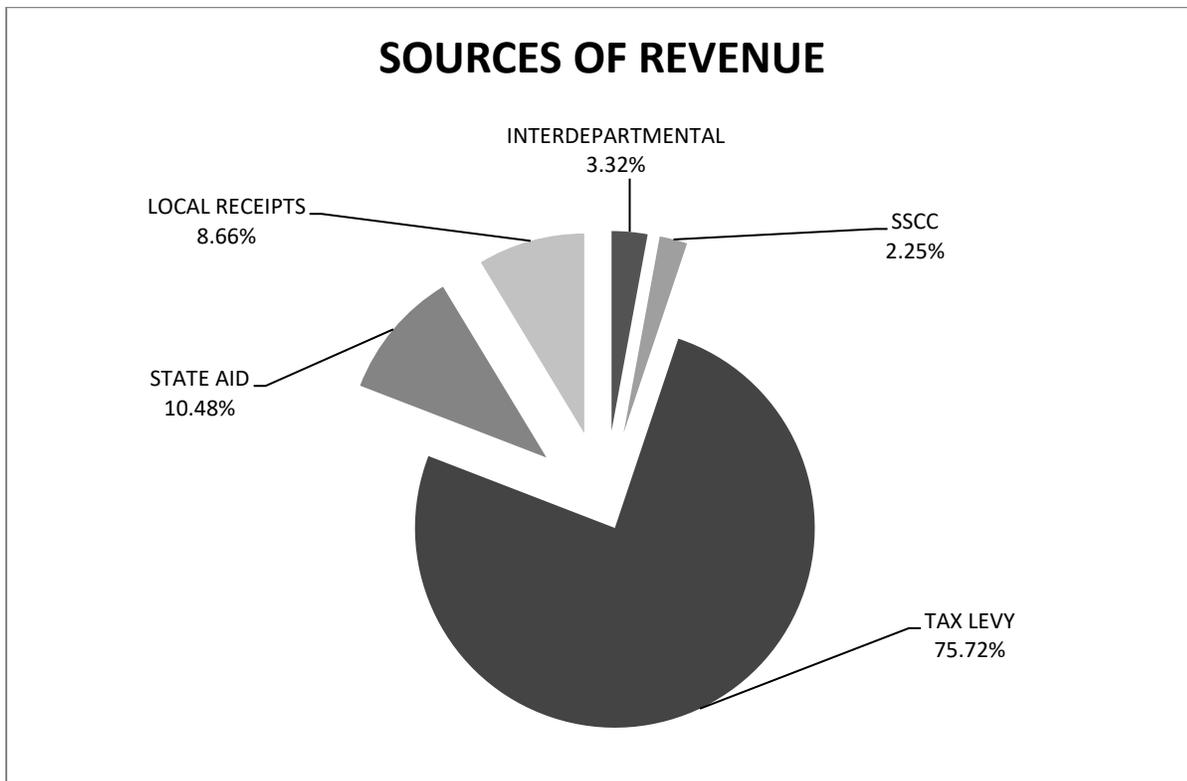
	ACTUALS	ESTIMATE	FORECAST	FORECAST	FORECAST	FORECAST	FORECAST
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
SOURCES							
Tax Levy							
Levy	60,922,624	63,382,432	66,131,397	68,759,682	71,328,674	73,961,891	76,660,938
2 1/2 % increase	1,523,066	1,584,561	1,653,285	1,718,992	1,783,217	1,849,047	1,916,523
New growth	936,742	1,164,404	975,000	850,000	850,000	850,000	850,000
Debt exclusions	3,641,181	3,568,485	4,755,700	4,583,602	4,380,971	3,967,700	3,721,240
Total Tax Levy	67,023,613	69,699,882	73,515,382	75,912,276	78,342,862	80,628,638	83,148,702
Other Revenue							
State Aid	9,654,874	9,791,812	10,170,133	10,170,133	10,170,133	10,170,133	10,170,133
Local Receipts	7,649,341	7,389,346	8,408,674	8,618,891	8,834,363	9,055,222	9,281,603
Fund Balance	53,000	179,651	0	0	0	0	0
SSCC	1,921,499	2,213,456	2,181,127	2,181,127	2,181,127	2,181,127	2,181,127
Sewer	2,329,069	2,406,197	2,310,663	2,494,206	2,694,678	2,913,729	3,153,172
Light Plant	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Other				0	0	0	0
Total Other Revenue	22,107,783	22,480,462	23,570,597	23,964,357	24,380,302	24,820,211	25,286,035
Total Sources	89,131,396	92,180,343	97,085,979	99,876,633	102,723,163	105,448,849	108,434,737
USES							
State Assessments	784,666	805,781	815,453	856,226	877,632	899,573	922,062
Overlay	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Other expenses / deficits	0	0	100,000	100,000	100,000	100,000	100,000
Total	1,134,666	1,155,781	1,265,453	1,306,226	1,327,632	1,349,573	1,372,062
Appropriations							
Capital Outlay	844,365	1,831,422	2,000,000	2,100,000	2,200,000	2,300,000	2,400,000
Article 6	83,635,831	88,574,788	93,448,880	95,646,930	97,891,129	99,793,778	101,907,728
Article 4&5	0	114,625	370,542	707,133	1,050,456	1,400,646	1,757,839
Other articles	156,711	0	0	0	0	0	0
Total appropriation	84,636,907	90,520,835	95,819,422	98,454,063	101,141,586	103,494,424	106,065,567
Total Uses	85,771,573	91,676,616	97,084,875	99,760,290	102,469,218	104,843,996	107,437,629
EXCESS (Shortfall)	3,359,823	503,727	1,104	116,343	253,946	604,853	997,108

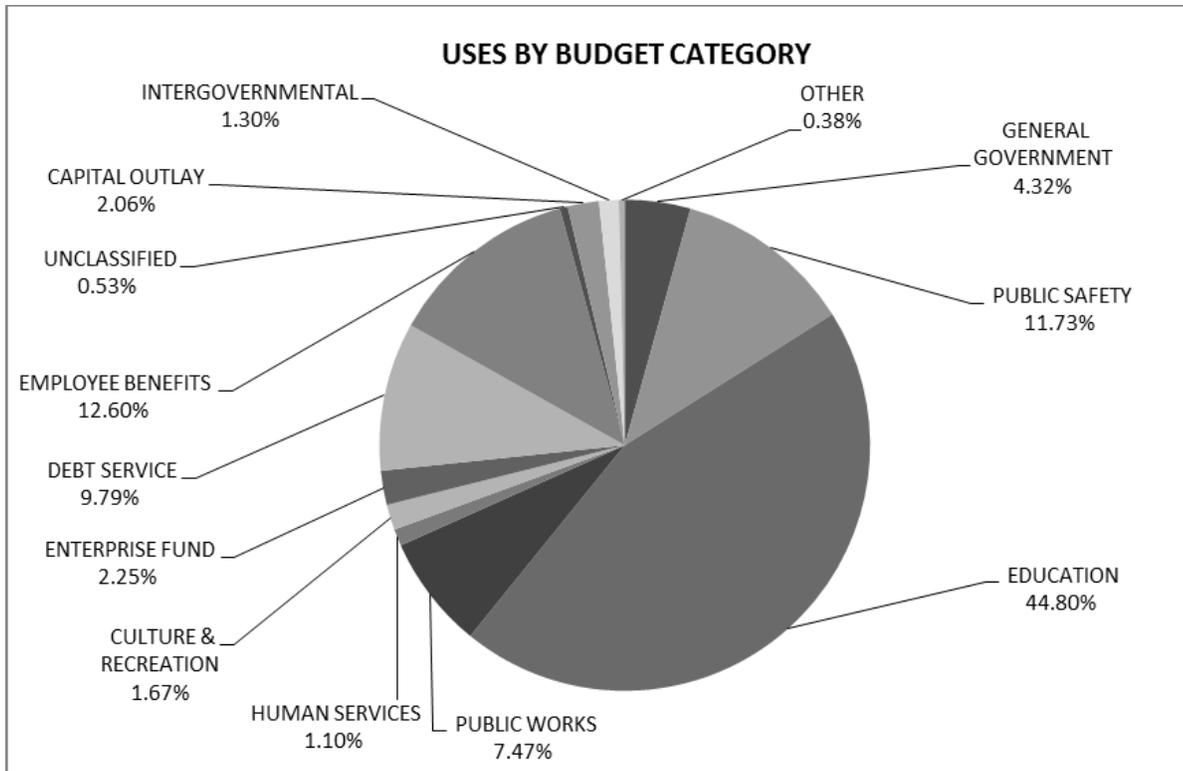
In the chart above, New Growth revenue, the amount by which the property tax base increases due to new development or improvement to existing properties, is forecast to be approximately 16% less in 2015 than in 2014. The forecast for 2016 reflects a further reduction (13% from 2015) and remains flat in the foreseeable future. While there are opportunities for new growth, the realization of these opportunities is dependent on a number of variables, many of which are outside the control of the Town; accordingly, conservative forecasting is both prudent and necessary.

With regard to particular Other Revenue line-items:

- SSCC (South Shore Country Club) revenues of \$2,181,127 fully offset operating, capital expenses, and employee benefits costs, all of which are included in the Article 6 Uses total
- Sewer revenues of \$2,310,633 fully offset sewer operating, debt, capital expense, and employee benefits costs, all of which are included in the Article 6 Uses total
- Light Plant revenue of \$500,000 is a Payment In Lieu Of Taxes (PILOT)

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





ADVISORY COMMITTEE RECOMMENDATIONS

The Advisory Committee is a proxy for Town Meeting—the legislative body of the Town. The Advisory Committee has studied, discussed, and recommended; Town Meeting will make the final decisions regarding the proposed FY 2015 budget and the Warrant’s other articles.

The Advisory Committee has voted unanimously to recommend the budget amounts presented in Articles 4, 5, and 6 for approval by Town Meeting.

In addition, the Advisory Committee has reviewed each of the other articles in the Warrant and—after public discussion with sponsors, petitioners, proponents, and other interested citizens—has provided comments and recommended motions that reflect the relevant points made during the Committee’s deliberations.

The Advisory Committee is most grateful for the assistance and support of Town Administrator Ted Alexiades, Assistant Town Administrator Betty Foley, Town Accountant Sue Nickerson, and the Committee’s administrative point-person, Lynn Phillips—their diligence and timely support has enabled the Advisory Committee to better represent and serve you.

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

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

THE ADVISORY COMMITTEE

Gregory M. MacCune, Chairman

Mary M. Power, Vice-Chairman

Thomas J. Pyles, Secretary

Michael S. Barclay

Daniel J. Dwyer

Elizabeth A. Eldredge

Lucy N. Hancock

Theodore J. Joyce

Linda K. Kutsch

Craig D. MacKay

Laura E. Marwill

James A. Sharkansky

Donna M. Smallwood

James W. Taylor

William A. Wise

REPORT OF THE BOARD OF SELECTMEN

As we approach the end of FY2014, the outlook for Hingham's immediate future is cautiously optimistic.

Financially, in February Standard and Poor confirmed the Town's AAA rating, supporting the same level of confirmation reported by Fitch and Moody's. Just as those other evaluations, this one stated that strong management and budgetary flexibility with stable assessed values contributed to the Town's favorable position. Standard and Poor also recognized the Town's strengthened unassigned fund balance, now above 18 percent. That result is in keeping with the Town policy range of 16 to 20 percent. and compares favorably to the 8.9 percent position reported in 2009. These numbers permitted the Town to initiate prudent actions for the coming years.

This Town Meeting will consider a modest (2%) tax relief proposal by employing meals tax revenues and unused property tax capacity to mitigate the impact of upcoming tax increases. These increases occur because of the voter approved new Middle School and other Town projects. This relief not only continues our past practice of assisting our neediest neighbors but also now provides relief to all property owners. This financial strengthening also allowed the proposed budget to restore some staffing positions in our schools, police, fire and DPW. In addition, the proposed budget placed emphasis on capital projects delayed as a result of the economic downturn.

The caution on our optimism is the slow economic recovery with its degree of uncertainty. The Town needs to manage its rising demands for staff and expense increases against the economic burdens our citizens face in this economy. Certain indicators like excess tax capacity and our debt level suggest caution in future actions as the Town deals with expenditures. That approach will sustain the financial position the Town enjoys today.

In this vein, the Town has been focusing on good growth opportunities such as in South Hingham. The Board of Selectmen, together with the Planning Board, ZBA and Development and Industrial Commission, is studying plans for that area. The Boards have already begun to address the improvement of the Derby Street corridor with assistance from our state representatives. The Board is mindful as well of its commitment to Summer Street and waterfront neighborhoods whose future is key to maintaining Hingham.

Likewise, the Town has continued the examination of owning its municipal water company, as do most other towns in the Commonwealth. To date, the Town study has not identified any roadblocks to owning the water company. In fact, the Selectmen study has suggested considerable economic and environmental reasons for owning and managing our own water company. The Town is now in litigation to determine the price for such a purchase. If appropriate, a future Town Meeting will then ascertain, along with other proposed management and governance solutions, whether such ownership is in the best interests of the Town. While some may suggest the court action is risky, ownership of the water company will repay the taxpayers for their support of this action and lead to future cost avoidance, improved infrastructure and control of our destiny.

The Board understands as well that planning now underway must address serving other sections of our population such as the elderly, the fastest expanding component of the Town. That planning has identified infrastructure solutions in buildings, equipment and other assets to begin to serve that future by funding actions today.

That future has described a need for joint actions with other communities who may face similar issues. The Board has started those joint deliberations to seek common ground where appropriate.

Finally, the Board of Selectmen could not accomplish any of its many tasks without the support of so many volunteers. Those citizens who serve on Advisory and the other committees join with the other elected officials to make Hingham what it is. We thank them and the members of our staff for the service they render.

L. Bruce Rabuffo, Chairman
Irma H. Lauter
Paul K. Healey

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

To the Constables of the Town of Hingham in the County of Plymouth, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet in the HIGH SCHOOL, 17 Union Street, in said Hingham, Monday, the twenty-eighth day of April 2014 at SEVEN O’CLOCK in the evening, Then and thereto act on the following Articles:

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

One member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years, or act on anything relating thereto.

(Inserted by the Board of Selectmen)

COMMENT: The Hannah Lincoln Whiting Fund was established in 1915 pursuant to the will of Ada B.W. Bacon in memory of her mother, "...to be expended in relieving the necessities of the deserving poor or unfortunate of South Hingham..." Grants from the income of the fund are made at the discretion of a committee of three members, one of whom is elected each year by the Town. As of December 31, 2013, the fund assets totaled \$15,209.28 of which \$209.28 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

RECOMMENDED: That Karen Sadlon, 33 South Pleasant Street, be elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years.

ARTICLE 2. Will the Town assume liability in the manner provided by Massachusetts 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 therefore to the Commonwealth, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

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

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

ARTICLE 3: To hear the reports of the following: Affordable Housing Trust; Audit Committee; Capital Outlay Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Electronic Voting Study Committee; Energy Action Committee; GAR Hall Trustees; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Board of Managers of Lincoln Apartments LLC; Long-Range Waste Disposal and Recycling Committee; Memorial Bell Tower Committee; Open Space Acquisition Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; and Water Supply Committee, or act on anything relating thereto.

(Inserted by the Board of Selectmen)

COMMENT: The Town is indeed fortunate to have many public-spirited citizens willing to work in these capacities. We thank them for their excellent service and recommend that all these posts and committees be continued, except as noted in the recommended article.

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

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

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

RECOMMENDED: That the report of the Personnel Board, a copy of which is on file in the Town Clerk's Office, be accepted; that the amendments of the Personnel By-law, including the Classification and Salary Plan, and any agreements reached by the Personnel Board in collective bargaining, which may be embodied or referred to in said report, be approved and adopted in their entirety, such approval and adoption to become effective July 1, 2014 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$370,542 for the purpose of this vote; and that the Town Accountant is hereby authorized and instructed to allocate said sum to and among the several Personal Services and Expense Accounts in such amounts, respectively, as are proper and required to meet such amendments and to comply with such collective bargaining

agreements as may be entered into by the Board of Selectmen on behalf of the Town.

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

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

COMMENT: This article fixes the salaries of the elected Town officers listed above.

RECOMMENDED: That, subject to the proviso below, the salary from July 1, 2014 through June 30, 2015 for each of the following officers shall be at the rates below stated or provided after the name of the office:

Selectmen: at the request of the Board of Selectmen, at the annual rate of \$2,000 each, except that the Chair shall receive an annual rate of \$2,500 for the period of incumbency.

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

TownClerk¹ In accordance with the compensation rates established in Grade 15 of the Town of Hingham Classification and Salary Plan of the Personnel By-law.

Municipal Light Board: at the annual rate of \$214 each (to be paid from the receipts of the Electric Light Department). Provided: that the salary of each such officer except Selectman, Assessor and Municipal Light Board Member shall be reduced by all retirement allowances and pensions received by such officer from the Town of Hingham.

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

ARTICLE 6: Will the Town raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the twelve month period beginning July 1, 2014, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

RECOMMENDED: That there be raised and appropriated for each of the following purposes, for the fiscal year beginning July 1, 2014, the

sum of money stated therefor, provided that where a transfer appropriation is stated, the amount so indicated shall be transferred or specifically appropriated as stated; also that the authority is hereby given to turn in vehicles and equipment in part payment for vehicles and equipment purchased in those cases where a

turn-in is stated; and provided that any amount or portion thereof appropriated to a sub-account and included in a numbered account as set forth below may be transferred to another subaccount under the same numbered account with the approval of the Board of Selectmen and Advisory Committee.

	<u>Fiscal 2013 Expended</u>	<u>Fiscal 2014 Appropriated</u>	<u>Advisory Fiscal 2015 Recommended</u>
GENERAL GOVERNMENT			
122 SELECTMEN			
Payroll	430,688	424,006	441,017
Expenses	23,133	33,040	33,290
Capital Outlay	0	0	50,000
Total	453,821	457,046	524,307
132 RESERVE FUND	468,090	550,000	550,000
135 TOWN ACCOUNTANT			
Payroll	339,927	348,021	367,487
Expenses	5,899	12,555	12,555
Capital Outlay	46,520	190,359	131,198
Audit	55,000	55,000	55,000
Information Technology	101,094	123,698	211,543
Total	548,440	729,633	777,783
141 ASSESSORS			
Payroll	196,783	204,804	212,192
Expenses	9,522	11,587	11,587
Consulting	69,365	69,800	114,800
Map Maintenance	6,000	6,000	6,000
Total	281,670	292,191	344,579
145 TREASURER/COLLECTOR			
Payroll	298,156	304,647	315,832
Expenses	42,803	44,308	44,308
Capital Outlay	0	6,000	0
Tax Titles	7,484	10,000	10,000
Total	348,443	364,955	370,140
151 LEGAL SERVICES	293,019	232,000	232,000
159 TOWN MEETINGS			
Payroll	2,655	2,692	2,692
Expenses	29,831	28,300	28,300
Total	32,486	30,992	30,992

	<u>Fiscal 2013 Expended</u>	<u>Fiscal 2014 Appropriated</u>	<u>Advisory Fiscal 2015 Recommended</u>
161 TOWN CLERK			
Payroll	162,287	169,837	165,723
Expenses	6,494	7,707	7,866
Total	168,781	177,544	173,589
162 ELECTIONS			
Payroll	18,609	6,850	16,350
Expenses	17,068	10,845	18,645
Total	35,677	17,695	34,995
173 COMMUNITY PLANNING			
Payroll	526,125	604,357	646,311
Expenses	47,431	56,857	57,857
Total	573,556	661,214	704,168
177 BARE COVE PARK			
Payroll	16,146	16,233	16,558
Expenses	5,332	5,333	7,833
Total	21,478	21,566	24,391
192 TOWN HALL			
Payroll	185,510	188,856	212,412
Expenses	310,795	349,617	384,087
Capital Outlay	47,861	103,651	161,750
Total	544,166	642,124	758,249
193 GRAND ARMY MEMORIAL HALL			
Expenses	9,623	12,146	12,589
Capital Outlay	0	0	65,000
Total	9,623	12,146	77,589
TOTAL GENERAL GOVERNMENT	<u><u>3,779,250</u></u>	<u><u>4,189,106</u></u>	<u><u>4,602,782</u></u>
PUBLIC SAFETY			
210 POLICE DEPARTMENT			
Payroll (Overtime \$384,812)	4,341,865	4,525,219	4,701,547
Expenses	306,655	317,500	330,900
Capital Outlay (\$286,922 from available reserves)	191,294	157,750	333,000
Total	4,839,814	5,000,469	5,365,447

	Fiscal 2013 <u>Expended</u>	Fiscal 2014 <u>Appropriated</u>	Advisory Fiscal 2015 <u>Recommended</u>
220 FIRE DEPARTMENT			
Payroll (Overtime \$400,000)	4,336,659	4,306,420	4,429,231
Expenses	341,690	380,875	387,200
Capital Outlay	137,429	64,000	90,500
Total	4,815,778	4,751,295	4,906,931
240 DISPATCH SERVICES			
Payroll	0	0	0
Expenses	597,065	675,000	750,000
Total	597,065	675,000	750,000
292 ANIMAL CONTROL			
Payroll	36,960	50,508	51,202
Expenses	358	3,700	3,700
Total	37,318	54,208	54,902
295 HARBORMASTER			
Payroll	135,645	132,794	132,624
Expenses	50,008	43,516	50,650
Total	185,653	176,310	183,274
299 PUBLIC SAFETY UTILITIES			
Emergency Water	269,673	364,424	364,424
Street Lighting	182,937	183,000	183,274
Total	452,610	547,424	547,698
TOTAL PUBLIC SAFETY	<u>10,928,238</u>	<u>11,204,706</u>	<u>11,808,252</u>
EDUCATION			
300 SCHOOL DEPARTMENT			
Payroll	32,046,222	33,787,513	35,924,118
Expenses	7,234,003	8,050,715	7,566,604
Capital Outlay	324,143	550,734	648,674
TOTAL EDUCATION	<u>39,604,368</u>	<u>42,388,962</u>	<u>44,139,396</u>
PUBLIC WORKS AND FACILITIES			
405 TOWN ENGINEERING			
Payroll	208,778	211,689	231,822
Expenses	1,672	19,000	31,900
Capital Outlay	12,163	0	112,000
Road Bldg/Construction	224,437	300,000	300,000
Total	447,050	530,689	675,722

	Fiscal 2013 <u>Expended</u>	Fiscal 2014 <u>Appropriated</u>	Advisory Fiscal 2015 <u>Recommended</u>
420 HIGHWAY/RECREATION/TREE & PARK			
Payroll (Overtime \$44,412)	1,627,933	1,763,745	1,855,504
Expenses	344,543	398,164	413,340
Capital Outlay	24,000	362,000	466,800
Snow Removal	658,900	504,325	504,325
Road Maintenance	268,496	282,835	288,246
Total	2,923,872	3,311,069	3,528,215
430 LANDFILL/RECYCLING			
Payroll (Overtime \$22,295)	430,263	436,748	460,823
Expenses	770,631	859,481	858,145
Capital Outlay	7,235	65,000	85,000
Total	1,208,129	1,361,229	1,403,968
440 SEWER COMISSION			
Payroll (Overtime \$22,143)	272,385	285,612	293,475
Expenses	204,741	238,421	248,585
Capital Outlay	13,931	162,500	164,500
Engineering	9,762	10,000	10,000
MWRA Charges	1,513,205	1,588,865	1,631,764
Hull Intermunicipal Agreement	118,718	120,799	126,839
Total	2,132,742	2,406,197	2,475,163
The sum of \$2,475,163 shall be funded from Sewer revenue.			
TOTAL PUBLIC WORKS	<u>6,711,793</u>	<u>7,609,184</u>	<u>8,083,068</u>
HUMAN SERVICES			
510 HEALTH DEPARTMENT			
Payroll	282,007	288,990	296,870
Expenses	13,521	19,735	22,735
Total	295,528	308,725	319,605
540 ELDER SERVICES			
Payroll	184,300	188,737	198,625
Expenses	14,533	21,983	21,983
Capital Outlay	0	25,000	0
Tax Work-Off Program	35,460	60,000	60,000
Total	234,293	295,720	280,608
543 VETERANS' SERVICES			
Payroll	73,773	77,924	83,474
Expenses	4,169	4,334	4,437
Benefits	229,705	290,688	376,919
Total	307,647	372,946	464,830

