

**Hull Board of Selectmen
Final Minutes
March 5, 2020**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday, March 5, 2020 at Hull Town Hall, 253 Atlantic Avenue, Hull, Massachusetts

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

APPOINTMENTS

Susan Short Green, Hull Garden Club re: Discuss “Clean Your Corner” program

Susan Short Green, President of the Hull Garden Club, was present at the meeting along with two other members of the Club, to speak to the Board regarding their community project for Earth Day 2020. This year is the 50th anniversary of Earth Day, which started on April 22, 1970, and the Garden Club felt that they wanted to celebrate this milestone by sponsoring a “Clean Your Corner” program. They feel that this is an effort in which everyone can participate. They will be asking homeowners and businesses to simply go outside and “clean their corner.” They realize that since April 22nd is a Wednesday this might not be the easiest time for everyone to participate so they are encouraging businesses and individuals to pick their own time to clean the areas around their homes/businesses. Green stated that they feel this could be a great community event and might actually challenge people to change their thinking in terms of how they treat their environment. They would love to have the support of the Board of Selectmen for this project.

Sestito asked how someone wanting to participate could contact the Garden Club. Green said that their email address is on their website. She said that they are also working to put together an information sheet to provide to organizations in the Town and are hoping to have Club members assigned as liaisons to different groups in the community. Sestito suggested that they might want to put their information sheet on the Town website.

Green also said that since the date falls during school vacation week they are hoping that school children could get involved and that possibly the Parks and Recreation Department could sponsor a program for kids. She said that the Garden Club has a youth outreach chairperson who works with the public schools and that she has a meeting on March 6, 2020 at the Jacob School.

Richardson suggested that if there were certain areas designated for cleanup the Town might coordinate trash pickup for that area. Lemnios said that this should work. Constable suggested that the Club put particulars of this effort on their Facebook page. She also expressed her gratitude to the Club for their involvement in other Town projects.

Motion	Richardson	To support the Hull Garden Club’s “Clean Your Corner” Day on Wednesday, April 22, 2020
Second	Constable	
Vote	3-0-2	Grey and Reilly not present for vote

APPROVALS

Joseph Regan, South Shore Habitat for Humanity re: Request to hold the Ride for Habitat on September 12, 2020

Lemnios stated that the group has asked that the Board waive the fee for this event, and that this is something they have done in the past.

Motion	Richardson	To approve the request for South Shore Habitat for Humanity to hold the Ride For Habitat on September 12, 2020 and also to waive the fee for this event
Second Vote	Constable 3-0-2	Grey and Reilly were not present for vote

Hy Tran, La Dalat and Company, Inc dba La Dalat, 181 Nantasket Avenue re: Permission to open Sunday March 15, 2020 from 12:00 p.m. to 1:00 a.m. for Fundraising Event for the EM20 Foundation

Motion	Constable	To grant permission to Hy Tran, La Dalat and Company, dba La Dalat, to open Sunday, March 15, 2020 from 12:00 pm to 1:00 am for a Fundraising Event for the EM20 Foundation
Second Vote	Richardson 3-0-2	Grey and Reilly were not present for vote

SEASONAL LICENSES

Hull Yacht Club, Inc., Charles O'Connor, Mgr., 5 Fitzpatrick Way re: (A) All Alcohol (Seasonal) (Renewal); (B) Common Victualer (Renewal); (C) Entertainment (DJ and Live) (Renewal)

Motion	Constable	To approve the renewal of the following seasonal licenses for Hull Yacht Club, Inc.: (A) All Alcohol (Seasonal); (B) Common Victualer; (C) Entertainment (DJ and Live)
Second Vote	Richardson 3-0-2	Grey and Reilly were not present for vote

My Starfish, LLC dba Shipwreck'd, 173 Main Street, Adrian Muir, Mgr. re: (A) All Alcohol (Seasonal); (B) Common Victualer

Motion	Constable	To approve the renewal of the following seasonal licenses for My Starfish, LLC dba Shipwreck'd: (A) All Alcohol (Seasonal); (B) Common Victualer
Second Vote	Richardson 3-0-2	Grey and Reilly were not present for vote

Bayside Marking Systems, Inc., dba Nantasket Lobster Pound, James E. O'Brien, Manager, 50 George Washington Boulevard re: (A) All Alcohol (Seasonal) as a Restaurant (Renewal); (B) Common Victualer (Renewal)

