

Board of Selectmen Meeting  
Regular Session  
January 14, 2016  
7:05 P.M.

Present: Paul Healey, Chairman; Paul Gannon; Mary Power, Ted Alexiades, Town Administrator and Betty Foley, Assistant Town Administrator

#### **Question from the public regarding items not on the agenda**

*Mr. John Hersey, 67 Hersey Street, displayed large sized pictures including one of an oil sheen and a dump truck without a back end. Mr. Hersey also presented pictures of a town vehicle that he felt was being used inappropriately to Mr. Alexiades for further research.*

#### **Community Preservation Task Force**

Mr. Andrew McElaney gave an update on the assignment given to the Community Preservation Task Force. The first part was to answer the question or not a member of the BOS must be seated on the CPC and second if Selectmen need not occupy the fifth permanent seat, what entity should.

The CPC met with numerous other entities and former Selectmen along with Town Counsel. They looked at Chapter 45 and Chapter 44B. They concluded that The Massachusetts General Laws does not require Hingham to have a Member of the BOS serve on the CPC.

The Community Preservation Act authorized Hingham to have a member of the Recreation Committee, Designated by that Committee, and the fifth permanent seat on the CPC. If a member of the Board of Selectmen is not required to take the fifth permanent seat on the CPC, the next question is what entity or committee should take the fifth seat. For the reasons set forth below, the Task Force believes that it should be the Recreation Committee.

#### **Road Building Presentation**

Mr. Roger Fernandes and Mr. Harry Sylvester appeared before the Board to present the following:

Mr. Fernandes and Mr. Sylvester appeared before the Board for their consideration, a five (5) year road building plan that has been expanded through the introduction of a borrowing initiative. Currently they anticipate over the next five years approximately \$5,242,000.00 worth of roadway related construction. This value is contingent upon level State Funding (Chapter 90). In addition to the anticipated state funding we are proposing for a bond issuance of \$2,242,000.00 (\$1,852,000.00 of which would be applied directly to the infrastructure, while \$390,000.00 would be applied to staffing needs). The \$390,000.00 would be used to fund a position over the next five (5) years and at the end of that period they would seek that the position become part of the operational budget as a "permanent position."

#### **Joint Session with the Planning Board- Planning Board Vacancy Interviews**

Each Candidate was interviewed by Selectmen, Paul Healey, Paul Gannon and Mary Power as well as the Planning Board Members: Sarah H. Corey, Chair of the Hingham Planning Board, Judith S. Sneath, Gary S. Tondorf-Dick and William Ramsey. Based on the discussion with all the Board Members present, a roll call vote will be taken and a replacement named.

- James Blakey
- Clark Frazier
- Jack Gamache
- Jennifer Gay Smith

**Mr. James Blakey** appeared before the Board. He's a lawyer by profession who has resided in Town since 1992. Mr. Blakey has significant experience in master planning, and zoning issues. Mr. Blakey is an advocate in residential areas being preserved. He feels it's also important to have commercial development, but a balance is needed.

**Mr. Clark Frazier** appeared before the Board. He's lived in Hingham for over twenty years and wants to give back to the community. He has a strong community background that includes being elected to the South End Project Area Committee whose main function was to review development. He was also on the Hingham Transportation Committee twenty years ago.

**Mr. Jack Gamache** appeared before the Board. He's the owner of a contractor developer and architect business and has lived in the town for 43 years. He has served on town committees previously. He has done a great deal of commercial work in the town of Hingham. Making housing available for seniors and young should be a priority and he's especially concerned about senior citizens inability to stay in their homes.

**Ms. Jennifer Gay Smith** appeared before the Board. Ms. Gay-Smith a Real estate Lawyer by profession and has experience working at two major Law Firms. She has lived in town for the past eleven years and is currently a stay at home mom. She feels the development in South Hingham needs to be balanced.

Voted- To appoint Ms. Jennifer-Gay Smith to fill the vacancy on the Planning Board from the departure of Mr. Walter Sullivan; until the next Town Election. A roll call was taken and the vote was unanimous.

### **T.A. Bylaw Committee**

Ms. Karen Johnson, Mr. Tom Carey, Mr. David Pace Mr. Nelson Ross, and Mr. Charles Cristello

Ms. Johnson explained that the TA committee was constituted in 2014 to review and make recommendations with respect to Executive Governance and best practices in the administration of Town Governance through a town administrator. In response to a charge to them from last November 2015, to provide the Board with a draft of a Special Act describing and defining the role of the Town Administrator, so that the Board could consider offering a Warrant Article poses the question of a Special Act to Town Meeting. Tonight's question is procedural, namely whether this particular issue should discussed in further detail by the Board, The Advisory Committee, the Public and ultimately Town Meeting 2016. The vote before you is not about the content or the merits of the Special Act itself.

