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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 2010

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.

REPORT OF THE ADVISORY COMMITTEE

OVERVIEW

The Advisory Committee recommends the enclosed Fiscal Year 2011 budget (Articles 4, 5, and 6) for Town Meeting approval.

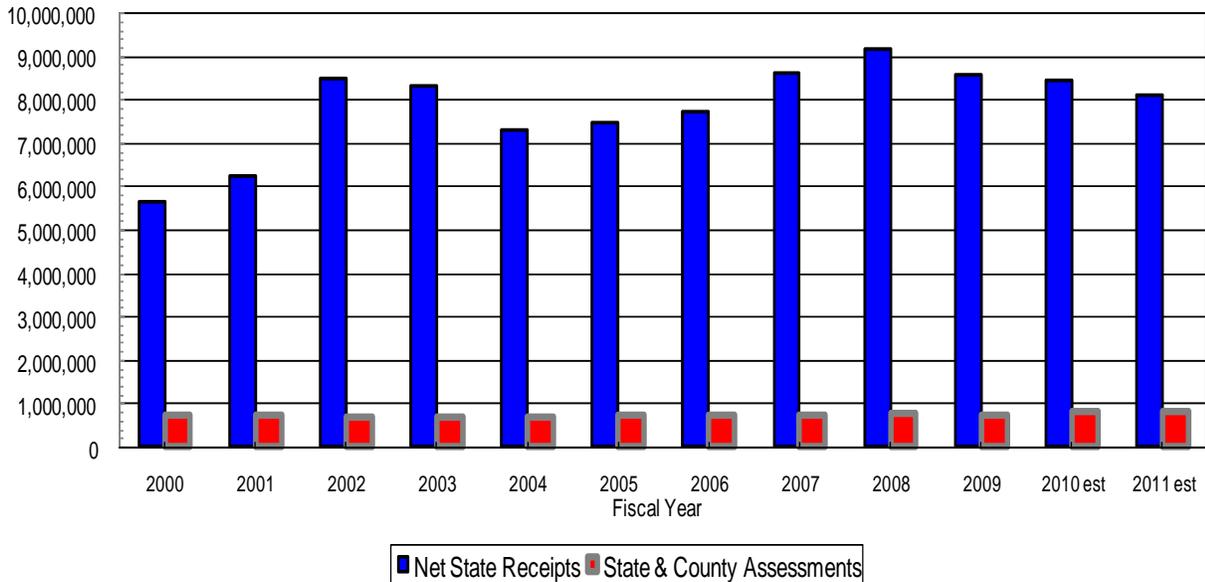
This has been a challenging year for the Advisory Committee and for the Town, following an equally challenging time last year. While federal stimulus money became available this year, State aid, local revenues, and revenues from new growth have continued to decline. In addition, the Town has modified its approach to funding capital expenditures and retirement benefits. As a result, departmental budgets for FY 2011 are generally flat or lower than in previous years, causing contractions of some Town services.

The Advisory Committee has taken a conservative approach to FY 2011 in order to protect the taxpayers, to preserve the Town's Aaa Bond rating, to better insulate the Town from future volatility in local revenues and State aid, and to manage citizens' expectations of service levels. During the past year, Hingham successfully completed a \$38,565,191 bond offering, and in the process was recertified by all three bond-rating agencies (Moody's, Fitch, S&P) to be one of only a handful of cities and towns in Massachusetts to retain an Aaa bond rating. Sound financial management policies and procedures are necessary for the Town to meet the needs of its citizens on a sustained basis. However, these sound practices have the added benefit of helping to retain a bond rating which, in turn, helps to ensure that we will continue to have access to the funds we need, at the lowest available rates, when borrowing is required. The FY 2011 budgets are structured to balance the delivery of acceptable levels of Town services with reasonable tax burdens on citizens and property owners, all within a framework of sound financial management and long-term financial planning.

State aid continues to be a concern, as it has been 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. Net State aid peaked again in FY 2008, then began to decline again. Our projection last year showed State aid reduced for FY 2010; however, the State further reduced aid with a mid-year reduction of approximately \$126,000 in general aid and \$373,000 in Circuit Breaker grants (Circuit Breaker grants partially reimburse the Schools for special education costs). 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, 2010, for the State to finalize decisions on local aid; however, we are currently anticipating a total reduction in State aid of 5% from last year's allocation of \$8,452,675. 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) once again will be below FY 2002 levels in actual dollar terms, significantly more so when adjusted for inflation. The Town has no expectations that State aid will return to FY 2002 levels, adjusted for inflation, in the near future.

While it is possible that additional federal stimulus money may become available to the Town - as happened in FY 2010 - or that an improving economy might lead to higher local revenues than expected, the Town, practicing prudent management of your moneys, has built the FY 2011 budget based, in part, on this assumed level of State aid.

State Aid (Cherry Sheet) Analysis



The FY 2011 operating budget for the Town (net of debt service, which is covered later in this report, and net of Sewer and Country Club operating and capital budgets, which are financed by user fees) will change relative to the FY 2010 operating budget as follows:

	<u>FY 2010</u>	<u>FY 2011</u>
Municipal Departments:	\$21,132,895 to	\$20,999,801
School Department:	\$36,478,853 to	\$35,465,176*
Capital Outlay:	\$ 125,000 to	\$ 1,080,325
Employee Benefits:	\$10,301,020 to	\$11,594,408
Insurance and Incidentals:	\$ 392,250 to	\$ 388,250

*Note that the School Department's budget will be increased by approximately \$961,000 in federal stimulus (ARRA) grant money, and federal IDEA grant money (which is dedicated to funding Special Education costs), resulting in total School Department operating funding (net of Capital Outlay) of \$36,426,176.

Labor costs are the most significant expense to the Town, amounting to approximately 55% of the FY 2011 Article 6 budget. The bulk of the Town's labor costs is determined as a result of collective bargaining, and all labor contracts are set to expire at the close of FY 2010. While negotiations of new labor contracts have not been completed as yet, the FY 2011 budget does not include any amounts for labor contract increases. Rising labor costs will be of continuing concern to the Town, as payroll growth may exceed revenue growth in the coming years. The rising costs of health care, retirement funding and energy - both fuel and utilities - also remain concerns, since the Town has only limited ability to control such charges. However, the Town's decision to fully pre-fund our OPEB obligations will remove a significant degree of uncertainty from employee benefits budgets in the future.

The recommendations in Article 6 reflect level funding or decreases in nearly all budgets for salaries and expenses for each of the Town's major departments. 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 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 2011 a majority of the Advisory Committee is recommending appropriating an amount for the FY 2011 Education operating budget within Article 6 (net of Capital Outlay) that is approximately \$1,013,677 less than the corresponding FY 2010 budget (a minority of the Committee recommended reducing the Education budget by an additional \$200,000, and allocating the savings to General Fund Balance). After adding back the \$961,000 of federal stimulus ARRA/IDEA grant funds described above, the resulting School Department operating funding of \$36,426,176 will be approximately \$52,700 less than the FY 2010 School Department budget, a reduction of approximately 0.14%. This is a result of the Advisory Committee, the Board of Selectmen, and the School Committee jointly recognizing the current budgetary constraints of the Town. It is also a result, in part, of the availability of additional one-time grant funding through federal stimulus programs. While the Advisory Committee is concerned about over-dependence on the use of one-time sources to fund operating budgets, the Committee recognizes that the availability of these funds will help the Schools to weather the current financial situation for at least the coming fiscal year. It is with much appreciation that we recognize the cooperation and time given by members of the School Committee, Dr. Dorothy Galo, and David Killory during the development of the FY 2011 budgets.

The Town's current financial position remains sound, based on years of prudent fiscal management. However, given the current difficult economic and budget situation, the Town will face continued challenges to maintain Hingham as the unique and treasured place it is.

NEW INITIATIVES AND COMMITMENTS

The Advisory Committee, in concert with the Board of Selectmen, revised its approach to managing the Town's finances, both for FY 2011 and for the foreseeable future:

- Capital Expenditures: For FY 2011, those capital expenditures not funded by borrowing will be funded solely from recurring revenues rather than from the Town's General Fund Balance. This decision will help to preserve Fund Balance as an insurance policy against future economic uncertainty. The Committee recommends that this approach to capital funding become the Town's permanent policy.
- Preservation of Fund Balance: The Committee planned the FY 2011 budget so as not to reduce the level of the General Fund Balance below the FY 2010 level of 9% of annual expenditures. Having stabilized Fund Balance at this level, the Committee recommends gradually increasing Fund Balance in future years to a level more in conformance with the Government Finance Officers Association recommendation of one to two months' operating expenses, as Town finances and the economy permit.
- Funding of Other Post-Employment Benefits (OPEB): In FY 2008 the Town established a trust fund for the purpose of providing a dedicated mechanism for pre-funding our long-term OPEB obligation. This obligation consists primarily of covering a portion of the cost of retired Town employees' health insurance premiums. A small contribution to the trust fund was made in FY 2009, and nothing was contributed in FY 2010. This year, the Committee has included in the

recommended Employee Benefits budget the full amount of the annual required contribution to the OPEB trust fund, and the Committee strongly recommends continuing this practice until the OPEB obligation is fully funded.

- One-time Tax Relief: In anticipation of the request for an operating override last year, the Advisory Committee, in concert with the Board of Selectmen and the School Committee, committed to providing one-time tax relief to the citizens of the Town to help mitigate the cost to the tax payers of the impending override. This commitment was subject, in part to the level of State aid and State grant receipts for the entire 2010 fiscal year. Since the level of State aid and grant receipts for the year has now been finalized, and the reductions are known, the Committee is pleased to report that the promised tax relief is incorporated into Article 11 of this year's Warrant.

In addition to addressing the foregoing new initiatives and commitments, the Committee also spent time updating its own internal Policies and Procedures, and creating a web site to provide the citizens of the Town more information about the Committee's activities and responsibilities.

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, they are updated periodically, and they are reviewed by an *ad hoc* group that includes the Chair and Vice-Chair of the Advisory Committee, the Chair of the Board of Selectmen, the Town Administrator, the School Committee Chair and Vice-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

The Town's Financial Policy has historically included the following recommendations:

- Maintenance of a Free Cash balance, as certified by the State Department of Revenue, equal to at least 5% of annual expenditures. The Town's current reserves (General Fund Balance), of which Free Cash is a component, are approximately 9% of total annual expenditures, down from

approximately 17% in 2003, when the Town received its Aaa designation. The Advisory Committee recommends a gradual increase in General Fund Balance to the 15% - 18% range, consistent with the guidance provided in the recent Moody's report, and with recommendations included in Government Finance Officers Association guidelines. Increasing to these levels will provide greater financial security to the Town in uncertain economic times, and also will provide a measure of protection for the Town's Aaa bond rating. However, in light of the current financial climate, the Advisory Committee recognizes that achieving a Fund Balance within the 15-18% range will take several years of prudent fiscal management and concerted effort; rebuilding of Fund Balance must be weighed against other budget priorities, such as maintaining acceptable levels of public services and providing adequate funding for capital needs. For FY 2011, the Committee recommends halting the erosion of Fund Balance and, at a minimum, maintaining Fund Balance at approximately 9% of annual expenditures, with a goal of gradually increasing this percentage to the 15% - 18% range in the coming years, as finances permit.

- An annual allocation of approximately 2% - 5% of the total operating budget (operating budget is 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) for those capital expenditures not funded by borrowing.
- Adherence to a guideline stating that annual debt service should not exceed 5% of forecasted general revenues.
- Appropriation of a Reserve Fund equal to approximately 1% of appropriations (included in Article 6). The Advisory Committee continues to support this recommendation.

Further discussion of the recommended FY 2011 capital-spending program and debt service appropriations follows this section. Our Financial Policy is a contributing factor to the financial stability of the Town, and the Advisory Committee is committed to following its policy prescriptions to the greatest extent feasible.

FUNDING OF CAPITAL NEEDS

The Town continues its program for the maintenance and improvement of its facilities and infrastructure via its capital planning process. In the past, capital needs were generally funded through the operating budget, Excess Free Cash (*i.e.*, General Fund Balance), and borrowing. Due to the steady erosion of General Fund Balance over the past several years, the Advisory Committee, along with the Board of Selectmen, decided to curtail the practice of funding capital needs from Fund Balance, and the Committee recommends funding all capital expenditures for FY 2011 through the operating budget. There are no projects recommended for FY 2011 large enough to warrant funding through borrowing.

Capital spending in FY 2010 was severely constrained by other budget considerations, as noted in the Overview section of this Report. The Capital Outlay Committee is recommending a less constrained capital budget for FY 2011 in order to meet our long-term capital needs and gradually reinstate the average level of annual capital spending recommended in the Town's Financial Policy. For FY 2011, the Capital Outlay Committee reviewed and evaluated departmental spending requests using the following standards, in descending order of importance:

- Reduction or elimination of a safety hazard.
- Repair of an existing capital asset that is severely damaged.
- Provision of a capital asset that is critical to the departmental mission.
- Replacement of a damaged capital asset for which the repair costs are excessive.
- Replacement of a capital asset that has exceeded its useful life span.
- Provision of a capital asset that can pay for itself in three years or less.

Using these evaluation standards, the Capital Outlay Committee has recommended a firm capital budget of \$1,080,325 in FY 2011 for those Town departments that are not self-funding or funded by user fees. In addition, the Capital Outlay Committee recommends adding \$200,000 to the Reserve Fund, which will be informally earmarked for emergency capital requests during the year.

The backlog of pressing capital needs, many of which have been postponed repeatedly over the past few years, will continue to present a challenge in future years. As a Town, we should expect the annual amount of funding for capital expenditures not financed by borrowing to be between 2% and 5% of our operating budget, and we should commit to appropriating these funds from recurring revenues. This will not be easy and will take the continued cooperation of all Town departments.

The Advisory Committee supports the Capital Outlay Committee's recommended capital budget of \$1,080,325, all to be funded through the operating budget, with an additional \$200,000 to be added to the Reserve Fund for emergency capital needs.

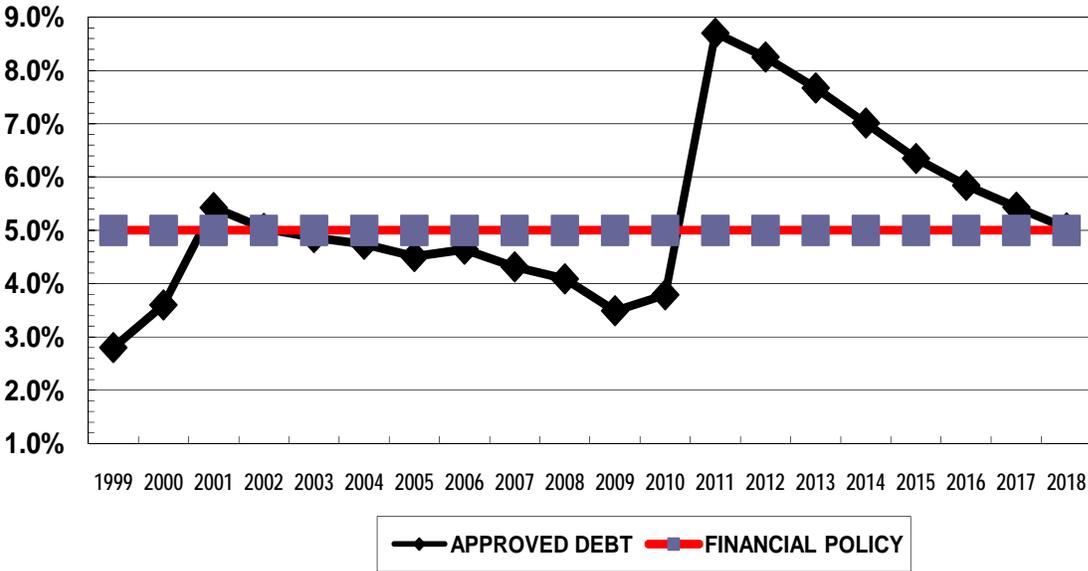
DEBT SERVICE

The Town's Financial Policy recommends that current recurring revenues be used to finance operating expenses, maintenance expenses and capital expenditures for smaller, less expensive items. The Policy further provides that debt should be reserved for large, non-recurring capital items that have a life of five years or more, such as real estate, buildings, and sewer construction projects. Total debt service in any one fiscal year ideally should not exceed 5% of forecasted revenues.

In FY 2010, annual debt service increased significantly due to the cost of borrowing for the various recent school construction and renovation projects, the new centralized DPW facility, the new athletic field complex, the acquisition of Lincoln School Apartments, the acquisition of land behind the former DPW facility on Hersey Street, and several other Town projects. Overall, the Town's debt service stood at \$7,945,754 in FY 2010, and although it will drop to \$7,544,206 in FY 2011, it still will be approximately \$3.5 Million above the Town's financial policy guideline with respect to annual debt service.

The Town's projected debt service will continue to exceed the 5% guideline for a period of time, though it will approach this guideline within approximately seven years, assuming no significant new debt is incurred. The graph below shows currently approved debt only.

DEBT SERVICE AS A % OF REVENUE



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 advice of the Board of Selectmen and the approval of the Advisory Committee. The Reserve Fund is used to save the time and expense of a special town meeting for relatively low-cost items. The Town’s Financial Policy traditionally has stated that a Reserve Fund of approximately 1% of appropriations should be budgeted for contingencies. In FY 2009, transfers were made as follows:

RESERVE FUND TRANSFERS-FY2009	
DEPARTMENT	AMOUNT
Planning-Expenses	\$ 17,258
Fire-Expenses	19,232
Fire-Expenses	21,475
Elder Services-Expenses	3,000
DPW-Capital Outlay	11,485
Library-Expenses	5,000
Legal-Expenses	124,804
Celebrations	494
Veterans-Benefits	62,757
Snow & Ice	723,877
Veteran's-Benefits	4,000
Unemployment-Claims	1,200
Contributory Retirement	7,405
	<u>\$ 1,001,987</u>

In recent years several categories of expenditures, most notably snow and ice removal, have placed significant and excessive burdens on the Reserve Fund, occasionally necessitating a draw-down of our General Fund Balance to make up for excess costs at the end of the fiscal year. The Advisory Committee has made corrections to the FY 2011 budget in order to more properly account for these recurring expenditures. In addition, in FY 2010 the Committee added \$450,000 to the regular Reserve Fund allocation of \$433,000 to accommodate potential emergency Capital expenditure needs. The committee is continuing this practice for FY 2011 by recommending an appropriation of \$550,000 for the Reserve Fund, of which \$200,000 is informally allocated to emergency Capital expenditure needs, as described above. This recommended appropriation of \$550,000 should be adequate to meet our unforeseen expenditures without having to seek additional funds from our General Fund Balance, and is approximately in compliance with the Town's Financial Policy guidelines.

SOURCES AND USES OF FUNDS ANALYSIS

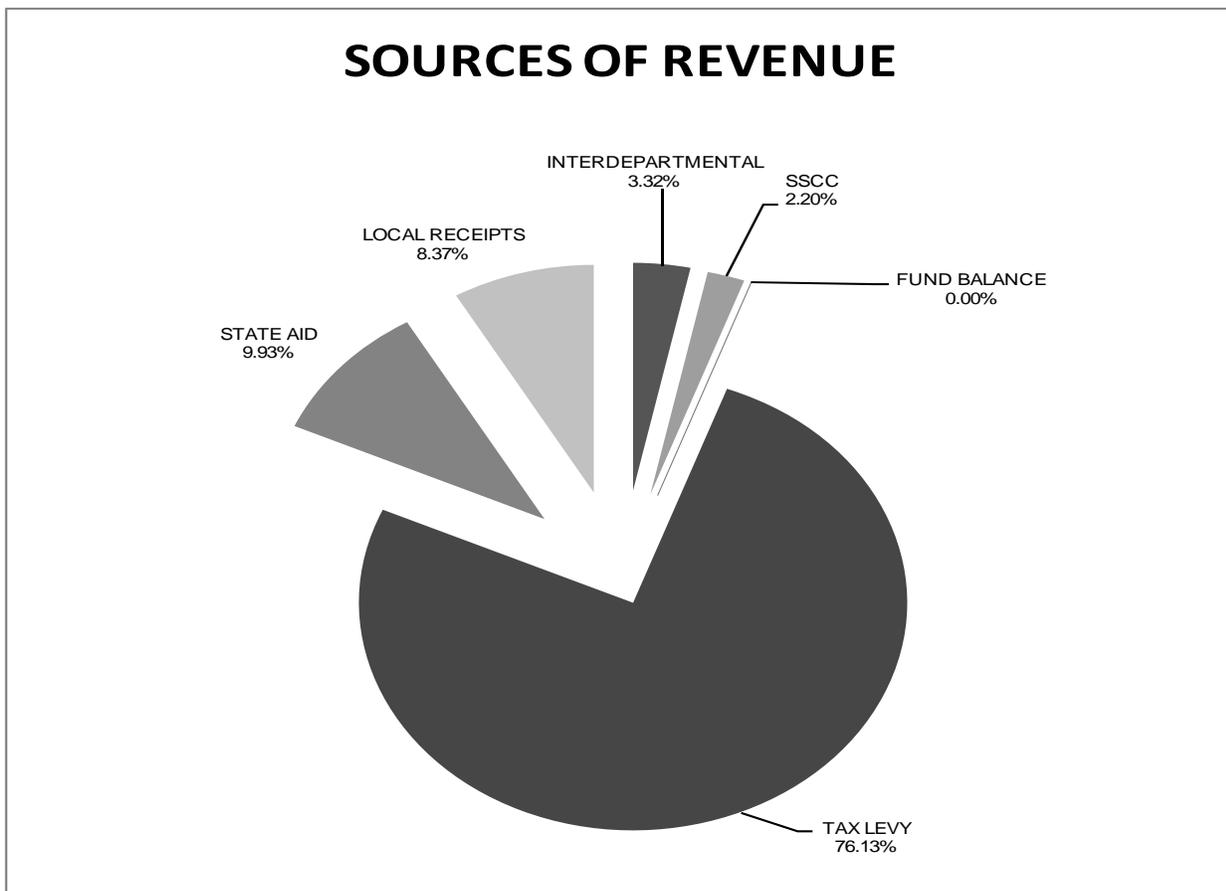
	ACTUAL FY2009	ESTIMATE FY2010	FORECAST FY2011	FORECAST FY2012	FORECAST FY2013
SOURCES					
Tax Levy					
Levy	50,811,364	53,164,187	55,548,485	58,564,697	60,672,860
2 1/2 % increase	1,270,284	1,329,105	1,388,712	1,464,117	1,516,822
New growth	1,082,539	1,055,193	500,000	644,046	1,359,446
Debt exclusions	1,952,252	4,052,368	3,731,987	3,587,338	3,417,941
Operational Override		1,100,000	1,127,500		
Total Tax Levy	55,116,439	60,700,853	62,296,684	64,260,198	66,967,069
Other Revenue					
Net State Receipts	8,642,471	8,452,675	8,129,782	8,129,782	8,129,782
Local Receipts	6,999,079	6,966,436	6,850,222	6,850,222	6,850,222
Excess Free Cash	1,936,037	575,000	0	0	0
SSCC	1,674,349	1,811,001	1,801,473	1,801,473	1,801,473
Sewer	2,060,559	2,198,557	2,303,125	2,477,595	2,667,836
Light Plant	487,208	487,208	450,000	450,000	450,000
Total Other Revenue	21,799,703	20,490,877	19,534,602	19,709,072	19,899,313
Total Sources	76,916,142	81,191,730	81,831,286	83,969,270	86,866,382
USES					
State assessments	753,018	809,718	827,280	845,721	865,083
Overlay	376,634	250,000	350,000	350,000	350,000
Other expenses / deficits	83,079	100,000	100,000	100,000	100,000
Total	1,212,731	1,159,718	1,277,280	1,295,721	1,315,083
Appropriations					
Article 6	73,171,655	79,653,092	80,454,008	80,857,813	83,394,052
General Fund Balance Reserves	0	0	100,000	500,000	500,000
Article 4&5 Raises	554,917	225,000	0	1,314,943	1,792,111
Other articles	880,203	35,000	0	0	0
Total appropriations	74,892,878	79,913,092	80,554,008	82,672,756	85,686,164
				0	0
Total Uses	76,105,609	81,072,810	81,831,288	83,968,477	87,001,247
EXCESS (Shortfall)	N/A	118,920	0	793	(134,865)

SOURCES AND USES OF FUNDS

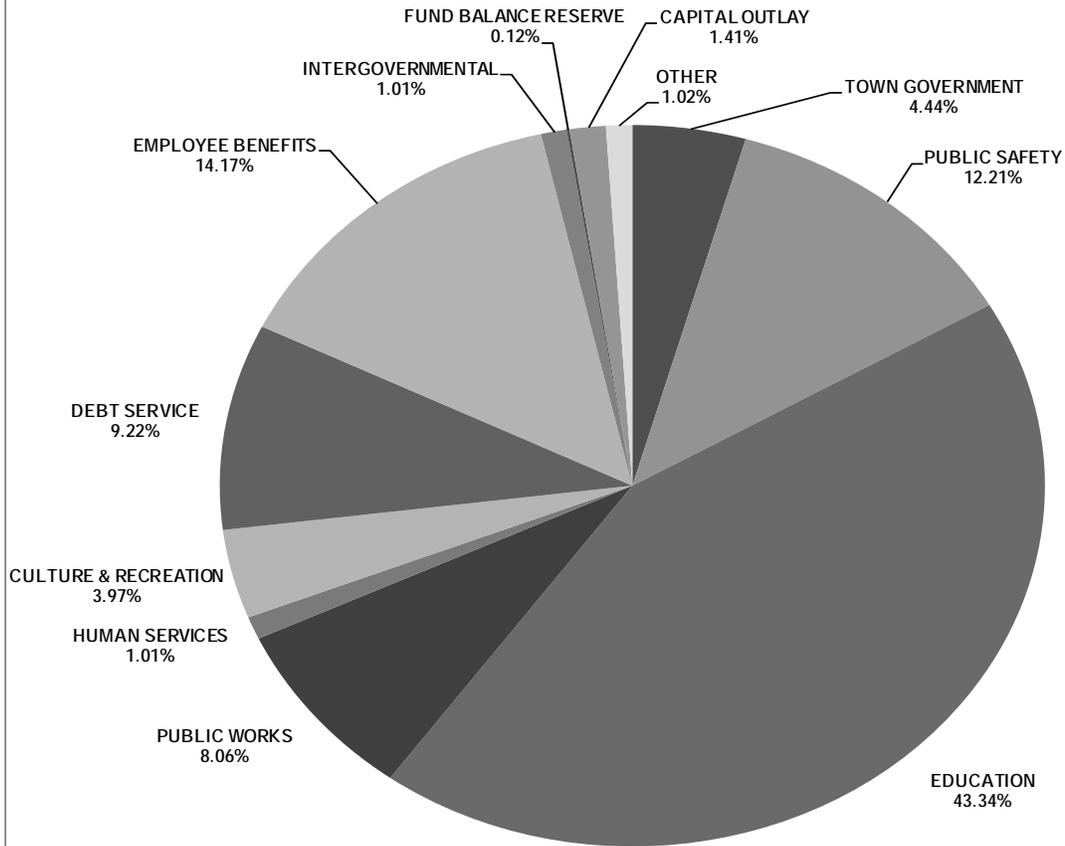
The Sources and Uses of Funds Analysis presented in this report reflects forecasted FY 2011 tax receipts and other revenue sources used to prepare the proposed budget included in this Warrant. Under Proposition 2½, tax levy income is estimated by taking the dollar amount of last year's tax levy and adding a 2½% increase plus an allowance for new growth. New growth is the value of tax dollars assessed to new construction. In FY 2011, new growth is estimated to be \$500,000, a reduction of more than \$555,000 from FY 2010's estimate. Other sources of revenue include:

- Total local receipts for FY 2011 are expected to fall to \$6,850,222, approximately \$116,214, or 1.7%, below the FY 2010 level. Although some fee and license revenues are projected to increase, motor vehicle excise tax receipts, which comprise the single largest category of local receipts, are projected to decrease in FY 2011.
- South Shore Country Club revenues fully offset operating costs of the Club, including capital expenses 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 \$450,000 in lieu of taxes, a decrease from FY 2010 of \$37,208.
- We project that State Aid will provide \$1,994,816 for School Building Assistance, \$4,515,906 under Chapter 70 for Education, and \$1,619,060 for other uses, for total State Aid of \$8,129,782.

