



# MEETING NOTICE POSTING & AGENDA

TOWN CLERK'S STAMP

## TOWN OF HULL

Pursuant to MGL Chapter 30A, § 18-25 all Meeting Notices must be filed and time stamped in the Town Clerk's Office and posted at least **48 hours prior to the meeting** (excluding Saturdays, Sundays and Holidays). Please be mindful of the Town Clerk's business hours of operation and make the necessary arrangements to ensure this Notice is received and stamped in by the Town Clerk's Office and posted by at least **30 minutes** prior to the close of business on the day of filing.

<b>Board or Committee</b>	<b>Select Board</b>
<b>Date &amp; Time of Meeting</b>	<b>Wednesday, October 25<sup>th</sup>, 2023 at 7:00 pm</b>
<b>Meeting Location</b>	<b>Hull Town Hall, 253 Atlantic Ave</b>
<b>Requested By:</b>	<b>Jennifer Constable, Town Manager</b>

## AGENDA

### APPOINTMENTS

**7:00 Joint Meeting with the Board of Library Trustees Re: Discuss and meet with the following individual regarding appointment to fill a vacant seat with term to expire May 20, 2024.**

**7:05 Kathleen McKenna**

**7:20 Nantasket Beach Salt Water Club, Inc. dba Nantasket Beach Salt Water Club, 3 Fitzpatrick Way, Nicole Londergan, Mgr. Re: Request the Select Board to seek reconsideration of Alcoholic Beverages Control Commission's (ABCC's) decision of "No Action" of classification change of their Seasonal Club All Alcohol license to an Annual Club All Alcohol license (Nicole Londergan, Manager).**

### APPROVALS

- 1. Christopher Russo, Fire Chief, Hull Fire Department Re: Request to host the annual Thanksgiving evening bonfire on November 23rd, 2023 subject to the HRA granting permission for the utilization of their property.**
- 2. Request to waive 15 day period to reject on new Library Director.**

### DISCUSSION

- 1. October 14, 2023 Select Board's Retreat Update.**
  - a. Work Plan Development**
- 2. Affordable Housing Committee Re: Request for clarification of the Social Service Agency Designee.**

The listings of items are those reasonably anticipated by the Chair which may be discussed. Not all items listed may in fact be discussed and other items not listed may also be discussed to the extent permitted by law

**3. Economic Development Committee Re: Reappointment of the following members:**

- James Pitrolo
- Kim Roy
- Kara Hendrick
- Irena Davy

**TOWN MANAGER UPDATE**

**CORRESPONDENCE**

- 1. Police Chief John Dunn Re: Halloween Trick or Treat Hours, Tuesday, October 31<sup>st</sup>, 2023.**

**POSSIBLE EXECUTIVE SESSIONS**

- 1. To consider the purchase, exchange, lease or value of real property where an open session may have a detrimental effect on the negotiating position of the body;**
- 2. To discuss strategy with respect to litigation where an open session may have a detrimental effect on the litigating position of the body: Subjects to include: Town of Hull v. Ferrara, et, al; Robert McEvoy, Trustee, v. Town of Hull**

7:05 Appointment



**Subject:** FW: Hull Public Library trustee search

**From:** Kathleen McKenna  
**Sent:** Monday, September 25, 2023 12:08 PM  
**To:** West, Lori Grey, Greg  
**Subject:** Hull Public Library trustee search

Dear Lori and Greg,

Celia Nolan suggested that I let you both know that I'm interested in applying for the open trustee spot at our wonderful town library.

I moved to Hull from Hingham at the start of Covid, and I've been looking for ways to get more involved here in town.

A little about me: I have degrees in journalism (BA) and creative writing (MFA), and I taught classes in short stories and memoir (both reading and writing) at the Hingham Library through the Osher Lifelong Learning Institute program. I wrote feature stories for the Boston Globe for many years, and now am working as a marketing copywriter from my home on with quite a bit of flexibility.

Please let me know if the Select Board is still searching for candidates, and whether I might be considered. Thank you so much for your help.

Sincerely,  
Kathleen

*Kathleen McKenna*



Commonwealth of Massachusetts  
**STATE ETHICS COMMISSION**

One Ashburton Place - Room 619  
Boston, Massachusetts 02108

7:20 Appointment  
J.C.

Hon. Margot Botsford (ret.)  
Chair

David A. Wilson  
Executive Director

October 25, 2023

BY EMAIL ([jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us))

James Lampke, Esq.  
Town Counsel  
Town of Hull  
115 North St.  
Hingham, MA 02043

Re: Jennifer Constable, Town Manager  
Town of Hull

Dear Mr. Lampke:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Jennifer Constable dated October 16, 2023, which we received yesterday. I concur with the conclusion contained in your opinion.

If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

/s/ Eve Slattery

Eve Slattery  
General Counsel

cc: Jennifer Constable (by email)  
Lori West, Town Clerk, Hull, Mass. (by email)

10.24.23 update per SEC



**TOWN OF HULL**  
*Home of Boston Light, America's 1<sup>st</sup> Lighthouse*  
**LAW DEPARTMENT - MAILING ADDRESS**  
**115 NORTH STREET**  
**HINGHAM, MASSACHUSETTS 02043**

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**James B. Lampke, Esq.**      **jlampke@town.hull.ma.us**      **781-749-9922**  
**Town Counsel**      **Fax: 781-749-9923; Cell: 617-285-4561 [best number]**

October 16, 2023

Jennifer Constable  
Town Manager  
Municipal Building  
253 Atlantic Avenue  
Hull, MA 02045

Re:    Conflict of Interest Opinion  
      Acting on Application of the Nantasket Beach Salt Water Club  
      for Annual All Alcohol License

Dear Ms. Constable:

You have requested an opinion from me as to any possible Conflict of Interest issues arising from the following circumstances.

You are the appointed Town Manager of the Town of Hull. Among your duties are the day to day operation of the Town. You also assist the Select Board in many matters, including licensing. Among the statutory duties of the Board are acting on applications for the grant of licenses to sell and dispense alcohol in the Town. See generally G.L. c. 138. The Nantasket Beach Salt Water Club (Club) has applied to convert its existing seasonal all alcoholic club license to an annual all alcoholic club license. There is presently one such annual all alcohol license available. The possible conflict issues arises because your husband is a member of the Club and by virtue of that membership you have Club privileges. Your husband also holds the Club position

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of Board Director. Neither you nor any family member holds any other office, nor do you or any family members receive any compensation from the Club. Neither you nor any member of your family have any ownership interest in the Club.

You inquire as to whether there are any Conflict of Interest Law (COIL) issues arising from those facts.

I have researched the applicable law and based on my analysis, wish to advise you as follows:

Summary of Opinion: The answer depends on the particular facts of a situation. Under the above facts, it is my opinion that provided you file the disclosure discussed below there would not be a conflict of interest were you to act on the Club's license. Even if not required by law, as an abundance of caution and as described below, you may also want to make a disclosure of your connection with the Club at the meeting where this is acted on.

#### **I. Municipal Employee Status for Conflict of Interest Purposes-**

As the **Town Manager**, you would come under the definition of a "municipal employee" for the Conflict of Interest Law (COIL). Basically, any person elected or appointed to a Town board, position or committee, regardless of issues of compensation or time commitment, is for the purposes of the COIL a "municipal employee" and subject to the provisions of said law. G.L. c. 268A, section 1(g).

While the entire COIL (generally G.L. c. 268A) would be applicable to you, this situation would appear to involve in particular Sections 19 and 23.

#### **II. Prohibition from Acting on Matters in which You, Your Family or Business/Organization have a Financial Interest-**

Section 19 may be applicable to this situation. It basically prohibits you from participating as a municipal employee in any matter in which you, a member of your immediate family or employer has a financial interest. It provides in part:

“a municipal employee who participates as such an employee in a **particular matter** in which to his knowledge **he, his immediate family** or partner, a business organization in which **he** is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, **has a financial interest**, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not

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more than 2 1/2 years, or both.” (Emphasis added)

You would be the municipal employee under this law.

The approval of a license application by the Board would be a particular matter.

**Because the Club is a business organization, the prohibitions in Section 19 would apply to a situation where you are an “officer, director, trustee or employee of the Club. Here you are none of these. The fact that your husband holds such a position does not cause you to have a Section 19 issue.**

Section 19 does have provisions where one's appointing authority can approve someone's participation in a matter which would otherwise be prohibited. Such a waiver is only available to appointed persons.

In analyzing the applicability of this section, it is necessary to determine whether you or your husband have a financial interest in the granting of the liquor license.

While the ethics law does not define a “financial interest” the State Ethics Commission has used a long-standing interpretation of the phrase to mean “any instance when the private financial interests are directly and immediately affected or when it is reasonably foreseeable that the financial interest would be affected”. State Ethics Commission, Conflict of Interest Law Primer on Self-Dealing, Financial Interests and the Rule of necessity for Municipal Employees.

Since neither you nor your husband derive any financial benefit from the Club, it would appear that neither of you have a financial interest in the license. While your spouse pays a membership fee, there is no indication from my review that the grant of the license will change the membership fee.

Anyone could make a possible claim you or your husband might benefit from the new license but in the absence of some factual basis it is in my opinion not direct and immediate and too speculative to have been intended to come under the law.

### **III. Standards of Conduct-**

The next pertinent section is Section 23, commonly called the Standards of Conduct Section. A copy of this section is attached.

Under the Standards of Conduct Section, Section 23(b)(2) you cannot “use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not

10.24.23 update per SEC

properly available to similarly situated individuals". The pending application is a routine alcohol related application before the Board and anyone in similar circumstances could do the same.

Also, under the Standards of Conduct Section, Section 23, you are prohibited under Section 23(b)(3) from acting in a manner which would cause a person, knowing the relevant circumstances, to conclude that you can be improperly influenced or that you are likely to act or not act as a result of the kinship, rank, position or undue influence of a person. This is the "appearance of conflict" prohibition.