	Fiscal 2013 <u>Expended</u>	Fiscal 2014 <u>Appropriated</u>	Advisory Fiscal 2015 <u>Recommended</u>
545 HEALTH IMPERATIVES	2,500	2,500	2,500
546 SOUTH SHORE WOMEN'S CENTER	3,500	3,500	3,500
TOTAL HUMAN SERVICES	<u>843,468</u>	<u>983,391</u>	<u>1,071,043</u>
CULTURE AND RECREATION			
610 LIBRARY			
Payroll	1,178,454	1,215,990	1,225,880
Expenses	228,627	263,120	280,192
Capital Outlay	30,301	144,428	143,000
Total	1,437,382	1,623,538	1,649,072
630 RECREATION COMMISSION			
Payroll	74,202	78,773	84,337
Total	74,202	78,773	84,337
650 TRUSTEES OF BATHING BEACH			
Payroll	15,359	17,035	17,035
Expenses	11,719	5,825	5,825
Capital Outlay	9,488	0	0
Total	36,566	22,860	22,860
692 CELEBRATIONS	8,873	10,920	11,063
TOTAL CULTURE & RECREATION	<u>1,557,023</u>	<u>1,736,091</u>	<u>1,767,332</u>
ENTERPRISE FUND			
720 COUNTRY CLUB	1,804,967	2,213,456	2,181,127
The sum of \$2,181,127 shall be funded from Country Club revenue.			
TOTAL ENTERPRISE FUND	<u>1,804,967</u>	<u>2,213,456</u>	<u>2,181,127</u>
DEBT SERVICE			
DEBT SERVICE (\$4,705,700 IS EXCLUDED FROM PROPOSITION 2 1/2)	6,981,668	7,368,224	9,500,765
TOTAL DEBT SERVICE	<u>6,981,668</u>	<u>7,368,224</u>	<u>9,500,765</u>

	<u>Fiscal 2013 Expended</u>	<u>Fiscal 2014 Appropriated</u>	<u>Advisory Fiscal 2015 Recommended</u>
EMPLOYEE BENEFITS			
900 GROUP INSURANCE	6,214,301	6,305,485	6,305,485
903 OTHER POST EMPLOY BENEFITS	1,054,299	1,172,000	1,090,196
910 CONTRIBUTORY RETIREMENT	3,646,653	3,718,860	3,845,487
912 WORKER'S COMPENSATION	300,000	250,000	250,000
913 UNEMPLOYMENT	36,715	50,000	30,000
914 MANDATORY MEDICARE	626,512	714,420	714,420
TOTAL EMPLOYEE BENEFITS	<u>11,878,480</u>	<u>12,210,765</u>	<u>12,235,588</u>
UNCLASSIFIED			
901 Property and Liability Insurance Fire, Public Liability, Property Damage, etc.	381,000	381,000	500,000
940 CLAIMS AND INCIDENTALS	4,490	10,950	10,950
TOTAL UNCLASSIFIED	<u>385,490</u>	<u>391,950</u>	<u>510,950</u>
GRAND TOTAL	<u>84,474,745</u>	<u>90,295,835</u>	<u>95,900,303</u>

ARTICLE 7. Will the Town appropriate a sum or sums of money from the Stabilization Fund and/or from available reserves for the purpose of reducing the tax rate, or act on anything relating thereto? (Inserted by the Board of Selectmen)

COMMENT: Pursuant to a prior Town Meeting vote, the proceeds from the sale of the former school administration building, municipal light plant building and the former police station were deposited in the Stabilization Fund for future tax reduction. This amount was augmented by the addition of bond premiums associated with the refinancing of excluded debt. This article would transfer a portion of the Stabilization Fund for the purpose of reducing the fiscal 2015 tax rate.

RECOMMENDED: That the Town appropriate the sum of \$176,629 from the Stabilization Fund for the purpose of reducing the fiscal year 2015 tax rate.

ARTICLE 8. Will the Town amend the vote under Article 34 of the 2010 Annual Town Meeting in order to designate the Meals Tax Revenue generated under M.G.L. c. 64L, § 2 as a local receipt available to reduce the tax rate and to transfer and/or appropriate the sum of \$600,000.00 in the upcoming fiscal year to reduce the FY15 tax rate, or act on anything relating thereto? (Inserted by the Board of Selectmen)

COMMENT: Annual Town Meeting 2010, Article 34, adopted the Meals Tax with the intent to use the proceeds to ameliorate the impact of extraordinary expenses and with the requirement that the tax proceeds be deposited into a Stabilization Fund to be established by the 2011 Annual Town Meeting. Annual Town Meeting 2011, Article 14, established a Stabilization Fund for the collection of Meals Tax revenues and reiterated the original intent that Meals Tax revenues be used to ameliorate the impact of extraordinary expenses with the understanding that a previous Town Meeting cannot bind a future Town Meeting. Any appropriation into or out of a Stabilization Fund must be authorized each year by a two-thirds vote of Town Meeting. The intent was to give citizens ample opportunity to control the uses of these funds.

Consistent with the original intent for the use of the Meals Tax proceeds and the Board of Selectmen's goal of tax relief this article would do two things:

1. Designate all ongoing revenue generated by the Meals Tax (approximately \$625,000 per year, with

\$20,000 used to offset some of the cost of the Property Tax Work-Off Program) as a local receipt, eliminating the required two-thirds votes in and out of the Stabilization Fund.

2. Apply \$600,000 to reduce the Fiscal Year 2015 ("FY15") tax rate.

The intent would be to apply this sum annually to reduce taxes. Since this Town Meeting cannot bind a future Town Meeting, there is no guarantee that Meals Tax proceeds will continue to be used for tax relief.

RECOMMENDED: That the Town amend the vote under Article 34 of the 2010 Annual Town Meeting in order to designate future Meals Tax Revenue generated under Massachusetts General Laws Chapter 64L, § 2 as a local receipt available to reduce the tax rate and to transfer and/or appropriate the sum of \$600,000 in the upcoming fiscal year to reduce the FY15 tax rate.

ARTICLE 9. Will the Town reallocate, transfer and/or appropriate the funds previously appropriated by the vote under Article 13 of the 2013 Annual Town Meeting to the Meals Tax Stabilization Fund, or act on anything relative thereto? (Inserted by the Board of Selectmen)

COMMENT: Article 13 of the 2013 Annual Town Meeting approved the use of \$620,513 of previously collected meals tax receipts to reduce the Fiscal Year 2015 ("FY15") tax rate. It is now contemplated that other meals tax revenue will be used this year to reduce the FY15 tax rate. This article, proposes that these unused funds be deposited into the Meals Tax Stabilization Fund. It is anticipated that these funds will be used to ameliorate future tax rates over the next 5 years. The Board of Selectmen believes that it is appropriate to minimize tax spikes; therefore the Board is going to use the Meals Tax revenue over a number of years to smooth out tax increases.

RECOMMENDED: That the Town reallocate, transfer and/or appropriate \$620,513 previously appropriated by the vote under Article 13 of the 2013 Annual Town Meeting to the Meals Tax Stabilization Fund.

ARTICLE 10. Will the Town reallocate, transfer and/or appropriate the funds previously appropriated by the vote under Article 14 of the 2013 Annual Town Meeting as follows: \$450,000 for purpose of reducing the 2015 tax rate and the balance of \$294,120 to remain in the Meals Tax Stabilization

Fund for future tax rate reduction, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: Town Meeting 2013 appropriated \$744,120 from the Meals Tax Stabilization Fund for the purpose of reducing the Fiscal Year 2015 ("FY15") tax rate. This article seeks to apply a portion of those funds, \$450,000, in FY15 and the remainder to remain available to reduce tax rates in future years. The application of these funds in a single year would create a reduction in taxes in FY15 to be followed by an increase in the following year. At the end of Fiscal Year 2014, the balance in the Stabilization Fund will be approximately \$2,200,000.

RECOMMENDED: That the town transfer \$450,000 from the Meals Tax Stabilization Fund for the purpose of reducing the Fiscal Year 2015 tax rate and that the balance of \$294,120 remain in the Meals Tax Stabilization Fund for future tax rate reduction.

ARTICLE 11. 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, 2014, pursuant to Sections 57 and 57A of Chapter 164 of the General Laws, and provide for the disposition of any surplus receipts, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: The Hingham Municipal Lighting Plant (HMLP) is self-funding; funds collected by billing customers are used to pay all expenses incurred by the Plant. The HMLP Board has an agreement in place whereby it makes a Payment In Lieu of Taxes (PILOT) to the Town. This payment is based on a formula that is tied closely to the sales of the Plant. The agreement calls for a PILOT of no less than \$450,000, but based on current unaudited 2013 sales, it is estimated that this payment will be at least \$500,000.

RECOMMENDED: That, with the exception of \$500,000, which is hereby transferred to the General Fund to reduce the tax rate, all funds received by the Municipal Lighting Plant during the fiscal year commencing July 1, 2014, be appropriated to said Municipal Lighting Plant, the same to be expended by the Manager of Municipal Lighting under the control and direction of the Municipal Light Board for the expenses of the Plant for said fiscal year, as

defined in Sections 57 and 57A of Chapter 164 of the Massachusetts General Laws and, if there should be any unexpended balance thereof at the end of said fiscal year, such amount as is deemed necessary shall be transferred to the Construction Fund of said plant and appropriated and used for such additions thereto as may be authorized by the Municipal Light Board during the next fiscal year.

ARTICLE 12. Will the Town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, so as to establish and define the terms of a departmental revolving fund for the Building Department, or act on anything thereto?
(Inserted by the Board of Selectmen)

COMMENT: The purpose of this article is to continue the "Building Department Revolving Fund", which provides payments to the Assistant Building Inspectors for performing electrical, gas, and plumbing inspections. For the fiscal year ended June 30, 2013, the fund had \$205,656.50 in revenues and \$170,526.71 in expenditures. For the six-month period ended December 31, 2013, the fund had \$120,720.00 in revenues and \$76,502.35 in expenditures. At December 31, 2013, the fund balance was \$465,030.16.

RECOMMENDED: That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the continuation of such a fund in the Building Department. Departmental receipts for building inspections performed by the Assistant Building Inspectors shall be credited to the fund. Moneys shall be spent primarily to compensate such inspectors for their services. The Building Commissioner, or functional equivalent, shall be authorized to spend moneys from the fund. The amount that may be spent from the fund shall be limited to \$250,000 during Fiscal Year 2015.

ARTICLE 13. 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 Council on Aging, or act on anything relating thereto?
(Inserted at the request of the Council on Aging)

COMMENT: The purpose of this article is to continue the "Elder Services Revolving Fund", which is credited with all fees and charges received from

Senior Center programs and to authorize the expenditure of such funds to be expended under the direction of the Director of Elder Services for Senior Center programs. For the fiscal year ended June 30, 2013, the fund had \$37,612.00 in revenues and \$45,574.31 in expenditures; for the six months period ended December 31, 2013, revenues were \$19,821.80 and expenditures were \$15,407.28. At December 31, 2013, the Fund balance was \$4,729.19.

RECOMMENDED: That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the continuation of such a fund for the Department of Elder Services. Departmental receipts for all fees and charges received from Senior Center programs shall be credited to the fund. Moneys shall be spent for Senior Center programs and related expenses. The Director of Elder Services, or functional equivalent, shall be authorized to spend moneys from the fund. The amount that may be spent from the fund shall be limited to \$60,000 during Fiscal Year 2015.

ARTICLE 14. 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 2014, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

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

ARTICLE 15. Will the Town raise and appropriate, borrow or transfer from available funds a sum of money for the purchase of mowers and triplexes for the South Shore Country Club, or act on anything relating thereto?
(Inserted at the request of the South Shore Country Club Management Committee)

COMMENT: The South Shore Country Club ("Club") will be purchasing three new Greensmaster Triplex Hybrid Grass cutting machines and necessary accessories at a total cost of \$109,174 and two Jacobsen Lightweight Fairway Mowers and necessary accessories at a total cost of \$82,244. These purchases are to replace aging equipment currently owned by the Club. The combined total amount of this purchase is \$191,418. The purchase of this equipment will be financed through town debt, which will be repaid to the Town from the operating

revenues of the Club in five annual payments commencing in Fiscal Year 2015. Approval of this article requires a two-thirds vote by Town Meeting.

RECOMMENDED: That the Town appropriate a sum not to exceed \$191,418 for the purchase of mowers and triplexes for the South Shore Country Club. To meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Laws, Chapter 44, or any other enabling authority upon such terms as the Town Treasurer and Board of Selectmen shall determine.

ARTICLE 16. Will the Town raise and appropriate, borrow or transfer from available funds a sum of money for the purchase of two new ISO Class A pumper fire engines, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: The Hingham Fire Department now has a long-term capital replacement program for all assets worth over \$5,000. This will ensure that the department can meet service requirements, maximize the useful life of equipment, and spread major capital purchases over time. Currently, the most pressing need is the replacement of two pumpers that are over 20 years old. Engine 1 (purchased in 1993) and Engine 4 (purchased in 1991) are reserve pumpers used for back-up purposes when a first-line pumper is out of service or when emergency situations occur. Due to their age and other problems, these engines are not reliable for back-up or emergency service and should be retired.

If the Town purchases two new pumpers for service at the Torrent and the Constitution Fire Stations, then one of the pumpers currently in first-line service will be placed in reserve status. The other pumper currently in first-line service will be moved to the Central Station and cross-staffed with the firefighters assigned to the Quint (ladder truck). This pumper can respond to emergencies when the capabilities of the Quint are not needed. This will result in a daily mileage reduction for the Quint and will extend the life cycle of that apparatus. If the pumper is needed as a replacement for a period of time while one of the other pumpers is out of service, the Quint can continue to cover all emergency calls within the central district. The 1991 and 1993 pumpers will be traded in or otherwise disposed of.

The Fire Department Assets Review Committee

recommends that the Town purchase two new pumpers in FY 2015 to replace the two pumpers that are over 20 years old and that the purchase include new tools and equipment to outfit the new pumpers for service. Tools and equipment currently on the two old pumpers are worn out or obsolete and should not be moved to new apparatus. The purchase of a pumper is typically a 9 to 12 month process during which specifications are developed, bids are evaluated and awarded, the apparatus is built and delivered, the firefighters are trained on the new apparatus, and the apparatus is placed in service.

The purchase of the fire engines and related equipment will be financed by non-excluded debt. Approval of this article requires a two-thirds vote by Town Meeting.

RECOMMENDED: That the Town appropriate a sum not to exceed \$1,200,000 for the purchase of two new pumper fire engines and new tools and equipment to outfit the pumpers for service. To meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Laws, Chapter 44, or any other enabling authority upon such terms as the Town Treasurer and Board of Selectmen shall determine.

ARTICLE 17: Will the Town raise and appropriate, borrow, or transfer from available funds, a sum of money to be used by the Board of Selectmen for professional fees and costs, including, but not limited to, engineering services, financial services, valuation services, legal services, consulting services and administrative services to continue its investigation into the feasibility of acquisition of the corporate property, and all rights and privileges, including the assets of the Town's water company, now known as Aquarion Water Company of Massachusetts, Inc. and/or affiliated related companies, including Aquarion Water Capital of Massachusetts, Inc., pursuant to St. 1879, c. 139, or through any other method of acquisition, including any negotiation or litigation, including the currently pending Suffolk Superior Court case, the Board of Selectmen may determine to be necessary or advisable in order to determine whether the acquisition is feasible and advisable for further Town Meeting consideration, or act on anything relating thereto?

(Inserted by the Board of Selectmen)

COMMENT: This article requests funds to con-

tinue exploring the feasibility of Hingham purchasing the Hingham Water Company, now known as Aquarion Water Company of Massachusetts, Inc.

The Hingham Water Company was incorporated in 1879 and has always been privately owned. Today, it is owned by the Aquarion Water Company of Massachusetts, Inc., which through its parent corporation is owned by a private-equity fund managed by Macquarie, an Australian bank. In 2012, Macquarie sold a 45% stake in the bank to a Canadian pension fund.

The 1879 statute incorporating the water company granted the Town the right to purchase it at any time if approved by a 2/3 affirmative vote at Town Meeting. The statute further defined how a purchase cost would be determined. However, since the 1879 statute did not discuss factors, such as changes in ownership, the existence of a regulatory body to set rates, or accounting and tax concepts such as depreciation, the statute's interpretation in 2014 is complex.

The 2012 Annual Town Meeting ("2012 ATM") was initially presented with an appropriation request for \$500,000 to study the feasibility and advisability of the Town acquiring the water company. The Board of Selectmen reduced the request to \$320,000 based on the possibility of avoiding litigation. The article also authorized the Board of Selectmen to enter into negotiations or, if needed, litigation with the current owner to determine a potential purchase price. Town Meeting approved this article.

The decision to study Town acquisition of the water company was primarily driven by four factors: water rates (the 5th highest in the Commonwealth in 2012), concerns over maintenance of the water-delivery infrastructure, the opportunity to eliminate costs borne by ratepayers for which they did not receive benefits, and a greater voice regarding water-supply management.

Following the 2012 ATM, the Board of Selectmen appointed five citizens to serve on the Water Company Acquisition Study Committee ("Water Committee"). The Water Committee first met on May 30, 2012, when it reviewed its charge and determined its principles of operation. Shortly after, it established a webpage on the Town website, which contains many Committee documents, including historical documents and analyses, meeting agendas and minutes, updates, committee reports, press releases, and frequently-asked questions.

In the fall of 2012, members of the Water Committee held three meetings with representatives from Aquarion to receive and reconcile financial statements. These statements were used by the Water Committee to analyze possible future operating costs under Town ownership. In addition, the Water Committee held fourteen meetings -- a combination of public and executive sessions -- all in compliance with Massachusetts Open Meeting Law. The Water Committee also provided public updates to the Board of Selectmen, the Advisory Committee, and the 2013 Annual Town Meeting in the form of a Committee report.

On June 25, 2013, having identified no 'show-stoppers' during its thirteen-month study of feasibility and advisability, the Water Committee recommended that the Board of Selectmen take the steps necessary to begin a potential acquisition of the water company. The Board of Selectmen voted unanimously to accept that recommendation on June 27, 2013. As a result of those votes, a few days later, the Town once again contacted Aquarion regarding its willingness to negotiate a purchase price, as it had previously done in several meetings between the Town and Aquarion executives dating back to August, 2012. As of March 11, 2014, Aquarion has not responded.

On July 3, 2013, the Town filed a complaint naming Aquarion Water Company of Massachusetts, Inc. and Aquarion Water Capital of Massachusetts, Inc. as the defendants and requested a court determination of the purchase price for the water company. The case is currently being heard in the Suffolk County Superior Court Business Litigation Session.

There are two main issues in dispute before the Court:

1. The appropriate calculation and purchase price under the 1879 statute that originally formed the Hingham Water Company.
2. Whether the water treatment plant, which is now in a separate holding company, must be sold as part of Hingham's exercise of its rights under the 1879 statute.

In Aquarion's July 2012 report to the Town, it priced the water company and all its assets at \$184.5 million. The Town's position is that the company should cost between \$40 to \$70 million in accordance with the 1879 statute, based on both internal and external analyses performed by volunteers, utility experts, and a nationally-

recognized valuation firm. An analysis will be provided to Aquarion and the Court as part of expert-witness testimony, at which time more financial detail will be made available to the public.

Assuming a \$40-\$70 million purchase price, after repaying all acquisition costs and establishing a \$3.0 million capital reserve to supplement a \$2.0 million annual capital budget (an increase to Aquarion's capital budget), annual cost elimination for ratepayers is projected to average between \$2.0 and \$3.8 million per year for the twenty-one year period, 2015 to 2035. Beyond 2036, the annual cost elimination increases significantly because the debt assumed to make the acquisition will have been paid off.

Since litigation costs were amended out of the appropriation request approved by the 2012 ATM, in February 2014, the Board of Selectmen and Advisory Committee approved a Reserve Fund Transfer in the amount of \$150,000 for litigation expenses, including expert fees, expected to be incurred prior to the 2014 Annual Town Meeting.

This article requests additional funding in the amount of \$475,000 to advance the complaint through a trial. Based on the current Court Scheduling Order, it is anticipated that a trial date will be set for early 2015. If Town Meeting were to approve this request, total funds expended to evaluate and pursue acquisition could total \$945,000. However, an earlier resolution through settlement could reduce this amount.

Similar to the decision made by the 2012 ATM, if approved, funds will be sourced from the Town's Fund Balance. Should a future Town Meeting authorize purchase of the water company, all expended funds would be included in a debt issuance that would be borne by all ratepayers, including customers in Hull and Cohasset. This would effectively allow the Town to replenish its Fund Balance. However, if the Town, or Town Meeting, were to decide not to proceed with purchasing the water company, expended funds would not be restored. If all requested funds were expended and not replenished for any reason, Unassigned Fund Balance would still be within the range set forth by the Town Financial Policy.

The main advantages of continuing to take the steps to pursue a potential Town acquisition of the water company are significant costs savings that would result in lower and slower future rate increases, greater and more efficient capital investment, more

direct management of the water supply, including unaccounted-for-water and the attendant relief of the stressed Weir River watershed, and stability in ownership, eliminating the inherent conflict between a private company's investor goals and municipal ratepayers' needs.

Disadvantages of the Town continuing to pursue a potential acquisition of the water company include the potential for a protracted, expensive, and possibly unsuccessful litigation and the philosophical question of whether the Town should own and operate the water company or any utility.

The Advisory Committee and Board of Selectmen unanimously support this article. The potential system-wide cost elimination (\$41.4 - \$80.8 million in the first 21 years alone), combined with the additional advantages previously outlined and the lack of identified 'show-stoppers,' suggest that the Town should continue exploring the feasibility of purchasing the water company.

RECOMMENDED: That the Town appropriate \$475,000 from available funds to be used by the Board of Selectmen for professional fees and costs, including, but not limited to, engineering services, financial services, valuation services, legal services, consulting services and administrative services to continue its investigation into the feasibility of acquisition of the corporate property, and all rights and privileges, including the assets of the Town's water company, now known as Aquarion Water Company of Massachusetts, Inc. and/or affiliated related companies, including Aquarion Water Capital of Massachusetts, Inc., pursuant to St. 1879, c. 139, or through any other method of acquisition, including any negotiation or litigation, including the currently pending Suffolk Superior Court case, the Board of Selectmen may determine to be necessary or advisable in order to determine whether the acquisition is feasible and advisable for further Town Meeting consideration.

ARTICLE 18. Will the Town revoke its prior acceptance of Mass. General Laws Chapter 48 § 42, and in its place accept Massachusetts General Laws Chapter 48, § 42A, effective July 1, 2015, which would provide for the appointment of the Fire Chief and other officers and firemen by the Board of Selectmen and which would place the regulation and governing of the Fire Department under the control

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

COMMENT: This article would alter the process by which Hingham hires its firefighters. Massachusetts General Laws ("MGL") allow towns to choose between two hiring methods. The first, established by MGL Chapter 48, Section 42, provides that a Town's Fire Chief appoints the Town's Deputy Chief and hires all firefighters. The second, established by MGL Chapter 48, Section 42A, allocates to the Board of Selectmen ("BOS") the power to hire and fire all firefighters and the authority to make regulations governing their conduct. Hingham currently operates under the first method. An affirmative vote on this article would adopt the second in its place.

