

TOWN OF HINGHAM



WARRANT

for the
ANNUAL TOWN MEETING
April 27, 2009
at 7:00 P.M.

Hingham High School, 17 Union Street

and

REPORTS
of the

Advisory Committee
Capital Outlay Committee
School Department

Board of Selectmen
Personnel Board

Babysitting available – Advance registration required: 781.741.1464

Elder and Handicapped transportation available – Register: 781.741.1458

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Town Hall
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Hingham, MA 02043-2757**

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MODERATOR'S MESSAGE
ON
TOWN MEETING PROCEDURES

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

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

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

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

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

Thomas L. P. O'Donnell
Moderator

April, 2009

REPORT OF THE ADVISORY COMMITTEE

OVERVIEW

The Advisory Committee recommends the enclosed Fiscal Year 2010 budget (Articles 4, 5 and 6) for Town Meeting approval.

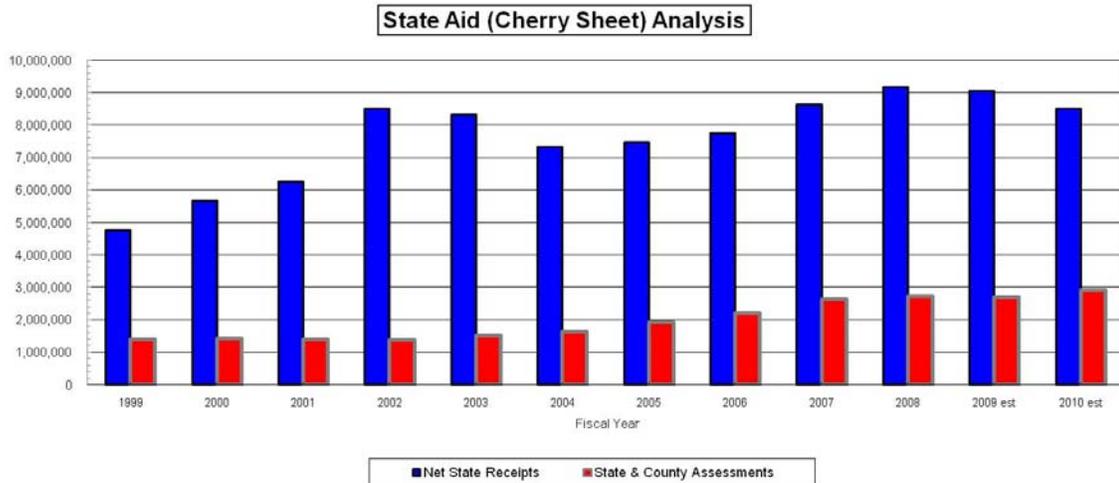
This has been an extraordinary year for the Advisory Committee and for the Town as a result of the national economic crisis, decreasing levels of State aid, stagnant local revenues, and slower growth. Budgets for FY 2010 are flat or lower than in previous years and will cause contractions of Town services.

Despite these challenging economic conditions, the Advisory Committee is joining with the Selectmen and the School Committee in recommending an operating budget override of \$1.1M to allow the Town to open four comparable elementary schools. The amount is less than the \$2.5M estimated at the 2008 Special Town meeting that voted the funds to build the new elementary school.

The Advisory Committee has taken a conservative approach to FY 2010 in order to protect the taxpayers, to preserve the Town's Aaa Bond rating, to insulate the Town from future reductions in local revenues and State aid, and to manage citizens' expectations of service levels within the Town. During the past year, Hingham was recertified by Moody's to be one of only thirteen (13) cities and towns in Massachusetts to retain an Aaa bond rating. While sound financial management policies and procedures have also contributed to the Town's ability to meet the needs of our citizens, in today's uncertain credit markets, this bond rating helps to ensure that we will have access to the funds we need at the lowest available rates. The FY 2010 budgets are built to attain our objectives, including support of the Aaa rating.

State aid is, and has been, a growing concern for a number of years. As shown in the table below, state aid peaked in FY 2002 and then decreased for FY 2003 and FY 2004, before beginning to increase again in FY 2005. It was not until FY 2007 that the level of state aid finally returned to FY 2002 levels. Our projection showed state aid level for FY 2009. However, the state has reduced aid with a mid-year reduction of approximately \$193,000. The Advisory Committee does not expect to have definitive answers to the level of state aid that Hingham can anticipate for the coming year by the date of Town Meeting. The expectation is that it will take until June 2009 for the State to finalize decisions on local aid, and we are currently anticipating a total reduction in State aid of 10% from last year's allocation, of \$9,043,979. While it is possible that federal stimulus money may become available to the Town, or that an improving economy might lead to higher local revenues than expected, the Town, practicing prudent management of your monies, has built the FY 2010 budget based, in part, on this assumed 10% cut in State aid. Furthermore, in anticipation of further cuts for FY 2010, and in recognition of other revenue reductions, the Selectmen adopted a hiring freeze, effective October 30, 2008.

At the same time, state and county assessments continue to increase significantly. The result is that net state aid (gross state receipts, net of amounts which the state requires to be dedicated for specific purposes, less state and county assessments) still remains below FY 2002 levels. The Town has no expectations that State aid will return to FY 2002 levels in the near future.



The FY 2010 regular operating budget for the municipal operations of the Town will decrease by 2.08% (net of debt service which is covered later in this report), while the recommended education operating budget (inclusive of the recommended \$1.1M operational override) will increase by 2.62%, resulting in a total operating budget increase of 0.34% (net of debt service).

Labor costs are the most significant expense to the Town, amounting to 77.49% of the FY 2010 operating budget. The bulk of the Town's labor costs are determined as a result of collective bargaining. The FY 2010 budget reflects new contract increases negotiated by the Personnel Board for certain bargaining units and sets aside certain additional amounts for contract negotiations not yet concluded. The FY 2010 budget also reflects the final year of all collective bargaining contracts. The rising costs of health care, retirement funding and energy -- both fuel and utilities -- remain a concern, since the Town has only limited ability to control such charges.

The recommendations in Article 6 reflect decreases in virtually all budgets for salaries and expenses for each of the Town's major departments, based on a requirement to decrease the Town side of the budget by half of the approximate \$3M deficit forecast during the early stages of the budgeting cycle. The Advisory Committee would like to acknowledge and thank each of the department heads for the cooperation and the creativity they have demonstrated in this very difficult budget year. In addition, we want to recognize their input and active participation in the quarterly budget reviews.

With respect to the School Department, for FY 2010, the Advisory Committee is recommending a base school operating budget (excluding capital) that is virtually level-funded, with a minimal increase of 0.75%. This is a result of the School Department absorbing half of the predicted budget shortfall and recognizing current budgetary constraints of the Town.

In order to open four comparable elementary schools in the fall of 2009, the School Department is proposing an operating override of \$1.1M. This is in addition to the base operating budget. Assuming the override is voted favorably at Town meeting and at the Town election, the FY 2010 School operating budget will increase by 2.62%. The \$1.1M override is broken down as follows:

999 OPERATIONAL OVERRIDE		
School Department - Salaries	\$	888,291
School Department - Expenses	\$	121,171
Police Department	\$	7,565
Contributory Group Insurance	\$	47,500
Employer Medicare Taxes	\$	13,973
Fire, Public Liability, Property Damage, etc.	\$	21,500
TOTAL OPERATIONAL OVERRIDE	\$	1,100,000

It is with much appreciation that we recognize the unprecedented teamwork and time given by Dr. Dorothy Galo, David Killory, and members of the School Committee during the development of the FY 2010 budgets.

The Town's current financial position is sound based on years of excellent management. However, given the state's disappointing economic and budget situation, the Town of Hingham will face continued challenges, including the difficult balancing of new revenues from future development in the Town with increased demand for services required by that growth, to maintain Hingham as the unique and treasured place it is.

THE BUDGET PROCESS

At the 1991 Annual Town Meeting, the General By-laws of the Town of Hingham were amended to specifically assign responsibility for the preparation of the budget (Articles 4, 5 and 6) to the Board of Selectmen assisted by the Town Administrator. Each fall, at the beginning of the budget cycle, the Town Administrator consults with the department heads about anticipated funding needs and prepares a budget. The Board of Selectmen then reviews it. Next, the budget undergoes a detailed review by the Advisory Committee. The Advisory Committee is a part of the legislative branch of town government and is comprised of 15 citizens of the Town appointed by the Town Moderator. The Advisory Committee modifies the budget as necessary and recommends it to Town Meeting. It also makes recommendations on articles presented in the Warrant. Town Meeting has the final vote on

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

FIVE YEAR FORECAST

Financial forecasts are used to estimate the Town's revenue and expenditures in the current and ensuing five fiscal years. The forecasts are prepared by the Finance Director/Town Accountant and updated periodically by a committee that includes the Chair and Vice-Chair of the Advisory Committee, the Chairman of the Board of Selectmen, the Town Administrator, the School Committee Chair, the Superintendent of Schools and the School Director of Business and Support Services. This group meets frequently throughout the year to keep the forecast accurate in the light of updated financial information.

FINANCIAL POLICY

Each year the state certifies the amount of free cash unspent by the Town in the prior year. The Town's financial policy statement recommends that we maintain an Available Reserves (or Free Cash) balance equal to 5% of annual expenditures. This amount of Available Reserves enables us to provide for the imbalance between cash receipts and expenditures, thereby eliminating the need to borrow in anticipation of cash receipts.

The Town historically has used the amount above 5%, known as the Excess Available Reserves (or Excess Free Cash), for Town spending or tax reduction. Because Available Reserves amounts can vary from year to year, the Town's financial policy has been to use Excess Free Cash only for capital needs. Excess Free Cash is not used to finance operating budgets because of the unpredictable nature of free cash and the long-term, continuing nature of operating budgets.

Other provisions of the financial policy include:

- A Reserve Fund set at 1% of appropriations (included in Article 6).
- Annual capital expenditures of at least 3% of the total operating budgets (operating budgets are considered to be the sum of Articles 4, 5 and 6, less capital expenditures, debt service, and the Sewer and Country Club budgets which are financed by user fees).
- A guideline stating that annual debt service should not exceed 5% of forecasted general revenues.

Our financial policy is a contributing factor to the Aaa bond rating attributed to Hingham by all three municipal bond rating agencies. This results in lower interest rates on funds that the Town borrows.

The Town's current reserves are approximately 11 ½% of the general fund balance, down from the high of 17% in 2003, when the Town received its Aaa designation. The Advisory Committee would like to see the Town's overall reserves increased to the 15-18% range consistent with the guidance provided in the recent Moody's report. Increasing to these levels would provide a measure of protection for the Town's Aaa bond rating. However, in light of the current financial climate, the Advisory Committee anticipates that realizing reserves within the 15-18% range will take several years of prudent fiscal management.

In addition, the Advisory Committee recommends closer compliance with the Town's capital expenditure target and debt service target.

FUNDING OF CAPITAL NEEDS

The Town continues its program for the maintenance and improvement of its facilities and infrastructure via its capital planning process. Capital needs are generally funded through the operating budget, Excess Free Cash and borrowing. It has been our historical practice to allocate an amount to support capital projects from the operating budget.

The original proposed capital budget for FY 2010 provided \$900,000 of operating revenues for capital expenditures. Due to the unprecedented economic climate and the need to forestall depletion of the town reserves, the Capital Outlay Committee is recommending a minimal budget for FY 2010. This greatly reduced recommendation is divided into three categories: Non-functioning items that are essential to a department's operation; items funded from sources other than the tax levy; and, revenue producing items that have a short payback period.

In addition, \$450,000 is to be transferred to the Reserve Fund earmarked for emergencies during the year. This is not unprecedented as during FY 2004 and FY 2005, no funds were allocated from the operating budgets for capital projects, because all of our recurring revenue was required to balance the operating budgets.

The backlog of pressing capital needs, many of which have been postponed repeatedly over the past few years, will continue to present a challenge going forward. As a Town, we need to increase the amount of capital that we fund from our operating budget. This will not be easy and will take the cooperation of all of the Town departments.

The Advisory Committee supports the Capital Outlay Committee's recommended capital budget of \$258,000 with an additional \$450,000 to be added to the Reserve Fund for emergency capital needs.

This sum, if approved, will be funded as follows:

- \$125,000 from the operating budget and excess free cash for the Middle School roof repairs and a scale at the transfer station
- \$40,000 from Recreation Department revolving fund receipts
- \$63,000 from sewer rates (for Sewer Commission capital expenses)
- \$30,000 from Enterprise Fund receipts (South Shore Country Club)
- \$450,000 to the Reserve Fund to be earmarked for emergency projects

SOURCES AND USES OF FUNDS ANALYSIS

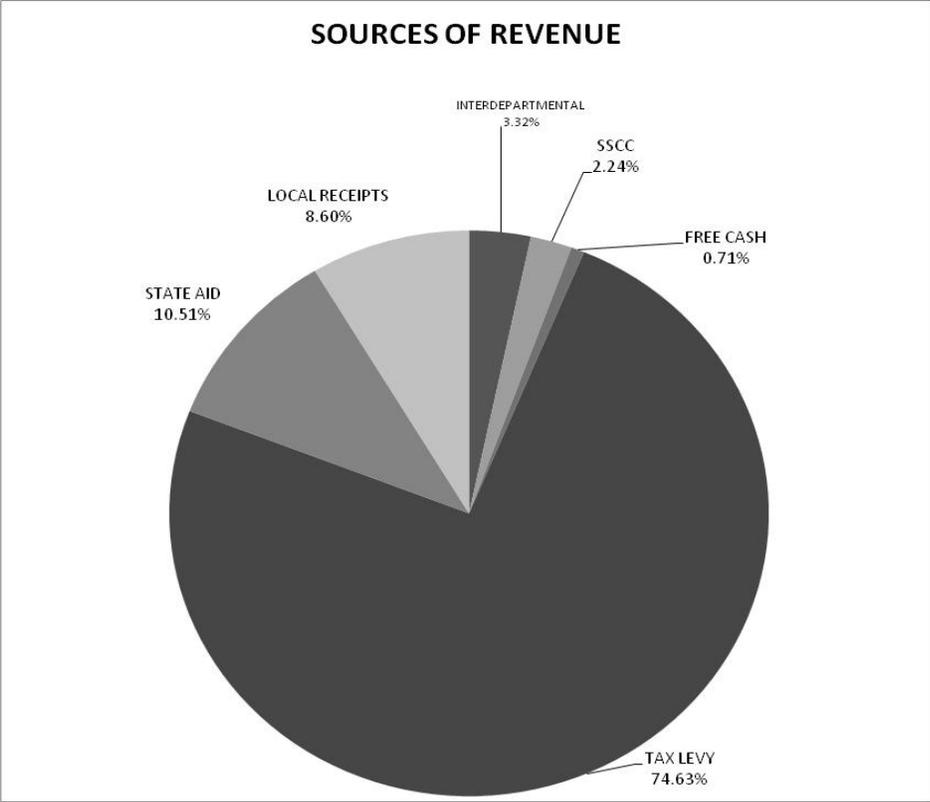
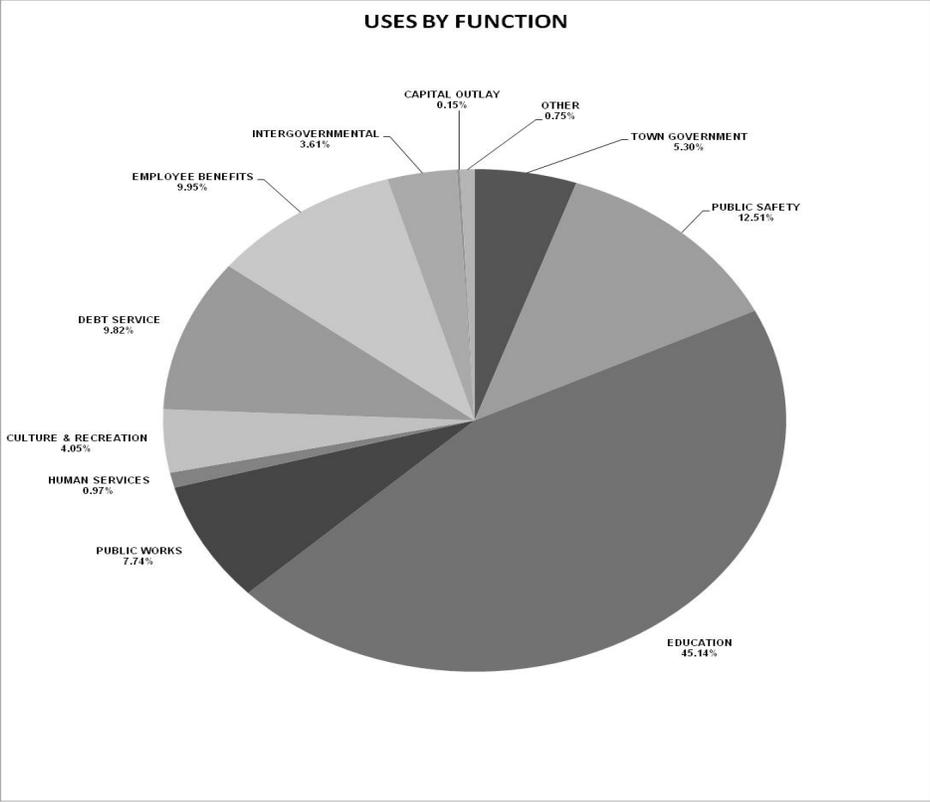
	ACTUAL FY2008	ESTIMATE FY2009	FORECAST FY2010	FORECAST FY2011	FORECAST FY2012
SOURCES					
Tax Levy					
Levy	48,192,954	50,811,364	53,164,187	56,393,292	59,012,124
2 1/2 % increase	1,204,824	1,270,284	1,329,105	1,409,832	1,475,303
New growth	1,413,586	1,082,539	800,000	1,209,000	928,200
Debt exclusions	1,944,873	1,952,252	4,063,907	3,994,793	3,822,489
Unused Levy Capacity	0	0	1,100,000	0	0
Total Tax Levy	52,756,237	55,116,439	60,457,199	63,006,917	65,238,116
Other Revenue					
Net State Receipts	9,234,260	9,043,979	8,512,763	8,512,763	8,512,763
Local Receipts	8,074,604	8,263,257	6,966,436	6,966,436	6,966,436
Excess Free Cash	1,255,400	1,936,037	575,000	900,000	900,000
SSCC	1,666,522	1,802,510	1,811,001	1,811,001	1,811,001
Sewer	2,105,934	2,161,582	2,198,557	2,366,386	2,549,437
Light Plant	647,750	497,750	487,208	499,388	511,873
Other	0	0	0	0	0
Total Other Revenue	22,984,470	23,705,115	20,550,964	21,055,974	21,251,509
Total Sources	75,740,707	78,821,554	81,008,163	84,062,890	86,489,625
USES					
State assessments	2,735,165	2,708,800	2,921,272	3,154,265	3,409,797
Overlay	376,634	250,000	250,000	350,000	250,000
Other expenses / deficits	83,079	100,000	100,000	100,000	100,000
Total	3,194,878	3,058,800	3,271,272	3,604,265	3,759,797
Appropriations					
Article 6	70,993,428	74,513,394	77,475,460	79,772,885	83,174,487
Article 4&5 Raises	445,881	554,917	225,000	686,917	1,162,691
Other Post-employment Benefits	0	300,000	0	400,000	800,000
Other articles	173,674	880,203	35,000	0	0
Total approp.	71,612,983	76,248,514	77,735,460	80,859,802	85,137,178
Total Uses	74,807,861	79,307,314	81,006,732	84,464,068	88,896,975
EXCESS (Shortfall)	N/A	(485,760)	1,431	(401,177)	(2,407,350)

SOURCES AND USES OF FUNDS

The Sources and Uses of Funds Analysis presented in this report reflects forecasted FY 2010 tax receipts and other revenue sources used to prepare the proposed budget included in this warrant. Under Proposition 2½, tax levy income is estimated by taking the dollar amount of last year's tax levy and adding a 2½% increase plus an allowance for new growth. New growth is the value of tax dollars assessed to new construction. In FY 2010, new growth is estimated to be \$800,000, a reduction of \$282,539 from FY 2009's estimate. Other sources of revenue include:

- Total local receipts are forecast to decrease 15.7% in FY 2010 from FY 2009. Motor vehicle excise tax receipts, which comprise the single largest category of local receipts, are projected to decrease \$273,000. Town fees for licenses and permits have fallen precipitously as building activity has stalled. Accordingly, the FY 2010 forecast reflects a decrease in licenses and permit fees from \$1,913,000 in FY 2009 to \$1,000,000 in FY 2010. The balance of local receipts comes from investment income, ambulance revenues and other sources.
- South Shore Country Club revenues fully offset operating costs of the Club that are included in Article 6.
- Revenues from sewer charges fully offset sewer operating, debt and capital expenses that are included in Article 6.
- Light Plant revenue is a payment of \$487,208 in lieu of taxes.
- We project that State Aid will provide \$1,994,815 for School Building Assistance, \$4,850,597 under Chapter 70 for Education, and \$1,667,351 for other uses.

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

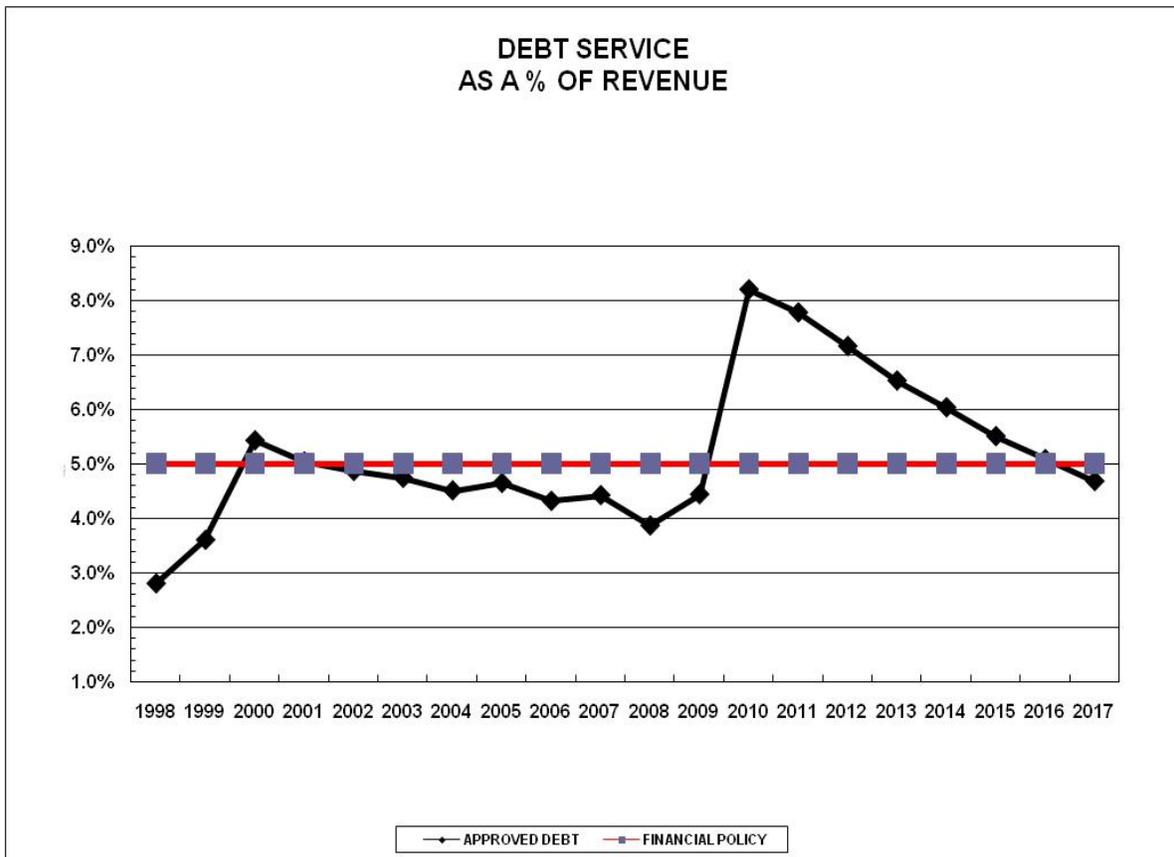


DEBT SERVICE

The financial policy recommends that current revenues be used to finance operating expenses, capital expenditures for items costing less than \$25,000, and maintenance. The Policy further provides that debt should be reserved for the purchase of large, non-recurring capital items that have a life of five years or more, and not more than one-half of annual capital expenditures should generally be financed by debt. Total debt service in any one fiscal year ideally should not exceed 5% of forecasted revenues.