Although such a conclusion may not be warranted, someone could claim that there is an appearance issue as you would be acting on an application from an organization in which you or a family member are connected with.

Please note that to the extent that this may be viewed an appearance issue, under the law you could dispel the possible conclusion that you acted contrary to this particular standard if you made a disclosure to your appointing authority of the circumstances which would otherwise lead a person to such a conclusion.

Based on present information and information when this matter was last before the Board, I have prepared a suggested disclosure using the SEC form. Please review it careful and advise me of any incorrect information. If it is correct, you can sign it and file it with the Select Board. You should also keep a copy for your records and send me a copy. Often these forms for employees are filed with the Town Clerk. You could also use the summary from it as a verbal disclosure at the meeting.

As you are appointed by the Select Board, it is your appointing authority. In this situation, to make the disclosure under section 23(b)(3), you should file the written disclosure with the Select Board. You may also want to make a disclosure at a public meeting, but that is not a requirement under the law.

I trust that this addresses your concerns and provides some guidance to you. Should a situation arise that further guidance may be warranted or advised, please do not hesitate to contact me.

In order for this opinion to provide you with the necessary protection, it must be submitted to the State Ethics Commission for their review and approval. They have up to 30 days to issue their approval or to reject the same, although they usually act much sooner. Usually, if they have a concern with an opinion, they will contact me to discuss it.

Under another procedure of the State Ethics Commission, I have been



10.24.23 update per SEC

communicating with Amy Nee, Esq., the prior Attorney of the Day when this was addressed in 2022. I have done that in the past regarding this liquor license and received then a verbal approval from the Attorney of the Day consistent with the advice above. As an abundance of caution, I am also submitting a copy of this opinion to her and asking for her concurrence.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

*James B. Lampke*

JAMES B. LAMPKE  
TOWN COUNSEL

JBL/I

Encl.

cc: Board of Selectmen  
Town Clerk  
Town Manager  
State Ethics Commission Executive Director  
State Ethics Commission, Amy Nee, Esq.

**G.L. c. 268A, Section 23:** Supplemental provisions; standards of conduct, copied  
**10.7.23** Section 23. (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) (i) solicit or receive anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position; or (ii) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion; or

(4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

10.24.23 update per SEC

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided, however, that substantial value shall not be less than \$50; (ii) establishing exclusions for ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions given solely because of family or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

**2023 DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	Jennifer Constable
Title or Position:	Town Manager, Town of Hull
Agency/Department:	Town Manager's Office/Select Board
Agency address:	Town Manager's Office Town Hall 253 Atlantic Avenue Hull, MA 02045
Office Phone:	781-925-2000
Office E-mail:	jconstable@town.hull.ma.us
	In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude

10.24.23 update per SEC

	<p>that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	The Nantasket Beach Salt Water Club holds a seasonal all alcoholic club license and has applied to change its license classification from a seasonal to an annual all alcoholic club license. My husband is a member and officer of the Club and as such I have membership benefits. The public body I report to, the Select Board, is the local board acting on this matter. In 2022 the Select Board voted to approve the change in classification and sent it to the ABCC. The ABCC returned it with a No Action statement because the Town did not have an available license. The Town now has such a license and the Board is being requested to seek reconsideration from the ABCC now that there is a license. It is our understanding that this is the routine procedure in such a situation.
What responsibility do you have for taking action or making a decision?	I have no direct involvement on this as I am not a member of the Select Board, which is the Local Licensing Authority. As Town Manager, among other things, I assist the Board in its work, including at the SB meetings and carrying out its votes.
Explain your relationship or affiliation to the person or organization.	My husband is a member and officer of the Club and as such I am entitled to membership benefits.
How do your official actions or decision matter to the person or organization?	I do not take any official actions or make any decisions regarding this matter. My role is that of administrative in carrying out the votes of the Board.
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	<p>Neither I nor my spouse receive any financial benefit from the Club. We have no ownership or financial interest in the Club.</p> <p><b><i>Neither I nor any relevant immediate family members have any financial interest that will be affected by whether the Club gets a year-round license.</i></b></p>

10.24.23 update per SEC

<b>If you cannot confirm this statement, you should recuse yourself.</b>	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  <u>  X  </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	

**Attach additional pages if necessary.**

**Not elected to your public position – file with your appointing authority.**

**Elected state or county employees – file with the State Ethics Commission.**

**Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.**

**Elected municipal employee – file with the City Clerk or Town Clerk.**

**Elected regional school committee member – file with the clerk or secretary of the committee.**

**Form revised July, 2012**



Commonwealth of Massachusetts  
**STATE ETHICS COMMISSION**

One Ashburton Place - Room 619  
Boston, Massachusetts 02108

7:20 Appointment  
G.G.

Hon. Margot Botsford (ret.)  
Chair

David A. Wilson  
Executive Director

October 25, 2023

BY EMAIL ([jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us))

James Lampke, Esq.  
Town Counsel  
Town of Hull  
115 North St.  
Hingham, MA 02043

Re: Greg Grey, Chair  
Town of Hull Select Board

Dear Mr. Lampke:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Greg Grey dated October 16, 2023, which we received yesterday. I concur with the conclusion contained in your opinion.

If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

*/s/ Eve Slattery*

Eve Slattery  
General Counsel

cc: Greg Grey (by email)  
Lori West, Town Clerk, Hull, Mass. (by email)



**Town of Hull**  
**Law Department-Mailing Address**  
115 North Street, Suite 3  
Hingham, Massachusetts 02043  
781-749-9922; C- 617-285-4561 (best number)  
Email- [jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us)



**America's First Lighthouse**  
**Boston Light**  
**Hull, MA, circa 1900**

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**James B. Lampke, Esq.**  
**Town Counsel**

October 16, 2023

Greg Grey  
Chair, Select Board  
Town Hall  
253 Atlantic Avenue  
Hull, MA 02045

Re: Conflict of Interest Opinion  
Acting on Reconsideration Request to ABCC of the Nantasket Beach Salt Water Club  
Application for Annual All Alcohol License

Dear Mr. Grey:

I write this opinion as to any possible Conflict of Interest issues arising from the following circumstances.

You are an elected member of the Select Board (Board) and are presently its chair. Among the statutory duties of the Board are acting on applications for the grant of licenses to sell and dispense alcohol in the Town as well as matters involving liquor licenses. See generally G.L. c. 138. Back in 2022, the Nantasket Beach Salt Water Club (Club) applied to convert its existing seasonal all alcoholic club license to an annual all alcoholic club license. That request was approved by the Board in 2022 and submitted to the ABCC for its approval. However, the ABCC returned the matter to the Board, stating it was taking no action at this time because there was not an available license. A license has become available recently and the Club has expressed its desire to still obtain a license. Under the ABCC policy, the Board can request the ABCC to reconsider its prior No Action as a license is now available for the Club. The Board will be voting this Wednesday, October 25, 2023 on whether to approve requesting the ABCC to reconsider its prior No Action.

The possible conflict issues arises because your wife is a member of the Club and by virtue of that membership you have Club privileges. Your son is also a member of the Club. Neither you nor any family member holds any office, nor do you or any family members

receive any compensation from the Club. Neither you nor any member of your family have any ownership interest in the Club.

You inquire as to whether there are any Conflict of Interest Law (COIL) issues arising from those facts.

I have researched the applicable law and based on my analysis, wish to advise you as follows:

Summary of Opinion: The answer depends on the particular facts of a situation. Under the above facts, it is my opinion that provided you file the disclosure discussed below there would not be a conflict of interest were you to act on the request to the ABCC to reconsider its No Action on the Club's license application. Even if not required by law, as an abundance of caution and as described below, you may want to make a disclosure of your connection with the Club at the meeting where this is acted on.

### I. Municipal Employee Status for Conflict of Interest Purposes-

As an elected member of the Board, you would come under the definition of a "municipal employee" for the Conflict of Interest Law (COIL). Basically, any person elected or appointed to a Town board, position or committee, regardless of issues of compensation or time commitment, is for the purposes of the COIL a "municipal employee" and subject to the provisions of said law. G.L. c. 268A, section 1(g).

While the entire COIL (generally G.L. c. 268A) would be applicable to you, this situation would appear to involve in particular Sections 19 and 23.

### II. Prohibition from Acting on Matters in which You, Your Family or Business/Organization have a Financial Interest-

Section 19 may be applicable to this situation. It basically prohibits you from participating as a municipal employee in any matter in which you, a member of your immediate family or employer has a financial interest. It provides in part:

"a municipal employee who participates as such an employee in **a particular matter** in which to his knowledge **he, his immediate family**<sup>1</sup> or partner, a business organization in which **he** is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, **has a financial interest**, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both."  
(Emphasis added)

You would be the municipal employee under this law.

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<sup>1</sup> "Immediate Family" is defined by the COIL to mean "(e) 'Immediate family', the employee and his spouse, and their parents, children, brothers and sisters." G.L. c. 268A, section 1.



The approval by the Board of a request for the ABCC to reconsider its prior return of the license on grounds of it taking No Action would be a particular matter.

Under the facts presented, neither your wife nor you have a financial interest in the liquor license.

Section 19 does have provisions where one's appointing authority can approve someone's participation in a matter which would otherwise be prohibited. Such a waiver is only available to appointed persons. As an elected member of the Board, you are not eligible for such a waiver.

In analyzing the applicability of this section, it is necessary to determine whether you or your wife have a financial interest in the granting of the liquor license.

While the ethics law does not define a "financial interest" the State Ethics Commission has used a long-standing interpretation of the phrase to mean "any instance when the private financial interests are directly and immediately affected or when it is reasonably foreseeable that the financial interest would be affected." State Ethics Commission, Conflict of Interest Law Primer on Self-Dealing, Financial Interests and the Rule of necessity for Municipal Employees.

Since neither you nor your wife derive any financial benefit from the Club, it would appear that neither of you have a financial interest in the license. While you pay a membership fee, there is no indication from my review that the grant of the license will change the membership fee.