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 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 and property tax revenues associated with the new growth decrease markedly. State aid has been volatile and unpredictable, and though it has decreased less than originally anticipated for FY 2011, the prospects for maintaining this level of State aid may not be good for the next several years.



USES BY FUNCTION



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 necessary infrastructure maintenance and upgrading. The Advisory Committee also has reviewed the other articles in the Warrant and, after public discussion with proponents and other interested people, provided comments and recommendations. Town Meeting will make the final decision for the FY 2011 budget and other Warrant articles.

We are most grateful for the assistance and support of Town Administrator Kevin Paicos, Finance Director/Town Accountant Ted Alexiades, and their staffs. 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

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

REPORT OF THE BOARD OF SELECTMEN

Although the economy may be showing some signs of life as we write this report, the process of creating the FY 2011 town budget is taking place in the worst environment for municipal finance since the Great Depression. Legislative cuts to local aid continue, and local receipts (fees, excise taxes, etc.) continue to decline. The town population is growing, which is not the case in many other South Shore communities, and the demand for services is increasing. Nevertheless, the need to accept budget cuts in order to make ends meet is all too plain.

The dramatic difficulties of balancing the budget this year has drawn the attention of the Board of Selectmen to some long-standing budget pressures which must be addressed for Hingham to continue to successfully meet its obligations. Therefore, the Board this year set three new goals for our budgeting process which we hope will change the direction of the town's budget going forward. These three goals were (1) begin appropriating to a trust fund which will meet our more than \$60,000,000 liability for retiree health care benefits in the future, (2) cease the practice of using the town's fund balance to pay for capital needs, and (3) halt the downward trend in our fund balance which threatens the fiscal health of the town and our ability to finance urgent needs.

We are pleased to report that the FY 2011 budget recommended to Town Meeting meets these goals. While painful sacrifices were required to achieve this, we feel we have put the budget process on a new footing which will show fruit year after year, if we maintain this discipline.

Not so pleasing are the effects of the current economic climate on our town departments, most of which will be curtailing services in the next fiscal year one way or another in order to meet their budgets. While this is inevitable in the environment in which we find ourselves, we would like to commend all of our department heads and employees for going to work so willingly and competently on the unpleasant task of identifying what we must forego.

There has been good news, as well, this year. The fall of 2009 saw the opening of the new East School, constructed under the supervision of the skilled and hardworking School Building Committee. The alleviation of classroom crowding at the elementary level is the result, and on behalf of the town, we thank the School Committee, school administration, and School Building Committee for the many hours of careful attention this task required.

The new Department of Public Works facility on Bare Cove Park Drive was completed and opened this year as well. Thanks go to the staff of the department and to the multi-talented DPW Building Committee which has finished its task after almost a decade of work on it.

The consolidation of DPW operations in the new facility made possible a comprehensive reorganization of the Department of Public Works. This work was initiated by the Selectmen, and carried out based on the recommendations of the new Superintendent of Public Works, Randy Sylvester. Public Works services will be delivered more efficiently and cost-effectively as a result.

The Board of Selectmen also implemented the creation of a new Community Planning Department, accomplished by merging five departments into one: the Planning Department, the Zoning Board of Appeals, the Conservation Commission, the Building Department, and the Historical Commissions. Following the trend developing in towns around the state, this reorganization is the first step towards creating a more streamlined permitting process, making it easier for applicants to apply for and receive permits all in one department. The move resulted

in some cutting of costs, and more efficient allocation of staff resources. We congratulate the new Director of Community Planning, our own former Town Planner Katy Lacy.

Both departmental reorganizations are expected to result both in savings and improved customer service.

The Department of Elder Services is celebrating its fortieth anniversary just as its Director, Barbara Farnsworth, was recognized as Elder Services Director of the Year by her colleagues in Massachusetts. We commend the department staff and its board as they gear up to meet the challenges of the next decade.

Finally, the town finds itself in the midst of a year of festive events creatively organized by the 375th Anniversary Committee to commemorate the town's founding in 1635. Each season, the events have focused on illuminating a particular period in Hingham's history, and they will culminate in an exciting town-wide celebration in September. The ongoing celebration reminds us of all we have to be thankful for, and invites us to cherish our past while planning together for our future.

The Board extends its grateful thanks to our staff, to all the town employees, and to the legions of dedicated volunteers who give so generously of their time and talents to serve the town.

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

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-sixth day of April 2010 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 her mother, "...to be expended in relieving the necessities of the deserving poor or unfortunate of South Hingham..." Grants from the income of the fund are made at the discretion of a committee of three members, one of whom is elected each year by the Town. As of December 31, 2009, the fund assets totaled \$16,088 of which \$1,088 was available for distribution. The principal of \$15,000 is held in trust and is not available for distribution.

RECOMMENDED: That Becky Weston, 84 Whitcomb Avenue, 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; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Energy Action Committee; GAR Hall Trustees; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Board of Managers of Lincoln Apartments LLC; Long-Range Waste Disposal and Recycling Committee; Memorial Bell Tower Committee; Open Space Acquisition Committee; Public Works Building Committee; Regional Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; and Water Supply Committee, or act on anything relating thereto.

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.

RECOMMENDED: That the reports, if any, of the Affordable Housing Trust; Animal Shelter Site Study Committee; Capital Outlay Committee; Commission on Disability Issues; Community Preservation Committee; Conservation Commission; Country Club Management Committee; Council on Aging; Energy Action Committee; GAR Hall Trustees; Harbor Development Committee; Hingham Historic Districts Commission; the Historian; Historical Commission; Board of Directors of Lincoln Apartments LLC; Long-Range Waste Disposal and Recycling Committee; Memorial Bell Tower; Open Space Acquisition Committee; Public Works Building Committee; Regional

Refuse Disposal Planning Committee; Scholarship Fund Committee; 2006 School Building Committee; Wastewater Master Planning Committee; and Water Supply Committee be received, and that all of said Committees, Commissions, the Council and the Historian be continued.

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, 2010 or as otherwise specified in said report or agreements; that the Town raise and appropriate the sum of zero dollars 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, 2010

through June 30, 2011 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 request of the Board of Selectmen, at the annual rate of \$1,750.00 each, except that the Chair shall receive an annual rate of \$2,250.00 for the period of incumbency.

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, 2010, 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, 2010, 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 2009 <u>Expended</u>	Fiscal 2010 <u>Appropriated</u>	Advisory Fiscal 2011 <u>Recommendation</u>
GENERAL GOVERNMENT			
122 SELECTMEN			
Payroll	353,198	369,181	374,540
Expenses	43,683	41,736	42,709
Capital Outlay	19,647	0	0
Total	416,528	410,917	417,249
132 RESERVE FUND			
	1,001,987	883,000	550,000
135 TOWN ACCOUNTANT			
Payroll	350,773	345,706	384,872
Expenses	69,026	61,206	11,905
Capital Outlay	56,029	0	150,325
Audit	39,010	45,000	72,000
Information Technology	74,551	103,083	110,868
Total	589,389	554,995	729,970
141 ASSESSORS			
Payroll	281,602	283,273	275,129
Expenses	9,249	10,848	11,587
Capital Outlay	0	0	0
Consulting	6,540	7,500	32,500
Map Maintenance	6,000	6,000	6,000
Total	303,391	307,621	325,216
145 TREASURER/COLLECTOR			
Payroll	266,472	273,108	286,201
Expenses	42,312	42,390	43,867
Capital Outlay	8,625	0	0
Tax Titles	8,547	10,000	10,000
Total	325,956	325,498	340,068
151 LEGAL SERVICES			
	285,912	185,000	225,000
159 TOWN MEETINGS			
Payroll	2,521	2,692	2,692
Expenses	22,741	27,050	25,500
Total	25,262	29,742	28,192
161 TOWN CLERK			
Payroll	157,684	157,612	158,739
Expenses	2,964	6,553	6,957
Total	160,648	164,165	165,696

	Fiscal 2009 <u>Expended</u>	Fiscal 2010 <u>Appropriated</u>	Advisory Fiscal 2011 <u>Recommendation</u>
162 ELECTIONS			
Payroll	17,076	6,955	17,350
Expenses	14,055	8,390	15,855
Capital Outlay	0	0	0
Total	31,131	15,345	33,205
171 CONSERVATION			
Payroll	134,791	142,526	152,397
Expenses	8,910	13,363	13,363
Total	143,701	155,889	165,760
175 PLANNING BOARD			
Payroll	102,550	103,078	108,763
Expenses	24,837	27,296	27,296
Total	127,387	130,374	136,059
176 BOARD OF APPEALS			
Payroll	86,545	90,229	88,845
Expenses	5,015	5,794	5,794
Total	91,560	96,023	94,639
177 BARE COVE PARK			
Payroll	15,149	15,059	15,511
Expenses	5,794	6,740	5,333
Capital Outlay	0	0	0
Total	20,943	21,799	20,844
191 HERSEY HOUSE			
Expenses	10,212	0	0
Total	10,212	0	0
192 TOWN HALL			
Payroll	162,962	167,439	167,018
Expenses	374,461	399,347	374,687
Capital Outlay	31,980	0	0
Total	569,403	566,786	541,705
193 GRAND ARMY MEMORIAL HALL	10,804	11,817	12,395
TOTAL GENERAL GOVERNMENT	4,114,214	3,858,971	3,785,998

	Fiscal 2009 <u>Expended</u>	Fiscal 2010 <u>Appropriated</u>	Advisory Fiscal 2011 <u>Recommendation</u>
PUBLIC SAFETY			
210 POLICE DEPARTMENT			
Payroll (Overtime \$365,851)	4,111,633	4,145,162	4,085,758
Expenses	310,996	303,339	298,500
Capital Outlay	282,130	0	102,500
Total	4,704,759	4,448,501	4,486,758
220 FIRE DEPARTMENT			
Payroll (Overtime \$294,541)	3,952,938	4,045,418	3,958,723
Expenses	375,834	342,760	327,868
Capital Outlay	55,211	0	82,000
Total	4,383,983	4,388,178	4,368,591
230 DISPATCH SERVICES			
Payroll (Overtime \$71,868)	466,740	439,744	474,263
Expenses	6,904	5,000	5,000
Total	473,644	444,744	479,263
241 BUILDING COMMISSIONER			
Payroll	239,499	230,871	185,596
Expenses	6,476	4,331	3,810
Capital Outlay	0	0	12,000
Total	245,975	235,202	201,406
244 WEIGHTS AND MEASURES			
Payroll	10,485	10,526	10,836
Expenses	543	1,072	475
Total	11,028	11,598	11,311
291 EMERGENCY MANAGEMENT			
Payroll	5,974	9,064	9,064
Expenses	3,172	3,193	2,580
Total	9,146	12,257	11,644
292 ANIMAL CONTROL			
Payroll	39,493	42,513	42,634
Expenses	1,560	6,300	3,700
Total	41,053	48,813	46,334
295 HARBORMASTER			
Payroll	27,795		
Payroll	115,981	88,186	105,860
Expenses	28,285	25,301	23,320
Total	144,266	113,487	129,180
299 PUBLIC SAFETY UTILITIES			
Emergency Water	220,422	297,300	320,000
Street Lighting	136,011	140,000	136,000
Total	356,433	437,300	456,000
TOTAL PUBLIC SAFETY	10,384,185	10,140,080	10,190,487

	<u>Fiscal 2009 Expended</u>	<u>Fiscal 2010 Appropriated</u>	<u>Advisory Fiscal 2011 Recommendation</u>
EDUCATION			
300 SCHOOL DEPARTMENT			
Payroll	28,123,805	29,487,614	28,372,142
Expenses	6,517,754	6,991,239	7,093,034
Capital Outlay	363,084	50,000	321,000
To be supplemented by \$961,000.00 of federal grant money, for a total FY '11 operating budget, less Capital Outlay, equal to \$36,426,176			
TOTAL EDUCATION	<u>35,004,643</u>	<u>36,528,853</u>	<u>35,786,176</u>
 PUBLIC WORKS AND FACILITIES			
410 SELECTMEN'S ENGINEERING			
Payroll	94,260	94,148	0
Expenses	17,494	20,000	19,000
Total	111,754	114,148	19,000
420 HIGHWAY/RECREATION/TREE & PARK			
Payroll (Overtime \$57,856)	1,701,455	1,648,292	1,755,101
Expenses	352,219	332,442	336,958
Capital Outlay	211,612	0	240,000
Snow Removal	979,638	250,000	500,000
Resurfacing	250,044	355,000	353,835
Total	3,494,968	2,585,734	3,185,894
430 LANDFILL/RECYCLING			
Payroll (Overtime \$18,902)	430,047	447,969	413,533
Expenses	958,923	983,047	987,663
Capital Outlay	114,880	75,000	152,500
Total	1,503,850	1,506,016	1,553,696
440 SEWER COMMISSION			
Payroll	300,529	309,465	314,058
Expenses	221,175	201,118	237,526
Capital Outlay	33,544	63,000	75,000
Engineering	0	10,000	10,000
MWRA Charges	1,323,016	1,455,318	1,505,368
Debt Service	59,156	56,656	54,156
Hull Intermunicipal Agreement	107,866	103,000	107,017
Total	2,045,286	2,198,557	2,303,125
The sum of \$2,303,125 shall be funded from Sewer revenue.			
TOTAL PUBLIC WORKS	<u>7,155,858</u>	<u>6,404,455</u>	<u>7,061,715</u>

	Fiscal 2009 <u>Expended</u>	Fiscal 2010 <u>Appropriated</u>	Advisory Fiscal 2011 <u>Recommendation</u>
HUMAN SERVICES			
510 HEALTH DEPARTMENT			
Payroll	275,942	281,027	273,587
Expenses	15,373	17,439	17,646
Total	291,315	298,466	291,233
541 ELDER SERVICES			
Payroll	170,034	173,550	182,807
Expenses	38,030	58,608	58,608
Capital Outlay	0	0	0
Tax Work Off Program	10,750	12,000	12,000
Total	218,814	244,158	253,415
543 VETERANS' SERVICES			
Payroll	44,994	47,045	50,150
Expenses	4,236	6,800	6,700
Benefits	251,080	184,000	223,000
Total	300,310	237,845	279,850
545 WOMANSPLACE CRISIS CENTER	2,500	2,500	2,500
546 SOUTH SHORE WOMEN'S CENTER	3,500	3,500	3,500
TOTAL HUMAN SERVICES	<u>816,439</u>	<u>786,469</u>	<u>830,498</u>
CULTURE AND RECREATION			
610 LIBRARY			
Payroll	1,114,917	1,098,245	1,063,783
Expenses	244,226	243,380	244,603
Capital Outlay	54,832	0	20,000
Total	1,413,975	1,341,625	1,328,386
630 RECREATION COMMISSION			
Payroll	113,700	59,600	61,263
Expenses	0	0	0
Capital Outlay	29,457	0	0
Total	143,157	59,600	61,263
650 TRUSTEES OF BATHING BEACH			
Payroll	15,921	17,280	15,553
Expenses	6,570	5,825	5,825
Capital Outlay	0	0	0
Total	22,491	23,105	21,378
691 HISTORICAL COMMISSION			
Payroll	34,375	34,830	43,991
Expenses	2,978	4,578	4,578
Capital Outlay	0	0	0
Total	37,353	39,408	48,569

	Fiscal 2009 <u>Expended</u>	Fiscal 2010 <u>Appropriated</u>	Advisory Fiscal 2011 <u>Recommendation</u>
692 CELEBRATIONS	9,994	9,500	11,200
TOTAL CULTURE & RECREATION	<u>1,626,970</u>	<u>1,473,238</u>	<u>1,470,796</u>
ENTERPRISE FUND			
720 COUNTRY CLUB	1,679,810	1,811,001	1,801,473
The total sum of \$1,801,473 shall be funded from Country Club revenue.			
TOTAL ENTERPRISE FUND	<u>1,679,810</u>	<u>1,811,001</u>	<u>1,801,473</u>
DEBT SERVICE			
710 DEBT SERVICE	5,124,157	7,956,755	7,544,207
(\$3,731,987 IS EXCLUDED FROM PROPOSITION 2 1/2)			
TOTAL DEBT SERVICE	<u>5,124,157</u>	<u>7,956,755</u>	<u>7,544,207</u>
EMPLOYEE BENEFITS			
900 CONTRIBUTORY GROUP INSURANCE	3,270,546	6,470,132	6,754,462
900 OTHER POSTEMPLOYMENT BENEFITS			905,216
910 CONTRIBUTORY RETIREMENT	2,816,168	2,850,254	2,953,736
911 NON-CONTRIBUTORY PENSIONS	11,717	14,897	15,257
912 WORKERS' COMPENSATION	300,000	300,000	300,000
913 UNEMPLOYMENT	12,708	92,744	92,744
914 EMPLOYER MEDICARE TAXES	440,823	572,993	572,993
TOTAL EMPLOYEE BENEFITS	<u>6,851,962</u>	<u>10,301,020</u>	<u>11,594,408</u>
UNCLASSIFIED			
901 INSURANCE			
Fire, Public Liability, Property Damage, etc.	401,649	381,000	381,000
940 CLAIMS AND INCIDENTALS			
Claims and Incidentals	11,769	11,250	7,250
Total	11,769	11,250	7,250
TOTAL UNCLASSIFIED	<u>413,418</u>	<u>392,250</u>	<u>388,250</u>
GRAND TOTAL	<u>73,171,656</u>	<u>79,653,092</u>	<u>80,454,008</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, 2010, 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 \$450,000, which is hereby transferred to the General Fund to reduce the tax rate, all funds received by the Municipal Lighting Plant during the fiscal year commencing July 1, 2010, 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 sustained 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 performing electrical, gas, and plumbing inspections. For the fiscal year ended June 30, 2009, the fund had \$157,529 in revenues and \$154,122 in expenditures. For the six-month period ended December 31, 2009, the fund had \$77,661 in revenues and \$75,466 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. Moneys shall be spent primarily to compensate such inspectors for their services. The Building Commissioner, or functional equivalent, shall be authorized to spend moneys from the fund. The amount that may be spent from the fund shall be limited to \$250,000 during Fiscal Year 2011.

ARTICLE 10. 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 2010, or act on anything relating thereto?

RECOMMENDED: That no action be taken on this article.

ARTICLE 11. Will the Town appropriate a sum or sums of money from the Stabilization Fund and/or from available reserves for the purpose of reducing the tax rate, or act on anything relating thereto?

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 in the Stabilization Fund for future tax reduction. It is proposed to transfer \$111,486 from the Stabilization Fund for the purpose of reducing the fiscal year 2011 tax rate.

In addition, \$466,000 is to be transferred from available reserves in accordance with the March 25, 2009 Statement signed by the Board of Selectmen, School Committee and Advisory Committee committing to taxpayer relief.

The funds were not available in time to mitigate the FY2010 tax rate so they are being directed to provide reduction of the FY2011 tax rate.

RECOMMENDED: That the Town appropriate the sum of \$577,486, for the purpose of reducing the fiscal year 2011 tax rate to meet said appropriation \$111,486 be transferred from the Stabilization Fund and \$466,000 be transferred from said available reserves.

ARTICLE 12. 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 2009 fiscal year.

RECOMMENDED: That the Town transfer from available funds the sum of \$29,413.53 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 13. Will the Town transfer a sum of money from the Receipts Reserved for Appropriation: Insurance Recovery in Excess of \$20,000 for use by the Department of Public Works, or act on anything relating thereto?

COMMENT: This article seeks to transfer a sum of money received in an insurance settlement for the damage done to a DPW vehicle that was totaled during a snow storm to help pay for a new vehicle. Massachusetts General Law prohibits the expenditure of insurance recoveries in excess of \$20,000 without approval of Town Meeting.

RECOMMENDED: That the Town transfer the sum of \$25,000 from the Receipts Reserved for Appropriation: Insurance Recovery in Excess of \$20,000 for use by the Department of Public Works to purchase a replacement vehicle.

ARTICLE 14. Will the Town appropriate a sum of money from the Community Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund, or act on anything relating thereto?

COMMENT: The Community Preservation Act (MGL c.44B §6) allows up to 5% of annual CPA revenues to be reserved for operating and administrative expenses. These appropriations include property appraisals, design and bid costs, office supplies and the salary of a part-time administrator hired in 2007. Since the Act was adopted by the Town in April 2001, Town Meeting has approved administrative expenses of \$54,000 (2003), \$50,000 (2005) and \$60,000 (2007). Hingham's administrative appropriations have averaged 1.9% of annual CPA revenues

compared to the 5% allowed by the Act. The funds requested are expected to provide ongoing administrative expenses for the next three fiscal years.

RECOMMENDED: That the Town appropriate \$50,000 from the Community Preservation General Reserve for addition to the Community Preservation Committee's Administrative Fund.

ARTICLE 15. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve to be used for funding of the rehabilitation of Building 112 located at Bare Cove Park, currently used by the Bare Cove Fire Museum, or act on anything relating thereto?

COMMENT: Building 112, owned by the Town of Hingham since 1971, is located in Bare Cove Park and houses the Bare Cover Fire Museum. The building, designated as a historic resource by the Hingham Historical Commission, is one of the few remaining intact structures from the Hingham Naval Ammunition Depot established in 1909. The Depot operated throughout World War I, World War II and the Korean War, playing an important role in munitions manufacturing. At its peak in 1945, the Depot had over 2,400 civilians and military residents and supplied a large portion of the munitions used by the United States forces on the European front. The Building itself was constructed circa 1922 and underwent a partial renovation in 1983. The Bare Cove Fire Museum, a non-profit entity operated entirely by volunteers for the benefit of the Town, has occupied the building since 1981. The museum collection is significant and includes antique fire fighting apparatus, such as Ladder 1, Hingham's first motorized ladder truck built in 1922; fire fighting equipment, such as hoses and nozzles from the 19th century; and archival photos and documents. Nearly all of the collection is comprised of Hingham specific artifacts, telling the history of firefighting in the Town from the 1800s to the present. Due to the age of the structure, the corrugated roof has deteriorated such that numerous leaks occur during any rainfall. In addition to damage to the structure itself, the museum artifacts are suffering from decay due to water and high humidity caused by the leaking. The roof and one exterior wall of the building are composed in part of asbestos which is in need of remediation. Finally, portions of the

building walls were filled with cinder block during the 1983 renovation, which is contributing to deterioration of the brick walls and causing leaking through the walls in addition to the roof. The Bare Cove Fire Museum has proposed a rehabilitation plan for the building that includes remediation of the asbestos, replacement of the roof, repointing of brickwork and replacement of the cinder block filler with brick for an estimated cost of \$252,000.

RECOMMENDED: That the Town appropriate \$252,000 from the Community Preservation Historic Resources Reserve for the rehabilitation of Building 112 located at Bare Cove Park.

ARTICLE 16. Will the Town appropriate a sum of money from the Community Preservation Community Housing Reserve Account to be used for partial funding of the renovation of affordable housing condominium units at 80 Beal Street, or act on anything relating thereto?

COMMENT: In late 2009, the Hingham Affordable Housing Trust (HAHT) purchased the former Amego social services building at 80 Beal Street with the intention of converting the building to three or four condominium units to be sold as permanent affordable housing. In connection with the purchase, the HAHT gave a mortgage on the property. It has requested \$150,000 from the Community Preservation Fund to pay for a portion of the cost of renovation, and the Community Preservation Committee has recommended that the Town appropriate such funds. The contemplated renovation is subject to zoning approval and the issuance of necessary permits. Renovation of the building and sale of the condominiums are expected to be completed in the middle of 2012. Until that time, the HAHT will make mortgage payments and pay carrying costs (as distinguished from the renovation costs) on the property with its own funds. In the event that revenues from the sale of the units exceed the costs of acquisition and renovation, the HAHT will pass any remaining funds (or at least such funds of \$150,000 or less) on to the purchasers of the housing units in order to make the units more affordable. The HAHT plans to solicit comment and opinion on the project from neighbors prior to Town Meeting. In addition, the HAHT contemplates that it may erect a second structure on the land at 80 Beal Street, subject to all necessary approvals, for the

creation of several more affordable housing units. This latter construction project would not be funded by the \$150,000 described herein.