In FY 2010, debt service will increase significantly due to the cost of borrowing for the new elementary school, renovations to Plymouth River and Foster Schools, modular classrooms at the Middle School, the new centralized DPW facility, the new athletic field complex, and the acquisition of land behind the former DPW facility on Hersey Street. Overall, the Town's debt service increased \$2,859,134 from \$5,337,877 in FY 2009; to \$8,197,012 in FY 2010. The debt is currently \$2,377,563 above the Town's financial policy guideline with respect to annual debt service.

As a result of the Special Town Meeting vote in March of 2008 to authorize further debt associated with the design and construction of a new elementary school; improvements to the Plymouth River and Foster schools; and modulars for the Middle School, the Town's projected debt service will exceed the 5% guideline for a period of time in future years. The graph below shows currently approved debt only.



RESERVE FUND

Massachusetts General Laws provide for annual appropriations to a Reserve Fund from which transfers for extraordinary or unforeseen expenditures may be made from time to time with the concurrence of the Board of Selectmen and the Advisory Committee. The Reserve Fund is used to save the time and expense of a special town meeting for relatively low cost items. The Town’s financial policy states that a reserve fund of approximately 1% of appropriations should be budgeted for contingencies. In FY 2008, transfers were made as follows:

RESERVE FUND TRANSFERS-FY 2008	
<u>DEPARTMENT</u>	<u>AMOUNT</u>
DPW-Vehicles	\$44,500.00
Harbormaster-Expenses	\$17,850.00
Assessors-Revaluation	\$16,668.00
Assessors-Expenses	\$1,789.00
Town Meetings-Expenses	\$5,621.00
Legal-Expenses	\$150,478.00
Town Elections-Salaries	\$2,525.00
Town Elections-Expenses	\$3,586.00
Town Hall-Salaries	\$5,718.00
Police-Expenses	\$14,000.00
Bare Cove Park-Expenses	\$150.00
Harbormaster-Salaries	\$4,200.00
Harbormaster-Expenses	\$4,900.00
Harbormaster-Expenses	\$3,931.00
Engineering-Expenses	\$21,935.00
Library-Expenses	\$6,000.00
Medicare	\$5,900.00
Veterans-Benefits	\$60,762.00
Debt Service-Interest-School	\$68,000.00
Debt Service-Wastewater	\$24,308.00
DPW-Expenses	\$17,181.00
Snow & Ice	\$175,683.00
Legal-Expenses	\$7,000.00
Weights & Measurers	\$173.00
	\$662,858.00

The recommended \$833,000 Reserve Fund appropriation for FY2010 is composed of \$433,000 (following financial policy) plus an additional \$450,000 for funds allocated to capital projects for emergency use. In general, the Town is in compliance with the Town’s financial policy with respect to the FY 2010 Reserve Fund.

ADVISORY COMMITTEE RECOMMENDATIONS

The amounts shown in Articles 4, 5 and 6 represent the recommendations of the Advisory Committee. These funds provide for Town services at an appropriate level and also provide for minimal necessary infrastructure maintenance and upgrading. The Advisory Committee has also reviewed the other articles in the warrant and, after discussion with proponents and other interested people, provided comments and recommendations. Town meeting will make the final decision for the FY 2010 budget and other warrant articles.

We are most grateful for the assistance and support of our new Town Administrator Kevin Paicos, the Finance Director/Town Accountant Ted Alexiades, and their staffs, as well as Betty Foley, who served as Interim Town Administrator. Their support allows us to better serve you. Consistent with Hingham's tradition, the Advisory Committee benefited this year from strong working relationships with the Board of Selectmen, the School Committee and Administration, the Community Preservation Committee, the Capital Outlay Committee, and the Town Department heads. Hingham continues to be well served by the extraordinary efforts of many capable and responsible volunteers and employees. We thank them for their contributions.

THE ADVISORY COMMITTEE

Irma Lauter, Chair
Jerry Seelen, Vice Chair
Jonathan Asher, Secretary
Daniel Dwyer
Elizabeth Eldredge
David H. Ellison
Amy Farrell
Dennis C. Friedman
Richard J. Innis
Karen A. Johnson
Greg MacCune
John F. Manning
Laura E. Marwill
Andrew Mooradian
Mary Jane O'Meara

REPORT OF THE BOARD OF SELECTMEN

The recession that began in 2007 continued into 2008 and continues into 2009 as we publish this report. While assessed property values have declined slightly, the Town has experienced serious erosion in new development, excise tax receipts and other revenues.

Just as so many of you had to tighten your financial belt, Hingham has taken proactive steps to contain costs. In the summer of 2008, the Board of Selectmen instituted greater oversight of department budgets, and in the fall, the Board introduced hiring controls to constrain staff growth. While it remains our intention to minimize staff reductions which we unfortunately see in so many neighboring communities, the Town needs to be vigilant in this time of uncertainty surrounding the economy. To that end the Board introduced management mechanisms such as quarterly budget reviews, benchmarking and measurements tools. The Board undertook a review of the town's tax policy as a means to identify other tax relief steps. This review is ongoing.

Of particular concern are the funds Hingham receives from the Commonwealth as it, too, deals with declining revenues. The state announced a 10% cut in Town fourth quarter non-school aid. Our legislators have warned us to be prepared for similar reductions in fiscal 2010 as the state wrestles with significant shortfalls. State aid covers 12% of our expenses. We do not expect, by the time of Town Meeting, to know the level of funding Hingham can anticipate for the coming year. Town management does have contingency plans to address any projected shortfalls. As always, the Town must practice prudent management of your monies.

The Board has adopted recommendations suggested to us by our external auditors and Finance Director in the interest of coping with long-term financial obligations. To bring stability to the Town's planning, the Municipal Light Board and the Town have agreed to a new formula for the payment in lieu of taxes which the Town receives from the Light Plant. In anticipation of new accounting regulations effective in July 2009, the Town began to address its health care obligations to its employees in their retirement years. The Board wants to ensure that the Town can meet the commitments it makes to its employees after they complete their years of service.

This past year saw the completion of the new home for its Public Works Department and the adjoining new sports fields. Both will be ready in 2009. The Town purchased with Community Preservation funds the former Mobil station on Route 3A as another step towards protecting and improving our waterfront.

Most importantly, the construction of the new elementary school off East Street continues on schedule for a planned opening in the fall of 2009. The building of this, our fourth elementary school, was approved last year by Town meeting and on the ballot at the town election; it will relieve the overcrowding now being experienced in our schools. Opening a fourth elementary school depends on an additional vote by the town for a \$1.1 million override which will provide the staffing. This funding would allow the town to continue its longstanding commitment to education.

In the fall of 2008 at a Special Town meeting, the Town voted to purchase the Lincoln School Apartments, a 60 unit complex of affordable housing for our senior citizens formerly owned and managed by the Benedictine Fathers at Glastonbury Abbey. The purchase and operations of the Apartments will be funded by monies received from rents and federal subsidies. This property will provide housing for many years to come to the elderly of our community, and the purchase further reinforces the Town's commitment to all members of our community.

Finally, the departure of our long-serving town Administrator Charles Cristello for a new position with the Town of Middleborough caused the formation of a search committee to find a new Administrator. After six months our new Administrator, Kevin Paicos, began assuming his duties just after the New Year. He has served as the Town Administrator for the towns of Ashburnham and Easton. His extensive background and experience will be an asset to the Town. The Board of Selectmen would like to recognize and to thank the employees for their hard work in helping the Town maintain delivery of services during the transition period.

John A. Riley, Chairman
Laura M. Burns
L. Bruce Rabuffo
BOARD OF SELECTMEN

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet in the HIGH SCHOOL, 17 Union Street, in said Hingham, Monday, the twenty-seventh day of April 2008 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:

- 1. 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.

COMMENT: The Hannah Lincoln Whiting Fund was established in 1915 pursuant to the will of Ada B.W. Bacon in memory of his 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, 2008, the fund assets totaled \$17,552, of which \$2,552 is available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

RECOMMENDED: That Louis S. Belknap, 437 Main Street, be elected a member of the Committee to have charge of the income of the Hannah Lincoln Whiting Fund for a term of three years.

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

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

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

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

ARTICLE 3. To hear the reports of the following: Affordable Housing Trust; Animal Shelter Site Study Committee; Capital Outlay Committee; Central Fire Station Building Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Long-Range Waste Disposal and Recycling Committee; Open Space Acquisition Committee; Public Works Building Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; Water Supply Committee and the Zoning Permits Study Committee, or act on anything relating thereto.

COMMENT: These are the existing posts, committees, councils, and commissions which were established by acts of Town Meeting. The Town is indeed fortunate to have many public-spirited citizens willing to work in these capacities. We thank them for their excellent service and recommend that all these posts and committees be continued, except that the Zoning Permits Study Committee and the Central Fire Station Building Committee be discharged with thanks.

RECOMMENDED: That the reports, if any, of the Animal Shelter Site Study Committee; Capital Outlay Committee; Central Fire Station Building Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Long-Range Waste Disposal and Recycling Committee; Open Space Acquisition Committee; Public Works Building Committee; Regional Refuse Disposal Planning

Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; Water Supply Committee and the Zoning Permits Study Committee be received, and that all of said Committees, Commissions, the Council and the Historian be continued, except that the Zoning Permits Study Committee and the Central Fire Station Building 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.

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, 2009 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of \$225,000 for the purpose of this vote; and that the Town Accountant is hereby authorized and instructed to allocate said sum to and among the several Personal Services and Expense Accounts in such amounts, respectively, as are proper and required to meet such amendments and to comply with such collective bargaining agreements as may be entered into by the Board of Selectmen on behalf of the Town.

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

1. Selectmen
 2. Treasurer/Collector
 3. Assessors
 4. Town Clerk
 5. Municipal Light Board;
- or act on anything relating thereto?

RECOMMENDED: That, subject to the proviso below, the salary from July 1, 2009 through June 30, 2010 for each of the following officers shall be at the rates below stated or provided after the name of the office.

Town Clerk¹ and Treasurer/Collector in accordance with the compensation rates established in Grade 15 and Grade 17, respectively, of the Town of Hingham Classification and Salary Plan of the Personnel By-Law.

Selectmen: at the annual rate of \$2,000.00 each, except that the Chair for the period of incumbency shall receive an annual rate of \$2,500.00.

Assessors: at the annual rate of \$1,800.00 each, except that the Chair for the period of incumbency shall receive an annual rate of \$2,000.00.

Municipal Light Board: at the annual rate of \$214.00 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, 2009, or act on anything relating thereto?

RECOMMENDED: That there be raised and appropriated for each of the following purposes for the fiscal year beginning July 1, 2009, the sum of money stated therefor, provided that where a transfer appropriation is stated, the amount so indicated shall be transferred or specifically appropriated as stated; also that the authority is hereby given to turn in vehicles and equipment in part payment for vehicles and equipment purchased in those cases where a turn-in is stated; and provided that any amount or a portion thereof appropriated to a sub-account under and included in a numbered account as set forth below may be transferred to another sub-account under the same numbered account with the approval of the Board of Selectmen and the Advisory Committee.

	Fiscal 2008 <u>Expended</u>	Fiscal 2009 <u>Appropriated</u>	Advisory Fiscal 2010 <u>Request</u>
GENERAL GOVERNMENT			
122 SELECTMEN			
Payroll	386,808	402,948	369,181
Expenses	37,740	38,310	41,736
Capital Outlay	0	25,000	0
Total	424,548	466,258	410,917
132 RESERVE FUND	662,858	432,858	883,000
(\$450,000 from available reserves)			
135 TOWN ACCOUNTANT			
Payroll	319,267	364,819	345,706
Expenses	49,239	66,890	61,206
Capital Outlay	102,332	67,000	0
Audit	37,000	45,000	45,000
Information Technology	73,303	89,920	103,083
Total	581,141	633,629	554,995
141 ASSESSORS			
Payroll	267,507	284,326	283,273
Expenses	12,199	10,870	10,848
Capital Outlay	20,000	0	0
Consulting	64,168	7,500	7,500
Map Maintenance	6,000	6,000	6,000
Total	369,874	308,696	307,621
145 TREASURER/COLLECTOR			
Payroll	251,809	271,189	273,108
Expenses	43,072	43,813	42,390
Capital Outlay	0	10,705	0
Tax Titles	13,209	10,000	10,000
Total	308,090	335,707	325,498
151 LEGAL SERVICES	324,832	168,000	185,000
159 TOWN MEETINGS			
Payroll	1,949	2,773	2,692
Expenses	32,453	26,833	27,050
Total	34,402	29,606	29,742
161 TOWN CLERK			
Payroll	150,215	158,104	157,612
Expenses	6,410	6,061	6,553
Total	156,625	164,165	164,165

	Fiscal 2008 <u>Expended</u>	Fiscal 2009 <u>Appropriated</u>	Advisory Fiscal 2010 <u>Request</u>
162 ELECTIONS			
Payroll	14,895	18,210	6,955
Expenses	14,205	14,250	8,390
Capital Outlay	0	0	0
Total	29,100	32,460	15,345
171 CONSERVATION			
Payroll	127,968	179,851	142,526
Expenses	9,271	13,000	13,363
Total	137,239	192,851	155,889
175 PLANNING BOARD			
Payroll	109,967	118,229	103,078
Expenses	9,285	12,145	27,296
Total	119,252	130,374	130,374
176 BOARD OF APPEALS			
Payroll	76,892	88,863	90,229
Expenses	6,698	7,160	5,794
Total	83,590	96,023	96,023
177 BARE COVE PARK			
Payroll	14,366	15,152	15,059
Expenses	5,884	7,000	6,740
Capital Outlay	0	0	0
Total	20,250	22,152	21,799
191 HERSEY HOUSE			
Expenses	6,555	7,123	0
Total	6,555	7,123	0
192 TOWN HALL			
Payroll	163,811	165,734	167,439
Expenses	367,573	401,727	399,347
Capital Outlay	39,359	58,000	0
Total	570,743	625,461	566,786
193 GRAND ARMY MEMORIAL HALL			
	10,421	12,371	11,817
TOTAL GENERAL GOVERNMENT			
	<u>3,839,520</u>	<u>3,657,734</u>	<u>3,858,971</u>

	Fiscal 2008 <u>Expended</u>	Fiscal 2009 <u>Appropriated</u>	Advisory Fiscal 2010 <u>Request</u>
PUBLIC SAFETY			
210 POLICE DEPARTMENT			
Payroll (Overtime \$355,126)	3,926,518	4,152,921	4,137,597
Expenses	321,267	311,562	303,339
Capital Outlay	0	320,000	0
Total	4,247,785	4,784,483	4,440,936
220 FIRE DEPARTMENT			
Payroll (Overtime \$291,541)	3,897,417	4,199,495	4,045,418
Expenses	294,170	332,642	342,760
Capital Outlay	293,739	266,450	0
Total	4,485,326	4,798,587	4,388,178
230 DISPATCH SERVICES			
Payroll (Overtime \$69,139)	421,088	455,759	439,744
Expenses	4,317	5,600	5,000
Total	425,405	461,359	444,744
241 BUILDING COMMISSIONER			
Payroll	225,851	269,386	230,871
Expenses	7,315	4,664	4,331
Total	233,166	274,050	235,202
244 WEIGHTS AND MEASURES			
Payroll	9,168	10,528	10,526
Expenses	1,244	1,072	1,072
Total	10,412	11,600	11,598
291 EMERGENCY MANAGEMENT			
Payroll	5,800	5,974	9,064
Expenses	2,857	3,193	3,193
Total	8,657	9,167	12,257
292 ANIMAL CONTROL			
Payroll	34,898	46,904	42,513
Expenses	4,876	8,750	6,300
Total	39,774	55,654	48,813
295 HARBORMASTER			
Payroll	113,256	116,030	88,186
Expenses	55,261	31,230	25,301
Total	168,517	147,260	113,487

	Fiscal 2008 <u>Expended</u>	Fiscal 2009 <u>Appropriated</u>	Advisory Fiscal 2010 <u>Request</u>
299 PUBLIC SAFETY UTILITIES			
Emergency Water	294,913	297,300	297,300
Street Lighting	136,011	140,000	140,000
Total	430,924	437,300	437,300
TOTAL PUBLIC SAFETY	10,049,966	10,979,460	10,132,515
EDUCATION			
300 SCHOOL DEPARTMENT			
Payroll	26,580,536	28,113,293	28,599,323
Expenses	6,810,042	7,090,854	6,870,068
Capital Outlay (\$50,000 from available reserves)	451,654	481,890	50,000
TOTAL EDUCATION	33,842,232	35,686,037	35,519,391
PUBLIC WORKS AND FACILITIES			
410 SELECTMEN'S ENGINEERING			
Payroll	0	94,136	94,148
Expenses	132,743	20,000	20,000
Total	132,743	114,136	114,148
420 HIGHWAY/RECREATION/TREE & PARK			
Payroll (Overtime \$37,989)	1,593,823	1,728,878	1,648,292
Expenses	356,512	322,026	332,442
Capital Outlay	487,833	209,500	0
Snow Removal	613,109	250,000	250,000
Resurfacing	305,652	306,500	355,000
Total	3,356,929	2,816,904	2,585,734
430 LANDFILL/RECYCLING			
Payroll (Overtime \$18,902)	398,604	421,196	447,969
Expenses	929,120	1,092,356	983,047
Capital Outlay (\$75,000 from available reserves)	12,363	123,000	75,000
Total	1,340,087	1,636,552	1,506,016
440 SEWER COMMISSION			

	Fiscal 2008	Fiscal 2009	Advisory Fiscal 2010
	<u>Expended</u>	<u>Appropriated</u>	<u>Request</u>
Payroll	283,846	295,586	309,465
Expenses	183,257	197,620	201,118
Capital Outlay	18,697	38,000	63,000
Engineering	10,000	10,000	10,000
MWRA Charges	1,274,442	1,486,219	1,455,318
Debt Service	72,076	59,157	56,656
Hull Intermunicipal Agreement	63,286	75,000	103,000
Total	1,905,604	2,161,582	2,198,557

The sum of \$2,198,557 shall be funded from Sewer revenue.

TOTAL PUBLIC WORKS	<u>6,735,363</u>	<u>6,729,174</u>	<u>6,404,455</u>
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HUMAN SERVICES

510 HEALTH DEPARTMENT

Payroll	268,783	278,918	281,027
Expenses	15,183	18,820	17,439
Total	283,966	297,738	298,466

541 ELDER SERVICES

Payroll	167,012	173,550	173,550
Expenses	40,912	59,536	58,608
Capital Outlay	0	10,000	0
Tax Work Off Program	10,000	12,000	12,000
Total	217,924	255,086	244,158

543 VETERANS' SERVICES

Payroll	41,382	44,768	47,045
Expenses	6,295	6,800	6,800
Benefits	201,678	184,000	184,000
Total	249,355	235,568	237,845

545 WOMANSPLACE CRISIS CENTER

2,500	2,500	2,500
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546 SOUTH SHORE WOMEN'S CENTER

3,500	3,500	3,500
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TOTAL HUMAN SERVICES	<u>757,245</u>	<u>794,392</u>	<u>786,469</u>
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CULTURE AND RECREATION

	Fiscal 2008 <u>Expended</u>	Fiscal 2009 <u>Appropriated</u>	Advisory Fiscal 2010 <u>Request</u>
610 LIBRARY			
Payroll	1,090,253	1,111,663	1,098,245
Expenses	257,733	249,962	243,380
Capital Outlay	103,000	54,832	0
Total	1,450,986	1,416,457	1,341,625
630 RECREATION COMMISSION			
Payroll	142,510	157,145	59,600
Expenses	3,522	0	0
Capital Outlay	0	29,457	0
Total	146,032	186,602	59,600
650 TRUSTEES OF BATHING BEACH			
Payroll	15,983	17,798	17,280
Expenses	1,762	5,825	5,825
Capital Outlay	0	0	0
Total	17,745	23,623	23,105
691 HISTORICAL COMMISSION			
Payroll	33,374	34,573	34,830
Expenses	3,972	5,585	4,578
Capital Outlay	0	0	0
Total	37,346	40,158	39,408
692 CELEBRATIONS	<u>8,291</u>	<u>9,500</u>	<u>9,500</u>
TOTAL CULTURE & RECREATION	<u>1,660,400</u>	<u>1,676,340</u>	<u>1,473,238</u>
ENTERPRISE FUND			
720 COUNTRY CLUB	<u>1,705,958</u>	<u>1,802,510</u>	<u>1,811,001</u>
The total sum of \$1,811,001 shall be funded from Country Club revenue.			
TOTAL ENTERPRISE FUND	<u>1,565,058</u>	<u>1,802,510</u>	<u>1,811,001</u>
DEBT SERVICE			
710 DEBT SERVICE	<u>4,990,382</u>	<u>5,165,320</u>	<u>7,956,755</u>
(\$4,063,907 IS EXCLUDED FROM PROPOSITION 2 1/2)			
TOTAL DEBT SERVICE	<u>4,990,382</u>	<u>5,165,320</u>	<u>7,956,755</u>

	Fiscal 2008 <u>Expended</u>	Fiscal 2009 <u>Appropriated</u>	Advisory Fiscal 2010 <u>Request</u>
EMPLOYEE BENEFITS			
900 CONTRIBUTORY GROUP INSURANCE	3,542,311	3,950,000	4,245,000
910 CONTRIBUTORY RETIREMENT	2,714,121	2,809,745	2,850,254
911 NON-CONTRIBUTORY PENSIONS	11,357	14,603	14,897
912 WORKERS' COMPENSATION	210,000	300,000	300,000
913 UNEMPLOYMENT	20,237	25,000	92,744
914 EMPLOYER MEDICARE TAXES	467,845	508,200	559,020
TOTAL EMPLOYEE BENEFITS	<u>6,965,871</u>	<u>7,607,548</u>	<u>8,061,915</u>
UNCLASSIFIED			
901 INSURANCE			
Fire, Public Liability, Property Damage, etc.	436,649	401,649	422,500
940 CLAIMS AND INCIDENTALS			
Claims and Incidentals	9,842	13,250	11,250
Total	9,842	13,250	11,250
TOTAL UNCLASSIFIED	<u>446,491</u>	<u>414,899</u>	<u>433,750</u>
<p>The following amounts will be added to the respective budgets as indicated below, contingent upon affirmative action by the voters of the Town on the ballot question to allow the Town to assess an additional \$1,100,000 in real estate and personal property taxes for purpose of operation of the new elementary school for the fiscal year beginning July 1, 2009.</p>			
999 OPERATIONAL OVERRIDE			
School Department - Salaries			888,291
School Department - Expenses			121,171
Police Department			7,565
Contributory Group Insurance			47,500
Employer Medicare Taxes			13,973
Fire, Public Liability, Property Damage, etc.			21,500
TOTAL OPERATIONAL OVERRIDE	0	0	1,100,000
GRAND TOTAL	<u>70,852,528</u>	<u>74,513,414</u>	<u>77,538,460</u>

ARTICLE 7. Will the Town appropriate, from the receipts of the Hingham Municipal Lighting Plant, money for the maintenance and operation of the Plant for the 12-month period commencing July 1, 2009, 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?