Anyone could make a possible claim you might benefit from the new license but in the absence of some factual basis it is in my opinion there is no direct and immediate interest nor one that would be a reasonably foreseeable interest. It would be too speculative to have been intended to come under the law.

### **III. Standards of Conduct-**

The next pertinent section is Section 23, commonly called the Standards of Conduct Section. A copy of this section is attached.

Under the Standards of Conduct Section, Section 23(b)."2) you cannot "use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals." The pending application is a routine alcohol related application before the Board and anyone in similar circumstances could do the same.

Also, under the Standards of Conduct Section, Section 23, you are prohibited under Section 23(b)(3) from acting in a manner which would cause a reasonable person, knowing the relevant circumstances, to conclude that you can be improperly influenced or that you are likely to act or not act as a result of the kinship, rank, position or undue influence of a person. This is the "appearance of conflict" prohibition.



Although such a conclusion may not be warranted, someone could claim that there is an appearance issue as you would be acting on an application from an organization in which you or a family member are connected with.

Please note that to the extent that this may be viewed an appearance issue, under the law you could dispel the possible conclusion that you acted contrary to this particular standard if you made a disclosure to your appointing authority of the circumstances which would otherwise lead a person to such a conclusion.

As you are an elected member of the Board, your "appointing authority" is the public. In this situation, to make the disclosure under section 23(b)(3), you should file a written disclosure with the Town Clerk. You may also want to make a disclosure at a public meeting, but that is not a requirement under the law.

Based on present information and information when this matter was last before the Board, I have prepared a suggested disclosure using the SEC form. Please review it carefully and advise me of any incorrect information. If it is correct, you can sign it and file it with the Town Clerk. You should also keep a copy for your records and send me a copy. You could also use the summary from it as a verbal disclosure at the meeting.

I trust that this addresses your concerns and provides some guidance to you. Should a situation arise that further guidance may be warranted or advised, please do not hesitate to contact me.

In order for this opinion to provide you with the necessary protection, it must be submitted to the State Ethics Commission for their review and approval. They have up to 30 days to issue their approval or to reject the same, although they usually act much sooner. Usually, if they have a concern with an opinion, they will contact me to discuss it.

Under another procedure of the State Ethics Commission, I have been communicating with Amy Nee, Esq., the prior Attorney of the Day when this was addressed in 2022. I have done that in the past regarding this liquor license and received then a verbal approval from the Attorney of the Day consistent with the advice above. As an abundance of caution, I am also submitting a copy of this opinion to her and asking for her concurrence.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

*James B. Lampke*

JAMES B. LAMPKE  
TOWN COUNSEL

JBL/I

Encl.

cc: Select Board  
Town Clerk  
Town Manager  
State Ethics Commission Executive Director

10.24.23 update per SEC

State Ethics Commission, Amy Nee, Esq.

## G.L. c. 268A, Section 23: Supplemental provisions; standards of conduct, copied 10.7.23

Section 23. (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) (i) solicit or receive anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position; or (ii) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion; or

(4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided, however, that substantial value shall not be less than \$50; (ii) establishing exclusions for ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions given solely because of family or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

**2023 DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	Greg Grey
Title or Position:	Member and Chair, Select Board
Agency/Department:	Select Board
Agency address:	Select Board Town Hall 253 Atlantic Avenue Hull, MA 02045
Office Phone:	781-925-2000
Office E-mail:	ggrey@town.hull.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	The Nantasket Beach Salt Water Club holds a seasonal all alcoholic club license and applied to change its license classification from a seasonal to an annual all alcoholic club license. My wife is a member of the Club and as such I and my spouse have membership benefits. The Select Board approved this in 2022. The ABCC returned it with a No Action statement because, unbeknown to the Town, it did not have an available license to grant the Club. A license recently became available and the Board will be deciding whether to ask the ABCC to reconsider its No Action because a license is now available. We have been advised from the ABCC that such a request is typical in these situations.
What responsibility do you have for taking action or making a decision?	I am part of the Board that votes to approve or disapprove of alcohol related licenses and requests to the ABCC.
Explain your relationship or affiliation to the person or organization.	My wife is a member of the Club and as such I and my spouse are entitled to membership benefits. My son is also a Club member. My family and I have no ownership interest in the club.

How do your official actions or decision matter to the person or organization?	I voted previously to approve the Club's application. I am now being asked to vote on seeking a reconsideration by the ABCC of their taking no action because there was no license available. There is now a license available. My vote on the request for reconsideration may result in asking the ABCC to now approve the Club's license application. They want their application to be approved and this is part of the process.
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	Neither I nor my spouse nor my son receive any financial benefit from the Club. We have no ownership or financial interest in the Club.  <i><b>Neither I nor any relevant immediate family members have any financial interest that will be affected by whether the Club gets a year-round license.</b></i>
If you cannot confirm this statement, you should recuse yourself.	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  <u>  X  </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.



Commonwealth of Massachusetts  
**STATE ETHICS COMMISSION**

One Ashburton Place - Room 619  
Boston, Massachusetts 02108

Hon. Margot Botsford (ret.)  
Chair

David A. Wilson  
Executive Director

7:20 Appointment  
J.M.

October 25, 2023

BY EMAIL ([jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us))

James Lampke, Esq.  
Town Counsel  
Town of Hull  
115 North St.  
Hingham, MA 02043

Re: Jason McCann, Member  
Town of Hull Select Board

Dear Mr. Lampke:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Jason McCann dated October 16, 2023, which we received yesterday. I concur with the conclusion contained in your opinion.

If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

/s/ Eve Slattery

Eve Slattery  
General Counsel

cc: Jason McCann (by email)  
Lori West, Town Clerk, Hull, Mass. (by email)



**Town of Hull**  
**Law Department-Mailing Address**  
115 North Street, Suite 3  
Hingham, Massachusetts 02043  
781-749-9922; C- 617-285-4561 (best number)  
Email- [jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us)



**America's First Lighthouse**  
**Boston Light**  
**Hull, MA, circa 1900**

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**James B. Lampke, Esq.**  
**Town Counsel**

October 16, 2023

Jason McCann  
Select Board  
Town Hall  
253 Atlantic Avenue  
Hull, MA 02045

Re: Conflict of Interest Opinion  
Acting on Reconsideration Request to ABCC of the Nantasket Beach Salt Water Club  
Application for Annual All Alcohol License

Dear Mr. McCann:

I write this opinion as to any possible Conflict of Interest issues arising from the following circumstances.

You are an elected member of the Select Board (Board). Among the statutory duties of the Board are acting on applications for the grant of licenses to sell and dispense alcohol in the Town as well as matters involving liquor licenses. See generally G.L. c. 138. The Nantasket Beach Salt Water Club (Club) applied (prior to your election to the Board) to convert its existing seasonal all alcoholic club license to an annual all alcoholic club license. That request was approved by the Board in 2022 and submitted to the ABCC for its approval. However, the ABCC returned the matter to the Board, stating it was taking no action at this time because there was not an available license. A license has become available recently and the Club has expressed its desire to still obtain a license. Under the ABCC policy, the Board can request the ABCC to reconsider its prior No Action as a license is now available for the Club. The Board will be voting this Wednesday, October 11, 2023 on whether to approve requesting the ABCC to reconsider its prior No Action.

You are not a member of the Club. Neither you nor any family member holds any office, nor do you or any family members receive any compensation from the Club. However, you and your spouse are members of the Hull Yacht Club (HYC), which is located



next door the Club. Your spouse is also an officer of the HYC. The HYC presently has a seasonal all alcoholic club license.

The possible conflict issue arises because the Club having a license could place it in competition with the HYC, and visa versa. This is so even though both the Club and the HYC have held liquor licenses for decades. Neither you nor any member of your family have any ownership interest in the Club or the HYC. Both the Club and the HYC rent out its facilities and alcoholic beverages, usually under their license, are available to those present.

You inquire as to whether there are any Conflict of Interest Law (COIL) issues arising from those facts.

I have researched the applicable law and based on my analysis, wish to advise you as follows:

Summary of Opinion: The answer depends on the particular facts of a situation. Under the above facts, it is my opinion that provided you file the disclosure discussed below there would not be a conflict of interest were you to act on the request to the ABCC to reconsider its No Action on the Club's license application. Even if not required by law, as an abundance of caution and as described below, you may want to make a disclosure of your connection with the Club at the meeting where this is acted on.

#### **I. Municipal Employee Status for Conflict of Interest Purposes-**

As an elected member of the Board, you would come under the definition of a "municipal employee" for the Conflict of Interest Law (COIL). Basically, any person elected or appointed to a Town board, position or committee, regardless of issues of compensation or time commitment, is for the purposes of the COIL a "municipal employee" and subject to the provisions of said law. G.L. c. 268A, section 1(g).

While the entire COIL (generally G.L. c. 268A) would be applicable to you, this situation would appear to involve in particular Sections 19 and 23.

#### **II. Prohibition from Acting on Matters in which You, Your Family or Business/Organization have a Financial Interest-**

Section 19 may be applicable to this situation. It basically prohibits you from participating as a municipal employee in any matter in which you, a member of your immediate family or employer has a financial interest. It provides in part:

**"a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family<sup>1</sup> or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be**

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<sup>1</sup> "Immediate Family" is defined by the COIL to mean "(e) 'Immediate family', the employee and his spouse, and their parents, children, brothers and sisters." G.L. c. 268A, section 1.



punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.” (Emphasis added)

You would be the municipal employee under this law.

The approval by the Board of a request for the ABCC to reconsider its prior return of the license on grounds of it taking No Action would be a particular matter.

Under the facts presented, neither your spouse nor you have a financial interest in the liquor license. You are not serving as an officer, director or trustee in either organization.

Section 19 does have provisions where one’s appointing authority can approve someone’s participation in a matter which would otherwise be prohibited. Such a waiver is only available to appointed persons. As an elected member of the Board, you are not eligible for such a waiver.