The Town Administrator By-law concluded after extensive research, the ability of the Town to hire the best candidate and keep its Triple AAA rating would be at a disadvantage with the existing By-Law and without a Special Act in place.

Voted- To advance the Town Administrator Special Act by the 2016 Annual Town Meeting. Mr. Healey and Ms. Power voted yes. Mr. Gannon vote no.

### **Fire Station Building Committee**

Mr. Greg MacCune, Chairman, Ms. Nancy MacDonald, Ms. Karen Griswold, and Mr. Thomas Carey, Mr. Al Kearney and Fire Chief Robert Olsson.

Mr. MacCune advised the Board that Article 14 at the Town Meeting 2015 established the Committee. First thing they did was hire an owner project manager team at KBA who also worked the Middle School after a proposal process. The next step was to hire Architecture to start design process.

The initial plan was to renovate the existing location at North Street. Obstacles emerged during the design process. It was determined the soils underneath the station failed to meet current seismic code requirements, a larger bay facility is needed, and the existing lot is non-conforming in current zoning laws. The site was too small for the needs of the department. Mr. Carey stated it doesn't make sense to rebuild on the existing site.

The Warrant article would allow them to look at other locations other than 240 North Street in conjunction with looking at what would be done with South Station. Ms. Power questioned if there was money left from the appropriation from the Town Meeting 2015. Mr. MacCune said that they have spent \$80,000.00 so far and there's \$410,000.00 left. The possibility of increased funding will need to be studied before advisory makes its recommendation.

Voted- To move Article A as is relates to the Fire Station Building. A unanimous vote.

**To extend the time to negotiate the Hingham Maritime Center Lease.**

Mr. Healey recused himself from this discussion because his daughter, Rosamund Conroy, is the Executive Director of Hingham Maritime.

Mr. Richard Pedone, President of the Board of Trustees, Hingham Maritime Center and Ms. Nancy Kerber, Hingham Maritime Board of Trustees appeared before the Board.

Mr. Alexiades advised we do not have a lease agreement completed at this time with Hingham Maritime Center and the RFP requires that the lease be extended. If the Board chooses not to extend, we'll have to go back and start RFP process from the beginning. Mr. Alexiades stated that Real Estate Counsel, Ms. Susan Murphy has addressed the issues from the proposal given to us from Hingham Maritime last November. More time is needed to review the issues which are substantial but surmountable.

Ms. Power is committed and confident that we will work through all the components involved, but more time is needed.

Mr. Gannon wants to move the process along and would only agree to a thirty day extension.

Voted- To extend the lease on Barnes Wharf until February 12, 2016 Ms. Power and Mr. Gannon voted, yes.

**Fund Balance Discussion**

Mr. Alexiades presented a Fund Balance Power Point presentation. Fund Balance as of June 30, 2015, was \$31.4 million dollars equaling 34.47% of Total Annual Expenditure (TAE). Fund Balance is a governmental version of retained earnings also referred to as available reserves.

Unassigned Fund Balance as of June 30, 2015, was \$21.2 million dollars, equaling 23.3% of Total Annual Expenditure (TAE). Our Financial Policy is that Unassigned Fund Balance equals 16-20% TAE, 20% = 18.2 million.

Fund Balance is excess of Town Financial Policy equals \$3.0 million. There is no guaranteed that this surplus will occur every year. If the money is to be spent a Warrant Article would have to be put forth and voted on at Town Meeting.

**To consider a Reserve Fund Transfer Request to the Selectmen's Salaries Account**

This transfer is a two part transfer. It provides us with the ability to start the Assistant Town Administrator at March 1, 2016 for the amount of \$36,316.15. The point of the overlap is to allow the new Assistant Town Administrator to be part of 2016 Town Meeting planning process. The other part is to compensate the Assistant Town Administrator for accrued sick and vacation in the amount of \$15,000.00

Voted- To recommend a transfer from the Reserve Fund to the Selectmen's Salaries account in the amount of \$51,885.69. Mr. Healey and Ms. Power voted-yes. Mr. Gannon voted- no

The Open Session adjourned at 10:59  
Approved: February 11, 2016

Diane Picot

The Chair states: The Board will enter into Executive Session to consider the purchase, exchange, lease or value of real property because discussion of this matter in open session may have a detrimental effect of the negotiating position of the town. The Board will not return to *Open Session. Roll call vote. A unanimous vote.*

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

1. Report of Community Preservation Act
2. Planning Board Vacancy candidate information
3. Five year Road Building Bond and Spending Plan
4. Town Administrator By-Law Committee
5. Town of Hingham North Fire Station, Historic District Commission Presentation
6. Fund Balance information
7. Reserve Fund Transfer Sheet