The Advisory Committee believes that the authority to hire, fire and govern firefighters is best placed with the BOS, because such placement allows for greater citizen monitoring and involvement. The BOS would interview job candidates in public hearings, at which citizens are typically offered an opportunity to comment or ask questions. Moreover, citizens could consider individual Selectmen's decisions as a personnel executive in considering whether to return him or her to office.

The Town already hires its police officers using essentially the same method as would be used if this article is adopted, and it works well. Firefighters are hired from a civil service list now and would continue to be if the BOS were allowed to make the hiring decisions. The Fire Chief would be able to make hiring recommendations to the BOS, and the BOS would likely give considerable weight to the Chief's opinion, which is their practice in hiring police officers. Further, under the proposed method of hiring, MGL Chapter 48, Section 42A, is clear that the Fire Chief "shall [remain] in immediate control of all town property used by the department, and of the officers and firemen, who shall obey his orders." In short, there is not a tremendous difference between the two methods of hiring, and between them, the proposed method is better.

RECOMMENDED: That the Town revoke its prior acceptance of Massachusetts General Laws Chapter 48, § 42 and in its place accept Massachusetts General Laws Chapter 48, § 42A, effective July 1, 2015.

ARTICLE 19. Will the Town raise and appropriate or transfer from available funds a sum of

money for the use of the Foss Memorial Committee in the design and permitting of a memorial to Seaman Herbert L. Foss or others, to be constructed at a Medal of Honor Memorial Park, or act on anything relating thereto? The design shall be subject to a final review and approval by the Board of Selectmen.

(Inserted by the Board of Selectmen)

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

ARTICLE 20. Will the Town amend Section 8 of Article 3 of the General By-laws, entitled "Procedure at Town Meetings," by striking Section 8, and substituting in its place the following Section 8:

SECTION 8 Except as otherwise required by law, all votes shall be taken in the first instance by voice vote or by electronic vote ("E-vote"), as determined by the moderator. In the event of a voice vote, the moderator shall call the vote, including votes requiring a supermajority as to which the moderator may declare that the required supermajority has voted in favor, unless a count is required under the following provisions. If the moderator is in doubt as to the results of a voice vote or if seven (7) voters rise to request a count, then a standing vote or an E-vote, as determined by the moderator, shall be taken in such manner as the moderator may determine, but if the Advisory Committee or fifty (50) voters promptly call for a count, then a ballot vote or an E-vote, as determined by the moderator, shall be taken, or act on anything relating thereto?

(Inserted at the request of the Electronic Voting Study Committee)

COMMENT: This article requests the Town modify one of its General By-laws to allow for the possibility of electronic voting ("E-voting").

The 2013 Annual Town Meeting approved the creation of the Electronic Voting Study Committee ("Committee") to investigate the feasibility and likely cost of utilizing electronic voting ("E-voting") at Annual and Special Town Meetings. The Committee has recommended a three-step process for consideration of E-voting that includes:

- 1) Modifying the Town's By-law to enable E-voting (this article)
- 2) Conducting an E-voting pilot at the 2015 Annual Town Meeting (Article 21); and
- 3) Determining whether to adopt E-voting on a permanent basis (decision for a future Town Meeting)

Current E-voting technology involves providing each voter with a hand-held device resembling a very basic TV remote control or cell phone when the voter is checked in as a registered voter at Town Meeting. Each device has a unique code that identifies that specific unit. That unique code and the name of the voter to which that device is assigned are maintained until the device is returned at the end of that session of Town Meeting. This temporary identification is for the sole purpose of tracking each device in the event a device is inadvertently taken home. When a vote is to be taken electronically, the voter presses one of three buttons; #1 for an affirmative vote, #2 for a negative vote, and #3 for an abstention (or to reset the device to allow a voter to change his or her mind or to correct a vote in cases where the wrong button is pressed). Votes are sent via wireless network to a nearby computer, where they are tabulated and displayed so the Moderator and Town Clerk can see them. The Moderator then announces the results and calls the vote. Once tabulated, votes are erased from the hand-held devices. To maintain confidentiality, votes are not tracked or recorded by unit or voter.

Within Massachusetts, 9 towns have adopted E-voting and 8 others have expressed interest or are currently investigating it. Of the 9 towns that have adopted it, 7 have representative town meetings and 2 (Wayland and Duxbury) have open town meetings. Based on its research and attendance at Town Meetings that use E-voting, the Committee expects that, if adopted in Hingham, E-voting will not be used on routine, non-controversial matters because in those instances a voice vote may be quicker. Depending on the amount of time allowed for voters to record their votes, an E-vote on an article can take 30 to 60 seconds to tabulate results. The Committee wishes to avoid time lags in voting that could diminish meeting energy and enthusiasm. Similar to the existing By-law outlining Town Meeting procedures, E-voting could be used when the Moderator is in doubt as to the outcome of a voice vote, or in situations where 7 or 50 voters stand to request a count vote. In these situations, E-voting would replace a standing count or ballot vote, respectively.

In addition to the aforementioned circumstances, the proposed By-law also gives the Moderator the ability to call for an E-vote on any article in lieu of a voice vote. Under the current By-law, the Moderator is required to hold a voice vote prior to a standing or ballot vote.

To determine the potential application of E-voting, the Committee reviewed previous Annual and Special Town Meetings, with emphasis on the number of articles decided by a standing or ballot vote. Since 2001, Hingham has held a total of 17 Annual and Special Town Meetings, during which a total of 660 articles were considered. There were 21 standing votes (3.2% of total) and 4 ballot votes (0.6% total), each of which followed a voice vote. In some cases, citizens rose to request a standing/ballot vote after the Moderator's determination, while in other cases, the Moderator indicated doubt as to the outcome of the vote. In no instance was the determination of the voice vote by the Moderator overturned by either a standing or ballot vote.

Of the 21 standing votes, 13 resulted in swings (the % over or under the required vote for passage) of 10% or greater, 3 resulted in swings between 5-9.9%, and 5 votes had swings below 5%. Of the 4 ballot votes, 2 resulted in swings greater than 20%; 1 resulted in a swing of approximately 14%; with the remaining ballot vote resulting in a 4% swing.

Despite the relative infrequency of standing and ballot votes, the Committee has identified several benefits to E-voting, including privacy, accuracy, efficiency, and the potential to attract additional voters to Town Meeting.

The Committee also identified potential disadvantages to E-voting including lack of accountability, lack of voter modeling (a citizen's ability to see or hear how others are voting on an article) and potential cost.

The cost to implement E-voting is based on the number of nights of town meeting, the number of welcome stations (where citizens receive their units), the number of devices required, and whether equipment is purchased or leased. While a comprehensive lease vs. buy analysis would be completed as part of a decision to permanently implement E-voting, the Committee has identified leasing benefits, including the ability to take advantage of future technology enhancements and potential cost reductions, an industry trend.

Since Hingham has an Open Town Meeting, the cost of E-voting can vary considerably from year to year, primarily based on expected attendance. In Arlington, which has a representative Town Meeting, E-voting costs \$10,000 per year for 252 voters. In Wayland, which has an Open Town Meeting that extends over several sessions, E-voting costs

\$64,000 per year. Duxbury estimates E-voting will cost \$30,000 per year.

Depending on the metrics used to evaluate this financial decision, the cost of E-voting can seem reasonable or appear cost prohibitive. For example, a cost of \$65,000 is less than 1% of the current operating budget. On the other hand, that same \$65,000 cost results in a 260% increase in the cost to conduct an Annual Town Meeting (approximately \$25,000 for a two-night meeting), which is funded from the operating budget.

The Committee has concluded that since the benefits and burdens of E-voting are subjective, while the costs are more objective, the question of balancing the two is an individualized decision. For this reason, the Committee recommends that Town Meeting decide whether or not to adopt E-voting even if said decision does not require a Town Meeting vote. To that end, the Committee has expressed its intent to put forward an article for Town Meeting to decide whether or not to adopt E-voting as noted at the beginning of this comment.

The Board of Selectmen voted to recommend this article.

The Advisory Committee recommends approval of this article as it gives the Town the opportunity to consider E-voting now or in the future. Without this change, the Town could not even conduct a pilot. The Advisory Committee does not see any disadvantages to modifying the By-law.

RECOMMENDED: That the Town amend Section 8 of Article 3 of the General By-laws, entitled "Procedure at Town Meetings," by striking Section 8, and substituting in its place the following Section 8:

SECTION 8 Except as otherwise required by law, all votes shall be taken in the first instance by voice vote or by electronic vote ("E-vote"), as determined by the moderator. In the event of a voice vote, the moderator shall call the vote, including votes requiring a supermajority as to which the moderator may declare that the required supermajority has voted in favor, unless a count is required under the following provisions. If the moderator is in doubt as to the results of a voice vote or if seven (7) voters rise to request a count, then a standing vote or an E-vote, as determined by the moderator, shall be taken in such manner as the moderator may determine, but if the Advisory Committee or fifty

(50) voters promptly call for a count, then a ballot vote or an E-vote, as determined by the moderator, shall be taken.

ARTICLE 21. Will the Town transfer a sum of money from available funds for the purpose of conducting an electronic voting pilot program at the 2015 Annual Town Meeting?
(Inserted at the request of the Electronic Voting Study Committee)

COMMENT: This article requests \$15,000 to supplement \$5,000 in previously approved and unexpended funds to conduct an E-voting pilot at the 2015 Annual Town Meeting (“2015 ATM”).

The Electronic Voting Study Committee (“Committee”) is aware that some E-voting technology providers have conducted E-voting pilots at a reduced or at no cost and plans to vigorously pursue this option. If this article is approved, and the cost to conduct a pilot for the 2015 ATM exceeds \$20,000, a pilot would be deferred to a future Town Meeting.

An E-voting pilot at the 2015 ATM would enable voters to experience E-voting and decide for themselves whether it is worth the additional cost. The technology provider would provide all required equipment, perform all necessary set-up activities, provide support during the meeting, and remove all equipment upon conclusion of the meeting. It is envisioned that before E-voting would be used, voters would practice using their devices to record a vote. In addition, a special area within the meeting room would be designated for citizens wishing additional support throughout the meeting.

Should Town Meeting approve funds to conduct a pilot at the 2015 ATM, the Committee will also introduce a warrant article to consider permanently adopting E-voting. As part of that warrant article, more specific annual cost estimates will be provided.

The Board of Selectmen voted 2-1 to recommend No Action on this article.

The majority of the Advisory Committee (7 out of 12 voting members) supports conducting an E-voting pilot because of its potential benefits. Moreover, the majority believes that a pilot gives citizens the opportunity to experience E-voting before making a decision whether or not to adopt it. Further, the majority believes that conducting a pilot does not obligate the Town beyond the commitment to conduct a pilot program.

The minority of the Advisory Committee (5 out of 12 voting members) believes that conducting an E-voting pilot is only appropriate if Town Meeting is willing to consider permanently adopting it. While the minority supports the concept of E-voting and acknowledges its benefits, it finds the costs to adopt it (currently estimated to be \$30,000-\$65,000 for a two-night meeting) to be prohibitive at this time.

RECOMMENDED: That the Town transfer \$15,000 from available funds for the purpose of conducting an electronic voting pilot program at the 2015 Annual Town Meeting.

ARTICLE 22: Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended as follows:

Item 1: By amending Section III-A to insert after subsection 4.25, a new subsection “4.26 Registered Marijuana Dispensary (except for agricultural uses governed by Section 2.1).” Such use shall be allowed by Special Permit A2 (“A2”) in South Hingham Overlay District and Prohibited (“O”) in all other zoning districts.

Item 2: By deleting Section V-H (Medical Marijuana Treatment Centers) in its entirety and re-placing therefor the following:

V-H Registered Marijuana Dispensaries

1. Purpose

a) To regulate the siting, security, and operation of Registered Marijuana Dispensaries, subject to the applicable provisions of Chapter 369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana (the “Act”) and the regulations at 105 CMR 725 et. seq. promulgated pursuant to the Act (collectively referred to in this Section V-H as “applicable law”).

b) To minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and land uses potentially incompatible with Registered Marijuana Dispensaries.

2. Definitions

Registered Marijuana Dispensary (“RMD”) (also known as Medical Marijuana Treatment Center) - means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or

administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

3. Exclusion of Other Marijuana Establishments.

Any establishment that acquires, cultivates, possesses, processes (including development of related products, such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, or related activities shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable law.

4. Exclusion of Accessory Uses.

In no event shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, provided, however, that this provision shall not prohibit hardship cultivation to the extent permitted under, and subject to, the provisions of applicable law.

5. Special Permit Requirements.

a) A special permit for a Registered Marijuana Dispensary shall be limited to the uses permitted by applicable law and shall not be combined with other uses permitted or allowed under the Zoning By-law; provided, however, that an RMD that is solely for the cultivation of marijuana and is protected under Chapter 40A, Section 3 shall not require a special permit but shall be subject to Section III-B, 8 of the By-law.

b) In addition to the application requirements set forth in this Section V-H, a special permit application for a Medical Marijuana Facility shall include the following:

(i) the name and address of each owner of the facility;

(ii) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the RMD;

(iii) trade name, logo and building signage which complies with applicable provisions of this By-law and applicable law;

(iv) evidence of the Applicant's right to use the site of the Facility for the Facility, such as a deed or lease;

(v) if the Applicant is a business organization, a

statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers or other similarly situated individuals and entities and their addresses. If any of the above are entities, rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals; and

(vi) proposed security measures for the Medical Marijuana Facility, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

c) Mandatory Findings. The Board of Appeals shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:

(i) the applicant has satisfied all of the conditions and requirements of this Section V-H and any other applicable provisions of the Zoning By-law; and

(ii) the RMD demonstrates that it will meet the permitting requirements of all other applicable state and local authorities related to the use and operation of an RMD; and

(iii) the RMD is designed to minimize any adverse visual or economic impacts on abutters or the surrounding neighborhood.

6. General Requirements and Conditions.

a) In no event shall RMDs be considered to be, or permitted as, a retail, medical office, clinic, or consumer service establishment use, or any other use otherwise permitted under this Zoning By-law. RMDs shall not be permitted as part of a retail group or shopping center in the Industrial District. Use variances shall be strictly prohibited.

b) In addition to the dimensional requirements set forth in Section IV-A for the South Hingham Overlay District (or the underlying zoning districts therein), RMDs (or any part thereof) shall not be located within 500 feet of the boundary of any (i) Residence zoning district, (ii) school, or (iii) outdoor playground or athletic fields; except when such uses are separated by Derby Street, Whiting Street or Route 3.

c) The hours of operation shall be set by the Board of Appeals.

d) Special permits shall remain exclusively with the original applicant to whom it is issued, who shall be the owner or lessee of the land and/or building described in the application. The Special Permit shall automatically terminate on the date the applicant transfers or conveys (other than the granting of a mortgage to an institutional lender) its title or leasehold interest, as applicable, in the land or the building where the RMD is located. A special permit may be transferred only with the approval of the Board of Appeals by major modification to the

special permit with all information required in this Section V-H.

e) All sales or other distribution of products containing marijuana or marijuana-related products shall occur indoors. Except as permitted by applicable law, no smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of an RMD.

f) RMDs shall provide the Hingham Police Department, Building Commissioner and the Board of Appeals with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the RMD.

g) As a condition of its special permit, the holder shall (i) prior to the issuance of a certificate of occupancy, provide to the Board of Appeals a copy of all local permits required for operation of the RMD, and (ii) file an annual report to the Board of Appeals no later than January 31st, providing a copy of all current applicable local permits and state licenses for the RMD and its owners and demonstrating continued compliance with the conditions of the Special Permit.

h) Any special permit issued under this Section V-H shall lapse if not exercised within one year of issuance.

i) Immediately upon the earlier of the expiration, surrender or revocation of any state issued licenses or registration, or the ceasing of operations at the RMD, all plants, marijuana infused products or other marijuana products of any kind shall be destroyed or removed from the property, or act on anything related thereto?

(Inserted at the Request of the Planning Board)

COMMENT: In the November 2012 election, Massachusetts voters overwhelmingly approved Chapter 369, An Act for the Humanitarian Medical Use Of Marijuana (the "Act") permitting the medical use of marijuana in the Commonwealth of Massachusetts. 60% of Hingham voters approved Question 3. This law went into effect on January 1, 2013.

Under Article 35 of the 2013 Annual Town Meeting voters unanimously approved a temporary moratorium on the establishment of a Registered Marijuana Dispensary ("RMD") (also known as Medical Marijuana Treatment Center) in the Town. This moratorium (1) allowed time for the state Department of Public Health ("DPH") to finalize the regulations and guidelines governing the dispensaries and (2) provided the Town sufficient time to study the potential impact of such

dispensaries, study the DPH regulations and develop any zoning By-law amendments necessary to regulate the siting of a dispensary. This moratorium is due to expire on June 30, 2014 and it cannot be extended.

This zoning By-law amendment will regulate the location of a RMD by restricting siting of any dispensary to the South Hingham Overlay District. In addition, a RMD will not be permitted to be located within 500 feet of the boundary of any residential zoning district, school, outdoor playground or athletic field. Nor will a dispensary be permitted as part of a retail group or shopping center in the Industrial District. This By-law would also require a special permit which includes additional requirements relating to ownership, notifications, signage, security and hours of operation. This amendment attempts to minimize any adverse impacts of a RMD on the residents of the Town. The Hingham Police Department has had input into the requirements of this amendment and supports its adoption.

The Planning Board voted unanimously in support of this article. The Advisory Committee voted 12 to 1 in favor of this zoning amendment.

This article requires a 2/3 vote for adoption.

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

Item 1: By amending Section III-A to insert after subsection 4.25, a new subsection "4.26 Registered Marijuana Dispensary (except for agricultural uses governed by Section 2.1)." Such use shall be allowed by Special Permit A2 ("A2") in South Hingham Development Overlay District and Prohibited ("O") in all other zoning districts.

Item 2: By deleting Section V-H (Medical Marijuana Treatment Centers) in its entirety and replacing therefor a new Section V-H

V-H Registered Marijuana Dispensaries

1. Purpose

a) To regulate the siting, security, and operation of Registered Marijuana Dispensaries, subject to the applicable provisions of Chapter 369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana (the "Act") and the regulations at 105 CMR 725 et. seq. promulgated

pursuant to the Act (collectively referred to in this Section V-H as “applicable law”).

b) To minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and land uses potentially incompatible with Registered Marijuana Dispensaries.

2. Definitions

Registered Marijuana Dispensary (“RMD”) (also known as Medical Marijuana Treatment Center) means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products, such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

3. Exclusion of Other Marijuana Establishments.

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, or related activities shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable law.

4. Exclusion of Accessory Uses.

In no event shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, provided, however, that this provision shall not prohibit hardship cultivation to the extent permitted under, and subject to, the provisions of applicable law.

5. Special Permit Requirements.

a) A special permit for a Registered Marijuana Dispensary shall be limited to the uses permitted by applicable law and shall not be combined with other uses permitted or allowed under the Zoning By-law; provided, however, that an RMD that is solely for the cultivation of marijuana and

is protected under Chapter 40A, Section 3 shall not require a special permit but shall be subject to Section III-B, 8 of the By-law.

b). In addition to the application requirements set forth in this Section V-H, a special permit application for a Medical Marijuana Facility shall include the following:

(i) the name and address of each owner of the facility;

(ii) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the RMD;

(iii) trade name, logo and building signage which complies with applicable provisions of this By-law and applicable law;

(iv) evidence of the Applicant’s right to use the site of the Facility for the Facility, such as a deed or lease;

(v) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities and their addresses. If any of the above are entities, rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals; and

(vi) proposed security measures for the Medical Marijuana Facility, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

c) Mandatory Findings. The Board of Appeals shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:

(i) the applicant has satisfied all of the conditions and requirements of this Section V-H and any other applicable provisions of the Zoning By-law; and

(ii) the RMD demonstrates that it will meet the permitting requirements of all other applicable state and local authorities related to the use and operation of an RMD; and

(iii) the RMD is designed to minimize any adverse visual or economic impacts on abutters or the surrounding neighborhood.

6. General Requirements and Conditions.

a) In no event shall RMDs be considered to be, or permitted as, a retail, medical office, clinic, or consumer service establishment use, or any other use otherwise permitted under this Zoning By-law. RMDs shall not be permitted as part of a retail group or shopping center in the Industrial

District. Use variances shall be strictly prohibited.

b) In addition to the dimensional requirements set forth in Section IV-A for the South Hingham Development Overlay District (or the underlying zoning districts therein), RMDs (or any part thereof) shall not be located within 500 feet of the boundary of any (i) Residence zoning district, (ii) school, or (iii) outdoor playground or athletic fields; except when such uses are separated by Derby Street, Whiting Street or Route 3.

c) The hours of operation shall be set by the Board of Appeals.

d) Special permits shall remain exclusively with the original applicant to whom it is issued, who shall be the owner or lessee of the land and/or building described in the application. The Special Permit shall automatically terminate on the date the applicant transfers or conveys (other than the granting of a mort-gage to an institutional lender) its title or leasehold interest, as applicable, in the land or the building where the RMD is located. A special permit may be transferred only with the approval of the Board of Appeals by major modification to the special permit with all information required in this Section V-H.

e) All sales or other distribution of products containing marijuana or marijuana-related products shall occur indoors. Except as permitted by applicable law, no smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of an RMD.

f) RMDs shall provide the Hingham Police Department, Building Commissioner and the Board of Appeals with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the RMD.

g) As a condition of its special permit, the holder shall (i) prior to the issuance of a certificate of occupancy, provide to the Board of Appeals a copy of all local permits required for operation of the RMD, and (ii) file an annual report to the Board of Appeals no later than January 31st, providing a copy of all current applicable local permits and state licenses for the RMD and its owners and demonstrating continued compliance with the conditions of the Special Permit.

h) Any special permit issued under this Section V-H shall lapse if not exercised within one year

of issuance.

i) Immediately upon the earlier of the expiration, surrender or revocation of any state issued licenses or registration, or the ceasing of operations at the RMD, all plants, marijuana infused products or other marijuana products of any kind shall be destroyed or removed from the property.

ARTICLE 23. Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1. Amend Section IV-D.7.i by deleting the first sentence thereof and substituting therefor the following:

It shall be a condition of the approval of a Definitive Plan that, prior to the issuance of a building permit for the site, the procedure for the sale or rental of the Low or Moderate Income Housing Dwelling Units shall be in conformance with regulations promulgated by the Massachusetts Department of Housing and Community Development for the inclusion of such units on Hingham's Subsidized Housing Inventory.

Item 2. Amend Section IV-E.5.e by deleting the first sentence thereof and substituting therefor the following:

It shall be a condition of the approval of a Special Permit that, prior to the issuance of a building permit for the site, the procedure for the sale or rental of the Low or Moderate Income Housing Dwelling Units shall be in conformance with regulations promulgated by the Massachusetts Department of Housing and Community Development for the inclusion of such units on Hingham's Subsidized Housing Inventory, or act on anything related thereto?

(Inserted at the request of the Planning Board)

COMMENT: This proposed amendment would expressly require that marketing and sale of affordable units that are created under Hingham's Flexible Residential Development and Residential Multi-Unit Development zoning provisions conform to the Massachusetts Department of Housing and Community Development (DHCD) regulations, assuring that the units count on Hingham's Subsidized Housing Inventory (SHI). Previous language, referencing Hingham Housing Authority approval, is inconsistent with state procedure which requires that DHCD's forms be used and that DHCD have final approval. Inclusion of all affordable

housing units created under Hingham's Flexible Residential Development and Residential Multi-Unit Development zoning provisions is important as the Town seeks to meet its goals for affordable housing.

The Housing Authority voted three to two in support of this article. Both the Planning Board and Advisory Committee voted unanimously in its support. Approval of this article requires a two-thirds vote by Town Meeting.