In analyzing the applicability of this section, it is necessary to determine whether you or your spouse have a financial interest in the granting of the liquor license.

While the ethics law does not define a “financial interest” the State Ethics Commission has used a long-standing interpretation of the phrase to mean “any instance when the private financial interests are directly and immediately affected or when it is reasonably foreseeable that the financial interest would be affected.” State Ethics Commission, Conflict of Interest Law Primer on Self-Dealing, Financial Interests and the Rule of necessity for Municipal Employees.

Since neither you nor your spouse derive any financial benefit from the Club or the HYC, it would appear that neither of you have a financial interest in the license. While you pay a membership fee to the HYC, there is no indication from my review that the grant of a **year-round license to the Club next door will have any impact on the membership fee at the HYC.**

Anyone could make a possible claim you might benefit from the new license but in the absence of some factual basis it is in my opinion there is no direct and immediate interest nor one that would be a reasonably foreseeable interest. It would be too speculative to have been intended to come under the law.

### **III. Standards of Conduct-**

The next pertinent section is Section 23, commonly called the Standards of Conduct Section. A copy of this section is attached. This is discussed below only for informational purposes.

Under the Standards of Conduct Section, Section 23(b.”2) you cannot “use or attempt to use such official position to secure for such officer, employee or others unwarranted

privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals.” The issues involving the Club license are a routine alcohol related matter before the Board and anyone in similar circumstances could do the same.

Also, under the Standards of Conduct Section, Section 23, you are prohibited under Section 23(b)(3) from acting in a manner which would cause a reasonable person, knowing the relevant circumstances, to conclude that you can be improperly influenced or that you are likely to act or not act as a result of the kinship, rank, position or undue influence of a person. This is the "appearance of conflict" prohibition.

Although such a conclusion may not be warranted, someone could claim that there is an appearance issue as you would be acting, for example, on an application from an organization next door to an organization in which you and your spouse are members and your spouse is an officer.

Please note that to the extent that this may be viewed an appearance issue, under the law you could dispel the possible conclusion that you acted contrary to this particular standard if you made a disclosure to your appointing authority of the circumstances which would otherwise lead a person to such a conclusion.

As you are an elected member of the Board, your “appointing authority” is the public. In this situation, to make the disclosure under section 23(b)(3), you should file a written disclosure with the Town Clerk. You may also want to make a disclosure at a public meeting, but that is not a requirement under the law.

In order for this opinion to provide you with the necessary protection, it must be submitted to the State Ethics Commission for their review and approval. They have up to 30 days to issue their approval or to reject the same, although they usually act much sooner. Usually, if they have a concern with an opinion, they will contact me to discuss it.

Under another procedure of the State Ethics Commission, I have been communicating with Amy Nee, Esq., the prior Attorney of the Day when this was addressed in 2022. I have done that in the past regarding this liquor license and received then a verbal approval from the Attorney of the Day consistent with the advice above. As an abundance of caution, I am also submitting a copy of this opinion to her and asking for her concurrence.

I trust that this addresses your concerns and provides some guidance to you. Should a situation arise that further guidance may be warranted or advised, please do not hesitate to contact me.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

*James B. Lampke*

JAMES B. LAMPKE  
TOWN COUNSEL

## 10.24.23 Update per SEC

cc:     Select Board  
          Town Clerk  
          Town Manager  
          State Ethics Commission Executive Director  
          State Ethics Commission, Amy Nee, Esq.

## **G.L. c. 268A, Section 23: Supplemental provisions; standards of conduct, copied 10.7.23**

Section 23. (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) (i) solicit or receive anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position; or (ii) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion; or

(4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided, however, that substantial value shall not be less than \$50; (ii) establishing exclusions for ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions given solely because of family or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

**2023 DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	Jason McCann
Title or Position:	Member, Select Board
Agency/Department:	Select Board
Agency address:	Select Board Town Hall 253 Atlantic Avenue Hull, MA 02045
Office Phone:	781-925-2000
Office E-mail:	jmccann@town.hull.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	The Nantasket Beach Salt Water Club (Club) holds a seasonal all alcoholic club license and applied to change its license classification from a seasonal to an annual all alcoholic club license. I am not a member of the Club. The Select Board approved this in 2022, prior to my election to the Board. The ABCC returned it with a No Action statement because the Town did not have an available license to grant the Club. A license recently became available and the Board will be deciding whether to ask the ABCC to reconsider its No Action because a license is now available. My spouse and I are members of the Hull Yacht Club (HYC), which is located next door to the Club. My spouse is also an officer of the HYC. We have been advised from the ABCC that such a request to reconsider is typical in these situations.
What responsibility do you have for taking action or making a decision?	I am part of the Board that votes to approve or disapprove of alcohol related licenses and requests to the ABCC.
Explain your relationship or affiliation to the person or organization.	I am not a member of the Club. My spouse and I are members of the Hull Yacht Club (HYC), which is located next door to the Club. My spouse is also an officer of the HYC. Neither I nor my spouse have <b>any</b> ownership interest in the Club or the HYC.

How do your official actions or decision matter to the person or organization?	I am being asked to vote on seeking a reconsideration by the ABCC of their taking no action because there was no license available. There is now a license available. My vote on the request for reconsideration may result in asking the ABCC to now approve the Club's license application. They want their application to be approved and this is part of the process.
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	Neither I nor my spouse receive any financial benefit from the Club or HYC. We have no ownership or financial interest in the Club.  <i>Neither I nor any relevant immediate family members have any financial interest that will be affected by whether the Club gets a year-round license.</i>
If you cannot confirm this statement, you should recuse yourself.	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  <u>  X  </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.



Commonwealth of Massachusetts  
**STATE ETHICS COMMISSION**

One Ashburton Place - Room 619  
Boston, Massachusetts 02108

Hon. Margot Botsford (ret.)  
Chair

David A. Wilson  
Executive Director

October 25, 2023

BY EMAIL ([jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us))

James Lampke, Esq.  
Town Counsel  
Town of Hull  
115 North St.  
Hingham, MA 02043

Re: Brian McCarthy, Member  
Town of Hull Select Board

Dear Mr. Lampke:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Brian McCarthy dated October 16, 2023, which we received yesterday. I concur with the conclusion contained in your opinion.

If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

*/s/ Eve Slattery*

Eve Slattery  
General Counsel

cc: Brian McCarthy (by email)  
Lori West, Town Clerk, Hull, Mass. (by email)



**Town of Hull**  
**Law Department-Mailing Address**  
115 North Street, Suite 3  
Hingham, Massachusetts 02043  
781-749-9922; C- 617-285-4561 (best number)  
Email- [jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us)



**America's First Lighthouse**  
**Boston Light**  
Hull, MA, circa 1900

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**James B. Lampke, Esq.**  
**Town Counsel**

October 16, 2023

Brian McCarthy  
Select Board  
Town Hall  
253 Atlantic Avenue  
Hull, MA 02045

Re: Conflict of Interest Opinion  
Acting on Reconsideration Request to ABCC of the Nantasket Beach Salt Water Club  
Application for Annual All Alcohol License

Dear Mr. McCarthy:

I write this opinion as to any possible Conflict of Interest issues arising from the following circumstances.

You are an elected member of the Select Board (Board). Among the statutory duties of the Board are acting on applications for the grant of licenses to sell and dispense alcohol in the Town as well as matters involving liquor licenses. See generally G.L. c. 138. The Nantasket Beach Salt Water Club (Club) applied (prior to your election to the Board) to convert its existing seasonal all alcoholic club license to an annual all alcoholic club license. That request was approved by the Board in 2022 and submitted to the ABCC for its approval. However, the ABCC returned the matter to the Board, stating it was taking no action at this time because there was not an available license. A license has become available recently and the Club has expressed its desire to still obtain a license. Under the ABCC policy, the Board can request the ABCC to reconsider its prior No Action as a license is now available for the Club. The Board will be voting this Wednesday, October 25, 2023 on whether to approve requesting the ABCC to reconsider its prior No Action.

The possible conflict issues arises because you are a member of the Club. Neither you nor any family member holds any office, nor do you or any family members receive any compensation from the Club. Neither you nor any member of your family have any



ownership interest in the Club.

You inquire as to whether there are any Conflict of Interest Law (COIL) issues arising from those facts.

I have researched the applicable law and based on my analysis, wish to advise you as follows:

Summary of Opinion: The answer depends on the particular facts of a situation. Under the above facts, it is my opinion that provided you file the disclosure discussed below there would not be a conflict of interest were you to act on the request to the ABCC to reconsider its No Action on the Club's license application. Even if not required by law, as an abundance of caution and as described below, you may want to make a disclosure of your connection with the Club at the meeting where this is acted on.

### **I. Municipal Employee Status for Conflict of Interest Purposes-**

As an elected member of the Board, you would come under the definition of a "municipal employee" for the Conflict of Interest Law (COIL). Basically, any person elected or appointed to a Town board, position or committee, regardless of issues of compensation or time commitment, is for the purposes of the COIL a "municipal employee" and subject to the provisions of said law. G.L. c. 268A, section 1(g).

While the entire COIL (generally G.L. c. 268A) would be applicable to you, this situation would appear to involve in particular Sections 19 and 23.

### **II. Prohibition from Acting on Matters in which You, Your Family or Business/Organization have a Financial Interest-**

Section 19 may be applicable to this situation. It basically prohibits you from participating as a municipal employee in any matter in which you, a member of your immediate family or employer has a financial interest. It provides in part:

“a municipal employee who participates as such an employee in **a particular matter** in which to his knowledge **he, his immediate family<sup>1</sup>** or partner, a business organization in which **he** is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, **has a financial interest**, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.”  
(Emphasis added)

You would be the municipal employee under this law.

The approval by the Board of a request for the ABCC to reconsider its prior return of

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<sup>1</sup> “Immediate Family” is defined by the COIL to mean “(e) “Immediate family”, the employee and his spouse, and their parents, children, brothers and sisters.” G.L. c. 268A, section 1.

the license on grounds of it taking No Action would be a particular matter.

