

**TOWN OF HULL, MASSACHUSETTS**  
**Facsimile of the May 7, 2012**  
**ANNUAL TOWN MEETING WARRANT**  
**and**  
**SPECIAL TOWN MEETING WARRANT**  
**with**  
**ADVISORY BOARD RECOMMENDATIONS**



**Monday, May 7, 2012 at 7:30 o'clock in the evening**

**In the Hull High School situated at  
180 Main Street, Hull, MA**

**TOWN of HULL**  
**MODERATOR'S MESSAGE**

Welcome to the 2012 Hull Town Meeting. Don't we live in interesting times? It is not enough that much of the Town is soon to be subject to flood zone designation; ongoing economic conditions ensure that foreclosed properties are an immediate public safety concern. Even so, this year zoning issues and budget matters will bring us back to what seems like normal Town business. In an age when our children prefer to text message instead of making a phone call, local issues still remain important and deserve our attention. As always, voter participation is vital to Hull's character. Town Meeting is when we citizens can legislate the business of our Town. For more than 300 years, New Englanders have been meeting to decide Town business. At Town Meeting decisions are made which affect each of us. Town policy and financial decisions are made at Town Meeting which affects everyone in Town. Town Meeting is the purest form of democracy. Each voter can stand up and speak their mind on any particular issue. The opportunity to speak on a given issue, and attempt to persuade your fellow voters is at the core of our democratic values. Our forefathers and foremothers fought many a battle for the right to be able to govern themselves. Immigrants from around the world still flock to America to live in a place governed by the people. Our Town Meeting is a direct expression of local governance. As we debate the articles at Town Meeting, remember that vigorous debate need not be disrespectful. Not everyone is going to agree with you and that is OK. Different opinions make Town Meeting interesting and useful. Remember to please be considerate and get to the point in your comments. This year, as usual, we have quite a bit of ground to cover. Clarity, brevity and respect for others are held in high regard at Town Meeting. Thank you in advance for your participation and cooperation.

Some frequently used Town Meeting procedural rules are set out below:

**Quorum:** In 1987 we abolished quorum requirements. Therefore, town meetings begin at the time designated by the Selectmen in the warrant (usually 7:30 p.m.).

**Order of Articles:** In 1980, we enacted a by-law providing, that the order of considering articles, except for the general budget articles, shall be determined by lottery. The moderator may declare certain articles, due to legal requirements, must be considered before or after other articles are considered.

**Motions:** After an article has been chosen by lottery, the moderator reads the motion pertaining to that article. The motion must be within the scope of the article as printed in the warrant and must be seconded. After a motion has been made, substitute motions and amendments may be offered, but no more than two (2) substitute motions or amendments may be before the meeting at any given time. Any substitute motion or amendment must also be within the scope of the article.

**Discussion of articles:** Persons wishing to speak should stand and remain standing until recognized by the moderator. They should begin their remarks by stating their name and address. We usually vote to limit first time comments on an article to ten (10) minutes. We have a bylaw limiting second time comments to five (5) minutes. Remember, often the most effective comments are succinct and to the point.

**Point of order:** May be used to raise a procedural question only. A point of order may be made at any time, requires no second and is not debatable.

**Call for the question** is a motion to terminate debate. It requires a two-thirds vote and is not debatable.

**Voting by secret ballot** shall occur when the Advisory Board so recommends in writing or when 15 voters so request, or when required by statute or town by-law.

**Questioning the vote:** When seven (7) voters question the moderator's calling of voice vote, a standing vote will be taken.

**Motion to reconsider** must be made on the same night that the vote to be reconsidered was taken; a two-thirds vote is required; a vote once reconsidered cannot be further reconsidered.

**Resolutions** may be offered without prior notice; are non-binding and not debatable.

Other procedural rules governing our meetings are spelled out in the book "Town Meeting Time", Little Brown, 1962, 2nd Ed. 1984

**Michael S. Nuesse, Moderator**

## ADVISORY BOARD MESSAGE

Under our current form of Government, the Town Manager, with the guidance of the Board of Selectmen, prepares the Town Budget and presents it to the Board of Selectmen and the Advisory Board for their review. Through discussions with the Town Manager and Department Heads, the Advisory Board reviews the budgets and makes recommendations for changes. This process usually concludes with agreement between the Advisory Board and the Town Manager in terms of presenting the Budget to Town Meeting. The Advisory Board considers all articles for the purpose of making recommendations with explanatory statements. While considering each article many questions are considered such as: Is it necessary? Can the Town afford it? Is it in the Town's best interest? Is it fair to all? Does it affect the balance of power? Is it within legal and allowable guidelines?

The following section includes a facsimile of the Town Warrant. It is called a facsimile because the actual warrant does not include the commentary and recommendations of the Advisory Board. Some confusion has been caused in the past when motions are read at town meeting and are differently worded than what you see here. Motions may be worded differently so long as they are worded within the scope of the printed article. Some people think of the printed warrant as an agenda of the town meeting. The legal warrant is printed, signed and posted by our Board of Selectmen.

Comments are in italicized print indented under the ARTICLES. The RECOMMENDATION precedes the commentary of the Advisory Board. Typical recommendations are as follows:

**FAVORABLE ACTION** - The Advisory Board is recommending a favorable vote on the article.

**UNFAVORABLE ACTION** - The Advisory Board is recommending an unfavorable vote on the article.

**NO RECOMMENDATION** - The Advisory Board does not wish to make a recommendation or there is insufficient information to support a recommendation.

**RECOMMENDATION AT TOWN MEETING** - The Advisory Board does not wish to make a recommendation prior to reviewing additional information or waiting for another committee to hold a public hearing.

**NO ACTION** - A no action motion or recommendation suggests that Town Meeting set aside and prevent any further action on this article for the meeting.

### THE ADVISORY BOARD:

*J. Canavan, Chair  
R. Kenney  
E. Minelli*

*J. Schmid, Vice Chair  
P. Larsen  
J. Dennard*

*D. Clinton, Clerk  
J. Polito  
R. Carney*

*C. Ryder,  
J. Senatore*



**TOWN OF HULL  
Advisory Board**

253 Atlantic Avenue  
Hull, Massachusetts 02045

781-925 2000  
Fax: 781-925-0224

To the Citizens of Hull,

Hull, like most towns in Massachusetts, continues to face some difficult decisions regarding the budget that supports all our town's functions.

This warrant contains a Projected Revenue and Expenditure Summary for the year ending June 30, 2013. This summary reflects a balanced budget that was achieved by the diligent work of all town departments.

In order to restore limited services, no Free Cash is being allocated to the Stabilization Fund this year. The Town is not using any additional monies from the Stabilization Fund to balance the budget except continuing to pay the debt associated with the Memorial School Project. Failure to invest in this fund going forward will result in its depletion in 2.6 years. This will require allocation from our revenues (approx. \$250,000) to meet our obligations.

The warrant articles before you does provide limited increases to revenue through addition local meals and room taxes. Accordingly, we respectfully ask you to make serious consideration on these articles and our commentary.

We would also direct your attention to Articles 25-29 which are related to regulatory changes in the FEMA Flood Zone Maps. These articles are all integrated and should be considered collectively. If these articles do not pass, effective July 17, 2012 property owners will no longer be eligible to purchase flood insurance.

Thank you, in advance, for your involvement and participation at this important time in Hull's history.