COMMENT: The Hingham Municipal Lighting Plant is self-funding. Funds collected by billing customers are used to pay all expenses incurred by the Plant.

RECOMMENDED: That, with the exception of \$487,208 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, 2009, 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 section 57 and 57A of Chapter 164 of the Massachusetts General Laws and, if there should be any unexpended balance thereof at the end of said fiscal year, such amount as is deemed necessary shall be transferred to the Construction Fund of said plant and appropriated and used for such additions thereto as may be authorized by the Municipal Light Board during the next fiscal year.

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

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 suffered by any person as a result of such work performed by the DCR.

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

ARTICLE 9: Will the town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, so as to establish and define the terms of a departmental revolving fund for the Building Department, or act on anything thereto?

COMMENT: The purpose of this article is to continue the "Building Department Revolving Fund", which provides payments to the Assistant Building Inspectors for their services of electrical, gas & plumbing inspections. For the fiscal year ended June 30, 2008, the fund had \$247,314 in revenues and \$211,552 in expenditures. For the six-month period ended December 31, 2008, the fund had \$85,312 in revenues and \$77,131 in expenditures.

RECOMMENDED: That, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, which allows the Town to establish departmental revolving funds, the Town authorizes the continuation of such a fund in the Building Department. Departmental receipts for building inspections performed by the Assistant Building Inspectors shall be credited to the fund. Monies shall be spent primarily to compensate such inspectors for their services. The Building Commissioner shall be authorized to spend monies from the fund. The amount that may be spent from the fund shall be limited to \$350,000 during Fiscal Year 2010.

ARTICLE 10. Will the Town raise and appropriate, or transfer from available funds, a sum of money for the dredging of Hingham Harbor, or act on anything relating thereto?

COMMENT: Each year, a warrant article such as this proposes that the Town set aside money for the dredging of Hingham's inner harbor. Dredging is scheduled to commence in the fall of 2009. The Town's cost is expected to be approximately 25% of the total, with state and federal funds providing the remaining 75%. Funds previously set aside in the Town's Dredging Fund are expected to cover the Town's share of the cost to dredge in 2009. The next dredging will occur in approximately 2021. A reasonable estimate of the Town's share of the cost of that dredging, based on historical trends, is \$1,600,000. Therefore, approximately \$130,000 a year for each of the next twelve years will be required to fund the Town's share of dredging in approximately 2021.

Funds to be placed in the Dredging Fund for the 2021 dredging would come from two sources. The first is the Town's Waterways Fund, which is funded by marine excise taxes assessed upon Hingham boat owners. Under Massachusetts General Laws, one-half of the collections from marine excise taxes must be used for waterways improvements, and are accordingly placed in the Town's Waterways Fund. The remaining half of marine excise tax revenue is general revenue to the Town. The second source of funds for the Dredging Fund would be from mooring permit fees, which the Selectmen have increased. It is expected that this increase will generate annual revenues in excess of \$100,000.

RECOMMENDED: That the Town transfer \$30,000 from the Waterways Fund to the Dredging Fund, such account to be used for the future dredging of Hingham's inner harbor, that the Town raise and appropriate the sum of \$100,000 to be transferred to the Dredging Fund, such account to be used for the future dredging of Hingham's inner harbor and that the Town accept and credit said account with funds from the State and Federal Governments for the same purpose.

ARTICLE 11. Will the Town raise and appropriate, or transfer from available funds, a sum of money to the Town's Reserve Fund for use during the fiscal year 2009, or act on anything relating thereto?

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

ARTICLE 12. Will the Town transfer a sum of money from the Stabilization Fund for the purpose of

reducing the tax rate, or act on anything relating thereto?

COMMENT: Pursuant to a prior Town Meeting vote, the proceeds from the sale of the old school administration building, municipal light plant building and the former police station were deposited to the Stabilization Fund for future tax reduction. It is the intention of this article to transfer \$111,486 from the Stabilization Fund for the purpose of reducing the fiscal year 2010 tax rate.

RECOMMENDED: That the Town transfer the sum of \$ 111,486 from the Stabilization Fund for the purpose of reducing the fiscal year 2010 tax rate.

ARTICLE 13. Will the Town transfer from available funds a sum of money to the Hingham Municipal Lighting Plant in order to return investment income earned by the Town on funds invested for the Hingham Municipal Lighting Plant, or act on anything related thereto?

COMMENT: In December 2005, the Hingham Municipal Light Plant (HMLP) transferred approximately \$3.9 million of invested pension reserves to the Town's general fund. These moneys are ultimately expected to be allocated, at the direction of the Light Board, for the benefit of HMLP employees' pension and post-retirement medical benefits. The effect of this article is to reimburse the HMLP for the investment income earned on pension reserves in the now closed 2008 fiscal year.

RECOMMENDED: That the Town transfer from available funds the sum of \$92,919.63 to the Hingham Municipal Lighting Plant in order to return investment income earned by the Town on funds invested for the Hingham Municipal Lighting Plant.

ARTICLE 14. . Will the Town raise and appropriate, borrow or transfer from available funds a sum of money for the design and construction of an additional sewer system, and authorize the Sewer Commission to proceed with the construction of same along a portion of lower Central Street between Elm Street and South Street, or act on anything relating thereto?

COMMENT: The Sewer Department has been approached by five residents on lower Central Street requesting an extension of the sewer system to service their properties. Proximity to Town Brook and relatively small lot sizes prevent relocation of

existing septic systems, thereby limiting owners from making property additions or modifications.

In September, 2007, the Board of Selectmen approved a Grant of Location request from the Sewer Commission to install a 60' sewer-main extension from South Street up Central Street. The \$12,000 cost for this approved extension was borne by four of the residents.

All seven of the residents affected by the requested extension have been formally notified of the estimated cost, \$65,000 - \$125,000, which would be recouped through 20-year betterments on each affected property. Borrowing costs for the sewer extension have not yet been determined.

RECOMMENDED: That the Town appropriate \$125,000 for the construction of sewers on lower Central Street between Elm Street and South Street, and to accomplish such action, the Town: (1) authorize and empower the Sewer Commission to contract for design, engineering and construction services for such sewerage facilities; and (2) authorize the Sewer Commission and/or the Board of Selectmen to impose betterment assessments upon property benefited by such sewer systems; and (3) to meet this appropriation, the Treasurer/Collector be, and hereby is, authorized to borrow \$125,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that in connection with this borrowing, any or all of such amount may be borrowed through the Massachusetts Water Pollution Abatement Trust established pursuant to Massachusetts General Laws, c.29C, as amended (the "Trust"), and in connection therewith, the Selectmen and any other appropriate Town officers are authorized to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to any such loan and for any federal or state aid available for the project or for the financing thereof.

ARTICLE 15. Will the Town raise and appropriate, borrow or transfer from available funds a sum of money for the design and construction of an additional sewer system, and authorize the Sewer Commission to proceed with the construction of same along a portion of Thaxter Street, or act on anything relating thereto?

COMMENT: The Sewer Department has been approached by six residents on Thaxter Street requesting an extension of the sewer system to service their properties. Drainage problems associated with water run-off prevent the installation of new septic systems which conform to Title V requirements. All eight property-owners affected by the proposed sewer extension have been formally notified of the estimated cost, \$150,000 - \$250,000, which would be recouped through 20-year betterments on each affected property. Borrowing costs for the sewer extension have not yet been determined.

RECOMMENDED: That the Town appropriate \$250,000 for the construction of sewers on Thaxter Street, and to accomplish such action, the Town: (1) authorize and empower the Sewer Commission to contract for design, engineering and construction services for such sewerage facilities; and (2) authorize the Sewer Commission and/or the Board of Selectmen to impose betterment assessments upon property benefited by such sewer systems; and (3) to meet this appropriation, the Treasurer/Collector be, and hereby is, authorized to borrow \$125,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that in connection with this borrowing, any or all of such amount may be borrowed through the Massachusetts Water Pollution Abatement Trust established pursuant to Massachusetts General Laws, c.29C, as amended (the "Trust"), and in connection therewith, the Selectmen and any other appropriate Town officers are authorized to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to any such loan and for any federal or state aid available for the project or for the financing thereof.

ARTICLE 16. Will the Town rescind all or a portion of the debt authorized by vote under Article 15 of the Warrant for the 2008 Annual Town Meeting, or act on anything relating thereto?

COMMENT: This article would rescind authorized but as yet unissued debt relating to the replacement of the Mill Street Pumping Station. The Sewer Department has funded the replacement without the need for the issuance of debt. Consequently, the Town has no need to borrow these funds.

RECOMMENDED: That the Town rescind the unissued debt of \$380,000 authorized by vote under Article 15 of the Warrant for the 2008 Annual Town Meeting.

ARTICLE 17. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve, such amount to be expended under the direction of the Community Preservation Committee, for architectural conservation surveys of the Old Ordinary and Old Derby Academy?

COMMENT: In April 2005 Town Meeting approved \$40,000 from the Community Preservation Fund for an architectural conservation survey of Old Ship Church. Likewise, the Hingham Historical Society now proposes to undertake Historic Structures Reports for each the Old Ordinary, a historic home and tavern located at 21 Lincoln Street, and Old Derby Academy, a Federal-era school building located at 34 Main Street. Neither structure has undergone a comprehensive survey taking into account architecture, engineering, materials, historical context and appearance. Both structures are owned by the Hingham Historical Society. This is the first significant request by the Hingham Historical Society for funds from the Community Preservation Fund.

The Old Ordinary and Old Derby Academy currently play an active role in the cultural and social life of Hingham, as they have during the Town's prior centuries. Both structures are open regularly for public enjoyment and events. They each also contain irreplaceable collections of historic Hingham art, artifacts and documents. Heavier public use of these buildings is predicted in future years, and preservation and upgrades of these buildings are necessary in order to maintain these two unique structures. Obtaining Historic Structure Reports on each of these buildings will help the Hingham Historical Society in its ability to successfully secure preservation funds from state and federal agencies, foundations and private donations, thus allowing the Hingham Historical Society to make the best-informed decisions and perform necessary changes for the long-term preservation and use of these two sites.

RECOMMENDED: That the Town appropriate \$60,000 from the Community Preservation Historic Resources Reserve, such amount to be expended under the direction of the Community Preservation Committee, for architectural conservation surveys of the Old Ordinary and Old Derby Academy.

ARTICLE 18. Will the Town appropriate a sum of money from the Community Preservation Community Housing Reserve to be used by the Hingham Housing Authority for the purchase of new boilers for the Thaxter Park Housing Development, or act on anything relating thereto?

COMMENT: The Thaxter Park Housing Development is a state-subsidized elderly housing facility. The state has not provided the Hingham Housing Authority with an increase in its operating budget for close to fifteen years and as a result has not been able to fund a capital expenditures budget to replace the boilers. If a boiler fails the Housing Authority will request and receive emergency funds to replace the boiler, but has to incur costs associated with temporary housing for the impacted residents. The money requested is \$88,000 and would allow for replacement of 16 boilers.

The Advisory Committee is sympathetic to the needs of the Housing Authority and the residents of Thaxter Park. However, the Committee believes the upkeep of Thaxter Park is a state responsibility and by using CPC funds we are committing Town funds to pay for what we conclude to be a state liability.

RECOMMENDED: That no action be taken on this article.

ARTICLE 19. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve and transfer such amount to the Historical Commission Preservation Projects Fund, or act on anything related thereto?

COMMENT: This Article authorizes a block grant from available CPA funds of \$62,500 to the Hingham Historical Commission's Preservation Projects Fund to be spent for historic preservation priorities in keeping with the requirements of the CPA. This Fund is administered by the Town Treasurer. The CPA requires that the Town annually allocate for expenditure at least 10% of annual CPA revenues (including the State match) for the acquisition, preservation, rehabilitation and restoration of historic resources. Examples of potential historic preservation projects to be undertaken during the coming fiscal year using these block grant funds include surveying local historic districts, preserving the Bell Tower located next to Old Ship Church, erecting local and national historic district markers as well as acquiring preservation easements. The block grant will enable

this Commission to fulfill its statutory mission to preserve and protect historic and cultural assets of the Town. This Article was unanimously approved by the Historical Commission and the Board of Selectmen.

RECOMMENDED: That the Town appropriate \$62,500 from the Community Preservation Historic Resources Reserve and transfer such amount to the Historical Commission Preservation Projects Fund.

ARTICLE 20. Will the Town appropriate \$100,000 from the Community Preservation Open Space Reserve for deposit to the Town's Conservation Fund established pursuant to M.G.L. Chapter 40, Section 8C, for use by the Conservation Commission for the purchase of land, capital improvements to such land and expenses directly related to such acquisitions (surveys, engineering studies and other expenses), to make deposits or down payments toward acquisition or creation of such interests in open space and to otherwise preserve open space, or act on anything relating thereto?

COMMENT: The Community Preservation Act ("CPA") is a local option statute enacted by the Legislature in 2000, which enables towns to collect and expend funds (including matching funds provided by the State) to maintain the character of the town by supporting open space, affordable housing and historic preservation initiatives specifically defined by the CPA. Under the CPA, at least 10% of annual revenues (including the State match), must be spent or set aside for open space initiatives. Since the adoption of the CPA by the Annual Town Meeting in 2001, each and every CPA expenditure has come before Town Meeting for ratification. This Article alters that approach in that it authorizes the transfer of a \$100,000 "block grant" to the Town's Conservation Fund to be spent on Conservation Commission established priorities consistent with the requirements of the CPA. For the coming fiscal year, the Commission's most pressing priority is the restoration of Foundry Pond. Foundry Pond is located at the end of Kilby Street and is a part of the Weir River watershed. The influx of silt and the growth of invasive species threaten the destruction of the pond, which is essential for upstream drainage as well as for preservation of a diverse wildlife habitat. The Conservation Fund is administered by the Town Treasurer. This Article received unanimous approval from the Conservation Commission and the Board of Selectmen.

RECOMMENDED: That the Town appropriate \$100,000 from the Community Preservation Open Space Reserve for deposit to the Town's Conservation Fund established pursuant to M.G.L. Chapter 40, Section 8C, for use by the Conservation Commission for the purchase of land, capital improvements to such land and expenses directly related to such acquisitions (surveys, engineering studies and other expenses), to make deposits or down payments toward acquisition or creation of such interests in open space and to otherwise preserve open space.

ARTICLE 21. Will the Town appropriate a sum of money from the Community Preservation Open Space Reserve to be used for the acquisition by the Hingham Conservation Commission for conservation purposes of Lot 11, Map 64, known as 210 East Street, consisting of approximately 4.1 acres, and authorize and direct the Conservation Commission to complete such acquisition, or act on anything relating thereto?

COMMENT: The proposed acquisition relates to a parcel of land at 210 East Street, near Weir River Farm. The land is an open field visible to passers-by, and in most years is used for growing corn or hay. The owner of the field, Michael Cushing, lives in the Cushing Homestead, a colonial-era farmhouse next to the field. The framing of Mr. Cushing's barn is believed to be the oldest extant in Massachusetts. Mr. Cushing desires to sell the field and prefers that it remain in its historic, scenic condition rather than be developed. After its acquisition by the Town, the field will be maintained at no cost to the Town, and Town residents will be free to come upon the field to enjoy its beauty and historic aspect. Mr. Cushing has offered to sell the field to the Town for \$700,000, which reflects a substantial discount from the field's recently appraised value of \$920,000. In connection with the proposed purchase and sale, Mr. Cushing would also gift to the Town a nearby parcel of land consisting of approximately 5 acres of woodlands, and would submit to a preservation restriction on the alteration of his family home, so that the home and field together survive as a glimpse of Hingham in its earliest days.

RECOMMENDED: That the Town appropriate \$700,000 from the Community Preservation Open Space Reserve to be used for the acquisition, by the Hingham Conservation Commission, for conservation purposes, of Lot 11, Map 64, known as 210 East Street, consisting of approximately

4.1 acres, and that the Town authorize and direct the Conservation Commission to complete such acquisition, provided that the seller of said parcel makes an associated gift to the Town of approximately 5 acres of nearby woodlands and conveys to the Town a mutually acceptable preservation restriction on the Cushing Homestead.

ARTICLE 22. Will the Town amend the surcharge on real property of 1.5% of the real estate tax levy against real property, as determined annually by the Town's Board of Assessors, authorized pursuant to the Town's acceptance on April 28, 2001 of Sections 3 through 7, inclusive, of c.44B of the General Laws of Massachusetts, also known as the Community Preservation Act, by reducing the surcharge from 1.5% to .24% or act on anything relating thereto?

(Inserted at the request of Russell Reeves and others)

COMMENT: In April 2001 the Town voted to accept the Community Preservation Act establishing a Community Preservation Fund devoted to the acquisition, creation and preservation of open space (including open space for recreational use), historic resources, and low and moderate income housing. The source of revenue for this fund is a 1.5% surtax on town real estate taxes and matching state grants.

In fiscal 2008, Hingham taxpayers contributed \$663,817 to this fund and the state contributed \$448,874. Up until last year the state has matched 100% of the Town contribution. Further reductions in this state grant are anticipated in 2009 as the state moneys to make this contribution come from state surcharges on real estate transactions. However, recent legislation has been filed seeking to establish a dedicated funding source to make the state grant at least 75% of the community contribution.

The current CPC surcharge costs the owner of an average assessed home in Hingham about \$80 annually. Adoption of this article would reduce this cost to \$16.75, for an annual tax reduction of \$63.25.

Adoption of this article would reduce property taxes for Hingham homeowners but significantly limit the resources and capabilities of the Community Preservation Committee program. It would also reduce the available state matching funds. Given the cost of open space real estate in Hingham, the cost to buy, build or develop affordable housing and

the large inventory of historic resources, the proposed reduction in the surcharge would make meaningful efforts in these areas limited.

If adopted, a change in the CPC surcharge would take effect beginning July 1, 2010 for the Town's 2011 fiscal year.

RECOMMENDED: That no action be taken on this article.

ARTICLE 23. Will the Town appropriate a sum of money for events to celebrate the 375th anniversary of the founding of the Town of Hingham to be expended under the direction of the 375th Anniversary Committee, or act on anything relating thereto?

COMMENT: The Hingham 375th Anniversary Committee requires \$35,000 to initiate work on the anniversary celebration. The committee plans to repay the town the \$35,000 through revenues generated from donations, the sale of items purchased with the appropriated money and from tickets sold to events organized by the committee.

RECOMMENDED: That the sum of \$35,000 be and hereby is transferred from available funds for the use of the Hingham 375th Anniversary Committee.

ARTICLE 24. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At Section III-H, change the title from "Nonconforming Uses" to "Nonconforming Uses and Structures."

Item 2 At Section VI (Definitions):

A. Replace the entire definition for "Single-Family Detached House" with the following:

"Single-Family Dwelling
a free-standing dwelling, excluding house trailers and mobile homes, intended and designed to be occupied as a single dwelling unit. For all purposes in the By-law, including the provisions set forth in Section III-H, Single-Family Dwellings shall include attached garages, or other fully enclosed, attached structures, whether heated or unheated, connected to the primary structure."

B. Replace the entire definition for "Two-Family House" with the following:

“Two-Family Dwelling
a dwelling intended and designed to be occupied as two separate dwelling units. For all purposes in the By-law, including the provisions set forth in Section III-H, Two-Family Dwellings shall include attached garages, or other fully enclosed, attached structures, whether heated or unheated, connected to the primary structure.”

Item 3 Throughout the Zoning By-Law, replace the following terms with the term “Single-Family Dwelling”:

single-family detached dwelling
single family detached dwelling
single-family dwelling
single family dwelling
single-family residence
single-family residential
single-family residential building or structure
single-family residential use
single-residential use
single-unit dwelling

Item 4 Throughout the Zoning By-Law, replace the following terms with the terms “Two-Family Dwelling”:

two-family dwelling
two family dwelling
two-family residential dwelling
two-family residential building or structure

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

COMMENT: At the 2004 Annual Town Meeting, the Zoning By-law was amended to allow home-owners to make fuller use of existing accessory structures, such as un-heated garages and barns, including those that extend into required setbacks. The rationale for the amendment was that allowing fuller use of these structures, such as for conversion to finished, heated space, would give home-owners the ability to economically modify the use of their properties without forcing them to build expensive new additions, and without indirectly encouraging the abandonment or demolition of the older accessory structures. The language of the 2004 amendment did not specifically address whether an accessory structure was assumed to be attached to the primary structure or detached from it, and this has led to the interpretation by enforcement officials that the provisions of the 2004 amendment apply only to detached accessory structures. The purpose of this proposed new amendment is to specifically provide the same opportunities for fuller use of attached, non-conforming, accessory structures as

are now allowed for detached accessory structures. The amendment also provides for uniform use of the terms “Single-Family Dwelling” and “Two-Family Dwelling” throughout the By-law.

This proposed amendment will not change the basic types of uses currently allowed in the various zoning districts, nor will it have any impact on the allowed use of conforming accessory structures, attached or detached.

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

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

Item 1 At Section III-H, change the title from “Nonconforming Uses” to “Nonconforming Uses and Structures.”

Item 2 At Section VI (Definitions):

A. Replace the entire definition for “Single-Family Detached House” with the following:

**“Single-Family Dwelling
a free-standing dwelling, excluding house trailers and mobile homes, intended and designed to be occupied as a single dwelling unit. For all purposes in the By-law, including the provisions set forth in Section III-H, Single-Family Dwellings shall include attached garages, or other fully enclosed, attached structures, whether heated or unheated, connected to the primary structure.”**

B. Replace the entire definition for “Two-Family House” with the following:

**“Two-Family Dwelling
a dwelling intended and designed to be occupied as two separate dwelling units. For all purposes in the By-law, including the provisions set forth in Section III-H, Two-Family Dwellings shall include attached garages, or other fully enclosed, attached structures, whether heated or unheated, connected to the primary structure.”**

Item 3 Throughout the Zoning By-Law, replace the following terms with the term “Single-Family Dwelling”:

**single-family detached dwelling
single family detached dwelling
single-family dwelling
single family dwelling
single-family residence
single-family residential**

single-family residential building or structure
single-family residential use
single-residential use
single-unit dwelling

Item 4 Throughout the Zoning By-Law, replace the following terms with the terms “Two-Family Dwelling”:

two-family dwelling
two family dwelling
two-family residential dwelling
two-family residential building or structure

ARTICLE 25. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 Throughout the entire Section IV-D, replace the term “Town House” with the term “Two-Family Dwelling.”