RECOMMENDED: That the Town appropriate up to \$150,000 from the Community Preservation Community Housing Reserve to be used to fund a portion of the cost of renovating a building at 80 Beal Street, which building, when renovated, would contain condominium units to be sold as affordable housing by the Hingham Affordable Housing Trust (HAHT), the owner of the land and building at 80 Beal Street, such appropriation to be contingent upon the issuance of all necessary building permits and other permits required for the renovations described herein.

ARTICLE 17. Will the Town appropriate \$250,000 from the Community Preservation Community Housing Reserve for acquisition by Father Bill's/Mainspring of Lot 001, Map 78 known as 111-113 Fort Hill Street, for creation of six units of affordable housing for veterans, or act on anything relating thereto?

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

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 housing development. The state has not provided the Hingham Housing Authority with an increase in its operation budget for close to fifteen years and as a result the Authority has not been able to fund capital expenditures to replace the aging boilers. If a boiler fails, the Housing Authority requests and in some instances has received emergency funds to replace the boiler but has to incur costs associated with temporary housing for the impacted residents. During fiscal 2010, emergency state funds were made available and several old boilers were replaced. However, two original boilers remain of the same vintage (33 years old) as those that have been replaced. These two boilers service 26 residents. Despite

several verbal commitments from the state housing authorities, no funds have been committed for replacement of two boilers.

It is expected that the Selectmen along with elected state representatives will continue to pursue state funding to replace these boilers. It is also expected that the Hingham Housing Authority will reimburse the CPC for any moneys spent out of the recommended appropriation that are collected from the state for this purpose. The Advisory Committee believes the upkeep of Thaxter Park is a state responsibility. Using CPC funds will facilitate timely repair of the boilers but is not meant to be an ongoing or permanent source of funds for the Hingham Housing Authority.

RECOMMENDED: That the Town appropriate \$54,700 from the Community Preservation Community Housing reserve, such amount to be expended under the direction of the Hingham Housing Authority, for replacement of two boilers at the Thaxter Park Housing Development.

ARTICLE 19. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve to be used by the Historical Commission to prepare a historic structures report and design documents to better define the scope of work and detailed cost estimate for the preservation and restoration of the Hingham Memorial Bell Tower, bells, "hand ringing" and chime apparatus, or act on anything relating thereto?

COMMENT: The Hingham Memorial Bell Tower, Town-owned and managed by the Hingham Historical Commission, is located at 68R Main Street next to the Old Ship Meeting House. The Bell Tower was built in 1912 to commemorate the 275th anniversary of Hingham. As we celebrate the 100th anniversary of the Bell Tower in 2012, the bells and tower are badly in need of repairs and restoration. The Bell Tower is one of only eleven freestanding, "change ringing" towers in North America and contributes to the history, beauty and uniqueness of Hingham. Due to their age and exposure to weather and humidity, the bells need to be reconditioned and tuned, the ferrous components in the bells and carriage frame need to be replaced and the tower needs to be stabilized. Adding computerization will allow

tune-playing during holidays and other occasions, bell-striking on the hour and half hour, and many other capabilities adding to the enjoyment of Town life. The initial Community Preservation Committee application contemplated costs associated with the restoration of the bells, strikers, carriage frame and computerized tune-playing with minimal allocations for bell and carriage removal and tower restoration. With professional assessment based on visual inspection and observations, in depth analysis and consultation with experts, however, the projected scope of work increased.

Given the complexities of this project, particularly the bell and carriage frame removal and replacement strategy and logistics and the tower structural repairs, the Hingham Historical Commission is recommending that during 2010 an architect of record and a structural engineer be hired to better define the strategy and scope of the project as it relates to the bell and carriage frame removal, restoration and relocation in the tower, and the tower structural repairs, and prepare plans and specifications to form the basis of a detailed scope of work and preparation of a refined cost estimate. This will allow the Hingham Historical Commission to return to the Community Preservation Committee in 2011 with a more accurate request for financing and will allow sufficient time to look for other sources of funding to assist in the restoration of the Hingham Memorial Bell Tower.

RECOMMENDED: That the Town appropriate \$38,000 from the Community Preservation Historic Resources Reserve to be used by the Hingham Historical Commission to prepare a historic structures report and design documents to better define the scope of work and detailed cost estimate for the preservation and restoration of the Hingham Memorial Bell Tower, bells, “hand ringing” and chime apparatus.

ARTICLE 20. Will the Town appropriate a sum of money from the Community Preservation Open Space Reserve to be used for partial funding of the dredging of Foundry Pond, or act on anything relating thereto?

COMMENT: Foundry Pond, managed by the Conservation Commission, is located just off Kilby Street and is the last impoundment of the 14.4 square miles of drainage area in Hingham, Norwell and Rockland serviced by the Weir

River. Man-made activities in the watershed over the 200 plus years of the pond’s existence have caused over half of the former millpond to be filled with sediment. Runoff from roadways, construction sites, farming, and land clearing have generated tons of this sediment, which has reduced the surface area of the pond. Sediment limits the ability to operate the dam and to regulate the pond level during large storm events, resulting in localized flooding upstream that has been the subject of some legal actions brought by abutters. Additionally, the once robust smelt and herring fish run has been greatly diminished due to the inability to regulate flows from the pond during downstream migration. Finally, the impervious nature of the pond results in more sediment being scoured from stream beds and carried into World’s End, threatening the eel grass habitats for shell and fin fish as well as contributing to the sediment build-up in the Inner Harbor. Using funds appropriated by the 2009 Annual Town Meeting, the Conservation Commission, with the assistance of appropriate engineering consultants, has designed a preservation plan to safely dredge the pond to remove the sediment buildup with minimal ecological damage, at an estimated total cost of \$650,000. Such dredging is necessary to rid the pond of silt and the growth of invasive species that threaten the destruction of the pond, which is essential for upstream drainage as well as preservation of a diverse wildlife habitat. Expenditure of the \$162,500 in this appropriation is contingent upon receipt of the remainder of the funds for the project from the Commonwealth of Massachusetts or other funds available to the Town, which matching or commitment must occur by June 30, 2011, unless the date is extended by the Board of Selectmen upon recommendation of the Community Preservation Committee. If no matching funds are obtained, this project may be brought before a future Town Meeting.

RECOMMENDED: That the Town appropriate up to \$162,500 from the Community Preservation Open Space Reserve for partial funding of the dredging of Foundry Pond, such appropriation to be contingent upon receipt of the remainder of the necessary funds for the project from the Commonwealth of Massachusetts or other funds available to the Town, provided that such contingency is satisfied, or a written commitment for necessary funding is

received, no later than June 30, 2011, unless such date is extended by the Board of Selectmen upon recommendation of the Community Preservation Committee.

ARTICLE 21. Will the Town appropriate a sum of money from the Community Preservation Historic Resources Reserve to purchase an underground time capsule to commemorate Hingham's 375th Anniversary Celebration, or act on anything relating thereto?

COMMENT: As part of the Town's 375th Anniversary Celebration, the Celebration Committee plans to purchase a time capsule to house all records of events and commemorative items connected with the year-long celebration to represent this time period in the history of Hingham for future historic interest. This time capsule will be placed directly on top of the time capsule previously placed in the ground after the year-long 350th Anniversary Celebration of 1985. The location is on the East Street side of the Hingham Public Library lawn. Its exact location is marked by a commemorative ground plaque. The capsule will be constructed, purchased, and filled with items in preparation for the final ceremony. This ceremony will be scheduled after the closing events in September 2010. Funds raised independently by the 375th Anniversary Committee will be used for the burial of the time capsule.

RECOMMENDED: That the Town appropriate \$1,216 from the Community Preservation Historic Resources Reserve for the purchase of a steel underground time capsule to commemorate Hingham's 375th Anniversary Celebration.

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 annual 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 .005% 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 recreational use), historic resources, and low and moderate income housing. The source of revenue for this fund is a 1.5% surcharge on Town real estate taxes and matching state grants.

In fiscal year 2009, Hingham taxpayers contributed \$687,190 to this fund, and the state match was \$238,819, for a total of \$926,009 available to fund CPC projects. In fiscal 2010, Hingham taxpayers are expected to contribute \$765,000 to this fund, with a state match of \$237,000, for a total of \$1,002,000.

The current CPC surcharge costs the owner of an average assessed home in Hingham approximately \$90.47 per year. Adoption of this article would reduce that cost to \$0.30, for an annual tax reduction of \$90.17.

Adoption of this article would reduce property taxes for Hingham homeowners but significantly limit the resources and capabilities of the Community Preservation Committee. It would also reduce the available state matching grants. 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 in the Town, the proposed reduction in the surcharge would make meaningful efforts in these areas limited and ineffectual over the long term.

If adopted, the reduction in the CPC surcharge would take effect beginning July 1, 2011 for the Town's 2012 fiscal year.

RECOMMENDED: That no action be taken on this article.

ARTICLE 23. Will the Town direct the Moderator to appoint a committee of seven/ten citizens of the Town, knowledgeable in Town affairs, one of whom will be designated by the Moderator as Chairman, to be known as the Committee to Review the Efficiency and Effectiveness of Town Government, which Committee shall review all aspects of local government organization and structure, including, without limitation, regional relationships and the operation of all Town departments, boards, committees and commissions, elected and appointed, and recommend changes in such organization and structure, consonant with the traditional values

of the Town, and designed to achieve greater efficiency and effectiveness in the delivery of government services; which recommendations shall be made in form suitable for consideration at the next Annual Meeting, or subsequent Town Meeting, and will the Town raise and appropriate or transfer from available funds a sum of money for the expenses of such Committee, or act on anything relating thereto?

(Inserted at the request of Alexander Macmillan and others)

COMMENT: Government Study Committees were established by favorable vote under Article 51 at the 1990 Annual Town Meeting and Article 21 at the 1999 Annual Town meeting. An earlier effort to consider certain reforms utilizing the less flexible Charter Commission approach did not meet with success.

The two studies in the 1990's focused on the overall management of the Town, budgeting, capital planning, personnel administration, fiscal policy and departmental consolidation.

Hingham today is facing unprecedented fiscal challenges with a down economy and recession; limitations imposed by Proposition 2 ½; State fiscal problems resulting in decreased state aid in all categories; rising labor costs; escalating medical and benefits costs; and growing demand for services. We must continue to seek efficiencies - collaborating with neighboring towns where possible and consolidating or reforming municipal departments where necessary. The challenge is to do so sensibly, respecting our rich history, shared priorities, and concerns of both the Town's residents and its loyal, long-term employees.

Recommendations from the earlier Government Study Committees have included the following:

- Consolidating of Highway, Landfill and Tree and Park Departments into the DPW;
- Making the Treasurer/Collector an appointed rather than an elected position;
- Consolidating the Treasurer/Collector and Town Accountant Departments, with a Financial Director, hired by the Board of Selectmen, who reports to the Town Administrator;
- Removing the Police Chief and Fire Chief positions from Civil Service;
- Recommending that the School Committee consider entering into a regional school district;
- Merging the DPW and Sewer Departments;
- Changing governance of the South Shore Country Club by creating a Management

Committee of five citizens appointed by the Selectmen for three-year terms;

- Establishing a new executive budgeting procedure, under which the Board of Selectmen prepares and submits a consolidated Town budget for review by the Advisory Committee, which then makes its recommendation to Town Meeting;

- Creating the position of Executive Secretary, with duties later expanded for the re-titled Town Administrator position.

Town Meeting, as the ultimate decision-maker, is free to approve certain of the recommendations made by the Government Study Committee and to reject others.

Since neither the Board of Selectmen nor the Advisory Committee has the time or resources to undertake a study of this scope, the work is best undertaken by a special committee of impartial and knowledgeable citizens appointed by the Moderator who will make their recommendations to the next - or if necessary, subsequent - Town Meetings.

The Committee shall reflect the range of skills, knowledge and experience required to complete the complex task.

The Committee will present an update and, if ready, results of their work at the 2011 Annual Town Meeting and the 2012 Annual Town Meeting.

The Advisory Committee recommends favorable action on this Article.

RECOMMENDED: That the Town vote to direct the Moderator to appoint a Committee of seven citizens of the Town, knowledgeable in its affairs, one of whom will be designated by the Moderator as Chairman, to be known as the 2010 Committee to Review the Efficiency and Effectiveness of Town Government (also known as the 2010 Government Study Committee, which Committee shall examine all aspects of local government organization and structure, including, without limitation, regional relationships and the operation of all Town departments, boards, committees and commissions, elected and appointed, and recommend changes in such organization and structure, consonant with the traditional values of the Town, and designed to achieve greater efficiency and effectiveness in the delivery of government services; which recommendations shall be made in a form suitable for consideration at the next Annual Town Meeting, or

subsequent Town Meetings, and to authorize the Town to raise and appropriate the sum of \$10,000 for the expenses of such Committee.

ARTICLE 24. Will the Town vote the following administrative positions to be permanently eliminated: The Chief of Police, The Fire Chief, The Harbormaster, The DPW Superintendent, the Town Accountant (CFO), Town Administrator, The Light Plant Manager, the School Superintendent, the Principals of: the High School, the Middle School, Foster Elementary School, Plymouth River School, South School and East School, and all Safety Officers who are police officers, or take any other action relative thereto?
(Inserted at the request of Russell Reeves and others)

COMMENT: The Town of Hingham Personnel Board has developed a deliberate and fair process to define and compensate positions of Town employment. Some existing positions are required by statute, while others are not. A proposal to restructure the Town's government by eliminating certain positions is best left to a government study committee.

RECOMMENDED: That no action be taken on this article.

ARTICLE 25. Will the Town of Hingham vote to increase the Board of Selectmen from three persons to five, or take any action relative thereto?
(Inserted at the request of Russell Reeves and others)

COMMENT: An increase in the number of Selectmen was rejected at the 2005 Annual Town Meeting after extensive debate and consideration. It was also rejected at the 2004 Annual Town Meeting. There are many pros and cons related to this issue that are best considered by a government study committee.

RECOMMENDED: That no action be taken on this article.

ARTICLE 26. Will the Town vote to establish an Audit Committee to assist in the selection of an independent auditing firm to conduct an annual audit of the financial statements of the Town, or act on anything relating thereto?

COMMENT: Following the example of the private sector, many municipalities have established audit

committees to assist the executive branch of local government in managing the municipality's relationship with its external audit firm. In addition to overseeing the auditor selection process, the audit committee will meet periodically with the independent audit firm to monitor the progress of the Town's annual audit and to receive feedback from the firm with regard to strengths and weaknesses in the Town's fiscal policies and system of internal controls. The audit committee will also work with the Board of Selectmen, Town Administrator, and Finance Director to ensure that any weaknesses in internal controls identified by the independent audit firm are quickly remediated. The establishment of an audit committee will enhance the financial management of the Town at no cost to the taxpayers.

RECOMMENDED: That the Town establish an Audit Committee to assist in the selection and monitoring of an independent auditing firm to conduct annual audits of the financial statements of the Town. The voting members of the Audit Committee will consist of five citizens of the Town, of whom three members will be appointed by the Moderator and two members will be appointed by the Board of Selectmen. The initial terms of appointment will commence July 1, 2010 and will be staggered as follows: the three members appointed by the Moderator will be appointed to terms of one, two and three years, respectively. The two members appointed by the Board of Selectmen will be appointed for terms of two and three years, respectively. Thereafter all terms will be for three years. No members may serve for more than two consecutive three-year terms, not including service for a shorter term or to fill a vacancy for the unexpired portion of a three-year term.

Under the direction of the Selectmen, the Audit Committee will ask the Town Administrator to issue, at least every three years, a Request For Proposals for an independent auditing firm to conduct, in accordance with generally accepted auditing standards, an annual audit of the financial statements of the Town. The Audit Committee will recommend to the Board of Selectmen the firm to conduct the audit.

The Audit Committee will supervise and review the conduct of the audit and its relationship with the Town. To maintain the independence and transparency of the Audit Committee, both in appearance and in fact, voting members shall be citizens of Hingham, volunteers, not otherwise employed by the Town or serving on a Town elected or appointed committee or board. The Town Administrator and the Town Accountant/Finance Director shall serve as non-voting members of the Committee. The Chairman of the Advisory Committee shall appoint two of its

members to serve as liaisons to the Audit Committee.

The Audit Committee shall meet in public session at least four times per fiscal year; shall appoint a chairman annually with no individual member serving as chairman for more than three consecutive years; and shall periodically report to the Town at an open meeting to the Board of Selectmen on its activities and findings.

The Audit Committee shall establish a charter for its work and annually review that charter with the Board of Selectmen.

ARTICLE 27. Will the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, at Article 14, by deleting the current PART 2 and replacing it with the following:

“PART 2

CAPITAL OUTLAY COMMITTEE

SECTION 1 - There shall be a Capital Outlay Committee (Committee), which shall perform the duties set forth in the following sections of this Article 14 and be governed by the provisions hereof. Said Committee shall consist of five citizens of the Town, appointed as provided in the following sections, and the Town Accountant ex-officio.

SECTION 2 - The moderator shall appoint three members of said Committee. Prior to the commencement of each fiscal year, the moderator shall appoint one member to said Committee to serve a term of three years, commencing on the first day of the fiscal year next following the appointment.

SECTION 3 - The Chairman of the Advisory Committee, at or about the commencement of each fiscal year, shall appoint, from among the members of the Advisory Committee, two members of said Committee to serve a term of one year, beginning on the first day of said fiscal year.

SECTION 4 - Whenever any vacancy shall occur in the Committee, it shall be filled by the appointing authority which appointed the member whose position shall have become vacant. Any person appointed to fill a vacancy in the Committee shall hold office for the unexpired term of the person whom he or she succeeds.

SECTION 5 - The Town Accountant, as an ex-officio member of the Committee, shall not be entitled to vote on the making of recommendations to be included in its reports. The Committee shall choose its own officers and shall serve without compensation.

SECTION 6 - It shall be the duty of the Committee to ascertain annually what capital outlays will be required by the Town during the next five years. In making this determination, it may consult with Town, county, and state officials, and with other boards and committees of the Town. It shall publish and distribute to each voter an annual report and such further reports as it deems advisable, and shall include in such reports its recommendation for scheduling capital outlays and for the financing of such outlays as in its judgment cannot be, or should not be, paid for entirely out of current revenues.”

or act on anything relating thereto?

COMMENT: Article 14, PART 2 of the General By-Laws of the Town defines the composition and duties of the Capital Outlay Committee.

This proposed amendment eliminates the requirement for the Town Accountant to be a Town resident, simplifies the language in Sections 2 and 3 regarding appointments, sets the time-horizon of capital-planning at five years, and modifies the description of annual report contents to reflect actual Committee practice during the past several years.

RECOMMENDED: That the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, at Article 14, by deleting the current PART 2 and replacing it with the following:

“PART 2

CAPITAL OUTLAY COMMITTEE

SECTION 1 - There shall be a Capital Outlay Committee (Committee), which shall perform the duties set forth in the following sections of this Article 14 and be governed by the provisions hereof. Said Committee shall consist of five citizens of the Town, appointed as provided in the following sections, and the Town Accountant ex-officio.

SECTION 2 - The moderator shall appoint three members of said Committee. Prior to the commencement of each fiscal year, the moderator shall appoint one member to said Committee to serve a term of three years, commencing on the first day of the fiscal year next following the appointment.

SECTION 3 - The Chairman of the Advisory Committee, at or about the commencement of each fiscal year, shall appoint, from among the members of the Advisory Committee, two members of said Committee to serve a term of one year, beginning on the first day of said fiscal year.

SECTION 4 - Whenever any vacancy shall occur in the Committee, it shall be filled by the appointing authority which appointed the member whose position shall have become vacant. Any person appointed to fill a vacancy in the Committee shall hold office for the unexpired term of the person whom he or she succeeds.

SECTION 5 - The Town Accountant, as an ex-officio member of the Committee, shall not be entitled to vote on the making of recommendations to be included in its reports. The Committee shall choose its own officers and shall serve without compensation.

SECTION 6 - It shall be the duty of the Committee to ascertain annually what capital outlays will be required by the Town during the next five years. In making this determination, it may consult with Town, county, and state officials, and with other boards and committees of the Town. It shall publish and distribute to each voter an annual report and such further reports as it deems advisable, and shall include in such reports its recommendation for scheduling capital outlays and for the financing of such outlays as in its judgment cannot be, or should not be, paid for entirely out of current revenues."

ARTICLE 28. Will the Town of Hingham amend Article 15 (Harbor By-Law) of the General By-Laws of the Town by deleting Article 15 in its entirety and replacing it with the following:

ARTICLE 15 HARBOR BYLAW

SECTION 1 - Authority and Enforcement
The Harbormaster, Deputy Harbormaster, and Assistant Harbormasters each have the authority to enforce this article, Chapter 90B State Boating Laws, Chapter 102 Shipping and Seamen, Harbors and Harbor Masters, Chapter 130 State Marine Fisheries Regulations, Chapter 131 State Inland Fish Regulations, CMR 321 Division of Fisheries and Wildlife, and CMR 324 Public Access Board Regulations and other applicable laws or regulations.

SECTION 2 - Definition of Terms

"Anchor" - To hold a vessel in place by lowering a heavy weight into the water by cable, chain, line or other method.

"Anchorage areas" - Areas designated for anchoring.

"Channel" - a navigable route for the passage of vessels, established by customary use or under the authority of federal, state or municipal law.

"Harbormaster" - The harbormaster, deputy harbormaster and assistant harbormasters duly appointed by the Board of Selectmen.

"Hingham Harbor" - The waters of the sea lying within the limits of the Town of Hingham affected by the ebb and flow of the tides.

"Hingham Waterways" - The navigable bodies of water within the Town of Hingham including the ponds, rivers, streams, seas, and oceans.

"Inner Harbor" - The waters that lie South of a line drawn from Broad Cove to the southmost tip of Ragged Island, and then continuous due east to land.

"Moor" The making fast of a boat, raft, or float by means of cables, anchors, lines, chains, or other device or contrivances, to the ocean bottom, the shore, or a dock, slip, pier, or marina; meaning and intending that this phrase applies to boats, rafts or floats which are secured to the ocean bottom, as well as to boats, rafts, or floats secured to a dock or slip in a marina.

"Mooring" - A semi-permanent anchorage installation, consisting of an anchor, chain, mooring buoy, and pennant.

"Person" - An individual; a receiver; a trustee; a co-partnership; joint venture; a firm; an unincorporated association; a syndicate; a trust; a corporation; or any other entity.

"Skin Diving" - Swimming underwater with the aid of fins, mask, snorkel tube, or self contained apparatus for the assistance of breathing.

“Vessel” - The word “vessel” shall mean ships of all kinds, barges, sailing vessels, watercraft and powerboats of any type or kind by whatever means propelled, every structure designed, adapted or capable of being navigated, towed or operated on water from place to place for the transportation of merchandise, people, or for any other purpose, except a seaplane on the water used or capable of being used as a means of transportation on water.

SECTION 3 – Waterways Regulations

The Harbormaster shall promulgate regulations governing vessels and activities that take place on and around Hingham Waterways, including, without limitation, moorings, floats, waiting lists, shellfish and related matters. These regulations shall be submitted to the Board of Selectmen for approval and then to the environmental police for review. Upon approval by the Selectmen, a notice shall be published in a newspaper in circulation in the Town of Hingham and copies thereof shall be made available through the Harbormaster's Office upon request. Said regulations may be amended from time to time in the manner hereinbefore set forth.

SECTION 4 - Wake Restrictions

No vessel shall exceed the speed of six (6) nautical miles per hour or be operated at speed which shall cause a visible wake within the confines of Hingham Harbor, except while engaged in water skiing or the use of personal watercraft in areas as defined on charts issued for such use by the Board of Selectmen.

SECTION 5 - Skin Diving

Any person skin diving in Hingham Harbor shall:

- (a) Obtain the written approval of the Harbormaster in advance, designating the permitted area;
- (b) Operate from a vessel occupied and under the control of at least one other natural person not less than eighteen (18) years of age;
- (c) Display a diver's flag consisting of a red field and a white diagonal stripe not less than twelve (12) inches square, held upright on a float or other similar device at a height sufficient to be visible to passing vessels; and
- (d) Tow said float and flag with him while he is on surface or submerged in water, unless for commercial purposes permission in writing is granted by the Harbormaster to display floats or flags in some other manner for the protection of divers in Hingham Harbor.

SECTION 6 - Water Skiing

No person shall operate a vessel in Hingham Harbor or in the Hingham Waterways of the Back River or Weir River (which are Areas of Critical Environmental Concern) while towing water skiers, aquaplanes or other similar devices except in areas defined on charts issued by the Board of Selectmen, and in no event shall any such vessel be operated within one hundred fifty (150) feet of any beach or swimming float.

SECTION 7 - Obstruction of Channels

No private marker, mooring or anchorage buoy, lobster pot buoy, or other temporary or permanent marker may be placed in the fairway or channel of Hingham Harbor at any time without the express written permission of the Harbor Master. Any such marker or buoy, so placed in any fairway or channel in Hingham Harbor, shall be construed as a hazard to navigation, and shall be removed by the person causing it to be in place, upon the order of the Harbormaster, or may be removed by the Harbormaster, with no liability to the Harbormaster or the Town of Hingham, or the agents, servants, or employees of either.

SECTION 8 - Unauthorized Boarding or Moving of any Vessel

No person, other than the Harbormaster or a person acting with the Harbormaster's written consent, shall board or move any vessel in mooring or anchorage or molest any tender except in case of emergency or with the express consent of the owner or master of said vessel.

SECTION 9 - Conformance with Existing Regulations and Disclaimer

Nothing contained herein shall be construed to conflict with the jurisdiction of the United States Government with respect to the enforcement of navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation of the Division of Waterways of the Department of Environmental Protection, or the Environmental Police or any of the laws of the Commonwealth of Massachusetts.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

SECTION 10 – Violation

Whoever violates any section or provision of this Article shall be liable for a penalty of fifty (50) dollars per day for each violation.

SECTION 11 – Effective Date

This Article shall become effective upon approval of the Director of Environmental Police and the expiration of five (5) days after a legal posting in a newspaper of general distribution in the Town of Hingham.