Sincerely,

*J. Canavan, Chair*  
*R. Kenney*  
*E. Minelli*

*J. Schmid, Vice Chair*  
*P. Larsen*  
*J. Dennard*

*D. Clinton, Clerk*  
*J. Polito*  
*R. Carney*

*C. Ryder,*  
*J. Senatore*

## COMMONWEALTH OF MASSACHUSETTS

### Plymouth ss

To any of the Constables of the Town of Hull 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 Hull qualified to vote on Town affairs and elections to meet at Hull High School situated at 180 Main Street in said Hull, on Monday, the Seventh day of May next, 2012 at 7:30 o'clock in the evening, then and there to act upon the following articles, namely:

**ARTICLE 1.** To hear and act upon the following:

- The Report of the Selectmen
- The Report of the School Committee
- The Report of the Fire Department
- The Report of the Police Department
- The Report of the Treasurer/Collector
- The Report of the Town Clerk
- The Report of the Board of Assessors
- The Report of the Municipal Light Board
- The Report of the Trustees of the Public Library
- The Report of the Town Counsel
- The Report of the Retirement Board
- The Report of the Committees
- The Report of the Town Accountant
- The Report of the Board of Health
- The Report of the Planning Board

or take any other action relative thereto. (Inserted by Board of Selectmen

***Recommendation: Favorable Action on Article 1. The Advisory Board recommends acceptance of the Annual Town Reports as presented. (Unanimous)***

**ARTICLE 2.** A) To see if the Town will assume liability in the manner provided by section 29 of Chapter 91 of the General Laws and amendments thereto, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts and/or the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and nontidal rivers and streams, harbors, tidewaters,

foreshores and shores along the public beach outside of Boston Harbor and authorize the Selectmen or Town Manager to execute and deliver a bond of indemnity therefore to the Commonwealth; and further,

B) To see if the Town will authorize the Selectmen or Town Manager to enter into contracts with the Massachusetts Department of Public Works and/or County Commissioner and/or Massachusetts Department of Environmental Protection for the construction or maintenance of seawalls and land areas bordering on tidal waters, for the ensuing year, or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation: Favorable Action on Article 2.** *Town Meeting approval is necessary to allow the Board of Selectmen to contract with the Commonwealth for work to be performed by the Commonwealth. (Unanimous)*

**ARTICLE 3.** To see if the Town will authorize the Board of Selectmen to enter into contracts with the Commonwealth of Massachusetts, its divisions, commissions and agencies, including the Department of Public Works and/or the County Commissioners for the construction and maintenance of public highways for the ensuing year, or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation: Favorable Action on Article 3.** *This is an annual housekeeping article, which allows the Town to enter contracts with the Commonwealth, which provides funds for highways and roads. (Unanimous)*

**ARTICLE 4.** To see if the Town will authorize the Treasurer/Collector to enter into compensating balance agreements, as permitted by M.G.L. Chapter 44, section 53F, or take any other action relative thereto. (Inserted at the request of the Treasurer/Collector)

**Recommendation: Favorable Action on Article 4.** *This is an annual housekeeping article, which enables the Treasurer to gain services or benefits from banking institutions with which we have funds on deposit. (Unanimous)*

**ARTICLE 5.** To see if the Town will fix the salaries of the following Town Officers, viz;

Selectmen  
Moderator  
Town Clerk  
Assessors  
Municipal Light Board

or take any other action relative thereto. (Inserted by Town Manager) *Salaries are listed below:*

Selectmen	\$ 2,500.00(members)
	\$ 3,000.00(chair)
Moderator	\$ 425.00
Town Clerk	\$ 17,475.00
Assessors	\$ 400.00(members)
	\$ 1,000.00(chair)
Municipal Light Plant	\$ 450.00(members)
	\$ 600.00(chair)

**Recommendation: Favorable Action on Article 5.** *This is an annual housekeeping article that provides compensation for the above-mentioned board members. (Unanimous)*

**ARTICLE 6.** To see if the Town will raise and appropriate or appropriate and transfer from available funds a sum of money to operate the Harbormaster's Department as a so-called enterprise account, or take any other action relative thereto. (Inserted at the request of the Harbormaster)

**Recommendation: Favorable Action on Article 6.** *This article fulfills the State requirement that the Town appropriate sufficient funds to operate the Harbormaster Enterprise Account. (Unanimous)*

**ARTICLE 7.** To see if the Town will appropriate and/or transfer from the Waterways Improvement Fund the sum of \$80,000.00 to replace the Harbormaster Department pump-out vessel and equipment or take any other action relative thereto contingent on the Division of Marine Fisheries reimbursing the town 75% of the cost of the new vessel thru the Clean Vessel Grant, to be re-deposited in the Waterways Improvement Fund. (Inserted at the Request of the Harbormaster)

**Recommendation: Favorable Action on Article 7.** *This will allow the harbormaster to replace the pump out vessel. 75% of the cost will be reimbursed through the Clean Vessel Grant. All monies will be expended and reimbursed through the Waterways Improvement Fund. (Unanimous)*

**ARTICLE 8.** To see if the Town will raise and appropriate or appropriate and transfer from available funds a sum of money to operate the Sewer Department as a so-called Enterprise Account, including appropriating retained earning/surplus revenue for repairs, maintenance and capital improvements, or take any other, action relative thereto. (Inserted at the request of the Permanent Sewer Commission)

**Recommendation: Favorable Action on Article 8.** *This article fulfills the State requirement that the Town appropriate sufficient funds to operate the Sewer Enterprise Account. (Unanimous)*

**ARTICLE 9.** To see if the Town will vote to amend Chapter 46 of the Code of the Town of Hull, the Classification and Salary Plan, by increasing the pay scale for PR-8, Seasonal positions – Public Works Laborer, as follows:

FROM:                   SALARY PLAN  
                          EXHIBIT B-3 SEASONAL POSITION

HOURLY  
PR-8   \$10.00

TO:                     SALARY PLAN  
                          EXHIBIT B-3 SEASONAL POSITION

HOURLY  
PR-8   \$11.00

or take any other action relative thereto. (Inserted by Town Manager)

***Recommendation: Unfavorable Action on Article 9.*** *The Advisory Board is of the opinion that the, given the constraints on the budget, current rate of \$10 per hours for seasonal help is sufficient to recruit and retain qualified seasonal help. (Unanimous)*

**ARTICLE 10.** To see if the Town will raise and appropriate and/or transfer a sum of money to pay the costs of necessary repairs and renovations and/or rehabilitation of town owned public facilities or buildings, including but not limited to, roof repairs, plumbing, electrical improvements and/or any other necessary repairs and renovations to the Department of Public Works, Library and Council on Aging or any other town facilities or buildings, and also including all required professional services, permits and materials; to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto. (Inserted by Town Manager)

***Recommendation: Recommendation at Town Meeting on Article 10.*** *This article allows the Town to raise and appropriate the necessary funding to make repairs at the Department of Public Works Building, Library, Council on Aging Building, and other town facilities. As of the posting of the warrant facsimile, the Advisory Board is scheduled to conduct a site visit on April 28th to observe these and other town buildings to better understand the scope of these improvements. The Advisory Board is also waiting to receive a firm estimate of the necessary funding before acting on this article. (Unanimous)*



**ARTICLE 11.** To see if the Town will raise and appropriate or appropriate and transfer from available funds a sum of money to defray the expenses of Fiscal Year 2013 for:

General Government  
Schools

or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation: Favorable Action on Article 11.**

**Majority:** *The Advisory Board recommends favorable action on the Fiscal Year 2013 town budget. We recognize the work that the Town Manager, the Board of Selectmen, School Committee and the various department heads have invested to structure a budget that funds our various general government and school priorities. This budget represents the collaborative efforts of these various stakeholders, and we acknowledge the sacrifices that are being made by all as we work together to meet the needs of our community.*

**Minority:** *Since FY2004 the School Department has received 58 percent share of the town's year to year increase/decrease in the operations budget. In FY2013 the School Department percent share of the town's year to year increase in the operational budget was arbitrarily reduced by the Town Manager to a 43 percent share.*

*FY2013 General Government year to year percentage change was 4.46% while the School Department was only 1.95%. Traditionally, the FY2013 School Department year to year percentage change would have equaled the General Government percentage change of 4.46%.*

*During Town Meeting last year, members voted to transfer \$300,000 from Free Cash to our schools. The FY2013 change in the traditional formula overrides the intent and wishes of the Town Meeting. (7-2)*

**ARTICLE 12.** To see if the Town will vote that all income from sales of electricity to private consumers or for electrical supplies to municipal buildings or for municipal power, and for sales of appliances and jobbing during the next fiscal year, be appropriated for the Municipal Light Department, the whole to be expended by the Town Manager for the expenses of the plant for the next fiscal year, as defined in section 57 of Chapter 164 of the General Laws and Chapter 8 of the Acts of 1989, as amended, or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation: Favorable Action on Article 12.** *This article reaffirms that operating income from the Light Plant sales and activities will be used to meet the expenses of the Light Plant. In addition, it stipulates the Town Manager will see that the funds are expended as specified by the laws of the Commonwealth. (Unanimous)*

**ARTICLE 13.** To see if the Town will vote to authorize revolving funds for certain Town Departments under Massachusetts General Laws Chapter 44, §53E1/2 for the fiscal year beginning July 1, 2012, as follows:

<u><b>Revolving Fund</b></u>	<u><b>Authorized to Spend Fund</b></u>	<u><b>Revenue Source</b></u>	<u><b>Use of Fund</b></u>	<u><b>FY13 Spending Limit</b></u>	<u><b>Disposition of FY12 Fund Balance</b></u>
Zoning Board of Appeals	Board of Appeals	Application fees charged for special permits, variances and appeals on orders or decisions of the Building Commissioner	Expenses and fees of the Zoning Board of Appeals	\$10,000	Balance available for expenditure
Inspectional Services	Building Commissioner	Receipts for plumbing, gas and electrical permits and inspections	Salaries and expenses for the plumbing, gas and electrical inspectors, and for the related proportion of support staff expenses related thereto	\$80,000	Balance available for expenditure
Vaccination Clinics	Board of Health, Director of Public Health	Fees and billings for vaccination clinics	Expenses related to vaccination clinics, including nursing services and related proportion of support staff expenses related thereto	\$35,000	Balance available for expenditure
Inspectional Services	Board of Health, Director of Public Health	Receipts for rental housing unit inspections and housing and residential swimming pool inspections	Salaries and expenses for the health inspector(s) and any other required inspector, and for the related proportion of support staff expenses related thereto.	\$100,000	Balance available for expenditure

Integrated Preschool	School Committee	Preschool class tuition	Salaries, expenses and fees for three (3) integrated preschool classes for children ages three to five identified as having a disability to provide a nurturing, caring and supportive environment that fosters the development of self- esteem	\$90,000	Balance available for expenditure
Council on Aging Activities	Director of Council on Aging	Fees for programs sponsored by the COA, other fees for services	Salaries and expenses to provide additional services to senior citizens, payment of program fees	\$10,000	Balance available for expenditure
Hazardous Materials Clean Up	Fire Chief	Insurance claims, clean-up fees, receipts for use of personnel and equipment for hazardous material clean-up	Salaries, equipment and supply replacement, and other expenses related to clean up and disposal	\$25,000	Balance available for expenditure
Parking Fund	Board of Selectmen	Sale of parking stickers, visitors passes and parking meters	Enforcement, signage, obtaining new parking areas and other parking related costs	\$80,000	Balance available for expenditure

or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation: Favorable Action on Article 13.** *This is an annual housekeeping article that is required to re-establish revolving funds for various uses. The revolving funds ensure that the funding these departments is generated by these departments. The Inspectional Services Fund relating to Board of Health has been increased substantially this year due to increased inspections required. (Unanimous)*

**ARTICLE 14.** To see if the Town will appropriate a sum of money to pay costs of repairing and upgrading the War Memorial Monuments at the intersection of Samoset Avenue, Phipps Street and Nantasket Avenue; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. (Inserted at the request of the Board of Selectmen)

**Recommendation:** *Make Recommendation at Town Meeting Action on Article 14.* As of the publishing of this commentary, *the Advisory Board is waiting to receive a firm estimate of the necessary funding. (Unanimous)*

**ARTICLE 15.** To see if the Town will amend its local room occupancy excise under G.L. c. 64G, sec. 3A to be set by town meeting, or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation:** *Favorable Action on Article 15.*

**Majority:** *This article will increase our local room occupancy excise tax rate from 4% to 6%, raising approximately \$55,000 annually for the town. 96 out of 352 communities in the Commonwealth have put this additional tax into effect.*

**Minority:** *We should maintain the local room occupancy tax rate of 4%. An additional 2% tax on rooms unfairly burdens a disproportionate few businesses with an additional tax that is not applied to any other business in town. Further, most surrounding communities do not tax rooms at all, leaving our town with the highest room tax in the vicinity. (8-2)*

**ARTICLE 16.** To see if the Town will accept G.L. c 64L, section 2(a) authorizing a local meals excise, or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation:** *Favorable Action on Article 16.*

**Majority:** *This article authorizes a local meals excise tax at a rate of 0.75% (i.e. 15 cents on a \$20 meal), raising approximately \$126,000 annually for the town. 151 out of 352 communities in the Commonwealth have put this additional tax into effect. Hingham, Norwell, and Quincy are neighboring communities that have passed this.*

**Minority:** *A local meals excise tax during a prolonged economic recession may place our Town's restaurants at a competitive disadvantage with respect to neighboring communities that do not have such a local option meals tax. (9-1)*

**ARTICLE 17.** To see if the Town will petition the General Court to enact special legislation authorizing the Board of Selectmen, on behalf of the Town of Hull, to extend the lease of the Scout Building located at 435 Nantasket Avenue, said legislation to be substantially as follows below. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before or after enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**A BILL TO AUTHORIZE THE EXTENSION OF THE LEASE OF THE SCOUT BUILDING IN THE TOWN OF HULL**

SECTION 1. The town of Hull, acting by and through its board of selectmen, may, subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws, extend the lease of the property located at 435 Nantasket avenue, known as the "Scout Building", and shown as plot 24 on assessors map 28 to the current lessees or their successors and assigns for not more than 25 years and on such terms and conditions as the board of selectmen considers to be in the best interests of the town for the benefit of the community.

SECTION 2. This act shall take effect upon its passage.

or take any other action relative thereto. (Inserted by Board of Selectmen)

**Recommendation: Favorable Action on Article 17.** *Town Meeting voted for a similar article last year. The State wanted to see the language further defined. The Scout Building is used actively by all scouts groups (Cub Scouts, Webelos, Boy Scouts, Daisies, Brownies, Girl Scouts) and serves as community meeting space when not used by the scouts. The Friends of Hull Scouting have turned the building around through renovations and financial support of the community. It is in the best interest of the town to be allowed to offer a lease beyond the current 10 years. (Unanimous)*

**ARTICLE 18.** To see if the Town will amend the Code/By-laws of the Town by

A. Adding a new section as follows:

**Chapter \_\_\_\_\_ Problem and Vacant Properties By-Law  
(Chapter and section numbers to be assigned by the Town Clerk)**

**I. Preamble-**

Recognizing that proper maintenance of property enhances the quality of life in a neighborhood and the Town as a whole, and having property properly maintained reduces crime, reduces unhealthy situations for the public and occupants of property, provides a safer location for when public safety and related Town personnel must enter the property, helps improve and stabilize property values and is overall beneficial to the public good and welfare, it is declared the public good and need warrants this by-law. This by-law is enacted to promote the health, safety and

welfare of the public, to protect and preserve the quiet enjoyment of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties. Property not in compliance, due to those effects, constitutes a public nuisance.

## II. Definitions-

The following words and phrases, when used in this section, shall have the following meanings:

- a. *building* - any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property.
- b. *Building Commissioner*- Person in charge of the Building Department or responsible for or performing the duties of same, or their designee.
- c. *certificate of closure* -- certificate issued by the Building Commissioner or Director of Public Health, or their designee, to the owner of a vacant or foreclosing property upon compliance with the provisions of paragraph (c) herein.
- d. *Code Enforcement Agents*- Any Department Head or employee within any Department involved in the enforcement of laws pertaining to public safety.
- e. *days* - consecutive calendar days.
- f. *Director of Public Health*- Person in charge of the Health Department or responsible for or performing the duties of same, or their designee.
- g. *Fire Chief* - the chief of the Hull Fire Department or his or her designee.
- h. *foreclosing* - the process by which a property, placed as security for a real estate or other loan or obligation, is prepared for sale to satisfy the debt or obligation if the borrower defaults.
- i. *initiation of the foreclosure process* - taking any of the following actions:
  - (i) taking possession of a residential property pursuant to General Laws chapter 244 § 1;
  - (ii) delivering the mortgagee's notice of intention to foreclose to borrower pursuant to General Laws Chapter 244 § 17B;
  - (iii) commencing a foreclosure action on a property in any court of competent jurisdiction; or
  - (iv) recording a complaint to foreclose with the registry of deeds.
- j. *Local*- within twenty miles of the property in question.
- k. *mortgagee* - the creditor or obligee, including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.
- l. *owner* - every person, entity, service company, or property manager who alone or severally with others;
  - (1) has legal or equitable title to any real property, including, but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
  - (2) has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or

- otherwise, including a mobile home park, or any fiduciary, trustee or guardian of the estate of the holder of legal title; or
- (3) is a mortgagee of any such property; or
- (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association created pursuant to General Laws chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
- (6) every person who operates a rooming, lodging or similar type of house; or
- (7) is a trustee or fiduciary who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process; or
- (8) has recorded a complaint to foreclose with the registry of deeds.
- m. *property* - any real property, or portion thereof, located in the town, including buildings or structures situated on the property; provided, however, that "property" shall not include property owned or under the control of the town, the commonwealth or the United States of America.
- n. *Secured, securing* - making the property inaccessible to unauthorized persons, animals or the elements.
- o. *vacant* - any property not currently legally occupied and not properly maintained or secured.