Item 2 At Section IV-D, (2), Definitions, at the term “Low or Moderate Income Housing” replace the minimum specifications for Town House with the following minimum specifications for Two-Family Dwelling:

“Two-Family Dwelling
Gross Floor Area: 2,400 SF
Bedrooms 4 (2 per dwelling unit)
Garage Spaces 2 (one per dwelling unit)”

Item3 At Section IV-D, (2) Definitions, at the term “Moderately-Sized Home”, replace the maximum specifications for Town House with the following maximum specifications for Two-Family Dwelling:

“Two-Family Dwelling
Gross Floor Area: 3,000 SF
Bedrooms 6 (3 per dwelling unit)
Garage Spaces 4 (two per dwelling unit)”

Item 4 At Section IV-D, (3), Eligibility, replace item (a) in its entirety with the following:

“Sites containing a minimum of three (3) acres and a Conventional Yield of not less than three (3), provided, however, that no Additional Dwelling Units (as defined in Section IV-D, 7) shall be permitted on sites containing less than five acres.

Item 5 At Section IV-D (10) add a new subsection (g):

“For Two-Family Dwellings, the exterior design of the structure shall maintain the appearance and character of a Single-Family Dwelling.”

Or act on anything related thereto?

(Inserted at the request of the Planning Board)

COMMENT: The current minimum site area for a Flexible Residential Development is five acres. The proposed amendment would reduce this minimum acreage to three acres, thereby allowing smaller sites to qualify as FRD sites. The amendment also eliminates townhouses from the list of acceptable building types in an FRD, while adding two-family dwellings as allowed building types in an FRD. Finally, the amendment would limit density bonuses to FRD sites of five acres or more in area.

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

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

Item 1 Throughout the entire Section IV-D, replace the term “Town House” with the term “Two-Family Dwelling.”

Item 2 At Section IV-D, (2), Definitions, at the term “Low or Moderate Income Housing” replace the minimum specifications for Town House with the following minimum specifications for Two-Family Dwelling:

“Two-Family Dwelling
Gross Floor Area: 2,400 SF
Bedrooms 4 (2 per dwelling unit)
Garage Spaces 2 (one per dwelling unit)”

Item3 At Section IV-D, (2) Definitions, at the term “Moderately-Sized Home”, replace the maximum specifications for Town House with the following maximum specifications for Two-Family Dwelling:

“Two-Family Dwelling
Gross Floor Area: 3,000 SF
Bedrooms 6 (3 per dwelling unit)
Garage Spaces 4 (two per dwelling unit)”

Item 4 At Section IV-D, (3), Eligibility, replace item (a) in its entirety with the following:

“Sites containing a minimum of three (3) acres and a Conventional Yield of not less than three (3), provided, however, that no Additional Dwelling Units (as defined in Section IV-D, 7) shall be permitted on sites containing less than five acres.

Item 5 At Section IV-D (10) add a new subsection (g):

“For Two-Family Dwellings, the exterior design of the structure shall maintain the appearance and character of a Single-Family Dwelling.”

ARTICLE 26. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At Section I-I (4), Submittal Requirements,

A. Add the following new item (i) and re-designate the current item (i) as item (j):

i. Site Lighting Plan showing the location, height, photometrics, orientation, and specifications for all outdoor site lighting, including information on the intensity and range of illumination for each source of light proposed.

B. Remove from item (e) the word “lighting”.

Item 2 Replace Section I-I (6) (a) in its entirety with the following:

“Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.”

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

COMMENT: The proposed amendment adds a submittal requirement for a detailed description of proposed site lighting during the Site Plan Review process. The purpose of the added requirement is to help to ensure that negative impacts of site lighting on adjacent properties will be minimized. Site Plan Review is rarely required for individual single-family dwelling projects, and this amendment is primarily intended to address site lighting for commercial and other larger scale construction projects.

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

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

Item 1 At Section I-I (4), Submittal Requirements,

A. Add the following new item (i) and re-designate the current item (i) as item (j):

i. Site Lighting Plan showing the location, height, photometrics, orientation, and specifications for all outdoor site lighting, including information on the intensity and range of illumination for each source of light proposed.

B. Remove from item (e) the word “lighting”.

Item 2 Replace Section I-I (6) (a) in its entirety with the following:

“Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting.”

ARTICLE 27: Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, in the Zoning Map, “Part A, Town of Hingham” both as heretofore amended, by removing from Business District “B,” and including in Residential District “A,” the land contained on Assessors’ Map 38, Lot 103, and described as follows, to wit:

All that certain tract piece, or parcel of land, situate, lying and being in the Town of Hingham, State of Massachusetts, more particularly bounded and described as follows: Beginning at the point formed by the intersection of the southeasterly side of the Broad Cove Road with the northerly side of Lincoln Street; running thence easterly along the northerly side of Lincoln Street the following courses and distances; south eighty-six (86) degrees, forty-five (45) minutes, twenty (20) seconds east twelve and twenty-four one-hundredths (12.24) feet; south eighty-six (86) degrees, seven (7) minutes, fifty (50) seconds east one hundred and eight (108) feet; thence easterly on a curve tangent to the last mentioned course with a radius of four hundred and fifty (450) feet a distance of one hundred and seven and sixteen one-hundredths (107.16) feet; thence

easterly on a tangent to the last mentioned course south seventy-two (72) degrees, twenty-nine (29) minutes, ten (10) seconds east seventy (70) feet; thence north six (6) degrees, forty four (44) minutes, fifty (50) seconds, east one hundred and seventy-two and ten one-hundredths (172.10) feet to the southeasterly side of the Broad Cove Road; thence south sixty-eight (68) degrees, thirty-eight (38) minutes thirty (30) seconds west along the Broad Cove Road three hundred and thirty-five (335) feet to the point of beginning, or act on anything relating thereto?

COMMENT: The Board of Selectmen submitted this article to rezone the parcel of land on Lincoln Street formerly used as the Hingham Police Station from Business B to Residence A, the zoning district of the surrounding neighborhood. Under a 99-year lease between the Town and Lincoln Street Dentistry LLC, the property is used by the lessee as a dental office. The proposed rezoning was one of the terms of a Settlement Agreement and Agreement for Judgment that resolved litigation in the Massachusetts Land Court brought by abutters who opposed the Town's disposition of the property. The Settlement Agreement and Agreement for Judgment required the Board of Selectmen to submit, recommend, and support this rezoning of the property at Town Meeting. The Board of Selectmen and Town Counsel support favorable action on this article. Because the proposed article is consistent with the Board's legal obligations under the Settlement Agreement and Agreement for Judgment, and because the property's continued use as a professional office or medical office building will not be impaired by this rezoning, the Planning Board unanimously supports favorable action on this article. For the same reasons, the Advisory Committee likewise supports favorable action on this article.

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, in the Zoning Map, "Part A, Town of Hingham", both as heretofore amended, by removing from Business District "B," and including in Residential District "A," the land contained on Assessors' Map 38, Lot 103, and described as follows, to wit:
All that certain tract piece, or parcel of land, situate, lying and being in the Town of Hingham, State of Massachusetts, more particularly bounded and described as follows: Beginning at the point formed by the intersection of the southeasterly side of the Broad Cove Road with the northerly side of Lincoln Street; running

thence easterly along the northerly side of Lincoln Street the following courses and distances; south eighty-six (86) degrees, forty-five (45) minutes, twenty (20) seconds east twelve and twenty-four one-hundredths (12.24) feet; south eighty-six (86) degrees, seven (7) minutes, fifty (50) seconds east one hundred and eight (108) feet; thence easterly on a curve tangent to the last mentioned course with a radius of four hundred and fifty (450) feet a distance of one hundred and seven and sixteen one-hundredths (107.16) feet; thence easterly on a tangent to the last mentioned course south seventy-two (72) degrees, twenty-nine (29) minutes, ten (10) seconds east seventy (70) feet; thence north six (6) degrees, forty four (44) minutes, fifty (50) seconds, east one hundred and seventy-two and ten one-hundredths (172.10) feet to the southeasterly side of the Broad Cove Road; thence south sixty-eight (68) degrees, thirty-eight (38) minutes thirty (30) seconds west along the Broad Cove Road three hundred and thirty-five (335) feet to the point of beginning.

ARTICLE 28: Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section III-E, South Hingham Development Overlay District, Subsection 5 (c), delete the second paragraph titled "Section IV-A" in its entirety, and replace with the following:

"Section IV-A
Floor Area Ratio (FAR): For office use (as described in Section III-A 4.10) an FAR of 0.25 is permitted as-of-right, and up to 0.45 by Special Permit A2. For all other uses an FAR of 0.35 is permitted as-of-right, and up to 0.45 by Special Permit A2.
Maximum Height: Forty-eight (48) feet, but not more than four stories."

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

COMMENT: The existing language in the second paragraph of Section III-E, Subsection 5 (c) of the By-Law is confusing. The replacement language contained in this proposed amendment is intended to clarify the original meaning of this paragraph, not to change the meaning. The new language is consistent with the historical interpretation of the existing language.

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

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

At Section III-E, South Hingham Development Overlay District, Subsection 5 (c), delete the second paragraph titled "Section IV-A" in its entirety, and replace with the following:

"Section IV-A

Floor Area Ratio (FAR): For office use (as described in Section III-A 4.10) an FAR of 0.25 is permitted as-of-right, and up to 0.45 by Special Permit A2. For all other uses an FAR of 0.35 is permitted as-of-right, and up to 0.45 by Special Permit A2.

Maximum Height: Forty-eight (48) feet, but not more than four stories."

ARTICLE 29. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At Section III-A, Schedule of Uses, insert, after Subsection 4.12, a new use "4.12A Health Club" permitted with a Special Permit A2 in Residence D; Industrial, Industrial Park, Limited Industrial Park, and Office Park districts; permitted by right in Business A and Business B, and prohibited in all other districts.

Item 2 At Section VI, Definitions, insert, after the definition of Height, Building, the following new defined term:

"Health Club An establishment that provides members and non-members with equipment, space, and/or facilities for the purpose of physical exercise as a primary or secondary use."

Or act on anything relating thereto?

(Inserted at the request of the Planning Board).

COMMENT: At present, the Schedule of Uses in Section III-A of the Zoning By-Law prohibits private gyms, athletic clubs, and indoor recreational facilities in the Industrial, Limited Industrial, Industrial Park, and Office Park districts. Nonetheless, the Zoning Board of Appeals has granted use variances permitting private gyms to operate in industrial districts.

Therefore, the Planning Board has proposed that the Zoning By-Law be clarified by these amendments to introduce a new use category specifically for "Health Clubs", which would be allowed "by right" in Business A and Business B, and by Special Permit A2 issued by the Zoning Board of Appeals in the Industrial and Office Park districts, as well as in

Residence D. Because there could be conflicts between health clubs and certain uses in the Industrial, Office Park, and Residence D districts, the Planning Board decided to make the "Health Club" use allowable by Special Permit A2 in those districts, and not "by right."

The Planning Board unanimously voted to recommend favorable action on this article. The Advisory Committee considers this clarification reasonable, and likewise supports favorable action on this article.

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

Item 1 At Section III-A, Schedule of Uses, insert, after Subsection 4.12, a new use "4.12A Health Club" permitted with a Special Permit A2 in Residence D; Industrial, Industrial Park, Limited Industrial Park, and Office Park districts; permitted by right in Business A and Business B, and prohibited in all other districts.

Item 2 At Section VI, Definitions, insert, after the definition of Height, Building, the following new defined term:

"Health Club An establishment that provides members and non-members with equipment, space, and/or facilities for the purpose of physical exercise as a primary or secondary use."

ARTICLE 30. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section VI (Definitions) remove, in its entirety, the definition of Planned Unit Development, or act on anything relating thereto?

(Inserted at the request of the Planning Board)

COMMENT: In 2004, Annual Town Meeting approved Article 30 of the Warrant, thereby eliminating from the Zoning By-Law certain provisions that had allowed Planned Unit Developments ("PUD") in Residence District E. PUD was a zoning concept with origins in the 1960's and 1970's that envisioned development of large parcels of land with a combination of single-family detached houses, town houses, garden apartments, and retail/commercial uses supported by those homes. Because the Town did not have any sites in Residence District E that would be appropriate for this type of large-scale development, the 2004 Annual Town Meeting removed the PUD provisions in the interest of simplifying our Zoning By-Law. In

doing so, however, we inadvertently left the definition of PUD in Zoning By-Law Section VI (Definitions). The purpose of this article is to remove the definition of PUD, again in the interest of simplifying our Zoning By-Law. The Planning Board voted unanimously to recommend favorable action on this article.

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

At Section VI (Definitions) remove, in its entirety, the definition of Planned Unit Development.

ARTICLE 31. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 At Section III-G, delete section 2(a) and replace with the following:

“a. Encourage planning and development which will maintain and improve the economic viability of Downtown businesses by encouraging a mix of uses that will maintain, provide for or encourage regular interaction with the general public on a walk-in basis on the ground floor and office and residential uses on the upper floors.”

Item 2 At Section III-G, delete section 4 and replace with the following:

“4. Permitted and Prohibited Uses
The permitted uses and uses allowed by Special Permit A2 in Business District A, as set forth in Section III-A, Schedule of Uses, shall be permitted or allowed, as applicable, in the Overlay District, with the following exceptions:

(a) the following uses are prohibited in the Overlay District:

- Section III-A 4.3 Funeral Home
- Section III-A 4.4 Animal or veterinary hospital
- Section III-A 4.5 Commercial breeding
- Section III-A 5.1 Automotive filling or service station
- Section III-A 5.2 Auto repair
- Section III-A 5.3 Car dealership & service facilities
- Section III-A 5.4 Marina; boat livery; sales, storage & repair of boats
- Section III-A 6.1 Wholesale warehouse

(b) the following uses are permitted on the upper floors of any building and may be allowed by Special Permit A2 on the ground floor:

Section III-A 4.10 Business or professional offices or agencies

Section III-A 4.11 Bank or other financial institution”

(i) The Board of Appeals may approve such application for a Special Permit A2 if, in addition to the criteria set forth in Section I-F,2, it finds that, in its judgment, the use is consistent with the purpose and objectives of this Section III-G as set forth above. If such use cannot meet such objectives in the proposed location, it may be granted a Special Permit A2 if at least one of the following apply and the Board of Appeals finds that the proposed use is not detrimental to the objectives of this Section, including objective 2(a):

(A) The site of the use is outside the primary pedestrian area of the Downtown, such primary pedestrian area being those portions of Main Street, North Street and South Street within the Overlay District.

(B) The use will be located in a building existing as of January 1, 2009 which is significantly set back from the (or all of the) street(s) which such building abuts.

(C) The physical characteristics of the existing building (as of January 1, 2009) in which the use shall be located (such as a pre-existing residential structure within the Overlay District) are such that other permitted or allowed uses in the Overlay District are not practicable.

(ii) Notwithstanding the provisions of subsection 4(B)(i) above, if, as of January 1, 2009, the ground floor of any building included a “business or professional office or agency” or a “bank or other financial institution” (each a “Grandfathered Use”), and such Grandfathered Use is subsequently changed to another permitted or allowed use in the Overlay District, such ground floor may, within six (6) years of such change of use, revert back to a Grandfathered Use and such Grandfathered Use shall be permitted subject to Site Plan Review pursuant to subsection 4(b)(iii) below prior to issuance of a building permit (or a certificate of occupancy if no building permit is requested), but shall not require a Special Permit A2.

(iii) The Planning Board, when conducting Site Plan Review under this subsection 4(b), shall consider, in addition to the items set forth in Section I-I, 6, whether the appearance and treatment of the windows and doors of the building will maintain, provide for or encourage regular interaction with the general public.

Item 3

(a) At Section III-G, 6, delete subsection (d) in its entirety; and

(b) At Section III-B, 7 replace the reference to Section III-G, 6 to Section III-G, 7(a); and

(c) At Section III-G, 6(b)(iii) replace the reference to Section III-G, 6(d) to Section III-G, 7(a).

Item 4 At Section III-G, add a new section 7 as follows:

“7. Off-Street Parking Requirements in the Downtown Hingham Overlay District
Except as otherwise provided in this section (7), the requirements set forth in Section V-A, Off Street Parking Requirements, shall apply to the Overlay District.

a. Parking Requirements for Commercial/Residential Buildings

The purpose of this subsection (a) is to ensure that sufficient off-street parking is provided for all dwelling units created under Section III-G,6.

(i) Provision for off-street parking shall be as follows:

Studio or one-bedroom dwelling unit	1 space
Two-bedroom dwelling unit	2 spaces

(ii) When off-street parking exists or may be constructed on the parcel where the use is proposed, the Planning Board may make a finding in connection with a Special Permit A3 application pursuant to Section V-A that the commercial use(s) and the residential use within the Commercial/Residential Building are complementary uses having different peak demand times, in which event on-site parking may satisfy both the residential and the commercial uses (subject to the requirements of Section 7 below in the event of a change or increase in commercial uses).

(iii) Parking for all dwelling units (including, without limitation, dwelling units proposed in newly-constructed or reconstructed buildings or in newly-constructed stories to existing buildings) shall be located on the same parcel or on a contiguous parcel under common ownership.

(iv) Notwithstanding the foregoing, for dwelling units proposed in existing stories of existing buildings which, as of December 1, 2003, (a) are at least two stories in height and (b) which lack required on-site, off-street parking to meet the requirements of this Section, the Planning Board may grant a Special Permit A3 to permit the following:

(A) Leased Parking for Commercial/Residential Buildings, provided that a copy of a written, fully executed and effective lease, with a term of at least one (1) year, permitting use of sufficient parking spaces to comply with this Section for a minimum of overnight parking shall be provided to the Planning Board prior to the issuance of the Special Permit A3. For purposes of this Section III-G, “Leased Parking for Commercial/Residential Buildings” shall be the provision of parking for dwelling units in a Commercial/ Residential Building on land of a third party located within 500 feet of the benefited parcel (but excluding parcels with single-family dwellings or two-family dwellings outside of the Overlay District). The granting of a Special Permit A3 shall require a finding by the Planning Board that such lease of parking spaces does not create a violation of the zoning of, parking requirements for existing uses on, or any special permit or variance granted to, the burdened parcel. In addition, the applicant (or its successor) shall be required, as a condition of the issuance of a Special Permit, (i) to certify to the Building Commissioner annually, on the anniversary of the date of the issuance of a Special Permit, that such lease remains in full force and in effect and (ii) no later than thirty (30) days prior to the expiration or other termination of such lease, to apply to the Planning Board for a modification of its Special Permit A3 which application shall provide for the required parking in another manner consistent with the requirements of this subsection 7(a).

(B) Off-site parking in designated resident parking areas of public parking lots, provided that a resident parking permit program or the like is adopted by the Town, and provided that, as a condition of the issuance of the Special Permit A3, the applicant applies for and presents written evidence to the Planning Board and the Building Commissioner of approval by the Town of sufficient resident parking

permits to comply with the parking requirements of this Section.

Provision of off-street parking in accordance with the requirements of this Subsection (iv) may be satisfied by any combination of on-site parking and alternative parking options described herein, provided, however, that where, prior to the application for a Special Permit under this Section, sufficient off-street parking exists or may be reasonably constructed on-site to satisfy, in whole or in part, the parking requirements of this Section, the Planning Board shall consider the availability of such parking when considering the eligibility of the site such parking shall be located on-site and shall not be eligible for relief under this subsection to allow for alternate parking options.

(v) No newly-constructed parking shall front on a public way, except along Summer Street (Route 3A), Water Street, Station Street or the Station Street parking areas.

(vi) For parcels which have opposite property lines along two streets or ways and for parcels with frontage on Summer Street (Route 3A), fully enclosed garage parking may be provided within the building at ground level if such parking is accessed from the rear of the building, is not visible from the front of the building, and such building has a permitted commercial use at the front of the building. For purposes of this Section III-G, any portion of a building facing Main Street, South Street, North Street, or Summer Street shall be considered the front of a building.

(vii) Notwithstanding any provision of Section V-A to the contrary, and except as specifically provided in this Section III-G, 6(d), off-street parking requirements for residential uses in a Commercial/Residential Building shall not be reduced nor waived by special permit or otherwise. In the event of a conflict between the provisions of Section V and this Section, the provisions of this Section shall control.

b. Off-Street Parking Requirements for Certain Non-Residential Uses

The reduction in off-street parking requirements for Business A District set forth in Section V-A, 2 shall not apply to uses under Section III-A, 4.10 and Section III-A, 4.11 on the ground floor; provided, however, that this subsection 7(b) shall not apply to any Grandfathered Use under section III-G, 4(b)(ii).

c. Special Permit A3 for Waivers from the Off-Street Parking Requirements

The Planning Board may approve an application for a Special Permit A3 to waive strict adherence to the requirements of this Section III-G,7 and applicable provisions of Section V-A if it finds such application meets the following criteria:

(i) Satisfactory demonstration of parking adequacy as evidenced by the results of a parking study conducted pursuant to the standards of the Institute of Transportation Engineers (ITE) and the Urban Land Institute (ULI) prepared by a Professional Engineer duly licensed in the Commonwealth of Massachusetts with demonstrated experience in the Fields of Traffic Engineering and Transportation Planning, and concurrence with said results by the Planning Board's review consultant. The parking study baseline shall be consistent with the methodology and format implemented as a part of the Town's "2008 Downtown Hingham Parking Study" and associated shared parking model, as the same may be updated or amended from time to time. Upon written request of the applicant, the Planning Board may waive the above submittal requirement if deemed by the Planning Board to be not necessary for its review of the application.

(ii) Such relief will promote the goal of preserving and enhancing the Downtown as a mixed-use, pedestrian-oriented local shopping and business district and is consistent with the purpose and objectives of the Overlay District;

(iii) The maximum number of off-street parking spaces reasonably achievable on the premises has been provided;

(iv) It is not practical to meet the applicable standards of this Section 7 and Section V-A and a waiver of these regulations will not (A) result in or worsen parking or traffic problems, or adversely affect pedestrian safety, on-site or on the surrounding streets or (B) adversely affect the value of abutting lands and buildings;

Item 5 At Section VI (Definitions) add the following terms in the applicable alphabetic location:

"Business Office or Agency -- Administrative, executive, research, servicing, processing or similar businesses or organizations having only limited face-to-face contact with the general public. See also, Professional Office or Agency."

“Commercial Service Establishment – An establishment primarily engaged in providing services on-site, including walk-in services, directly to individual or businesses, such as printing, copying, shipping, but excluding Business Offices. See also Service Business”

“Consumer Service Establishment – An establishment primarily engaged in providing personal services directly to consumers on-site, such as hair or nail salons, drop-off/pick-up dry cleaner, tailor, shoe repair, and educational services such as tutoring, but excluding medical or dental Professional Offices and Health Clubs. See also Service Business.”

“Craft Establishment -- Any business establishment that produces on the premises non-edible articles for sale on the premises of artistic quality or effect or handmade workmanship directly to the public, including handmade articles for production by the public on-site. Examples include weaving, pottery, painting, sculpting, candle-making, and associated activities. Craft Establishment shall be considered a ‘Retail Business’ for the purpose of determining off-street parking requirements.”

“General Business Office – See ‘Business Office or Agency.’”

“Ground Floor – Within the Downtown Hingham Overlay District, the floor of a Building that exits directly at street level. For any Building having more than one floor that exits directly at street level each such floor shall constitute a ‘ground floor’.”

“Medical or Dental Office -- An office used exclusively by physicians, dentists, and similar healthcare professionals for the treatment and examination of patients and clients on an outpatient basis.”

“Professional Studio – The studio of an artist, a musician or a photographer, provided such studio may also constitute a Craft Establishment or a Consumer Service Establishment if the primary use of such space meets the definition of such an establishment.