Under the facts presented, you do not have a financial interest in the liquor license.

Section 19 does have provisions where one's appointing authority can approve someone's participation in a matter which would otherwise be prohibited. Such a waiver is only available to appointed persons. As an elected member of the Board, you are not eligible for such a waiver.

In analyzing the applicability of this section, it is necessary to determine whether you have a financial interest in the granting of the liquor license.

While the ethics law does not define a "financial interest" the State Ethics Commission has used a long-standing interpretation of the phrase to mean "any instance when the private financial interests are directly and immediately affected or when it is reasonably foreseeable that the financial interest would be affected." State Ethics Commission, Conflict of Interest Law Primer on Self-Dealing, Financial Interests and the Rule of necessity for Municipal Employees.

Since you do not derive any financial benefit from the Club, it would appear that you do not have a financial interest in the license. While you pay a membership fee, there is no indication from my review that the grant of the license will change the membership fee.

Anyone could make a possible claim you might benefit from the new license but in the absence of some factual basis it is in my opinion there is no direct and immediate interest nor one that would be a reasonably foreseeable interest. It would be too speculative to have been intended to come under the law.

### **III. Standards of Conduct-**

The next pertinent section is Section 23, commonly called the Standards of Conduct Section. A copy of this section is attached.

Under the Standards of Conduct Section, Section 23(b."2) you cannot "use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals." The pending application is a routine alcohol related matter before the Board and anyone in similar circumstances could do the same.

Also, under the Standards of Conduct Section, Section 23, you are prohibited under Section 23(b)(3) from acting in a manner which would cause a reasonable person, knowing the relevant circumstances, to conclude that you can be improperly influenced or that you are likely to act or not act as a result of the kinship, rank, position or undue influence of a person. This is the "appearance of conflict" prohibition.

Although such a conclusion may not be warranted, someone could claim that there is an appearance issue as you would be acting on an application from an organization in which you are connected with.

Please note that to the extent that this may be viewed an appearance issue, under the law you could dispel the possible conclusion that you acted contrary to this particular standard if you made a disclosure to your appointing authority of the circumstances which would otherwise lead a person to such a conclusion.

As you are an elected member of the Board, your "appointing authority" is the public. In this situation, to make the disclosure under section 23(b)(3), you should file a written disclosure with the Town Clerk. You may also want to make a disclosure at a public meeting, but that is not a requirement under the law.

Based on present information and information when this matter was last before the Board, I have prepared a suggested disclosure using the SEC form. Please review it carefully and advise me of any incorrect information. If it is correct, you can sign it and file it with the Town Clerk. You should also keep a copy for your records and send me a copy. You could also use the summary from it as a verbal disclosure at the meeting.

I trust that this addresses your concerns and provides some guidance to you. Should a situation arise that further guidance may be warranted or advised, please do not hesitate to contact me.

In order for this opinion to provide you with the necessary protection, it must be submitted to the State Ethics Commission for their review and approval. They have up to 30 days to issue their approval or to reject the same, although they usually act much sooner. Usually, if they have a concern with an opinion, they will contact me to discuss it.

Under another procedure of the State Ethics Commission, I have been communicating with Amy Nee, Esq., the prior Attorney of the Day when this was addressed in 2022. I have done that in the past regarding this liquor license and received then a verbal approval from the Attorney of the Day consistent with the advice above. As an abundance of caution, I am also submitting a copy of this opinion to her and asking for her concurrence.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

*James B. Lampke*

JAMES B. LAMPKE  
TOWN COUNSEL

JBL/I

Encl.

cc: Select Board  
Town Clerk  
Town Manager  
State Ethics Commission Executive Director  
State Ethics Commission, Amy Nee, Esq.

## G.L. c. 268A, Section 23: Supplemental provisions; standards of conduct, copied 10.7.23

Section 23. (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) (i) solicit or receive anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position; or (ii) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion; or

(4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided, however, that substantial value shall not be less than \$50; (ii) establishing exclusions for ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions given solely because of family or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

**2023 DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	Brian McCarthy
Title or Position:	Member, Select Board
Agency/Department:	Select Board
Agency address:	Select Board Town Hall 253 Atlantic Avenue Hull, MA 02045
Office Phone:	781-925-2000
Office E-mail:	bmccarthy@town.hull.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	The Nantasket Beach Salt Water Club (Club) holds a seasonal all alcoholic club license and applied to change its license classification from a seasonal to an annual all alcoholic club license. I am a member of the Club and as such I have membership benefits. The Select Board approved this in 2022, prior to my election to the Board. The ABCC returned it with a No Action statement because the Town did not have an available license to grant the Club. A license recently became available and the Board will be deciding whether to ask the ABCC to reconsider its No Action because a license is now available. We have been advised from the ABCC that such a request is typical in these situations.
What responsibility do you have for taking action or making a decision?	I am part of the Board that votes to approve or disapprove of alcohol related licenses and requests to the ABCC.
Explain your relationship or affiliation to the person or organization.	I am a member of the Club and as am entitled to membership benefits. I have no ownership interest in the club.



How do your official actions or decision matter to the person or organization?	I am being asked to vote on seeking a reconsideration by the ABCC of their taking no action because there was no license available. There is now a license available. My vote on the request for reconsideration may result in asking the ABCC to now approve the Club's license application. They want their application to be approved and this is part of the process.
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	<p>I do not receive any financial benefit from the Club. I have no ownership or financial interest in the Club.</p> <p><i>Neither I nor any relevant immediate family members have any financial interest that will be affected by whether the Club gets a year-round license</i></p>
<b>If you cannot confirm this statement, you should recuse yourself.</b>	<p><b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b></p> <p>.</p> <p><u>  X  </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
Employee signature:	
Date:	

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.



Commonwealth of Massachusetts  
**STATE ETHICS COMMISSION**

One Ashburton Place - Room 619  
Boston, Massachusetts 02108

Hon. Margot Botsford (ret.)  
Chair

David A. Wilson  
Executive Director

October 25, 2023

BY EMAIL ([jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us))

James Lampke, Esq.  
Town Counsel  
Town of Hull  
115 North St.  
Hingham, MA 02043

Re: Jerry Taverna, Member  
Town of Hull Select Board

Dear Mr. Lampke:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Jerry Taverna dated October 16, 2023, which we received yesterday. I concur with the conclusion contained in your opinion.

If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

/s/ Eve Slattery

Eve Slattery  
General Counsel

cc: Jerry Taverna (by email)  
Lori West, Town Clerk, Hull, Mass. (by email)



**Town of Hull**  
**Law Department-Mailing Address**  
115 North Street, Suite 3  
Hingham, Massachusetts 02043  
781-749-9922; C- 617-285-4561 (best number)  
Email- [jlampke@town.hull.ma.us](mailto:jlampke@town.hull.ma.us)



**America's First Lighthouse**  
**Boston Light**  
**Hull, MA, circa 1900**

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**James B. Lampke, Esq.**  
**Town Counsel**

October 16, 2023

Jerry Taverna  
Select Board  
Town Hall  
253 Atlantic Avenue  
Hull, MA 02045

Re: Conflict of Interest Opinion  
Acting on Reconsideration Request to ABCC of the Nantasket Beach Salt Water Club  
Application for Annual All Alcohol License

Dear Mr. Taverna:

I write this opinion as to any possible Conflict of Interest issues arising from the following circumstances.

You are an elected member of the Select Board (Board). Among the statutory duties of the Board are acting on applications for the grant of licenses to sell and dispense alcohol in the Town as well as matters involving liquor licenses. See generally G.L. c. 138. The Nantasket Beach Salt Water Club (Club) applied (prior to your election to the Board) to convert its existing seasonal all alcoholic club license to an annual all alcoholic club license. That request was approved by the Board in 2022 and submitted to the ABCC for its approval. However, the ABCC returned the matter to the Board, stating it was taking no action at this time because there was not an available license. A license has become available recently and the Club has expressed its desire to still obtain a license. Under the ABCC policy, the Board can request the ABCC to reconsider its prior No Action as a license is now available for the Club. The Board will be voting this Wednesday, October 25, 2023 on whether to approve requesting the ABCC to reconsider its prior No Action.

The possible conflict issues arises because two of your wife's sisters or husbands are members of the Club. Neither you nor your wife are members of the Club. Neither you nor any family member holds any office, nor do you or any family members receive any



compensation from the Club. Neither you nor any member of your family have any ownership interest in the Club.

You inquire as to whether there are any Conflict of Interest Law (COIL) issues arising from those facts.

I have researched the applicable law and based on my analysis, wish to advise you as follows:

Summary of Opinion: The answer depends on the particular facts of a situation. Under the above facts, it is my opinion that provided you file the disclosure discussed below there would not be a conflict of interest were you to act on the request to the ABCC to reconsider its No Action on the Club's license application. Even if not required by law, as an abundance of caution and as described below, you may want to make a disclosure of your connection with the Club at the meeting where this is acted on.

### **I. Municipal Employee Status for Conflict of Interest Purposes-**

As an elected member of the Board, you would come under the definition of a "municipal employee" for the Conflict of Interest Law (COIL). Basically, any person elected or appointed to a Town board, position or committee, regardless of issues of compensation or time commitment, is for the purposes of the COIL a "municipal employee" and subject to the provisions of said law. G.L. c. 268A, section 1(g).

While the entire COIL (generally G.L. c. 268A) would be applicable to you, this situation would appear to involve in particular Sections 19 and 23.

### **II. Prohibition from Acting on Matters in which You, Your Family or Business/Organization have a Financial Interest-**

Section 19 may be applicable to this situation. It basically prohibits you from participating as a municipal employee in any matter in which you, a member of your immediate family or employer has a financial interest. It provides in part:

“a municipal employee who participates as such an employee in **a particular matter** in which to his knowledge **he, his immediate family**<sup>1</sup> or partner, a business organization in which **he** is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, **has a financial interest**, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.”  
(Emphasis added)

You would be the municipal employee under this law.