Or act on anything related thereto?

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

ARTICLE 29. That the Town require the Board of Selectmen to forthwith approve sufficient funds to erect, establish, and maintain traffic lights at the four way intersection of Main Street (Rt. 228), Cushing Street, and South Pleasant Street.

(Inserted at the request of Bernard Manning and others)

COMMENT: The 2003 Annual Town Meeting created, under Article 32, a Traffic Safety Study Committee, directing the Committee to evaluate and recommend effective traffic safety solutions for the Main/Free/High and Main/Cushing/South Pleasant intersections at the 2004 Annual Town Meeting. Their investigation produced the following accident data:

	Free/High/Main	Cushing/So. Pleasant/Main
1992-94 Avg.	8	6
1999-01 Avg.	6	6
2002	13	6
2003	9	5

As a result of their deliberations, the committee voted to recommend a series of traffic calming measures (which were subsequently implemented), and then monitor accident rates to see if they were effective in improving traffic safety at these two intersections. After watching the accident trends climb, the Board of Selectmen voted to install a traffic signal at the High/Free/Main intersection. This project was completed in ,2006. The statistics below document the ensuing accident patterns:

	Free/High/Main	Cushing/So. Pleasant/Main
2004	13	5
2005	12	4
2006	10	4
2007	4	5
2008	5	6
2009	5	0

It is clear that the installation of the traffic signal at High/Free/Main has improved safety at that intersection, and it is also apparent that there has been no increase in the accident trend at Cushing/So. Pleasant/Main. While lengthy queues do still occur at the Cushing St. intersection, motorists now have an alternative; they can choose to utilize the existing signalized intersection at High/Free/Main to access Main Street.

RECOMMENDED: That no action be taken on this article.

ARTICLE 30. Will the Town establish terms of office for the members of the Board of Directors of Lincoln Apartments LLC, which was incorporated pursuant to the vote under Article 1 of the Warrant for the Special Town Meeting held October 27, 2008, or act on anything relating thereto?

COMMENT: Pursuant to the favorable action of the October 27, 2008 Special Town Meeting which created the Lincoln School Apartments Board of Directors and authorized the Board of Selectmen to make additional arrangements for the governance of the Lincoln School Apartments, and since Town Meeting did not establish terms of office for the Lincoln School Apartments Board of Directors, the Board of Selectmen proposes terms of office as follows: the term of office shall be for three years, except that the term of the first member appointed initially by the Moderator shall expire on June 30, 2010, the terms of one member initially appointed by the Selectmen and the member initially appointed by the Hingham Affordable Housing Trust shall expire on June 30, 2011, and the terms of the remaining two members, one appointed by the Selectmen and one by the Hingham Affordable Housing Trust, shall expire on June 30, 2012.

The Advisory Committee does not find the terms as proposed to be unreasonable. The terms are consistent with other like boards in Hingham.

RECOMMENDED: That the following terms of office are hereby established for the members of the Board of Directors of Lincoln Apartments LLC, which was incorporated pursuant to the vote under Article 1 of the Warrant for the Special Town Meeting held October 27, 2008:

The initial terms of office of the members of the Board of Directors appointed in 2009

shall expire as provided below and thereafter the terms of office of the members shall in each case be three (3) years:

(1) the member appointed by the Moderator - on June 30, 2010;

(2) the members appointed by the Board of Selectmen, as designated by said Board – one member on June 30, 2011 and one member on June 30, 2012;

(3) the members appointed by the Hingham Affordable Housing Trust, as designated by said Trust – one member on June 30, 2011 and one member on June 30, 2012.

ARTICLE 31. Will the Town authorize, but not require, the Board of Selectmen to: (1) petition the Great and General Court of the Commonwealth to enact special legislation to permit the area encompassing all of the land in southwest Hingham that is included in the Industrial Park and Office Park Districts, as well as the small residentially-zoned carve-outs on Abington Street, as shown on the map entitled 'Zoning Map – Parts A and C of Town of Hingham Massachusetts,' prepared by Coler and Colantonio and dated 2009, to connect to the Weymouth sewer system and/or the Massachusetts Water Resources Authority (MWRA) sewer system; and, (2) enter into permanent membership and become a permanent member of the MWRA for the supply of a supplemental public water supply for the Town of Hingham in accordance with Section 8(d) of Chapter 372 of the Acts of 1984 and any successor legislation thereto, and authorize the Board of Selectmen to enter into long-term contracts and/or agreements to carry out the foregoing and, further, to maintain and further such membership, or act on anything relating thereto?

COMMENT: Securing special legislation is the first step towards provision of adequate sewer and water service to the commercially-zoned properties included in the Industrial Park and Office Park Districts in South Hingham. Sewering of the Industrial/Office Park Area will enable: (1) low-impact, high-value development; (2) increased permit-fee and property-tax revenue for the Town; and, (3) local job growth.

The Massachusetts Water Management Act of 1986 requires that every gallon of wastewater

removed by sewer through an inter-basin transfer be replenished on a one-for-one basis. Authorizing the Board of Selectmen to join the MWRA provides a third option for sourcing such replacement water in addition to utilizing the Aquarion Water Company of Massachusetts or the Town of Weymouth. The choice of provider will be based on a number of factors, the most important of which are cost and adequacy of supply.

RECOMMENDED: That the Town authorize, but not require, the Board of Selectmen to: (1) petition the Great and General Court of the Commonwealth to enact special legislation to permit the area encompassing all of the land in south-west Hingham that is included in the Industrial Park and Office Park Districts, as well as the small residentially-zoned carve-outs on Abington Street, as shown on the map entitled 'Zoning Map – Parts A and C of Town of Hingham Massachusetts,' prepared by Coler and Colantonio and dated 2009, to connect to the Weymouth sewer system and/or the Massachusetts Water Resources Authority (MWRA) sewer system; and, (2) enter into permanent membership and become a permanent member of the MWRA for the supply of a supplemental public water supply for the Town of Hingham in accordance with Section 8(d) of Chapter 372 of the Acts of 1984 and any successor legislation thereto, and authorize the Board of Selectmen to enter into long-term contracts and/or agreements to carry out the foregoing and, further, to maintain and further such membership.

ARTICLE 32. Will the Town: (1) create a sewer district encompassing all of the land in southwest Hingham that is included in the Industrial Park and Office Park Districts, as well as the small residentially-zoned carve-outs on Abington Street, as shown on the map entitled 'Zoning Map – Parts A and C of Town of Hingham Massachusetts,' prepared by Coler and Colantonio and dated 2009, to be known as the Industrial/Office Park Sewer District; and (2) place such sewer district under the control of the Board of Sewer Commissioners, or act on anything relating thereto?

COMMENT: In July, 2009, the Comprehensive Wastewater Management

Committee released its draft report identifying the Industrial Park Area—containing the Industrial Park and Office Park Districts—as a top Town priority for consideration of sewer treatment.

In December, 2009, the South Shore Chamber of Commerce presented to Town officials and the Hingham Business Council a study describing economic-development challenges and opportunities in the Industrial Park Area. The study highlighted the lack of sewer service as a major hurdle to development. Shortly thereafter, a well-established, reputable developer submitted a permit application to the Planning Board to build a major medical facility in the Industrial Park Area; the permit was approved by the Planning Board on March 1, 2010. To help secure Town support for sewer service, the developer offered to bear the cost of constructing the first phase of sewer infrastructure—estimated to be approximately \$500,000—which would enable connection of the Industrial Park Area to Weymouth’s sewer main.

In response to the two aforementioned studies, a potential near-term building project which could provide the Town substantial new permit fees and property-tax revenues, and a developer willing to absorb significant construction costs, the Board of Selectmen commissioned a conceptual planning study in December, 2009. The study was jointly funded by Planning Board, Board of Health, and Sewer Commission funds supplemented by two major developers currently in the Industrial Park Area. The study’s purpose was to determine the feasibility of creating a new Industrial/Office Park Sewer District, which would be served by the Massachusetts Water Resources Authority (MWRA) through a connection with Weymouth’s sewer system.

A February 2010 initial meeting with representatives of the Weymouth Sewer Department elicited a positive response regarding such an Industrial Park Area sewer connection, based on the volume of flows proposed. Likewise, an initial meeting in February among Town officials, Industrial Park Area business representatives, and the MWRA generated a similarly positive response regarding the MWRA’s receptivity to serving the proposed sewer district.

RECOMMENDED: That the Town: (1) create a sewer district encompassing all of the land in southwest Hingham that is included in the Industrial Park and Office Park Districts, as well as the small residentially-zoned carve-outs on Abington Street, as shown on the map entitled ‘Zoning Map – Parts A and C of Town of Hingham Massachusetts,’ prepared by Coler and Colantonio and dated 2009, to be known as the Industrial/Office Park Sewer District; and (2) place such sewer district under the control of the Board of Sewer Commissioners.

ARTICLE 33. Will the Town raise and appropriate or transfer from available funds a sum of money for the design, engineering, and application for connection of a sewer district, encompassing all of the land in southwest Hingham that is included in the Industrial Park and Office Park Districts, as well as the small residentially-zoned carve-outs on Abington Street, as shown on the map entitled ‘Zoning Map – Parts A and C of Town of Hingham Massachusetts,’ prepared by Coler and Colantonio and dated 2009, to be known as the Industrial/Office Park Sewer District, to the Massachusetts Water Resources Authority (MWRA) sewer system, or act on anything relating thereto?

COMMENT: Creation of the proposed Industrial/Office Park Sewer District by the Town requires submission to and approval by the MWRA of a detailed application containing information about community support for the project, estimated build-out, wastewater flows, and environmental impacts.

The Town will contract with a knowledgeable engineering firm to work with the Town Administrator, Director of Community Planning, Projects Engineer, and Sewer Commission to perform the design, engineering studies, and cost-estimation necessary for completion of the MWRA sewer application at a fixed cost to the Town of \$58,000.

Preliminary estimates of permit fees from the recently-permitted medical facility development are approximately \$150,000. Feedback from existing commercial property owners in the Industrial Park Area indicates that access to sewer would likely prompt similar revenue-

generating development in the form of new construction or expansion of existing facilities.

Were the MWRA application for sewer connection to be approved, the design and construction costs of any related sewer-infrastructure development would be privately financed on either a 'pay-as-you-go' basis—similar to the approach employed during the commercial re-development of the former Hingham Shipyard—or through betterment assessments. In the unlikely event that any Town-financed sewer-infrastructure development were to be contemplated, prior Town Meeting authorization would be required.

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

ARTICLE 34. Will the Town accept Chapter 64L, Section 2(a) of the Massachusetts General Laws, which provides for an excise of .75% on the sale of meals within the Town, with the intention of funding with the proceeds a Stabilization Fund, which Fund may be used for the purpose of providing for extraordinary expenses, examples of which might be unusually high snow and ice removal or health care expenses, or expenses related to capital purchases which require the Town to incur debt, or which are created by a debt-exclusion override, or act on anything related thereto?

COMMENT: In 2009, the Legislature approved a new local-option meals tax to provide a measure of relief for towns facing budget shortfalls, in part due to cuts in State aid. Towns may levy a tax of up to 0.75% on meals provided at restaurants. For example, a \$60 meal would cost an additional 45 cents. Seventy-three cities and towns have already adopted this meals tax, including Boston and most communities in the metropolitan Boston area. If this Article receives Town Meeting approval, Hingham would be the first South Shore community to adopt the tax. The Department of Revenue estimates that annual revenue to Hingham would be approximately \$225,000.

The Commonwealth limits ways in which local communities can raise revenue, leaving towns mostly dependent on real estate taxes. A steady rise in real estate taxes can create a disproportionate burden for long-time residents

of modest means as well as residents on fixed incomes. Since it is only assessed on meals eaten away from home, the proposed tax is avoidable, providing a less regressive means to raise revenue. In addition, a portion of the tax will be generated through meal expenditures of non-residents, thus also limiting the impact on Hingham taxpayers.

A recent article in The Boston Globe succinctly stated that "opponents say it singles out restaurants unfairly, has a potential chilling effect on dining out, and should take a back seat to budget cuts". Also noted in the article were the comments of Harvard economics professor Edward Glaeser saying: "It's a tiny tax increase, and tiny tax increases are likely to have tiny impacts on behavior." However, he hastened to add, "just because it's tiny doesn't make it right". Some members of the Advisory Committee echoed these concerns, adding that a recession is a terrible time to be raising any taxes.

In addition, this Article requires that the tax proceeds be deposited into a Stabilization Fund (as defined by Chapter 40, Section 5B of the Massachusetts General Laws) to be established by the 2011 Annual Town Meeting. The New Stabilization Fund cannot be established at this time since we won't collect any funds generated by this tax until the Fall of 2010. Depositing money into a New Stabilization Fund must be authorized each year and requires a two-thirds vote of Town Meeting. It will also require a two-thirds vote of Town Meeting to appropriate money from the Fund.

Both the Board of Selectmen and the Advisory Committee expressed the desire that these revenues be used to ameliorate the impact of extraordinary expenses, and not for forecastable operating expenses. Examples of uses discussed are to cover unexpectedly high snow and ice removal or health care expenses, or reduce the cost to taxpayers of a debt-exclusion override for either capital or operating needs. Town Meeting must specify allowable uses at the time the New Stabilization Fund is established, and reaffirm those uses in succeeding years. Therefore, the citizens of the Town will have ample opportunity to control the uses of these funds.

RECOMMENDED: That the Town accept Chapter 64L, Section 2(a) of the Massachusetts General Laws, which

provides for an excise of 0.75% on the sale of meals within the Town, the proceeds to be deposited into a New Stabilization Fund to be established by the 2011 Annual Town Meeting.

ARTICLE 35. Will the Town authorize, but not require, the Board of Selectmen to enter into a license or other agreement relating to the use of the Iron Horse parking lot (Assessors' Map 50, key no. 50) on such terms as the Board of Selectmen determines to be in the best interests of the Town, or act on anything relating thereto?

COMMENT: The marina located at 3 Otis Street on Hingham Harbor lacks sufficient on-site parking to rent all of its 38 slips. This article seeks to solve the problem. The Board of Selectmen and Bare Cove Properties LLC ("Bare Cove Properties"), the owner of the marina, wish to enter into an agreement by which the Town would grant a non-exclusive lease of 19 parking spaces in the Iron Horse parking lot, adjacent to 3 Otis Street, to Bare Cove Properties, so that it will have sufficient parking to rent all of its slips, which are in demand by members of the boating public. The parking lot contains 128 standard automobile parking spaces, 2 handicapped spaces and 29 trailer spaces. Although terms of the contemplated lease have not been fully negotiated, the Selectmen and Bare Cove Properties anticipate that, in exchange for leasing the parking spaces, the Town would share in a substantial portion of Bare Cove Properties' revenue from rental of its slips. The "non-exclusive" aspect of the lease means that no parking spaces would be reserved for the marina, but that its slip tenants would be allowed to park in spaces in the Iron Horse lot on a first-come, first-served basis, along with other members of the public. The Selectmen and Bare Cove Properties do not anticipate that the lease will meaningfully interfere with access to parking in the lot, because a study completed by Selectmen's Harbor Parking Committee has concluded that on the vast majority of days, including most weekends in summertime, the parking lot is not filled to capacity. The Hingham Harbor Development Committee supports the article. The Advisory Committee considers it a sensible use of essentially extra space that will put private property to the most efficient public use and generate needed revenue for the Town.

RECOMMENDATION: That the Town authorize, but not require, the Board of Selectmen to enter into a license or other agreement relating to the use of the Iron Horse parking lot (Assessors' Map 50, key no. 50) on such terms as the Board of Selectmen determines to be in the best interests of the Town.

ARTICLE 36. Will the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by adding the following Article 40, or act on anything relating hereto?:

ARTICLE 40 - THE NAMING OF PUBLIC BUILDINGS AND PUBLIC LANDS

SECTION 1. Purpose:

This by-law is enacted to establish the process by which, in naming, renaming or otherwise designating public buildings and public lands, the Town seeks to recognize individuals, locations and/or events of significance in local history and local affairs.

SECTION 2. Definitions:

1. "Designate" - the act of calling by a distinctive title, term, or expression any public buildings or public lands as defined in this by-law.
2. "Name" - a word or phrase that constitutes the distinctive designation of any public building or public lands as defined in this by-law.
3. "Rename" - the act of redesignating any public buildings or public lands as defined in this by-law
4. "Public Building" - any structure, edifice or other facility owned or maintained by the Town of Hingham, or any department or agency thereof.
5. "Public Lands" - any real property owned or maintained by the Town of Hingham, or any department or agency thereof, including, but not limited to, playgrounds, parks, courts, athletic fields, intersections and medians, and private ways on public lands, but not including public ways regulated by Article 10 of the General By-laws.
6. "Features" - benches, bricks, flagpoles, plaques, parking spaces, trees, scoreboards, and signs or other markers located on public lands or within public buildings.

SECTION 3. Procedure:

1. The naming, renaming or other designation of any public building or public lands shall be by majority vote at an Annual Town Meeting. Once a public building or public lands have been named, they shall not be renamed unless there are exceptional circumstances.

2. Any proposed name or designation of any public building or public lands shall be submitted to the Board of Selectmen for its review and recommendation as to the appropriateness thereof. Following a duly-advertised public hearing, and with the advice of the Hingham Historical Commission, the Board shall forward its recommendation to the Annual Town Meeting.

3. No public building or public lands shall be named for any living person or shall bear the name of a commercial enterprise.

4. The naming, renaming or other designation of individual rooms, areas or sub-areas within a public building, or areas or sub-areas associated with any public lands, shall be by the department or agency having jurisdiction over the same, and paragraphs 1, 2 and 3 of this section shall not apply, provided that:

(a) such rooms, areas, or sub-areas constitute less than 25% of the public building or public lands at or in which the same may be located;

(b) the same shall not be named for any living person;

(c) no such room, area or sub-area shall bear the name of a commercial enterprise; and

(d) a duly-advertised public hearing is held at which such naming, renaming or designation is considered and acted upon by said department or agency. Any person objecting to such naming, renaming or designation by the department or agency may, within 10 days thereafter, appeal the action in writing to the Board of Selectmen, which shall, after a duly advertised public hearing, approve or reject the action.

5. The installation and naming, renaming or other designation of features shall be by the department or agency having jurisdiction over the same. The Board of Selectmen may, after a duly-advertised public hearing, establish standards and specifications for signs, plaques, markers or other features to be erected on public property within the Town.

Or act on anything related thereto?

COMMENT: In June of 2009, the Hingham Board of Selectmen voted to create and charge a Committee of five (5) citizens to develop and

recommend policies and procedures for naming municipal properties in Hingham; strongly consider the recommendations as an addition to the Town By-laws; and bring the recommendations for consideration at the April 2010 Town Meeting.

The Committee, named in the fall of 2009, began its work by requesting naming policy information for all 351 Massachusetts cities and towns using the Massachusetts Municipal Association (MMA) listserv. Eleven responded and were studied in detail. Site visits were made to a number of surrounding Towns.

Extensive outreach to the public was done by newspaper stories in the Hingham Journal, posted public meetings and the Town website. The Town citizens were encouraged to contribute ideas and attend the Committee meetings.

The proposed by-law, consistent with the original charge, reflects the need and desire for a conservative and consistent approach to naming public lands and buildings which preserves the history of the Town and invites citizen participation in the process via a majority vote at an Annual Town Meeting.

Two additional categories were identified by the Committee and the naming process defined. The naming of rooms, areas and sub-areas by the responsible town department, after a public hearing, would be subject to an appeal to the Board of Selectmen. The naming of "features" defined as benches, bricks, flagpoles, plaques, parking spaces, trees, scoreboards, and signs or other markers located on public lands or within public buildings would be within the discretion of the departments with jurisdiction over these areas.

The proposed naming by-law designates the Annual Town Meeting as the ultimate decision-maker to name, or rename, municipal properties in Hingham.

The proposed by-law also discourages renaming of public buildings and public lands by stating that once a public building or public lands have been named, they shall not be renamed unless there are exceptional circumstances. A renaming proposal would have to follow the procedure stipulated in the by-law and be subject to Town Meeting approval.

The Committee recommends that neither lands, buildings nor rooms, areas or sub-areas should be named for living persons, or bear the name of any commercial enterprise, but this prohibition need not apply to "Features" for which greater

discretion may be permitted, as appropriate for fundraising purposes. The Selectmen, after a public hearing, will have the authority to establish standards for signs, plaques or markers erected on public property.

The Advisory Committee voted unanimously in support of the by-law.

RECOMMENDED: That the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by adding the following Article 40:

ARTICLE 40 - THE NAMING OF PUBLIC BUILDINGS AND PUBLIC LANDS

SECTION 1. Purpose:

This by-law is enacted to establish the process by which, in naming, renaming or otherwise designating public buildings and public lands, the Town seeks to recognize individuals, locations and/or events of significance in local history and local affairs.

SECTION 2. Definitions:

1. "Designate" - the act of calling by a distinctive title, term, or expression any public buildings or public lands as defined in this by-law.
2. "Name" - a word or phrase that constitutes the distinctive designation of any public building or public lands as defined in this by-law.
3. "Rename" - the act of redesignating any public buildings or public lands as defined in this by-law
4. "Public Building" - any structure, edifice or other facility owned or maintained by the Town of Hingham, or any department or agency thereof.
5. "Public Lands" - any real property owned or maintained by the Town of Hingham, or any department or agency thereof, including, but not limited to, playgrounds, parks, courts, athletic fields, intersections and medians, and private ways on public lands, but not including public ways regulated by Article 10 of the General By-laws.
6. "Features" - benches, bricks, flagpoles, plaques, parking spaces, trees, scoreboards, and signs or other markers located on public lands or within public buildings.

SECTION 3. Procedure:

1. The naming, renaming or other designation of any public building or public lands shall be by majority vote at an Annual Town Meeting. Once a public building or public lands have been named, they shall not be renamed unless there are exceptional circumstances.
2. Any proposed name or designation of any public building or public lands shall be submitted to the Board of Selectmen for its review and recommendation as to the appropriateness thereof. Following a duly-advertised public hearing, and with the advice of the Hingham Historical Commission, the Board shall forward its recommendation to the Annual Town Meeting.
3. No public building or public lands shall be named for any living person or shall bear the name of a commercial enterprise.
4. The naming, renaming or other designation of individual rooms, areas or sub-areas within a public building, or areas or sub-areas associated with any public lands, shall be by the department or agency having jurisdiction over the same, and paragraphs 1, 2 and 3 of this section shall not apply, provided that:
 - (a) such rooms, areas, or sub-areas constitute less than 25% of the public building or public lands at or in which the same may be located;
 - (b) the same shall not be named for any living person;
 - (c) no such room, area or sub-area shall bear the name of a commercial enterprise; and
 - (d) a duly-advertised public hearing is held at which such naming, renaming or designation is considered and acted upon by said department or agency. Any person objecting to such naming, renaming or designation by the department or agency may, within 10 days thereafter, appeal the action in writing to the Board of Selectmen, which shall, after a duly advertised public hearing, approve or reject the action.
5. The installation and naming, renaming or other designation of features shall be by the department or agency having jurisdiction over the same. The Board of Selectmen may, after a duly-advertised public hearing, establish standards and specifications for signs, plaques, markers or other features to

be erected on public property within the Town.

ARTICLE 37. 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, at subsections 1.4, 1.5, 1.6, and 1.7, add the phrase "Subject to the provisions of IV-E, Multi-Unit Development."

Item 2: At subsection 4.11A, replace the existing use description in its entirety with the following: "A drive-up bank teller or automated teller machine (ATM) operated by a bank or financial institution for the convenience of its customers."

Item 3: At Section III-A, 4.17, "Retail Group", add 4.12A "Health Club" to the list of uses that can be included in Retail Group.

Item 4: At Section VI, Definitions, amend the definition of "Consumer Service Establishment" to include Animal Grooming.

Or act on anything related thereto?

(Inserted at the request of the Planning Board)

COMMENT: This article, unanimously approved by the Planning Board, is intended to clarify four provisions in the Zoning By-Law regarding uses that are permitted in various districts.

Item 1 would make a clear link between the use table, where multi-family uses are permitted, and the requirements for multi-family housing described in Section IV-E. This item would effect no change, and would have no impact on other sections of the By-Law relating to multi-family housing; it is simply intended to make the By-Law easier to navigate.

Item 2 would clarify the current confusing definition of a drive-up teller or ATM.

Item 3 would rectify an oversight that occurred when the By-Law was modified in 2009 to allow health clubs in the Industrial Districts. At that time, the Planning Board neglected to include this new use in the list of uses permitted in "Retail Group." This omission came to light when the Derby Street Shoppes petitioned to add a yoga studio to its mix of uses. It then was discovered that, while health clubs were allowed in the underlying Industrial Park District, they were not allowed in the mix of uses allowed in a Retail Group in the Industrial Park District.

Item 4 is a definitional clarification in response to a request from the Zoning Board of Appeals following applications for animal grooming businesses in Business and Industrial districts.

The Advisory Committee considers each of these clarifying amendments to be reasonable and appropriate, and therefore 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, at subsections 1.4, 1.5, 1.6, and 1.7, add the phrase "Subject to the provisions of IV-E, Multi-Unit Development."

Item 2: At subsection 4.11A, replace the existing use description in its entirety with the following: "A drive-up bank teller or automated teller machine (ATM) operated by a bank or financial institution for the convenience of its customers."

Item 3: At Section III-A, 4.17, "Retail Group", add 4.12A "Health Club" to the list of uses that can be included in Retail Group.

Item 4: At Section VI, Definitions, amend the definition of "Consumer Service Establishment" to include Animal Grooming.

ARTICLE 38. 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 the Waterfront Business District and including in the Official and Open Space District, the .51-acre property at 16 Summer Street, Assessors Map 51 Lot 3.

Or act on anything related thereto?

(Inserted at the request of the Planning Board)

COMMENT: This article, unanimously approved by the Planning Board, relates to the property on Hingham Harbor formerly occupied by the Mobil gas station. Since the 2009 Annual Town Meeting, the Town completed its purchase of the property and demolished the gas station. As with other Town-owned properties, the site should be re-zoned from Waterfront Business District to Official and Open Space District. The

Advisory Committee 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 the Waterfront Business District and including in the Official and Open Space District, the .51-acre property at 16 Summer Street, Assessors Map 51, Lot 3.