“Service Business – For the purpose of determining off-street parking requirements the following shall each be considered a Service Business: Commercial Service Establishment, Consumer Service Establishment, and Craft Establishment.”

Item 6 At Section VI (Definitions):

(a) Delete the definition of “Professional Office” and substitute therefor the following:

“Professional Office or Agency: The office of a member of a recognized profession, including but not limited to accountants, architects, doctors and physicians, dentist, engineers, real estate or insurance brokers and lawyers, but excluding businesses defined under Business Office or Agency, Consumer Service Establishment and Professional Studio.”

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

COMMENT: The Downtown Overlay District was approved by the Annual Town Meeting in 2004 to encourage planning, design and development that would protect and promote the economic viability of downtown businesses and properties, to allow for second-story residential uses, and to preserve the historic character of Hingham Square. The District is comprised of the underlying Business A Zoning district, and extends from approximately the intersection of Lafayette Avenue and South Street, through Hingham Square, to the end of North and Station Streets, and along the south side of Route 3A to the Rotary. The District also includes portions of Fearing Road and of Lafayette Avenue and Bank, Central, Cottage, Green, Mill, Ship, and Water Streets. This proposed amendment will do the following:

- It will expand the scope of the objectives of the Overlay District to emphasize the encouragement of walk-in type uses in ground-floor spaces.
- It will require certain office-type uses, including real estate agencies, professional offices and general offices, banks, and financial institutions, to secure a Special Permit A2 from the Zoning Board of Appeals prior to seeking a building permit or occupancy permit to occupy ground-floor space; other uses, such as restaurants, currently also require a Special Permit A2. A Special Permit can be approved, approved with conditions, or denied, and an approved Special Permit can be appealed. Office and bank uses are currently permitted as of right on any floor level in the Overlay District. (The proposed amendment will not affect the use by right of upper-floor levels in the District by these office and bank uses.)
- It will provide certain specified grandfathered rights for existing ground-floor spaces in the Overlay District that are currently occupied by the office and bank uses described above. One effect of this

provision will be to establish an approximate de facto approved mix of retail, service and office uses in the District on a property-by-property basis.

- It will expand the ability of property-owners to develop residential uses on upper floors of new and existing buildings in the Overlay District, through modification of the associated parking requirements.
- It will provide a more objective approval mechanism than currently exists to ease parking requirements for some commercial and residential uses within the Overlay District, in recognition of a detailed professional parking analysis recently prepared by a consultant to the Planning Board.
- It will clarify definitions of office and service uses so that they are more consistent with the terminology used in the Off-Street Parking section of the By-law.
- It will add more stringent parking requirements than those currently in the By-law for new office-users located in ground-floor spaces within the Overlay District. (It will not affect parking requirements for “grandfathered” office spaces.)

Regarding the proposed addition of a Special Permit process, members of the Planning Board, the Board of Selectmen, and of the Hingham Development and Industrial Commission, along with some of the Downtown retailers and residents, are concerned that the growth of office and bank uses in ground-floor spaces is having a negative impact on the pedestrian-oriented nature and vitality of the Square; they want to limit the further growth of these uses, and generally to discourage the occupancy of ground-floor spaces in the Overlay District by office uses that do not involve active walk-in business. Other Massachusetts towns have addressed this same concern, in some cases banning altogether office and bank uses from certain portions of their downtown areas. However, some Downtown property-owners and tenants are concerned that the proposed amendment will add time and cost to the process of occupying ground-floor space, will prevent some prospective tenants from occupying these spaces, will reduce the flexibility of use of this space, and could lead to increased vacancy of downtown space and/or reduced property values. A majority of the Advisory Committee believes that, on balance, it is in the best interest of the Town to amend the Zoning By-law as proposed, and consequently voted to recommend favorable action on this Article.

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

RECOMMENDED: That the Town amend the Zoning By-Law of the Town of Hingham, adopted

March 10, 1941, as heretofore amended, as follows:

Item 1 At Section III-G, delete section 2(a) and replace with the following:

“a. Encourage planning and development which will maintain and improve the economic viability of Downtown businesses by encouraging a mix of uses that will maintain, provide for or encourage regular interaction with the general public on a walk-in basis on the ground floor and office and residential uses on the upper floors.”

Item 2 At Section III-G, delete section 4 and replace with the following:

**“4. Permitted and Prohibited Uses
The permitted uses and uses allowed by Special Permit A2 in Business District A, as set forth in Section III-A, Schedule of Uses, shall be permitted or allowed, as applicable, in the Overlay District, with the following exceptions:**

(a) the following uses are prohibited in the Overlay District:

- Section III-A 4.3 Funeral Home**
- Section III-A 4.4 Animal or veterinary hospital**
- Section III-A 4.5 Commercial breeding**
- Section III-A 5.1 Automotive filling or service station**
- Section III-A 5.2 Auto repair**
- Section III-A 5.3 Car dealership & service facilities**
- Section III-A 5.4 Marina; boat livery; sales, storage & repair of boats**
- Section III-A 6.1 Wholesale warehouse**

(b) the following uses are permitted on the upper floors of any building and may be allowed by Special Permit A2 on the ground floor:

- Section III-A 4.10 Business or professional offices or agencies**
- Section III-A 4.11 Bank or other financial institution”**

(i) The Board of Appeals may approve such application for a Special Permit A2 if, in addition to the criteria set forth in Section I-F,2, it finds that, in its judgment, the use is consistent with the purpose and objectives of this Section III-G as set forth above. If such use cannot meet such objectives in the proposed location, it may be

granted a Special Permit A2 if at least one of the following apply and the Board of Appeals finds that the proposed use is not detrimental to the objectives of this Section, including objective 2(a):

(A) The site of the use is outside the primary pedestrian area of the Downtown, such primary pedestrian area being those portions of Main Street, North Street and South Street within the Overlay District.

(B) The use will be located in a building existing as of January 1, 2009 which is significantly set back from the (or all of the) street(s) which such building abuts.

(C) The physical characteristics of the existing building (as of January 1, 2009) in which the use shall be located (such as a pre-existing residential structure within the Overlay District) are such that other permitted or allowed uses in the Overlay District are not practicable.

(ii) Notwithstanding the provisions of subsection 4(B)(i) above, if, as of January 1, 2009, the ground floor of any building included a "business or professional office or agency" or a "bank or other financial institution" (each a "Grandfathered Use"), and such Grandfathered Use is subsequently changed to another permitted or allowed use in the Overlay District, such ground floor may, within six (6) years of such change of use, revert back to a Grandfathered Use and such Grandfathered Use shall be permitted subject to Site Plan Review pursuant to subsection 4(b)(iii) below prior to issuance of a building permit (or a certificate of occupancy if no building permit is requested), but shall not require a Special Permit A2.

(iii) The Planning Board, when conducting Site Plan Review under this subsection 4(b), shall consider, in addition to the items set forth in Section I-I, 6, whether the appearance and treatment of the windows and doors of the building will maintain, provide for or encourage regular interaction with the general public.

Item 3

(a) At Section III-G, 6, delete subsection (d) in its entirety; and

(b) At Section III-B, 7 replace the reference to Section III-G, 6 to Section III-G, 7(a); and

(c) At Section III-G, 6(b)(iii) replace the reference to Section III-G, 6(d) to Section III-G, 7(a).

Item 4 At Section III-G, add a new section 7 as follows:

"7. Off-Street Parking Requirements in the Downtown Hingham Overlay District
Except as otherwise provided in this section (7), the requirements set forth in Section V-A, Off Street Parking Requirements, shall apply to the Overlay District.

a. Parking Requirements for Commercial/Residential Buildings

The purpose of this subsection (a) is to ensure that sufficient off-street parking is provided for all dwelling units created under Section III-G,6.

(i) Provision for off-street parking shall be as follows:

Studio or one-bedroom dwelling unit	1 space
Two-bedroom dwelling unit	2 spaces

(ii) When off-street parking exists or may be constructed on the parcel where the use is proposed, the Planning Board may make a finding in connection with a Special Permit A3 application pursuant to Section V-A that the commercial use(s) and the residential use within the Commercial/Residential Building are complementary uses having different peak demand times, in which event on-site parking may satisfy both the residential and the commercial uses (subject to the requirements of Section 7 below in the event of a change or increase in commercial uses).

(iii) Parking for all dwelling units (including, without limitation, dwelling units proposed in newly-constructed or reconstructed buildings or in newly-constructed stories to existing buildings) shall be located on the same parcel or on a contiguous parcel under common ownership.

(iv) Notwithstanding the foregoing, for dwelling units proposed in existing stories of existing buildings which, as of December 1, 2003, (a) are at least two stories in height and (b) which lack required on-site, off-street parking to meet the requirements of this Section, the Planning Board may grant a Special Permit A3 to permit the following:

(A) Leased Parking for Commercial/Residential Buildings, provided that a copy of a written, fully executed and effective lease, with a term of at least one (1) year, permitting use of sufficient parking spaces to comply with this Section for a minimum of overnight parking shall be provided to the Planning Board prior to the issuance of the Special Permit A3. For purposes of this Section III-G, “Leased Parking for Commercial/Residential Buildings” shall be the provision of parking for dwelling units in a Commercial/Residential Building on land of a third party located within 500 feet of the benefited parcel (but excluding parcels with single-family dwellings or two-family dwellings outside of the Overlay District). The granting of a Special Permit A3 shall require a finding by the Planning Board that such lease of parking spaces does not create a violation of the zoning of, parking requirements for existing uses on, or any special permit or variance granted to, the burdened parcel. In addition, the applicant (or its successor) shall be required, as a condition of the issuance of a Special Permit, (i) to certify to the Building Commissioner annually, on the anniversary of the date of the issuance of a Special Permit, that such lease remains in full force and in effect and (ii) no later than thirty (30) days prior to the expiration or other termination of such lease, to apply to the Planning Board for a modification of its Special Permit A3 which application shall provide for the required parking in another manner consistent with the requirements of this subsection 7(a).

(B) Off-site parking in designated resident parking areas of public parking lots, provided that a resident parking permit program or the like is adopted by the Town, and provided that, as a condition of the issuance of the Special Permit A3, the applicant applies for and presents written evidence to the Planning Board and the Building Commissioner of approval by the Town of sufficient resident parking permits to comply with the parking requirements of this Section.

Provision of off-street parking in accordance with the requirements of this Subsection (iv) may be satisfied by any combination of on-site parking and alternative parking options described herein, provided, however, that where, prior to the application for a Special Permit under this Section, sufficient off-street parking exists or may be reasonably constructed on-site to satisfy, in whole or in part, the parking requirements of this Section, the Planning Board

shall consider the availability of such parking when considering the eligibility of the site such parking shall be located on-site and shall not be eligible for relief under this subsection to allow for alternate parking options.

(v) No newly-constructed parking shall front on a public way, except along Summer Street (Route 3A), Water Street, Station Street or the Station Street parking areas.

(vi) For parcels which have opposite property lines along two streets or ways and for parcels with frontage on Summer Street (Route 3A), fully enclosed garage parking may be provided within the building at ground level if such parking is accessed from the rear of the building, is not visible from the front of the building, and such building has a permitted commercial use at the front of the building. For purposes of this Section III-G, any portion of a building facing Main Street, South Street, North Street, or Summer Street shall be considered the front of a building.

(vii) Notwithstanding any provision of Section V-A to the contrary, and except as specifically provided in this Section III-G, 6(d), off-street parking requirements for residential uses in a Commercial/Residential Building shall not be reduced nor waived by special permit or otherwise. In the event of a conflict between the provisions of Section V and this Section, the provisions of this Section shall control.

(b) Off-Street Parking Requirements for Certain Non-Residential Uses

The reduction in off-street parking requirements for Business A District set forth in Section V-A, 2 shall not apply to uses under Section III-A, 4.10 and Section III-A, 4.11 on the ground floor; provided, however, that this subsection 7(b) shall not apply to any Grandfathered Use under section III-G, 4(b)(ii).

(c) Special Permit A3 for Waivers from the Off-Street Parking Requirements

The Planning Board may approve an application for a Special Permit A3 to waive strict adherence to the requirements of this Section III-G,7 and applicable provisions of Section V-A if it finds such application meets the following criteria:

(i) Satisfactory demonstration of parking adequacy as evidenced by the results of a parking study conducted pursuant to the

standards of the Institute of Transportation Engineers (ITE) and the Urban Land Institute (ULI) prepared by a Professional Engineer duly licensed in the Commonwealth of Massachusetts with demonstrated experience in the Fields of Traffic Engineering and Transportation Planning, and concurrence with said results by the Planning Board's review consultant. The parking study baseline shall be consistent with the methodology and format implemented as a part of the Town's "2008 Downtown Hingham Parking Study" and associated shared parking model, as the same may be updated or amended from time to time. Upon written request of the applicant, the Planning Board may waive the above submittal requirement if deemed by the Planning Board to be not necessary for its review of the application.

(ii) Such relief will promote the goal of preserving and enhancing the Downtown as a mixed-use, pedestrian-oriented local shopping and business district and is consistent with the purpose and objectives of the Overlay District;

(iii) The maximum number of off-street parking spaces reasonably achievable on the premises has been provided;

(iv) It is not practical to meet the applicable standards of this Section 7 and Section V-A and a waiver of these regulations will not (A) result in or worsen parking or traffic problems, or adversely affect pedestrian safety, on-site or on the surrounding streets or (B) adversely affect the value of abutting lands and buildings;

Item 5 At Section VI (Definitions), add the following terms in the applicable alphabetic location:

"Business Office or Agency -- Administrative, executive, research, servicing, processing or similar businesses or organizations having only limited face-to-face contact with the general public. See also, Professional Office or Agency."

"Commercial Service Establishment – An establishment primarily engaged in providing services on-site, including walk-in services, directly to individual or businesses, such as printing, copying, shipping, but excluding Business Offices. See also Service Business"

"Consumer Service Establishment – An establishment primarily engaged in providing personal services directly to consumers on-site, such as hair or nail salons, drop-off/pick-up dry cleaner, tailor, shoe repair, and educational services such as tutoring, but excluding medical or dental Professional Offices and Health Clubs. See also Service Business."

"Craft Establishment -- Any business establishment that produces on the premises non-edible articles for sale on the premises of artistic quality or effect or handmade workmanship directly to the public, including handmade articles for production by the public on-site. Examples include weaving, pottery, painting, sculpting, candle-making, and associated activities. Craft Establishment shall be considered a 'Retail Business' for the purpose of determining off-street parking requirements."

"General Business Office – See 'Business Office or Agency.'"

"Ground Floor – Within the Downtown Hingham Overlay District, the floor of a Building that exits directly at street level. For any Building having more than one floor that exits directly at street level each such floor shall constitute a 'ground floor'."

"Medical or Dental Office -- An office used exclusively by physicians, dentists, and similar healthcare professionals for the treatment and examination of patients and clients on an outpatient basis."

"Professional Studio – The studio of an artist, a musician or a photographer, provided such studio may also constitute a Craft Establishment or a Consumer Service Establishment if the primary use of such space meets the definition of such an establishment.

"Service Business – For the purpose of determining off-street parking requirements the following shall each be considered a Service Business: Commercial Service Establishment, Consumer Service Establishment, and Craft Establishment."

Item 6 At Section VI (Definitions), delete the definition of "Professional Office" and substitute therefor the following:

“Professional Office or Agency: The office of a member of a recognized profession, including but not limited to accountants, architects, doctors and physicians, dentist, engineers, real estate or insurance brokers and lawyers, but excluding businesses defined under Business Office or Agency, Consumer Service Establishment and Professional Studio.”

ARTICLE 32. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

In the “Zoning Map, Part A, of the Town of Hingham, Massachusetts,” by removing from Office Park District and including in the Industrial Park District, the land shown on Assessors Map 195 as Lot 44, on Assessors Map 194 as Lots 1, 2, 11, 12, 14, 15, 22, 24 & 25, on Assessors Map 187 as Lot 12, on Assessors 186 as Lots 2, & 3, and on Assessors Map 185 as lots 1 & 2, being all the land, except Lots 6 & 43 on Assessors Map 195, included in the Office Park District by the adoption of Article 48 by the 1983 Annual Town meeting, which land is situated on Derby Street, off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line, or act on anything related thereto?

(Inserted at the request of Stacy Shunk and others)

COMMENT: The proponents of this article propose to re-zone approximately 77 acres in the South Hingham Development Overlay District, from Office Park to Industrial Park, in order to allow for more commercial development flexibility on the property in question. For example, Retail Groups (i.e., shopping centers such as Derby Street Shoppes) are allowed by Special Permit in the Industrial Park district, while they are not allowed in the Office Park district. The area of South Hingham addressed by this proposed article (and by the following two articles) is the subject of ongoing study by the Planning Board. As such, the Planning Board does not believe it is appropriate to address the re-zoning of individual properties within this area prior to the completion of this planning study. The Planning Board intends to pursue this study over the course of the upcoming year, and may consider comprehensive zoning changes in recognition of the changing land use trends in this part of Hingham. The Advisory Committee agrees that, on balance, it is not in the best interest of the Town to amend the Zoning By-law as proposed at this time. The Planning Board voted unanimously to recommend no action on this article.

RECOMMENDED: That no action be taken on this article.

ARTICLE 33. Will the Town amend Section III-A, 3.8 of the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

By removing from the Industrial Park District column the “O” and substituting therefor “A2”, or act on anything related thereto?

(Inserted at the request of Stacy Shunk and others)

COMMENT: If Article 32 were to be approved, the intent of the proponents of this article would be to preserve the right to develop a nursing home or other similar health care or institutional use on the property in question (as well as in all other properties zoned Industrial Park), a right currently allowed by Special Permit in the Office Park district but not in the Industrial Park district. For the reasons described in the Comment at Article 33, above, the Planning Board voted unanimously to recommend no action on this article.

RECOMMENDED: That no action be taken on this article.

ARTICLE 34. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

In the “Zoning Map, part A, of the Town of Hingham, Massachusetts,” by removing from Residence C District and including in the Industrial Park District, the land shown on Assessors Map 186 as Lot 5 and on Assessors Map 187 as Lot 10, which land is situated on Derby Street, off Old Derby Street and on the northeasterly side of Route 3 and the easterly side of the Town Line, or act on anything related thereto?

(Inserted at the request of Stacy Shunk and others)

COMMENT: The original proponents of this article no longer support it and the Planning Board voted unanimously to recommend no action on the article. Please refer also to the comment on Article 32, above.

RECOMMENDED: That no action be taken on this article.

ARTICLE 35. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, in the “Zoning Map, Part A, of the Town of Hingham, Massachusetts,” by

removing from the Residence B District and including in the Business B District, the land shown on Assessors Map 195 as Lots 23, 24 & 100 and the portion of Lot 22 presently in the Residential B District, or act on anything related thereto?
(Inserted at the request of Stacy Shunk and others)

COMMENT: This petition article relates to contiguous parcels of land, totaling almost two acres, located at the northeast corner of the intersection of Derby and Cushing Streets in South Hingham. Its proponents seek a rezoning of the subject property from the Residence B District to the Business B District. It is anticipated that, if the proposed rezoning is approved at Town Meeting, the property will be acquired from its owners for the purpose of constructing and operating a CVS store with a drive-through pharmacy.

The Planning Board conducted two extensive public hearings on this article. Both hearings were well-attended by proponents and opponents of the requested rezoning. In addition to representatives of CVS, neighboring property-owners on Derby and Cushing Streets, and other residents, spoke, and wrote letters, in favor of the article. Likewise, many neighboring property-owners, including abutters, and other residents, spoke and wrote in opposition to the article. Among other reasons, proponents cited the predominantly commercial character of the Derby Street corridor and the potential tax benefits that commercial development of this property might yield to the Town. Among other reasons, opponents cited the long-standing residential character of the Cushing Street neighborhood, of which the subject property has always been a part, and the potential adverse effects of a CVS store on traffic congestion, pedestrian safety, and light emission in the area. Some also expressed their concern for maintaining a rural appearance for one of the "gateways" to Hingham.

At the conclusion of its hearings, the Planning Board voted unanimously to recommend no action on this article. The Planning Board also noted that the Town, through the Hingham Development and Industrial Commission, is currently in the process of reviewing growth and commercial development opportunities in the South Hingham area in the hope of formulating a comprehensive plan. In these circumstances, the Advisory Committee sees no reason to substitute its judgment for that of the Planning Board.

Therefore, the Advisory Committee recommends no action on this article.

RECOMMENDED: That no action be taken on this article.

ARTICLE 36. Will the Town amend Article 17, Section 1 of the General By-laws to add the following: "If, in the sole judgment of the Animal Control Officer or any police officer, an unleashed dog is not under voice control, the owner or keeper shall leash the dog immediately at the request of said officer," or act on anything related thereto?

COMMENT: Article 17 of the General By-Laws of the Town contains dog regulations. Dog-owners, while enjoying their pets, have a responsibility to the community to manage and control their dogs. This proposed amendment to Article 17 is prompted by increasing numbers of complaints by residents to the Animal Control Officer and the Police Department about uncontrolled dogs, especially in areas accessible to the public.

For example, Bare Cove Park is a wonderful Town asset intended for everyone to enjoy. Yet there, it is common to see dog-owners allowing their pets to run loose without a leash, supposedly under voice control. In many cases, the dogs are not in fact responsive to their owners' voice commands, and threaten recreational enjoyment of the Park by others. The purpose of this amendment is to ensure public safety by authorizing the Animal Control Officer or a police officer to require owners to exercise control over their dogs, and immediately to leash dogs that are determined to be uncontrolled. The Advisory Committee voted unanimously in favor of this article.

RECOMMENDED: That the Town amend Article 17, Section 1 of the General By-laws by adding the following: "If, in the sole judgment of the Animal Control Officer or any police officer, an unleashed dog is not under voice control, the owner or keeper shall leash the dog immediately at the direction of said officer."

ARTICLE 37. Will the Town amend the General By-Laws of the Town, adopted March 13, 1939, as heretofore amended, at Article 32, Section 11, to read as follows:

"Section 11 - Each non-residential marina float or pier system which is greater than 500 feet long, or which is determined by the Fire Chief or the Chief's designee (Fire Chief) to be inaccessible for firefighting, shall have a fire protection water piping system (System) installed for firefighting or emergency use. The System shall be constructed of non-corrosive materials, it shall be designed and installed in accordance with appropriate and nationally recognized standards for such systems,

and it shall be equipped with 1½" hose connections for use in fighting fires. The System shall be maintained in good operating condition. The System shall be inspected and tested annually, on or before May 1, by a qualified testing agency, and a report detailing the results of the inspection and test shall be forwarded to the Fire Chief within ten days of the inspection and test. Any components of the System that fail the inspection or test shall be repaired or replaced within 30 days and the System shall be retested. The design and construction of all Systems shall be subject to the review and approval of the Fire Chief. Design documents for such Systems shall be submitted to the Fire Chief at least 30 days prior to the anticipated commencement of System construction, and no System shall be constructed, expanded, or otherwise altered without the Fire Chief's approval. Installation of such System shall be completed, and the System must receive the Fire Chief's approval, before a float or pier system is allowed to be used. The marina float or pier owner shall pay all costs of the System, including, but not limited to, its design, construction, maintenance, inspection, and testing. The provisions of this By-Law shall apply to all new and existing marina floats or piers meeting the criteria described in the first sentence of this Section 11. A violation of this Section 11 may result in a fine of one hundred dollars (\$100) if, after receiving written notice of a violation from the Fire Chief, the marina owner fails to correct the violation within 30 days of receipt of such notice, or within such longer time as the Fire Chief may grant in appropriate circumstances. Each day that an uncorrected violation exists after the allowed time for correction has lapsed shall be deemed to be a separate offense." or act on anything relating thereto? (Inserted at the request of the Fire Chief)

COMMENT: Section 11 of Article 32 was originally incorporated into the Town By-Laws in 1991. At that time, the length of marina floats and piers subject to the provisions of the By-Law was "greater than 200 feet." Since 1991, the Fire Department's firefighting equipment has improved so that the Fire Department is now able to effectively fight fires on accessible floats and piers up to 500 feet long without having to rely on a built-in water piping system. The proposed amendment to the By-Law will remove the requirement for a built-in water piping system from floats and piers 500 feet or less in length, unless such installations are not readily accessible to firefighting equipment. The amendment also will allow the use of flexible, non-metallic piping where piping systems are required, in recognition of the special conditions present in

marine environments. These provisions will reduce the economic burden on owners of floats and piers without compromising public safety. As of this date, there are two marinas in Hingham with float or pier systems that exceed 500 feet in length, though there may be several other shorter facilities that will continue to be affected by this by-law due to lack of accessibility.