### **III Duties of Owner of Vacant and/or Foreclosing Property-**

- A. Any owner of a vacant and/or foreclosing property shall forthwith:
  1. Provide written notification to the Building Commissioner or Director of Public Health and the Fire Chief of the status of such property, including in such notice, the name, address and telephone number of the owner; the location of the property; the length of time the building has been vacant; the estimated time the building will remain vacant; the nature of the contents of the building; and any other information such officials may reasonably deem appropriate for a particular property; and,
  2. As may be required by the Fire Chief, Building Commissioner or Director of Public Health, file one set of space utilization floor plans for any buildings on said property. The owner shall certify such plans as accurate twice annually, in January and July; and,
  3. Remove from the property, to the satisfaction of Code Enforcement Agents, hazardous material, as that term is defined in Massachusetts General Laws, chapter 21K, as that statute maybe amended from time to time, or other materials which constitute a violation of the law or present a hazard to the public safety; and,
  4. At the discretion of the Code Enforcement Agents, secure all windows and door openings and other openings and ensure that the building is secured from all unauthorized entry or access continuously in accordance with the United States Fire

Administration, National Arson Initiative Board up Procedures, the State Building Code, the State Sanitary Code or other laws regulating the condition of property or provide twenty-four (24) hour on-site security personnel on the property or such lesser time as may be determined by the Code Enforcement Agents. When a vacant or foreclosing property is located within a complex of buildings owned by a single owner, twenty-four (24) hour on-site security property or such lesser time as may be determined by the Code Enforcement Agents shall be provided within the building or within the complex wherein the building is located; and,

5. Post "No Trespassing" signs on the property. Said signs shall be no smaller than 8 inches by 11 inches with lettering no smaller than 2 inches high, and shall be visible from the street. However, this requirement may be waived by the Code Enforcement Agents upon written request from the owner or designee; and,
6. Maintain the property free of overgrowth, trash and debris, and pools of stagnant water, and ensure that structures are maintained in a structurally sound condition; and,
7. If the property is vacant, drain all water from the plumbing and turn off all electricity between September 15 and June 15 of each calendar year to guard against burst pipes and fires; however, this requirement may be waived or modified by the Code Enforcement Agents upon written request from the owner or designee; and,
8. Maintain the property in accordance with all other relevant state codes and local regulations, state and federal laws concerning the maintenance of property; and,
9. Provide the Code Enforcement Agents with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the property as may be required by the Code Enforcement Agents; and,
10. Maintain liability insurance on the property and furnish the Town with a copy of said certificate of insurance; however, this requirement may be waived or modified by the Code Enforcement Agents upon written request from the owner or designee; and,
11. Provide a cash bond acceptable to the Code Enforcement Agents, in the sum of not less than five thousand dollars, to secure the continued maintenance of the property throughout its vacancy and remunerate the Town for any expenses incurred in inspecting, securing, marking or making such building safe. A portion of said bond shall be retained by the Town as an administrative fee to fund an account for expenses incurred in inspecting, securing and marking other such buildings that are not in compliance with this law. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties it owns in the Town. These requirements may be waived or modified by the Code Enforcement Agents upon written request from the owner or designee
12. Notify the Code Enforcement Agents in writing when the property is sold, transferred or further encumbered.
13. If the owner fails to comply with any order issued pursuant to this law or other applicable laws relating to the condition of the property, the Code Enforcement Agents may immediately seek to obtain the proceeds secured by the bond filed pursuant to this by-law and shall enter upon the premises and cause the property to be inspected,



secured and marked, or to remove rubbish, overgrowth, or stagnant pools using said proceeds.

#### **IV Public Safety Details-**

**A.** Should police department personnel while on duty in service to the department be dispatched or caused to respond to an incident involving crime resulting in an arrest, citation, application for a criminal complaint or indictment against a person or property, including but not limited to disturbing the peace, trespassing, underage drinking or assault, at a particular property or location, the chief of the department is hereby authorized and empowered to assign to such property or location a member or members of the department to staff such paid police detail or details as the chief of the department deems appropriate to protect the health, safety and welfare of the inhabitants of the Town.

**B.** Such assignment of a detail shall only occur after the following procedures:

**1.**

The department shall record the number of such incidents and after four such incidents in a twelve-month period, the chief of the department shall cause a copy of the by-law to be sent by regular and certified mail to the property owner or management company of record according to the most recent records of the assessor's office.

**2.**

After the eighth such incident in a twelve-month period, the chief of the department, in his or her discretion, shall notify the property owner by certified and regular mail of a decision to assign said detail commencing seven days after the date of such notice.

**3.**

The property owner may request, in writing, a hearing before the chief of the department within said seven days to appeal the chief's decision to assign a detail. The chief of the department shall within ninety days of the enactment of the by-law in this section promulgate rules, procedures and regulations relative to same.

**C.**

If, after termination by the chief of the department of a paid detail, police department personnel while on duty in service to the department are again dispatched or caused to respond to an incident at a particular property as described in subsection A of this section, within sixty days of such termination, the chief of the department is hereby authorized and empowered to again assign a paid detail to such property or location as the chief of the department shall deem appropriate, following the procedure as set forth in subsection B of this section.

**D.**

For the purpose of this section, "paid police detail" shall mean one or more otherwise off-duty member or members of the Hull police department assigned by the chief of the department, to a particular property or location for the purpose of presence, monitoring, patrol, supervision and otherwise acting to maintain the peace and good order of and at the property or location to which such member or members of the police department is or are assigned.

**E.**

Paid police details shall be of a minimum of four hours in duration.

**F.**

The member or members of the police department staffing such paid police details, shall be paid therefore at the rates set by the police department, and such paid police details shall be subject to such other rules and regulations of the department, that pertain to police details other than as provided for under this section.

**G.**

The chief of the department or his or her designee shall keep an accurate record of the number of paid police details assigned to a particular property or location under this section and of the number of members of the department staffing such paid police details and the chief of the department or his or her designee shall forward such information to the office of the collector-treasurer.

**H.**

In addition to the other duties of the collector-treasurer, it shall be the duty of, and the collector-treasurer is hereby authorized and empowered to, bill to the record owner of the particular property or location the costs of such paid police details assigned thereto, pursuant to M.G.L. Ch. 40, Sec. 58.

**I.**

The owner of record of the particular property or location to which such paid police detail or details have been assigned under this section, who has been billed for the costs of such paid police details assigned thereto pursuant to this section, shall pay to the collector-treasurer all amounts so billed within thirty days of the date of such bill prepared and tendered by the collector-treasurer.

**J.**

All amounts so collected by the collector-treasurer shall be deposited into the general fund of the Town and used to pay the member or members of the department for the service rendered in staffing the paid police details provided for pursuant to this section.

**V      Applicability of Other Laws-**

- A. All unsecured vacant or foreclosing properties shall be immediately referred to the Code Enforcement Agents for a determination relative to whether the property is a nuisance or dangerous pursuant to any other applicable laws and procedures promulgated thereunder.
- B. Nothing contained herein shall preclude the application or any other law or enforcement action.

**VI      NOTICES**

- A. Notices required pursuant to this section shall be served in the following manner:
  - 1. Personally on any owner as defined in this section, or on the contact person specified pursuant to paragraph (c)(9); or,
  - 2. Left at the last and usual place of abode or business of any owner, or contact person as specified pursuant to paragraph (c)(9), if such place of abode is known and is within or without the commonwealth; or,

3. By certified or registered mail, return receipt requested, to any owner, or the contact person specified pursuant to paragraph (c)(9); or
4. Posted on the property by a Police Officer or person authorized to make service of civil process; or
5. In the manner authorized for the service of civil process where service is being made.