Motion	Richardson	To approve the renewal of the following seasonal licenses for Bayside Marking Systems, dba Nantasket Lobster Pound: (A) All Alcohol (Seasonal) as a Restaurant; (B) Common Victualer
Second Vote	Constable 3-0-2	Grey and Reilly were not present for vote

MINUTES

The minutes from the October 24, 2019, November 7, 2019, November 21, 2019, December 5, 2019, December 19, 2019, January 16, 2020, January 30, 2020 and February 20, 2020 were presented to the Board for their approval. Constable noted that on the January 16, 2020 minutes the word Aquarion should be changed to Aquarium and Richardson noted that on the December 19, 2019 minutes the name Jim Callahan was incorrect. The necessary changes will be made to the minutes.

Motion	Richardson	To approve the Board of Selectmen minutes from the meetings on October 24, 2019, November 7, 2019, November 21, 2019, December 5, 2019, December 19, 2019, January 16, 2020, January 30, 2020 and February 20, 2020 with corrections to be made to the minutes from December 19, 2019 and January 16, 2020
Second Vote	Constable 3-0-2	Grey and Reilly were not present for vote

Richardson asked Lemnios if he could get an update on a number of streets that are being considered for conversion to one-way. There are 2-3 streets that the Police Department has been asked to look at for possible conversion and he feels that with summer months coming it would be good to have an update on the status of this, especially for the Kenberma area. Lemnios said he would look into this.

Sestito then asked Lemnios if he could give the Board an update on the Town's response to the coronavirus. Lemnios stated that the coronavirus is causing a great deal of anxiety throughout the community and the country. As a result, the Town has convened a "task force" of staff people to begin a discussion of what steps they should take. The team is comprised of Joyce Sullivan, RN, and Joan Taverna, RN, from the Board of Health, Acting School Superintendent Judith Kuehn and School Facilities Manager David DeGennaro from the School Department, Chief John Dunn and Deputy Chief Neil Reilly from the Police Department, Chief Christopher Russo and Deputy Chief William Frazier from the Fire Department, Barbara Lawlor from the Council on Aging, Lampke from the Law Department, and Lemnios. Lemnios said that there is a chain of information from the federal government, primarily the CDC with some input from the Dept. of Homeland Security. If there is evidence that an individual from a particular state is showing signs of the virus the information goes from the federal government to the state (Mass. Dept. of Health). The Mass. DOH would then forward this information to the local Department of Health where the individual(s) in question might live. The local DOH will in turn reach out to the individual involved. There is an assessment process that has been developed and based on the individual's responses the DOH would recommend that the person either self-quarantine or seek additional medical help.

Lemnios stated that due to privacy laws, the information that local boards of health can disseminate about individuals is very limited. For example, at this point the Town would be unable to identify the person at risk to local departments such as police or fire, which could potentially put first responders in danger of being exposed to the virus. Since there has not yet been a national state of emergency declared, there has been no suspension of privacy laws. Since the privacy laws in effect are very complex, a portion of the team meeting was devoted to educating the members in this area. Lemnios said that the team also discussed operational measures that might need to be in place if it became necessary to cancel certain activities such as sporting events or to close a school. The task force will continue to meet as the situation develops.

Lemnios also said that the Mass. DOH and the CDC have excellent websites and he would encourage people to get factual information from these sites. He said that the Town did issue a public advisory and that The Hull Times will be printing that this week and it will also be available on the Town website. Superintendent Keuhn has issued information as well and is doing a great job trying to keep the school community informed.

He pointed out that fortunately there is nothing particular happening in Hull at this time but that could change quickly. Should there be an outbreak of the virus in Hull there is a possibility that the Town would have to adjust its

operations. One concern is that if a public safety person came into contact with someone with the virus, that person would have to be quarantined which would take him/her out of service. He said that the Plymouth County Chiefs Association (Police and Fire) are already talking about how they could give mutual aid to each other. Since the Hull Town departments are small, if there are a few people who have to be quarantined for 10-15 days it could have a pretty dramatic impact on operations and the Town needs to plan for this possibility.

Lemnios stated that the advisory recommends some self-help things that people can do, such as washing their hands and avoiding large crowds. The good news is that younger, generally healthy people do not seem to have severe impacts from the virus. The best thing for people to do is to take common sense precautions and be vigilant. He emphasized that anyone who is sick should stay at home.

Discussion re: Annual Town Meeting May 4, 2020 Warrant

Lemnios then reviewed with the Board the Articles proposed for the Town Meeting on May 4, 2020.