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<sup>1</sup> “Immediate Family” is defined by the COIL to mean “(e) 'Immediate family', the employee and his spouse, and their parents, children, brothers and sisters.” G.L. c. 268A, section 1.

The approval by the Board of a request for the ABCC to reconsider its prior return of the license on grounds of it taking No Action would be a particular matter.

Under the facts presented, you do not have a financial interest in the liquor license.

Section 19 does have provisions where one's appointing authority can approve someone's participation in a matter which would otherwise be prohibited. Such a waiver is only available to appointed persons. As an elected member of the Board, you are not eligible for such a waiver.

In analyzing the applicability of this section, it is necessary to determine whether you **and/or your wife's sisters** have a financial interest in the granting of the liquor license.

While the ethics law does not define a "financial interest" the State Ethics Commission has used a long-standing interpretation of the phrase to mean "any instance when the private financial interests are directly and immediately affected or when it is reasonably foreseeable that the financial interest would be affected." State Ethics Commission, Conflict of Interest Law Primer on Self-Dealing, Financial Interests and the Rule of necessity for Municipal Employees.

Since **your wife's sisters and/or** you do not derive any financial benefit from the Club, it would appear that you **and they** do not have a financial interest in the license.

Anyone could make a possible claim you might benefit from the new license but in the absence of some factual basis it is in my opinion there is no direct and immediate interest nor one that would be a reasonably foreseeable interest. It would be too speculative to have been intended to come under the law.

### III. Standards of Conduct-

The next pertinent section is Section 23, commonly called the Standards of Conduct Section. A copy of this section is attached.

Under the Standards of Conduct Section, Section 23(b.)2) you cannot "use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals." The pending application is a routine alcohol related matter before the Board and anyone in similar circumstances could do the same.

Also, under the Standards of Conduct Section, Section 23, you are prohibited under Section 23(b)(3) from acting in a manner which would cause a reasonable person, knowing the relevant circumstances, to conclude that you can be improperly influenced or that you are likely to act or not act as a result of the kinship, rank, position or undue influence of a person. This is the "appearance of conflict" prohibition.

Although such a conclusion may not be warranted, someone could claim that there is an appearance issue as you would be acting on an application from an organization in which you are connected with.

Please note that to the extent that this may be viewed an appearance issue, under the law you could dispel the possible conclusion that you acted contrary to this particular standard if you made a disclosure to your appointing authority of the circumstances which would otherwise lead a person to such a conclusion.

As you are an elected member of the Board, your "appointing authority" is the public. In this situation, to make the disclosure under section 23(b)(3), you should file a written disclosure with the Town Clerk. You may also want to make a disclosure at a public meeting, but that is not a requirement under the law.

Based on present information and information when this matter was last before the Board, I have prepared a suggested disclosure using the SEC form. Please review it carefully and advise me of any incorrect information. If it is correct, you can sign it and file it with the Town Clerk. You should also keep a copy for your records and send me a copy. You could also use the summary from it as a verbal disclosure at the meeting.

I trust that this addresses your concerns and provides some guidance to you. Should a situation arise that further guidance may be warranted or advised, please do not hesitate to contact me.

In order for this opinion to provide you with the necessary protection, it must be submitted to the State Ethics Commission for their review and approval. They have up to 30 days to issue their approval or to reject the same, although they usually act much sooner. Usually, if they have a concern with an opinion, they will contact me to discuss it.

Under another procedure of the State Ethics Commission, I have been communicating with Amy Nee, Esq., the prior Attorney of the Day when this was addressed in 2022. I have done that in the past regarding this liquor license and received then a verbal approval from the Attorney of the Day consistent with the advice above. As an abundance of caution, I am also submitting a copy of this opinion to her and asking for her concurrence.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

*James B. Lampke*

JAMES B. LAMPKE  
TOWN COUNSEL

JBL/I

Encl.

cc: Select Board  
Town Clerk  
Town Manager  
State Ethics Commission Executive Director  
State Ethics Commission, Amy Nee, Esq.

## G.L. c. 268A, Section 23: Supplemental provisions; standards of conduct, copied 10.7.23

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(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion; or

(4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

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(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided, however, that substantial value shall not be less than \$50; (ii) establishing exclusions for ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions given solely because of family or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

**2023 DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	Jerry Taverna
Title or Position:	Member, Select Board
Agency/Department:	Select Board
Agency address:	Select Board Town Hall 253 Atlantic Avenue Hull, MA 02045
Office Phone:	781-925-2000
Office E-mail:	jtaverna@town.hull.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	The Nantasket Beach Salt Water Club (Club) holds a seasonal all alcoholic club license and applied to change its license classification from a seasonal to an annual all alcoholic club license. I am not a member of the Club, but 2 of my wife's sisters or their husbands are members and thus my wife's sisters have membership benefits. The Select Board approved this in 2022, prior to my election to the Board. The ABCC returned it with a No Action statement because the Town did not have an available license to grant the Club. A license recently became available and the Board will be deciding whether to ask the ABCC to reconsider its No Action because a license is now available. We have been advised from the ABCC that such a request is typical in these situations.
What responsibility do you have for taking action or making a decision?	I am part of the Board that votes to approve or disapprove of alcohol related licenses and requests to the ABCC.
Explain your relationship or affiliation to the person or organization.	I am not a member of the Club, but 2 of my wife's sisters or their husbands are members and thus my wife's sisters have membership benefits.



How do your official actions or decision matter to the person or organization?	I am being asked to vote on seeking a reconsideration by the ABCC of their taking no action because there was no license available. There is now a license available. My vote on the request for reconsideration may result in asking the ABCC to now approve the Club's license application. They want their application to be approved and this is part of the process.
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	<p>I am not a member of the Club. I do not receive any financial benefit from the Club. I have no ownership or financial interest in the Club.</p> <p><b><i>Neither I nor any relevant immediate family members have any financial interest that will be affected by whether the Club gets a year-round license.</i></b></p>
If you cannot confirm this statement, you should recuse yourself.	<p><b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b></p> <p><u>  X  </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
Employee signature:	
Date:	

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

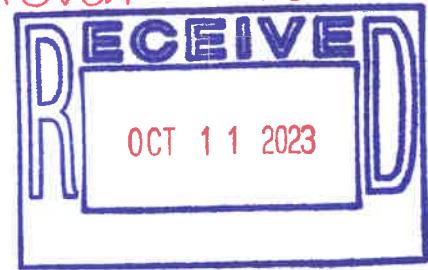
Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

Approval # 1



October 11, 2023

Good Morning Chair Grey,

Please add to the next Agenda under Request for Approvals the following:

1. **Request to host the annual Thanksgiving evening bonfire on November 23rd, 2023 subject to the HRA granting permission for the utilization of their property.**

Respectfully,

Chris J. Russo  
Chief of Department





**TOWN OF HULL  
TOWN MANAGER'S OFFICE**

**253 Atlantic Ave  
Hull, MA 02045**

**Phone: 781-925-2000  
Fax: 781-925-0224**

October 23, 2023

The Honorable Select Board  
Municipal Building  
253 Atlantic Avenue  
Hull, MA 02045

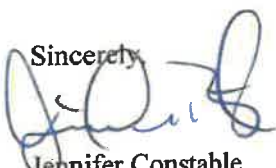
**RE: Request for Waiver of Fifteen (15) Day Period to Reject Appointment**

Dear Board Members,

Pursuant to Town of Hull Town Charter, Section 4(C)(3), the Town Manager is the appointing authority for Department Heads, including the Library Director. Additionally, the same Section grants the Board the power to reject an appointment within fifteen days of making said appointment. I am requesting that the Board to waive this power, thus allowing the appointment to be made and offer accepted without delay.

Thank you for your consideration in this matter.

Sincerely,



Jennifer Constable  
Town Manager

Discussion #3

## Economic Development Committee

KEY		
	~ Missing Letters of Interest	
	~ Sent Letter of Interest to Continue to Serve	
	~ Expired Designee	
	~ Vacant (Members and Designees)	
	~ Active Term (No Action Needed)	
	~ NEW APPLICANT	

Economic Development Committee								
5 Members at Large, 2 Year Terms   4 Alternates, 3 Year Terms (SB, PB, School Com, HRA Designee 1 - Each)								
Seat	Appointed By	First Name	Last Name	Calc Start Date	Calc End Date	Term	Status	LOI
DESIGNEE	HRA	Bartley	Kelly	5/16/2022	5/15/2027	5 YEARS	ACTIVE	N/A
DESIGNEE	Planning Board	Reilly	Meghan	5/20/2023	5/19/2028	5 YEARS	ACTIVE	N/A
DESIGNEE	Select Board	McCann	Jason	5/16/2022	5/15/2025	3 YEARS	ACTIVE	N/A
DESIGNEE	School Committee	Ernest	Minelli	6/23/2020	6/22/2023	3 YEARS	EXPIRED	N/A
Seat 1	Select Board	James	Pitrolo	6/1/2021	5/31/2023	2 YEARS	EXPIRED	YES
Seat 2	Select Board	Kim	Roy	6/1/2021	5/31/2023	2 YEARS	EXPIRED	YES
Seat 5	Select Board	Kara	Hendrick	6/1/2021	5/31/2023	2 YEARS	EXPIRED	YES
Seat 3	Select Board	Steven	Greenberg	7/1/2023	6/30/2025	2 YEARS	ACTIVE	N/A
Seat 4	Select Board	William	Smyth	7/1/2023	6/30/2025	2 YEARS	ACTIVE	N/A
ALTERNATE	Select Board	Irena	Davy	6/1/2021	5/31/2023	3 YEARS	EXPIRED	YES
ALTERNATE	Select Board	VACANT	VACANT	6/1/2021	5/31/2023	3 YEARS	EXPIRED	NO
ALTERNATE	Select Board	VACANT	VACANT	6/1/2021	5/31/2023	3 YEARS	EXPIRED	NO
ALTERNATE	Select Board	VACANT	VACANT	6/1/2021	5/31/2023	3 YEARS	EXPIRED	NO

Irena Davy

Town of Hull, MA | Generated 6/29/2023 @ 3:05 pm by OnBoard2 - Powered by ClerkBase

Status

Name Irena Davy  
Application Date 6/29/2023  
Expiration Date 6/29/2122  
Status Received

Board	Vacancies	Status
Economic Development Committee	12	Pending

Basic Information

Name Irena Davy

Resume File  
[View / Download](#)

Contact Information

Address



## **Additional Information**

### **Notes**

I would like to continue to serve on the Economic Development Committee.  
I have technology and business skills that could provide practical value to EDC.