## VII Violations-

- A. A failure to comply with the provisions of this bylaw shall be subject to a fine of \$100.00 for each day of non-compliance. These provisions may also be enforced under the town's non-criminal disposition bylaw and/or by any other enforcement method under the law. Nothing contained herein, shall serve as a limit on other lawful enforcement mechanism, nor shall the same excuse compliance with any other laws, rules or regulations.
- B. And further to amend Chapter 1 of the Code/Bylaw of the Town by inserting the following in the Table "Provisions Subject to Non-Criminal Disposition":

<u>Cite</u> <u>Chapter</u> _____	<u>(Enforcing Person)</u> _____	<u>Penalty</u>
Problem and Vacant Properties By-law		First offense- _____ Second and Subsequent Offense _____

or take any other action relative thereto. (Inserted by Town Manager)

### **Recommendation: Favorable Action on Article 18.**

**Majority:** *At the time the Advisory Board deliberated and voted on the facsimile of this Article, the proponents informed us they would be modifying the actual Article presented to Town Meeting, striking section IV, thereby narrowing the focus to deal strictly with vacant and/or foreclosed properties. Based on that modification, we recommend Favorable Action. Vacant unmaintained properties can be a blight on the community and a hazard within a neighborhood. This Article provides the town additional means to protect and promote "the health, safety and welfare of the public".*

**Minority:** *The article would be more balanced if it were to include a specific method of appeal available to the homeowner if a dispute were to arise between that party and the Code Enforcement Agents. A clearly delineated appeal process that outlined specific mediation practices available to all parties involved would strengthen this article and allow for a process that would be fair to all stakeholders. (8 – 1 – 1 abstain)*

**ARTICLE 19.** To see if the Town will vote to rescind authorization to borrow the remaining unissued balances, having been authorized on the dates, amounts and for the purposes as stated:

Date Authorized	Article	Amount Authorized	Purpose	Balance Unissued
05/05/1998	18	\$4,000,000	Sewers	\$48,072
05/08/2001	18	\$400,000	Sewers	\$243,251
05/03/2005	4	\$340,000	Seawall-Cadish Avenue	\$148,000
05/07/2007	39	\$1,200,000	Wind Turbines	\$1,200,000
03/28/2000	5	\$37,000,000	Jacobs & Memorial Schools	\$4,258,916
06/22/2006	1	\$2,800,000	Jacobs School	\$2,800,000

or take any other action relative thereto. (Inserted at the request of the Town Accountant)

**Recommendation: Favorable Action on Article 19.** *This \$8,700,000 represents the unused remainder of previous year's bond allocations. Since the projects have been completed it is no longer necessary to keep these amounts on the books. This action of rescinding these unissued balances will clear up our books and allow a clean slate for future borrowing by the Town. (Unanimous)*

**ARTICLE 20.** To see if the Town will vote to establish a policy for special revenue funds as follows: No special revenue fund expenditures shall be made for the purpose of paying wages or salaries for benefit eligible employees unless such special revenue fund is also charged the pro-rata portion of the costs of fringe benefits associated with the wages or salaries so paid. Special Revenue Funds are defined as any non-general, non-enterprise fund., or take any other action relative thereto. (Inserted at the request of the Town Accountant)

**Recommendation: Favorable Action on Article 20.** *This article creates a policy to enable grant writers, when applying for grants, to include the necessary costs associated with fringe benefits such as pensions, taxes, and insurances. (8-0-1 abstain)*

**ARTICLE 21.** To see if the Town will adopt the provisions of M.G.L. Chapter 60, Sections 1 and 2 to provide for a Town Collector with the authority to receive and collect all monies or accounts due to the town., or take any other action relative thereto. (Inserted

**Recommendation: Favorable Action on Article 21.** *This article appears at the suggestion of our Auditors to clarify who is authorized to practice this activity. (Unanimous)*

**ARTICLE 22.** To see if the Town will adopt the provisions of M.G.L. Chapter 32B, Section 20, to establish an account called "Other Post-Employment Benefits Trust Fund" or OPEB Trust Fund as defined in Governmental Accounting Standards Board, Statements 43 and 45 for the purpose of funding future financial obligations of the town for health insurance

benefits of retirees. The Town Treasurer shall be the custodian of the OPEB Fund., or take any other action relative thereto. (Inserted by Town Manager)

***Recommendation: Favorable Action on Article 22.*** *Governmental Accounting Standards Board (GASB) recommends that all municipalities set up an OPEB Trust Fund for the purpose of assessing and funding all retiree's health insurance benefits. The first step in this process is to set up the account. The second step is to determine the future costs for this benefit and, at some time in the future, to begin allocating monies to fund the Account which will be subject to appropriations at Future Town Meetings. This is very similar to the way towns handle the pension obligation. (Unanimous)*

**ARTICLE 23.** To see if the Town will amend the Code/Bylaws of the Town by adding new section as follows:

Chapter \_\_\_\_\_ **FINGERPRINT-BASED CRIMINAL RECORD BACKGROUND CHECKS**  
**(chapter and section numbers to be assigned by the Town Clerk)**

Section \_\_\_\_\_ Preamble, Purpose and Authorization

In order to protect the health, safety and welfare of the inhabitants of the Town of Hull and as authorized by chapter 256 of the Acts of 2010, this bylaw shall require a) applicants for certain town licenses permitting the engagement in specific occupational activities within the town as enumerated below to submit to fingerprinting by the Hull Police Department, b) the Police Department to conduct criminal record background checks based on such fingerprints and c) the town to consider the results of such background checks in determining whether or not to grant a license.

The town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice information Systems (DCJIS) and the Federal Bureau of Investigation (FBI) as may be applicable (or their successor agencies to which such authority may be transferred) to conduct on the behalf of the town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this bylaw. The town authorizes the Police Department to receive and utilize FBI records in connection with such background checks, consistent with this bylaw.

Section \_\_\_\_\_ Applicant's Submission to Fingerprinting by the Hull Police Department

Any applicant for a license to engage in any of the following occupational activities within the town shall submit a full set of fingerprints taken by the Hull Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

- . Hawking and Peddling or other Door-to-Door Salespeople
- Liquor Licensee (excluding applicants for one day of special licenses)

- . Manager or Alternate Manager of a Liquor Licensee
- . Owner or Operator of Public Conveyance
- . Dealer of Second-hand Articles
- . Pawn Dealers
- . Hackney Drivers, and
- . Ice Cream Truck Vendors

At the time of fingerprinting, the Police Department shall notify the individuals fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records.

#### Section\_\_\_\_\_Police Department Processing of Fingerprint-Based Criminal Record Background Checks and Communication of Results

The Police Department shall transmit fingerprints it has obtained pursuant to this bylaw to the Identification Section of the Massachusetts State Police, DCJIS and/or the FBI as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified herein.

As further detailed in the town's policy applicable to town licensing-related criminal record background checks, the Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 (or successor citation) pertaining to FBI identification records. In no event shall the Police Department render a suitability evaluation pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with the town's policy applicable to town licensing-related criminal record background checks.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the town. The Police Department shall in addition render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department shall consider all applicable laws, regulations and town policies bearing on an applicant's suitability. The Police Department shall indicate whether the applicant has been convicted of, or is under pending indictment for a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

#### Section\_\_\_\_\_Reliance on Results of Fingerprint Based Criminal Record Background Checks

Licensing authorities of the town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified herein. A town licensing authority

may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

Nothing contained herein shall require the issuance of any license nor shall the town be precluded from denying, conditioning, modifying, suspending, canceling, revoking or taking other administrative action concerning an application or license if otherwise permitted by law.

#### Section \_\_\_\_\_ Compliance with Law, Regulation and Town Policy

Implementation of this bylaw and the conducting of fingerprint-based criminal record background checks by the town shall be in accordance with all applicable laws, regulation and town policies, including but not limited to, the town's policy applicable to licensing-related criminal record background checks. The town shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation and town policy. The town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

#### Section \_\_\_\_\_ Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be set by the Board of Selectmen pursuant to G.L. c. 40, s. 22F. A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B1/2, shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund or successor fund and the remainder of the fee may be retained by the town for costs associated with the administration of the fingerprinting system., or take any other action relative thereto. (Inserted at the request of the Police chief)

***Recommendation: No Action on Article 23. This article has many open issues which need to be addressed relating to operational and enforcement matters. (Unanimous)***

**ARTICLE 24.** To see if the Town will vote to authorize the Board of Selectmen to convey an historic preservation restriction encumbering the Town property at 1117 Nantasket Avenue , being the Hull Lifesaving Museum building and property to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate, or to take any other action relative thereto. (Inserted by Town Manager)

***Recommendation: Favorable Action on Article 24. This article allows the Board of Selectmen to grant an historic preservation restriction on the Hull Lifesaving Museum property which will, in turn, assist the Hull Lifesaving Museum in qualifying for grants and other benefits***

*that will assist this organization in continuing to operate and serve the Hull community and its visitors. (Unanimous)*

**ARTICLE 25** To see if the Town will vote to amend the Town of Hull Flood Insurance Rate Map (FIRM), based on the National Flood Insurance Program (NFIP), Map Numbers C250230012J, 16J, 17J, 19J, 36J, 38J, 39J inclusive and effective July 17, 2012, or take any other action relative thereto. (Inserted at the request of the Building Commissioner)

