

**Hull Select Board
Final Minutes
June 14, 2023**

The meeting of the Hull Select Board was held at 7:30 p.m. on June 14, 2023 at Hull Town Hall, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Greg Grey, Chair; Irwin Nesoff, Vice-Chair; Jason McCann, Clerk; Brian McCarthy, Member; Jerry Taverna, Member. Also present were Town Counsel James Lampke and Town Manager Philip Lemnios.

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

Approval of Minutes

Motion	Nesoff	To approve the minutes of the Select Board meetings on May 10, 2023 and May 24, 2023
Second Vote	McCann Unanimous	

APPOINTMENTS

Public Hearing: PF Hospitality Inc., dba the Sandbar, 297 Nantasket Avenue, Lillian Parker, Mgr. re: Amendments to (Change of Hours) Alcohol, Common Victualer, and Entertainment Licenses.

Parker said that they would like to change the opening hours of the Sandbar on the Alcohol, Common Victualer and Entertainment Licenses, but that everything else would remain the same. She said that for the period from January 1st through May 26th and from October 2nd through December 31st they would like to change the opening hours on Friday, Saturday, and Sunday from 12:00 p.m. to 11:00 a.m. For the period from May 27th through October 1st they would like to change the opening hours from 12:00 p.m. to 11:00 a.m. Monday through Sunday. The closing hours will remain the same.

Motion	Nesoff	To approve the Change of Hours for PF Hospitality Inc., dba the Sandbar, for their Alcohol, Common Victualer, and Entertainment Licenses. Opening hours for the period from January 1 through May 26 and from October 2 through December 31 will change from 12:00 p.m. to 11:00 a.m. on Friday, Saturday, and Sunday and for the period from May 27 through October 1 will change from 12:00 p.m. to 11:00 a.m. from Monday through Sunday. All other conditions of the licenses remain the same
Second Vote	McCarthy Unanimous	

Select Board Reorganization

Grey said that he would like to make a Motion to nominate himself as Chair of the Select Board. McCann then asked him to speak about his feelings on the issue of public comments at Select Board meetings. There was an extended discussion about developing a policy on this issue, which has become problematic due to a Decision by the Supreme Judicial Court in Massachusetts that limits the extent to which a Board can control public input once it is allowed without opening itself up to potential legal liability. It was the consensus of the Board that this is an important topic that will require extensive discussion so that a policy can be developed that will allow for public input while still allowing the Board to accomplish its work in an effective manner. Lampke said he is exploring this issue and is working on a policy to address the Board's concerns. Nesoff said that the Mass. Municipal Association has developed a very helpful webinar on this topic which the Board should listen to. It was decided that this discussion should be placed on the Agenda for a meeting in the near future.

Nesoff made a Motion to nominate himself as Chair of the Select Board, which was seconded by McCann. Both McCarthy and Taverna said they would be comfortable with Nesoff as Chair, but feel that Grey has greater seniority and should be in line for the position. Nesoff then made an amended motion.

Motion	Nesoff	To nominate Greg Grey as Chair of the Select Board and Irwin Nesoff as Vice-Chair of the Board
Second Vote	McCarthy Unanimous	
Motion	McCann	To nominate Jason McCann as Clerk of the Select Board
Second Vote	McCarthy Unanimous	

APPROVALS

McDevitt Enterprises, Inc. dba Jo's Nautical, 125 Main Street, Stephanie Aprea, Mgr. re: Amended request for a One Day Amendment to Entertainment and Alcohol License hours of operation on Monday, July 3, 2023 from hours of operation of 11:00 p.m. to 12:00 a.m. to 4:00 p.m. to 12:30 a.m.

McCarthy disclosed that he had represented the McDevitts in the sale of 125 Main Street.

Motion	Nesoff	To approve the request of McDevitt Enterprises, Inc. dba Jo's Nautical for an amendment to their One Day Entertainment and Alcohol Licenses on July 3, 2023 from hours of operation of 11:00 p.m. to 12:00 a.m. to 4:00 p.m. to 12:30 a.m.
Second Vote	Taverna Unanimous	

**Designation of Select Board Member to serve on the Plymouth County Advisory Board
Designation of Select Board Member to serve on the Economic Development Committee
Designation of Select Board Member to serve on the Weir River Water Advisory Board**

Lemnios briefly outlined the responsibilities and meeting requirements of the three Boards/Committees. He said that ideally the Select Board representatives should be in place as soon as possible. McCarthy and Taverna both said they would be interested in the Weir River Water Advisory Board, and McCann said he would be interested in the Economic Development Committee. Taverna said he would also be willing to serve on the Plymouth County Advisory Board.

Motion	Nesoff	To appoint Brian McCarthy as the Select Board representative to the Weir River Water Advisory Board, Jason McCann as the Select Board representative to the Economic Development Committee, and Jerry Taverna as the Select Board representative to the Plymouth County Advisory Board
Second Vote	Taverna Unanimous	

UPDATES

Lampke stated that there had been some comments from the public indicating that either current or new members of the Select Board might have relationships with Town Manager candidate, Jennifer Constable, that might make it difficult for them to be impartial in the interview and selection process. Lampke said that the law allows municipal employees to avoid the appearance of a potential conflict of interest by making a public disclosure of their relationship with the person in question. Out of an abundance of caution Select Board members Grey, Nesoff, McCann, and McCarthy have filed disclosure forms from the State Ethics Commission with the Town Clerk. Each

read their disclosure letter into the record and said they will make the disclosures again before the scheduled interviews the following night.

Taverna said he had spoken with Lampke and a lawyer on the State Ethics Commission over the past few days because his wife is the Director of Public Health and would be under the authority of the Town Manager. He said it was the ruling of the Commission that it would not be ethical for him to vote for Town Manager so he will be sitting with the public and will not be acting as a member of the Select Board during the interviews. He does not foresee that this will be an issue in other situations and Lampke agreed.

McCann asked if public comments would be allowed during the interview process. Nesoff said that the Town's consultant had helped them develop a very good set of interview questions that should cover most questions that the public would have. It was the feeling of the Board that only Select Board members should be allowed to ask questions or make comments during the interviews. McCann emphasized that the process should be made clear to the public prior to the start of the interviews.

Grey and Nesoff welcomed and congratulated the new Board members. Each of the new members thanked the public for their votes and said they were excited to serve on the Select Board.

EXECUTIVE SESSION

Motion	Grey	To go into Executive Session to discuss strategy with respect to collective bargaining and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body. Move to go into Executive Session to discuss strategy with respect to litigation, and that the Chair declare that an open meeting may have a detrimental effect on the litigating position of the body. Move to go into Executive Session to comply with, or act under the authority of 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. Bargaining units which may be affected include Police, Fire, DPW, Library, Clerical unions; Litigation subjects include Hull v. RC&D and Allied Surety and related litigation concerning the Crescent Beach Sea Wall Project.
Second Vote	Nesoff Unanimous	Grey – Aye Nesoff – Aye McCann – Aye McCarthy – Aye Taverna – Aye

The open meeting was adjourned.

Recorded by Kathleen Fanning

Approved by:

Documents

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

- Agenda and Added Agenda for Select Board Meeting on June 14, 2023
- Memorandum from Nancy O'Rourke of the Plymouth County Commissioner's Office regarding the selection of Advisory Board representatives for the period from 7/1/23 – 6/30/24

- Materials related to the Change of Hours for the Alcohol, Common Victualer, and Entertainment licenses for PF Hospitality Inc., dba the Sandbar
- Materials related to the request for a One Day Amendment to the Entertainment and Alcohol License hours of operation of Jo's Nautical on July 3, 2023