ARTICLE 39. 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-D, Subsection 1, delete the last sentence in its entirety.

Item 2: At Section I-D, delete Subsection 4 (addressing fees) in its entirety.

Item 3: At Section I-J, delete Section 2 in its entirety and replace it with the following:

“2. Peer Review and Consulting Fees: The Provisions of Section I-F, 3 shall apply to all applications for a Special Permit A-3.”

Or act anything related thereto?

(Inserted at the request of the Planning Board)

COMMENT: This article, unanimously approved by the Planning Board, would eliminate the \$3.00 payment per hearing attended by members of the Zoning Board of Appeals, and would move the ZBA’s fee schedule and collection procedures from the Zoning By-Law to the ZBA Administrative Regulations. The effect of this article would be to allow the ZBA to modify its fee schedule and collection procedures after posted public hearings, rather than at Town Meeting.

The Advisory Committee believes it is appropriate to place ZBA fee schedules and collection procedures in the ZBA’s Administrative Regulations, rather than retain them in the Zoning By-Law and require Town Meeting action to amend such fee schedules and collection procedures. Other appointed boards have such authority, and posted public hearings on modifications of fee schedules and collection procedures afford sufficient

opportunity to be heard to affected or interested members of the public.

Therefore, the Advisory Committee recommends 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-D, Subsection 1, delete the last sentence in its entirety.

Item 2: At Section I-D, delete Subsection 4 (addressing fees) in its entirety.

Item 3: At Section I-J, delete Section 2 in its entirety and replace it with the following:

“2. Peer Review and Consulting Fees: The Provisions of Section I-F, 3 shall apply to all applications for a Special Permit A-3.

ARTICLE 40. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section V-A(2), after the first sentence ending in “...as specified below.”, insert the following new sentence: “Providing fewer or more parking spaces than required by this Section V-A requires a Special Permit A3.”

Or act on anything related thereto?

(Inserted at the request of the Planning Board)

COMMENT: In a departure from historical trends, the Town’s permitting boards are now reviewing development proposals that include far more area dedicated to off-street parking than they have considered in the past. Large chain-type businesses are often designed in accordance with a standard corporate model, resulting in larger parking lots that could be unsightly and conducive to excessive storm water run-off. A recent example was the request of TD Bank to provide 50% more parking than the By-Law requires on a portion of the former Weber Dodge property on Route 3A in North Hingham. By requiring a Special Permit for such additional off-street parking, the Planning Board would have the opportunity to meet with the applicant to assess the necessity of larger parking areas to the applicant’s business operations.

The Advisory Committee considers the opportunity afforded by this article to the Planning Board to be fair and reasonable, and not unduly burdensome to prospective developers who may want or need to provide more off-street parking area than the By-Law requires.

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 V-A(2), after the first sentence ending in "...as specified below.", insert the following new sentence: "Providing fewer or more parking spaces than required by this Section V-A requires a Special Permit A3."

ARTICLE 41: Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

At Section I-I, 4.i., add the following sentence: "All outdoor lightings plans shall be designed in accordance with the guidelines of the Illuminating Engineering Society of America." Or act on anything related thereto? (Inserted at the request of the Planning Board)

COMMENT: This article, unanimously approved by the Planning Board, would require applications subject to site plan review to include outdoor lighting plans that are designed in accordance with guidelines promulgated by the Illuminating Engineering Society of (North) America. This additional submittal requirement is intended by the Planning Board to ensure that outdoor lighting plans are designed in accordance with industry standards by licensed lighting designers. The Advisory Committee notes that applicants for a Building Permit or Special Permit with site plan review are already required to submit, among other things, a "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." Section I-I, 4.i. In conducting a site plan review, the Planning Board is already required to consider, among other things, the "protection of abutting properties from negative impacts from artificial outdoor site lighting."

Section I-I, 6.a. Therefore, this proposed additional submittal requirement does not appear to be necessary.

In addition, the Illuminating Engineering Society of (North) America has formulated many guidelines, and this article does not specify those to which outdoor lighting plans must conform.

For these reasons, the Advisory Committee recommends no action on this article.

RECOMMENDED: That no action be taken on this article.

ARTICLE 42. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

To amend Section III-E (South Hingham Overlay District) by deleting, in their entirety, existing subsections 5 and 6, replace with the following new subsections 5, 6 and 7, and re-number the following subsections accordingly:

5. Permitted Uses

The provisions set forth in Section III-A for the underlying Industrial Park and Office Park Districts shall apply, with the following exceptions:

A. When the underlying zoning district is Office Park

i. Accessory Uses such as cafeterias, education and training facilities, and similar facilities designed for the use of on-site employees shall be allowed as part of any use permitted as-of-right or by Special Permit;

ii. Automotive sales and service, as described at III-A (5.3) shall be permitted with a Special Permit A2.

6. Sign and Parking Criteria

The provisions set forth in Sections V-A and V-B shall apply throughout the South Hingham Development Overlay District.

7. Intensity

The provisions of IV-A (Schedule of Dimensional Requirements) shall apply, with the following exceptions

- a. When the underlying district is Office Park
 - i. A Floor Area Ratio of FAR of .15 is permitted as-of-right; up to .25 may be permitted with a Special Permit A2.
 - ii. Building Height is limited to forty-eight (48) feet, but not more than four (4) stories; Building Height up to sixty (60) feet, but not more than five (5) stories is permitted with a Special Permit A-2.

b. When the underlying zoning district is Industrial Park

- i. 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.
- ii. Building Height is limited to forty-eight (48) feet, but not more than four (4) stories.”
(Inserted at the request of the Planning Board)

COMMENT: This proposed amendment to the Zoning By-Law entails selected modifications to Section III-E, South Hingham Development Overlay District (SHDOD), which includes all of the property that is zoned as either Office Park or Industrial Park south of Whiting Street. One of the objectives of the SHDOD (which was established by Town Meeting in 1991) was to support future development that balances the concerns of abutting neighborhoods with the long-term fiscal goals of the community. Over the past year, the Planning Board has worked closely with commercial property owners and representatives of affected residents and various Town boards and committees to identify possible amendments to SHDOD that would address the needs of commercial property owners and abutters alike. For example, property owners in the Office Park District asserted that it would be more attractive to developers of medical and professional offices if maximum building heights of up to 60’ were permitted, though the overall square footage of building that could be built would remain the same. After careful consideration of the specific property in question, the Planning Board determined that this modification would not have negative impacts.

Specific changes resulting from this article include:

- 1. Editing and re-structuring sections 5 and 6 of Section III-E to clarify and reduce redundancy;

- 2. Allow for a small percentage (15%) of accessory, non-office use (e.g., retail, consumer service) within each building;
- 3. Allow, with a Special Permit A2 in the underlying Office District, Automobile Sales and Service as defined in Section III-A (5.3);
- 4. Allow, with a Special Permit A2 in the underlying Office Park District, a maximum height of 60’ or up to five stories. The maximum height currently permitted throughout the SHDOD is 48’.

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:

To amend Section III-E (South Hingham Overlay District) by deleting, in their entirety, existing subsections 5 and 6, replace them with the following new subsections 5, 6 and 7, and re-number the following subsections accordingly:

“5. Permitted Uses

The provisions set forth in Section III-A for the underlying Industrial Park and Office Park Districts shall apply, with the following exceptions:

A. When the underlying zoning district is Office Park

- i. **Accessory Uses such as cafeterias, education and training facilities, and similar facilities designed for the use of on-site employees shall be allowed as part of any use permitted as-of-right or by Special Permit;**
- ii. **Automotive sales and service, as described at III-A (5.3), shall be permitted with a Special Permit A2.**

6. Sign and Parking Criteria

The provisions set forth in Sections V-A and V-B shall apply throughout the South Hingham Development Overlay District.

7. Intensity

The provisions of IV-A (Schedule of Dimensional Requirements) shall apply, with the following exceptions

a. When the underlying zoning district is Office Park

i. A Floor Area Ratio of FAR of .15 is permitted as-of-right; up to .25 may be permitted with a Special Permit A2.

ii. Building Height is limited to forty-eight (48) feet, but not more than four (4) stories; Building Height up to sixty (60) feet, but not more than five (5) stories is permitted with a Special Permit A-2.

b. When the underlying zoning district is Industrial Park

i. 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.

ii. Building Height is limited to forty-eight (48) feet, but not more than four (4) stories."

ARTICLE 43. 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, add a new use as follows: "4.24 Farmers' Market" to be allowed with a Special Permit A2 in the Official & Open Space District and prohibited in all other districts.

Item 2: At Section VI, Definitions, add after the term "Family", a new definition for "Farmer's Market" as follows:

"Farmers' Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public from booths located on-site "agricultural products" (fresh produce, seasonal fruits, and fresh flowers), freshly caught seafood ("seafood"), "freshly prepared foods" packaged for sale, "arts and crafts items", and beverages. To classify as a Farmer's Market, the following must apply:

(a) Agricultural products, seafood and freshly prepared foods must be grown, caught or prepared directly by the vendor or acquired by the vendor directly from an identified local producer. Freshly prepared foods, (for example,

baked goods, jams, dressings, salsa) must be locally produced and packaged.

(b) The majority of the vendors in the Market shall not be vendors of arts and crafts items. Any arts and crafts items must be created by the vendor offering such items for sale at the Market."

Item 3. At Section III-A, Schedule of Uses, add the following accessory use permitted with a Special Permit A1 in the Official & Open Space District and prohibited in all other districts:

"3.11 Outdoor Concession as an accessory use when supporting outdoor athletic field uses permitted or allowed under Sections 3.2, 3.3, 3.5 and 3.7 (subject to Section III-I)"

Item 4. At Section VI, Definitions, add a new definition after the term "Non-conforming Use" as follows:

"Outdoor Concession

The sale of non-alcoholic beverages and snack foods from a counter accessible from the outside of a building or from a temporary outdoor location, providing no indoor seating and operating only during the hours that athletic activities are occurring at the site."

Or act on anything related thereto?

COMMENT: This Article is intended to provide parameters under which a "Farmers' Market" may be conducted in the Official & Open Space District. At present, such events are held on a seasonal basis at the Bathing Beach, but the underlying retail nature of the Market is not a permitted use in the Official & Open Space District and the Trustees of the Bathing Beach have expressed concern regarding the ongoing operations of the Market at that location without appropriate Town approval. In addition, there are no specified limitations on frequency, scale or types of items to be offered for sale. While there is consensus that Farmers' Markets provide a benefit to vendors and patrons alike, the lack of guidelines such as are included in this Article raises concerns about the impact such events might have on traffic, other retail establishments, and the primary use of the site on which the Farmers' Market is held. By requiring a Special Permit A2 in the Official & Open Space District and by prohibiting in all other districts, the Town will have the ability to oversee these events and ensure the concerns

of all interested parties are addressed. The proposed Article does not affect the Farmers' Market that is occasionally held in Hingham Square as such events are permitted as retail activities in the Business A District subject to a street opening permit issued by the Board of Selectmen.

The Article also provides a definition of outdoor concessions and standards for the establishment of an outdoor concession facility. This Article is intended to regulate the sale of refreshments at athletic events such as now occurs at Lynch Field and other fields in Town. These outdoor concessions exist at some Town fields but are not currently a permitted use in the Official & Open Space District. They provide an important fundraising opportunity for our youth sports organizations and enhance the enjoyment of events held at the athletic fields, but they also raise concerns related to their size, scope and location and the impact the concession might have on the primary use of the athletic field and on abutters and other neighbors. By requiring a Special Permit A1 in the Official & Open Space District and by prohibiting in all other districts, the Town will have the ability to allow this appropriate accessory use at athletic fields and at the same time oversee these activities and ensure the concerns of all interested parties are addressed.

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-A, Schedule of Uses, add a new use as follows: "4.24 Farmers' Market" to be allowed with a Special Permit A2 in the Official & Open Space District and prohibited in all other districts.

Item 2: At Section VI, Definitions, add after the term "Family", a new definition for "Farmers' Market" as follows:

"Farmers' Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public from booths located on-site "agricultural

products" (fresh produce, seasonal fruits, and fresh flowers), freshly caught seafood ("seafood"), "freshly prepared foods" packaged for sale, "arts and crafts items", and beverages. To classify as a Farmer's Market, the following must apply:

(c) Agricultural products, seafood and freshly prepared foods must be grown, caught or prepared directly by the vendor or acquired by the vendor directly from an identified local producer. Freshly prepared foods (for example, baked goods, jams, dressings, salsa) must be locally produced and packaged.

(d) The majority of the vendors in the Market shall not be vendors of arts and crafts items. Any arts and crafts items must be created by the vendor offering such items for sale at the Market."

Item 3. At Section III-A, Schedule of Uses, add the following accessory use permitted with a Special Permit A1 in the Official & Open Space District and prohibited in all other districts:

"3.11 Outdoor Concession as an accessory use when supporting outdoor athletic field uses permitted or allowed under Sections 3.2, 3.3, 3.5 and 3.7 (subject to Section III-I)"

Item 4. At Section VI, Definitions, add a new definition after the term "Non-conforming Use" as follows:

"Outdoor Concession

The sale of non-alcoholic beverages and snack foods from a counter accessible from the outside of a building or from a temporary outdoor location, providing no indoor seating and operating only during the hours that athletic activities are occurring at the site."

ARTICLE 44. 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, modify the Schedule of Permitted Uses for the Office Park, Industrial, Industrial Park, and Limited Industrial Park as shown below:

III-A SCHEDULE OF USES

A	Residence				Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
	B	C	D	E	A**	B								

2. AGRICULTURE

2.1 Farm- Agricultural, orchard, or plant nursery

P P P P P O O P O O P P P P P

2.1.1 Single-Family Dwelling for resident proprietor of 2.1, Farm Agricultural, orchard or plant nursery

P P P A1 A1 O O A1 O O A1 A1 A1 A1 A1

2.2 Farm - Livestock and poultry, but not including the raising of swine or fur-bearing animals for commercial use subject to special condition No.1 of Section III-B

A1 A1 A1 A1 A1 O O A1 O O PA1 PA1 A1 P P

2.2.1 Single-Family Dwelling for resident proprietor of 2.2, Farm-Livestock and Poultry

A1 — A1 A1 A1 O O A1 O O A1 A1 A1 A1 A1

2.3 Sales room or stand for the display or sale of agricultural or horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor

A1 A1 A1 A1 A1 O O A2 O O A2 A2 A2 P O

2.4 Seasonal sale of cut Christmas trees, subject to Special Condition 6 of Section III-B.

O O O O O P P P O O P P P O P

3. INSTITUTIONAL, EDUCATIONAL, AND RECREATIONAL USES

3.1 Church or other place of worship, parish house, rectory, convent, and other religious institutions, subject to Special Condition 8 of Section III-B

P P P P P P P P P P P P P P P

A	Residence				Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
	B	C	D	E	A**	B								
3.2 Schools or Playgrounds - Public, religious, sectarian, or denominational, subject to Special Condition 8 of Section III-B														
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
3.3 Schools - Private, including dormitories accessory thereto, subject to Special Condition 8 of Section III-B														
A2	A2	A2	A2	A2	A2	A2	A2	O	O	A2	A2	A2	O	A1
3.4 Nursery school or other use for the day care of children, other than as exempted under Massachusetts General Laws Chapter 40A, Section 3, or a privately organized camp, providing any outdoor play area is at such a distance and so screened from any residential structure on an adjoining lot as to avoid a noise nuisance, subject to Special Condition 8 of Section III-B														
A1	A1	A1	A1	A1	O	O	A2	O	O	A2	A2	A2	O	A1
3.5 Public buildings and premises for government use, including public libraries, museums and parks														
P	P	P	P	P	P	P	P	A2	A2	P	P	P	A1	A1
3.6 Private non-profit library, museum, or community center.														
A2	A2	A2	A2	P	P	P	A2	A2	O	A2	A2	A2	A1	A1
3.7 Country, golf, swimming, skating, yacht, or tennis club, or other social, civic, or recreational lodge or club -- not conducted as a business														
A2	A2	A2	A2	P	A2	A2	A2	A2	O	A2	A2	A2	P	A1
3.8 Hospital, sanitarium, nursing home, rest home, convalescent home, congregate living facility, charitable institution, or other non-correctional institutional use.														
A2	A2	A2	A2	A2	A2	A2	A2	O	O	A2	A2	A2	O	O
3.8 A Clinic														
O	O	O	O	O	O	O	A2	O	O	A2	A2	A2	O	O
3.9 Cemetery														
A1	A1	A1	A1	O	O	O	O	O	O	O	O	O	O	A1
3.10 Public-utility buildings and structures														
A1	A1	A1	A1	A1	P	P	P	A2	O	P	P	P	O	A1

A	Residence				Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
	B	C	D	E	A**	B								
4.1	Retail store (other than those specified elsewhere on this Schedule) distributing merchandise to the general public.													
O	O	O	O	O	P	P	O	A2	O	O	O	O	O	O
4.2	Craft, consumer, or commercial service establishments dealing directly with the general public													
O	O	O	O	O	P	P	O	A2	O	O	O	O	O	O
4.3	Undertaking establishment or funeral home.													
O	O	O	O	O	A2	A2	O	O	O	O	O	O	O	O
4.4	Animal or veterinary hospital, subject to special condition 1 of Section III-B.													
A1	A1	A1	A1	O	A1	A1	A2	O	O	A2	A2	A2	O	O
4.5	Commercial breeding, sale, or boarding of dogs, cats, or fur-bearing animals, subject to special condition 1 of Section III-B.													
A1	A1	A1	A1	O	A1	A1	O	O	O	A2	A2	A2	O	O
4.6	Commercial greenhouses													
O	O	O	O	O	P	P	P	O	O	P	P	P	O	O
4.7	Riding stable, subject to special condition 1 of Section III-B.													
A1	A1	A1	A2	A1	O	O	O	O	O	O	O	O	A1	O
4.8	Newspaper or job printing.													
O	O	O	O	O	P	P	O	O	O	P	P	O	O	O
4.9A	Sit-down restaurant													
O	O	O	O	O	A2	A2	A2	A2	O	A2	A2	O	A2	O
4.9B	Drive-in restaurant.													
O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
4.9C	Fast-food restaurant. (including fast-food restaurant in retail group)													
O	O	O	O	O	O	O	A2	O	O	A2	A2	O	O	O

A	Residence				Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
	B	C	D	E	A**	B								
4.9D	Take-out restaurant.													
O	O	O	O	O	A2	A2	A2	A2	O	A2	A2	O	A2	O
4.10	Business or professional offices or agencies.													
O	O	O	O	O	P	P	P	A2	O	P	P	P	O	O
4.11	Bank or other financial institution.													
O	O	O	O	O	P	P	P	A2	O	P	P	P	O	O
4.11A	Bank offering, whether alone or in conjunction with other means of servicing its customers, a walk-up or drive-up teller or automated teller machine or similar service.													
O	O	O	O	O	A2	A2	A2	A2	O	A2	A2	A2	O	O
4.12	Commercial indoor amusement or recreation place or place of assembly.													
O	O	O	A2	O	P	P	O	O	O	O	O	O	A1	O
4.12A	Health Club													
O	O	O	A2	O	P	P	A2	O	O	A2	A2	A2	O	O
4.13	Commercial outdoor amusement or recreation place not including an outdoor movie theater.													
O	O	O	O	O	O	A1	O	O	O	O	O	O	A1	O
4.14	Freight terminal or storage warehouse.													
O	O	O	O	O	O	P	O	O	O	P	P	O	O	O
4.14A	Storage trailers/containers (except for (i) dumpsters or other trash receptacles, and (ii) construction trailers approved under site plan review) subject to the renewal of the Special Permit on an annual basis. All storage trailers/containers must otherwise comply with dimensional, parking and other provisions of the Zoning By-Law.													
O	O	O	O	O	O	A2	O	O	O	A2	A2	A2	O	O
4.15	Heliport, subject to special condition 2 of Section III-B.													
O	O	O	O	O	O	O	A1	O	A1	A1	A2	A2	O	O

A	Residence				Business		Office	Waterfront	Waterfront	Industrial	Industrial	Limited	Business	Official and
	B	C	D	E	A**	B	Park*	Business	Recreation		Park*	Industrial Park	Recreation	Open Space
4.16	Hotel or Motel													
O	O	O	O	O	O	O	A2	O	O	A2	A2	A2	O	O
4.17	Shopping Center consisting of three or more businesses described in Sections 4.1, 4.2, 4.9A, 4.9C (subject to Special Permit A2), 4.9D, 4.10, 4.11, 4.12, 4.16, and 5.1 of this Schedule.													
O	O	O	O	O	O	O	O	O	O	A2	A2	O	O	O
4.18	Parking area for employees, customers, or guests of a use abutting or across the street from it, provided that service operations are not performed at the parking area.													
A2	A2	A2	A2	A2	A2	A2	A2	O	O	A2	A2	A2	A2	A2
4.19	Marine-oriented retail stores and consumer service establishments dealing directly with the general public.													
O	O	O	O	O	P	P	O	A2	A2	O	O	O	O	O
4.20	Adult uses, subject to Section V-F													
O	O	O	O	O	O	O	O	O	O	O	A2	O	O	O
4.21	Body Art Establishment as defined by the Hingham Board of Health.													
O	O	O	O	O	O	O	O	O	O	A2	O	O	O	O
4.22	Commercial/Residential Building (Subject to Section III-B, 7)													
O	O	O	O	O	A2	O	O	O	O	O	O	O	O	O
4.23	Leased Parking for Commercial/Residential Buildings (Subject to Section III-B, 7)													
O	O	O	O	O	P	O	O	O	O	O	O	O	O	O
4.24	Retail, or Consumer Service or Commercial Service establishment permitted as an accessory use for up to 15% GFA within any single building.													
O	O	O	O	O	O	O	A2	O	O	A2	A2	A2	O	O

Residence		Business		Office Park*	Waterfront Business	Waterfront Recreation	Industrial	Industrial Park*	Limited Industrial Park	Business Recreation	Official and Open Space
A	B	C	D								

5. AUTOMOTIVE AND MARINE SALES AND SERVICE

5.1	Automotive "filling" or service station, subject to special condition 3 of Section III-B.													
O	O	O	O	O	A1	A1	O	O	O	O	O	O	O	
5.2	Repair or storage garage for motor vehicles or trailers, which may include body, repair, welding, or soldering shop for motor vehicles or trailers, provided such operation shall be sufficiently insulated so that any noise, flashing, fumes, gases, smoke, or vapor shall be confined to the premises.													
O	O	O	O	O	A1	A1	O	O	O	P	A2	A2	O	O
5.3	Salesroom for franchised dealer or recognized agent of motor vehicle manufacturer whose principal business is the sale of new motor vehicles (the purchase and sale of second-hand motor vehicles being incidental thereto), together with indoor storage and service facilities reasonably incidental to such salesroom, provided that the principal display visible from the street shall not be second-hand motor vehicles; subject to site plan review in accordance with Section I-1.													
O	O	O	O	O	P	P	O	O	O	P	P	O	O	O
5.4	Marina; boat livery; sales, storage, and repair of boats, boat trailers, and marine accessories.													
O	O	O	O	O	P	P	O	P	P	P	P	A2	O	O

6. WHOLESALE AND INDUSTRIAL USES

6.1	Wholesale warehouse, including office or showroom facilities.													
O	O	O	O	O	P	P	A2	O	O	P	P	A2	O	O
6.2	Light industrial uses, including manufacturing, storage, processing, fabrication, packaging, and assembly.													
O	O	O	O	O	O	O	A2	O	O	P	P	A2	O	O

*(Subject to special condition 5 of Section III-B)

** (Subject to special condition 7 of Section III-B)

Item 2: At Section VI, add the following new definitions:

- A. Shopping Center: A group of three or more retail and other commercial establishments that are planned and managed as a single property.
- B. Clinic: A facility providing medical, dental, surgical, psychiatric, therapeutic, diagnostic or other health care service with no overnight patient facilities.

COMMENT: This Article proposed a variety of modifications to Section III-A (Schedule of Uses) aimed at expanding and updating the uses permitted in the Office Park, Industrial, Industrial Park, and Limited Industrial Park zoning districts. The Planning Board worked closely with the Zoning Board of Appeals and members of the business community to identify changes that would better reflect current land use trends, reduce the need for zoning relief, and promote the development and/or continued use of commercial property in these selected districts.

The Planning and Zoning Boards are planning to continue this process next year with a similar review of uses permitted and not permitted in other zoning districts. 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-A, modify the Schedule of Permitted Uses for the Office Park, Industrial, Industrial Park, and Limited Industrial Park as set forth above in Item 1 of the foregoing Article 44.

Item 2: At Section VI, add the following new definitions:

- A. Shopping Center:** A group of three or more retail and other commercial establishments that are planned and managed as a single property.
- B. Clinic:** A facility providing medical, dental, surgical, psychiatric, therapeutic, diagnostic or other health care service with no overnight patient facilities.

ARTICLE 45. Shall the Town of Hingham amend the Zoning By-Law, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: By amending the “Zoning Map, Part A, Town of Hingham”, as heretofore amended, to add the following parcels within the Hingham Harbor Overlay District: Assessors Map 39, Lot 8, Map 50, Lots 49, 50 and 51 and Map 51, Lots 1, 2, 3, 4, 5, 58 and 59.

Item 2: By amending Section II-B to add the following: “6. Hingham Harbor Overlay District”

Item 3: By adding a new section after Section III-G as follows, and renumbering the existing Sections III-H (Nonconforming Uses and Structures) and III-I (Accessory Uses) accordingly:

Hingham Harbor Overlay District By-Law

1. Purpose

To promote access to and the use and enjoyment of the land and water along Hingham’s inner harbor, while protecting and enhancing its cultural, scenic and natural character.

2. Objectives:

A. To provide for a variety of land and water based recreational uses, both passive and active, including pedestrian access along the waterfront and access to water uses such as swimming, pleasure boating and kayaking.