***Recommendation: Favorable Action on Article 25.*** *This article allows the Town to adopt the FIRM maps that become effective July, 17, 2012. Failure to pass this article will negatively impact the Town's Community Ratings Service (CRS) rating and our residents and business owner's ability to purchase flood insurance and secure mortgages. The new FIRM Maps are available at Town Hall for viewing during normal business hours. (Unanimous)*

**ARTICLE 26.** To see if the Town will vote to amend the Town of Hull Zoning Bylaw – Section 37-1 by replacing it with the following:

“Floodplain District Boundaries and Base Flood Elevations: The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas within the Town of Hull designated as Zone AE, AO or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hull are panel numbers 25023C0012J, 25023C0016J, 25023C0017J, 25023C0019J, 25023C0036J, 25023C0038J and 25023C0039J, dated July 17, 2012. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission”, or take any other action relative thereto.. (Inserted at the request of the Building Commissioner)

***Recommendation: Favorable Action on Article 26.*** *This article allows the Town to amend Section 37-1 of our Zoning bylaws to reflect current FEMA terminology. The new FIRM Maps are available for viewing at Town Hall during normal business hours. (Unanimous)*

**ARTICLE 27.** To see if the Town will vote to amend the Town of Hull Zoning Bylaw – Section 42-2 by replacing it with the following:

“The floodplain district is an overlay district to all other applicable districts. All structural and non-structural development activity shall conform with the permitted use of the primary underlying district. All development in the district, including structural and non-structural activities, whether permitted by right, by special permit or by variance must be



in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;  
Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);  
Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);  
Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);  
Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations", or take any other action relative thereto. (Inserted at the request of the Building Commissioner)

***Recommendation: Favorable Action on Article 27.*** *This article allows the Town to amend Section 42-2 of our Zoning bylaws and separates the building code from the zoning code, per state (Coastal Zone Management) requirements. (Unanimous)*

**ARTICLE 28.** To see if the Town will vote to amend the Town of Hull Zoning Bylaw – Section 42.3 by replacing it with the following:

**Definitions for this Section only:**

**AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community subject to a one percent or greater change of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE or V.

**BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year.

**COASTAL HIGH HAZARD AREA** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

**DEVELOPMENT** means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** means an examination, evaluation and determination of flood hazards, and if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

**NEW CONSTRUCTION** means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

**ONE-HUNDRED-YEAR FLOOD** – see BASE FLOOD

**SPECIAL FLOOD HAZARD AREA** means an area having special flood and/or flood-related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

**STRUCTURE** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**ZONE AE** means the 100-year floodplain where the base flood elevation has been determined.

**ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **ZONE VE** means a special flood hazard area along a coast subject to inundation by the 100-year floodplain with additional hazards due to velocity (wave action). Base flood elevations have been determined., or take any other action relative thereto. (Inserted at the request of the Building Commissioner)

**Recommendation: Favorable Action on Article 28.** *This article allows the Town to amend Section 42.3 of our Zoning bylaws to reflect current FEMA definitions. The new FIRM Maps are available for viewing at Town Hall during normal business hours. (Unanimous)*

**ARTICLE 29.** To see if the Town will vote to amend the Town of Hull Zoning Bylaw Section 42-2 by replacing it with the following and delete Section 42-5 entirely:

Use Regulations:

- 1) Within Zones AO on the FIRM adequate drainage paths must be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- 2) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- 3) All new construction within Zone VE must be located landward of the reach of mean high tide.
- 4) All subdivisions proposals must be designed to assure that:
  - a) such proposals minimize flood damage;
  - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards., or take any other action relative thereto. (Inserted at the request of the Building Commissioner)

**Recommendation: Favorable Action on Article 29.** *This article allows the Town to amend Section 42-2 (and delete Section 42-5) of our Zoning bylaws to reflect current FEMA regulations. The new FIRM Maps are available for viewing at Town Hall during normal business hours. (Unanimous)*

**ARTICLE 30** To see if the Town will amend Article 28, section 1, Town of Hull Bylaws by striking, a certificate of occupancy must be renewed each year for rentals. Certificate of occupancy must be renewed only when a tenant moves in, or take any other action relative thereto. (Inserted on petition of Michelle Leary and others)

**Recommendation: Recommendation at Town Meeting Action on Article 30.** *There was insufficient discussion as of the posting of this facsimile of the Warrant. (Unanimous)*

**ARTICLE 31.** To see if the Town will, if necessary, transfer from one department to the Board of Selectmen the care, custody and control of the following property and vote to authorize the Board of Selectmen, on such terms as it deems in the best interests of the Town, to sell or otherwise convey approximately 735 s.f. of the parcel on the north, waterside, of Nantasket Avenue, identified on town Assessors Maps as parcel 07-057, being that portion of Town of Hull property across Nantasket Avenue from the main Wastewater Treatment Plant parcel, to enable the relocation and reconstruction of the dwelling on the adjacent property, 1118 Nantasket Avenue, owned by Randall C. Parrott, or act on anything relating thereto. (Inserted on petition of Candace L. Barone and others)

**Recommendation: Favorable Action on Article 31.**

**Majority:** *This article will allow the Board of Selectmen to consider (or not) the sale of a potentially surplus piece of property currently in possession of the Sewer Department. The proponent of this article, owner of the lot directly adjacent, wishes to purchase said property and incorporate it into his current lot. This new, overall larger lot, could then allow him to renovate and shift the footprint of his existing home, bringing it more in compliance with zoning regulations. This property, as part of a larger parcel, was taken by the town by eminent domain in 1971. The Sewer Department has stated that the transfer of this section of the property will not interfere with their ability to service and maintain the pipe which runs beneath the rest of the property. Any modifications to the Proponent's dwelling shall still be subject to any and all town regulations and requirements. Transfer of this property will also, however slightly, increase the tax rolls.*

**Minority:** *The unfavorable action or no action recommended by the minority is in no way personal to any proponent or beneficiary of this Article. Rather, the Town's decision to transfer and convey any town land to any private citizen for a private purpose needs to be examined closely and deliberated on rationally and thoroughly. In this instance, the minority did not*

*believe there was enough information presented to make a compelling favorable action determination at this time. (7– 2 – 1 abstain)*

**ARTICLE 32.** To see if the Town will vote to instruct the Board of Selectmen to enter into a 20 year concession contract to grant non-exclusive access for Town of Hull rights-of-way to:

ARTICLE A. South Shore Mobility, Inc. to connect Nantasket Junction to Pemberton Point, contingent upon South Shore Mobility, Inc. having the first 1000 feet operational by December 31, 2012

ARTICLE B. A transportation systems provider to connect Nantasket Junction to Pemberton Point

ARTICLE C. A transportation systems provider to connect Nantasket Junction to Nantasket Beach

The transportation systems provider must meet the following criteria:

- (1) Privately funded construction; and
- (2) Privately operated without Town of Hull subsidies; and
- (3) Exceeds 120 passenger-miles per gallon, or equivalent efficiency; and exceeds safety performance of transportation modes already approved for use.

Regulation of the free market transportation systems shall be based on:

- (1) Transportation systems must maintain safety, insurance, and inspection practices consistent with the American Society of Testing and Materials (ASTM) and the theme park industry, as set forth in the requirements for an amusement license by the Massachusetts Executive Office of Public Safety and Security.
- (2) Conservation permits will be granted according to Wetlands Protection Act regulations.
- (3) Transportation system providers must conduct surveys and hold public meetings to determine which routes and designs are desired by residents and business owners with the goal of building consensus.
- (4) All taxes and fees assessed on the transportation systems provider, passengers and cargo shall be limited to 5% of gross revenues and paid to the aggregate rights-of-way holders by the transportation systems provider.,

or take any other action relative thereto. (Inserted on petition of Judeth Van Hamm and others),

***Recommendation: Unfavorable Action on Article 32.*** *In principle, the Advisory Board supports the concept of sustainable/green transportation options. However, the current plan lacks financial viability; is unclear of any permitting or regulatory requirements; and the design is inconsistent with the aesthetics of our community. (Unanimous)*

**ARTICLE 33.** To see if the Town will appropriate and/or transfer a sum or sums of money from available funds to pay the following unpaid bills incurred prior to July 1, 2011:

<b>Vendor</b>	<b>Amount</b>	<b>Department</b>
Galls, an Aramark Company	\$ 46.97	Police Department
FedEx	16.73	Police Department
Belmont Springs	55.83	Selectmen
Fire Alarm Service	69.00	Town Buildings
Fire Alarm Service	232.00	Town Buildings
N.B.H.	550.00	Town Buildings
Hart Security Systems, LTD	625.00	Sewer
The Louis Berger Group	3,557.50	DPW
The Louis Berger Group	232.50	DPW

or take any other action relative thereto. (Inserted at the request of the Town Accountant)

