

**Hull Board of Selectmen
Final Minutes
August 22, 2019**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on August 22, 2019 at Hull Town Hall, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Jennifer Constable, Vice-Chair; Kevin Richardson, Clerk; Greg Grey, Member; John Reilly, Member.
Absent: Domenico Sestito, Chair. Also present were Town Counsel James Lampke and Town Manager Philip Lemnios.

Before calling the meeting to order Constable led everyone in the Pledge of Allegiance.

Extenet Public Hearing

Before starting the Hearing Constable swore in anyone present who planned to speak or give testimony.

ExteNet was represented by Tara Slade, Senior Counsel Haran Rashes, as well as Rick Angelini and Chris Frederick. Slade said ExteNet is proposing to replace three poles at various locations along Beach Avenue (Beach Avenue and R Street, Beach Avenue and Warren Street, and Beach Avenue and B Street) and will place a radio panel which is roughly the width of the pole on each of the poles at a height of 18'. A canister antenna will be placed at the very top of each pole. She said that they are proposing this work at the request of Verizon, who feels that coverage in this area is inadequate and has specified the locations of the three nodes.

Rashes said that a recent ruling by the FCC severely limits what municipalities can and cannot do regarding the regulation of small personal wireless systems on utility poles within their jurisdiction, and also sets a very strict timeframe in which applications must be approved. He said that if the personal wireless facilities comply with the FCC's regulations concerning radiofrequency emissions, a municipality has no grounds on which to deny an application based on environmental concerns. After discussion it was established that the application for these facilities was submitted on June 5, 2019 but that ExteNet has agreed to an extension of the timeframe for response to September 5, 2019. If no decision is reached by then ExteNet has thirty days to file suit.

Lemnios asked how many carriers will be on this pole. Angelini said at this point they are only contracted for Verizon but Slade said that at this time they are seeking license for a maximum of two carriers. Frederick said they may eventually face a demand from the other carriers to expand these three nodes, which would require a bigger cabinet or a second cabinet. If this were to happen, they would have to come back before the Board for further approval.

Attorney Samuel Perkins, representing the Town, said that with respect to health concerns, the law states that no state or municipality can regulate to the extent that such facilities comply with the Commission's regulations concerning such emissions but that it is within the provenance of the Board to obtain and require compliance with the FCC's radiofrequency emission regulation. Rashes said they had submitted the necessary materials. Perkins noted, however, that the report indicates that at two of the locations they used measurements taken from supporting poles that were across the street from the poles in question. As a result, the information they provided does not measure actual radiofrequency emissions from the poles where they want to put the antennas and does not establish that they are in compliance with FCC regulations. Frederick said that typically measurements are based on height, the type of antenna and the amount of power that is feeding the antennas and the location is irrelevant. Hashes noted that the report states that at the antenna level there are no areas where acceptable levels are exceeded. Perkins asked if ExteNet had done any measurements from the antenna at the corner of B Street to the nearest bedroom and if they had done any measurements of what the radiation exposure would be for someone living in that bedroom. Frederick said they had not.

David Maxim, a consultant hired by the Town, said that he has only been able to review the report briefly, but he feels it is full of contradictions and bad technical information and would not recommend that the Board of Selectmen accept its conclusions. He said that the report is lacking the calculations needed to prove that ExteNet is

meeting the letter of the law. Perkins agreed and said the Board would be on solid ground to request a new report to establish compliance with FCC regulations.

Maxim also raised the issue of noise as the fans are in residential areas and said the State has a standard for noise which comes under air pollution. Perkins said that for public health purposes they would need to know what the expected noise level would be. He also asked whether Verizon has provided a clear need for the installation of these facilities. Hashes said it was prohibited under FCC regulations for the carrier to have to provide any need for coverage and they can put a pole wherever they choose. Perkins disagreed and feels that federal courts would find that this is completely inconsistent with the Telecommunications Act.

Constable opened the hearing up to members of the public. There were several questions about the location of the nodes and whether if these were approved Extenet would return to seek approval for more boxes. Several people said they have not received answers as to why these nodes are being located in a residential area.