RECOMMENDED: That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as set forth above as follows:

Item 1. Amend Section IV-D.7.i by deleting the first sentence thereof and substituting therefor the following:

It shall be a condition of the approval of a Definitive Plan that, prior to the issuance of a building permit for the site, the procedure for the sale or rental of the Low or Moderate Income Housing Dwelling Units shall be in conformance with regulations promulgated by the Massachusetts Department of Housing and Community Development for the inclusion of such units on Hingham's Subsidized Housing Inventory.

Item 2. Amend Section IV-E.5.e by deleting the first sentence thereof and substituting therefor the following:

It shall be a condition of the approval of a Special Permit that, prior to the issuance of a building permit for the site, the procedure for the sale or rental of the Low or Moderate Income Housing Dwelling Units shall be in conformance with regulations promulgated by the Massachusetts Department of Housing and Community Development for the inclusion of such units on Hingham's Subsidized Housing Inventory.

ARTICLE 24: Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended to allow Body Art Establishments under Section 4.21 of the Zoning By-law by Special Permit A2 in the Industrial Park District and prohibit such use in all other zoning districts, or act on anything related thereto? (Inserted at the request of the Planning Board)

COMMENT: Currently, the Zoning By-law allows for the establishment of Body Art Establishments in Industrial Districts of the Town of Hingham (i.e., Shipyard area and business area north of Beal Street). However, over time, the areas available for the establishment of such businesses have changed in character and purpose. This article proposes to update the current Zoning By-law, disallowing the establishment of such businesses in these areas and allowing the establishment only in the Industrial Park District of Hingham, which includes the Derby Street Shoppes and the South Shore Industrial Park off Derby Street. Approval of this article requires a two-thirds vote at Town Meeting.

The Planning Board voted 4-1 to recommend adoption.

RECOMMENDED: That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, to allow Body Art Establishments under Section III-A, subsection 4.21 of the Zoning By-law by Special Permit A2 in the Industrial Park District and prohibit such use in all other zoning districts.

ARTICLE 25: Will the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, and the Zoning Map there under, both as heretofore amended, by removing from the Business Recreation District and including in the Residence A District the properties at 262, 264 and 266 South Street, or act on anything relating thereto? (Inserted at the request of Jeffrey A. Born and others)

COMMENT: The owners of the properties numbered 262, 264 and 266 South Street have brought this petition article so that their homes and the lots they are located on will be included in Residence District A. Resident District A is a residential zoning district in which the primary use is single family dwellings. The surrounding single family homes in this neighborhood are all located in Residence District A. In 1981, only the home at 262 South Street existed. That property, together with the land where 264 and 266 South Street currently exist, and land which comprises the Country Club, were rezoned from Residence District A to Residence District D (a multi-family housing district). In the late 1980s, a number of changes occurred in this area, including the Town's acquisition of the Country Club, and the subdivision of this adjoining land by a developer to create the lots and houses which are now 264 and 266 South Street. In 2004

the Country Club property, which abuts these properties, was rezoned from Residence District D to the Business Recreation District. When the Zoning Map was updated to reflect the rezoning of the Country Club, these properties were also shown as included in the Business Recreation District. This was a mapping error. This means that 262, 264, and 266 South Street are currently still located in Residence District D. Because single family homes are not a permitted use in Residence District D, these homes are grandfathered, non-conforming uses and their use may be limited in ways that other homes in Residence District A are not. For example, most additions to a house located in Residence District A are allowed "as of right", but in Residence District D such an addition may be considered the expansion of a non-conforming use requiring relief from the Zoning Board of Appeals. Adopting this zoning change will allow these three properties to be governed by the same provisions of the Zoning By-law as their neighbors in Residence District A. The Planning Board voted unanimously in support of this article. Approval of this article requires a two-thirds vote at Town Meeting.

RECOMMENDED: That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by amending the Zoning Map – Parts A (April 2, 1983) and C (November, 1986), as heretofore amended, to remove from Residence District D and include in Residence District A the following parcels: (a) 262 South Street – Assessor Map 70, Parcel 16; (b) 264 South Street – Assessor Map 70, Parcel 113; and (c) 266 South Street – Assessor Map 70, Parcel 114.

ARTICLE 26: Will the Town appropriate the following sums of money for Community Preservation purposes as follows:

- 1) \$49,421 from the Community Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund;
- 2) \$175,000 from the Community Preservation Community Affordable Housing Reserve to be used by Hingham Affordable Housing Trust for the RFP drafting and design services related to the HAHT Selectmen's Parcel development;
- 3) \$175,000 from the Community Preservation Community Affordable Housing Reserve to be used by Hingham Affordable Housing Trust for the HAHT Opportunity Funding Program;

- 4) \$35,000 from the Community Preservation General Reserve to be used by Hingham Historical Archives Task Force for implementing the Hingham Historical Collections Master Plan;

- 5) \$30,000 from the Community Preservation General Reserve to be used by the Hingham Cemetery Corporation for historic preservation and restoration of the Ames Chapel located on Map 61/Lot 40 in the Hingham Cemetery;

- 6) \$10,000 from the Community Preservation General Reserve to be used by Second Parish Church Association for historic preservation and restoration for the development of plans for the Second Parish Handicap Access project;

- 7) \$98,049 from the Community Preservation General Reserve to be used by the Hingham Girl Scouts of America for historic preservation and restoration of the Girl Scout House located on Map 80/Lot 89 at 26 Burr Road;

- 8) \$150,000 from the Community Preservation General Reserve to be used by Old Colony Building Association to replace the existing leaking roof with a slate roof, both to restore the original historic appearance of the Old Colony Lodge and to preserve the building located at 85 Central Street;

- 9) \$38,500 from the Community Preservation Open Space/Recreation Reserve for deposit to the Town's Conservation Fund for purchase of land, conservation restrictions for prior CPC land acquisitions, capital improvements and expenses related to such acquisitions, to make deposits or down payments toward acquisitions or creation of such interest in open space or otherwise preserve open space;

- 10) \$50,000 from the Community Preservation Open Space Reserve to be used by the Community Planning Department for a Comprehensive Trails Plan;

- 11) \$38,213 from the Community Preservation Open Space/Recreation Reserve and \$6,287 from the Community Preservation General Reserve to be used by the Hingham Conservation Commission to purchase the land and interests totaling 6.31 acres from Boy Scout Troop 4 located in Liberty Pole neighborhood, at Map 167.0, Lot 49;

- 12) \$40,000 from the Community Preservation General Reserve for revised total construction cost to the Whitney Wharf Bridge;

13) \$100,000 from the Community Preservation General Reserve to be used by the Bathing Beach Trustees for the Bathing Beach Stabilization Project; and

14) \$175,000 from the Community Preservation General Reserve for the use of the Recreation Commission for the infrastructure improvements to the Historic Cordage Factory Barn project; or act on anything related thereto?

(Inserted at the request of the Community Preservation Committee)

COMMENT: The Community Preservation Act (Massachusetts General Laws, Chapter 44B) (CPA) is a local option statute enacted by the State Legislature in 2000 and adopted by the Town in 2001. It enables towns to collect and expend funds (including matching funds from the Commonwealth) to maintain their character by supporting open space, affordable housing, recreation lands, and historic preservation initiatives specifically defined by the CPA. The current Hingham CPA surcharge rate is 1.5% of real property taxes. The appropriations requested for the projects described below are from Community Preservation Committee (CPC) reserves.

In 2014, the CPC is requesting approval of funding for 14 projects for a total of \$1,245,470. An additional \$146,000 of CPA funds will be designated to fulfill the first year of debt service for the Hingham Heritage Museum. The Hingham Heritage Museum project was approved by the Annual Town Meeting in 2013 and will require debt payments from CPA funds for no more than 10 years. The details of any bond issue remain to be determined.

The Board of Selectmen and the Advisory Committee voted unanimously in support of these projects except as noted. The comments of the Advisory Committee are set forth below and correspond to the numbered sections of Article 26.

1) The CPA allows up to 5% of annual CPA revenues to be reserved for operational and administrative expenses, including engineering, legal, and consulting costs associated with the review of proposed projects, the administration of projects approved by annual Town Meeting, and the salaries of part-time staff. In the past, Hingham's administrative appropriations have averaged 2.2% of annual CPA revenues compared to the 5% allowed by the CPA. This year's contribution to the CPC Administrative Fund represents 3.1% of the annual CPA revenues.

2) The so-called Selectmen's Parcel is a property that consists of approximately 10 acres of land owned and controlled by the Town of Hingham. This land is located off Beal Street and can be located on Assessor's Map 69, Parcel 44.

This project will be developed pursuant to Article 42 of the 2005 Annual Town Meeting. As a mixed income affordable housing development, it will contain 20 to 40 affordable units targeted at individuals earning 50%, 80%, 100%, and 120% of the area's median income. The Hingham Affordable Housing Trust (HAHT) has contracted with the Community Opportunity Group to prepare an RFP in order to identify a firm that will design plans and specifications in accord with the standards and principles set forth in Article 42 of the 2005 Annual Town Meeting. The general principles are to design a low-rise, moderate density development of "for sale" housing that is screened from Beal St and adjacent facilities and is "architecturally compatible in size and appearance with the surrounding neighborhood". The resulting housing will remain affordable in perpetuity, favor local preference, and add to the Town's affordable housing inventory. This plan will also satisfy the Town's intention in dedicating this portion of the former munitions depot to affordable housing.

Oversight of this HAHT project will be the responsibility of the Board of Selectmen who will receive "a transparent and detailed financial report" annually, as pursuant to Article 39 of the 2012 Annual Town Meeting.

3) The Hingham Affordable Housing Trust (HAHT) is requesting \$175,000 from the Community Preservation Community Housing Reserve to place in an "opportunity fund". This fund would be for the sole purpose of responding quickly to potentially short-lived opportunities to purchase sites with major potential for development/preservation of affordable housing within the Town. Should there be a need to borrow funds or mortgage assets to complete a purchase, approval by the majority of the Board of Selectmen would be required. Such a land purchase occurred in the recent past when the Town acquired the Amego Property at 80 Beal Street. If, however, a potential purchase were of a smaller nature, the HAHT would be able to act on its own and acquire the property independently in a timely manner. Transactions involving such funding will be included in a detailed annual financial report from HAHT to the Selectmen.

4) In 2008, the Hingham Public Library and

Hingham Historical Society began a planning effort to ensure the preservation of and access to their collections of historical materials. Three other participant groups with significant holdings and interest in the project joined the effort: the Hingham Town Clerk's Office, Hingham School Department, and Hingham Historical Commission/Historic Districts Commission. The Public Library acted as the umbrella applicant for Community Preservation Act funding for the emerging collaborative project.

The 2008 Annual Town Meeting approved moneys from the Community Preservation Historic Resources Reserve to determine preservation needs for historical Hingham documents and artifacts. In 2009, an initial survey was conducted to evaluate the building and environmental housing of a variety of historic Hingham collections, and, in 2010, a Master Plan for the Preservation and Access to Hingham's Historical Collections was developed. This Master Plan has several phases and is a multi-year project. In 2011, the Selectmen created the Hingham Historical Archives Task Force.

The 2012 Annual Town Meeting approved \$100,680 (from Community Preservation funds) for the Task Force to begin Phase 1 of cataloging and preserving the historic documents and items owned by the Town. This amount was intended to pay for the services of one full-time archivist and two part-time interns who would begin the task of cataloging the general Town records maintained by the Hingham Public Library, the Hingham Town Hall, the Hingham School Department, and the Hingham Historical Commission.

In 2013, the Task Force requested another \$100,680 in Community Preservation Funds. The Community Preservation Committee reduced this amount to \$50,000 and subsequently voted to defer this request to 2014 due to the delay on expenditure of the funds that were appropriated in 2012. The delay was due to the difficulty of finding and hiring a qualified archivist. This task was accomplished in April 2013.

In 2014, the Task Force is requesting \$35,000 for Phase 2 of the Master Plan. Since being hired, the archivist has recruited and worked with multiple volunteers and interns to properly preserve the materials at the Hingham Public Library. After completing their work at the HPL, the team will relocate to the Town Hall and focus on the Town Clerk's records. This work will continue into 2015 and will be followed by the School Department records. In 2015-2016, the team will focus on the

materials held by the Historical Commission / Historic Districts Commission and the Hingham Historical Society. This will complete the initial goals of the Historical Archives Task Force.

The archivist and the Task Force have been seeking support and funding from various companies and foundations. Such efforts will help to ensure that the project has enough funding for the next year.

5) The Ames Chapel was built in 1886 with private funds raised by Preston Adams Ames and friends in memory of Mr. Ames' wife, Anne Fessenden Barnes Ames. Mrs. Ames was also the daughter of prominent Hingham merchant Luther Barnes. The chapel was designed by Hingham architect J. Sumner Fowler, who was also the designer of our current Town Hall. The Ames Chapel is located in downtown Hingham, on the north side of the Hingham Cemetery, overlooking North and South Streets and Hingham Harbor beyond. It is owned by the nonprofit Hingham Cemetery Corporation. Originally built as a funeral chapel, it has spent much of the past 100 years either unused or as makeshift office space for the cemetery's Board of Directors and the Superintendent. Noted for its remarkable late-Victorian Queen Anne architecture, not commonly seen in Hingham, and its American Decorative style stained glass windows, it is within the Hingham Cemetery, which is on the National Register of Historic Places. It is also located within the Lincoln Historic District.

The Board of Directors of the Hingham Cemetery Corporation is currently undertaking an extensive preservation and renovation of this building. The project's total cost of \$930,000 is being financed with \$310,000 from the Cemetery Corporation's endowment, \$310,000 in private fundraising including grants, and \$280,000 to date from a previous Community Preservation award. A provision was written into that original Community Preservation Committee grant agreement "to look favorably at an additional \$30,000 from 2014 funding". The Hingham Cemetery Corporation is now requesting that final \$30,000 from the Community Preservation Committee to complete the project. Once renovated, the Cemetery Corporation intends for the Ames Chapel to be utilized by the community at large for events such as conferences and symposia, religious ceremonies, educational classes, social functions, and other community events. Its location in downtown Hingham and its smaller, more intimate size make it a complement to Hingham Historical Society's Old Derby for community functions.

6) The Second Parish Church, built in 1742, is located on Main Street in the historic Glad Tidings Plain and abuts the Tower-Wilder Historic District. This beautiful and historically significant structure has been a religious and social service center in South Hingham for 272 years. It was included in the Historic Hingham House Tour sponsored by the Hingham Historical Society in October 2013.

Second Parish is home to a vibrant congregation, but also is the host for the Hingham Food Pantry and weekly meetings of community recovery groups. Second Parish sponsors multiple church and community events including regular and special church services, the annual art show, concerts, and a holiday fair. Church and community members (not limited to the townspeople of Hingham) also make use of the church for weddings, funerals, and memorial services.

The congregation is currently undertaking an extensive review of the accessibility constraints of this historic eighteenth century building in order to plan an historically appropriate, yet functional entrance and to facilitate travel between the two primary levels of the church. The handicapped access will be located on the south side of the church. It will be an enclosed structure allowing dual access into Cushing Hall and the sanctuary. Access into Cushing Hall will be possible as the entrance will be flush with the pavement and there will no longer be a step up to go into the hall. Once inside the entrance, there will be a hallway with a ramp that leads to the sanctuary. On the interior of the building, the front pew arrangement will be modified to allow entry through the new doorway, and additional handicapped appropriate seating will be provided. The historic details of the trim interior and exterior will be pattern matched, and new moldings will be exact replicas of the current ones. Wall panels on the interior also will be matched.

The entire project is projected to be a two-phase project lasting two years. The Second Parish Church Association is requesting \$10,000 in CPA funds to complete the first phase, i.e., the planning and design of the handicapped accessible entrance. The construction cost will be the subject of a CPA application in next year's application cycle and will include a major fundraising campaign by the Second Parish. Once the entrance renovations are completed, the congregation can better utilize the church in concert with their mission of serving their neighbors and the Hingham community at large.

7) The Hingham Girl Scout House has been a

valued resource to the Hingham Community since its incorporation in 1928. The Girl Scout House has been used for meetings and events by a large variety of organizations over the decades including, but not limited to, the Girl Scouts, Boy Scouts, Cub Scouts, Camp Fire Girls, the Ladies Club, and the Garden Club. Currently, over 40 meetings are held at the Girl Scout House each month, with demand for the use of this space increasing each year.

The Girl Scout House is managed locally by a board of directors, and the regional Girl Scout council has provided funding for the operation and maintenance of the building since 1957. In October 2013, this funding ceased. The Hingham Girl Scouts have had to assume responsibility for the building. While the local organization is committed to the ongoing maintenance and support of the Girl Scout House, the building is in need of stabilization to address significant drainage and exterior issues. The Hingham Girl Scout Board of Directors is aggressively seeking donations and in kind services to preserve this historic community resource. They are also seeking CPC assistance to help fund the stabilization and preservation of the building in order to continue their mission of service to the community, as has been the tradition over the past 86 years.

8) The Old Colony Lodge Building Association, Inc. is a private not-for-profit corporation that is the owner of the Masonic Lodge located at 85 Central Street, Hingham. The building is listed on Hingham's Historic Inventory. The building was constructed in 1928 in the Colonial Revival Style of brick walls, slate roof, and copper gutters. It is a registered historic building on the State Register of Historic Places and the National Register of Historic Places.

The Old Colony Masons have played a pivotal and historic role in the community. Since their founding in the late 1700's, they have provided a safety net for many, including their members and their widows and orphans. The list of members includes generations of prominent Hingham citizens, including Congressional Medal of Honor recipient Herbert L. Foss. At the present time, the building houses the Old Colony Lodge, the Macedonian Lodge, the St. Stephen's Royal Arch Chapter, and the Dorothy Bradford Eastern Star Chapter. The building hosts visiting groups for the Fourth of July Parade and small gatherings of private organizations, such as the Boy Scouts of America, Rainbow Girls, and DeMolay Chapter. The building also houses an extensive collection of documents, photographs, and artifacts relating to the history of

Hingham's community leaders since the 18th century.

The Old Colony Lodge provides relief through national charitable organizations such as the Shriners Burn Centers, Dyslexic Learning Centers, and the Spinal Cord Injury Hospitals. On a local level, the Lodge assists students with yearly scholarships awards, helps families in need through its Angel Fund, used for school supplies, glasses, field trip fees, and musical instruments, and holds several American Red Cross blood drives on site. Lodge members collect donations for Toys for Tots and the Hingham Food Pantry, and they supply support packages for the troops in the National Guard 1058th Transportation Unit.

In recent years, the Lodge has undergone extensive renovations to the interior structure and exterior grounds. Projects include installation of a new heating system, creation of a handicapped accessible bathroom, renovation of three other bathrooms, establishment of a lift for use by handicapped visitors, installation of new carpet and lighting, creation of a new perimeter drainage system, construction of new walkways, and landscape / driveway improvements. These projects were accomplished at considerable cost and labor on the part of Lodge members.

The most crucial aspect of the structural preservation of the Lodge is the roof. This project involves the replacement of the existing leaking asphalt roof with a slate roof that will restore the original historic appearance of the building. The project also includes the installation of copper gutters and flashing. The cost of the project is \$227,400. This is a reduced cost from the original proposal of \$300,000. The Building Association is seeking \$150,000 in CPA funds for the roof replacement and expects to raise the remaining funds from other sources, including the Greenbush Preservation Trust Fund. A slate roof is ultimately more economical than the installation of an asphalt roof because it has three times the longevity. The project qualifies for CPA funds because it involves the preservation of an historic building that is used for public purposes. The Town will acquire an Historic Preservation Restriction as part of the Grant Agreement executed in conjunction with this project. The Board of Selectmen voted as follows: one in support, one against, and one abstention.

9) Under the CPA, at least 10% of annual revenues (including the State Match) must be spent or set aside for open space initiatives. This article

authorizes the transfer of \$38,500 to the Conservation Fund to be spent on Conservation Commission established priorities consistent with the requirements of the CPA, including, but not limited to, maintenance of open space properties, especially those located in Watershed Protection Districts, and environmental assessments during the next fiscal year. The CPA moneys directed toward the Conservation Fund will not be used to carry out duties related to the administration of the Wetlands Protection Act or the Town of Hingham Wetlands Protection Bylaw.

10) The Department of Community Planning is proposing the development of a comprehensive trails plan to implement elements of Hingham's Master Plan and Hingham's Open Space Plan. A trails plan will map out the Town's vast resources of open space and recreational land. It will help identify and prioritize open space for further land acquisition projects as well as provide a guide for long-term trail management and maintenance.

The planning process will include the following specific tasks:

- Evaluate the Town's inventory of open space and existing trails.
- Determine feasible routes and priority paths for a trail network that links open space parcels and facilities including schools, public transit, local businesses, and resources in adjacent towns.
- Identify opportunities to acquire areas for both trails and protection of water resources.
- Make recommendations for appropriate levels of service for different sections of trail.
- Identify potential funding sources to implement projects.
- Estimate both construction and ongoing maintenance costs for various trail segments.
- Develop a phasing plan to prioritize funding and construction projects.
- Engage the public in the planning process.

Developing a comprehensive trails plan will position the Town to take better advantage of funding opportunities and to work proactively with property owners to develop Hingham's trails network. A well-connected trails network will improve access to Town facilities, promote public health, help preserve natural resources, and provide alternative transportation opportunities for Hingham residents. The trails plan will provide a critical step toward realizing the vision set forth in Hingham's Open Space and Master Plans.

Community Planning staff will publish a request for proposals and select a consulting firm to assist with the project. Partnering with a consulting firm that has proven success in developing trails plans for communities with similar amenities and ranges of land uses will allow for an efficient planning process. Staff will provide project management services to ensure coordination with stakeholders and timely completion of the plan. Estimates received to date suggest that, combined with staff resources, \$50,000 is an appropriate estimate of project costs. All members of the Planning Board support this effort.

11) In 1953, the Eel River Field Trust was established to hold the 6.31 acres of land in Liberty Pole bequeathed to Boy Scout Troop 4 by Winthrop Cushing. The troop used the land for campouts and other activities throughout the 1970's, but has not actively used the land since then and has no plans to use the land in the future.

This open space parcel is located in Liberty Pole near the intersection of Pilgrim and Colonial Roads, with a right of way to access the land at 53 Colonial Road. This parcel abuts 7 acres of Town owned conservation land called the Eel River Reservation. Purchase of the Boy Scout land will double the acreage of the Eel River Reservation. This is significant since the Eel River, which flows through both parcels, is the last remaining cold water spring sourced stream in Hingham and contains, among other wildlife species, Wild Brook Trout, Red Fin Pickerel, and stream salamanders.

The ideal use of this open space parcel is to increase the size of the Eel River Reservation conservation land and protect both parcels from potential future development. This will also preserve a protected habitat for wildlife observed on both parcels while providing access for hikers, birders, and others interested in nature.

The recommended appropriation of \$44,500 includes the land, appraisal, land acquisition document preparation/filing, and legal fees.

12) In 2012, after many years of discussion, Town Meeting voted to appropriate \$275,000 of CPC funds to build the Whitney Wharf Bridge as an important link in the contemplated shoreline walk from the Bathing Beach to Steamboat Wharf. The design of the bridge has not much changed since then, but the costs of labor and construction have risen so that the cost of building the bridge has increased by \$40,000. The requested appropriation,

together with the 2012 amount, will fully fund construction of the bridge.

The Advisory Committee voted as follows: 11 in support and 1 against.

13) The Trustees of the Bathing Beach (Trustees) are requesting \$100,000 to stabilize the Hingham Bathing Beach in the area in front of the bathhouse (Bathing Beach Stabilization Project). The project is based on an engineering study and design funded by Town Meeting in 2012 that called for an analysis of the entire Bathing Beach area to be preserved as a Town asset.

The analysis concluded that the most pressing need at the Bathing Beach is to prevent erosion in front of the bathhouse. Furthermore, the Commonwealth of Massachusetts maintains an inventory which grades the condition of waterfront structures from A to F, with "F" as a failing grade. The Commonwealth updates its inventory every six or seven years, and its most recent assessment of the existing Bathing Beach revetment (retaining wall) downgraded its condition from "C" (fair) in 2006 to "F" today.