Generated 6/29/2023, 3:05:56 PM

# IRENA DAVY

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## PROFESSIONAL PROFILE

High-energy, passionate, dynamic leader. Proven ability to work under pressure and meet critical deadlines. Social connector. Excellent track record working across business and technology organizations to build cost-effective solutions. Demonstrated success in managing large-scale digital transformation efforts. Managed multi-site international development and operations engagements.

## CORE COMPETENCIES

**Project Management:** Azure DevOps, JIRA, RTC, PPMC, SharePoint, Microsoft Project, PowerPoint, Visio, Cost Budgeting, Risk Management, Crisis Management.

**Software/Programming Tools:** Azure Data Factory, Azure SQL Database, Azure Cosmos DB, Azure Data Lake, Azure SQL Data Warehouse, AWS, SQL Server DB, Oracle, Exadata, Golden Gate, Visual Studio, C#, Python, Power BI, Hadoop, Big data, Jenkins, InfoSphere, TimesTen, Informatica, Sybase, PL/SQL, Transact-SQL, DBArtisan, ERwin, PowerBuilder, SAS

## REPRESENTATIVE ACHIEVEMENTS

### **Program Leadership:**

- Managed Data teams to standardize and organize data across 40+ billing systems
- Managed data teams to build Fidelity Equity Trading platform 'Insight'
- Managed Foreign Exchange Oversight project to ensure fair exchange rates were provided by external partners.
- Built a data warehouse to support the analytics engine and reporting applications.
- Developed outstanding expertise in many data-related areas, including software migration projects involving data conversions (Sybase to Oracle), software and interface testing, and enterprise-scale database application development and management.

### **Data Services:**

- Transformed trading engineering data organization into a high-performing, agile engagement across three countries.
- Implemented Scrum, XP, and ATDD practices. Improved productivity by 70% and quality by 50% in six months.
- Defined the information architecture and technology infrastructure for the Asset Management data warehouse
- Optimized trading performance and managed risk by successfully delivering a strategic solution to isolate trading data from other activities.

## EXPERIENCE

### **STATE STREET CORPORATION, Boston, MA**

#### **Managing Director, Head of Global Billing Technology (2019 – 2022)**

- Leading Operations and Development teams for State Street Global Billing platforms.
- Global Billing platforms produce \$3B+ of invoices across North America, EMEA and APAC State Street clients
- Global Billing technology platforms range from vendor products ORMB to home grown applications. Technology stack ranges from Java, C#/.NET, private cloud, Oracle, SQL Server, C++
- Assessing each platform for public cloud (Azure, AWS) migration

#### **Managing Director, Global Billing Data Strategy (2018 – 2019)**

- Leading data standardization and simplification efforts across Global Billing Operations organization.
- Streamlining and automating data collection across 40+ Billing platforms
- Building Data Hub to support ORMB billing platform

#### **Managing Director of Global Services (2016-2018)**

- Proposed and designed data solutions to address critical data issues across Global Services business units.
- Built 'Data Factory' product to validate and certify data from various source systems. The product provides data quality checks, reconciliations, analytics to support business decisions. Data Factory was designed and built by the small team of on-shore and off shore resources.
- Expanded development of the product into China. Hired a team of data analysts/developers in Hangzhou, China.

**FIDELITY INVESTMENTS, Boston, MA**

2004 – 2015

**Director, Data Services (2011 – 2015)**

- Drove development and production support activities for the Equity Trading and High Income Trading businesses units.
- Skilled at allocating team resources and talents. Managed a staff of 35 plus teams of contractors with a \$5M budget at four locations in three countries (Boston MA, Merrimac NH, Galway Ireland, Bangalore India). Teams all delivered solutions on time.
- Responsible for data strategy and architecture, data feeds, OLTP, ETL, enterprise data warehousing, data quality, profiling, cleansing, validation, replication, and batch and real-time processing.
- Technologies include: Java, Oracle, Times Ten, GemFire Enterprise, Golden Gate, and Informatica.
- Certified ScrumMaster.

**Senior DBA Manager (2009 – 2010)**

- Led teams of 50 DBAs across five locations, supporting enterprise distributed databases.
- Provided crisis management during production incidents across mission-critical external and internal client-facing systems.
- Managed Oracle upgrades and migration projects across enterprise systems to Oracle 11g version.

**Senior Data Development/Production Support Manager (2006 – 2009)**

- Created and led high-performing teams across five locations. Managed staff of over 30 people.
- Led database development team responsible for a suite of professional and consumer brokerage products.
- Acquired hands-on experience in database design and enterprise data warehousing using Oracle.
- Provided production support and crisis management for institutional and wealth central clients.

**Senior Data Analyst Manager (2004 – 2006)**

- Led the data analysis and modeling teams for Fidelity.com and institutional customers.
- Delivered data analytics systems, improving new retail client acquisition by 20%.
- Improved production support processes for Fidelity.com, reducing production incidents by 30%.

**INDEPENDENT CONTRACTOR**

1998 – 2004

**FIDELITY INVESTMENTS, Boston, MA (2004)**

- Managed outsourced resources from Infosys, both locally and off-shore.
- Delivered data analytics systems to determine how many prospects become clients.

**BROWN UNIVERSITY, Providence, RI (1998 – 2004)**

- Enhanced National Volunteers Screening system; added numerous front-end reports and customized filtering capabilities.

**VOLUNTEER**

2022 – Present

**TOWN OF HULL, MASSACHUSETTS**

- Member of Economic Development Committee for the Town of Hull

**EDUCATION, CERTIFICATION, AND SKILLS****Bachelor of Arts, Computer Science, RHODE ISLAND COLLEGE, Providence, RI**

- Microsoft Azure Fundamentals Certified
- Certified ScrumMaster
- Fluent in Russian

- American Sailing Association 104 certified
- Real Estate Broker/Sales Agent Certificate - Commonwealth of Massachusetts



**From:** West, Lori  
**Sent:** Monday, August 14, 2023 12:13 PM  
**To:** Adams, Brenna  
**Subject:** FW: Economic Development Committee



**From:** Kara Elene Hendrick  
**Sent:** Monday, August 14, 2023 12:00 PM  
**To:** McCann, Jason  
**Cc:** West, Lori  
**Subject:** Re: Economic Development Committee

Hi Jason,  
My apologies for the delay as I have been OOO the past few weeks. I am still interested and I can work around whatever is decided for the date - (Tuesdays are ideal, but if not, Mondays also work).

Hi Lori - please let me know if there is anything needed from me?

Thanks!

**From:** Jim Pitrolo  
**Sent:** Thursday, June 29, 2023 5:27 PM  
**To:** Adams, Brenna  
**Cc:** West, Lori  
**Subject:** FW: Reappointment Request  
**Attachments:** EDC Reappointment Letter 2023.pdf



**From:** Jim Pitrolo  
**Sent:** Thursday, June 29, 2023 4:51 PM  
**To:** Lori West  
**Subject:** Reappointment Request

Lori,  
Attached please find my request for reappointment to the Economic Development Committee.  
Please let me know if you need me to bring you the original.

Thank you,  
Jim Pitrolo



29 June 2023

Lori West, Town Clerk  
253 Atlantic Avenue  
Hull, MA 02045

Dear Lori,

I am writing to request consideration by the Select Board to be re-appointed to the Economic Development Committee. I believe my experience in serving as a member since 2019 and my background in business and government qualifies me to contribute to the mission of this committee.

I was the owner operator of my own business for 32 years and thereafter, prior to my retirement, spent 12 years working in government in West Virginia. I continue to be involved in a number of community activities in Hull, to include Nantasket-Hull Rotary Club, Hull Nantasket Chamber of Commerce and Friends of Nantasket Beach.

I am very interested in continuing to serve on Town of Hull's Economic Development Committee to continue to support the accomplishments of the committee for the benefit of all the residents of our town.

Please communicate my request to the Selectpersons and ask them to place my interest in continuing to serve on their agenda for consideration.

Sincerely,

James Pitrolo

Kim R Roy

Town of Hull, MA | Generated 7/5/2023 @ 8:37 am by OnBoard2 - Powered by ClerkBase

Status

Name

Kim R Roy

Application Date

6/30/2023

Expiration Date

6/30/2122

Status

Received

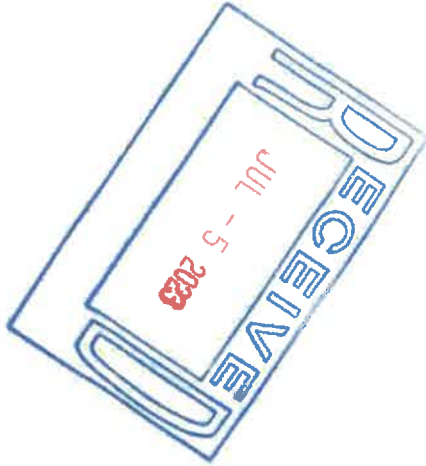
Board	Vacancies	Status
Economic Development Committee	12	Pending

Basic Information

Name  
Kim R Roy

Resume File  
[View / Download](#)

Contact Information  
Address



## KIM ROY

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### EXPERIENCE

#### ASSISTANT TOWN ADMINISTRATOR, TOWN OF NORWELL

June 2023 - Present

Professional, administrative, and supervisory work assisting the Town Administrator in providing daily control over a variety of ongoing town activities and core municipal functions. Research, analyze and recommend changes in town policies, and serve as liaison and coordinator between town officials, employees, citizens, and other stakeholder groups. All other duties as assigned by the Town Administrator and consistent with the position. Exercises considerable independent judgment in providing professional advice to the variety of official boards and committees concerning the development, implementation and administration of policies, goals, regulations, and statutory requirements related to the administration and operation of the Town. Keeps the Town Administrator informed as to the efficiency of operating policies and procedures of the various town departments.