**Recommendation: Favorable Action on Article 33.** *This is a housekeeping article to pay unpaid bills from a previous fiscal year. Town Meeting approval is necessary to make this expenditure. (Unanimous)*

**ARTICLE 34.** To see if the Town will amend, modify, reconfirm or take other action relative to its vote under Article 33 of the 2003 Annual Town Meeting warrant, or vote anew, concerning the acceptance by the town, as a gift, in trust or otherwise, the real property and buildings owned by Hull Medical Center, Inc. at 180 George Washington Boulevard, as described in Certificate of Title No. 46445 which property is presently subject to a lease dated November 28, 2001 between Hull Medical Center, Inc. as Lessor and Manet Community Health Center, Inc., as Lessee, and any other assets of the grantor, or take any other action relative thereto. (Inserted by Town Counsel)

**Recommendation: Favorable Action on Article 34.** *The article reconfirms a previous vote of Town Meeting. The passage is contingent on the language of the ordinance comporting with the Attorney General's recommendation. (Unanimous)*

And you are hereby directed to serve this Warrant by causing attested copies thereof to be posted at the main entrance to the Municipal Building and at least three other public places in said Town.

Hereof fail not and make due return of this Warrant with your doings thereof to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this

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**BOARD OF SELECTMEN**

Plymouth ss

By virtue of the above Warrant, I have this day notified and warned as therein directed, the Inhabitants of the Town of Hull qualified to vote in elections and town affairs, to meet at the time and place for the purpose therein stated.

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**CONSTABLE, TOWN OF HULL**

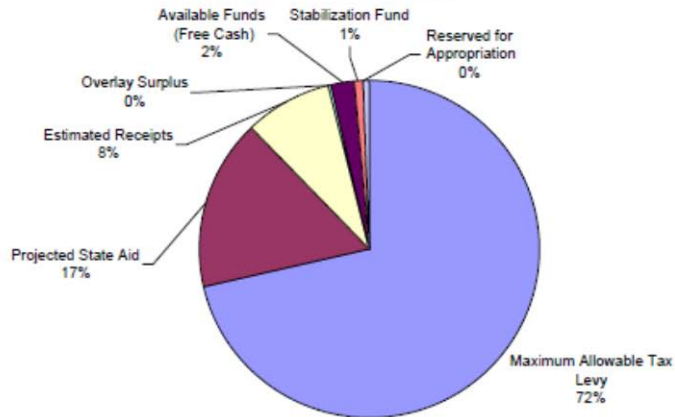
**Town of Hull**  
**Fiscal Year 2013 Projected Revenue and Expenditures**

Revenue Summary		FY12	FY13-Town Mgr	Dollar Change FY12 - FY13 TM	Percent Change
1	Real Estate/Property Taxes				
2	Base Tax Levy	22,684,290	23,344,777	660,487	2.91%
3	Statutory 2 1/2 Increase	567,107	583,619	16,512	2.91%
4	Growth in Tax Base	93,380	100,000	6,620	7.09%
5	Debt Exclusion-High School	517,306	497,038	(20,268)	-3.92%
6	Excess Capacity	(16,281)	0	16,281	0.00%
7	Maximum Allowable Tax Levy	23,845,802	24,525,434	679,632	2.85%
8	Intergovernmental Revenues				
9	State Revenue Sharing	5,696,955	5,716,322	19,367	0.34%
10	Less School & Library Offsets	(15,241)	(14,048)	1,193	-7.83%
11	Projected Net State Aid	5,681,714	5,702,274	20,560	0.36%
12	Local Receipts				
13	Estimated Receipts	2,715,000	2,735,830	20,830	0.77%
14	Overlay Surplus	150,000	75,000	(75,000)	-50.00%
15	Available Funds (Free Cash)	825,000	850,000	25,000	3.03%
16	Stabilization Fund	257,713	252,144	(5,569)	-2.16%
17	Additional Stabilization Usage	0	0	0	0.00%
18	Additional PILOT-Light	200,000	0	(200,000)	-100.00%
19	PILOT-Sewer	0	0	0	0.00%
20	PILOT-HRA	65,000	65,000	0	0.00%
21	Reserved for Appropriation	0	20,000	20,000	0.00%
22	Transfer from Enterprise-ROB	151,722	159,315	7,593	0.00%
23	Total Local Receipts	4,364,435	4,157,289	(207,146)	-4.75%
24	Enterprise Funds				
25	Sewer Operating Budget	2,317,877	2,301,448	(16,429)	-0.71%
26	Sewer Debt	485,083	568,267	83,184	17.15%
27	Harbormaster	131,925	132,451	526	0.40%
28	Harbor Debt	46,575	19,375	(27,200)	-58.40%
29	Total Enterprise Fund Revenue	2,981,460	3,021,541	40,081	1.34%
30	TOTAL RECEIPTS	36,873,411	37,406,538	533,127	1.45%
II	Expenditure Summary	FY12	FY13	Dollar Change FY12 - FY13 TM	Percent Change
31	General Government	21,546,716	22,507,976	961,260	4.46%
32	General Reserve	50,000	50,000	0	0.00%
33	Health Insurance	4,233,000	3,906,089	(326,911)	-7.72%
34	Other Insurances	1,111,338	1,158,600	47,262	4.25%
35	Town Wide	247,000	281,500	34,500	13.97%
36	Unemployment	100,000	85,000	(15,000)	-15.00%
37	Pension Total	3,141,899	3,206,926	65,027	2.07%
38	Debt & Interest	1,927,562	1,971,197	43,635	2.26%
39	Capital Improvements-General	248,572	210,000	(38,572)	-15.52%
40	Total Services Costs	32,606,087	33,377,288	771,201	2.37%
41	Enterprise Funds				
42	Sewer Operating Budget	2,317,877	2,301,448	(16,429)	-0.71%
43	Sewer Debt	485,083	568,267	83,184	17.15%
43	Harbormaster Operating Budget	131,925	132,451	526	0.40%
44	Harbormaster Debt	46,575	19,375	(27,200)	-58.40%
45	Enterprise Fund Expenditures	2,981,460	3,021,541	40,081	1.34%
46	Other				
47	Overlay	325,297	325,000	(297)	-0.09%
48	Snow Removal Deficit	232,651	20,000	(212,651)	-91.40%
49	Other Total:	557,948	345,000	(212,948)	-38.17%
50	Intergovernmental Charges				
51	State County Assessments	318,155	306,722	(11,433)	-3.59%
52	Charter School Assessment	409,761	355,987	(53,774)	-13.12%
53	Intergovernmental Total	727,916	662,709	(65,207)	-8.96%
54	TOTAL EXPENDITURES	36,873,411	37,406,538	533,127	1.45%
NET EXCESS/(DEFICIT)		0	0	0	

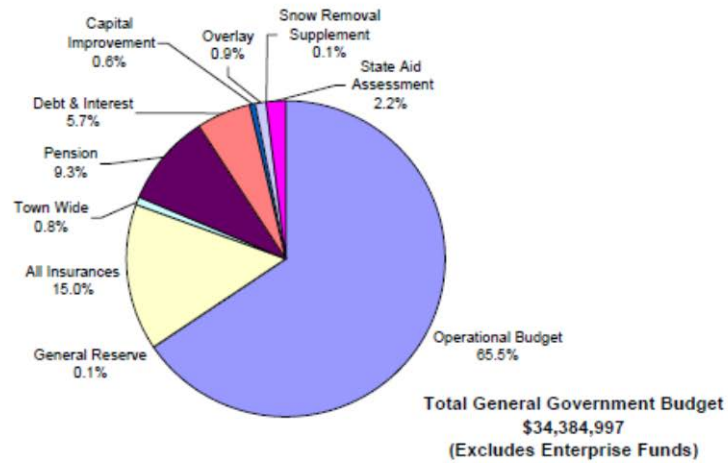
Town of Hull  
General Government Budget Recap

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Fiscal Year 2013 Budget Revenue Source