Lemnios raised the issue of demonstration of need and asked what it is that is so unique about Verizon that they have a need in this area that the other carriers in Hull do not have. Rashes said he is not sure but it may be that the majority of people in Hull use Verizon. Lemnios said it appears that ExteNet never verified that Verizon's request for additional locations meets any standard.

Lampke asked for confirmation that the cabinets they are seeking are the same as on the other nine poles as he would have thought that the technology would have changed so that the cabinets would be smaller. Angelini said that if they changed the technology for the three they would have to change it for the other nine.

Perkins asked if there were any other items that the applicants would like entered into the record. They said no.

Motion	Reilly	To deny the petition for a grant of location for failure to present evidence meeting the standard for a grant of location, failure to present reliable evidence of compliance with FCC emissions standards, failure to present evidence of material inhibition of Verizon service and additional grounds raised in the public meeting
Second Vote	Richardson Unanimous	

Michael Buckley, Town Accountant, re: Borrowing Authorization and Interim Loan Notes Vote

Buckley said he needed authorization for the two borrowings that were approved by the May 2018 Town Meeting.

Motion	Grey	1. That the Town shall issue a bond or bonds in aggregate principal amount not to exceed \$9,765,074.00 (the Bonds), pursuant to Chapters 29C and 44 of the General Laws and Votes of the Town passed May 7, 2018. Article 20, Item A which authorized a total borrowing of \$10,006,074.00 and Article 20, Item B which authorized a total borrowing of \$1,436,820.00, for the construction of sewers and other water pollution control facilities identified in such votes (the Projects). 2. That anticipation of the issuance of the bonds the Treasurer is authorized to issue an interim loan note or notes from time to time in aggregate principal amount not to exceed \$9.765.074.00. 3. That each bond or note shall be issued as a single registered security and sold to the Massachusetts Clean Water Trust at a price determined pursuant to the financing Agreement. 4. That the Treasurer is authorized to determine the date, the form, the maximum interest rate, and the principal maturities of each bond and note and to execute financing agreements with the Trust with respect to the sale of the bonds and notes, such date, form and maturities, and the specific interest rate or rates of the bonds and notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the bonds or notes. 5. That all action taken to date by the Town officers and agents to carry out the project
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and its financing, including the execution of any loan commitment or agreement by the Treasurer, and hereby ratified and approved and confirmed, and 6. That the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote including execution and delivery of the financing agreements and the project regulatory agreements relating to the projects.

**Second
Vote** Richardson
Unanimous

Buckley said they also need to authorize the short-term, forty-five day notes for the new high school field.

Motion Grey To approve the sale of the \$2,400,000.00 2% general obligation bond anticipation notes of the Town dated August 29, 2019 and payable October 11, 2019 to Piper, Jaffrey and Company at par accrued in trust, if any, plus a premium of \$864.00. Further voted, that in connection with the marketing and sale of the notes, the preparation and distribution of the notice of sale of official statement dated August 8, 2019 and a final official statement dated August 15, 2019, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further voted that the Town Treasurer and the Board of Selectmen be and hereby are authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c 2-12 in such form as may be approved by Bond Counsel to the Town, which undertaking shall be incorporated by reference in the notes for the benefit of the holders of the notes from this time to time. Further voted that we authorize and direct the Town Treasurer to establish post-issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and Bond Counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures in order to monitor and maintain the tax-exempt status of the notes and to comply with relevant security laws. Further voted that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are authorized to take any and all such actions, execute and deliver such certificates, receipts or other documents as may be determined by them or any of them to be necessary or convenient to carry into effect the provisions of the foregoing votes.

**Second
Vote** Richardson
Unanimous

REQUESTS FOR APPROVALS

Renee Kiley, Hull Chamber of Commerce, re: One Day Liquor License for Beer Garden during Endless Summer Festival at Bernie King Pavilion

Constable said Kiley was seeking approval for a rain date of September 15, 2019 from 12:00 pm – 5:00 pm. Richardson noted that they would need extended hours for the license in order to have time for setup and breakdown.