Accordingly, the requested CPC funds would be used to build a 125 linear foot armor-stone wall in place of the revetment of smaller stone that now exists. The Town, acting as owner, would generate plans and specifications and put them out to bid with qualified contractors. The Project would require approval by the Army Corps of Engineers, an order of conditions from the Town's Conservation Commission, a water quality certification from the Massachusetts Department of Environmental Protection, and a Coastal Zone Management consistency review. The Trustees expect the necessary permits will be obtained, in part because the same permitting agencies approved the existing revetment in 2001. Permits should be obtained by the fall of 2014 and construction finished by Memorial Day 2015.

The stakeholders of the project are the citizens of Hingham, who will benefit for evident reasons. The Trustees continue to work on a long-term plan for beach stabilization, but, if this article is not approved, the Bathing Beach area in front of the bathhouse could erode to the point that it cannot be used.

14) The Recreation Commission is requesting funds to continue with its plans for the preservation and reuse of the historic Cordage Factory Head House (otherwise known as the "Rec Barn"), the only

remaining building from the town's 19th-century rope-making industry, located at 10 Playground Road.

In April 2011, Town Meeting granted the Recreation Commission's request for \$25,000 from the Community Preservation Historic Resources Reserve for a feasibility study. This study included as-built drawings, a structural analysis, design drawing, a cost analysis, and a schematic design package for how the building could be renovated into a multi-purpose multi-use facility, including required handicapped components.

The April 2012 Town Meeting granted the Recreation Commission's request for \$252,000, from the Community Preservation General Reserve, to structurally stabilize the 4,000 square foot building, (2,000 square feet per floor plus a basement with the original stone foundation), therefore preserving and maintaining this historic asset. This structural work has been completed.

The Recreation Commission is now requesting a revised amount of \$250,000 to continue with the third phase of its preservation and repurposing, specifically infrastructure work to prepare the building for internal completion. These funds will be used for new and upgraded utilities to the site (i.e., water, electric service, gas line, and telephone), septic system design/construction, parking lot design/construction, and two handicapped lavatories. The Community Preservation Committee endorsed the revised request of \$250,000 when a different project's withdrawal made more funds available.

The Recreation Commission anticipates seeking funding in the future for completion of the building's interior. That phase is currently estimated to cost \$350,000. Once finished, the Commission envisions the renovated structure as a multi-purpose facility open for use by all the Town's citizens. Addressing a significant demand for additional space, its first floor would be used for art and other classes during Recreation's Summer Program, along with expanded space for Hingham Recreation and other Town programs throughout the year.

The Community Preservation Committee unanimously approved this year's request for \$250,000 of Community Preservation funds to adapt the building for expanded use by more residents and to help the Town preserve and maintain this town-owned historic asset. Project advocates point to the need for indoor activity space in support of the

Recreation Department's popular Summer Program serving nearly 1,600 children, along with the project's proposed interior open design providing flexibility for any future uses the Town may wish to explore.

The Board of Selectmen voted two to one against pursuing this project at this time. The majority favors a delay while negotiations on a potential alternative location for the Recreation Department continue.

The majority of the Advisory Committee (8 of 12 voting members) supports funding this third phase of the Barn's preservation and renovation. They point to the project's multiple benefits in repurposing a Town-owned historic building while opening it to broad use by Hingham residents. Concurring with the Community Preservation Committee and Recreation Commission, they envision the nearby fields as an ongoing center for activity, making the Barn's repurposing a worthy project to pursue regardless of Recreation's future location.

The minority of the Advisory Committee (4 of 12 voting members) prefers deferring further investments in the Barn until decisions are made on potential alternative locations for the Recreation Department. They express concern about the project's total cost and potential inefficiencies should the Recreation Department end up with multiple activity centers.

RECOMMENDED: That the Town appropriate the following sums of money for Community Preservation purposes as follows:

- 1) \$49,421 from the Community Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund;**
- 2) \$175,000 from the Community Preservation Community Housing Reserve to be used by Hingham Affordable Housing Trust for drafting and design services related to the Selectmen's Parcel development;**
- 3) \$175,000 from the Community Preservation Community Housing Reserve to be used by Hingham Affordable Housing Trust for the HAHT Opportunity Funding Program;**
- 4) \$35,000 from the Community Preservation General Reserve to be used by the Hingham Historical Archives Task Force for implementing the Hingham Historical Collections Master Plan;**
- 5) \$30,000 from the Community Preservation**

General Reserve to be used by the Hingham Cemetery Corporation for historic preservation and restoration of the Ames Chapel located on Map 61/Lot 40 in the Hingham Cemetery;

6) \$10,000 from the Community Preservation General Reserve to be used by Second Parish Church Association for historic preservation and development of plans for the Second Parish Handicapped Access project;

7) \$98,049 from the Community Preservation General Reserve to be used by the Hingham Girl Scouts for historic preservation and restoration of the Girl Scout House located on Map 80/Lot 89 at 26 Burr Road;

8) \$150,000 from the Community Preservation General Reserve to be used by Old Colony Building Association to replace the existing leaking roof with a slate roof both to restore the original historic appearance of the Old Colony Lodge and to preserve the building located at 85 Central Street;

9) \$38,500 from the Community Preservation Open Space Reserve for deposit to the Town's Conservation Fund for purchase of land, conservation restrictions for prior CPC land acquisitions, capital improvements and expenses related to such acquisitions, to make deposits or down payments toward acquisitions or creation of such interest in open space or otherwise preserve open space;

10) \$50,000 from the Community Preservation Open Space Reserve to be used by the Community Planning Department for a Comprehensive Trails Plan;

11) \$38,213 from the Community Preservation Open Space Reserve and \$6,287 from the Community Preservation General Reserve to be used by the Hingham Conservation Commission to purchase the land and interests totaling 6.31 acres from Boy Scout Troop 4 located in Liberty Pole neighborhood, at Map 167.0, Lot 49;

12) \$40,000 from the Community Preservation General Reserve to complete funding for construction of the Whitney Wharf Bridge;

13) \$100,000 from the Community Preservation General Reserve to be used by the Trustees of the Bathing Beach for the Bathing Beach Stabilization Project; and

14) \$250,000 from the Community Preservation General Reserve to be used by the Recreation Commission for infrastructure improvements to the Historic Cordage Factory Head House (a.k.a. the Barn).

ARTICLE 27: Will the Town accept Chapter 200A, Section 9A of the Massachusetts General Laws which provides for the disposition of abandoned funds back into the Town's General Fund upon the required notice to the person entitled to said funds and upon expiration of the deadline for claiming said funds, all in accordance with the statutory procedures contained in Section 9A of Chapter 200A of the Massachusetts General Laws, or act on anything related thereto?
(Inserted at the request of the Treasurer/Collector)

COMMENT: Massachusetts General Law authorizes a procedure for the disposition of uncashed checks and abandoned funds held in the custody of the Treasurer/Collector. Under this Article, if the Town accepts Chapter 200A, Section 9A, the Town will be able to expedite its access to unclaimed funds, provided certain safeguards are followed by the Treasurer/Collector. Section 9A sets forth the alternative procedure for the disposition of abandoned funds held in the custody of the Town. The Town may presume funds are abandoned unless claimed by the intended corporation, organization, beneficiary or person within 1 year after the date prescribed for payment; provided, the check intended as payment shall have the notice "void if not cashed within 1 year from date of issue." Adoption of this Article will not impact current unclaimed deposits. It will apply to transactions subsequent to its adoption. Under Section 9A, the Treasurer/Collector may, after 1 year following the date of issue, stop payment on a check. If a recipient is identified after a stop payment order, payment will be subsequently made by a new check and there is no liability to the Town for not honoring the check that was subject to the 'stop payment' order. Subsections (b), (c), (d), and (e) in Section 9A specify other safeguards and notice provisions required of the Treasurer/Collector prior to a determination of abandonment and the subsequent escheating of the funds to the Town. Once the final deadline passes, the abandoned funds escheat to the Town and shall be deemed part of the general fund of the Town, and such funds shall be available to the Town's appropriating authority for appropriation for any public purpose. The Board of Selectmen voted unanimously in favor of this article.

RECOMMENDED: That the Town accept Chapter 200A, Section 9A of the Massachusetts General Laws which provides for the disposition of abandoned funds back into the Town's General Fund upon the required notice to the person entitled to said funds and upon expiration of the deadline for claiming said funds, all in accordance with the statutory procedures contained in Section 9A of Chapter 200A of the Massachusetts General Laws.

ARTICLE 28: Will the Town vote to extend the term of the inter-municipal agreement for regional cooperation in the provision of solid waste and recycling services for the South Shore Recycling Cooperative for an additional term through June 30, 2018 and, further, will the Town vote to authorize the Board of Selectmen to execute and deliver an amended inter-municipal agreement, a copy of which is on file in the office of the Town Clerk, to effect the extension of the term and other changes set forth therein; or act on anything relating thereto. (Inserted at the request of the Long Range Waste Disposal/Recycling Committee)

COMMENT: The South Shore Recycling Cooperative ("SSRC") is a voluntary association of fourteen South Shore towns. It was established by an inter-municipal agreement and Special Legislation in 1998 to help member towns improve their recycling programs and reduce the amount, toxicity and cost of waste disposal. Members of the SSRC are: Abington, Cohasset, Duxbury, Hanover, Hanson, Hingham, Kingston, Middleborough, Norwell, Plymouth, Rockland, Scituate, Weymouth, and Whitman. Representatives from each member town are appointed by their respective chief elected officials and serve without compensation. Hingham's board representatives are Steve Messinger, Transfer Station Supervisor, and Randy Sylvester, Superintendent of the Department of Public Works ("DPW"). Hingham benefits from the SSRC by maintaining full local authority and control of the Town's solid waste management and recycling activities while utilizing the SSRC as a resource. The SSRC assists Hingham and other member Towns with: managing their solid waste programs efficiently; providing economy of scale through regional procurement of services; and advocating for funding, sensible laws and regulations to accomplish the goal of minimizing waste and cost and maximizing recovery at the municipal level. The annual membership cost of \$4,500 is provided for in the DPW budget. In 2013, the SSRC raised \$73,702.57 from member dues, sponsorships, grants, and donations. These funds

pay for the services of the Executive Director and for waste reduction and recycling activities that benefit member towns. In 2013, Hingham received approximately \$12,000 in reduced disposal costs or rebate payments through contracts negotiated regionally through the SSRC. In November 2013, member towns received \$475,000 in grants, with Hingham receiving \$15,500 in school recycling equipment and implementation assistance. The Executive Director of the SSRC is Claire Sullivan Galkowski. Ms. Galkowski holds office for a one-year term, and each year is subject to reappointment by the SSRC Board. She has served as Executive Director since 1998. Messrs. Messinger and Sylvester favor the extension of the inter-municipal agreement. The Board of Selectmen voted unanimously in favor of this Article.

RECOMMENDED: That the Town authorize the Board of Selectmen to extend the term of the inter-municipal agreement for regional cooperation in the provision of solid waste and recycling services for the South Shore Recycling Cooperative for an additional term through June 30, 2018 and, further, to authorize the Board of Selectmen to execute and deliver an amended inter-municipal agreement, a copy of which is on file in the office of the Town Clerk, to effect the extension of the term and other changes set forth therein.

ARTICLE 29: Will the Town approve the establishment of a new General By-law to be known as "Article 42: Noise Control By-law" as described below:

SECTION 1: SHORT TITLE

This By-law may be cited as the Hingham Noise Control By-law.

SECTION 2: DECLARATIONS OF FINDINGS AND POLICY

WHEREAS excessive Sound poses a serious hazard to the public health, welfare, safety and quality of life, and WHEREAS the residents of the Town of Hingham have a right to, and should be ensured, an environment free of excessive Sound that may jeopardize their health, welfare or safety, or degrade their quality of life; NOW THEREFORE, it is the policy of the Town of Hingham to prevent excessive Sound which may jeopardize the health, welfare or safety of its residents, or adversely impact their quality of life. This By-law shall apply to the

control of all Sound originating within the geographical limits of the Town of Hingham.

SECTION 3: DEFINITIONS

(a) All terminology used in this By-law, but not defined below, shall be used with the meanings ascribed to such terms in the applicable standards of the American National Standards Institute (“ANSI”) or its successor bodies.

(b) “Construction” means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding Demolition for, or of, public or private rights-of-way, structures, utilities, or similar property.

(c) “Demolition” means any dismantling, intentional destruction of, or removal of, structures, utilities, public or private rights-of-way surfaces or similar property.

(d) “Emergency Work” means any work performed for the purpose of preventing or alleviating the physical harm to Persons or property, which requires immediate action.

(e) “Enforcement Official” means a Town official having authority to enforce this By-law as provided in Section 4 below.

(f) “Legal Holiday” means any day designated as a legal holiday under federal or Massachusetts state law.

(g) “Noise Disturbance” means any Sound which: (a) may disturb or annoy reasonable Persons of normal sensitivities; (b) causes, or tends to cause, an adverse effect on the public health and welfare; (c) endangers or injures Persons; or (d) endangers or injures real or personal property.

(h) “Person” means any individual, association, partnership, joint venture, corporation or other form of legal entity.

(i) “Plainly Audible Sound” means any Sound as to which the information content is unambiguously communicated to the listener including, without limitation, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass Sounds, or comprehension of musical rhythms, without the aid of any listening device.

(j) “Power Tool” means any device powered mechanically, by electricity, by gasoline, by diesel or

any other fuel, which is intended to be used, or is actually used, for functions including, without limitation, cutting, nailing, stapling, sawing, vacuuming or drilling.

(k) “Public Right-of-Way” means any highway, boulevard, street, avenue, lane, sidewalk, alley or similar place, which is owned or controlled by a government entity.

(l) “Public Property” means any real property, including structures thereon, which are owned or controlled by a government entity.

(m) “Residential District” means any area designated as a Residential District in the Town of Hingham Zoning By-law.

(n) “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium, and which propagates at finite speed to distant locations.

(o) “Weekday” means any day from Monday through Friday that is not a Legal Holiday.

SECTION 4: ENFORCEMENT OF ORDINANCE

(a) Enforcement Officials. This By-law shall be enforced by the Chief of Police, the Executive Health Officer, the Building Commissioner and their authorized designees. For all purposes other than the granting of permits under this By-law, designees of the Chief of Police shall include any Hingham Police Officer.

(b) Penalties for Violation. Violations of this By-law shall be punishable by fine in accordance with the following schedule:

Offense	Fine
First	\$100
Second	\$200
Third and Subsequent	\$300

Violations resulting from Sound emanating from a particular parcel of property will be assessed against the Person controlling said property at the time of the violation, regardless of whether said Person’s legal status as owner, lessor, tenant-at-will, licensee or otherwise. Nothing contained in this subsection shall prohibit an Enforcement Official from giving a warning in lieu of a fine if, in the Official’s discretion, a warning is appropriate under the circumstances.

(c) Non-Criminal Disposition. In assessing fines for violations of this By-law, the Enforcement Official shall follow the procedure set forth in M.G.L. c. 40, § 21D.

SECTION 5: DUTIES AND RESPONSIBILITIES OF TOWN BOARDS AND OFFICIALS

(a) Town Programs and Activities. All Town departments, boards and officials shall carry out their programs and activities in a manner reasonably consistent with this By-law.

(b) Cooperation of Town Boards and Officials. All Town departments, boards and officials shall cooperate with the Enforcement Officials in enforcing the provisions of this By-law.

(c) Project Review and Approval. All Town departments, boards and officials having responsibility for the review and approval of new projects or activities, or changes to existing projects, that result, or may result, in the production of Sound shall, to the extent reasonable feasible under the circumstances, require compliance with the provisions of this By-law as a condition of approval. This By-law is not intended to require any Town department, board or official to apply a more restrictive standard for the approval of any project or activity, or change to any existing projects, than has been applied prior to the By-law's adoption.

SECTION 6: NOISE DISTURBANCE PROHIBITED

(a) No Person shall make, continue, or cause to be made or continued, any Noise Disturbance. Unamplified, non-commercial public speaking and public assembly activities conducted at conversational voice levels on any Public Property or Public Right-of-Way shall be exempt from the operation of this Section if such Sound is not Plainly Audible beyond 100 feet or does not infringe the legitimate rights of others.

(b) The facts required to establish a Noise Disturbance shall be identical to those required to establish a disturbance of peace under the common law (and punishable under M.G.L. c. 272, § 53). Violations of this By-law need only be proven by a preponderance of the evidence.

SECTION 7: SPECIFIC ACTIVITIES

(a) Specific Activities Prohibited. Notwithstanding any other provision of this By law, a Person engaging in any of the activities specified in

subsections (b) through (d) of this Section 7 at any time other than that permitted for such activity in the applicable subsection shall be in violation of this By-law.

(b) Construction, Demolition and Commercial Landscaping Activity. No Person shall operate or permit the operation of any tools or equipment used in Construction, Demolition or commercial landscaping work in a Residential District between the hours of 7:00 p.m. and 6:59 a.m. the following day on Weekdays or between the hours of 7:00 p.m. and 7:59 a.m. the following day on any other day.

(c) Domestic Power Tools. No Person shall operate, or permit the operation of, any Power Tool or any garden tool, leaf blower or similar device powered mechanically, by electricity, by gasoline, by diesel or other fuel, outdoors in a Residential District between the hours of 8:00 p.m. and 6:59 a.m. the following day.

(d) Dumpsters and Trash Receptacles. No Person shall empty dumpsters or similar trash receptacles between the hours of 8:00 p.m. and 6:59 a.m. the following day on Weekdays or between the hours of 8:00 p.m. and 7:59 a.m. the following day on any other day.

(e) Engine Braking Devices. No Person shall operate any motor vehicle with an engine braking device engaged within the Town limits unless required for safety. This provision shall not apply to motor vehicles traveling on Route 3.

SECTION 8: EXEMPTIONS AND PERMITS

(a) Exemptions. The following uses and activities shall be exempt from the provisions of this By-law:

(1) Any law enforcement motor vehicle in the performance of law enforcement duties.

(2) Any fire apparatus, ambulance, rescue, public works or emergency response vehicle creating Sound in the performance of public safety responsibilities.

(3) Any vehicle in the performance of Emergency Work.

(4) Public address systems used at public events in a manner approved by any Town board, department or official having authority over said use.

(5) Safety signals, warning devices, emergency

pressure relief valves and similar devices during and in relation to public emergencies.

(6) Any activity (i) for which a permit under subsection (b) of this section exempting said activity from the provisions of this By-law has been granted by an Enforcement Official, (ii) which is the subject of a decision of any Town Board having authority over said activity including, without limitation, decisions of the Planning Board permitting certain activity at the Hingham Shipyard development and the Derby Street Shoppes or (iii) that is allowed by a Town board, department or official having authority over said activity including, without limitation, activity permitted subject to noise and/or use restrictions.

(7) Parades, music festivals, public gatherings, and events for which the Chief of Police has granted a permit.

(8) Bells, chimes or carillons, or their amplified, recorded, or other electronic substitution while being used in conjunction with religious services or to denote time intervals between the hours of 7:00 a.m. and 9:00 p.m.

(9) Snow removal from public or private parking lots, roads, driveways, sidewalks and other surfaces traveled by vehicles or pedestrians.

(10) Activities of temporary duration during a time of emergency conducted by a public utility company to repair or maintain public utility infrastructure.

(11) Construction activity under a valid permit issued by the Chief of Police under section 7 or 15 of Chapter 136 of the Massachusetts General Laws, or by any Town board, department or official having regulatory authority over Construction activity.

(12) Any vehicle utilizing an amplified communications system operated by a highway maintenance, water department, or public utilities worker acting in the performance of his or her responsibilities.

(13) The operation of modes of public transportation including, without limitation, buses, trains and commuter boats.

(14) Any activity to the extent the regulation thereof has been preempted by state or federal laws or regulations.

(b) Permits. Any Enforcement Official, for good cause shown, and with appropriate conditions so as

to reasonably minimize the any adverse impact on the public, may grant a permit allowing activity that would otherwise violate this By-law.

SECTION 9: APPEAL

Appeal of any citation for a violation of this By-law shall be made to the District Court or other court of competent jurisdiction in accordance with the provisions of M.G.L. c. 40, § 21D.

SECTION 10: SEVERABILITY

If any of the provisions of this By-law are held to be invalid by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

COMMENT: In the fall of 2013, the Board of Selectmen appointed the Noise By-law Study Committee ("Committee"). This committee was formed to study the merits of a Town-wide Noise By-law after a citizen petition related to the same was submitted for the 2013 Annual Town Meeting.

The citizen petition recommended that noise limitations based on decibel levels be imposed on a town-wide basis. The petition was modeled on similar provisions in the Hingham Zoning Ordinance regulating noise emanating from an Industrial District into a Residential District. At that time, the Board of Selectmen recommended "No Action" on the citizen-proposed By-law after the Selectmen and the Chief of Police expressed concern over applying the Industrial District zoning provision on a Town-wide basis. The "No Action" recommendation of the Selectmen was accepted by the petitioners with the understanding the Selectmen would appoint a committee to evaluate the issue. In addition, the Committee was tasked with studying a long-standing request of the Hingham Police Department ("HPD") for a civil enforcement tool to address noise-related complaints.

The Committee initially discussed whether there was an actual need for a Noise By-law. The HPD representative stated that the HPD wanted such a By-law. He explained that, at present, the only enforcement mechanism for dealing with noise complaints is to charge the offending party with the criminal offense of breach of the peace. Moreover, while the HPD generally does not permit construction activity to commence prior to 7:00 a.m., this is just a matter of custom and practice. There is no provision in the Town By-laws that actually imposes this time limitation. Based on this input, the

Committee determined that the adoption of a Noise By-law would be in the best interests of the Town. It then proceeded to address the content of such a By-law.

The Committee reviewed over 30 cities and towns to understand each town's approach to this issue. It performed a more in-depth review of existing noise By-laws in 13 towns, including Abington, Braintree, Belmont, Canton, Cohasset, Dedham, Lexington, Marshfield, North Attleboro, Rockland, Scituate, Wellesley, and Westwood.

Since October 2013, the Committee held 8 open meetings, in addition to four meetings with the Board of Selectmen. In January 2014, the Committee issued a proposed By-law, which was posted on the Selectmen's page of the Town of Hingham website. Based on citizen feedback, the Committee modified its original proposed by, among other things, removing the decibel level provision and removing specific references to sports-related activities.

The primary objectives of the proposed By-law are:

1) to provide the HPD with the ability to respond to a noise complaint by citing the offending party with a civil infraction, rather than a criminal charge and 2) to place time limits on construction activity, trash removal and use of domestic power tools, such as lawn mowers and leaf blowers. The By-law exempts from its provisions activities previously approved by Town boards or officials. For example, it exempts the Derby Street Shoppes and the Hingham Shipyard, both of which have received Planning Board Approval. Another example, not specifically mentioned in the By-law, is the high school athletic field project, which received similar approval as part of the permit granted by the Planning Board. Other essential activities are also exempted, such as noise generated by emergency vehicles and snow removal equipment.

As it relates to the needs of the Hingham Police Department, the proposed By-law will accomplish the following:

1) De-criminalize noise violations: during the two year period between November 2011 and November 2013, there were 248 noise related complaints logged by the Police Department for a variety of reasons. At present, the HPD's enforcement options are limited to bringing a criminal charge against the offending party, which has many drawbacks. First, for the police, processing a criminal offense is time consuming with paperwork and court appearances for violations. Also, criminal charges must be proven

beyond a reasonable doubt, while a civil infraction under the proposed By-law need only be supported by "substantial evidence", a lower standard of proof. In addition, a conviction becomes part of an individual's permanent record, potentially hindering job opportunities and many other activities that increasingly require background checks.