Articles 1 through 5 are standard “boilerplate” articles that appear on every Warrant for Town Meeting. Article 6 is also a standard article related to the Town budget. Article 7 is an annual article relating to the payment of any unpaid bills from the previous fiscal year. At this time there aren’t any, but this is always included in the Warrant just in case.

Article 9 relates to various projects sponsored by the Community Preservation Committee and the amounts that they are looking to spend on the various projects. Article 10 relates to a request from the Retirement Board to increase Cost of Living Adjustments for retirees. Article 11 is a proposal for the Town to put some funds into the Stabilization Fund. Lemnios said that the Town hasn’t had to use this fund for a number of years but he feels that it would be good to add a small amount to it at this time.

Article 12 concerns the Memorial Middle School project. At this time the Town is working with the Massachusetts School Building Authority (MSBA) on a reimbursement proposal but the School Committee is contemplating not continuing with that program as it would be about two more years before final approval for reimbursement would be given and the MSBA has indicated that it would like the Town to add about \$400K to the project for project management. The Committee feels that this is a very straightforward project with only three basic components: replacement of windows, replacement of an HVAC system on the roof, and brick work on the exterior of the building. There will be no interior work involved. As a result, they feel that the amount requested by MSBA for management is inflated and that it might be better if the Town were to forego the state reimbursement. The total project might cost a bit more without the reimbursement, but the work could be done now rather than waiting another two years and there would be no restrictions in place on possible future uses for the building. The School Committee is doing a consolidation study right now and this would allow them to keep options open.

Article 13 related to bonding for improvements. John Struzziery is doing work on the next phase of the bonding and will need to ask for additional bonding. The total plan over time was for approximately \$44 million of bonded improvements. This would be the next piece of that and would get the Town about halfway there. Article 14 is a proposal that there be no charge for dog registrations for service animals for people with disabilities.

Article 15 is to adopt a provision under Mass. General Law to provide \$1,000 for Town Clerks who complete the necessary courses and become certified as Municipal Clerks. Lemnios feels this could be an incentive for staff to gain certifications. This article currently has no sponsor and the Board of Selectmen will need to decide if they would like to sponsor this.

Article 16 is for fire hydrant repair. The Town has a backlog of hydrants that are out of service and it can be expensive to repair and replace these. The proposal is to take a bond for \$350K which would allow them to replace

a significant number of these now at a cost of approximately \$30K per year, which is less than the \$40K they currently spend annually. This would allow a small amount per year for maintenance. The Advisory Board appears to be in favor of this proposal. The new operator for the water system will be maintaining the hydrants. Richardson asked if there was \$350K amount of work that needed to be done and Lemnios stated that there is.

Article 17 relates to amending the Town Zoning Bylaws.

Article 18 is a big topic related to the Planning and Zoning Boards that may not be ready at this time. Basically the proposal is to take the Nantasket Beach Overlay District and apply it to all A, B, and C districts throughout the Town. There have been no hearings on this and there could be a lot of unintended consequences to this proposal. The Nantasket Overlay District has worked the way people intended it to work but to say that what has worked in this district will work for other districts in the Town might require a little more time and study. The Board might want to keep an eye on this issue. Lemnios stated that it is not necessarily a poor strategy to create additional overlay districts but that each overlay district might want its own characteristics. It should not be a "one size fits all" scenario. He feels that the Board of Selectmen might want to "asterisk" this Warrant Article as something that needs further discussion.

Articles 19 and 20 related to adjustments to the Nantasket Overlay District. Constable asked if any of these articles are the result of recommendations from the Unified Work Plan. Lemnios stated that he was not sure, as he had only seen Articles 18 – 20 that day. Article 18 caught his eye as being very ambitious.

Article 21 concerns amending the zoning bylaws for multiple dwelling districts. However Lemnios feels that it would be best to have proponents of this article come before the Board to talk about the impact of this.