B. To provide appropriate public facilities including harbor master facilities, parking and restrooms;

C. To promote cooperation and a harmony of uses between privately and publicly owned parcels, including the dimensional and aesthetic design of structures on such parcels;

D. To promote and enhance connections between Downtown Hingham and Hingham’s inner harbor.

3. Applicability

The Hingham Harbor Overlay District will include those parcels of land located along the portion of Hingham’s inner harbor that extend from the northwesterly boundary of the parcel commonly known as Hingham Bathing Beach to the southeasterly boundary of the parcel commonly known as Steamboat Wharf, more particularly described as the following: Assessors Map 39, Lot 8; Map 50, Lots 49, 50 and 51; and Map 51, Lots 1, 2, 3, 4, 5, 58 and 59.

4. Definitions

The following defined terms shall apply to this Section III-J. Other capitalized terms used in

this Section and not otherwise defined herein shall have the same meanings ascribed to such terms in Section VI of this By-Law.

Marina – For the purposes of the underlying Official and Open Space parcels within this Overlay District, a marina shall constitute a berthing area comprised of slips, piers or attached floats.

Snack Stand –Within this Overlay District, a counter accessible from the outside of a building for the sale of non-alcoholic beverages and food and providing no indoor seating, which snack stand shall be accessory to the Water Dependent Use(s) of the lot on which it is located and not intended as a primary use. When determining parking required for the lot, the Snack Stand use may be considered under either a shared parking analysis or as a complementary use which is not deemed to create a parking demand separate from, or in addition to, the primary Water Dependent Use(s) on the lot.

Uses Accessory to a Water Dependent Use – The following uses are deemed to be accessory to a primary Water Dependent Use:

(a) offices primarily providing services to a Water Dependent Use (such as harbormaster, other public safety, marina management or life guard offices), and related indoor storage;

(b) public restrooms, including bathhouses; and

(c) Snack Stands

Water Dependent Use – Each of the following uses shall be deemed a water dependent use for the purposes of this Section III-E:

(a) marinas, whether privately or publicly owned or operated;

(b) public boat basins (also referred to as the public mooring field);

(c) other public or private commercial or recreational boating facilities, such as a sailing club, rowing club and/or other organized boating facility. A designated public launch area which allows the launching by an individual of a vessel from a trailer or “car-top” for day-use shall not constitute an organized boating facility;

(d) public facilities for fishing, swimming, and boat launching; and

(e) parks, esplanades, boardwalks, and other pedestrian facilities that promote use and enjoyment of the water by the general public and are located at or near the water’s edge.

5. Permitted and Prohibited Uses

A. The permitted uses and uses allowed by Special Permit, as set forth in the Section III-A,

Schedule of Uses, where the underlying zoning district is Official and Open Space, shall be permitted or allowed as applicable, in the Overlay District, except as set forth in this subsection 5.A and in subsections 5.C and 5.D below:

(1) The uses allowed under Section III-A, 3.5 (Public buildings and premises for government use), shall only be permitted as herein provided:

(a) Permitted – The uses described in subsections (a), (b), (d) and (e) of the above definition of Water Dependent Uses, provided, however, that public buildings supporting such Water Dependent Uses shall require a Special Permit A2 as provided in subsection (b) below.

(b) Special Permit A2 –

(i) Uses described in subsection (c) of the above definition of Water Dependent Uses

(ii) Buildings supporting a Water Dependent Use which house Uses Accessory to a Water Dependent Use

B. The permitted uses and uses allowed by Special Permit, as set forth in the Section III-A, Schedule of Uses, where the underlying zoning district is Waterfront Business, shall be permitted or allowed, as applicable, in the Overlay District, except as set forth in this subsection 5.B and in subsections 5.C and 5.D below:

(1) Special Permit A2 – A Snack Stand as an accessory use.

C. The use allowed under Section III-A, 4.18 is modified as follows for all parcels within the Overlay District:

(1) Upon the joint application by the record owner of each affected lot, the Planning Board may grant a Special Permit A3 to allow parking by employees, customers, or guests of a use operating on one lot within the Overlay District on an abutting lot within the Overlay District (“Abutting Lot”), provided that (1) service operations are not performed at the parking area and (2) the Planning Board makes a finding that such parking use will not result in or worsen parking problems on the Abutting Lot

D. The winter storage of floats servicing uses within the Overlay District is permitted (a) provided such storage does not reduce the required parking available for the uses on the lot during the period of such storage, and (b) subject to any rules or regulations promulgated by the Harbormaster related to float storage.

E. The following uses are prohibited in the Overlay District:

Personal wireless communications towers or antennae, except as may be required for public

safety or marina operations, provided that such public safety and marina communications antennae shall be building mounted.

6. Dimensional Requirements

A. Where the underlying zoning district is Official and Open Space, the requirements of Section IV-A shall apply, except as follows:

(1) The maximum height of buildings shall be reduced from 35 feet to the height set forth in Section 6.B.2 below; and

(2) The minimum rear yard along the waterfront shall be 10 feet from the existing sea wall or, if none, from the mean high water mark.

B. Special Permit A3 for Waivers from IV-A Schedule of Dimensional Requirements. The Planning Board may grant a Special Permit A3 to waive strict adherence to the requirements of Section IV-A where the underlying zoning is Waterfront Business District, if it finds that such application will promote the purpose and objectives of the Hingham Harbor Overlay District, subject to the following:

(1) If the area or frontage of the lot existing as of January 1, 2010 does not meet the “minimum lot size” requirements set forth in Section IV-A, the “minimum lot size” requirement may be reduced to no smaller than the lot size or frontage, as applicable, of the lot on that date.

(2) The “maximum height” of a building may be modified as follows: Maximum height shall not exceed two stories and 28 feet to the peak of the building, subject to the following:

(a) For the purposes of this Overlay District, the definition of Grade Plane in Section VI shall be modified by replacing the term “Finished Grade” with the term “Pre-Construction Grade”.

(b) The maximum wall height of the building shall be 20 feet, inclusive of any elevated floors for flood resistant construction, it being the intention that the additional 8 feet of height shall be permitted only to the extent the design of the building includes a peaked roof.

(c) There shall be no occupiable space between the 20 foot maximum height and the peak. Any gables, cupolas, towers or related architectural features between the eave and the peak shall be for design purposes only.

(3) The “minimum yard dimensions” may be modified as follows:

(a) Front: May be reduced to 20 feet – measured horizontally at right angles to the sideline of the public way.

(b) Side: The side yard requirement may be modified to allow in the aggregate a total of not less than 40 feet, provided that the side yard dimension on any one side may be no less than

10 feet. A yard space of not less than 5 feet wide on each side shall be maintained open and not parked upon, including parking overhang, along the entire length of each side lot line. Where adjacent property is below the mean high water line, the rear yard limitation shall apply, even if the adjacent property is subsequently filled to raise it above the mean high water line.

C. Public access commencing at the boundary of the lot and extending along the side and rear yards of the lot to the next boundary of the lot, adjacent to the water's edge, shall be provided, in order to contribute to continuous public access along the waterfront.

7. Design Review Criteria

A. Applicability. Any building located within the Overlay District which (1) is subject to site plan review or (2) requires a building permit and affects the exterior architectural features of a building or structure, shall be subject to Design Review by the Planning Board. The following alterations, unless subject to the requirements of Section IV-B, 6 shall be exempt from the requirements of this subsection:

(1) normal maintenance and repair of the building or structure; and/or

(2) replacement of exterior materials, including roofing materials, shingles or clapboard, provided such materials are replaced with the same type of materials.

B. Submittal Requirements. The site plan or building permit application shall include a narrative description of the proposed work affecting the exterior of the building or structure, including a description of the materials to be used and depictions of proposed building elevations. For new or expanded buildings, the Planning Board may also require plans depicting the total square footage and dimensions of all buildings, the building elevations and perspective renderings, the exterior architectural features of the buildings, and the exterior materials to be used.

C. Peer Review. In connection with its review of such work, the Planning Board may engage professional consultants, experts or assistance consistent with the provisions of Section I-F (3) of the Zoning By-Law.

D. Criteria. The Planning Board shall consider the architectural and aesthetic consistency of the proposed project with the historic character of the Town and the objectives of the Overlay District, taking into account the scale, massing, location of buildings on lot, roof slopes, street façade, fenestrations, exterior building materials,

and similar factors. Design criteria shall include: (1) the shielding of rooftop mechanical equipment and (2) the preservation of vistas and view corridors to the extent practicable.

Or act on anything related thereto?

COMMENT: This article will create a new Hingham Harbor Overlay District (HHOD) encompassing all of the land on the north side of Route 3A along Hingham Harbor, from the Bathing Beach to Steamboat Wharf. This article was proposed to the Planning Board by the Harbor Task Force, an ad hoc committee including representation from all of the Town Boards and Committees having oversight and interest in the Harbor, namely, the Selectmen, Planning Board, Harbor Development Committee, Trustees of the Bathing Beach, Hingham Development and Industrial Commission, and the Hingham Harbormaster. The Task Force was created by the Selectmen in 2009 to foster improved communication among these groups, and to review and improve the public's use and enjoyment of the harbor. The Overlay District is one of several recommendations being put forth by the Task Force after almost a year of discussion and public meetings. The proposal draws on findings included in the 2007 Harbor Plan put together by the Harbor Development Committee using Community Preservation Act funds, as well as the findings of the Harbor Parking Task Force, which met regularly throughout 2008.

The proposed Harbor Overlay District consists of three privately-owned parcels with an underlying zoning designation of Waterfront Business District, and eight Town-owned parcels zoned Official and Open Space. Changes to permitted uses within the Overlay District are intended to provide a variety of appropriate recreational uses aimed at drawing residents to the waterfront and enhancing opportunities for public enjoyment. For the parcels zoned Official and Open Space, permitted uses will be identified as "water dependent uses" including marina slips, the beach, boating, parks and passive recreation. Other public or private boating facilities, such as a sailing or rowing club, public restrooms, buildings and offices providing service to a water-dependant use, and seasonal snack stands will also be allowed with a Special Permit A2. No restaurants or stores will be allowed in the Official & Open Space

District. For the parcels in the underlying Waterfront Business District, all of the uses currently permitted will continue, with the addition of a seasonal snack stand, which will be permitted with a Special Permit A2. Throughout the Overlay District, as in most other areas in Town, shared parking on abutting parcels may be permitted with a Special Permit A3.

Proposed modifications to the dimensional requirements include reducing the maximum height in the underlying Official and Open Space District from 35' to no more than 28' and allowing a reduction of the rear yard setback, but all other requirements remain. For parcels located in the underlying Waterfront Business District, property owners may apply for a special permit to modify or shift existing setback requirements so that buildings may be placed to enhance view corridors and to allow for peaked roofs (of no more than 28') for a more aesthetically appropriate design. A design review process is intended to ensure the architectural and aesthetic consistency of the proposed project with the historic character of the Town and the objectives of the Overlay District

As always, the land in the Overlay District will be subject to all other local, state or federal laws, regulations or restrictions, such as Article 97 of the Massachusetts Constitution and the Community Preservation Act, as applicable.

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

Item 1: By amending the “Zoning Map, Part A, Town of Hingham”, as heretofore amended, to add the following parcels within the Hingham Harbor Overlay Districts: Assessors Map 39, Lot 8, Map 50, Lots 49, 50 and 51 and Map 51, Lots 1, 2, 3, 4, 5, 58 and 59.

Item 2: By amending Section II-B to add the following: “6. Hingham Harbor Overlay District”

Item 3: By adding a new section after Section III-G as follows, and renumbering the existing Sections III-H (Nonconforming Uses and Structures) and III-I (Accessory Uses) accordingly:
Hingham Harbor Overlay District By-Law

1. Purpose

To promote access to and the use and enjoyment of the land and water along Hingham’s inner harbor, while protecting and enhancing its cultural, scenic and natural character.

2. Objectives:

A. To provide for a variety of land and water based recreational uses, both passive and active, including pedestrian access along the waterfront and access to water uses such as swimming, pleasure boating and kayaking.

B. To provide appropriate public facilities including harbor master facilities, parking and restrooms;

C. To promote cooperation and a harmony of uses between privately and publicly owned parcels, including the dimensional and aesthetic design of structures on such parcels;

D. To promote and enhance connections between Downtown Hingham and Hingham’s inner harbor.

3. Applicability

The Hingham Harbor Overlay District will include those parcels of land located along the portion of Hingham’s inner harbor that extend from the northwesterly boundary of the parcel commonly known as Hingham Bathing Beach to the southeasterly boundary of the parcel commonly known as Steamboat Wharf, more particularly described as the following: Assessors Map 39, Lot 8; Map 50, Lots 49, 50 and 51; and Map 51, Lots 1, 2, 3, 4, 5, 58 and 59.

4. Definitions

The following defined terms shall apply to this Section III-J. Other capitalized terms used in this Section and not otherwise defined herein shall have the same meanings ascribed to such terms in Section VI of this By-Law.

Marina – For the purposes of the underlying Official and Open Space parcels within this Overlay District, a marina shall constitute a berthing area comprised of slips, piers or attached floats.

Snack Stand –Within this Overlay District, a counter accessible from the outside of a building for the sale of non-alcoholic beverages and food and providing no indoor seating, which snack stand shall be accessory to the Water Dependent Use(s) of

the lot on which it is located and not intended as a primary use. When determining parking required for the lot, the Snack Stand use may be considered under either a shared parking analysis or as a complementary use which is not deemed to create a parking demand separate from, or in addition to, the primary Water Dependent Use(s) on the lot.

Uses Accessory to a Water Dependent Use – The following uses are deemed to be accessory to a primary Water Dependent Use:

(a) offices primarily providing services to a Water Dependent Use (such as harbormaster, other public safety, marina management or life guard offices), and related indoor storage;

(b) public restrooms, including bathhouses; and

(c) **Snack Stands**

Water Dependent Use – Each of the following uses shall be deemed a water dependent use for the purposes of this Section III-E:

(a) marinas, whether privately or publicly owned or operated;

(b) public boat basins (also referred to as the public mooring field);

(c) other public or private commercial or recreational boating facilities, such as a sailing club, rowing club and/or other organized boating facility. A designated public launch area which allows the launching by an individual of a vessel from a trailer or “car-top” for day-use shall not constitute an organized boating facility;

(d) public facilities for fishing, swimming, and boat launching; and

(e) parks, esplanades, boardwalks, and other pedestrian facilities that promote use and enjoyment of the water by the general public and are located at or near the water's edge.

5. Permitted and Prohibited Uses

A. The permitted uses and uses allowed by Special Permit, as set forth in the Section III-A, Schedule of Uses, where the underlying zoning district is Official and Open Space, shall be permitted or allowed as applicable, in the Overlay District, except as set forth in this subsection 5.A and in subsections 5.C and 5.D below:

(1) The uses allowed under Section III-A, 3.5 (Public buildings and premises for

government use), shall only be permitted as herein provided:

(c) Permitted – The uses described in subsections (a), (b), (d) and (e) of the above definition of Water Dependent Uses, provided, however, that public buildings supporting such Water Dependent Uses shall require a Special Permit A2 as provided in subsection (b) below.

(d) Special Permit A2 –

(i) Uses described in subsection (c) of the above definition of Water Dependent Uses

(ii) Buildings supporting a Water Dependent Use which house Uses Accessory to a Water Dependent Use

B. The permitted uses and uses allowed by Special Permit, as set forth in the Section III-A, Schedule of Uses, where the underlying zoning district is Waterfront Business, shall be permitted or allowed, as applicable, in the Overlay District, except as set forth in this subsection 5.B and in subsections 5.C and 5.D below:

(2) Special Permit A2 – A Snack Stand as an accessory use.

C. The use allowed under Section III-A, 4.18 is modified as follows for all parcels within the Overlay District:

(2) Upon the joint application by the record owner of each affected lot, the Planning Board may grant a Special Permit A3 to allow parking by employees, customers, or guests of a use operating on one lot within the Overlay District on an abutting lot within the Overlay District (“Abutting Lot”), provided that (1) service operations are not performed at the parking area and (2) the Planning Board makes a finding that such parking use will not result in or worsen parking problems on the Abutting Lot

D. The winter storage of floats servicing uses within the Overlay District is permitted

(a) provided such storage does not reduce the required parking available for the uses on the lot during the period of such storage, and (b) subject to any rules or regulations promulgated by the Harbormaster related to float storage.

E. The following uses are prohibited in the Overlay District:

Personal wireless communications towers or antennae, except as may be required for

public safety or marina operations, provided that such public safety and marina communications antennae shall be building mounted.

6. Dimensional Requirements

A. Where the underlying zoning district is Official and Open Space, the requirements of Section IV-A shall apply, except as follows:

(1) The maximum height of buildings shall be reduced from 35 feet to the height set forth in Section 6.B.2 below; and

(2) The minimum rear yard along the waterfront shall be 10 feet from the existing sea wall or, if none, from the mean high water mark.

b. Special Permit A3 for Waivers from IV-A Schedule of Dimensional Requirements. The Planning Board may grant a Special Permit A3 to waive strict adherence to the requirements of Section IV-A where the underlying zoning is Waterfront Business District, if it finds that such application will promote the purpose and objectives of the Hingham Harbor Overlay District, subject to the following:

(1) If the area or frontage of the lot existing as of January 1, 2010 does not meet the "minimum lot size" requirements set forth in Section IV-A, the "minimum lot size" requirement may be reduced to no smaller than the lot size or frontage, as applicable, of the lot on that date.

(2) The "maximum height" of a building may be modified as follows: Maximum height shall not exceed two stories and 28 feet to the peak of the building, subject to the following:

(a) For the purposes of this Overlay District, the definition of Grade Plane in Section VI shall be modified by replacing the term "Finished Grade" with the term "Pre-Construction Grade".

(b) The maximum wall height of the building shall be 20 feet, inclusive of any elevated floors for flood resistant construction, it being the intention that the additional 8 feet of height shall be permitted only to the extent the design of the building includes a peaked roof.

(c) There shall be no occupiable space between the 20 foot maximum height and the peak. Any gables, cupolas, towers or related architectural features between the eave and the peak shall be for design purposes only.

(3) The "minimum yard dimensions" may be modified as follows:

(a) Front: May be reduced to 20 feet – measured horizontally at right angles to the sideline of the public way.

(b) Side: The side yard requirement may be modified to allow in the aggregate a total of not less than 40 feet, provided that the side yard dimension on any one side may be no less than 10 feet. A yard space of not less than 5 feet wide on each side shall be maintained open and not parked upon, including parking overhang, along the entire length of each side lot line. Where adjacent property is below the mean high water line, the rear yard limitation shall apply, even if the adjacent property is subsequently filled to raise it above the mean high water line.

C. Public access commencing at the boundary of the lot and extending along the side and rear yards of the lot to the next boundary of the lot, adjacent to the water's edge, shall be provided, in order to contribute to continuous public access along the waterfront.

7. Design Review Criteria

A. Applicability. Any building located within the Overlay District which (1) is subject to site plan review or (2) requires a building permit and affects the exterior architectural features of a building or structure, shall be subject to Design Review by the Planning Board. The following alterations, unless subject to the requirements of Section IV-B, 6 shall be exempt from the requirements of this subsection:

(1) normal maintenance and repair of the building or structure; and/or

(2) replacement of exterior materials, including roofing materials, shingles or clapboard, provided such materials are replaced with the same type of materials.

B. Submittal Requirements. The site plan or building permit application shall include a narrative description of the proposed work affecting the exterior of the building or structure, including a description of the materials to be used and depictions of proposed building elevations. For new or expanded buildings, the Planning Board may also require plans depicting the total square footage and dimensions of all buildings, the

building elevations and perspective renderings, the exterior architectural features of the buildings, and the exterior materials to be used.

C. Peer Review. In connection with its review of such work, the Planning Board may engage professional consultants, experts or assistance consistent with the provisions of Section I-F (3) of the Zoning By-Law.

D. Criteria. The Planning Board shall consider the architectural and aesthetic consistency of the proposed project with the historic character of the Town and the objectives of the Overlay District, taking into account the scale, massing, location of buildings on lot, roof slopes, street façade, fenestrations, exterior building materials, and similar factors. Design criteria shall include: (1) the shielding of rooftop mechanical equipment and (2) the preservation of vistas and view corridors to the extent practicable.

ARTICLE 46. Will the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, by adding the following Section III-J:

III-J Recreational Field Overlay District

1. Purpose

The purpose of this Section is to 1) establish a district in which certain outdoor lighting structures, accessory to active recreational sports facilities may be provided and 2) to create standards for such outdoor lighting intended to protect the health, safety and welfare of prospective field users, the occupants of abutting properties, and all Town residents and to mitigate light pollution, light trespass and glare through the regulation of the types, construction, installation and uses of outdoor lighting structures, with the goal of preserving the natural, scenic and aesthetic qualities of Hingham, and protecting the night sky as a natural resource to enhance nighttime enjoyment of property.

2. Location

The Recreational Field Overlay District shall include the following parcels located on Ward Street (Map 124, Lot 32 and Map 134, Lot 16).

3. The Board of Appeals may issue a Special Permit A2 for an increase in the height limits of this By-law of up to 80' for light poles to illuminate Athletic Fields intended for active recreational use and located on land owned by the Town of Hingham.

(Inserted at the request of Becky Hlidek and others)

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

ARTICLE 47. Will the Town, in accordance with the Hingham Affordable Housing Trust (HAHT) By-Law, adopted by vote under Article 21 at the 2007 Annual Town Meeting, approve an allocation plan for any funds to be appropriated to the HAHT in FY 2010 and FY 2011; such allocation plan may include, without limitation, the following provisions:

(a) purpose-restricted funds which come to the HAHT in FY2010 or FY 2011 for designated purposes via Town Meeting appropriation shall be allocated according to those purposes;

(b) funds allocated by a previous Town Meeting shall continue to be allocated according to the plan approved at that Town Meeting, or act on anything related thereto?

COMMENT:: In 2007, the Annual Town Meeting approved Article 21 accepting M.G.L. c. 44, Section 55C creating the Hingham Affordable Housing Trust ("HAHT") by adding Article 39 to the By-Laws of the Town. The purpose of the HAHT is to provide for the creation and preservation of affordable housing in Hingham for low and moderate income households. Section 2(a)(16) requires that expenditures from the HAHT be in accordance with an allocation plan recommended by the trustees of the HAHT and approved by Town Meeting. It specifies that the plan generally outline the use of funds for the coming fiscal year. The Town Treasurer is the custodian of the funds; any income or proceeds received by the HAHT and any moneys remaining in the HAHT at the end of the fiscal year remain with the HAHT.

Unrestricted funds in the amount of \$225,000 appropriated to the HAHT by the 2008 Annual Town Meeting were allocated as follows:

50% for maintaining and improving affordability of existing housing stock,
15% for construction of affordable housing,
15% for loan or grant programs,
15% for third-party costs including, but not limited to, engineering, accounting, appraisal, and financial and legal advice, and
5% for administration of the HAHT.
Moneys remaining in the HAHT from that appropriation will continue to be allocated in accordance with this plan.

RECOMMENDED: That the Town, in accordance with the HAHT By-Law, adopted by vote under Article 21 at the 2007 Annual Town Meeting, approve an allocation plan for any funds to be appropriated to the HAHT in FY 2010 and FY 2011; such allocation plan may include, without limitation, the following provisions:

(a) purpose-restricted funds which come to the HAHT in FY2010 or FY 2011 for designated purposes via Town Meeting appropriation shall be allocated according to those purposes;

(b) funds allocated by a previous Town Meeting shall continue to be allocated according to the plan approved at that Town Meeting.

ARTICLE 48. Will the Town transfer funds restricted by and to be payable pursuant to the cable franchise, to a restricted account, as required by the cable franchise for local cable purposes including the general public purpose of supporting and promoting public access to the cable system, training in use of access equipment and facilities, access to community and municipal meeting coverage, including transfer of said funds to either an access designee or a local non-profit, charitable Access Corporation as determined by and as may be designated by the Board of Selectmen in their capacity as license issuing Authority, or act on anything relating thereto?

COMMENT: There are two cable television franchises operating in the Town of Hingham: Comcast and Verizon. In 1999, the Board of Selectmen ("the Board"), as license-issuing authority, entered into a ten-year license (or franchise) agreement with Comcast. In 2009, the Board renewed Comcast's agreement for an additional ten-year term (expiring in 2019). In 2008, the Board entered into a ten-year license agreement with Verizon (expiring in 2018). In

neither case did the Board seek Town Meeting authorization to grant or renew these licenses; as the statutory license-issuing authority, the Board was not required to do so.

Among other things, Comcast and Verizon ("the cable providers") agreed to compensate the Town for their use of the public rights of way (in effect, "rent") to provide cable television service to subscribers in Hingham. Included in the fees that must be paid to the Town are funds whose use is restricted to support of Public, Educational, and Government access channels ("PEG") or closely-related cable purposes. The source of these funds is the cable television subscriber in Hingham. Added to each subscriber's monthly bill for cable television service is an "access fee" that currently equals approximately 5% of the bill. This "pass-through" fee is paid by the cable providers to the Town, and amounts to several hundred thousand dollars per year. At present, the Board is using these funds to support the Educational channel (out of the High School) and the Government channel (out of Town Hall), including their capital needs for video equipment. This Article relates solely to Public Access broadcasting (the "P" in "PEG")., and arises out of Comcast's closing of its Public Access studio in Norwell in 2009. That studio had provided Hingham residents with limited access to cable television production and broadcasting (on Channel 10) for ten years.

In order to determine how best to provide Public Access television in Hingham without the Norwell studio – if it decides to so at all – the Board has consulted its appointed Cable Television Advisory Committee ("the CTAC"). The CTAC has proposed that the Board use moneys generated by the cable television access fees to fund some or all of the following activities: 1) Training of residents in the use of cable television access equipment and facilities; 2) Provision of cable television coverage of community meetings and events; 3) Creation and operation of a public cable television production and broadcasting facility (a studio, either constructed or rented); and 4) Entering into a contract with a local non-profit charitable Public Access Corporation to provide a subsidy for the independent creation and operation of a public cable television studio.