2) Define specific times for construction activity, trash removal and the use of domestic power tools: increasingly, the police are receiving noise-related complaints from Hingham citizens related to these activities very early in the morning and even during the middle of the night. By defining specific times of the day for such activities, the police will possess specific authority to regulate such activity.

Enforcement of this proposed By-law will be under the purview of the Hingham Police Department, the Executive Health Officer, the Building Commissioner and their authorized designees. Enforcement of noise-related complaints will continue to be applied in the same fashion currently applied by the police department. Violations of the proposed ordinance results in a civil fine of \$100 for the first offense, \$200 for a second offense and \$300 for the third and subsequent offenses. Police officers will retain the discretion to issue a warning rather than impose a fine.

While no proposed By-law can accurately contemplate all future situations, the Advisory Committee believes the proposed By-law strikes a reasonable balance providing the HPD with the necessary tools to enforce noise-related complaints without over-reaching and infringing on the day-to-day activities of Hingham citizens.

The Board of Selectmen and the Advisory Committee both unanimously support the proposed General By-law to be known as "Article 42: Noise Control By-law".

RECOMMENDED: That the Town approve the establishment of a new General By-law to be known as "Article 42: Noise Control By-law" as described below:

SECTION 1: SHORT TITLE

This By-law may be cited as the Hingham Noise Control By-law.

SECTION 2: DECLARATIONS OF FINDINGS AND POLICY

WHEREAS excessive sound poses a serious

hazard to the public health, welfare, safety and quality of life, and WHEREAS the residents of the Town of Hingham have a right to, and should be ensured, an environment free of excessive Sound that may jeopardize their health, welfare or safety, or degrade their quality of life; NOW THEREFORE, it is the policy of the Town of Hingham to prevent excessive Sound which may jeopardize the health, welfare or safety of its residents, or adversely impact their quality of life. This By-law shall apply to the control of all Sound originating within the geographical limits of the Town of Hingham.

SECTION 3: DEFINITIONS

(a) All terminology used in this By-law, but not defined below, shall be used with the meanings ascribed to such terms in the applicable standards of the American National Standards Institute (“ANSI”) or its successor bodies.

(b) “Construction” means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding Demolition for, or of, public or private rights-of-way, structures, utilities, or similar property.

(c) “Demolition” means any dismantling, intentional destruction of, or removal of, structures, utilities, public or private rights-of-way surfaces or similar property.

(d) “Emergency Work” means any work performed for the purpose of preventing or alleviating the physical harm to Persons or property, which requires immediate action.

(e) “Enforcement Official” means a Town official having authority to enforce this By-law as provided in Section 4 below.

(f) “Legal Holiday” means any day designated as a legal holiday under federal or Massachusetts state law.

(g) “Noise Disturbance” means any Sound which: (a) may disturb or annoy reasonable Persons of normal sensitivities; (b) causes, or tends to cause, an adverse effect on the public health and welfare; (c) endangers or injures Persons; or (d) endangers or injures real or personal property.

(h) “Person” means any individual, association, partnership, joint venture, corporation or other form of legal entity.

(i) “Plainly Audible Sound” means any Sound as to which the information content is unambiguously communicated to the listener including, without limitation, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass Sounds, or comprehension of musical rhythms, without the aid of any listening device.

(j) “Power Tool” means any device powered mechanically, by electricity, by gasoline, by diesel or any other fuel, which is intended to be used, or is actually used, for functions including, without limitation, cutting, nailing, stapling, sawing, vacuuming or drilling.

(k) “Public Right-of-Way” means any highway, boulevard, street, avenue, lane, sidewalk, alley or similar place, which is owned or controlled by a government entity.

(l) “Public Property” means any real property, including structures thereon, which are owned or controlled by a government entity.

(m) “Residential District” means any area designated as a Residential District in the Town of Hingham Zoning By-law.

(n) “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium, and which propagates at finite speed to distant locations.

(o) “Weekday” means any day from Monday through Friday that is not a Legal Holiday.

SECTION 4: ENFORCEMENT OF ORDINANCE

(a) Enforcement Officials. This By-law shall be enforced by the Chief of Police, the Executive Health Officer, the Building Commissioner and their authorized designees. For all purposes other than the granting of permits under this By-law, designees of the Chief of Police shall include any Hingham Police Officer.

(b) Penalties for Violation. Violations of this By-law shall be punishable by fine in accordance with the following schedule:

Offense	Fine
First	\$100
Second	\$200
Third and Subsequent	\$300

Violations resulting from Sound emanating from a particular parcel of property will be assessed against the Person controlling said property at the time of the violation, regardless of said Person's legal status as owner, lessor, tenant-at-will, licensee or otherwise. Nothing contained in this subsection shall prohibit an Enforcement Official from giving a warning in lieu of a fine if, in the Official's discretion, a warning is appropriate under the circumstances.

(c) **Non-Criminal Disposition.** In assessing fines for violations of this By-law, the Enforcement Official shall follow the procedure set forth in M.G.L. c. 40, § 21D.

SECTION 5: DUTIES AND RESPONSIBILITIES OF TOWN BOARDS AND OFFICIALS

(a) **Town Programs and Activities.** All Town departments, boards and officials shall carry out their programs and activities in a manner reasonably consistent with this By-law.

(b) **Cooperation of Town Boards and Officials.** All Town departments, boards and officials shall cooperate with the Enforcement Officials in enforcing the provisions of this By-law.

(c) **Project Review and Approval.** All Town departments, boards and officials having responsibility for the review and approval of new projects or activities, or changes to existing projects, that result, or may result, in the production of Sound shall, to the extent reasonably feasible under the circumstances, require compliance with the provisions of this By-law as a condition of approval. This By-law is not intended to require any Town department, board or official to apply a more restrictive standard for the approval of any project or activity, or change to any existing projects, than has been applied prior to the By-law's adoption.

SECTION 6: NOISE DISTURBANCE PROHIBITED

(a) No Person shall make, continue, or cause to be made or continued, any Noise Disturbance. Unamplified, non-commercial public speaking and public assembly activities conducted at conversational voice levels on any Public Property or Public Right-of-Way shall be exempt from the operation of this Section if such Sound is not Plainly Audible beyond 100 feet or does not infringe the legitimate rights of others.

(b) The facts required to establish a Noise Disturbance shall be identical to those required to establish a disturbance of peace under the common law (and punishable under M.G.L. c. 272, § 53). Violations of this By-law need only be proven by a preponderance of the evidence.

SECTION 7: SPECIFIC ACTIVITIES

(a) **Specific Activities Prohibited.** Notwithstanding any other provision of this By-law, a Person engaging in any of the activities specified in subsections (b) through (d) of this Section 7 at any time other than that permitted for such activity in the applicable subsection shall be in violation of this By-law.

(b) **Construction, Demolition and Commercial Landscaping Activity.** No Person shall operate or permit the operation of any tools or equipment used in Construction, Demolition or commercial landscaping work in a Residential District between the hours of 7:00 p.m. and 6:59 a.m. the following day on Weekdays or between the hours of 7:00 p.m. and 7:59 a.m. the following day on any other day.

(c) **Domestic Power Tools.** No Person shall operate, or permit the operation of, any Power Tool or any garden tool, leaf blower or similar device powered mechanically, by electricity, by gasoline, by diesel or other fuel, outdoors in a Residential District between the hours of 8:00 p.m. and 6:59 a.m. the following day.

(d) **Dumpsters and Trash Receptacles.** No Person shall empty dumpsters or similar trash receptacles between the hours of 8:00 p.m. and 6:59 a.m. the following day on Weekdays or between the hours of 8:00 p.m. and 7:59 a.m. the following day on any other day.

(e) **Engine Braking Devices.** No Person shall operate any motor vehicle with an engine braking device engaged within the Town limits unless required for safety. This provision shall not apply to motor vehicles traveling on Route 3.

SECTION 8: EXEMPTIONS AND PERMITS

(a) **Exemptions.** The following uses and activities shall be exempt from the provisions of this By-law:

(1) Any law enforcement motor vehicle in the performance of law enforcement duties.

(2) Any fire apparatus, ambulance, rescue, public works or emergency response vehicle creating Sound in the performance of public safety responsibilities.

(3) Any vehicle in the performance of Emergency Work.

(4) Public address systems used at public events in a manner approved by any Town board, department or official having authority over said use.

(5) Safety signals, warning devices, emergency pressure relief valves and similar devices during and in relation to public emergencies.

(6) Any activity (i) for which a permit under subsection (b) of this section exempting said activity from the provisions of this By-law has been granted by an Enforcement Official, (ii) which is the subject of a decision of any Town Board having authority over said activity including, without limitation, decisions of the Planning Board permitting certain activity at the Hingham Shipyard development and the Derby Street Shoppes or (iii) that is allowed by a Town board, department or official having authority over said activity including, without limitation, activity permitted subject to noise and/or use restrictions.

(7) Parades, music festivals, public gatherings, and events for which the Chief of Police has granted a permit.

(8) Bells, chimes or carillons, or their amplified, recorded, or other electronic substitution while being used in conjunction with religious services or to denote time intervals between the hours of 7:00 a.m. and 9:00 p.m.

(9) Snow removal from public or private parking lots, roads, driveways, sidewalks and other surfaces traveled by vehicles or pedestrians.

(10) Activities of temporary duration during a time of emergency conducted by a public utility company to repair or maintain public utility infrastructure.

(11) Construction activity under a valid permit issued by the Chief of Police under section 7 or 15 of Chapter 136 of the Massachusetts General Laws, or by any Town board, department or official having regulatory authority over

Construction activity.

(12) Any vehicle utilizing an amplified communications system operated by a highway maintenance, water department, or public utilities worker acting in the performance of his or her responsibilities.

(13) The operation of modes of public transportation including, without limitation, buses, trains and commuter boats.

(14) Any activity to the extent the regulation thereof has been preempted by state or federal laws or regulations.

(b) Permits. Any Enforcement Official, for good cause shown, and with appropriate conditions so as to reasonably minimize the any adverse impact on the public, may grant a permit allowing activity that would otherwise violate this By-law.

SECTION 9: APPEAL

Appeal of any citation for a violation of this By-law shall be made to the District Court or other court of competent jurisdiction in accordance with the provisions of M.G.L. c. 40, § 21D.

SECTION 10: SEVERABILITY

If any of the provisions of this By-law are held to be invalid by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

ARTICLE 30: Will the Town approve the filing of an application with the Interagency Permitting Board for the designation of land included in what is commonly known as the South Shore Park including properties located at 0 Abington St (Map 212, Lot 13); 73 Abington St (Map 211, Lot 001); 0 Commerce Road (Map 207, Lot 21); 130 Industrial Park Road (Map 207, Lot 20); 0 Abington Street (Map 208, Lot 9) ; 15 Technology Place (Map 213, Lot 15) ; 0 Rt. 3 (Map 208, Lot 67); 100 Industrial Park Rd (Map 207, Lot 3) ; 0 Derby St (Map 200, Lot 1); and, 55 Research Rd (Map 207, Lot 10) as Priority Development Sites under Chapter 43D of the Massachusetts General Laws, as amended, pursuant to Section 11 of Chapter 205 of the Acts of 2006; or act on anything relating thereto?

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

COMMENT: Under Article 50 of the 2012 Annual Town Meeting, the Town voted to accept the provisions of Chapter 43D of the Massachusetts General Laws and approved the filing of an application with the Interagency Permitting Board for the designation of land situated in the South Shore Park ("SSP"), formerly known as the South Shore Industrial Park. Chapter 43D is a local action law which allows for the SSP to be designated a "priority development site" and commits the town to act upon proposed development plans in an expedited manner, typically 180 days. Benefits to the Town of designation of the SSP as a priority development site are numerous and potentially substantial. They include priority consideration for state infrastructure grants, priority consideration for quasi-public financial and training programs, brownfields remediation assistance, enhanced on-line marketing of SSP to the nationwide business community, and eligibility for technical assistance grants. Most importantly, though, is that it ensures potential developers that their plans will be heard and acted upon in a timely basis, promoting additional economic development within the SSP.

Since the approval of the original Warrant Article, it was determined that some properties within the SSP were erroneously omitted. This Article includes those properties and enables the Town to move forward with its final application for Chapter 43D status.

RECOMMENDED: That the Town approve the filing of an application with the Interagency Permitting Board for the designation of land included in what is commonly known as the South Shore Park including properties located at 0 Abington St (Map 212, Lot 13); 73 Abington St (Map 211, Lot 001); 0 Commerce Road (Map 207, Lot 21); 130 Industrial Park Road (Map 207, Lot 20); 0 Abington Street (Map 208, Lot 9); 15 Technology Place (Map 213, Lot 15); 0 Rt. 3 (Map 208, Lot 67); 100 Industrial Park Rd (Map 207, Lot 3); 0 Derby St (Map 200, Lot 1); and 55 Research Rd (Map 207, Lot 10) as Priority Development Sites under Chapter 43D of the Massachusetts General Laws, as amended, pursuant to Section 11 of Chapter 205 of the Acts of 2006.

ARTICLE 31: Will the Town authorize, but not require, the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation to allow the Town to create a reserve, trust, or stabilization fund, or any other funding mechanism for the purpose of defraying unanticipated or unbudgeted special education

ex-penses, or act on anything relating thereto?
(Inserted at the request of the Special Education Funding Working Group)

COMMENT: The Special Education Funding Working Group (the "Working Group") was formed in the fall of 2012 at the suggestion of the Board of Selectmen and the Advisory Committee in response to an unforeseeable and unpreventable escalation of the Special Education (SPED) budget for Fiscal Year 2013 due to three SPED students moving into Hingham with combined out-of-district costs of \$533,000, excluding transportation.

The Working Group is made up of representatives of, or representatives appointed by, the Board of Selectmen ("BOS"), the School Committee ("SC"), the School Department ("SD"), the Special Education Parent Advisory Council and the Advisory Committee ("AdCom"). In addition, the BOS appointed two citizens at large to the Working Group. The Working Group's charge was to develop a lobbying plan to be evaluated, endorsed and implemented by the BOS and SC advocating for change in special education funding with particular focus on out-of-district placements and attendant transportation costs.

As a result of almost two years of research and analysis, the Working Group developed three recommendations for action. This article addresses one of its recommendations: to provide Hingham with a local option to mitigate the effect of significant unanticipated variances in the Town's special education budget. This article provides for the establishment of a reserve fund to be utilized for unanticipated, unbudgeted and/or extraordinary costs of special education out-of-district tuitions and/or transportation. This reserve fund will be administered by the Hingham School Committee ("SC").

Once established, moneys may be appropriated or transferred to the fund by the SC, the BOS or Town Meeting. Moneys may be utilized only to pay unanticipated, unbudgeted, extraordinary costs associated with out-of-district tuitions and/or transportation. These extraordinary costs may occur at any time during the fiscal year due to new families moving into Town, a change in SPED placement for an existing student, or a reduction in reimbursement due to the Town (i.e., circuit breaker reimbursement) from the Commonwealth as a result of the Legislature failing to appropriate sufficient funds for expenses incurred. Moneys may be distributed from the account by the SC without further appropriation.

The balance in this reserve fund shall not exceed 2% of annual net school spending for the prior fiscal year as defined by Chapter 70 of the Massachusetts General Laws.. The net school spending amount as determined by the Department of Elementary and Secondary Education ("DESE") changes annually and is part of the annual Chapter 70 calculation. As an example, 2% of Hingham's net school spending for Fiscal Year 2013 was \$716,000.

Establishment of this reserve fund will provide the Town with the ability to provide more balanced fiscal management of its operating budget in future years if such unanticipated, unbudgeted and/or extraordinary costs occur.

Both the Board of Selectmen and the Advisory Committee voted unanimously in support of this article. The School Committee voted 6 to 1 in favor of this article.

RECOMMENDED: Notwithstanding any general or special law to the contrary and in accordance with Article LXXXIX, Article II, Section 8 (M.G.L.A. Const. Amend. Art. 2, Section 8) of the Articles of Amendment to the Constitution of the Commonwealth, that the Town of Hingham authorize, but not require, its Board of Selectmen to petition the General Court of Massachusetts for a special act to allow the Town of Hingham School Committee to establish a reserve fund to be utilized in the current or upcoming fiscal year or years by the Town of Hingham School Committee to pay, without further appropriation, for unanticipated, unbudgeted and/or extraordinary costs of special education out-of-district tuitions and/or transportation. Further, that the Town of Hingham School Committee may appropriate or transfer in the current or upcoming fiscal year or years from the school department budget in order to fund said reserve fund. Further, that the Board of Selectmen may appropriate or transfer in the current or upcoming fiscal year or years from the town budget in order to fund said reserve fund. Said appropriations or transfers shall be in addition to any appropriation or transfers which may be approved by Town Meeting from time to time to said reserve fund. In any event, the balance in said reserve fund shall not exceed 2% of annual net school spending as defined in Chapter 70 of the Massachusetts General Laws for the prior fiscal year.

ARTICLE 32: Will the Town authorize, but not

require, the Board of Selectmen to acquire from 302-304 Whiting Street Limited Partnership (or the current record owner) for a public safety purposes, for nominal consideration, and on such other terms and conditions that the Board of Selectmen deem in the best interest of the Town, a certain parcel of land on Whiting Street containing approximately 41,287 square feet and more particularly shown as the "Public Safety Lot, Lots C & E (Combined)" on a plan entitled "410 Whiting Street Plan of Land in Hingham, Mass.", dated November 8, 2008, prepared by James Engineering, Inc. and recorded with the Plymouth County Registry of Deeds in Plan Book 55, Page 211, or act on anything related thereto?

(Inserted by the Board of Selectmen)

COMMENT: This article authorizes, but does not require, the Board of Selectmen, on behalf of the Town, to acquire a parcel of land located at 302 Whiting Street. This parcel was offered to the Town as part of a 40B Comprehensive Permit application by 302-304 Whiting Street Limited Partnership (the "Developer"). The final permit includes a condition which requires the Developer to convey the lot to the Town, cleared of all buildings and graded in accordance with prior approved plans. The ZBA Decision also contemplates that the parcel will be subject to a restrictive covenant, in perpetuity, restricting the use of the parcel as a public safety facility to be owned and operated by the Town of Hingham. However, a review of the development potential of the parcel indicates that redevelopment of the site in any substantial way for public safety purposes will be challenging because of wetland and riverfront setbacks that affect the parcel.

Such review also revealed that there is an existing two-bedroom house on the parcel. The Developer stated that he has made recent improvements to the house, including a newer roof and heating system and suggested that the Town may wish to preserve the house. Representatives of the Hingham Affordable Housing Trust and the Building Department toured the house and made preliminary findings that the house is structurally sound, but certain upgrades will be needed, such as electrical work and the kitchen, to put the home into better condition.

Based on the foregoing information, the Board of Selectmen recently considered an alternative use of the site which preserves the existing home so that it may be sold as a deed-restricted affordable housing unit that could be counted by the Massachusetts Department of Housing and Community

Development on the Town's subsidized housing inventory.

As the house will need some improvements prior to its sale to an eligible affordable purchaser, and the Hingham Affordable Housing Trust has funds available for such purposes, it may be advisable that the Hingham Affordable Housing Trust take title to the property as permitted by the Trust's By-law (Article 39 of the Town's General By-laws) without a Town Meeting vote. Upon resale of the house as an affordable unit, the Trust would recoup the improvement costs.

Although acquisition by the Trust may ultimately be the best course to take for acquisition of the lot, adoption of this warrant article is recommended in order to preserve the option that the Board of Selectmen accept title to the parcel on behalf of the Town by gift or through a "friendly" eminent domain proceeding, if necessary, to clear any issues that may appear in the title. Because the Developer has offered the parcel to the Town at no cost, this would not be an adverse action by the Town. If the Board of Selectmen were to do so, it could then decide whether the parcel is surplus for the Board of Selectmen's purposes, which would allow transfer of control to the Trust. In any event, the Town will undertake a full evaluation of the costs to upgrade the home and amend the existing permit condition, as necessary, prior to the Town taking title. The Board of Selectmen and the Hingham Affordable Housing Trust have voted unanimously to support this Article. This Article requires a two-thirds vote for adoption.

RECOMMENDED: That the Town (1) authorize, but not require, the Board of Selectmen to acquire from 302-304 Whiting Street Limited Partnership (or the current record owner), by gift or by eminent domain, for nominal consideration, a certain parcel of land on Whiting Street containing approximately 41,287 square feet and more particularly shown as the "Public Safety Lot, Lots C & E (Combined)" on a plan entitled "410 Whiting Street Plan of Land in Hingham, Mass.," dated November 8, 2008, prepared by James Engineering, Inc. and recorded with the Plymouth County Registry of Deeds in Plan Book 55, Page 211, for any municipal purpose and on such terms and conditions and subject to such restrictions on use, that the Board of Selectmen may deem in the best interest of the Town, and (2) authorize, subject to a determination by the Board of Selectmen in accordance with

applicable law that the parcel is no longer needed by the Board of Selectmen for the purpose so acquired, the transfer of care, custody, management and control of said parcel to the Hingham Affordable Housing Trust for the purpose of leasing or selling the parcel and the home thereon as an affordable housing unit which shall be deed-restricted for such use in perpetuity.

ARTICLE 33. To see if the Town will vote to amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 30, "RULES AND REGULATIONS GOVERNING USE OF CONSERVATION LAND IN HINGHAM", Section 3, and at Article 10, "PUBLIC WAYS – COMMON LANDS", Section 9, as follows:

1. Article 30, "RULES AND REGULATIONS GOVERNING USE OF CONSERVATION LAND IN HINGHAM", Section 3, shall be amended in its entirety by replacing the current language thereof with the following language:

SECTION 3:

(1) No hunting is allowed on any lands under the management, custody or control of the Town of Hingham Conservation Commission (hereinafter "Commission") other than as may be authorized by the Commission in accordance with the provisions of subsection (2) of this Section 3.

(2) (a) Otherwise lawful hunting of deer and fowl by use and shooting of bow and arrows may be conducted on those designated portions of any lands under the management, custody or control of the Commission only as authorized by written permit issued by the Commission in accordance with the provisions of this Section 3.

(2) (b) Such authorization and permits, if any, as provided for in subsection 2(a) hereof shall be granted by the Commission pursuant to a written policy or regulations developed, adopted, promulgated and implemented by the Commission to (i) comply with the Commission's legal obligations, (ii) manage the needs of the hunting community and the non-hunting community, and the resources involved with the activity, and (iii) comply with provisions of state and federal laws and regulations applicable to such hunting.

(2) (c) The Commission shall (i) develop and adopt said written policy or regulations as provided for under subsection 2(b) hereof through a public hearing process, (ii) promulgate and implement the

initial written policy or regulations no later than October 1, 2014.

(2) (d) A mandatory provision of any such policy or regulations under subsection (2) (c) hereof shall require that any such authorization and permits can only be issued upon written application by each individual seeking such authorization and permit, which application shall require such information as the Commission deems reasonable to (i) comply with the Commission's legal obligations, (ii) manage the needs of the hunting and non-hunting community, and the resources involved with the activity, and (iii) comply with provisions of state and federal laws and regulations applicable to such hunting. The Commission may, as a condition precedent to the issuance of any such authorization and permit, and with approval of the Selectmen of the Town of Hingham, charge to and require payment of a uniform fee by all such applicants for the purpose of defraying the administrative cost of the Commission incurred in processing such applications and administering this Section 3; and may as a further condition precedent thereof require a written release of liability and/or indemnification from the applicant to the extent allowed by law.
and

2. Article 10, PUBLIC WAYS – COMMON LANDS”, Section 9, first sentence, shall be amended to add the following language to the end thereof:

; provided, there is excepted from the scope and effect of the preceding language the shooting and use of bow and arrows for the exclusive purpose of otherwise lawful hunting of deer and fowl as may be allowed by written authorization and permit on designated portions of any lands under the management, custody or control of the Town of Hingham Conservation Commission in conformity with the provisions of Article 30, Section 3, of the Town of Hingham By-laws, as amended from time to time.