Article 22 involves a federal government program that was established approximately ten years ago concerning the management of storm water flow. The idea was that any device that collects storm water and transports it to a body of water has to be regulated in a way that ensures that impurities are eliminated before the storm water goes into the body of water. The Town is now in a situation where they have to put in place a bylaw that regulates storm water activity as it applies to larger developments in the Town. They have decided to have a study done that relates to lots 12,000 square feet or bigger. This would not affect the typical homeowner to any great extent. They would rather have fewer test cases than too many on a bylaw that they don't fully understand in terms of its implications for the community. The bylaw is a next step in managing the storm water system. One of the things they are doing to try to comply with the law is to map the entire drainage system which has never really been done and to develop a plan to clean all of the drains on a regular basis. There is a protocol associated with new basins as they are installed and the federal government requires that municipalities have a plan in place. The Town is well on its way to doing this although they have not yet met all of the criteria. There are three sections to the bylaw. Section 1 is the actual bylaw. Section 2 establishes a revolving fund to administer the bylaw because there are fees and fines that will be coming in. The third section is to amend the code to allow for enforcement. Lampke said that the penalties under the non-criminal disposition process would be an easier way of enforcing these laws than having to seek a criminal complaint. Lemnios said that either the Town Manager or the Board of Selectmen should sponsor this Article.

Article 23 relates to the capping of the landfill. The Town is in the process of doing the engineering and permitting work associated with this. In the last fiscal year they put in place the first phase of the engineering and permitting work which was about \$340K and this year they will put in place an additional \$340K. This is a highly regulated process with the Department of Environmental Protection (DEP). The schedule is that in years 2020, 2021, 2022 and 2023 all of the engineering, design and permitting work will be done. The total cost of that will be close to \$1M to complete. The landfill closure itself will cost approximately \$1.9 - \$2.3M by the time the Town gets to that in 2024. In 2025 there will be post-closure compliance reports, etc., which will cost approximately another \$130K. The total closure costs right now are projected to be between \$3.1 - \$3.4M. This is a process that the Town is under order by DEP to complete.

Sestito asked if there were any grant opportunities for this but Lemnios said that unfortunately there are not. Richardson asked if the area could be used for any other purposes but Lemnios said that there are limitations on this

as it is necessary to let the area rest for some time. The Town is looking into the possibility of using it for solar energy, but it could not be used for playing fields or housing. Any use would be primarily passive.

Article 24 relates to an offer from John Divito on behalf of his family to donate a parcel of land from the late Nunzie Divito for conservation purposes at no cost to the Town. The only request is that the Town assume any legal and closing costs of the transfer. Divito also requests that a small plaque or sign be placed on the property in remembrance of Nunzie Divito. The lot is assessed at \$156K and generates about \$500/year in taxes. It is not considered a buildable lot. Lemnios recommends that the Town accept this offer. Sestito asked Lampke if the Law Department would cover the closing costs related to this and Lampke said that it would.

Article 25 is a question as to whether the Town will authorize the Board of Selectmen to acquire the gift, purchase, or domain or otherwise an easement on a property located at 105 Edgewater Road. There is a drainage pipe in that area that goes out to the mud flats in the bay and over time the pipe has become clogged and silted over, which leads to drainage problems in that neighborhood. They have been working with the neighborhood and the property owner for several years and have secured the Chapter 91 permit to extend the pipe another 30' or so. An easement is required as the pipe technically falls within the property. This Article would allow the Town to do the extension of the pipe, which is a pretty straightforward job. The engineering and permitting has cost much more than the actual job is going to cost but it will relieve a great deal of flooding in that neighborhood and will restore the effectiveness of that pipe.

Article 26 concerns a request from the Town of Hingham that Hull put an Article on the Warrant for Town Meeting that would allow Hingham to effectuate a lien on any property in Hull that has a delinquent water bill. It is not uncommon to have one town provide utility service to another town. The state legislature has put in place a remedy for sewer service in neighboring towns but did not put in place a remedy that would apply to water service. Hingham gave some information to Hull regarding this and referenced a law that they felt would be effective. Lampke is working with Hingham's attorney to determine the best approach. Lampke said there are a lot of issues that need to be worked out. He said that if Hingham wants to place a lien on a property in Hull there is a question of how this would affect any other liens that the Town of Hull might have on this property. Hull would not want its liens adversely impacted by this. Sestito asked if Lampke anticipated that this Article would be ready for May and Lampke said that he did.

Article 27 relates to short-term rentals. Lampke explained that last year the state legislature enacted a local excise tax for short-term rentals. Although Hull does not allow short-term rentals in a residential areas, it does allow a homeowner to rent out a room or two if he/she is living in the home at the time and short-term rentals are permitted in commercial and business areas under certain conditions. Lampke is trying to determine which of the new laws, if any, the Town has to accept in order to be eligible to receive the local portion of the excise that they have to pay on that. This would not in and of itself allow someone to have a short-term rental that is not otherwise allowed by law at that location. Constable asked how the Town knows if and where these short-term rentals exist. Lampke said that the law requires that anyone who engages in certain short-term rentals (legally or not) is required to register with the state. The Town can contact the State to see if someone is registered and if they have paid excise. A lot of the time this information comes to the Town through a neighbor's complaint.