Fiscal Year 2013 Expenditure Budget Summary





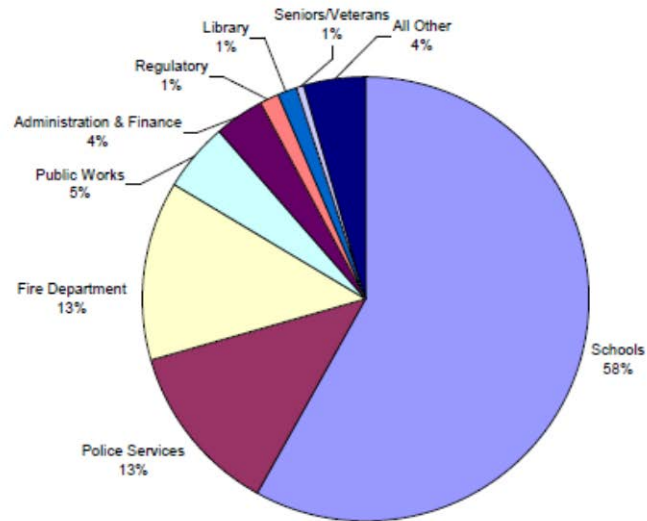
**Town of Hull**  
**Fiscal 2013 General Government Budget Summary**

Department		FY11 Actual	FY12 Approp	FY13 Request	Town Manager Recommend	Advisory Bd. Recommend	Dollar Change	Percent Change
Elections	113	10,047	9,870	12,580	9,900	9,900	30	0.30%
Town Manager	121	213,657	214,407	221,125	221,125	221,125	6,718	3.13%
Selectmen	122	133,798	136,800	142,264	142,264	142,264	5,464	3.99%
General Government Support	124	58,821	60,400	62,544	62,544	62,544	2,144	3.55%
Advisory Board/Reserve	131	5,071	6,750	6,750	6,750	6,750	0	0.00%
Accountant	135	142,875	146,984	150,234	150,234	150,234	3,260	2.21%
Assessors	141	163,200	165,600	169,960	169,960	169,960	4,360	2.63%
Treasurer/Collector	145	281,939	300,000	315,397	312,613	312,613	12,613	4.20%
Law Department	151	112,759	116,460	116,018	116,018	116,018	(442)	-0.38%
Boards & Commissioners	152	1,000	1,750	1,750	1,750	1,750	0	0.00%
MIS/IT	155	132,464	125,500	183,632	163,632	163,632	38,132	30.38%
Town Clerk	161	22,543	23,325	23,325	23,325	23,325	0	0.00%
Board of Registrars	163	5,627	7,475	7,475	7,475	7,475	0	0.00%
Conservation	171	67,140	76,500	94,855	94,855	94,855	18,355	23.99%
Planning Board	175	63,088	48,000	131,999	77,438	77,438	29,438	61.33%
Board of Appeals	176	10,266	10,266	12,000	12,000	12,000	1,734	16.89%
Town Buildings	192	145,794	123,000	157,920	137,920	137,920	14,920	12.13%
Police Department	210	2,316,103	2,344,043	2,731,640	2,551,640	2,551,640	207,597	8.86%
Public Safety/Dispatch	215	401,155	331,800	351,000	275,000	275,000	(56,800)	-17.12%
Fire Department	220	2,663,131	2,690,339	3,145,373	2,900,832	2,900,832	210,493	7.82%
Building Department	241	143,416	147,125	245,432	181,954	181,954	34,829	23.67%
Emergency Preparedness	291	6,246	6,500	33,000	33,000	33,000	26,500	407.69%
Animal Control	292	24,941	24,700	22,276	20,000	20,000	(4,700)	-19.03%
Sheriff	297	10,288	11,700	11,700	11,700	11,700	0	0.00%
School	301	12,480,136	12,800,000	13,253,707	13,049,658	13,049,658	249,658	1.95%
Highway	421	729,004	783,750	821,056	821,056	821,056	37,306	4.76%
Snow Removal	423	307,481	74,830	74,830	74,830	74,830	0	0.00%
Landfill	430	59,113	61,200	65,700	65,700	65,700	4,500	7.35%
Grounds Maintenance	491	73,754	74,500	76,500	76,500	76,500	2,000	2.68%
Watershed Management	495	7,649	7,200	7,200	7,200	7,200	0	0.00%
Park Maintenance	496	51,025	54,600	54,510	54,510	54,510	(90)	-0.16%
Board of Health	511	157,522	157,142	241,712	185,489	185,489	28,347	18.04%
Council on Aging	541	114,897	124,400	158,127	139,671	139,671	15,271	12.28%
Veterans' Services	543	23,086	19,800	26,050	26,050	26,050	6,250	31.57%
Library	610	240,000	235,000	325,697	273,383	273,383	38,383	16.33%
Park and Recreation	650	0	25,000	50,000	50,000	50,000	25,000	100.00%
War Memorial	692	0	0	0	0	0	0	0.00%
<b>Department Budgets</b>		<b>21,379,033</b>	<b>21,546,716</b>	<b>23,505,338</b>	<b>22,507,976</b>	<b>22,507,976</b>	<b>961,260</b>	<b>4.46%</b>
Worker's Comp	912	42,544	27,500	35,000	35,000	35,000	7,500	27.27%
Unemployment Comp	913	64,696	100,000	100,000	85,000	85,000	(15,000)	-15.00%
Health & Life Insurance	914	3,567,419	4,233,000	3,906,089	3,906,089	3,906,089	(326,911)	-7.72%
Townwide Insurance	915	307,402	353,600	362,500	362,500	362,500	8,900	2.52%
FICA Payments	916	222,910	235,238	247,100	247,100	247,100	11,862	5.04%
Uninsured Medical Payments	920	45,676	55,000	59,000	59,000	59,000	4,000	7.27%
Veteran's Benefits	543	322,878	330,000	345,000	345,000	345,000	15,000	4.55%
Fuel Reserve	131	64,122	110,000	110,000	110,000	110,000	0	0.00%
<b>Insurance Total</b>		<b>4,637,647</b>	<b>5,444,338</b>	<b>5,164,689</b>	<b>5,149,689</b>	<b>5,149,689</b>	<b>(294,649)</b>	<b>-5.41%</b>
Hydrant	124	184,096	211,000	215,000	215,000	215,000	4,000	1.90%
Abandoned Property Service	124	0	0	20,000	20,000	20,000	20,000	100.00%
Audit/Consultant	124	44,750	36,000	46,500	46,500	46,500	10,500	29.17%
<b>Town Wide Total</b>		<b>228,846</b>	<b>247,000</b>	<b>281,500</b>	<b>281,500</b>	<b>281,500</b>	<b>34,500</b>	<b>13.97%</b>
Non Contributory	911	107,309	105,670	80,000	80,000	80,000	(25,670)	-24.29%
Contributory	918	2,921,057	3,036,229	3,126,926	3,126,926	3,126,926	90,697	2.99%
<b>Pension Total</b>		<b>3,028,366</b>	<b>3,141,899</b>	<b>3,206,926</b>	<b>3,206,926</b>	<b>3,206,926</b>	<b>65,027</b>	<b>2.07%</b>
Principal-Debt Excluded	712	265,000	334,000	325,000	325,000	325,000	(9,000)	-2.69%
Interest-Debt Excluded	752	179,350	183,307	172,038	172,038	172,038	(11,269)	-6.15%
Principal-General Long Term	710	1,004,882	909,882	909,882	909,882	909,882	0	0.00%
Interest-General Long Term	750	529,779	500,373	536,777	536,777	536,777	36,404	7.28%
Interest-Temp Borrowing	751	16,689	0	7,500	7,500	7,500	7,500	100.00%
Fees on Borrowing	751	16,740	0	20,000	20,000	20,000	20,000	100.00%
Transfer to Capital Projects	751	585	0	0	0	0	0	0.00%
<b>Debt Service Total</b>		<b>2,013,025</b>	<b>1,927,562</b>	<b>1,971,197</b>	<b>1,971,197</b>	<b>1,971,197</b>	<b>43,635</b>	<b>2.26%</b>
<b>Reserve Fund</b>		<b>31,310</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>0</b>	<b>0.00%</b>
<b>Capital</b>		<b>169,846</b>	<b>248,572</b>	<b>210,000</b>	<b>210,000</b>	<b>210,000</b>	<b>(38,572)</b>	<b>-15.52%</b>
<b>Total Budget</b>		<b>31,488,073</b>	<b>32,606,087</b>	<b>34,389,650</b>	<b>33,377,288</b>	<b>33,377,288</b>	<b>771,201</b>	<b>2.37%</b>

Town of Hull  
General Government Operational Budget Share

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Fiscal 2013 Budget



Total General Government  
Operational Budget  
\$22,507,976

**Advisory Board  
Municipal Building  
Hull, MA 02045**

**Presorted Standard  
CRRT  
US Postage Paid  
Permit #17  
Hull, MA 02045**

**Residential Customer  
Hull, Massachusetts 02045**