#### HUMAN RESOURCES DIRECTOR, TOWN OF COHASSET

February 2022-June 2023

Responsible for the recruitment and retainment of staff. Participated in Union negotiations and related labor relations matters. Was responsible for the management of MIIA renewal, claims, and ensuring that all MIIA credits were earned.

#### INTERIM TOWN CLERK, TOWN OF COHASSET

September 2021- MAY 2022

As Town Clerk you are responsible for all elections in the community. The position is also responsible for assisting in the coordination of Town Meeting. The Clerk also issues all Vital Records, including Birth, Death, and Marriage Certificates. Ensures that all employees and Elected/Appointed Board and Committee members meet the Massachusetts requirements for Open Meeting Law and Ethics Training. Issues Dog Licenses.

#### CONSULTANT, TOWN OF NORWELL

June 2019-August 2020

I was hired to complete special projects for the Town Administrator. Some of the projects include completing a ten-year capital plan for all town departments. The coordination of major renovation project for a historical farm owned by the Town of Norwell. Facilitated the choosing

of the new farmer for the property. Reviewed, and offered content change for the town's website. Completed the annual reporting requirements for the Green Community Grant Program. Developed Social Media Policy. Other tasks as requested.

#### **SELECTMAN, TOWN OF HALIFAX**

May 2010-May 2019

As a Selectman, my official duties included presenting at Town Meeting, proposing budgets and articles to Town Meeting, setting public policy, calling elections, licensing, appointing and supervising department heads and employees, setting certain fees, overseeing volunteer and appointed bodies, and creating basic regulations and holding dog hearings. Since Halifax has a Town Administrator form of government, our board were the direct report for several positions. I was responsible for the hiring and assessment centers for several key positions. I also was responsible for their annual job performance evaluation, as well has corrective action when one was not meeting their goals. I, with the Town Administrator negotiated several union contracts. I also presented to Town Meeting the union contracts. I explained the negotiation process and how we came to the contract agreement. Some of the major town initiatives that I was lucky enough to play a role in were regionalizing dispatch/911, regionalizing our emergency shelter, and serving on our Fire Study Committee where we were able to add staff without a direct cost to the residents. Due to lack of volunteers, I also became the Selectmen representative on the Wage and Personnel board. The Wage and Personnel was in need of an updated By-law. I was part of the process to reevaluate each non-union position for proper grade and salary structure. I presented all changes to the Wage and Personnel By-Law to Town Meeting.

#### **FINANCE COMMITTEE MEMBER, TOWN OF HALIFAX**

September 2002-May 2010

I served as the Chairperson of the Finance Committee. In Halifax it is the Finance Committee's budget that is presented at Town Meeting. The role of the Finance Committee is to create, review and balance the budget for the Town of Halifax. We faced several budget cuts over the years and participated in the restructuring of departments. We were part of a three-town regional school. I was elected by the three Boards of Selectmen and three Finance Committees to be the one representative for the towns on the teacher' contract negotiation committee. I also served on the Capital Planning committee for the years for fifteen years. My role was to develop and maintain a ten-year capital plan.

#### **GOVERNMENT STUDY COMMITTEE, TOWN OF HALIFAX**

March 2004-May 2010

As part of my role on the Government Study Committee, we reviewed structures of our departments to create streamline in services. The major outcome was to combine the position of Tax Collector/Town Treasurer. Previous to this, the Town Clerk and Town Treasurer where combined.

#### **WAGE AND PERSONNEL BOARD, TOWN OF HALIFAX**

March 1993--May 1999

I served as Chairperson and a member of The Wage and Personnel Board. The main role of the board is to maintain competitive wage rates to attract and retain quality nonunion employees.

Using a rubric, the board also evaluates each non-union position to ensure that the correct grade was assigned. We also conducted several salary surveys to ensure we were competitive in salary. In addition to those major roles, the board is responsible for maintaining an employee handbook, following grievance procedures, and ensuring that all employees receive their annual performance review. .

**REAL ESTATE AGENT, REALTY STAR/GOSCON**

September 1996-April 1999

I served as both the weekend receptionist and sold homes as a Real Estate Agent.

**COLLECTION MANAGER, BOSTON FIVE CENTS SAVINGS BANK**

October 1988-April 1993

I managed both the Mortgage and Consumer Collections Departments for a major bank in Boston. We served approximately 20,000 mortgages. I managed the department at a time when the economy was poor. Our department was not only able to maintain a very low delinquency rate, I was successful in developing loan restructures, pre-foreclosure sales and managed to save many homeowners from losing their homes. I received several stock option awards for successfully managing the delinquencies in a financially challenging time. I managed a staff of three Assistant Managers and approximately forty-five support staff.

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**EDUCATION**

**QUINCY HIGH SCHOOL**

High School Diploma

**QUINCY JUNIOR COLLEGE**

Criminal Justice Classes/Real Estate Class

**UNIVERSITY OF MASSACHUSETTS**

Liberal Arts Classes

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**LEADERSHIP**

**President, Massachusetts Selectmen's Association**

January 2014-January 2015

**Massachusetts Local Government Advisory Commission**

October 2009-January 2018

**Board of Director Member, Massachusetts Interlock Insurance Association**

January 2014-May 2019

**Vice President, Massachusetts Selectmen's Association**

January 2013-Present

**Second Vice President, Massachusetts Selectmen's Association**



January 2011-January 2013

**President, Massachusetts Association of Town Finance Committees**

October 2009-October 2010

**Vice President, Massachusetts Association of Town Finance Committees**

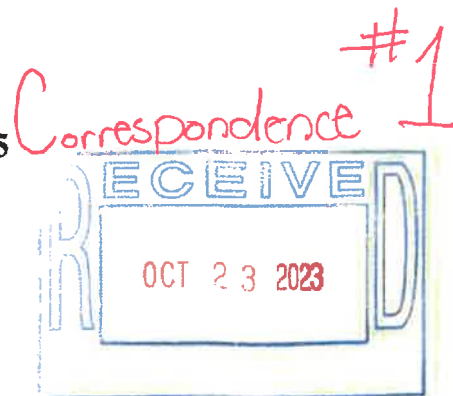
October 2007-October 2009

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**TOWN OF HULL**  
**POLICE HEADQUARTERS**  
**1 SCHOOL STREET**  
**HULL, MASSACHUSETTS 02045**

*www.hullpolice.org*  
Tel: (781) 925-1212  
Fax: (781) 925-1216



**TO: SELECT BOARD & TOWN MANAGER**  
**FROM: JACK DUNN/ CHIEF OF POLICE**  
**DATE: OCTOBER 20<sup>th</sup>, 2023**  
**RE: HALLOWEEN - **TRICK** or TREAT HOURS**

Please be advised, this year Halloween falls on Tuesday October 31<sup>st</sup>

As in years past the "*Trick or Treat*" time for the town's multitude of goblins and ghosts that will be partaking, will be begin at **4:00 PM** and end at approximately **8:00 PM**.

Additional Patrol shall be will be utilized during the evening of **October 31<sup>st</sup>** to assist in patrol operations and to provide the public with a safe and more efficient public safety response.. They will also be providing treats to any and all trick or treaters'.

A copy of a public safety Halloween press release prepared by me for release this week is attached. This Halloween press release will be made available to the local newspapers, cable television and the Hull Police Department's web page at [www.hullpolice.org](http://www.hullpolice.org) and on Facebook and Twitter.

Sincerely,

  
Jack Dunn  
Chief of Police



**TOWN OF HULL**  
**POLICE HEADQUARTERS**  
**1 SCHOOL STREET**  
**HULL, MASSACHUSETTS 02045**

*[www.hullpolice.org](http://www.hullpolice.org)*  
**Tel: (781) 925-1212**  
**Fax: (781) 925-1216**

## **Hull Police Offer Halloween Safety Tips**

Halloween, which is celebrated on Oct. 31, falls on a Tuesday this year. The official trick-or-treating hours for Hull are 4PM-8PM

While we encourage families to make the most of Halloween with their children, please be mindful of safety when choosing costumes. All props should be soft, and no part of the costume should impair vision or movement. We wish everyone a safe and happy holiday.

The Hull Police Department recommends that residents follow safety tips which ask that people follow the "Safe Halloween" motto.

- **Swords** and other costume accessories should be short, soft and flexible.
- **Avoid** trick-or-treating alone. Walk in groups or with a trusted adult.
- Fasten reflective tape on costumes and bags to help drivers see you.
- Examine all treats for choking hazards and tampering before you eat them.
- Hold a flashlight while walking to ensure that you are visible. Walk and don't run from house to house.
- Always test make up in a small area first. Remove it before bedtime to prevent possible skin and eye irritation.
- Lower your risk of serious eye injury by not wearing decorative contact lenses.
- **Look** both ways before crossing the street. Use established crosswalks wherever possible.
- **Only** walk on sidewalks wherever possible, or on the far edge of the road facing traffic to stay safe and to prevent accidents or injury.
- **Wear** well-fitting masks, costumes and shoes to avoid blocked vision, trips and falls.
- Eat only factory-wrapped candy. Avoid eating homemade treats offered by strangers.
- Enter homes only if you're with a trusted adult. Only visit well-lit houses. Never accept rides from strangers.
- **Never** walk near lit candles or devices with open flames. Be sure to wear flame-resistant costumes.