Motion Reilly To approve the date of September 15, 2019 for a rain date for the One Day Liquor License for a Beer Garden at the Bernie King Pavilion with the hours previously approved for September 14, 2019

**Second
Vote** Constable
Unanimous

CPA Pre-Application Submission Request for design and engineering services to establish a skatepark at the appropriate location

Constable said she is seeking the Board's support for the submission of a pre-application to the CPC for design and engineering services relative to the establishment of a skatepark at an appropriate location in the Town. She feels that over the past few years, the community has demonstrated that recreation is a priority but feels the age demographic that would be served by a skatepark has been underserved. She would like to submit the pre-application which notifies the CPC that there may be a final application coming to them. There was an extensive discussion regarding priorities for CPC funds and how best to balance the needs of the various segments of the Town's population. The consensus of the other Board members was that it would make more sense to hold off on an application at this time and reach out to residents to gauge the level of interest in a skatepark and to settle on a specific location.

Transfer of Medical Marijuana License from Coastal Cultivars LLC to Alternative Compassion Services, Inc.

Lemnios said the Town entered into an Agreement with Coastal Cultivars to utilize a building on George Washington Boulevard but that Coastal Cultivars did not secure the building. A second company, Alternative Compassion Services, Inc., has reached an agreement with Coastal Cultivars to all the terms and conditions of that Agreement. He said they are a different group but they are already licensed in Massachusetts and currently operate out of Bridgewater. They would operate under the same terms and conditions that Coastal Cultivar accepted and have indicated they would make the first payment on the Agreement as soon as it is signed.

Motion	Richardson	To approve the transfer of the medical marijuana license issued to Coastal Cultivars LLC to Alternative Compassion Services, Inc. subject to the approval and signing of all documents deemed necessary by the Town Manager and Town Counsel and that the Town issue a Letter of Non-Opposition.
Second Vote	Grey Unanimous	

Hull Yacht Club, Inc., 5 Fitzpatrick Way re: Change of Officers/Board of Directors

Lemnios said the Yacht Club's request for approval was submitted on the incorrect form so it has been resubmitted.

Motion	Richardson	To approve the resubmittal of a change of Board and Directors for the Hull Yacht Club as indicated in the application
Second Vote	Reilly Unanimous	

NEW BUSINESS

Grey said he would like to thank all the volunteers who helped at the Parade and Field Day last Saturday. He feels it was a remarkable event and that the community really came together. Richardson and Reilly agreed. Reilly noted that the restaurants in Town are planning a Restaurant Week in honor of the 375th and there will be a gala dinner at Nantasket Flatts on the 21st.

Constable said the Art Walk has scheduled its ribbon cutting for September 4th. There will be a VIP reception from 5:30 – 6:30 for donors and artists with the actual ribbon cutting at 6:30 followed by a community reception at Paragon Boardwalk. She said that landscaping is supposed to be completed next week and the murals will be hung after that.

Lemnios said they opened the bids for the Crescent Beach completion of the cement work and had five bidders and two are well within their budget. He said that Conrad Ledger will be at the meeting on September 5th to present the paving schedule.

Reilly said there will be a town-sponsored concert at the Bernie King Pavilion Bandstand on Labor Day, September 2nd from 2-4 pm. He also said there has been talk about renaming a portion of Phipps Street between the Viet Nam stone and the Memorial after a Viet Nam veteran. The War Memorial Commission is in favor of this so at some point he will bring it to the Board and would like to have it ready for Veteran's Day.

Lampke asked for a motion about the ExteNet decision.

Motion	Richardson	To authorize the Town Manager or Chairman of the Board of Selectmen to sign the Decision to deny Extenet's application on behalf of the Board of Selectmen
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Second	Grey
Vote	Unanimous

On a motion by Richardson seconded by Reilly the Board voted unanimously to adjourn.

Recorded by Kathleen Fanning

Approved by:

Documents

The following documents were included in the members' packets or were presented during the meeting and are available in the Board of Selectmen's office upon request.

- Agenda and Added Agenda for Board of Selectmen Meeting on August 22, 2019