To be clear, the Board, as license-issuing authority, does not require Town Meeting

permission to spend PEG access fee revenues on any or all of these proposed Public Access endeavors. What is required is that access fee revenues be expended by the Board for cable-related purposes in compliance with the license agreements. However, at its meeting on November 17, 2009, the Advisory Committee unanimously voted to recommend to the Board that certain issues related to the license agreements be referred to the 2010 Annual Town Meeting. Specifically, the Advisory Committee expressed its concern with respect to the following issues: 1) The amount of the fees being charged to Hingham's cable television rate-payers to pay for PEG Access and broadcasting services and equipment; 2) The total amount of money generated by these fees, the use of which is limited to cable-related purposes; and 3) The potential for the creation of a quasi-public broadcasting company and television studio, which would produce and broadcast public programming. The Advisory Committee acknowledged that the Board had the authority to negotiate the current contracts with Comcast and Verizon, and that it likewise has the authority to spend the moneys generated by the access fees and returned to the Town for PEG purposes. Nonetheless, the Advisory Committee stated its belief that, given the magnitude of the funds involved (several hundred thousand dollars annually), Town Meeting is the most appropriate forum to deliberate and decide such significant matters. Therefore, the Advisory Committee recommended that the Board craft one or more Town Meeting Warrant articles that would seek the voters' approval of the amount of the pass-through fees, the total associated amount of money that should be returned to the Town by the cable providers, and the uses to which that money should be put. In the meantime, the Advisory Committee suggested that further expenditures from the cable television funds returned to the Town be limited.

This Article is intended to afford all Town Meeting voters, and especially Comcast and Verizon subscribers, an opportunity to influence the Board's policy determinations regarding Public Access television in Hingham. For its part, the Advisory Committee has not been persuaded that the expenditure of hundreds of thousands of cable subscribers' dollars, raised through PEG access fees, on the activities described in this Article is necessary, warranted, or even desired by most fee-paying subscribers.

Those activities include the construction, staffing, and operation of a modern, fully-equipped television studio to replace (and improve upon) the Norwell studio closed by Comcast last year; the creation of a corporation that would enter into an agreement with the Town to provide independent management and operation of the studio and to create public programming for broadcast; the training of interested residents (not necessarily cable rate-payers) in the use of cable television equipment and facilities; and providing coverage of meetings and events in the community (not to be confused with public meetings of Town boards and committees, which will continue to be covered by the Government channel in Town Hall).

The CTAC has described the benefits of Public Access as "giving members of the community a means to communicate their views to other members of the community" and "it serves as a free-speech forum, open to all in a first-come, first-served basis without discrimination or favoritism based on content." While these benefits might have been compelling in previous decades, the ever-changing technology industry has created a multi-platform media environment. The Digital Age has introduced many new methods of distributing information, ideas, and opinions using the Internet. Blogs, vlogs, RSS syndication and aggregation, the iPod and dizzying array of cell phone media, YouTube, MySpace, Facebook, Twitter, and all their progeny have largely overtaken the need for expensive "bricks and mortar" television studios. There are reasons why Comcast and other cable providers across the country have been closing their Public Access studios. Among them is the multitude of other forums for people to create and transmit their own media. In fact, some industry experts have stated that Public Access television, which began as an experiment in free speech in the 1960s and 1970s, is now on the verge of extinction. The transformation of Public Access from the broadcast television model to a Web-based model is well underway. Many cities and towns, and some states, have recognized the changed technological environment and withdrawn their support of Public Access television. In doing so, they have relieved themselves from the much-publicized risks created by programming that contains obscenity, defamatory or hate speech, and other inappropriate material that offends the sensibilities of viewers.

Given the substantial expense over the ten-year terms on the license agreements to Hingham's cable television subscribers of undertaking the Public Access initiatives recommended by the CTAC and contemplated by this Article, when weighed against the diminishing need for those initiatives, the Advisory Committee believes that the Board of Selectmen should not use funds generated by Comcast and Verizon access fees to support any of the activities described in this Article.

RECOMMENDED: That no action be taken on this article.

ARTICLE 49. Will the Town authorize the Board of Selectmen to re-negotiate the existing cable TV franchise agreements with Comcast and Verizon, for the purpose of reducing the amount of the fees being charged to Hingham's cable TV rate-payers to pay for Public, Educational, and Government (PEG) access and other broadcasting services and equipment, or act on anything relating thereto?

COMMENT: The Advisory Committee has commented at length on the Article 48 above relating to Public Access cable television. For the reasons set forth in that Comment, the Advisory Committee recommends that the Town encourage the Board of Selectmen ("the Board") to renegotiate the existing license agreements with Comcast and Verizon for the purpose of reducing the amount of the monthly pass-through access fees charged to Hingham's cable television subscribers. While the Board is not legally required to seek authorization from Town Meeting for such action, the Advisory Committee appreciates the Board's desire to ascertain the sense of Town Meeting voters on the issue of PEG access fees. If the Board eliminates or limits the Town's expenditures on Public Access programming and broadcasting, then the amount of the access fees collected by Comcast and Verizon and remitted to the Town should be reduced accordingly. However, the Advisory Committee would not limit the purpose of negotiation to reducing the pass-through access fees. The constantly escalating cost to cable television subscribers in Hingham is not limited to access fees, but extends to basic and premium programming services as well. Further, cable television providers elsewhere have agreed to various cost-reduction measures, including discounts for senior citizens and promotional pricing programs. Therefore,

the Advisory Committee urges the Board to renegotiate the existing cable television agreements for the purpose of reducing cable television costs to Hingham subscribers generally, and to the maximum extent permitted by applicable Federal and state law.

RECOMMENDED: That the Town recommend that the Board of Selectmen renegotiate the existing cable television license agreements with Comcast and Verizon for the purpose of reducing cable television costs to Hingham subscribers generally, and to the maximum extent permitted by Federal and state law.

ARTICLE 50. Will the Town accept the provisions of MGL C.44, §53E, which would allow an appropriation for annual operating costs of a service to be offset, in part or in aggregate, with the use of fees received for such service in the previous fiscal year, or act on anything relating thereto?

(Inserted at the request of the Town Accountant/ Finance Director)

COMMENT: The creation of an Offset Receipts Account will allow the Town to charge the costs related to the collection of ambulance charges directly against the revenue collected. Currently, the Town budgets for these collection costs annually, and the process of offsetting these costs directly against the revenue collected will present a clearer picture of net revenue collected.

RECOMMENDED: That the Town accept the provisions of MGL C.44, §53E, to allow for annual operating costs of the Town's ambulance service to be offset, in part or in aggregate, with the use of fees received for such service.

ARTICLE 51. Will the Town amend Article 2 of the General By-laws of the Town by replacing Article 2, Sections 5(a) and 5(b) in their entirety, with the following:

SECTION 5 - (a) At least fourteen (14) days before the day appointed in the warrant for any annual town meeting, the Selectmen shall cause a notice of the availability of the warrant and the Advisory Committee's report thereon to be delivered to each occupied dwelling house, tenement and hotel in the town. The warrant and the Advisory Committee's report thereon

shall be available on the Town's official website at least fourteen (14) days in advance of the day of the annual town meeting. In addition, paper copies shall be available to the public at least fourteen (14) days in advance of the day of town meeting at the Town Clerk's office, the office of the Selectmen, the public library, and any other locations the Board may designate. Additionally, the Selectmen shall deliver by mail a copy of the warrant and the Advisory Committee's report thereon to any member of the public requesting it by telephone or by electronic communication, if the request is made at least four (4) business days prior to the day of the annual town meeting. However, if it appears to the Selectmen that, for any reason, timely notice of the availability of the warrant under this paragraph will not be made, and if the Hingham Journal or any other newspaper is at the time circulated in the town as a local newspaper, they shall publish an attested copy of the entire warrant in one such newspaper at least seven (7) days before the day appointed in the warrant for the meeting.

(b) The requirements of Section 5 (a) shall obtain for special town meetings as well, except that if it appears to the Selectmen that, for any reason, timely notice of the availability of the warrant under Section 5 (a) will not be made, and if the Hingham Journal or any other newspaper is at the time circulated in the town as a local newspaper, they shall publish an attested copy of the entire warrant in one such newspaper at least fourteen (14) days before the day appointed in the warrant for the meeting. or act on anything related thereto?

COMMENT: To substitute a notice of the availability of the Warrant for the actual Warrant would put the onus on the public, rather than the Town, to acquire or request the Warrant. This would likely lead to a less informed and engaged public. Often the Warrant is the first time the public becomes aware of the articles to be taken up at Town Meeting and it serves as a catalyst for public interest and participation. The Warrant also enhances the outreach efforts of the boards and committees deliberating Warrant articles. Further, delivering the notice instead of the Warrant does not create potential for increased Town Meeting attendance, but it does create the risk of decreased attendance. The estimated saving of roughly \$5,000 does not justify the undesirable potential outcomes listed above.

RECOMMENDED: That no action be taken on this article.

ARTICLE 52. Will the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by adding the following Article 40, or act on anything relating hereto?

FALSE ALARMS

A. Definitions. For purposes of this Article, the following words and phrases shall have the following meanings:

ALARM SYSTEM

Any assembly of equipment and/or devices that is designed to be activated, manually or automatically, for the purpose of drawing attention to the presence of a hazard, emergency, or dangerous situation, whether caused criminally or otherwise, to which the police are expected to respond.

ALARM USER

Any person or business entity on whose premises an alarm system is installed and maintained in the Town of Hingham, except for alarms that are installed in or on motor vehicles.

FALSE ALARM

The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of the alarm system or his/her agent or employees that causes any signal or communication to be transmitted to the Emergency Dispatch Center requesting, requiring, or resulting in a response from the Police Department when, in fact, there has been no unauthorized entry or intrusion into the premises or attempted robbery or burglary at the premises. False alarms include alarm activation caused by non-criminal behavior that could have been prevented by simple preventative measures. Excluded from this definition shall be the activation of an alarm system by power outages, utility companies, or other external factors beyond the alarm user's control, including hurricanes, severe storms, or other unusual weather conditions.

B. False Alarm Fines. The following schedule of fines for false alarms shall apply, subject only to adjustment from time to time by the Board of Selectmen, after public hearing, as circumstances warrant:

(1) After the Emergency Dispatch Center has recorded three (3) separate false alarms within any 12-month period, commencing on the date of alarm registration, the alarm user shall be assessed the following fines:

(a) Residential Alarm Users

\$50 for the 4th, 5th, and 6th false alarms
\$100 for the 7th, 8th, and 9th false alarms
\$150 for the 10th and any subsequent false alarm, and a mandatory meeting with the Chief of Police or his/her designee to resolve the problem of repeated false alarms.

(b) Commercial Alarm Users

\$100 for the 4th, 5th, and 6th false alarms
\$200 for the 7th, 8th, and 9th false alarms
\$300 for the 10th and any subsequent false alarm, and a mandatory meeting with the Chief of Police or his/her designee to resolve the problem of repeated false alarms.

(2) Failure to pay the assessed fine within thirty (30) days shall subject the alarm user to court action for violation of a Town By-Law or the placement of a municipal charge lien on the real property pursuant to M.G.L. c. 40, section 58, in the Plymouth County Registry of Deeds until the fine is paid.

C. Audible Alarm. All alarm systems that emit an audible signal shall be equipped with a device that limits the length of the audible signal to no more than ten (10) minutes.

Any user of an alarm system that does not have such a device, or that has a malfunction that allows the audible signal to continue for more than ten (10) minutes, shall be assessed a fine of \$50. Failure to pay such fine within thirty (30) days shall subject the alarm user to court action for violation of a Town By-Law or the placement of a municipal charge lien on the real property pursuant to M.G.L. c. 40, section 58, in the Plymouth County Registry of Deeds until the fine is paid.

D. Registration. All alarm systems shall be registered with the Police Department annually. Failure to register annually shall subject the alarm user to a fine of \$50, payable and enforceable as stated above.

E. Unauthorized Alarm Activation. Any alarm system activated intentionally without prior notification of the Police Department shall subject the alarm user to a fine of \$150 for the first and each subsequent such alarm, payable and enforceable as stated above.

F. Exemptions.

(1) All Federal, state, and municipal buildings and properties shall be exempt from the provisions of this By-Law.

(2) No provision of this By-Law shall be construed to place an obligation on the Police Department to respond to an alarm.

Or act on anything relating thereto?

COMMENT: Many Hingham residents and businesses rely on sophisticated alarm systems to summon help in the event of burglaries, medical emergencies, fires, dangerous levels of carbon monoxide, etc. Yet Police Department records show that over 95% of calls sounded each year are false alarms, tripped inadvertently because of user error or faulty alarm systems. Some false alarms are tripped deliberately when users test their alarm systems without prior notification of the Police Department. Responding to so many false alarms diverts police resources from real emergencies. Public safety is jeopardized whenever police personnel rush to the scene of a presumed emergency, but the risk to lives and property is unnecessary when alarms are sounded by mistake or by malfunctioning alarm systems. In Hingham, most false alarms are generated by alarm systems installed in commercial properties, as opposed to residences.

This Article, proposed by the Police Department and approved by the Board of Selectmen, is intended to promote the health, safety, and general welfare of residents and businesses in Hingham by reducing the number of avoidable false alarms. The Article is designed to minimize the unnecessary and ineffective utilization of police personnel and equipment, to ensure that police personnel are available for dispatch to actual emergencies, and to avoid the nuisance of prolonged audible false alarms at all hours of the day and night to the surrounding community. In addition, repeated false alarms may cause neighbors to ignore a genuine alarm. They may also make residents reluctant to arm

their alarm systems, thus exposing their homes and property to criminal behavior.

Many cities and towns have already addressed the problems posed by false alarms by adopting similar ordinances and by-laws. Some impose heavier financial penalties for fewer false alarms and for failure to register alarm systems on an annual basis. However, the underlying purpose of this proposed by-law is not to raise revenue or to discourage reliance on alarm systems. Rather, this by-law is intended to reduce the incidence of avoidable false alarms and, through annual registration, to keep the Police Department up-to-date on vital contacts information, such as the names, addresses, and phone numbers of key-holders, in the event of a real emergency.

In recognition of the serious problems caused by false alarms, the Advisory Committee concurs with the Police Department and Board of Selectmen, and considers this proposed addition to the General By-Laws to be a prudent attempt to address those problems. Accordingly, the Advisory Committee recommends favorable action on this Article.

RECOMMENDED: That the Town amend the General By-Laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by adding the following Article 40, or act on anything relating hereto?

FALSE ALARMS

A. Definitions. For purposes of this Article, the following words and phrases shall have the following meanings:

ALARM SYSTEM

Any assembly of equipment and/or devices that is designed to be activated, manually or automatically, for the purpose of drawing attention to the presence of a hazard, emergency, or dangerous situation, whether caused criminally or otherwise, to which the police are expected to respond.

ALARM USER

Any person or business entity on whose premises an alarm system is installed and maintained in the Town of Hingham, except for alarms that are installed in or on motor vehicles.

FALSE ALARM

The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of the alarm system or his/her agent or employees that causes any signal or communication to be transmitted to the Emergency Dispatch Center requesting, requiring, or resulting in a response from the Police Department when, in fact, there has been no unauthorized entry or intrusion into the premises or attempted robbery or burglary at the premises. False alarms include alarm activation caused by non-criminal behavior that could have been prevented by simple preventative measures. Excluded from this definition shall be the activation of an alarm system by power outages, utility companies, or other external factors beyond the alarm user's control, including hurricanes, severe storms, or other unusual weather conditions.

B. False Alarm Fines. The following schedule of fines for false alarms shall apply, subject only to adjustment from time to time by the Board of Selectmen, after public hearing, as circumstances warrant:

(1) After the Emergency Dispatch Center has recorded three (3) separate false alarms within any 12-month period, commencing on the date of alarm registration, the alarm user shall be assessed the following fines:

(a) **Residential Alarm Users**

\$50 for the 4th, 5th, and 6th false alarms
\$100 for the 7th, 8th, and 9th false alarms
\$150 for the 10th and any subsequent false alarm, and a mandatory meeting with the Chief of Police or his/her designee to resolve the problem of repeated false alarms.

(b) **Commercial Alarm Users**

\$100 for the 4th, 5th, and 6th false alarms
\$200 for the 7th, 8th, and 9th false alarms
\$300 for the 10th and any subsequent false alarm, and a mandatory meeting with the Chief of Police or his/her designee to resolve the problem of repeated false alarms.

(2) Failure to pay the assessed fine within thirty (30) days shall subject the alarm user to court action for violation of a Town By-Law or the placement of a municipal charge lien on the real property pursuant to M.G.L.

c. 40, section 58, in the Plymouth County Registry of Deeds until the fine is paid.

C. Audible Alarm. All alarm systems that emit an audible signal shall be equipped with a device that limits the length of the audible signal to no more than ten (10) minutes.

Any user of an alarm system that does not have such a device, or that has a malfunction that allows the audible signal to continue for more than ten (10) minutes, shall be assessed a fine of \$50. Failure to pay such fine within thirty (30) days shall subject the alarm user to court action for violation of a Town By-Law or the placement of a municipal charge lien on the real property pursuant to M.G.L. c. 40, section 58, in the Plymouth County Registry of Deeds until the fine is paid.

D. Registration. All alarm systems shall be registered with the Police Department annually. Failure to register annually shall subject the alarm user to a fine of \$50, payable and enforceable as stated above.

E. Unauthorized Alarm Activation. Any alarm system activated intentionally without prior notification of the Police Department shall subject the alarm user to a fine of \$150 for the first and each subsequent such alarm, payable and enforceable as stated above.

F. Exemptions.

(1) All Federal, state, and municipal buildings and properties shall be exempt from the provisions of this By-Law.

(2) No provision of this By-Law shall be construed to place an obligation on the Police Department to respond to an alarm.

ARTICLE 53. That the Town require the Board of Selectman to forthwith offer for Sale the parcel of land known at the South Shore Country Club, and that the proceeds from the sale be deposited in the Town's Reserve Fund which has been depleted by the profligate spending policies of the past.
(Inserted at the request of Bernard Manning and others.)

COMMENT: The South Shore Country Club is an important part of our community. While the

primary purpose of the Club is to provide an affordable venue for golf, it also provides other forms of recreation including swimming, tennis, and bowling, all of which, like golf, are available to Hingham residents at rates below those charged at private facilities. The Club offers various instructional programs for children and adults and makes its facilities available free of charge to the Hingham High School boys and girls golf team and the Notre Dame Academy golf team. The Club also provides a setting for less structured forms of recreation including running, walking, and sledding in the winter.

Since its acquisition by the Town, the Club has helped defray the original purchase price and debt service cost of the Club by transferring approximately \$6 million to the Town. No transfers have been made since 2007; however, management of the Club has undertaken many initiatives to enhance the Club's operations and stabilize its financial condition. Among these initiatives is an extensive renovation of the dining and function facility which will be completed at no cost to the Town. The Club hopes to begin transferring funds back to the Town again in future fiscal years.

In addition to the foregoing, there are certain considerations that make sale of the property impractical. Because of the nature of the property, and the financing of its purchase, any sale must be approved by a two-thirds roll-call vote of the state legislature, would require the consent of various state agencies, and would oblige the Town to identify another 160 acres of open space to replace the property in the Town's open space inventory. Furthermore, development of a replacement property would significantly strain Town resources and infrastructure.

RECOMMENDED: That no action be taken on this article.

ARTICLE 54. Will the Town increase the charge for issuing a demand bill as authorized by MGL C. 60 §15, or act on anything relating thereto?

COMMENT: MGL C. 60 §15 is the statute that authorizes cities and towns to charge collection fees or "demand fees" in respect of unpaid local taxes including real estate and personal property taxes as well as motor vehicle and boat excise taxes. The demand fee is a

fixed amount that is added to the tax bill in addition to simple interest charges. It is assessed if a taxpayer is delinquent in the payment of any of the aforementioned taxes. MGL C. 60 §15 was amended July 1, 2008, allowing towns to increase demand fees to an amount of not more than \$30. The current demand fee charged by the Town is \$5. This article recommends a \$10 increase in demand charges for a total demand fee of \$15. This amount is within the range of demand fees charged by many other communities in the Commonwealth and is recommended by the Treasurer Collector.

RECOMMENDED: That , effective May 1, 2010, the Town increase the charge for each written demand issued by the Collector by \$10.00, for a total demand fee of \$15 to be added to and collected as part of certain taxes, as authorized by Massachusetts General Laws Chapter 60, Section 15.

ARTICLE 55. Will the Town amend the General By-laws of the Town of Hingham, adopted March 13, 1939, as heretofore amended, by changing the fees now charged by the Town Clerk under Article 6, Section 6, as follows:

- (d) For furnishing certificate of a birth, ten dollars.
 - (e) For furnishing an abstract copy of a record of birth, five dollars.
 - and
 - (k) For correcting errors in a records of death, ten dollars.
 - (l) For furnishing a certificate of death, ten dollars.
 - (m) For furnishing an abstract copy of a record of death, five dollars.
 - and
 - (p) For issuing certificate of marriage, ten dollars
 - (q) For furnishing an abstract copy of a record of marriage, five dollars.
 - and
 - (bb)For furnishing a certificate that a person is a registered voter, five dollars.
- Or act on anything relating 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 article proposes that the fee charged to furnish a certificate of birth be increased from \$5 to \$10, an abstract copy of a record of birth be increased from \$3 to \$5, a record of death be increased from \$5 to \$10, an abstract copy of a record of death be increased from \$3 to \$5, a certificate of marriage be increased from \$5 to \$10, an abstract copy of a record of marriage from \$3 to \$5, and a certificate that a person is a registered voter from \$3 to \$5. These proposed fees are more in keeping with the costs associated with issuance as well as more in keeping with fees charged by other similar towns.

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

- (d) For furnishing certificate of a birth, ten dollars.**
- (e) For furnishing an abstract copy of a record of birth, five dollars.**
- and**
- (k) For correcting errors in a records of death, ten dollars.**
- (l) For furnishing a certificate of death, ten dollars.**
- (m) For furnishing an abstract copy of a record of death, five dollars.**
- and**
- (p) For issuing certificate of marriage, ten dollars**
- (q) For furnishing an abstract copy of a record of marriage, five dollars.**
- and**
- (bb) For furnishing a certificate that a person is a registered voter, five dollars.**

ARTICLE 56. Will the Town authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact special legislation authorizing the design and designation of a place on the municipal tax bills or motor-vehicle tax bills, or to mail with such tax bills a separate form, whereby taxpayers may voluntarily check off, donate and pledge an amount of money, which shall increase the amount otherwise due, and to establish a Hingham Veterans Council Assistance Fund, the

purpose of which is to provide support to Hingham veterans and dependents in need, in keeping with the purposes of the Hingham Veterans Council.

(Inserted at the request of the Department of Veterans' Services.)

COMMENT: The Hingham Veterans Council is an unpaid advisory board authorized under M.G.L. c.115 and appointed annually by the Board of Selectmen to render assistance to the Hingham Department of Veterans' Services, which provides advice and support to qualifying veterans and their dependents in procuring educational, hospitalization, medical care, disability, pension, and other veterans' benefits to which they may be entitled.

The volume and frequency of urgent requests from veterans for assistance has increased significantly since the inception of the wars in Iraq and Afghanistan. The Hingham Director of Veterans' Services frequently needs small amounts of 'bridge funding' to address emergencies while normal applications are being processed. A voluntary tax-bill check-off to enable contributions to the Hingham Veterans Council Assistance Fund would provide a reliable source of such bridge funding while ensuring that 100% of such contributions would be used only to benefit deserving veterans and/or their dependents.

The Veterans Council Assistance Fund would be a Town Gift Fund, monitored by the Town Finance Director and subject to audit by the Town Auditor. Disbursements from the Veterans Council Assistance Fund would be recommended by the Director of Veterans' Services, would require approval by both the Chairman and Treasurer of the Veterans Council, and would be limited to addressing the pressing needs of veterans which cannot be ameliorated through statutory support provisions, family, or other private funding sources. Disbursements would be in the form of checks made payable to the vendor providing the desired service (e.g., shelter, food, transportation, utilities). Annual reporting of aggregate contributions to and disbursements from the Veterans Council Assistance Fund would be incorporated into the Veterans' Services section of the Hingham Town Report.

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 design and designation of a place on the municipal tax bills or motor-vehicle tax bills, or to mail with such tax bills a separate form, whereby taxpayers may voluntarily check off, donate and pledge an amount of money, which shall increase the amount otherwise due, and to establish a Hingham Veterans Council Assistance Fund, the purpose of which is to provide support to all Hingham veterans and dependents in need, in keeping with the purposes of the Hingham Veterans Council.

ARTICLE 57. Will the Town raise and appropriate, or transfer from available funds, a sum of money for unpaid bills of a previous year, or act on anything relating thereto?

COMMENT: This article requests the Town Meeting to authorize the payment of the unpaid balance of the 4th quarter of the FY2009 emergency water bill to Aquarion Water Company. The Town pays Aquarion Water Company a fee to ensure that water will be made available upon demand at any of the town's fire hydrants. The FY2009 4th quarter bill was presented to the Town after July 15, 2009, and the funds carried over from the remaining FY2009 budget for emergency water were not sufficient due to a rate increase for which Aquarion had not provided notice. The increased rate resulted in the unpaid balance of \$7,869.50.

RECOMMENDED: That the Town transfer from available funds the sum of \$7,869.50 for an unpaid bill of the previous year.

ARTICLE 58. Will the Town authorize the Sewer Commission to accept an easement and/or abandon or modify an existing easement for sewer purposes at 20 Malcolm Street, or act on anything relating thereto?

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

ARTICLE 59. Will the Town authorize the Board of Selectmen to execute amendments to the Tax Increment Financing Agreement dated May 18, 2004 between the Town, the Developers and the Lessees (the "TIF Agreement"), the Economic Opportunity Area Application establishing the Hingham Shipyard

Economic Opportunity Area #1, and the Tax Increment Financing Plan, all previously approved by the 2004 Annual Town Meeting (collectively, the "Documents") extending the date of termination of the Documents for one year to June 30, 2015 and to authorize the Board of Selectmen to submit and execute any revisions to the Documents so extending the term of the Documents and to submit such amendments to the Massachusetts Office of Business or take any other action relative thereto?

COMMENT: The Town, in 2004, approved a Tax Increment Financing agreement (the "TIF") and related documentation to provide an incentive to encourage the development and leasing of the commercial portion of the Hingham Shipyard development, now known as the "Launch at the Hingham Shipyard." The current developer, Samuels & Associates, has greatly exceeded the requirements of the TIF with respect to the creation of new employment and capital investment. Pursuant to the TIF, Samuels & Associates and a number of its proposed tenants requested, and received, the approval of the Board of Selectmen, in December, 2009, for their Certified Projects.