The proposed amendment adds a requirement that owners of marina floats and piers subject to the provisions of this By-Law have their fire protection piping systems maintained and tested for proper operation on an annual basis. This maintenance and testing requirement is similar to the requirement placed on owners of buildings with fire suppression systems, and will help to ensure that the systems will be dependable in the event of an emergency.

The amended By-Law specifically is intended to apply to both existing and new marina floats and piers, as was the original Section 11. The By-Law is not intended to apply to floats and piers associated with individual single-family residences since these are not publicly accessible marinas with numerous slips, and since these installations are typically substantially less than 500 feet in length.

RECOMMENDED: That the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, at Article 32, by deleting the current Section 11 and replacing it with the following:

"Section 11 - Each marina float or pier system which is greater than 500 feet long from its land-side beginning to its end or ends, or which is determined by the Fire Chief or the Chief's designee (Fire Chief) to be inaccessible for firefighting, shall have a fire protection water piping system (System) installed for firefighting or emergency use. The System shall be a manual dry standpipe system, with a fire department connection and removable cap at its land-side end, ready for connection by the Fire Department to a water source in the event of need. The System shall be constructed of durable, corrosion-resistant materials, and it shall be equipped with 1½" hose connections at 100 foot intervals for use in fighting fires. The System shall be designed and installed in accordance with appropriate and nationally recognized standards for such systems; where so warranted by special conditions, the Fire Chief may consider alternative materials and/or design standards for the standpipe system when such alternatives, in the Fire Chief's opinion, provide the required protection. The System shall be

maintained in good operating condition at all times when the float or pier system is in use. The System shall be inspected and tested annually, on or before May 1, by a qualified testing agency, and a report detailing the results of the inspection and test shall be forwarded to the Fire Chief within ten days of the inspection and test. Any components of the System that fail the inspection or test shall be repaired or replaced within 30 days and the System shall be retested. The design and construction of all Systems shall be subject to the review and approval of the Fire Chief. Design documents for such Systems shall be submitted to the Fire Chief prior to the commencement of System construction, and the Fire Chief shall review and respond to the submittal within 30 days of receipt thereof. No System shall be constructed, expanded, or otherwise altered without the Fire Chief's approval. Installation of such System shall be completed, and the System must receive the Fire Chief's approval, before a float or pier system is allowed to be used. The marina float or pier owner shall pay all costs of the System, including, but not limited to, its design, construction, maintenance, inspection, and testing. The provisions of this By-Law shall apply to all new and existing marina floats or piers meeting the criteria described in the first sentence of this Section 11. A violation of this Section 11 may result in a fine of one hundred dollars (\$100) if, after receiving written notice of a violation from the Fire Chief, the marina owner fails to correct the violation within 30 days of receipt of such notice, or within such longer time as the Fire Chief may grant in appropriate circumstances. Each day that an uncorrected violation exists after the allowed time for correction has elapsed shall be deemed to be a separate offense."

ARTICLE 38. Will the Town amend the General By-Law of the Town, adopted March 13, 1939, as heretofore amended, by changing the fees now charged by the Town Clerk under Article 6, Section 6, as follows:

(g) For filing certificate of a person conducting business under any title other than his real name, fifty dollars.

(h) For filing by a person conducting business under any title other than his real name, of a statement of change of residence, or his discontinuance, retirement, or withdrawal from, or of a change of location of such business, twenty dollars.

(n) For entering a notice of intention of marriage and issuing certificate thereof, thirty dollars.

or act on anything related thereto?

COMMENT: Article 6, Section 6 of the Town By-Laws, authorizes the Town Clerk to issue certain certificates and licenses (as well as to process changes thereto). Periodically, the Town Clerk reviews the fees charged for such certificates and licenses to be sure that the fees are adequate to cover the costs of issuance. In addition, the Town Clerk reviews similar fees charged by other towns in order to "benchmark" the Town's fee structure with other similarly situated towns. This warrant article provides for the increase of the fee relating to the certificate for the conduct of business in an alternate name from the current fee of \$25 to \$50. This certificate is valid for 4 years. In addition, this article proposes that the fee charged to process changes to such a certificate be increased from \$10 to \$20. Finally, the article provides for an increase in the fee charged for filing a notice of an intention to be married and issuing a certificate of such intention from \$25 to \$30. These fees have not been raised since the 2003 Annual Town Meeting and the increased fees are more in keeping with the costs associated with the issuance as well as more in keeping with fees charged by other similarly situated towns.

RECOMMENDED: That the Town amend the General By-Law of the Town, adopted March 13, 1939, as heretofore amended, by changing the fees now charged by the Town Clerk under Article 6, Section 6, as follows:

(g) For filing certificate of a person conducting business under any title other than his real name, fifty dollars.

(h) For filing by a person conducting business under any title other than his real name, of a statement of change of residence, or his discontinuance, retirement, or withdrawal from, or of a change of location of such business, twenty dollars.

(n) For entering a notice of intention of marriage and issuing certificate thereof, thirty dollars.

ARTICLE 39. Will the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939, as heretofore amended, at Article 36, as follows:

Item 1: At Section 1 – Definitions, subsection a. delete the third paragraph and replace it with the following:

Solicitor shall not include any person who secures money, credit, property, financial assistance, or any other thing of value on the plea or representation that it will be used for a charitable, political or religious purpose or that it is to be exchanged for any such goods or services.

Item 2: Delete Section 3 in its entirety and replace it with the following:

Section 3

All solicitors as defined in Section 1 must obtain a permit if an individual, or a registration if an organization, prior to soliciting within the Town of Hingham. All individual solicitors must have said permit in their possession when soliciting within the Town of Hingham. Solicitors are obligated to inform the Police Department as to areas of Town in which soliciting will take place on each day solicitation is to take place. Where solicitation will occur after 6:00 p.m., the Solicitor shall inform the Police Department of the specific streets on which the intended solicitation is to occur.

Item 3. Delete Section 4 in its entirety and replace it with the following:

Section 4

Solicitors must obtain the following approvals, as applicable: An Organization Solicitation Registration and an Individual Solicitation Permit.

A. Organization Solicitation Registration: Every organizational solicitor in the Town of Hingham must submit a fully completed Organization Solicitation Registration form to the Chief of Police using the Organization Solicitation Registration form available at the Police Records Office. The Police Chief shall have twenty (20) days to approve the registration for such organization or notify the applicant that the registration is denied. The registration is non-transferable.

B. Individual Solicitor Permit: Each individual who seeks to solicit must submit a fully completed Individual Solicitation Permit application form and a passport-sized photograph to be used for the permit badge to the Chief of Police. The Individual Solicitation Permit application form shall be available at the Police Records Office. The Police Chief shall have twenty (20) days to approve an Individual Solicitation Permit application or notify the applicant that the permit is denied. Upon approval, the Chief of Police shall cause an individual permit, with picture identification, to issue within five (5) business

days. The permit is non-transferable and must be displayed at all times while the permittee is soliciting. Upon request, the permittee shall show his/her permit to a police officer.

Each permit shall be valid for no more than six (6) months from the date of issue.

The organization registrant shall pay a processing fee of \$25 for each permit badge issued to individuals soliciting on its behalf. The Police Chief, for good cause shown, may waive this fee.

BASIS FOR DENIAL OF A REGISTRATION

The Chief of Police may refuse to register an organization which has been charged with fraud, deceptive or misleading advertising, or is under investigation by the Attorney General's Consumer Fraud Prevention Division, until such charge or investigation is disposed of and the organization found not culpable.

No registration shall issue to any organization that the Police Chief determines has violated this by-law. No registration shall issue if the Police Chief determines that the application contains any fraudulent or untruthful statements. The Police Chief is authorized to conduct background checks on applicants to determine suitability related to reasons for denial.

BASIS FOR DENIAL OF A PERMIT

No permit shall issue if the applicant for the permit has ever been convicted of a felony, or any one or more of the following misdemeanors:

- Assault and battery;
- Breaking and entering a building or ship with intent to commit a misdemeanor;
- Larceny;
- Shoplifting, cheating by check;
- Unlawful or fraudulent use of credit cards;
- Unlawful taking of money;
- Stealing or poisoning of a dog;
- Buying, receiving or concealing stolen goods;
- Deceptive advertising;
- Making or publishing false statements;
- Destruction or injury of a building;
- Trespass on property after prohibition; and/or
- Trespass with internal combustion engine or source of mechanical power.

No permit shall issue to any person who has violated any provision of this by-law. No permit shall issue if

the Chief determines that the individual permit application form is incomplete. No permit shall issue if the Chief determines that the individual permit application form contains any untruthful or fraudulent statement. The Police Chief is authorized to conduct background checks on applicants to determine suitability related to reasons for denial.

Item 4. Change "license" in Section 5 to "permit or registration."

Item 5. After Section 5 insert a new "Section 6" as follows and renumber subsequent sections:

Section 6

No person having received a registration or a permit shall represent to the public that the same constitutes an endorsement or approval by the Town or its officials.

Should a permittee be arrested and charged with a crime that is alleged to have occurred in the course of conducting business under the permit, the permit shall be automatically suspended. Such suspension shall last until the resolution of the criminal proceedings. Should the permittee be found guilty of the offense, the permit shall be revoked and no subsequent permit shall be issued.

Upon determination by the Chief of Police that a permittee has been convicted of a felony or any of the above-named misdemeanors, the permit shall be revoked and must be returned to the Police Chief within three (3) business days. Upon a determination that an Organization Solicitor Registration form contains untruthful or misleading information, or that the registrant has been convicted of fraud or found by the Attorney General's office to have violated any consumer protection law or regulation, the registration and any permits issued under that registration shall be revoked. All revoked permits must be turned in to the Police Department within three (3) days of notice by the Chief to the registrant or permittee. Failure to do so shall constitute a violation of this by-law and each day the permit is not turned in shall constitute a separate offense. Any person or organization that is denied registration or a permit or whose registration or permit has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at a regularly scheduled meeting after the filing of the written notice of appeal. The Board of Selectmen

shall issue a decision with thirty (30) days of the filing of the appeal.
or act on anything relating thereto?

COMMENT: The requirements for permissible solicitation within the Town of Hingham are defined by The Town By-law Article 36. This warrant article, inspired by increasing numbers of door-to-door solicitations and more complaints by residents of annoyance or fraud to the Police Department, strengthens the requirements and provides for more protections to residents from unwanted and unlawful solicitations.

Highlights of the changes may be summarized as follows:

- Soliciting organizations must obtain registrations and the individuals within the soliciting organization must obtain individual permits.
- The Police Chief is authorized to conduct background checks on applicants to determine suitability related to reasons for denial.
- Organizations which have been charged with fraud, deceptive or misleading advertising, or are under investigation by the Attorney General's Consumer Fraud Prevention Division, until such charge or investigation is disposed of and the organization found not culpable, will not be allowed to register with the Chief of Police.
- Permits will be denied if the applicant has ever been convicted of a felony, or listed misdemeanors:
- Strict requirements for notification of specific street locations for any solicitations after 6:00PM and an obligations to inform the Police Department as to the areas of Town in which soliciting will take place on each day solicitation is to take place.
- Permit badges, with a picture of the permittee, must be worn at all times and be visible.

The amendments and additions to Article 36 provide the Hingham Police Department greater control over who may solicit within the Town and how such solicitation may be carried out.

RECOMMENDED: That the Town amend the General By-laws of the Town of Hingham adopted March 13, 1939 as heretofore amended, at Article 36 as follows:

Item 1: At Section 1 – Definitions, subsection a. delete the third paragraph and replace it with the following:

Solicitor shall not include any person who secures money, credit, property, financial assistance, or any other thing of value on the plea or representation that it will be used for a charitable, political or religious purpose or that it

is to be exchanged for any such goods or services.

Item 2: Delete Section 3 in its entirety and replace it with the following:

“Section 3

All solicitors as defined in Section 1 must obtain a permit if an individual, or a registration if an organization, prior to soliciting within the Town of Hingham. All individual solicitors must have said permit in their possession when soliciting within the Town of Hingham. Solicitors are obligated to inform the Police Department as to areas of Town in which soliciting will take place on each day solicitation is to take place. Where solicitation will occur after 6:00 p.m., the Solicitor shall inform the Police Department of the specific streets on which the intended solicitation is to occur.”

Item 3. Delete Section 4 in its entirety and replace it with the following:

Section 4

Solicitors must obtain the following approvals, as applicable: An Organization Solicitation Registration and an Individual Solicitation Permit.

A. Organization Solicitation Registration: Every organizational solicitor in the Town of Hingham must submit a fully completed Organization Solicitation Registration form to the Chief of Police using the Organization Solicitation Registration form available at the Police Records Office. The Police Chief shall have twenty (20) days to approve the registration for such organization or notify the applicant that the registration is denied. The registration is non-transferable.

B. Individual Solicitor Permit: Each individual who seeks to solicit must submit a fully completed Individual Solicitation Permit application form and a passport-sized photograph to be used for the permit badge to the Chief of Police. The Individual Solicitation Permit application form shall be available at the Police Records Office. The Police Chief shall have twenty (20) days to approve an Individual Solicitation Permit application or notify the applicant that the permit is denied. Upon approval, the Chief of Police shall cause an individual permit, with picture identification, to issue within five (5) business days. The permit is non-transferable and must be displayed at all times while the permittee is soliciting. Upon

request, the permittee shall show his/her permit to a police officer.

Each permit shall be valid for no more than six (6) months from the date of issue.

The organization registrant shall pay a processing fee of \$25 for each permit badge issued to individuals soliciting on its behalf. The Police Chief, for good cause shown, may waive this fee.

BASIS FOR DENIAL OF A REGISTRATION

The Chief of Police may refuse to register an organization which has been charged with fraud, deceptive or misleading advertising, or is under investigation by the Attorney General’s Consumer Fraud Prevention Division, until such charge or investigation is disposed of and the organization found not culpable.

No registration shall issue to any organization that the Police Chief determines has violated this by-law. No registration shall issue if the Police Chief determines that the application contains any fraudulent or untruthful statements. The Police Chief is authorized to conduct background checks on applicants to determine suitability related to reasons for denial.

BASIS FOR DENIAL OF A PERMIT

No permit shall issue if the applicant for the permit has ever been convicted of a felony, or any one or more of the following misdemeanors: Assault and battery; Breaking and entering a building or ship with intent to commit a misdemeanor; Larceny; Shoplifting, cheating by check; Unlawful or fraudulent use of credit cards; Unlawful taking of money; Stealing or poisoning of a dog; Buying, receiving or concealing stolen goods; Deceptive advertising; Making or publishing false statements; Destruction or injury of a building; Trespass on property after prohibition; and/or Trespass with internal combustion engine or source of mechanical power.

No permit shall issue to any person who has violated any provision of this by-law. No permit shall issue if the Chief determines that the individual permit application form is incomplete. No permit shall issue if the Chief determines that

the individual permit application form contains any untruthful or fraudulent statement. The Police Chief is authorized to conduct background checks on applicants to determine suitability related to reasons for denial.

Item 4. Change "license" in Section 5 to "permit or registration."

Item 5. After Section 5 insert a new "Section 6" as follows and renumber subsequent sections:

Section 6

No person having received a registration or a permit shall represent to the public that the same constitutes an endorsement or approval by the Town or its officials.

Should a permittee be arrested and charged with a crime that is alleged to have occurred in the course of conducting business under the permit, the permit shall be automatically suspended. Such suspension shall last until the resolution of the criminal proceedings. Should the permittee be found guilty of the offense, the permit shall be revoked and no subsequent permit shall be issued.

Upon determination by the Chief of Police that a permittee has been convicted of a felony or any of the above-named misdemeanors, the permit shall be revoked and must be returned to the Police Chief within three (3) business days. Upon a determination that an Organization Solicitor Registration form contains untruthful or misleading information, or that the registrant has been convicted of fraud or found by the Attorney General's office to have violated any consumer protection law or regulation, the registration and any permits issued under that registration shall be revoked. All revoked permits must be turned in to the Police Department within three (3) days of notice by the Chief to the registrant or permittee. Failure to do so shall constitute a violation of this by-law and each day the permit is not turned in shall constitute a separate offense. Any person or organization that is denied registration or a permit or whose registration or permit has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at a regularly scheduled meeting after the filing of the written notice of appeal. The Board of Selectmen shall

issue a decision with thirty (30) days of the filing of the appeal.

ARTICLE 40. Will the Town amend the General By-laws of the Town adopted March 13, 1939 as heretofore amended, at Article 10 by deleting in its entirety Section 30A and inserting in its place the following:

"30A No person shall consume an alcoholic beverage as defined by General Laws Chapter 138, Section 1, as amended, or possess an opened container of such beverage, or consume marihuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1, as amended, within the limits of any park, playground, public building, or any public land (but not including a public way) owned or under the control of the Town of Hingham nor shall any person consume an alcoholic beverage or consume marihuana or tetrahydrocannabinol as previously defined in, on or upon any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Hingham. Any person who violates this section, as it pertains to alcohol only, and is unknown or whose identity cannot be ascertained may be arrested by a police officer without a warrant. All alcoholic beverages, marihuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. Whoever violates the provisions of this section as it pertains to alcoholic beverages shall be punished by a fine not exceeding Two Hundred (200) dollars for such offense. Whoever violates the provisions of this section as it pertains to marihuana or tetrahydrocannabinol shall be punished by a fine not to exceed three hundred (300) dollars." or act on anything relating thereto?

COMMENT: The Town By-law contained in Article 10, Section 30A, prohibits the public consumption of alcohol.

In November of 2008, Massachusetts voters approved Ballot Question 2, comprised of five sections, entitled "An Act Establishing A Sensible State Marihuana Policy". The new law replaced the criminal penalties for possession of one ounce or less of marihuana with a new system of civil penalties, to be enforced by issuing citations, and excludes information regarding this civil offense from the state's criminal record information system. The new law defines possession of one ounce or less of

marihuana as including possession of one ounce or less of tetrahydrocannabinol ("THC"), or having metabolized products of marihuana or THC in one's body. The new law allows local ordinances or by-laws that prohibit the public use of marihuana.

This warrant article amends Article 10 Public Ways – Common Lands, Section 30A to include prohibition of public consumption of marihuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1 and imposes a fine not to exceed three hundred (300) dollars."

RECOMMENDED: That the Town amend the General By-laws of the of the Town adopted March 13, 1939, as heretofore amended, at Article 10 by renaming the title of Section 30A to "Drinking alcoholic beverages and/or consuming marihuana or tetrahydrocannabinol on public way" and by deleting in its entirety Section 30A and inserting in its place the following:

"30A No person shall consume an alcoholic beverage as defined by General Laws Chapter 138, Section 1, as amended, or possess an opened container of such beverage, or consume marihuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1, as amended, within the limits of any park, playground, public building, or any public land (but not including a public way) owned or under the control of the Town of Hingham nor shall any person consume an alcoholic beverage or consume marihuana or tetrahydrocannabinol as previously defined in, on or upon any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Hingham. Any person who violates this section, as it pertains to alcohol only, and is unknown or whose identity cannot be ascertained may be arrested by a police officer without a warrant. All alcoholic beverages, marihuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. Whoever violates the provisions of this section as it pertains to alcoholic beverages shall be punished by a fine not exceeding Two Hundred (200) dollars for such offense. Whoever violates the provisions of this section as it pertains to marihuana or tetrahydrocannabinol shall be punished by a fine not to exceed three hundred (300) dollars."

ARTICLE 41. Will the Town authorize the Board of Selectmen to transfer the care, custody and control of two parcels of land consisting of approximately 13.6 acres, shown as Lot 7 on Assessors' Map 211, and Lot 3 on Assessors' Map 212 to the Conservation Commission?

(Inserted at the request of the Conservation Commission.)

COMMENT: The two parcels in question, owned by the Town, are protected wetlands located along the Old Swamp River near Abington Street. In approximately 2001, a task force including members from several Town departments considered potential uses for the parcels and concluded that they were not suitable for the construction of dwellings. Approval of the article would transfer care of the parcels to the Conservation Commission, consistent with that commission's responsibility for care of protected wetlands.

RECOMMENDED: That the Town authorize, but not require, the Board of Selectmen to transfer the care, custody and control of two parcels of land consisting of approximately 13.6 acres, shown as Lot 7 on Assessors' Map 211, and Lot 3 on Assessors' Map 212 to the Conservation Commission.

ARTICLE 42. Will the Town designate Martins Lane in Hingham as a Scenic Road pursuant to Chapter 40, Section 15C of the Massachusetts General Laws (Scenic Roads Act) upon the recommendation and request of the Historical Commission and in accordance with the Rules and Regulations of the Planning Board adopted under the Scenic Roads Act on April 2, 1984, as amended, or act on anything related thereto?

COMMENT: The Town adopted the Scenic Roads Act at the 1978 Annual Town Meeting. Since then, Union Street, Lazell Street, Free Street, a portion of Leavitt Street, Turkey Hill Lane, South Pleasant Street and Popes Lane have been designated Scenic Roads in the Town.

The Board of Selectmen, the Historical Commission and the Conservation Commission have voted in favor of designating Martins Lane as a Scenic Road

The entire length of Martins Lane—from Summer Street to its termination at the entrance to the 251-acre World's End Reservation, owned and maintained by The Trustees of Reservations--would be encompassed by the Scenic Road designation. The rural character of the street is enhanced by

mature trees and stone walls of exceptional quality; it offers exceptional views of Hingham Harbor and World's End.

Since shade trees along all Town right-of-ways are already protected through the Town's adoption of the Public Shade Tree Law (M.G.L. Ch. 87), the Scenic Road designation basically adds protection for those stone walls in or bordering a so-designated right-of-way. Each of these laws governs only the land contained within a Town right-of-way.

Within thirty days of the Scenic Road designation, the Planning Board would be obligated to notify all municipal departments, the State Department of Public Works, and all affected utility companies that any repair, maintenance, reconstruction, or paving work done shall not involve the tearing down or destruction of stone walls except with the prior written consent of the Planning Board after a duly advertised public hearing attended by the Tree Warden, as appropriate.

RECOMMENDED: That the Town designate Martins Lane in Hingham as a scenic road in accordance with MGL Chapter 40, Section 15C and the corresponding Rules and Regulations of the Planning Board adopted on April 2, 1984, as amended.