Article 28 relates to the purchase of Public Works vehicles. There are several large pieces of equipment that the Town is considering purchasing including a street sweeper and large trucks.

Article 29 concerns an offer made to the Town by the owners of Paragon Boardwalk for the Town to secure a long-term lease on the track of land that abuts where the Art Walk is now that was used as a turnpike car ride and ghost train ride when Paragon Park was in operation. A portion of that would be offered to the Town at a no-cost lease for long-term for the purposes of developing a skateboard park. Constable spoke regarding this Article and said that the skateboard park is only one component of the overall vision for the land. It would be an extension of the Art Walk/Art Garden and the park itself would include public art, but even more importantly community space. MAPC has taken a strong interest in the project and is recommending that resiliency measures be put into the proposed plan as there are great opportunities planned for parks that include resiliency components. There has been increasing

interest in the Town for a skate park but it has been difficult to find a good location for this. Acceptance of the lease and/or donation would allow the Town to move much more quickly on the overall project. MAPC has already put together a scope of services around the community engagement component to it. Part of the interest is developing the area as an arts/culture sort of district. Sestito asked if there was a request for Town funds for this project but Constable said that at this time there is not. They are currently trying to identify grant opportunities. At this time they are still in discussion with the owners of Paragon as to whether this would be a lease and/or a donation to the Town.

Richardson asked if the Board needed a motion to approve the warrant altogether. Lemnios said that there are several articles that the Board needs to decide whether they want to sponsor. Richardson said that he has no problem sponsoring the Paragon article but feels that before the Town Meeting there should be a presentation before the full Board and possibly abutters. Lemnios said that Articles 15, 22, 24 and 29 are the articles the Board needs to decide to sponsor. Article 25 will be sponsored by the Town Manager and Articles 26 and 27 will be sponsored by the Town Counsel.

Motion	Richardson	That the Board of Selectmen include and sponsor Articles 22, 24 and 29
Second	Grey	
Vote	Unanimous	

Motion	Sestito	That the Board of Selectmen include and sponsor Article 15
Second	Constable	
Vote	Unanimous**	

**Reilly abstained from this vote

Lemnios stated that the Town sewer project is coming to a conclusion. He also said that they are reviewing the structure of the Public Works Department and are looking at having Chris Gardner in the role of Assistant Public Works Director, John Struzziery as head of Facilities, and Brian Kiley as Assistant Director for Wastewater. Joe Stigliani would work as a mentor to Chris Gardner, who has worked for the Town for a number of years and has excellent skills but may have a learning curve with respect to the administrative piece. Lemnios said they are hoping to give people within Town departments the opportunity to move up within their departments. He will keep the Board informed of these developments.

Constable said that an application was put in with MAPC for technical assistance in the area of collaborative planning in the communities on the South Shore: Hingham, Hull, Cohasset, Rockland, Scituate and Norwell. This application has been approved and she thinks that in the next 4-5 weeks there will be some outreach on starting a regional conversation.

EXECUTIVE SESSION

Motion	Constable	To move to go into Executive Session and to discuss strategy with respect to Collective Bargaining and the Chair declare that an Open Meeting may have a detrimental effect on the bargaining position of the body. Move to go into Executive Session to discuss strategy with respect to litigation and that the Chair declare that an Open Meeting may have a detrimental effect on the litigating position of the body. Move to go into Executive Session to comply with or act under the authority of attorney/client privilege. Move to go into Executive Session to consult with legal counsel and obtain legal advice pursuant to the attorney/client privilege and to not reconvene in Open Session. The following items will be discussed:
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1. Library Contract
2. Extenet v. Hull
3. Graves Light, LLC v. Hull
4. Personnel Issues

**Second
Vote**

Richardson
Unanimous

Reilly – Aye
Richardson – Aye
Sestito – Aye
Constable – Aye
Grey – Aye

The Open Meeting was adjourned.

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 Select Board's office upon request:

- Agenda and Added Agenda for Board of Selectmen Meeting on March 5, 2020
- Draft of the Annual Town Meeting Warrant