A technical problem, associated with unanticipated construction delays, was identified by the Commonwealth because the remaining terms of the existing TIF and the Economic Opportunity Area (the "EOA"), designated by the Town, are less than five years. The minimum term for a Certified Project is five years. The terms of the TIF and the EOA where the projects are located, must have a remaining term at least equal to the duration of the Certified Project.

On December 22, 2009, the State's Economic Assistance Coordinating Council gave conditional approval to the Certified Projects contingent upon Town Meeting's approval of the extension of the TIF and the EOA for an additional year. There is no cost to the Town associated with these extensions. A favorable vote would be consistent with the Town Meeting vote taken in 2004 to support commercial development at the Shipyard. It would allow the Certified Projects to receive an EOA State tax credit as anticipated by the Town.

RECOMMENDED: That the Town authorize the Board of Selectmen to execute amendments to the Tax Increment Financing Agreement dated May 18, 2004 between the Town, the Developers, and the Lessees (the

"TIF Agreement"), the Economic Opportunity Area Application establishing the Hingham Shipyard Economic Opportunity Area #1, and the Tax Increment Financing Plan, all previously approved by the 2004 Annual Town Meeting (collectively, the "Documents"), extending the date of termination of the Documents for one year, to June 30, 2015, and authorize the Board of Selectmen to submit and execute any revisions to the Documents so extending the term of the Documents, and to submit such amendments to the Massachusetts Office of Business.

ARTICLE 60. Will the Town accept the laying out, as a town way, of a way beginning at the intersection of Gardner Street, extending 400 feet, more or less, in a Southerly direction, as shown on a plan entitled: "Roadway As-Built, Gardner Terrace, Hingham, Massachusetts, prepared by Sitec, Inc., 499 Faunce Corner Road, Dartmouth, MA, dated September 28, 2009," and the name Gardner Terrace be given said way?

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. The Selectmen, under Massachusetts General Law, must make a formal determination to lay out the street prior to its acceptance by the Town, and have done so.

RECOMMENDED: That the Town accept the laying out, as a town way, of a way beginning at the intersection of Gardner Street, extending 400 feet, more or less, in a Southerly direction, as shown on a plan entitled: "Roadway As-Built, Gardner Terrace, Hingham, Massachusetts, prepared by Sitec, Inc., 499 Faunce Corner Road, Dartmouth, MA, dated September 28, 2009," and the name Gardner Terrace be given said way.

ARTICLE 61. 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 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. The Selectmen, under Massachusetts General Law, must make a formal determination to lay out the street prior to its acceptance by the Town, and have done so.

RECOMMENDED: That 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 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.

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 two 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; Precinct 6A: the Derby Clubhouse Building, 302 Linden Ponds Way, on SATURDAY, the first day of May 2010 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 Treasurer/Collector to serve three years; one member of the Board of Health to serve three years; three members of the School Committee to serve three years; a member of the Planning Board to serve five years; a member of the Sewer Commission to serve three years; a member of the Recreation Commission to serve five years; a member of the Municipal Light Board to serve three years; and a member of the Housing Authority to serve five years.

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 2010.

Given under our hands at Hingham this 6th day of April 2010.

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

A True Copy
Attest:

Kathleen A. Peloquin
Constable of Hingham
April 6, 2010

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, 2010

REPORT OF THE CAPITAL OUTLAY COMMITTEE

I. OVERVIEW

The Capital Outlay Committee (CAPITAL) is charged with:

- A. Ascertaining the Capital Outlay requirements of various Town Departments, Boards and Committees over the next five years. 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 five 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 \$3,277,685 of capital requests from the various Town Departments for FY2011 and herein submits its recommendations for FY2011, as well as general projections of capital needs for the following four fiscal years. CAPITAL's recommendations for FY2011 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 realistic five-year capital outlay plan. The plan was compared to the prior year's capital outlay plan, and departments were asked to explain significant changes.

Due to the continued poor economic climate in which we find ourselves, CAPITAL has limited FY2011 capital expenditures primarily by requesting that all departments stretch the useful life of existing capital items. However, this increases the likelihood that capital items core to the department's operations will fail during the fiscal year. In consideration of this concern, CAPITAL is recommending that the sum of \$200,000 be added to the Advisory Committee's Reserve Fund to be available for emergency capital expenditures should any of the capital items which have been deferred become inoperable during FY2011. It is the expectation of CAPITAL that departments requesting funds from such an allocation present their requests to CAPITAL, SELECTMEN, and ultimately ADVISORY for approval.

CAPITAL's recommendations are summarized below:

RECOMMENDED

Tax Levy-funded recommendations	\$1,080,325
User rates-funded recommendations	\$ 236,000
Reserve Fund Allocation (Tax Levy)	\$ 200,000

II. SPECIFIC RECOMMENDATIONS

CAPITAL makes the following recommendations:

Information Technology:

For FY2011, CAPITAL recommends \$41,500 for information technology replacement, representing a \$24,000 reduction in Town-wide server-replacement costs as part of a technology initiative called “server virtualization.” CAPITAL also recommends an outlay of \$90,000 for the server virtualization initiative. Additionally, CAPITAL recommends \$18,825 for an email-archive appliance which will allow Information Technology to satisfy records-retention requirements for email traffic—a significant method of communication within Town government.

Police Department

For FY2011, CAPITAL recommends \$95,000 for the replacement of five patrol vehicles and \$7,500 for the purchase of five non-lethal weapons commonly known as Tasers. These portable weapons will allow officers to deal with threatening situations—to which they must frequently respond—with an additional option before utilizing lethal force.

Fire Department

For FY2011, CAPITAL recommends \$50,000 for purchase of a utility vehicle, \$27,000 for replacement of 18 sets of fire-fighting turnout gear, and \$5,000 for replacement of three SAED (semi-automatic defibrillator) units.

Building Department

For FY2011, CAPITAL recommends \$12,000 for replacement of the Building Commissioner’s inspection vehicle with a compact light-duty pick-up truck.

Public Works

For FY2011, CAPITAL recommends \$87,000 for installation of a water main on Lewis court, \$122,000 for replacement of the catch basin cleaner, \$31,000 for replacement of a ¾-ton truck with a plow package, \$50,000 for replacement of an open-top trash trailer, \$10,000 for replacement of tires on trash trailers, and \$92,500 for replacement of a front-end loader for the landfill.

Sewer Department

For FY2011, CAPITAL recommends \$75,000 for renovations and repairs of pump stations. Funding for this expenditure will come from Sewer rates and/or fees.

South Shore Country Club

For FY2011, CAPITAL recommends \$115,000 for golf course and facility improvements at the South Shore Country Club. Funding for this expenditure will come from South Shore Country Club revenues.

Library

For FY2011, CAPITAL recommends \$20,000 for replacement of information technology equipment.

Recreation Department

For FY2011, CAPITAL recommends \$25,000 for replacement of fitness room equipment, \$10,000 for various field rehabilitations, and \$11,000 for replacement of open recreation equipment. Funding for these expenditures will come from Recreation revenues.

School

For FY2011, CAPITAL recommends \$25,000 for repairs to the Middle School roof. The current roof has failed in several areas, and it is expected that these repairs will extend the life of the roof several years, enabling the Town time to craft a more permanent solution. CAPITAL also recommends \$15,000 for additional student lockers at the Middle School, \$55,000 for replacement of the language lab at the High School, \$150,000 for school system-wide information technology replacement, \$25,000 for replacement of a transportation van, \$15,000 for replacement of furniture and equipment, and \$36,000 for replacement of photocopiers.

Ray Eisenbies, Chairman

Ron Kirven

Lucy Hancock

Andrew Mooradian, Advisory Committee

Jonathan Asher, Advisory Committee

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

FY2011 Five-Year Capital Plan

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
INFORMATION TECHNOLOGY:					
Information Technology Assets (20% replacement)	\$41,500				
Emailing Archiving Appliance	\$18,825				
Server Virtualization	\$90,000				
Information Technology Assets (20% replacement)		\$48,500			
Phone System		\$47,500			
Information Technology Assets (20% replacement)			\$55,500		
Information Technology Assets (20% replacement)				\$59,000	
Information Technology Assets (20% replacement)					\$80,500
TOTAL INFORMATION TECHNOLOGY	\$150,325	\$96,000	\$55,500	\$59,000	\$80,500
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
POLICE DEPARTMENT:					
Police Vehicles (replacement of 5 patrol units)	\$95,000				
Non-Lethal Weapons -5 (new)	\$7,500				
Police Vehicles (replacement of 8 vehicles)		\$192,000			
Harbormaster Boat Engines (replaces 1)		\$19,000			
Non-Lethal Weapons -5 (new)		\$7,500			
Harbormaster Floats/Gangways (replacement)		\$40,000			
Police Mountain Bikes (replaces 200x)		\$5,000			
Police Vehicles (replacement of 8 vehicles)			\$206,000		
Police Motorcycles - 2 (replaces 200x)			\$24,000		
Harbormaster Boat Engines (replaces 1)			\$19,000		
Harbormaster Boat (replaces 1997)			\$90,000		
Police Mountain Bikes (replaces 200x)			\$5,000		
Non-Lethal Weapons -5 (new)			\$7,500		
Firearms (replacement)			\$52,000		
Men's Locker Room (replaces 1998)			\$25,000		
Harbormaster Boat Engines (replaces 1)				\$19,000	
Police Vehicles (replacement of 8 vehicles)					\$210,000
Harbormaster Boat Engines (replaces 1)					\$19,000
TOTAL POLICE DEPARTMENT	\$102,500	\$263,500	\$428,500	\$19,000	\$229,000

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
FIRE DEPARTMENT:					
Utility Vehicle #48 (new)	\$50,000				
Turnout Gear (18 sets)	\$27,000				
SAED Units 1-3 (replacement)	\$5,000				
Medic 1 (replaces 2007)		\$188,000			
Command Vehicle #C-1 (replaces 2004)		\$35,000			
Command Vehicle #C-2 (replaces 1999)		\$32,000			
Command Vehicle #C-3 (replaces 2004)		\$39,000			
Fire Hydrants & Hoses (replacement)		\$26,000			
Turnout Gear (9 sets)		\$13,500			
SAED Units 4-6 (replacement)		\$5,000			
Exterior Painting Station 2		\$6,000			
Exterior Painting Station 3		\$6,000			
Interior Painting Station 2		\$6,000			
Interior Painting Station 3		\$6,000			
Heating System Station 2		\$70,000			
Heating System Station 3		\$70,000			
EKG Monitors (replacement)		\$60,000			
Utility Vehicle #49 (replacement)			\$41,000		
Squad 1 (replaces 1985)			\$264,000		
Fire Alarm Vehicle (replaces 1987)			\$88,000		
Fire Hydrants & Hoses (replacement)			\$26,000		
Turnout Gear (9 sets)			\$13,500		
Hurst Hydraulic Tools (replacement)			\$15,000		
Stryker Stretcher			\$5,000		
Stair Chairs (2 replacement)			\$5,000		
Engine 1 (replaces 1991)				\$388,400	
Fire Hydrants & Hoses (replacement)				\$26,000	
Turnout Gear (9 sets)				\$13,500	
Station 1 Jockey Gas Heater (new)				\$50,000	
Medic 2 (replaces 2005)					\$188,000
Fire Hydrants & Hoses (replacement)					\$26,000
Turnout Gear (10 sets)					\$15,000
Stryker Stretcher					\$5,000
TOTAL FIRE DEPARTMENT	\$82,000	\$562,500	\$457,500	\$477,900	\$234,000
BUILDING DEPARTMENT:					
Vehicle (replacement)	\$12,000				
TOTAL BUILDING DEPARTMENT	\$12,000	\$0	\$0	\$0	\$0

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
PUBLIC WORKS:					
Lewis Court Water Main	\$87,000				
Catch Basin Cleaner #5019 (replaces 1998)	\$122,000				
3/4 Ton Truck w/Plow #5002 (replaces 1995)	\$31,000				
Road Sweeper#5878 (replaces 2000)		\$148,000			
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			
Infield Rehabilitation		\$10,000			
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		
Infield Rehabilitation			\$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	
Infield Rehabilitation				\$10,000	
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
Infield Rehabilitation					\$10,000
TOTAL PUBLIC WORKS (HIGHWAY)	\$240,000	\$654,500	\$295,000	\$370,000	\$233,000
PUBLIC WORKS (LANDFILL):					
T-1 Open Top Trailer (replaces 2000)	\$50,000				
Trailer Tires 36 (replaces 2000)	\$10,000				
Front-end Loader #5565 (replaces 1999)	\$92,500				
Landfill Capping		\$250,000			
T-2 Open Top Trailer		\$50,000			
Trailer Tires 36 (replaces 2000)		\$10,000			

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
Forklift #5564 (replaces 1996)			\$26,000		
T-3 Open Top Trailer			\$50,000		
Trailer Tires 36 (replaces 2000)			\$10,000		
T-4 Open Top Trailer				\$50,000	
Trailer Tires 36 (replaces 2000)				\$10,000	
T-5 Open Top Trailer					\$50,000
Trailer Tires 36 (replaces 2000)					\$10,000
TOTAL PUBLIC WORKS (LANDFILL)	\$152,500	\$310,000	\$86,000	\$60,000	\$60,000
SEWER DEPARTMENT:					
Pump Station (renovations & repairs)	\$75,000				
Pump Station (renovations & repairs)		\$59,000			
Pump Station (renovations & repairs)			\$50,000		
Pump Station (renovations & repairs)				\$113,000	
Pump Station (renovations & repairs)					\$52,000
TOTAL SEWER DEPARTMENT	\$75,000	\$59,000	\$50,000	\$113,000	\$52,000
SOUTH SHORE COUNTRY CLUB:					
Golf Course & Facility Improvements	\$115,000				
Golf Course & Facility Improvements		\$80,000			
Golf Course & Facility Improvements			\$130,000		
Golf Course & Facility Improvements				\$136,000	
Golf Course & Facility Improvements					\$360,000
TOTAL SOUTH SHORE COUNTRY CLUB	\$115,000	\$80,000	\$130,000	\$136,000	\$360,000
ELDER SERVICES:					
Van (replacement 20% Grant match)		\$12,000			
TOTAL ELDER SERVICES	\$0	\$12,000	\$0	\$0	\$0
TOWN HALL:					
Town Hall (renovations & repairs)		\$20,000			
Carpeting & Stair Treads (replacement)		\$15,000			
Town Hall (renovations & repairs)			\$20,000		
Carpeting & Stair Treads (replacement)			\$15,000		
Town Hall (renovations & repairs)				\$20,000	
Auditorium Seating (replacement)				\$90,000	
Town Hall (renovations & repairs)					\$20,000
Carpeting & Stair Treads (replacement)					\$15,000
TOTAL TOWN HALL	\$0	\$35,000	\$35,000	\$110,000	\$35,000

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
LIBRARY:					
Computers (replacement 20%)	\$20,000				
Heating System (replacement)		\$120,800			
Lobby Tile (replacement)		\$6,000			
Computers (replacement 20%)		\$20,000			
Roof Phase 2 (replacement)			\$353,000		
Computers (replacement 20%)			\$20,000		
Computers (replacement 20%)				\$20,000	
Exterior Painting/re-glaze				\$25,000	
RFID Conversion - Phase 1				\$90,000	
RFID Conversion - Phase 2					\$100,000
Computers (replacement 20%)					\$20,000
TOTAL LIBRARY	\$20,000	\$146,800	\$373,000	\$135,000	\$120,000
RECREATION DEPARTMENT:					
Fitness Equipment (replacement)	\$25,000				
Field Rehabilitation	\$10,000				
Open Recreation Equipment	\$11,000				
Bradley Woods Playground (replacement)		\$30,000			
Kress Field Playground (replacement)		\$30,000			
Fitness Equipment (replacement)		\$24,000			
Field Rehabilitation		\$10,000			
Open Recreation Equipment		\$12,000			
Haley Field Playground (replacement)			\$30,000		
Gymnasium Flooring (replacement)			\$35,000		
Field Rehabilitation			\$10,000		
Game Room Rehabilitation			\$15,000		
Hull Field Playground (replacement)				\$35,000	
Field Rehabilitation				\$10,000	
Game Room Rehabilitation				\$15,000	
Fitness Equipment (replacement)				\$25,000	
Fitness Equipment (replacement)					\$20,000
Field Rehabilitation					\$10,000
Game Room Rehabilitation					\$15,000
TOTAL RECREATION DEPARTMENT	\$46,000	\$106,000	\$90,000	\$85,000	\$45,000

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
SCHOOL DEPARTMENT:					
MIDDLE SCHOOL:					
Roof Repairs	\$25,000				
Additional Student Lockers	\$15,000				
* 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			
* Replace Roof		\$1,400,000			
* Expand Physical Education Space		\$772,000			
* Modular Classrooms - 4 (new)		\$700,000			
Building Repairs and Improvements					\$50,000
MIDDLE SCHOOL TOTALS	\$40,000	\$4,747,000	\$0	\$0	\$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
PLYMOUTH RIVER SCHOOL TOTALS	\$0	\$25,000	\$25,000	\$25,000	\$25,000
SOUTH 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
SOUTH SCHOOL TOTALS	\$0	\$25,000	\$25,000	\$25,000	\$25,000
EAST SCHOOL:					
Building Repairs and Improvements					\$25,000
SOUTH SCHOOL TOTALS	\$0	\$0	\$0	\$0	\$25,000

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
HIGH SCHOOL:					
Foreign Language Lab Upgrade	\$55,000				
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	\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
SCHOOL SYSTEM-WIDE:					
School Technology (new & replacements)	\$150,000				
School Van (replacement)	\$25,000				
School Furniture & Equipment (new & replacements)	\$15,000				
Photocopy Equipment (replacements)	\$36,000				
Gatehouse Improvements		\$15,000			
Building 179 Windows		\$25,000			
Maintenance Truck (replacement)		\$36,000			
Garage Door Replacements		\$10,400			
Gas Pumps (replacement)		\$12,000			
School Technology (new & replacements)		\$150,000			
Supplemental Technology		\$17,050			
School Furniture & Equipment (new & replacements)		\$84,620			
Photocopy Equipment (replacements)		\$24,000			
School Technology (new & replacements)			\$150,000		
School Furniture & Equipment (new & replacements)			\$50,000		
Photocopy Equipment (replacements)			\$24,000		
School Van (replacement)			\$25,000		
School Technology (new & replacements)				\$150,000	
School Furniture & Equipment (new & replacements)				\$50,000	
Photocopy Equipment (replacements)				\$24,000	
School Vans- 2 (replacement)				\$50,000	
School Furniture & Equipment (new & replacements)					\$150,000
Photocopy Equipment (replacements)					\$50,000
School Technology (new & replacements)					\$25,000
School Vans- 3 (replacement)					\$75,000
SCHOOL SYSTEM-WIDE TOTALS	\$226,000	\$374,070	\$249,000	\$274,000	\$300,000
TOTAL SCHOOL	\$321,000	\$5,246,070	\$374,000	\$399,000	\$500,000

Department/Category	FY2011	FY2012	FY2013	FY2014	FY2015
Total Capital Projects	\$1,316,325	\$7,591,370	\$2,394,500	\$1,983,900	\$1,968,500

Funding Sources	FY2011	FY2012	FY2013	FY2014	FY2015
Tax Levy	\$1,080,325	\$2,659,370	\$2,189,500	\$1,684,900	\$1,511,500
Other					
Borrowing		\$4,747,000			
User Rates/Charges	\$236,000	\$185,000	\$205,000	\$299,000	\$457,000
Total Funding	\$1,316,325	\$7,591,370	\$2,394,500	\$1,983,900	\$1,968,500
Total Capital Projects	\$1,316,325	\$7,591,370	\$2,394,500	\$1,983,900	\$1,968,500

* It is contemplated that the FY 2012 capital improvements proposed for the Middle School would be funded through the issuance of bonds, subject to review and approval of the proper authorities and Town Meeting. A *Statement of Interest* has been submitted to the Massachusetts School Building Authority, as the first step in the process for a community to be considered for State funding of a school project.

REPORT OF THE PERSONNEL BOARD

In anticipation of the 2010 Annual Town Meeting, the Personnel Board is pleased to submit this report of its activities since the 2009 Annual Town Meeting.

COLLECTIVE BARGAINING UNITS

Following the 2009 Annual Town Meeting, the Board conducted negotiations with the Police Superiors and Patrol bargaining units. The Board is pleased to report that settlements have been reached and agreements signed with these units. A summary of the most important terms of each of the two settlements follows. The full text of the agreements is on file at the Selectmen's office. The Board has not yet begun successor contract negotiations with the remaining four bargaining units: Public Works Department; Dispatchers; Firefighters and Library, all of which have labor agreements that are due to expire on June 30, 2010. The Board adjudicated a DPW union grievance and two Fire Department union grievances that were not satisfactorily resolved at a preliminary level.

Police Superiors Unit and Patrol Unit. On recommendation of the Board, the Town has entered into an agreement for a successor contract with the Hingham Police Superior Officers Union, and the Patrol Officers' New England Police Benevolent Association, AFL-CIO terminating June 30, 2011, providing in each instance for a one year agreement from July 1, 2010 to June 30, 2011, with the general wage scale remaining at FY '09-'10 levels. The Town has agreed to compensate the members of the bargaining units as if the Commonwealth of Massachusetts were fully reimbursing its portion of the Quinn Bill benefits for the period from July 1, 2009 to June 30, 2011.

OTHER TOWN EMPLOYEES AND TOWN OFFICERS

The Board revised the job descriptions for the Conservation Officer, Historic Administrator and Board of Appeals Administrator. The Board established new position titles, job descriptions and salary grades for the following: the South Shore Country Club Second Assistant Golf Course Superintendent; South Shore Country Club Support Clerk; Sewer Department Foreman; Sewer Department Superintendent; Recreation Department Administrative Assistant; Associate Librarian/Technical Services; Director of Community Planning; Project Engineer Administrative Assistant and Assistant Project Engineer/Inspector.

The Board approved the hiring of four employees at salaries above the minimum step for the positions involved based on prior experience. These positions are the Administrative Assistant to the Planning Board and Zoning Board of Appeals, Interim Harbormaster, Assessing Technician and Inspector of Buildings.

With input from the Country Club Management Committee and the Golf Superintendent the Board approved a new salary schedule for seasonal golf course employees.

The Board worked with the various Department Heads in addressing a total of twelve vacation carry-over requests.

At the request of the Board of Selectmen, the Personnel Board voted to reduce the Selectmen's salaries by \$250 for each Board member for Fiscal 2011.

RECOMMENDATIONS FOR CHANGES TO THE PERSONNEL BY-LAW

The Personnel Board recommends that the Town, at the 2010 Annual Town Meeting, amend the Personnel By-law, effective July 1, 2010, so that, as amended and restated, it will be in the form on file in the Town Clerk's office immediately preceding Town Meeting.

THE PERSONNEL BOARD

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

REPORT OF THE SCHOOL COMMITTEE

Financial realities continue to challenge us all in making sound decisions about how best to allocate the Town's financial resources. With FY 2011 revenue projected at nearly the same level as FY 2010, and the Selectmen's priorities for addressing the town's liability for retiree health insurance (OPEB), capital needs and rebuilding of financial reserves as a starting point, the School Committee has advocated for the importance of finding a reasonable balance between achieving the town's long term financial objectives and providing an appropriate level of financial support for important town and school services. We acknowledge the leadership of the Chairs of the Board of Selectmen, Advisory Committee and School Committee and the hard work of their peer members in striking the balance this budget represents.

Town Meeting will be asked to support an appropriation of \$ 35,465,176 to operate the schools next year. The use of federal education stimulus grant funds in the amount of \$961,000 will bring the proposed operating budget for education to \$36,426,176, a figure slightly below level funding. However, increased costs associated with contractual obligations and special education needs will result in reductions in other areas of the school budget including the elimination of the equivalent of 8.0 professional positions and a 1.0 support position. To the greatest degree possible, these reductions will be matched with retirements or other vacancies, likely reducing the number of actual layoffs to no more than two and similarly limiting costly unemployment liability. The impact of the loss of positions on teacher/pupil ratios and other school services, however, is real and significant and cannot be mitigated by attrition. In addition, fees for high school athletics and tuitions for "typical" role models in the integrated pre-school and extended day kindergarten programs will increase next year; and a new fee for middle school after school activities will be implemented.

One of the greatest challenges in operating at near level funding for next year will be the cost of special education, which now represents approximately one quarter of the school budget. This year's reduction in Circuit Breaker funding (the state's 2004 commitment to cities and towns to provide financial assistance for the most costly special education students) and the spiraling cost of educating children with complex needs compound the problem of funding this unpredictable budget. Another major school budget challenge is enrollment growth. Hingham's school population has grown by 635 students over the last ten years and is predicted to grow by more than 100 students again next year. This level of growth should have resulted in additional Chapter 70 state education aid to Hingham in FY 10 and again for next year and thereafter. Instead, federal stimulus grant funds (commonly called ARRA dollars) were used by the Governor to meet the state's foundation budget obligation and to "backfill" the shortfall with one-time dollars. We are encouraged by the fact that the Governor's FY 2011 budget proposal does include the required enrollment related increase in Hingham's Chapter 70 aid for education. At this time, the Legislature has not yet approved a final state budget, but we remain hopeful that this state funding will eventually be restored to the Town's revenue stream for FY 11 and beyond, thus replacing the one time ARRA funding. The Town budget as recommended for FY 11 does not reflect this potential, but the School Committee is pleased that the recent Joint State Senate and House Resolution package affirms that intent. In the meantime, the School Committee and the School Department are committed to using the funds that are available to provide the highest quality education possible to Hingham students.

HINGHAM SCHOOL COMMITTEE

Christine Smith, Chair
Linda Hill, Vice Chair
Barbara Cook, Secretary

Chrisanne Gregoire
Stephen Nagle
Esther Healey
Caryl Falvey

SUPERINTENDENT OF SCHOOLS

Dorothy Galo

**Town Hall
210 Central Street
Hingham, MA02043-2757
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: _____