ARTICLE 43. Will the Town adopt the United States Environmental Protection Agency motorcycle exhaust system noise and labeling requirements as set forth in 40 CFR, Section 205.169 (2008) together with all sections referenced therein and require that all post 1982 model year motorcycles operating on public roads in Hingham have the requisite manufacturer's frame and exhaust system labeling; and allow the Town police department to cite operators of any motorcycles not in compliance with this article as a violation of G.L. c. 90, Section 7U, G.L. c. 90, Section 16 and/or any other applicable rule, regulation and/or statute?

The EPA provisions allow easy, convenient and safe enforcement of illegal motorcycle exhaust system noise by matching up federally mandated labels embossed on the exterior of the muffler to a frame label required on all post 1982 model year motorcycles sold in the United States.

(Inserted at the request of Thomas P. Sobran and others)

COMMENT: As obnoxious as loud motorcycle exhaust noise can be, there are several reasons why this article is not an effective solution. First and

foremost, the article is legally flawed. On the basis of established precedent, and the advice of Town Counsel, it is all but certain that the required approval of the Attorney General will be denied, as it has been denied when other towns attempted to regulate the operation of motor vehicles, including motorcycles, on public ways. For example, when Brookline approved a by-law prohibiting the use of cell phones while operating a motor vehicle on any of its streets (excepting public safety personnel while on duty), the Attorney General disapproved the by-law as inconsistent with the provisions of M.G.L. c. 90, governing the regulation and operation of motor vehicles in the Commonwealth. Therefore, the Attorney General ruled the by-law invalid under the Massachusetts Constitution. According to the Attorney General's opinion in 2001, Chapter 90, and the rules promulgated thereunder, constituted a "comprehensive scheme of regulation that is field-preemptive of the subject dealt with by the proposed by-law." In other words, towns cannot legislate in areas, such as the operation of motor vehicles, that the Commonwealth already regulates comprehensively. For the same reason, the Supreme Judicial Court invalidated Brockton's attempt to ban the use of motorcycles on its streets. Second, even if the Town legally could regulate the use and operation of motorcycles on the streets of Hingham, this article would be unnecessary because excessive exhaust noise is specifically prohibited by state law. M.G.L. c. 90, Section 16, prohibits the operation of any motor vehicle "so as to make a harsh, objectionable, or unreasonable noise." It also prohibits the use of a muffler cut-out or by-pass, the use of a muffler from which the baffle plates, screens or other original internal parts have been removed and not replaced, and the modification of an exhaust system in a manner which will amplify or increase the noise emitted by the exhaust. Furthermore, Section 7U of Chapter 90 prohibits the operation of a motorcycle "in such a manner as to exceed eighty-two decibels when operated within a speed zone of forty-five miles per hour or less, or in such a manner as to exceed eighty-six decibels when operated within a speed zone of over forty-five miles per hour measured at fifty feet using the prescribed highway vehicle sound level measurement procedure." Massachusetts regulations, at 540 CMR 3.02 and 3.03, specify allowable noise levels for motorcycles and the procedures for measuring motorcycle noise. In fact, the Hingham Police Department stops excessively noisy motorcycles and cites their operators for violations of Chapter 90, Section 16. Third, the Hingham Police Department does not support this article for several reasons beyond the fact that it is not necessary. As a practical matter, its

officers are neither trained nor equipped to search for EPA labels on motorcycle frames and exhaust systems. The persons most qualified to inspect motorcycle exhaust systems are the trained technicians who perform the required annual safety inspections at licensed inspection stations. As a legal matter, the inspections anticipated by this article might implicate, to a greater degree than most motor vehicle stops, the Fourth Amendment's requirement of probable cause to conduct a search by using a mirror or by crawling beneath the motorcycle. Unlike the proposed article, Chapter 90, Section 16, of the General Laws is readily enforceable on all public ways and requires no particular police training or search of the motorcycle. The proposed article is ill-advised for several other reasons. For one thing, it is illogical to equate the absence of matching EPA compliance labels, applied by the original equipment manufacturer ("OEM"), with a violation of Massachusetts statutes and regulations prohibiting excessive motorcycle exhaust noise. A replacement exhaust system (necessitated, for example, by an accident), purchased in the motorcycle parts aftermarket, does not necessarily produce greater noise than the OEM's labeled exhaust system, much less noise that violates Massachusetts law. Furthermore, the article purports to incorporate not only labeling regulations of the EPA and two specific Massachusetts statutes prohibiting excessive motorcycle noise, but also "any other applicable rule, regulation and/or statute." Such vague and indefinite legal references have no proper place in a by-law designed to regulate the operation of motor vehicles in the Town of Hingham, even if such local regulation were legally permissible. For all these reasons, the Advisory Committee cannot support favorable action on this petition article.

RECOMMENDED: That no action be taken on this article.

ARTICLE 44. Will the Town amend the General By-laws of the Town adopted March 13, 1939, as heretofore amended, at Article 37, Section 11, to allow the Country Club Management Committee, in conjunction with the Selectmen, to enter into lease agreements, dealing with the provision of food and beverage at the South Shore Country Club, for a term of not less than one (1) year but in no event greater than ten (10) years, with up to three additional extensions of no more than five (5) years each, based on mutually agreed upon performance criteria, or act on anything relating thereto?

COMMENT: The current contract with the third party lessee providing the food and beverage service at the South Shore Country Club is due to expire in March 2010. In anticipation of this event, the Country Club Management Committee [CCMC] in concert with the Director of Operations, have reached out to the business community to see if other vendors are interested in providing this service. To date, a number of vendors, as well as the current operator, have responded positively to this effort. During these discussions, it became clear that the current seven-year lease term limitation, under Article 37 of the town by-laws, is not sufficient for the vendors to make the needed capital improvements to the facility. It is the CCMC's intention to require vendors to include a commitment to perform upfront capital improvements to the facility as part of their proposal to provide food and beverage service in the Country Club's restaurant and function halls. It is anticipated that this additional flexibility will provide the CCMC with added bargaining strength during negotiations and result in a more favorable contract with the provider of these services from April, 2010, going forward.

RECOMMENDED: That the Town amend the General By-laws of the Town adopted March 13, 1939, as heretofore amended, at Article 37, Section 11, to read:

For the purposes of Section 12 of Chapter 30B of the Massachusetts General Laws, to allow the Country Club Management Committee, in conjunction with the Selectmen, to enter into lease agreements, dealing with the provision of food and beverage at the South Shore Country Club, for a term of not less than one (1) year but in no event greater than ten (10) years, with up to three additional extensions of no more than five (5) years each, based on mutually agreed upon performance criteria; the bowling facilities for a term not exceeding seven (7) years; and, may enter into golf maintenance contracts for a term not exceeding five (5) years.

ARTICLE 45. Will the Town authorize the Board of Selectmen to enter into an intermunicipal agreement, or petition the Great and General Court to enact special legislation, establishing a regional dispatch center or district, or act on anything relating thereto?

COMMENT: In the interests of improving public safety by providing improved Emergency Medical Dispatch, enhancing the safety of police and fire personnel, and reducing costs at the same time, the Boards of Selectmen in Hingham, Cohasset, Hull,

and Norwell, as well as the police and fire chiefs in each town, unanimously support an intermunicipal agreement or special legislation creating a regional emergency dispatch center or district based in Hingham. The Regional Dispatch Committee (“the Committee”), comprised of town officials and the police and fire chiefs from all four towns, has analyzed the operations of each town’s E 9-1-1 dispatch center, and found that significant operational efficiencies and cost savings would be achieved by merging the four dispatch centers into a single E 9-1-1 center. The Committee further found that Hingham’s current Town Hall, with certain modifications, could most readily accommodate the merged centers.

Specifically, the Committee concluded that the residents of Hingham, Cohasset, Hull, and Norwell, as well as fire, EMS, and police personnel in the four-town service area, would enjoy a greater level of safety with improved radio systems, common database software, a common set of operational protocols, and increased information-sharing across all agencies. The Committee believes that these benefits would improve emergency response times and ensure compliance with State and Federal standards.

The Committee further found that the proposed consolidation would improve services to the general public in the following respects: E 9-1-1 callers would receive a higher level of service; emergency medical dispatch (“EMD”) would be provided across all four towns; and certified EMD dispatchers would provide pre-arrival medical advice and instructions in accordance with national standards.

In addition, the creation of a regional dispatch center would result in better application of available technology. Software upgrades would facilitate information-sharing and require only one license agreement, not four. New radio systems would eliminate dead spots and standardize frequency bands. A regional dispatch center would also allow the four towns to obtain a higher level of interoperability for the police and fire departments, strengthen the mutual-aid network, enhance coordination of police and fire departments through a centralized communications center, and promote better coordination and information-sharing as police and fire personnel respond to emergencies in the four-town service area. Furthermore, after reviewing the costs of emergency dispatch services in each of the four towns, the Committee concluded that a regional dispatch center would yield substantial cost savings to each town.

Yet another significant advantage offered by regionalization are the grant opportunities that it would afford. These opportunities include grants from the Commonwealth of Massachusetts that increase the amount of training funds available for dispatchers, provide funds for upgrades and new equipment required to develop a regional dispatch center, provide funding from the Wireless Fund to towns, and fund infrastructure improvements to establish a regional dispatch center.

In fact, in March of this year, the Executive Office of Public Safety and Security and the State 911 Department awarded a grant of \$1 million to the Town of Hingham, as the host community, to establish the proposed regional dispatch center. The four towns intend to apply for additional grant money for communications equipment. It is hoped that the new facility will be operational by July 1, 2010, and that, in time, up to four more nearby towns will join the regional dispatch center. For the reasons cited by the Regional Dispatch Committee, the Advisory Committee joins the Board of Selectmen in recommending favorable action on this article.

RECOMMENDED: That the Town authorize the Board of Selectmen to enter into an intermunicipal agreement or petition the Great and General Court to enact special legislation establishing a regional dispatch center or district.

ARTICLE 46. Will the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the Town of Hingham to issue one (1) additional site-specific Restaurant Common Victualler All Alcoholic Beverages License to Six Station Street LLC, 6 Station Street, or act on anything relating thereto?

COMMENT: The 2008 Annual Town Meeting approved Article 34, which refers to the intent of the “Settles Glass” property owners to build a restaurant and/or retail space at 6 Station Street. The owners, Six Station Street LLC, are in the process of finalizing a site plan for a 150-seat restaurant, which is now under review by various permitting authorities. Construction is not expected to start before mid-2009, with completion anticipated for late 2009 or early 2010. The owners seek a site-specific All Alcoholic Beverages License in order to appeal to the broadest possible clientele once the restaurant opens.

Alcoholic beverage licenses are granted to towns on the basis of population. At present, Hingham has issued all its allotment of these licenses and, therefore, must petition the Great and General Court of the Commonwealth if it is to have the authority to issue the above-stated site-specific license.

If authorized by Town Meeting, the Board of Selectmen will petition the legislature for authorization to issue one additional, site-specific All Alcoholic Beverages license, which will be valid only for the 6 Station Street property. The Board of Selectmen is required to hold a public hearing before voting on the owner's license application.

RECOMMENDED: That the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the Town of Hingham to issue one (1) additional site-specific Restaurant Common Victualler All Alcoholic Beverages License to Six Station Street LLC, 6 Station Street.

ARTICLE 47. Will the Town accept an extension of the drainage easement shown as "As-Built Street Plan", Heather Lane, Hingham, Massachusetts, prepared by Hayward-Boynton & Williams, Inc., dated November 27, 2007, by extending said easement an additional three (3) feet as shown as relocated drainage easement on "As-Built Street Plan, Heather Lane, Station 0+0 to Station 5+87.20, Hingham, Massachusetts, prepared by Grady Consulting, L.L.C., dated May 23, 2008, from Stephen J. McCoy and Ann M. McCoy, 5 Heather Lane, or act on anything relating thereto?

COMMENT: The Town currently enjoys a drainage easement, used by the Town's Department of Public Works (DPW), over real property belonging to Stephen J. and Ann M. McCoy of 5 Heather Lane. The McCoy's wish to use a certain section of land within the easement, and accordingly proposed to DPW that the easement be relocated by three feet. DPW believes that relocation of the easement as the McCoy's propose will not interfere with the drainage benefits provided by the easement in its current location. Approval of this article would authorize the Town to accept a relocated easement.

RECOMMENDED: That the Town authorize but not require the Board of Selectmen to accept an extension of the drainage easement shown as "As-Built Street Plan", Heather Lane, Hingham,

Massachusetts, prepared by Hayward-Boynton & Williams, Inc., dated November 27, 2007, by extending said easement an additional three (3) feet as shown as relocated drainage easement on "As-Built Street Plan, Heather Lane, Station 0+0 to Station 5+87.20, Hingham, Massachusetts, prepared by Grady Consulting, L.L.C., dated May 23, 2008 from Stephen J. McCoy and Ann M. McCoy, 5 Heather Lane.

ARTICLE 48. Will the Town accept the laying out, as a town way, of a way beginning at the intersection of Gardner Street extending 500 feet, more or less, in a Southerly direction as shown through a turnaround as shown on a plan entitled: "As-Built Plan, Gardner Woods, Hingham, MA, dated 9/30/08, prepared by Neil Murphy Assoc., and the name Windsong Way be given said way, or act on anything relating thereto?

COMMENT: The above referenced street has been inspected by all interested Town departments, i.e., Fire Department, Department of Public Works, Planning Board and Conservation Commission, and has been found satisfactory in all material respects. As of March 18, 2009, one resident's lawn watering system encroaches on the right of way. The Selectmen, who, under Massachusetts General Laws, must make a formal determination to lay out the street prior to its acceptance, have directed the homeowner to move the lawn watering system such that it no longer encroaches on the right of way. The Selectmen's laying out of the street has been deferred until the homeowner takes the necessary action.

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

ARTICLE 49. Will the Town accept the laying out, as a town way, of a way beginning at the intersection of Turkey Hill Lane extending approximately 700 feet, more or less, in a northerly direction as shown on plan entitled: Roadway Plan and Profile (As-Built) Riverview Realty Trust Great Rock Road, dated 7/30/04, prepared by Sitec Inc. and the name Great Rock Road be given said way, or act on anything relating thereto?

COMMENT: The above referenced street has been inspected by all interested Town departments, i.e., Fire Department, Department of Public Works, Planning Board and Conservation Commission, and each has concerns related to the acceptability of the street as a town way. The Fire Department objects to the current road width of 18 feet, which is less

than the normal 24 feet required of most newly constructed roads in town. The narrower width impedes the ability of Fire Department vehicles to safely respond to emergencies on the street. The Department of Public Works has concerns about the curbing on the street and noted that the pavement and certain manholes require repair. The Planning Board and Conservation Officer have both noted several discrepancies in the As-Built Plans that need to be addressed.

The subject street is adjacent to wetlands and it is believed by some that plans for Great Rock Road were modified over time to address concerns related to the protection of the wetlands. Such modifications may have included a narrowing of the street to its current width of 18 feet.

Great Rock Road was approved by the Planning Board under the Subdivision Control Act in the late-1980s, though due to lengthy litigation construction did not commence until nearly a decade later. The Planning Board has limited records related to the final roadway layout as it was removed from its oversight responsibilities with respect to this project under a court order.

The petitioners have offered to give to the Town two undeveloped parcels of land adjacent to the subject street. This gift is under consideration by the relevant authorities, including the Conservation Commission. Acceptance of this gift is pending, among other matters, resolution of certain drainage issues.

As of March 18, 2009, the petitioners have taken steps to address many of the issues raised by the Town; however, it is unlikely that the street will be ready for acceptance prior to Town Meeting. The Selectmen, who, under Massachusetts General Law, must make a formal determination to lay out the street prior to its acceptance, have deferred such determination for the time being.

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

And you are hereby also directed to notify and warn the inhabitants of the Town of Hingham qualified to vote in Town affairs to meet at three designated polling places in said Town of Hingham according to their precinct, to wit: Precincts 1, 2, 3, and 5: High School 17 Union Street; Precincts 4 and 6: Middle School, 1103 Main Street on SATURDAY, the second day of May 2009 at EIGHT O'CLOCK in the

forenoon, then and there to give in their votes on the official ballot for:

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

To give their votes "Yes" or "No" on the following a ballot question:

"Shall the Town of Hingham be allowed to assess an additional \$1,100,000 in real estate and personal property taxes for the purpose of operation of the new elementary school for the fiscal year beginning July first, 2009?"

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

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before eighth day of April 2009.

Given under our hands at Hingham this 7th day of April 2009.

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

A True Copy
Attest:

Kathleen A. Peloquin
Constable of Hingham
April 8, 2009

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 to and posted by the Town Clerk in the Town Hall on this date.

Kathleen A. Peloquin
Constable of Hingham
April 8, 2009

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 six years. Any expenditure for equipment or real property costing \$5,000 or more is defined as a capital outlay.

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

1. Departments submit requests for the next six years.
2. CAPITAL reviews requests with the department heads, boards and, or committees.
3. Needs are determined and possible alternatives are discussed.
4. CAPITAL makes its recommendations to the SELECTMEN and ADVISORY.
5. SELECTMEN accepts, alters, or rejects CAPITAL'S recommendation, and forwards it to ADVISORY.

CAPITAL has reviewed the capital requests from the various Town Departments and herein submits its recommendations for fiscal year 2010 (FY2010), as well as general projections of capital needs for the next five fiscal years. CAPITAL'S recommendations for FY2010 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.

At the start of the budget process, each department was requested to produce a current year capital outlay request, and a realistic five-year capital outlay request. Both requests were compared to the prior year capital outlay requests, and departments were asked to explain significant changes. Due to the unprecedented economic climate that we find ourselves in, and the need to forestall further depletion of Town reserves resultant from expected FY2010 revenue and expenditure deficits, CAPITAL is recommending an FY2010 capital outlay budget of \$258,000.

CAPITAL's greatly reduced recommendation reflects spending for three categories of capital expenditures. The first category is items that are currently inoperable and are core to a department's operations. The repairs to the Middle School roof fall into this "inoperable" category, as the roof is currently leaking, and the Town is unable to fund its replacement at this time. The second category of capital expenditure CAPITAL is recommending are those items which are funded via a source other than the tax levy or town reserves. Items that fall into this category are Sewer, Country Club and Recreation department capital expenditures. The third and final category of capital expenditure CAPITAL is recommending are those items which will produce sufficient revenue that the cost of such expenditures can be recovered in a relative short timeframe.

Additionally, CAPITAL is recommending that a sum of money be added to the Advisory Committee's Reserve Fund to be available for emergency capital expenditures should some of the capital items that have been deferred into future years become inoperable during FY2010. It would be the expectation of CAPITAL that departments requesting funds from such an allocation present their requests to CAPITAL, the Board of Selectmen, and ultimately the Advisory Committee for approval.

CAPITAL'S recommendations are summarized below:

RECOMMENDED	
Not subject to borrowing	\$125,000
User rates/borrowing/other	\$133,000

II. SPECIFIC RECOMMENDATIONS

The Capital Outlay Committee makes the following recommendations:

Public Works

For FY2010 CAPITAL recommends \$75,000 for the purchase of a scale to be located at the transfer station. The scale would allow the town to begin receiving commercial construction debris, and to be able to charge for the receipt of such materials based upon tonnage. Due to an extremely limited market for the disposal of such materials, the town would be in a position to offer a service to the public which would provide a lower cost of disposal, while providing a new revenue stream. It is expected that the cost of the scale would be recouped in less than 18 months. Funding for this expenditure will come from the Town's available reserves.

Sewer Department

For FY2010 CAPITAL recommends \$63,000 for renovations and repairs of pump stations. Funding for this expenditure will come from Sewer rates and/or fees.

South Shore Country Club

For FY2010 CAPITAL recommends \$30,000 capital improvements at the South Shore Country Club. Funding for this expenditure will come from South Shore Country Club revenues.

Recreation Department

For FY2010 CAPITAL recommends \$20,000 for the replacement of fitness room equipment, \$10,000 for the replacement of open recreations and summer program equipment, and \$10,000 for renovations to various playing fields. Funding for these expenditures will come from Recreation Department revenues.

School

For FY2010 CAPITAL recommends \$50,000 for repairs to the Middle School roof. The current roof has failed in several areas, and it is expected that these repairs will allow the town to extend the life on the roof several years, offering the town time to find a more permanent solution. Funding for this expenditure will come from the Town's available reserves.