(Inserted at the request of Francis J. Gaul and others)

COMMENT: Based on its authority under state law, the Hingham Conservation Commission permitted bow hunting of turkey and deer on Town conservation land from 2006 to 2013. The Commission rescinded hunting on Conservation Land in 2014 when it became aware that the Town By-law prohibits hunting. This article would amend the By-law to authorize the Conservation Commission to create policies and regulations to allow bow hunting on conservation land. The article

was initiated by citizens, but the Conservation Commission supports it.

Previous Conservation Commission rules limited bow hunting to certain of the Town's larger tracts of conservation land, allowed the Conservation Commission to issue hunting permits, permitted only stationary bow hunting from tree stands, and prohibited hunting within 150 feet of trails. The Conservation Commission expects that it would allow bow hunting on substantially the same terms if this article were adopted, but, before issuing regulations to that effect, it would engage in a public process affording citizens the opportunity for review and comment on any proposed regulations. The Conservation Commission expects that it would issue new policies and regulations by October 1, 2014.

Hunting is a wildlife management tool that can help to reduce problems caused by overpopulation of certain animal species. Such problems include destruction of vegetation, the spread of Lyme disease and other illnesses, and animal-vehicle collisions. In addition to whatever provisions the Conservation Commission may enact, state regulations prohibit hunting within 500 feet of a building in use or 150 feet of a paved road. Statistics point to the activity's relative safety, compared with other outdoor activities.

In recent years, the Conservation Commission issued up to 40 bow hunting permits in a year. The Commission is unaware of any injuries resulting from bow hunting in Hingham during the 8 years it was permitted.

In closing, this article would not itself authorize bow hunting, but would allow the Conservation Commission to permit bow hunting on such terms as it establishes after allowing the public an opportunity to be heard.

The Conservation Commission affirmed its support of this Article at its January 13, 2014 meeting. The Chief of Police is comfortable with the proposed By-law amendment. The Board of Selectmen voted unanimously in support of the Article as well.

RECOMMENDED: That the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 30, "RULES AND REGULATIONS GOVERNING USE OF CONSERVATION LAND IN HINGHAM", Section 3, and at Article 10, "PUBLIC

WAYS – COMMON LANDS”, Section 9, as follows:

1. Article 30, “RULES AND REGULATIONS GOVERNING USE OF CONSERVATION LAND IN HINGHAM”, Section 3, shall be amended in its entirety by replacing the current language thereof with the following language:

SECTION 3:

(1) No hunting is allowed on any lands under the management, custody or control of the Town of Hingham Conservation Commission (hereinafter “Commission”) other than as may be authorized by the Commission in accordance with the provisions of subsection (2) of this Section 3.

(2) (a) Otherwise lawful hunting of deer and fowl by use and shooting of bow and arrows may be conducted on those designated portions of any lands under the management, custody or control of the Commission only as authorized by written permit issued by the Commission in accordance with the provisions of this Section 3.

(2) (b) Such authorization and permits, if any, as provided for in subsection 2(a) hereof shall be granted by the Commission pursuant to a written policy or regulations developed, adopted, promulgated and implemented by the Commission to (i) comply with the Commission’s legal obligations, (ii) manage the needs of the hunting community and the non-hunting community, and the resources involved with the activity, and (iii) comply with provisions of state and federal laws and regulations applicable to such hunting.

(2) (c) The Commission shall (i) develop and adopt said written policy or regulations as provided for under subsection 2(b) hereof through a public hearing process, (ii) promulgate and implement the initial written policy or regulations no later than October 1, 2014.

(2) (d) A mandatory provision of any such policy or regulations under subsection (2) (c) hereof shall require that any such authorization and permits can only be issued upon written application by each individual seeking such authorization and permit, which application shall require such information as the Commission deems reasonable to (i) comply with the Commission’s legal obligations, (ii) manage the needs of the hunting and non-hunting community, and the resources involved with the activity, and (iii) comply with provisions of state

and federal laws and regulations applicable to such hunting. The Commission may, as a condition precedent to the issuance of any such authorization and permit, and with approval of the Selectmen of the Town of Hingham, charge to and require payment of a uniform fee by all such applicants for the purpose of defraying the administrative cost of the Commission incurred in processing such applications and administering this Section 3; and may as a further condition precedent thereof require a written release of liability and/or indemnification from the applicant to the extent allowed by law.

2. Article 10, PUBLIC WAYS – COMMON LANDS”, Section 9, first sentence, shall be amended to add the following language to the end thereof:

; provided, there is excepted from the scope and effect of the preceding language the shooting and use of bow and arrows for the exclusive purpose of otherwise lawful hunting of deer and fowl as may be allowed by written authorization and permit on designated portions of any lands under the management, custody or control of the Town of Hingham Conservation Commission in conformity with the provisions of Article 30, Section 3, of the Town of Hingham By-laws, as amended from time to time.

ARTICLE 34: Will the Town authorize, but not require, the Board of Selectmen to accept grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board deems in the best interest of the Town, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: The Town benefits from many easements over private property throughout Hingham. From time to time, the Town, and particularly its Department of Public Works, requires new easements in order to complete roadway and other public works projects. At times, the Town receives requests from private property owners to relocate easements held by the Town on their property. Under Massachusetts law, Town Meeting approval is required for the Board of Selectmen to accept such easements. This Article would allow the Board to accept such easements during the coming year and, thus, to avoid potentially expensive delays and inconvenience to projects that benefit the Town. This Article is intended solely to cover easements voluntarily granted to the Town, and would not allow the Board to accept easements that require funds to

acquire them. Furthermore, the authority conferred by this Article is not unlimited in time; it is limited to the coming year. If continuing authority is required, the next Annual Town Meeting may be asked to approve it. Finally, because the phrase "any public purpose" might be considered vague and indefinite, the Advisory Committee recommends a more specific description of the purposes of accepted easements.

RECOMMENDED: That the Town authorize, but not require, for a period through April 30, 2015, the Board of Selectmen to accept grants of easements for purposes of streets, sidewalks, pedestrian walkways, water, drainage, sewage, or utility facilities on terms and conditions the Board deems in the best interests of the Town.

ARTICLE 35. Will the Town raise and appropriate or transfer from available funds a sum of money for an unpaid bill of a previous year to Tetra Tech, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

COMMENT: This article requests that Town Meeting authorize the payment of an unpaid FY2013 invoice for professional engineering services for a Response Action Outcome Statement for the former DPW Facility on Hersey Street. Because the invoice was misdirected, the \$10,898.69 bill remains unpaid. Although there were sufficient funds in the FY13 budget to cover this invoice, the money was not encumbered as of June 30, 2013 and, therefore, was not available to pay the invoice in FY14.

Approval for payment of this bill requires a four-fifths (4/5) vote of Town Meeting.

RECOMMENDED: That the Town transfer from available funds a sum of \$10,898.68 for an unpaid bill of a previous year.

ARTICLE 36: Will the Town transfer a sum of money from the Receipts Reserved for Appropriation Fund: Insurance Recovery in Excess of \$20,000 for use as follows:

- \$28,000 for use by the School Department for repair of the Foster School boiler;
- \$1,800 for use by the School Department for inspection of the Hingham Middle School roof;
- \$36,934 for use by the Country Club Management Committee for repair of damage due to sprinkler breaks; and
- \$20,325 to for use by the Department of Public Works for purchase of a replacement vehicle.

COMMENT: Massachusetts General Law requires the expenditure of insurance recoveries in excess of \$20,000 be subject to a vote of Town Meeting prior to final expenditure.

In 2013, an inspection of the boilers at Foster School revealed the development of a crack in one of its boilers. The Town received proceeds in the amount of \$28,000 from the insurance company as reimbursement for the repair costs to the boiler.

As a result of heavy snowfall in the winter of 2011, a section of the Hingham Middle School roof required emergency stabilization and shoring to preserve structural integrity. Costs to complete that stabilization, including replacement of a beam and permanent shoring posts, were covered by insurance. In 2013, an annual inspection of the Hingham Middle School roof was conducted. The Town received \$1,800 from the insurance company as reimbursement for the cost of the inspection.

In 2014, a broken Fire Sprinkler System pipe at the South Shore Country Club caused extensive damage to the clubhouse building and some of its contents. The Town was reimbursed \$36,934 by the insurance company for necessary repairs to the building and replacement costs for damaged items.

In 2014, the Department of Public Works experienced the total loss of an International Six Wheel Dump truck. The Town received proceeds from the insurance company in the amount of \$20,325.

RECOMMENDED: That the Town transfers \$87,059 from the Receipts Reserved for Appropriation Fund: Insurance Recovery in Excess of \$20,000 for use as follows:

- \$28,000 for use by the School Department for repair of the Foster School boiler;
- \$1,800 for use by the School Department for inspection of the Hingham Middle School roof;
- \$36,934 for use by the Country Club Management Committee for repair of damage due to sprinkler breaks; and
- \$20,325 for use by the Department of Public Works for purchase of a replacement vehicle.

ARTICLE 37. Will the Town accept the laying out, as a Town way, of a way beginning at the intersection with Fort Hill Street extending approximately 2960 feet, more or less, in a northwesterly direction to the gate at Bare Cove Park as shown on a plan entitled "As Built" Plan

Bare Cove Park Drive prepared by CHA Consulting, Inc. dated February 28, 2014 as revised from time to time and the name Bare Cove Park Drive be given said way, or act on anything relating thereto?
(Inserted by the Board of Selectmen)

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

A true copy
Attest:

Kathleen A. Peloquin
Constable of Hingham
April 3, 2014

You are hereby also directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet at three designated polling places in said Town of Hingham according to their precinct, to wit: Precinct 1,2,3 and 4: High School, 17 Union Street; Precincts 5 and 6: Middle School, 1103 Main Street; and Precinct 5aL /derby Club House at Linden Ponds on SATURDAY, the third day of May 2014 at EIGHT O'CLOCK in the forenoon, then and there to give their votes on the official ballot for:

A Moderator to serve one year, a Selectman to serve three years; an Assessor to serve three years; one member of the Board of Health to serve three years; a Treasurer/Collector to serve for three years; three members of the School Committee to serve three years; a member of the Planning Board to serve five years; a member of the Sewer Commission to serve three years; a member of the Recreation Commission to serve five years; a member of the Housing Authority; and a member of the Municipal Light Board to serve three years.

Hereof fail not and make due return of this warrant with you doings thereon to the Town Clerk on or before the 4th day of April 2014.

Given under our hands at Hingham this 3rd day of April 2014.

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

Kathleen A. Peloquin
Constable of Hingham
April 3, 2014

L. Bruce Rabuffo
Irma H. Lauter
Paul K. Healey

REPORT OF THE CAPITAL OUTLAY COMMITTEE

I. OVERVIEW

The Capital Outlay Committee (Capital) is charged with:

A. Ascertaining the Capital Outlay requirements of various Town departments, boards and committees over the next five years. Capital assets considered by the Capital Outlay Committee typically have a useful economic life of more than five years and cost \$10,000 (\$5,000 through 2015) or more or are otherwise classified as fixed assets on the Town's financial statements.

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

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

Capital has reviewed \$5,075,377 of capital requests from the various Town departments for FY2015 and herein submits its recommendations for FY2015, as well as general projections of capital needs for the following four fiscal years. Capital's recommendations for FY2015 are based on the assessment of need. Capital items, for the most part, consist of the Town's infrastructure and the equipment to support that infrastructure. Over the long run, most capital spending on infrastructure is not discretionary. During 2010 and 2011, as a result of the adverse economic conditions impacting the Town and its inhabitants capital spending was significantly curtailed. In the years since then, annual capital spending has been less than historical averages due to conservative financial management. As a result, many of the items contained in the FY2015 capital requests have been deferred/delayed from previous years. While this practice has been necessary, it has resulted in a growing backlog of capital requests for future years. Capital recommends that, in preparation for the FY2016 budget process, additional funds be made available for replacement of capital items in order to prevent a significant negative impact to the Town's capital base.

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

Capital's recommendations for FY2015 Funding Sources are summarized below:

RECOMMENDED	
Tax Levy-funded	\$ 2,000,000
Fund Balance (General)	\$ 214,922
Fund Balance (Mooring permits, other)	\$ 72,000
User rates-charges	\$ 329,500
Borrowing	\$ 1,391,417
Total:	\$ 4,007,839

II. SPECIFIC RECOMMENDATIONS

Capital makes the following recommendations for FY2015:

Accounting / MIS

Capital recommends \$80,500 for information technology replacement. Capital also recommends an outlay of \$44,698 for website redesign and \$6,000 for Barracuda email spam & virus firewall.

Selectmen

Capital recommends \$50,000 for fire alarm changes for town and school owned buildings.

Town Hall

Capital recommends \$20,000 for renovations and repairs, \$41,750 to replace four rooftop HVAC units and \$100,000 to replace the Town Hall cooling towers.

GAR Hall

Capital recommends \$42,000 to re-shingle the roof, \$5,000 to install new property bounds markers and \$18,000 for a new air conditioning condenser.

Police Department

Capital recommends \$216,000 to replace six and purchase one new police vehicle as well as \$5,000 for workspace improvements in the "old" dispatch area. Capital also recommends \$20,000 to replace ten defibrillators and \$20,000 to replace forty bullet proof vests. Harbormaster capital recommendations are \$50,000 for the installation of a fiber optic internet connection between the DPW Building on Beal Street and the Harbormaster's Shipyard office, \$15,000 to furnish and equip the Shipyard office and \$7,000 for mooring replacement. Funding for Harbormaster expenditures will come from mooring permit fees.

Fire Department

Capital recommends \$1,200,000 to replace two fire engines. Capital also recommends \$18,000 for replacement of nine sets of fire-fighting turnout gear, \$27,000 for replacement of fire hydrants and hoses, \$15,500 to replace a Stryker Stretcher and \$30,000 to rebuild the engine on Medic 07. Funding for the fire engines will come from borrowing.

Public Works/Engineering

Capital recommends \$112,000 for the Derby Street Design.

Public Works

Capital recommends \$177,800 for the replacement of a knuckle boom truck, \$116,500 for replacement of a front end loader, \$76,000 to purchase one new, additional Groundskeeper mower and \$25,000 to repair two existing mowers. Capital also recommends \$7,000 to replace fencing along Burr Road, \$30,000 to replace a dump truck with plow, and \$34,500 to replace an administrative vehicle. For the landfill, capital recommends \$60,000 for a closed top trailer, and \$25,000 for replacement of tires and undercarriage repair on trash trailers.

Sewer Department

Capital recommends \$84,000 for renovations and repairs of pump stations, \$50,000 for service replacements, and \$30,500 for a pickup truck with plow. Funding for these expenditures will come from Sewer rates and/or fees.

Library

Capital recommends \$20,000 for replacement of information technology equipment, \$94,000 to replace floor tile in the Lobby and Cafe, \$20,000 for exterior painting and re-glazing and \$9,000 for the purchase and installation of an IP public address system.

Recreation Department

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

South Shore Country Club

Capital recommends \$191,417 for the replacement of two fairway and three triplex mowers and \$100,000 for golf course and facility improvements at the South Shore Country Club. Funding for the mowers will come from borrowing. Funding for the additional expenditures and debt service for the debt will come from South Shore Country Club cash flow.

School

Capital recommends the following expenditures for Foster School: \$10,000 for playground repairs and drainage.

Capital recommends the following expenditures for Plymouth River School: \$15,000 to install a new ceiling with recessed lights in the office.

Capital recommends the following expenditures for South School: \$13,100 to replace carpet in the library and room 120, and \$12,000 for a new kitchen floor.

Capital recommends the following expenditures for the High School: \$39,000 for efficient lighting projects, \$10,000 to replace carpet in the auditorium, \$8,000 to sand and refinish the auditorium stage floor and \$19,000 to resurface the kitchen floor.

Capital recommends the following expenditures System wide: \$170,000 for school technology replacements, \$35,016 for PARCC (Partnership for Assessment of Readiness for College and Careers) assessment technology readiness, \$29,758 for technology enhancements and new initiatives, \$25,000 for replacement of two copiers, \$28,125 for instructional equipment, \$11,200 for the area carpet replacement plan, \$25,000 for roof repairs, \$40,000 for Gate House renovations, \$12,000 for Building 12 roof leak remediation and ceiling repair, \$31,475 for interior and exterior maintenance equipment, and \$30,000 for replacement of a school transportation van, \$38,000 for replacement of maintenance vehicle, and \$47,000 for a new, additional wheel chair van.

Funding for the \$31,475 maintenance equipment is typically funded by field revenues and will not be funded from Capital in subsequent years.

III. COMMENTS AND RECOMMENDATIONS FOR SUBSEQUENT YEARS

As mentioned in Section I above, during the last few years the Town has been allocating funds to the capital budget in amounts that are less than required to adequately fund replacement of capital equipment and other Town owed assets. This results in increased repair expenditures and ultimately higher costs when those capital items are replaced. The Capital Outlay Committee encourages the Selectmen, Advisory Committee and Town Administrator to allocate more funds to the capital budget in future years in order to better manage the replacement and maintenance of Town owned assets. It is

preferable to be proactive rather than risking the failure of one or more systems and spending more funds to remedy an emergency situation.

In a related issue, the Capital Outlay Committee has been concerned that expenses related to all capital assets of the Town have not been reflected in the five year Capital Budget presented by the Committee. This issue was discussed in a comment to the Capital Budget in the Warrant for the 2012 Town Meeting. Specifically, Capital was concerned that major expenditures such as the repair/refurbishment of all Town owned real estate were not in the Capital Budget. As a result, Capital recommended the expenditure of \$60,000 for Phase One of an outside survey of Town owned facilities for FY2014 in the Warrant for the 2013 Town Meeting. In addition, the Capital Plan forecast for 2015 contemplated \$140,000 for Phases Two and Three of the project. This survey was intended to develop a comprehensive list of all components (roofs, HVAC, plumbing, etc.) of each facility. This information would be used to create a database that would contain the repair/replacement schedule for all facilities. As a result, the town department heads and committees like the Advisory Committee and Capital would have a tool to understand the ongoing capital requirements related to the facilities for each year and to proactively manage the repair/replacement process on a comprehensive basis.

During 2014, the Selectmen and Town Administrator opted for an internally prepared survey of Non School Owned Town Facilities. While this survey was the start of a process, it was conducted by town employees who may not have the background, experience or time to properly evaluate the building subsystems. It is critical that the Town accurately identifies and quantifies the ongoing capital needs of all Town owned assets, including facilities, so that these expenditures can be anticipated and planned for. As a result, Capital believes that the outside survey of Town owned facilities should be completed and will focus on this topic during the FY2016 budget process. Once the survey and initial database are completed, the next step will be to determine who will manage this process and database on an ongoing basis.

Ray Eisenbies, Chairman
Libby Claypoole
Brendan Kiernan
Craig MacKay, Advisory Committee
Lucy Hancock, Advisory Committee
Jean Montgomery, Treasurer-Collector *ex-officio* (non-voting)

FY2015 Five Year Capital Plan

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
ACCOUNTING/MIS:					
Information Technology Assets (20% replacement)	\$80,500				
Website Redesign (replacement)	\$44,698				
Barracuda Email Spam & Virus Firewall (new)	\$6,000				
Information Technology Assets (20% replacement)		\$84,000			
Video Cameras (Skate Park) (new)		\$44,000			
Large Format Printer/Plotter/Scanner (new)		\$8,500			
Document Management System (new)		\$80,000			
Information Technology Assets (20% replacement)			\$88,700		
Storage Area Network (replacement)			\$80,000		
Information Technology Assets (20% replacement)				\$92,000	
Information Technology Assets (20% replacement)					\$94,000
TOTAL ACCOUNTING/MIS	\$131,198	\$216,500	\$168,700	\$92,000	\$94,000
SELECTMEN:					
Fire Alarm Monitoring Changes - Town & School Buildings	\$50,000				
TOTAL SELECTMEN	\$50,000	\$0	\$0	\$0	\$0
TREASURER:					
Postage Machine (replacement)					\$6,000
TOTAL TREASURER	\$0	\$0	\$0	\$0	\$6,000
TOWN HALL:					
Cooling Towers (replacement)	\$100,000				
Town Hall-Rooftop HVAC Units (4) (replacement)	\$41,750				
Town Hall (renovations & repairs)	\$20,000				
Carpeting, 2nd floor Town Hall (replacement)		\$15,000			
Town Hall (renovations & repairs)		\$20,000			
Town Hall (renovations & repairs)			\$20,000		
Make-up Air Units for Gym/Auditorium (replacement)				\$40,000	
Town Hall (renovations & repairs)				\$20,000	
Town Hall (renovations & repairs)					\$20,000
TOTAL TOWN HALL	\$161,750	\$35,000	\$20,000	\$60,000	\$20,000
GAR HALL:					
Re-shingle Roof (replacement)	\$42,000				
Property Bounds Installation (new)	\$5,000				
Air Conditioning Condenser (new)	\$18,000				
TOTAL GAR HALL	\$65,000	\$0	\$0	\$0	\$0

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
<u>VETERANS SERVICES:</u>					
Chevrolet City Express Van (new)		\$27,000			
TOTAL VETERANS SERVICES	\$0	\$27,000	\$0	\$0	\$0
<u>POLICE DEPARTMENT:</u>					
Station - Dispatch Area (remodel)	\$5,000				
Police Vehicles (6) (replacement) & (1) (new)	\$216,000				
Defibrillators (10) (replacement)	\$20,000				
Bullet Proof Vests (40) (replacement)	\$20,000				
Fiber/Equipment- Harbormaster (new)	\$50,000				
Office Furniture/Equipment- Harbormaster (new)	\$15,000				
Moorings- (replacement)	\$7,000				
Motor Cycles (2) (replacement)		\$34,000			
Station - Dispatch Area (remodel)		\$12,000			
Police Vehicles (7) (replacement)		\$213,500			
Non-Lethal Weapons (9) (replacement)		\$9,000			
Copier (1) (replacement)		\$5,000			
Boat Engines- Harbormaster (2) (replacement)		\$33,000			
Computer (replacement)		\$4,500			
Non-Lethal Weapons (41) (replacement)			\$41,000		
Re Deck Town Pier (replacement)			\$8,000		
Police Vehicles (7) (replacement)				\$202,000	
Boat Engine - Harbormaster (1) (replacement)					\$20,000
Police Vehicles (6) (replacement)					\$181,000
TOTAL POLICE DEPARTMENT	\$333,000	\$311,000	\$49,000	\$202,000	\$201,000
<u>FIRE DEPARTMENT:</u>					
E-91 (1991) (replacement) & E-93 (1993) (replacement)	\$1,200,000				
Medic 07 Engine (rebuild)	\$30,000				
Fire Hydrants & Hose (replacement)	\$27,000				
Turnout Gear (9 sets) (replacement)	\$18,000				
Stryker Stretcher (replacement)	\$15,500				
Hurst Hydraulic Tools (replacement)		\$15,000			
Station 1 Jockey Gas Heater (replacement or new)		\$50,000			
Boat (1970) (replacement)		\$60,000			
Forest 1 (1999) (replacement)		\$41,000			
Fire Hydrants & Hose (replacement)		\$27,000			
Turnout Gear (9 sets) (replacement)		\$18,000			
Station 2 (North) (renovation)		\$1,000,000			
Radio upgrades (replacement)		\$5,000			

