

**Hull Select Board
Final Minutes
March 28, 2023**

The meeting of the Hull Select Board was held at 7:00 p.m. on March 28, 2023 via the Zoom platform as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law.

Present: Donna Pursel, Chair; Greg Grey, Vice-Chair; Irwin Nesoff, Clerk; Domenico Sestito, Member. Also present were Town Counsel James Lampke and Town Manager Philip Lemnios.

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

Discussion and Consideration of non-binding referendum question on the May 15, 2023 Town Election ballot.

Pursel said that at the last meeting the Select Board had been asked to sponsor a non-binding referendum question for the May 15, 2023 Town Election regarding the potential uses and disposition of the Hull Redevelopment Authority property. Lemnios said that the Board had just received a letter from HRA Chair, Bartley Kelly, asking that the Board hold off on scheduling such a referendum until the HRA has completed the process for public input and has developed an Urban Renewal Plan for submission to the Board for consideration and approval, amendment, or denial. Lemnios said that he would recommend holding off on a referendum at this point and allowing the HRA to complete its work. He noted that a referendum at this point would lack context and would not provide a sound basis for any course of action on the part of the Board. He pointed out that the Board could be opening itself up to legal challenges if they relied on the outcome of a referendum question that lacked validity. He said the Board could choose to sponsor a referendum once a plan is submitted when the voters would have the benefit of considering what is actually being proposed, but to do so at this point does not make sense.

Nesoff agreed with Lemnios and said that a referendum question at this point seems premature, but said he would support a referendum once a proposal is in place. He said the HRA is continuing to work on plans and has shown a willingness to take public input into account. He also expressed concern about the letter submitted by the HRA attorney, Paula Devereaux, which indicated that attempting to limit the HRA property to Open Space would constitute reverse spot zoning.

Sestito said that at the last meeting he had proposed support of the question, but after listening to what is being said and seeing the content of Kelly's letter, he feels the timing of the ballot question is not ideal and they should let the process play itself out. Grey agreed. He said that citizens' voices need to be heard but that the Board needs to see a final draft of a plan before sponsoring a referendum.

Pursel also agreed and said she thinks they would be doing a disservice to the Town if they put forth a non-binding question because no one would know what they were voting on. She said the meetings with the HRA and the public are going well and feels the involvement of the public in this process has been impressive.

The Board determined that no action was needed on this.

Nesoff said he thought it would be appropriate to ask Harriet Bosy, the proponent of the referendum, if she had any questions or comments. Pursel said that since the Board was not taking action on this item, the discussion would not be opened up to the public. Sestito said he thought it would be beneficial if the Board could discuss the rules and regulations regarding public input at their next meeting and asked that it be placed on the agenda.

EXECUTIVE SESSION

Motion	Grey	Move to go into Executive Session to discuss strategy with respect to litigation, and that the Chair declare that an open meeting may have a detrimental effect on the litigation position of the body; Move to go into Executive Session to
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comply with or act under the authority of the Attorney-Client privilege; Move to go into Executive Session to consult with legal counsel and obtain legal advice pursuant to the Attorney-Client privilege, and not to reconvene in Open Session. The following subject will be discussed in the Executive Session: to discuss strategy relative to litigation concerning a breach or possible breach of contract/agreement, license violations and other actions where an Open Session may have a detrimental effect on the litigating position of the Town.

Second Vote	Sestito Unanimous	Grey – Aye Sestito – Aye Nesoff – Aye Pursel – Aye
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The Open Session was adjourned.

Recorded by Kathleen Fanning

Approved by:

Documents

The following documents were included in the members’ packets or were presented during the meeting and are available in the Select Board’s office upon request:

- Agenda for Select Board Meeting on March 28, 2023
- Materials related to Ballot Referendum question submitted by Harriet Bosy
- Letter from Paula Devereaux of Pierce Atwood, LLC regarding Citizens Petition Zoning Amendment