Thomas Pyles, Chairman

Ron Kirven

Ray Eisenbies

Andrew Mooradian, Advisory Committee

Jonathan Asher, Advisory Committee

Ted C. Alexiades, Finance Director/Town Accountant ex-officio (non-voting)

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
ACCOUNTING/MIS:					
Information Technology Assets (20% rplcmt)	\$0				
Information Technology Assets (20% rplcmt)		\$60,000			
Information Technology Assets (20% rplcmt)			\$66,500		
Information Technology Assets (20% rplcmt)				\$73,500	
Information Technology Assets (20% rplcmt)					\$77,000
TOTAL ACCOUNTING/MIS	\$0	\$60,000	\$66,500	\$73,500	\$77,000
ASSESSOR'S DEPARTMENT:					
GIS: Contour Development(1 of 4)		\$20,000			
GIS: Contour Development(2 of 4)			\$20,000		
GIS: Contour Development(3 of 4)				\$20,000	
GIS: Contour Development(4 of 4)					\$20,000
TOTAL ASSESSOR'S DEPARTMENT	\$0	\$20,000	\$20,000	\$20,000	\$20,000
BOARD OF SELECTMEN:					
TOTAL BOARD OF SELECTMEN	\$0	\$0	\$0	\$0	\$0
POLICE DEPARTMENT:					
Police Vehicles (replacement of 9 vehicles)		\$215,500			
Mobile Data Terminals (replacement)		\$50,000			
Harbormaster Floats/Gangways (replacement)		\$40,000			
Body Armor (replacement)		\$30,000			
Harbormaster Boat Engines (replaces 1)		\$19,000			
Harbormaster Floats/Gangways (replacement)			\$40,000		
Non-Lethal Weapons (new)			\$7,500		
Police Motorcycles (replacement of 2)			\$30,000		
Police Mountain Bikes (replacement)			\$5,000		
Firearms (replacement)			\$52,000		
Harbormaster Building Engineering (new)			\$12,000		
Police Vehicles (replacement of 9 vehicles)				\$223,500	
Harbormaster Boat Engines (replaces 1)				\$19,000	
Men's Locker Room (replaces 1998)				\$25,000	
Police Mountain Bikes (replaces 19xx)				\$10,000	
Harbormaster Building (new)					\$150,000
Harbormaster Boat Engines (replaces 1)					\$19,000
TOTAL POLICE DEPARTMENT	\$0	\$354,500	\$146,500	\$277,500	\$169,000

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
<u>FIRE DEPARTMENT:</u>					
Command Vehicle #C-2 (replaces 1999)		\$32,000			
Utility Vehicle #48 (new)		\$46,000			
Fire Hydrants (replacement)		\$26,000			
Interior Painting Station 3		\$5,500			
Turnout Gear (13 sets)		\$20,688			
Stryker Stretcher		\$11,000			
Exterior Painting Station 2&3		\$12,000			
Heating System Station 2&3		\$140,000			
Command Vehicle #C-1 (replaces 2004)		\$35,000			
Rescue Boat		\$59,700			
Fire Hydrants (replacement)		\$26,000			
Interior Painting Station 2		\$6,000			
Turnout Gear (11 sets)		\$17,505			
SAED Units 1-3 (replacement)		\$9,000			
Medic 1 (replaces 2007)			\$188,000		
Command Vehicle #C-3 (replaces 2004)			\$39,000		
Fire Hydrants (replacement)			\$26,000		
Turnout Gear (9 sets)			\$14,322		
SAED Units 4-6 (replacement)			\$9,000		
EKG Monitors (replacement)			\$50,000		
Stair Chairs (2 replacement)			\$5,000		
Utility Vehicle #49 (replacement)				\$41,000	
Medic 1 (replaces 2007)				\$264,000	
Fire Alarm Vehicle (replaces 1987)				\$88,000	
Fire Hydrants (replacement)				\$26,000	
Turnout Gear (10 sets)				\$15,914	
Hurst Hydraulic Tools (replacement)				\$15,000	
Stryker Stretcher				\$5,000	
Engine 1 (replaces 1991)					\$388,600
Fire Hydrants (replacement)					\$26,000
Turnout Gear (10 sets)					\$15,914
TOTAL FIRE DEPARTMENT	\$0	\$446,393	\$331,322	\$454,914	\$430,514
<u>BUILDING DEPARTMENT:</u>					
Vehicle (replacement)		\$12,000			
TOTAL BUILDING DEPARTMENT	\$0	\$12,000	\$0	\$0	\$0
<u>PUBLIC WORKS:</u>					
Road Sweeper#5878 (replaces 2000)		\$148,000			
Catch Basin Cleaner #5019 (replaces 1998)		\$147,000			

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
3/4 Ton Truck w/Plow #5002 (replaces 1995)		\$31,000			
Dump Truck w/S&P #5107 (replaces 1998)		\$134,000			
3/4 Ton Truck w/Plow #5374 (replaces 2001)		\$31,000			
Administrative Vehicle #5373 (replaces 2001)		\$32,000			
Stump Grinder (replaces 1997)		\$29,000			
Compact Truck #5880 (replaces 2000)		\$16,500			
Mid-size Dump Truck #5016 (replaces 2002)		\$70,000			
One Ton Truck #5117 (replaces 2000)		\$30,000			
3/4 Ton Truck w/Plow #5375 (replaces 2001)		\$30,000			
Dump Truck w/S&P #5108 (replaces 2000)		\$124,000			
1 Ton Dump Truck #5027 (replaces 2003)			\$55,000		
1 Ton Dump Truck #5115 (replaces 2005)			\$42,000		
3/4 Ton Truck #5412 (replaces 2003)			\$31,000		
IH4300 Knuckle Boom #5417 (replaces 2003)			\$105,000		
1 Ton Dump Truck #5421 (replaces 2005)			\$42,000		
Walk Behind 48" Mower #TP-1 (replaces 2001)			\$10,000		
Dump Truck w/S&P #5883 (replaces 2002)				\$124,000	
Sidewalk Tractor #5024 (replaces 1993)				\$92,000	
Leaf Blower #5433 (replaces 2000)				\$5,000	
Bucket Truck #5441 (replaces 2004)				\$108,000	
3/4 Ton Truck #5110 (replaces 1998)				\$31,000	
3/4 Ton Truck #5468 (replaces 2005)					\$29,000
3/4 Ton Truck #5430 (replaces 2003)					\$30,000
Walk Behind 48" Mower #TP-2 (replaces 2003)					\$10,000
3/4 Ton Truck #5435 (replaces 2003)					\$30,000
Dump Truck w/S&P #5428 (replaces 2003)					\$124,000
TOTAL PUBLIC WORKS (HIGHWAY)	\$0	\$822,500	\$285,000	\$360,000	\$223,000
<u>PUBLIC WORKS (LANDFILL):</u>					
Scale (new)	\$75,000				
Landfill Closure		\$250,000			
T-1 Open Top Trailer (replaces 2000)		\$50,000			
Trailer Tires 36 (replaces 2000)		\$10,000			
Front-end Loader #5565 (replaces 1999)		\$185,000			
T-2 Open Top Trailer		\$50,000			
Trailer Tires 36 (replaces 2000)		\$10,000			

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
Landfill Closure			\$250,000		
T-3 Open Top Trailer			\$50,000		
Forklift #5564 (replaces 1996)			\$26,000		
Trailer Tires 36 (replaces 2000)			\$10,000		
Landfill Closure				\$250,000	
T-4 Open Top Trailer				\$50,000	
Trailer Tires 36 (replaces 2000)				\$10,000	
Landfill Closure					\$250,000
T-5 Open Top Trailer					\$50,000
Trailer Tires 36 (replaces 2000)					\$10,000
TOTAL PUBLIC WORKS (LANDFILL)	\$75,000	\$555,000	\$336,000	\$310,000	\$310,000
<u>SEWER DEPARTMENT:</u>					
Pump Station (renovations & repairs)	\$63,000				
Pump Station (renovations & repairs)		\$330,000			
Pump Station (renovations & repairs)			\$39,000		
Pump Station (renovations & repairs)				\$240,000	
Pump Station (renovations & repairs)					\$325,000
TOTAL SEWER DEPARTMENT	\$63,000	\$330,000	\$39,000	\$240,000	\$325,000
<u>SOUTH SHORE COUNTRY CLUB:</u>					
Golf Course & Facility Improvements	\$30,000				
Golf Course & Facility Improvements		\$95,000			
Golf Course & Facility Improvements			\$380,000		
Golf Course & Facility Improvements				\$130,000	
Golf Course & Facility Improvements					\$136,000
TOTAL SOUTH SHORE COUNTRY CLUB	\$30,000	\$95,000	\$380,000	\$130,000	\$136,000
<u>ELDER SERVICES:</u>					
Van (replacement 20% Grant match)		\$12,000			
TOTAL ELDER SERVICES	\$0	\$12,000	\$0	\$0	\$0
<u>TREASURER:</u>					
Folding Machine (replacement)			\$5,000		
Postage Machine (replacement)					\$15,000
TOTAL TREASURER	\$0	\$0	\$5,000	\$0	\$15,000
<u>TOWN HALL:</u>					
Town Hall (renovations & repairs)		\$20,000			
Carpeting & Stair Treads (replacement)		\$20,000			
Town Hall (renovations & repairs)			\$20,000		

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
Carpeting & Stair Treads (replacement)			\$20,000		
Town Hall (renovations & repairs)				\$20,000	
Carpeting & Stair Treads (replacement)				\$20,000	
Town Hall (renovations & repairs)					\$20,000
Auditorium Seating (replacement)					\$95,000
TOTAL TOWN HALL	\$0	\$40,000	\$40,000	\$40,000	\$115,000
LIBRARY:					
Parking Lot Curbing & Sealing		\$83,000			
Heating System (replacement)		\$115,000			
Books & Periodicals Phase 3 of 3		\$30,000			
Upper Level Carpeting (replacement)		\$25,000			
Computers (replacement 20%)		\$20,000			
HVAC Components (replacement)		\$60,000			
Interior painting - Phase 1		\$40,000			
Lower Level Carpeting (replacement)			\$25,000		
Computers (replacement 20%)			\$20,000		
Roof Phase 2 (replacement)			\$330,100		
Interior painting - Phase 2			\$45,000		
Exterior Painting				\$25,000	
Computers (replacement 20%)				\$20,000	
Computers (replacement 20%)					\$20,000
TOTAL LIBRARY	\$0	\$373,000	\$420,100	\$45,000	\$20,000
RECREATION DEPARTMENT:					
Fitness Equipment (replacement)	\$20,000				
Field Rehabilitation	\$10,000				
Open Recreation Equipment (replacement)	\$10,000				
Recreation Software (new)		\$10,000			
Hull Street Playground (replacement)		\$29,457			
Bradley Woods Playground (replacement)		\$29,457			
Fitness Equipment (replacement)		\$25,000			
Field Rehabilitation		\$10,000			
Open Recreation Equipment		\$11,000			
Kress Field Playground (replacement)			\$29,457		
Fitness Equipment (replacement)			\$24,000		
Field Rehabilitation			\$10,000		
Open Recreation Equipment			\$12,000		

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
Haley Field Playground (replacement)				\$29,457	
Gymnasium Flooring (replacemnt0				\$35,000	
Field Rehabilitation				\$10,000	
Fitness Equipment (replacement)					\$25,000
Field Rehabilitation					\$10,000
TOTAL RECREATION DEPARTMENT	\$40,000	\$114,914	\$75,457	\$74,457	\$35,000
SCHOOL DEPARTMENT:					
MIDDLE SCHOOL:					
Roof Repairs	\$50,000				
* Emergency Generator.Main Panel (replacement)		\$135,000			
* Resurface Parking Lot		\$85,000			
* Install Classroom Windows and Ventilators		\$700,000			
* Family, Consumer Science & Ind.Tech Classrooms		\$250,000			
* Replace Classroom Floors		\$200,000			
* Upgrade Classroom Lighting		\$275,000			
* Install Classroom Smartboards (34)		\$120,000			
* Install Classroom Whiteboards (50)		\$50,000			
* Television Studio equipment (replacement)		\$60,000			
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$50,000		
* Replace Roof				\$1,400,000	
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
MIDDLE SCHOOL TOTALS	\$50,000	\$1,900,000	\$50,000	\$1,450,000	\$50,000
FOSTER ELEMENTARY:					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
FOSTER ELEMENTARY TOTALS	\$0	\$25,000	\$25,000	\$25,000	\$25,000
PLYMOUTH RIVER SCHOOL:					
Building Repairs and Improvements		\$25,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
PLYMOUTH RIVER SCHOOL TOTALS	\$0	\$25,000	\$25,000	\$25,000	\$25,000
SOUTH SCHOOL:					
Building Repairs and Improvements		\$25,000			
Office Carpeting (replacement)		\$15,000			
Building Repairs and Improvements			\$25,000		
Building Repairs and Improvements				\$25,000	
Building Repairs and Improvements					\$25,000
SOUTH SCHOOL TOTALS	\$0	\$40,000	\$25,000	\$25,000	\$25,000
HIGH SCHOOL:					
Paint student lockers and install locking system		\$23,250			
Television Studio Equipment (replacement)		\$45,000			
Foreign Language Lab Upgrade		\$60,000			
* Stadium Bleachers (replacement)		TBD			
* Varsity Football Field relocation (replacement)		TBD			
Building Repairs and Improvements		\$50,000			
Building Repairs and Improvements			\$50,000		
Building Repairs and Improvements				\$50,000	
Building Repairs and Improvements					\$50,000
HIGH SCHOOL TOTALS	\$0	\$178,250	\$50,000	\$50,000	\$50,000
SCHOOL SYSTEM WIDE:					
Gas Pumps (replacement)		\$12,000			
Gatehouse Improvements		\$19,000			
Garage Door Replacements		\$10,400			
Building 179 Windows		\$15,000			
Smartboards 10 (new)		\$35,000			
School Van (replacement)		\$25,000			
Maintenance Truck (replacement)		\$36,000			
School Technology (new & replacements)		\$150,000			
School Furniture & Equipment (new & rplcmts)		\$50,000			
Photocopy Equipment (replacements)		\$25,000			
School Technology (new & replacements)			\$150,000		
School Furniture & Equipment (new & rplcmts)			\$50,000		
Photocopy Equipment (replacements)			\$25,000		
School Van (replacement)			\$25,000		
School Technology (new & replacements)				\$150,000	
School Furniture & Equipment (new & rplcmts)				\$50,000	

FY2010 Five Year Capital Plan

Department/Category	FY2010	FY2011	FY2012	FY2013	FY2014
Photocopy Equipment (replacements)				\$25,000	
School Vans- 2 (replacement)				\$50,000	
School Furniture & Equipment (new & rplcmts)					\$150,000
Photocopy Equipment (replacements)					\$50,000
School Technology (new & replacements)					\$25,000
School Vans- 3 (replacement)					\$75,000
SCHOOL SYSTEM WIDE TOTALS	\$0	\$377,400	\$250,000	\$275,000	\$300,000
TOTAL SCHOOL	\$50,000	\$2,545,650	\$425,000	\$1,850,000	\$475,000
Total Capital Projects	\$258,000	\$5,780,957	\$2,569,879	\$3,875,371	\$2,350,514

Funding Sources	FY2010	FY2011	FY2012	FY2013	FY2014
Tax Levy	\$0	\$0	\$0	\$300,000	\$450,000
Free Cash	\$125,000	\$5,355,957	\$2,150,879	\$3,205,371	\$1,439,514
Other					
Borrowing					
User Rates/Charges	\$133,000	\$425,000	\$419,000	\$370,000	\$461,000
Total Funding	\$258,000	\$5,780,957	\$2,569,879	\$3,875,371	\$2,350,514
Total Capital Projects	\$258,000	\$5,780,957	\$2,569,879	\$3,875,371	\$2,350,514

REPORT OF THE PERSONNEL BOARD

In anticipation of the 2009 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2008 Annual Town Meeting.

COLLECTIVE BARGAINING UNITS

Following the 2008 Annual Town Meeting, the Board has conducted negotiations with the Library, Police Superiors, Public Works and Communications Center bargaining units. The Police Patrol and Fire successor contracts were settled prior to the 2008 Annual Town Meeting. We are pleased to report that settlements have been reached and agreements signed with the remaining four units. A summary of the most important terms of each of the four settlements follows. The full text of the agreements is on file at the Selectmen's office.

Library Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Library Staff Association, SEIU, Local 888 for the period from July 1, 2007 through June 30, 2010.

Effective July 1, 2007 a new step B was added at Grade L-X10 at \$9.27. The contract provides for additional general wage increases of 3% on July 1, 2007, July 1, 2008, and July 1, 2009.

Subject to the approval of the Library Director, College Aides and Pages who have a satisfactory performance record shall be eligible for an advance of one-step rate within their respective wage schedules 24 months from their date of employment.

Effective January 1, 2008, the Town will make a professional development payment in the amount of \$400.00 to a Library employee in Grade L-14 or L-16 who successfully completes 10 hours of professional development coursework/training that has been approved by the Library Director in advance. The Library Director, in consultation with eligible employees, will develop the Professional Development Program, pursuant to which payments shall be made, including eligibility requirements. Not more than one such payment per calendar year shall be made to an employee.

Effective July 1, 2007, the town will pay accumulated unused sick leave at retirement according to the following schedule:

<u>Accumulated Sick Days</u>	<u>Payment Increase</u>
1-149	from \$5.00 to \$5.50 per day
150-199	from \$800 to \$850 plus increase from \$7.50 to \$8.00 per day for each day over 149
200 & over	from \$1,800 to \$1,850 plus increase from \$9.00 to \$9.50 per day for each day over 199.

Police Superiors Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Police Superior Officers Union, terminating June 30, 2010.

The contract provides for general wage increases of 3% on July 1, 2007, July 1, 2008, and July 1, 2009.

Effective July 1, 2007, the differential for a sergeant taking over command for a full shift in place of a lieutenant shall be increased to \$40.00 for such full shift.

The detail rate shall be the overtime rate for a patrolman at top step plus \$1.00. Ten dollars (\$10.00) per hour shall be added if the detail is a strike detail.

Effective July 1, 2007 the Town will provide a voucher system with a \$750.00 limit, so that Superior Officers may obtain clothing required as necessary. This amount shall be increased to \$900.00, effective July 1, 2008. The clothing allowance for the Administrative Lieutenant and the Prosecuting Officer shall be based on the amount of \$800.00 for an employee serving full-time in either of such roles.

Effective July 1, 2007, provides the Public Information Officer and the Training Supervisor/Coordinator stipends of \$500 per year respectively.

Public Works Department. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Public Works and Sewer Departments Teamsters Local Union 25, terminating June 30, 2010.

The contract provides for general wage increases of 3% on July 1, 2007, July 1, 2008, and July 1, 2009.

Full-time employees will be provided a clothing allowance of \$700 per year effective July 1, 2007, \$750 per year effective July 1, 2008, and \$800 per year effective July 1, 2009.

An employee assigned to the Sewer Department who shall be required to carry a pager or cell phone and who shall have been designated by his or her supervisor to be on call in the absence of such supervisor, such employee shall be compensated at the rate of \$25 per day for each day of such required service.

Communications Center Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Public Safety Communications Center, Teamsters Local Union 25, terminating June 30, 2010.

The contract provides for general wage increases of 3% on July 1, 2007, July 1, 2008, and July 1, 2009.

Each calendar year, the Town will provide each full-time dispatcher \$300 and each part-time dispatcher \$150 for the purchase and maintenance of uniform clothing as prescribed by the Department.

The Law Enforcement Assistance Program reporter shall be paid additional compensation at a rate of \$750 and the NCIC Warrant Data Entry Assistant shall be paid additional compensation at a rate of \$500 each fiscal year for the performance of the required duties of this position.

OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board recommended a general wage increase of 3%, effective July 1, 2009, for Town employees who are not covered by collective bargaining agreements.

The Board revised the Town Administrator job description. The Board approved a position title change of the Sewer Commission Accounts Receipts Clerk to the new title of Accounts Receivable Clerk and revised the Sewer Commission Accounts Payable Clerk job description. The following positions were classified and approved by the Board: the South Shore Country Club Director of Operations/Golf Course Superintendent; Zoning and Planning Boards Administrative Assistant; Project Engineer Support Clerk position descriptions. The Board approved an equity adjustment of the hourly rate of the Department of Elderly Affairs Medical Van Driver.

The Board approved the hiring of three employees at salaries above the minimum step for the positions involved based on prior experience. These positions are the Inspector of Wires, Director of Recreation and Golf Course Professional.

The Board adjudicated two union grievances regarding overtime and worked with the various Department Heads in addressing a total of eleven vacation carry-over requests.

RECOMMENDATIONS FOR CHANGES TO THE PERSONNEL BY-LAW

The Personnel Board recommends that the Town, at the 2009 Annual Town Meeting, amend the Personnel By-law, effective July 1, 2009, so that, as amended and restated, it will be in the form on file in the Town Clerk's office immediately preceding Town Meeting. Under the proposed amendment, the By-law would be changed in the following substantive aspects, resulting from actions taken by the Personnel Board since the 2008 Town Meeting:

Amend Section 11. TRANSFERS AND PROMOTIONS. By adding the following before the last sentence in the Section: Upon the recommendation of the Department Head or, in the case of an elected board by the affirmative vote of a majority of the board members, and with the approval of the Personnel Board for good cause shown, the compensation of an employee transferred to a lower-rated position may be maintained at its then current level (the "Employee's Pay") until the compensation rate for the step and salary grade for his/her new position equals or exceeds the Employee's Pay; provided, however, that the authority of the Personnel Board in such instance shall be limited to one grade.

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

REPORT OF THE SCHOOL COMMITTEE

The revised School Department Operating Budget that was approved by School Committee, Selectmen, and Advisory Committee in early March is in the amount of \$35,469,391. It reflects significant reductions from the school administration's original December 2008 proposal, reductions in the proposed override amount to operate a fourth elementary school, and the deferral of a proposal to extend the length of the kindergarten day.

The School Committee conducted weekly public review sessions of the administration's budget proposal during the month of January. During this time, the impact of the economic downturn on the Town's finances began to be evidenced by cuts to the Town's FY 2009 state aid, referred to as the Governor's "9C" cuts, projected large deficits in the Town's snow and ice budgets and significant reductions in the Town's FY 2010 revenue projections. The School Department, along with all other Town Departments, was asked to reduce its budget proposal for FY 2010 to bring total town spending in line with revised estimates of available revenue. Based on the initial budget proposals, the town-wide budget shortfall was estimated to be in excess of \$ 3 million.

On January 29th, the School Administration presented the School Committee with a list of reductions totaling \$ 1,538,777, representing the School Department's "share" of the projected shortfall. A summary of the personnel cuts in those reductions include:

8.2	Classroom Teachers	1.0	Elementary Assistant Principal
4.7	Teacher Specialists	2.0	Custodian/Maintenance
10.0	Paraprofessionals/Tutors	1.5	Secretaries
1.0	Lab Assistants		

Other reductions were proposed in supplies, textbooks, professional development, athletics, student activities and other non-personnel areas of the budget. These reductions resulted in a proposed school budget for next year that would be less than one half of one percent up from the current approved school budget. Further reductions to the budget were made to cover the anticipated cost of the Town's unemployment liability for laid off school employees. In addition, the administration recommended that the implementation of the full day kindergarten be deferred and that the school costs in the override request be reduced by \$ 87,248. This latter reduction is directly tied to the proposed change from full time assistant principals at each elementary school to half time positions.

The School Committee took no action on the proposed reductions at that time, but the Committee unanimously voted to request that the Board of Selectmen place a question on the May Town Election ballot for the townspeople to consider an operating budget override in the amount of \$1,600,000 to open the fourth elementary school. The override request amount was subsequently reduced to \$1.1 million, by agreement between the School Committee and the Board of Selectmen and the Advisory Committee. This reduced amount reflects (1) favorable fuel oil and gasoline bid results obtained from the Town's purchasing group, (2) lower than anticipated increase in employee health insurance costs announced by the Town's health insurance consortium, and (3) a decision to use \$260,000 in federal stimulus dollars that are anticipated to be available in FY 10 under the IDEA, Special Education grant.

The final budget and the reduced override request were adopted in a unanimous vote of the School Committee on March 9, 2009. The revised operating budget will result in larger class sizes and loss of some programs and services at the secondary level. As well, fee increases will occur. At the elementary level, passage of the override and the opening of a fourth school will reduce the number of classes at 25 or higher that will result if the override fails and there are only three elementary schools.

The million and a half in cuts to the originally proposed operating budget will occur regardless of the result of the override vote. The Selectmen and Advisory Committee approved the school budget by unanimous vote March 10. The override vote was unanimous by the Selectmen and approved by the Advisory Committee with two abstentions.

The School Committee's Long Range Planning Subcommittee assisted the administration in the development of a \$ 414,650 capital budget proposal. Their recommendation included \$ 129,650 for repair and improvement projects at the Middle School, the High School and the Depot property. The recommended capital budget also included technology replacements and upgrades, classroom equipment, a school van and two photocopiers. The total of these equipment requests was \$ 285,000. With very little capital funds available for FY 2010, the Capital Outlay Committee was able to only include roof repairs at the Middle School in their capital budget proposal to the Selectmen. The lack of any funding for technology is of great concern. The School Department will pursue all possible sources of outside funding to lessen the impact of this cut. In the longer term, the physical plant needs and overcrowding at the Middle School remain a priority concern. The School Department will continue to pursue assistance from the Massachusetts School Building Authority in addressing the capital needs at the Middle School.

Many unknowns still exist including the level of state and federal funding that will come to Hingham. As a result, during the week of March 23rd, the School Committee, Selectmen, and Advisory Committee collaborated again in a plan for the use of these funds. It was agreed that if the voters approve an override, and if, in the end, the Town receives stimulus funds in excess of what we currently expect next year in state aid, it is the intent of the School Committee, Board of Selectmen and the Advisory Committee to use those funds to mitigate the tax impact of such an override. This would be accomplished by setting the tax rate for FY '10 lower than the capacity provided by an override vote, and the federal funds would be used to close the gap.

Clearly all departments of the Town have made sacrifices to live within the available resources. The budgets do not meet all needs, and patience and understanding will be key in weathering the fiscal realities. However, the School Committee and the School Department are committed to using what is available to provide a high quality education to Hingham students.

HINGHAM SCHOOL COMMITTEE SUPERINTENDENT OF SCHOOLS

Christine Smith, Chair
Linda Hill, Vice Chair
Barbara Cook, Secretary
Chrisanne Gregoire
Stephen Nagle
Esther Healey
Caryl Falvey

Dorothy Galo

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.

FREE CASH - The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as "available cash". The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a town meeting.

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: _____

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