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
Fire Hydrants & Hose (replacement)			\$27,000		
Station 1 Exterior Painting			\$20,000		
Station 3 (Constitution) (renovation)			\$1,000,000		
SCBA Bottles			\$38,800		
Turnout Gear (9 sets) (replacement)			\$18,000		
Quint 1 (1999) (replacement)				\$995,000	
C-4 (2009) (replacement)				\$30,000	
Fire Hydrants & Hose (replacement)				\$27,000	
Turnout Gear (9 sets) (replacement)				\$18,000	
SAED (3) (replacement)				\$5,000	
Fire Hydrants & Hose (replacement)					\$27,000
Turnout Gear (9 sets) (replacement)					\$18,000
SAED (3) (replacement)					\$5,000
Station 2 Ramp (replacement)					\$10,000
Stair Chair (replacement)					\$2,500
TOTAL FIRE DEPARTMENT	\$1,290,500	\$1,216,000	\$1,103,800	\$1,075,000	\$62,500
<u>PUBLIC WORKS (ENGINEERING):</u>					
Derby St Design (new)	\$112,000				
Rotary (Rt 3A) Design (Phase I) (new)		\$205,000			
Rotary (Rt 3A) Design (Phase II) (new)			\$205,000		
TOTAL PUBLIC WORKS (ENGINEERING)	\$112,000	\$205,000	\$205,000	\$0	\$0
<u>PUBLIC WORKS (HIGHWAY):</u>					
Burr Road fence Installation	\$7,000				
3/4 Ton Truck #5435 (2003) (replacement)	\$30,000				
IH4300 Knuckle Boom #5417 (2003) (replacement)	\$177,800				
Administrative Vehicle #5373 (2001) (replacement)	\$34,500				
2006 Groundsmaster 4000D #5476 & #5477 (repair)	\$25,000				
Groundsmaster 4000D (New)	\$76,000				
Volvo, L60E, Wheel Loader #5457 (2004) (replacement)	\$116,500				
Mid size Dump Truck #5027 (2003) (replacement)		\$150,500			
4700 IH Forrester Dump #5016 (2002) (replacement)		\$125,000			
3/4 Ton Truck #5412 (2003) (replacement)		\$31,000			
Dump Truck w/S&P #5883 (2002) (replacement)		\$124,000			
Dump Truck w/S&P #5428 (2003) (replacement)			\$131,000		
3/4 Ton Truck #5468 (2005) (replacement)			\$29,000		
Case 580SL Backhoe #5865 (2000) (replacement)			\$75,000		
Sidewalk Tractor #5024 (1993) (replacement)			\$92,000		

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
Leaf Blower #5433 (2002) (replacement)			\$5,000		
3/4 Ton Truck #5110 (1998) (replacement)			\$31,000		
Walk Behind 48" Mower #TP-2 (2003) (replacement)			\$10,000		
Walk Behind 48" Mower #TP-2 (2003) (replacement)			\$10,000		
Bombardier Sidewalk Tractor #5118 1993 (replacement)				\$92,000	
Walk Behind 48" Mower #TP-2 (2003) (replacement)				\$10,000	
Walk Behind 48" Mower #TP-2 (2003) (replacement)				\$10,000	
3/4 Ton Pickup #5110 (1998) (replacement)				\$31,000	
John Deere F1148 Tractor #6038 (1996) (replacement)					\$33,000
IH Dump 7400DP P&S #5105 (2008) (replacement)					\$120,000
Chevrolet 3500 1 Ton Dump #5443 (2003) (replacement)					\$44,000
IH 6 Wheel Dump with Plow & Sander					\$120,000
TOTAL PUBLIC WORKS (HIGHWAY)	\$466,800	\$430,500	\$383,000	\$143,000	\$317,000
<u>PUBLIC WORKS (LANDFILL):</u>					
T-6 Closed Top Trailer #5579 (2000) (replacement)	\$60,000				
Trailer Tires 36 & Undercarriage repair (2000) (replacement)	\$25,000				
T-5 Closed Top Trailer #5580 (2000) (replacement)		\$60,000			
Trailer Tires 36 & Undercarriage repair (2000) (replacement)		\$25,000			
4 Wheel Drive 3/4 PU 2500HD #5430 (2003) (replacement)		\$30,000			
T-7 Closed Top Trailer #5573 (2000) (replacement)			\$60,000		
Trailer Tires 36 & Undercarriage Repair (2000) (replacement)			\$25,000		
T-3 Open Top Trailer #5576 (2000) (replacement)				\$50,000	
Trailer Tires 36 & Undercarriage repair (2000) (replacement)				\$25,000	
T-8 Closed Top Trailer #5573 (2000) (replacement)					\$60,000
Trailer Tires 36 & Undercarriage repair (2000) (replacement)					\$25,000
TOTAL PUBLIC WORKS (LANDFILL)	\$85,000	\$115,000	\$85,000	\$75,000	\$85,000
<u>SEWER DEPARTMENT:</u>					
Pump Station (renovations & repairs)	\$84,000				
GMC 2500 w/ plow (#SW4) (1998) (replacement)	\$30,500				
Service Replacements	\$50,000				
Pump Station (renovations & repairs)		\$44,000			
Service Replacements		\$50,000			
Pump Station (renovations & repairs)			\$231,000		
Service Replacements			\$50,000		
Chevy C3500 P/U Utility Body #SW2 (2000) (replacement)			\$34,000		
Pump Station (renovations & repairs)				\$10,500	

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
Service Replacements				\$50,000	
Pump Station (renovations & repairs)					\$43,500
Service Replacements					\$50,000
TOTAL SEWER DEPARTMENT	\$164,500	\$94,000	\$315,000	\$60,500	\$93,500
<u>ELDER SERVICES:</u>					
Van (2001) (replacement) - 20% Grant match		\$12,600			
Van (2007) (replacement) - 20% Grant match			\$15,000		
TOTAL ELDER SERVICES	\$0	\$12,600	\$15,000	\$0	\$0
<u>LIBRARY:</u>					
Computers (replacement 20%)	\$20,000				
Lobby & Café Floor Tile (replacement)	\$94,000				
Exterior Painting/re-glaze	\$20,000				
IP public address system (new)	\$9,000				
Computers (replacement 20%)		\$20,000			
Furniture (replacement)		\$15,000			
Parking lot re-seal/re-stripe		\$13,000			
Roof Phase 2 (replacement)		\$390,000			
Furniture & equipment (replacement)		\$15,000			
Repaint Children's Wing (replacement)		\$15,000			
Generator Installation (new)			\$83,000		
Computers (replacement 20%)			\$20,000		
Furniture (replacement)			\$20,000		
50 space parking lot expansion				\$285,000	
Computers (replacement 20%)				\$20,000	
Furniture (replacement)				\$20,000	
Computers (replacement 20%)					\$20,000
Single pane windows (replacement)					\$100,000
Furniture (replacement)					\$20,000
TOTAL LIBRARY	\$143,000	\$468,000	\$123,000	\$325,000	\$140,000
<u>RECREATION DEPARTMENT:</u>					
Fitness Equipment (replacement)	\$25,000				
Field Rehabilitation	\$10,000				
Open Recreation Equip (replacement)	\$15,000				
Building Rehabilitation	\$15,000				
Barn renovation		\$175,000			
Cronin Backstop (replacement)		\$25,000			
Playground (replacement)		\$50,000			
Kress Backstop (replacement)		\$25,000			
Haley Parking Lot (new)		\$30,000			
Fitness Equipment (replacement)		\$25,000			

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
Field Rehabilitation		\$10,000			
Open Recreation Equip (replacement)		\$15,000			
Building Rehabilitation		\$15,000			
Playground (replacement)			\$50,000		
Powers Backstop (replacement)			\$25,000		
Fitness Equipment (replacement)			\$25,000		
Field Rehabilitation			\$10,000		
Open Recreation Equip (replacement)			\$15,000		
Building Rehabilitation			\$15,000		
Playground (replacement)				\$50,000	
Fitness Equipment (replacement)				\$25,000	
Field Rehabilitation				\$10,000	
Open Recreation Equipment (replacement)				\$15,000	
Building Rehabilitation				\$15,000	
Fitness Equipment (replacement)					\$25,000
Field Rehabilitation					\$10,000
Open Recreation Equipment (replacement)					\$15,000
Building Rehabilitation					\$15,000
TOTAL RECREATION DEPARTMENT	\$65,000	\$370,000	\$140,000	\$115,000	\$65,000
<u>SOUTH SHORE COUNTRY CLUB:</u>					
2 Fairway & 3 Triplex Mowers (replacement)	\$191,417				
Golf Course & Facility Improvements	\$100,000				
Golf Course Maintenance Equipment		\$41,000			
Golf Course & Facility Improvements		\$185,000			
Golf Course Maintenance Equipment			\$121,000		
Golf Course & Facility Improvements			\$1,010,000		
Golf Course Maintenance Equipment				\$101,000	
Golf Course & Facility Improvements				\$260,000	
Golf Course Maintenance Equipment					\$89,000
Golf Course & Facility Improvements					\$130,000
TOTAL SOUTH SHORE COUNTRY CLUB	\$291,417	\$226,000	\$1,131,000	\$361,000	\$219,000
<u>SCHOOL DEPARTMENT:</u>					
<u>MIDDLE SCHOOL:</u>					
Building Repairs and Improvements	\$0				
Building Repairs and Improvements		\$0			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
MIDDLE SCHOOL TOTALS	\$0	\$0	\$25,000	\$25,000	\$25,000

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
FOSTER ELEMENTARY SCHOOL:					
Playground Repairs and Drainage	\$10,000				
Feasibility Study - Windows - (new)		\$125,000			
Play Shed (restore)		\$50,000			
Cafeteria & various other rooms (relamp)		\$7,500			
Magnetic releases on nine sets of fire doors (installation)		\$18,000			
Paint Outside Trim		\$15,000			
Phone System (replacement)		\$25,000			
Office Carpet (replacement)		\$20,000			
Kitchen Equipment/Ovens (replacement)		\$39,514			
Building Repairs and Improvements		\$50,000			
Window/Door Replacement Plan			\$1,303,970		
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
FOSTER ELEMENTARY TOTALS	\$10,000	\$350,014	\$1,353,970	\$50,000	\$50,000
PLYMOUTH RIVER SCHOOL:					
Ceilings and Recessed Lights - Office (replacement)	\$15,000				
Feasibility Study - Windows - (new)		\$80,000			
Kitchen Equipment/Ovens - (replacement)		\$30,678			
Building Repairs and Improvements		\$50,000			
Windows- ten year master plan (replacement)			\$706,071		
Window Shades - 10 Rooms and Cafeteria (replacement)			\$18,000		
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
PLYMOUTH RIVER SCHOOL TOTALS	\$15,000	\$160,678	\$774,071	\$50,000	\$50,000
EAST ELEMENTARY SCHOOL:					
Building Repairs and Improvements	\$0				
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
EAST ELEMENTARY SCHOOL TOTALS	\$0	\$25,000	\$50,000	\$50,000	\$50,000
SOUTH SCHOOL:					
Carpet in library and room 120 (replacement)	\$13,100				
Kitchen Floor (new)	\$12,000				
Building Repairs and Improvements		\$50,000			

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
Sand, stain, & poly stage floor, stairs, and gym		\$10,000			
Classroom Cabinets & Door Trim (refinish)			\$12,000		
Kitchen Equipment/Ovens (replacement)			\$39,514		
Building Repairs and Improvements			\$50,000		
Cover Over Concrete Steps to Parking Lot				\$60,000	
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
SOUTH SCHOOL TOTALS	\$25,100	\$60,000	\$101,514	\$110,000	\$50,000
HIGH SCHOOL:					
Carpet Auditorium with High Traffic Carpet (replacement)	\$10,000				
Sand & refinish auditorium stage floor	\$8,000				
Efficient Lighting Projects	\$39,000				
Kitchen floor (resurface)	\$19,000				
Underground Oil Tank Removal		\$40,000			
Kitchen Equipment/Ovens (replacement)		\$97,219			
Roof for existing concession building (replacement)		\$15,000			
Upgrade software for energy management HV system		\$30,000			
Phone System (replacement)		\$80,000			
Kitchen Equipment/freezer (replacement)		\$50,000			
Building Repairs and Improvements		\$75,000			
Floors - All boys' locker rooms (refinish)			\$30,000		
Upgrade software for energy management HV system			\$30,000		
Building Repairs and Improvements			\$75,000		
Upgrade software for energy management HV system				\$30,000	
Building Repairs and Improvements				\$75,000	
Upgrade software for energy management HV system					\$30,000
Building Repairs and Improvements					\$75,000
HIGH SCHOOL TOTALS	\$76,000	\$387,219	\$135,000	\$105,000	\$105,000
SCHOOL SYSTEM WIDE:					
Gate House renovations	\$40,000				
Building 12 - Roof Leak Remediation & Ceiling Repair	\$12,000				
PARCC-Assessment Technology Readiness	\$35,016				
Technology Enhancements & New Initiatives - Plan	\$29,758				
School Technology (new & replacements)	\$170,000				
Instructional Equipment	\$28,125				
Roof repairs all buildings	\$25,000				
Copiers (2) Replacement	\$25,000				
Maintenance Equipment - Interior & Exterior	\$31,475				
Area Carpet Replacement Plan	\$11,200				

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
School Transportation Van (replacement)	\$30,000				
Wheel Chair Van (new/additional)	\$47,000				
Maintenance Vehicle (replacement)	\$38,000				
Cameras & other security items to enhance security		\$20,000			
Kitchen Equipment/Milk coolers (replacement)		\$11,808			
Emergency Light- Battery Operated (new/additional)		\$10,000			
PARCC-Assessment Technology Readiness		\$50,496			
Technology Enhancements & New Initiatives - Plan		\$193,778			
School Technology (new & replacements)		\$180,000			
Instructional Equipment		\$40,000			
Roof repairs all buildings		\$50,000			
Area Carpet (replacement plan)		\$11,200			
Copiers (2) (replacement)		\$25,000			
Building 179 - Sprinklers		\$120,000			
Building 179 Traces Program (renovation)		\$80,000			
Depot parking lot (reconstruction)		\$165,900			
Depot garage doors (replacement)		\$11,440			
Camera surveillance system @ depot		\$8,500			
Building Repairs and Improvements		\$15,000			
School Transportation Van (replacement)		\$90,000			
Instructional Equipment			\$40,000		
Technology Enhancements & New Initiatives - Plan			\$223,778		
School Technology (new & replacements)			\$190,000		
Area Carpet (replacement plan)			\$11,200		
Roof repairs all buildings			\$50,000		
Copiers (2) (replacement)			\$25,000		
Building Repairs and Improvements			\$15,000		
School Technology (new & replacement)				\$200,000	
Instructional Equipment				\$40,000	
Area Carpet (replacement plan)				\$11,200	
Roof repairs all buildings				\$50,000	
Copiers (2) (replacement)				\$25,000	
Lighting Projects				\$20,000	
Building Repairs and Improvements				\$15,000	
Copiers (2) (replacement)					\$25,000
Area Carpet (replacement plan)					\$11,200
School Technology (new & replacement)					\$210,000
Instructional Equipment					\$40,000
Roof Repairs All Buildings					\$50,000
Building Repairs and Improvements					\$15,000

Department/Category	FY2015	FY2016	FY2017	FY2018	FY2019
SCHOOL SYSTEM WIDE TOTALS	\$522,574	\$1,083,122	\$554,978	\$361,200	\$351,200
TOTAL SCHOOL	\$648,674	\$2,066,033	\$2,994,533	\$751,200	\$681,200
Total Capital Projects	\$4,007,839	\$5,792,633	\$6,733,033	\$3,259,700	\$1,984,200

Funding Sources	FY2015	FY2016	FY2017	FY2018	FY2019
Tax Levy	\$2,000,000	\$5,102,633	\$5,147,033	\$2,723,200	\$1,606,700
Fund Balance (General)	\$214,922				
Fund Balance (Mooring Permits)	\$72,000				
Borrowing / \$191,417 to be funded from SSCC revenue	\$1,391,417				
User Rates/Charges	\$329,500	\$690,000	\$1,586,000	\$536,500	\$377,500

Total Funding	\$4,007,839	\$5,792,633	\$6,733,033	\$3,259,700	\$1,984,200
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Total Capital Projects	\$4,007,839	\$5,792,633	\$6,733,033	\$3,259,700	\$1,984,200
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REPORT OF THE PERSONNEL BOARD

In anticipation of the 2014 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2013 Annual Town Meeting.

COLLECTIVE BARGAINING UNITS

Following the 2013 Annual Town Meeting, the Board conducted Collective Bargaining Agreement negotiations with the Police Superiors, Police Patrol and Public Works Department whose Agreements had expired on June 30, 2013. The Board is pleased to report that settlements have been reached and agreements signed covering the Police Superiors and Public Works Department units. Summary of the most important terms of the settlements follows. The full texts of the agreements are on file at the Selectmen's office. The Board is in current negotiations with Police Patrol unit. The Board anticipates beginning successor contract negotiations with the Fire Department and Library bargaining units whose labor agreements expire on June 30, 2014. The Town has been notified of the above unions' desire to negotiate successor agreements.

Police Superiors Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Superior Officers Union, MCOP, Local 405, which expired on June 30, 2013, providing for a three year agreement from, July 1, 2013 to June 30, 2016. The salary scale in effect on June 30, 2013 has been increased by 2% plus a one-time equity adjustment of \$1,000 effective July 1, 2013 for Lieutenants; by 2% effective July 1, 2014; and by 2% effective July 1, 2015. Longevity payments for years of continuous employment were increased to \$600.00 per year after 10 years, \$700.00 after 15 years, \$800.00 after 20 years and \$1,000.00 after 25 Years. The Officer-In-Charge rate was increased to \$50.00 per shift. The clothing allowance for uniformed officers was increased to \$1,000 annually. A comprehensive Drug and Alcohol Policy was instituted.

Officers who have earned and received an associate's, a bachelor's or a master's degree in a recognized law enforcement program from an accredited college or university and whose degree would have met the standards and procedures for qualifying degrees under Section 108L of Chapter 41 of the General Laws of Massachusetts (Quinn Bill) will be eligible to receive the following additional benefits:

Associate's Degree – 10% of the employee's base salary, paid as provided herein.

Bachelor's Degree - 20% of the employee's base salary, paid as provided herein.

Master's Degree-25% of the employee's base salary

Public Works Department Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the International Brotherhood of Teamsters, Local 25, providing for a three year agreement from July 1, 2013 to June 30, 2016. The salary scale in effect on June 30, 2013 has been increased by 2% effective July 1, 2013, by 2% effective July 1, 2014, and by 2% effective July 1, 2015. Effective July 1, 2014, the amount for weekend bonus pay shall be \$20.00 per week and effective July 1, 2015, the amount shall be increased to \$25.00 per week. Effective July 1, 2014, the clothing allowance shall be \$1,000 per year, of which \$200 shall be paid by way of voucher. Effective February 27, 2014, the Town will pay accumulated unused sick leave at retirement according to the following schedule:

<u>Days Accumulated at Retirement</u>	<u>Payment</u>
0 days to 149 days	\$10.00 per day
150 days to 199 days	\$1,490.00 plus \$10.50 per day for each day over 149
200 days and over	\$2,015.00 plus \$11.00 per day for each day over 200

OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommends a general wage increase of 2% effective July 1, 2014, for employees who are not covered by collective bargaining agreements. The Board approved the reclassification and renamed the position of Zoning Administrator to Senior Planner: Zoning and Special Projects at Grade 15, and the position of Conservation Officer to Senior Planner: Conservation Officer/GIS Administrator at Grade 15, and reclassified the Health Agent position from Grade 11 to Grade 13. At the time of hire, the Board granted the Zoning Administrator to Senior Planner: Zoning and Special Projects an extra 5 days of vacation. The newly hired Assistant Library Director was placed at Step 2 of Grade 14, based on experience. The Board approved the classification and job descriptions for the following new positions: Public Works Department Office Administrator at Grade 11, and Administrative Secretary at Grade 8; Assistant Library Director at Grade 14; Harbormaster Office Clerk Position at Grade 6; and Food Service Technician at Grade 6. The Board approved the job descriptions for the following Library union positions: Collection Development Librarian, Information Technology Services Librarian and Associate Librarian – Circulation Services. The Board approved the revised salary schedule for the Seasonal Assistant Harbormaster position to include 3 Steps: \$14.54 per hour for the first year, \$15.31 for the second year and \$16.21 for the 3rd year. The Board approved 3 vacation carry-over requests and approved a sick leave extension for an employee.

RECOMMENDATIONS FOR CHANGES TO THE PERSONNEL BY-LAW

The Personnel Board recommends that the Town, at the 2014 Annual Town Meeting, amend the Personnel By-law, effective July 1, 2014, so that, as amended and restated, it will be in the form on file in the Town Clerk’s office immediately preceding Town Meeting.

Amend SECTION 19,a. LONGEVITY PAY. By replacing “20 years or more” under Continuous Full-Time Employment, with “At least 20 years but less than 25 years”, and add “25 years or more” and add under Annual Amount of Longevity Pay, \$1,000.

THE PERSONNEL BOARD

- David Pace, Chairman
- Russell Conn
- Marie Harris
- Jack Manning
- Mary Jane O’Meara

REPORT OF THE SCHOOL COMMITTEE

The FY '15 School Budget reflects a "needs-based" philosophy, one with attention to ongoing enrollment growth, mandated programs and required services, custodial and facilities needs and other provisions for programs and resources that meet the unique needs of students. The proposed budget would restore some eliminated services and staffing and tackle a backlog of requests that resulted from several years of level services or level funded budgets that were necessary during the financial downturn. As in the past, the School Committee and School Department continue to advocate for school funding that represents a reasonable balance between achieving the Town's long term financial objectives and providing an adequate level of financial support for important Town and school services. We acknowledge the leadership and collaboration of the Chairs of the Board of Selectmen, the Advisory Committee and its Education Subcommittee, and the School Committee; and we recognize the work and cooperation of their respective memberships and staff in striking the balance that the proposed FY '15 budget represents.

Town Meeting will be asked to approve an appropriation of \$43,490,722 to operate the schools next year, an increase of 3.95% from the FY '14 allocation. The recommended Capital Budget is \$648,674.

The FY '15 proposed budget includes growth-related additional staffing, such as for classroom instruction and special education services and added FTEs (full time equivalents) or increased hours to address social, emotional, and physical health needs and services. Increased enrollment for the coming year is a particular concern at the middle and high school levels. The budget also reflects the reality of increased utility costs, especially for heating and electricity for the new Middle School. Despite its efficient design, the size of the building and the complexity of the building mechanical systems and requirements of new Codes that govern their operation will result in higher operational costs.

Special education costs are projected to be down for 2014-2015, a combination of fewer out of district student tuitions in the current year and an increase in Circuit Breaker dollars (reimbursements for eligible costs for 2012-2013 special education students) that can be used to offset expected tuitions in next year's budget.

FY '15 reflects the first year of a School Committee Technology Initiative which includes costs of piloting new software applications and technology focused professional development, both reflected in the operating budget, and a larger capital allocation for elementary and high school technology purchases. Middle school technology needs for FY '15, including the first year of a "one-to-one" device initiative, will be fully funded by the Middle School construction budget, with the benefit of MSBA reimbursement dollars.

More detailed information about the proposed budget for FY '15 is available on the Hingham Public Schools website (hinghamschools.org). To access the original budget message and administrative proposal and subsequent PowerPoint presentations, with cost and backup information, click on Administration and then select Business Operations on the pull down menu.

HINGHAM SCHOOL COMMITTEE

Raymond C. Estes, Chair
Carol M. Falvey, Vice Chair
Dennis Friedman, Secretary

Andrew Shafter
Edward Schreier, D.D.S.
Paul Gannon
Liza O'Reilly

SUPERINTENDENT OF SCHOOLS

Dorothy Galo, Ph.D.

MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

TALENT BANK APPLICATION

Board of Selectmen
Town Hall
210 Central Street
Hingham, MA 02043-2757
781-741-1400 • 781-741-1454 (Fax)

Date _____

Name _____

Home Address _____

Business Address _____

Telephone _____ (home) _____ (business)

Fax _____

E-mail _____

Occupation _____

Educational Background _____

Civic, Charitable and Educational Activities

Town Committees or Offices _____

I am interested in the following Committees: _____

NOTES