

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

The meeting of the Hull Select Board was held at 7:00 p.m. on June 28, 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.

APPOINTMENTS

Preep Corporation dba Quick Pick Food Shop, 261 Nantasket Avenue, Eric Scott Hiltz, Jr. (Proposed Manager) re: Change of Manager on the following license: (A) Wine & Malt Package Store (Proposed).

Bhavesh Patel said that he is asking the Select Board to approve the Change of Manger for Quick Pick Food Shop to Eric Hiltz. Hiltz said he has worked at several businesses in town, including Local 02045, the Corner Stop, and Paragon Grill and has worked at Quick Pick for two years. He said he feels ready to take the next step.

Motion	Nesoff	To approve the request of Preep Corporation, dba Quick Pick Food Shop for a Change of Manager on the Wine & Malt Package Store license
Second Vote	Taverna Unanimous	

APPROVALS

Armando Aguilar, Manager, Hull Knights of Columbus, 440 Nantasket Avenue, re: One Day Liquor License on Saturday, July 15, 2023 from 5:00 p.m. to 9:00 p.m. for a Graduation Party

Motion	McCann	To approve the request of the Hull Knights of Columbus for a One Day Liquor License on Saturday, July 15, 2023 from 5:00 p.m. to 9:00 p.m.
Second Vote	Nesoff Unanimous	

Armando Aguilar, Manager, Hull Knights of Columbus, 440 Nantasket Avenue, re: One Day Liquor License on Saturday, July 22, 2023 from 6:00 p.m. to 10:00 p.m. for a Birthday Party

Motion	McCann	To approve the request of the Hull Knights of Columbus for a One Day Liquor License on Saturday, July 22, 2023 from 6:00 p.m. to 10:00 p.m.
Second Vote	Nesoff Unanimous	

James K. Leahy, 63 Whitehead Avenue re: Letter of Request for a road closure on 3rd Street from Whitehead Avenue to Edgewater Road for a Block Party on Saturday, July 29, 2023 from 5:00 p.m. to 10:00 p.m.

Grey noted that this event has been held for a number of years and there has never been a problem.

Motion	Nesoff	To approve the request of James Leahy for a road closure on 3 rd Street from Whitehead Avenue to Edgewater Road for a Block Party on Saturday, July 29, 2023 from 5:00 p.m. to 10:00 p.m.
Second Vote	McCarthy Unanimous	

Robert Kelly (applicant) re: Change of hours to Parking Permit for HRA Lots A and B from 8:00 a.m. to 5:00 p.m. to 8:00 a.m. to 8:00 p.m.

Before the Hearing started Taverna disclosed that his brother-in-law is related to the applicant but said he feels he can be impartial.

Robert Kelly's daughter, Breanna, said that when they have operated this parking lot in the past no closing time was specified and they would like to extend the closing time from 5:00 p.m. to 8:00 p.m. so that on nice days the staff can remain to make sure that things go smoothly. Lemnios asked if they had sought approval from the HRA on this change and Kelly said they had not. Lemnios pointed out that the Kelly's contract is between them and the HRA and that the RFP was specific about a closing time of 5:00 p.m. He said the Select Board does not have authority to change the hours in this manner and also said it is not clear that the Inspector General's office would approve such a significant change in the terms of the contract. He warned that the Select Board might expose themselves to some legal liability if they were to approve such a change.

Henry Dunn, the Kelly's business partner, said that since there is a new Select Board, they would like to request an increase in the number of cars from the current limit of 200 in a particular parking lot in addition to a change in the operating hours. Grey said that the only issue before the Board at this time was a change in the hours. Lemnios said that before an RFP is issued the Select Board communicates to the HRA what conditions they feel are appropriate and he thinks that the changes they have made over the past several years in reducing the number of cars has resulted in an improved quality of life for the residents of Hull as well as increased public safety. Police Chief Dunn agreed that the traffic situation has been much better over the past few years with the current restrictions in place.

There was some discussion about whether the hours specified in the current contract are appropriate and whether the permit could be amended by the Board. Grey said that the first step is for the applicant to go to the HRA to seek approval for a change.

Appoint Police Chief John Dunn as Acting Town Manager effective Friday, June 30th at 12:00 a.m.

Lemnios said he would like Police Chief John Dunn to be appointed as Acting Town Manager starting at 12:00 a.m. on Friday, June 30th, until the new Town Manager begins her service. He said Chief Dunn would be available to address the signature of Warrants and to answer staff questions. Dunn said he is honored to have been asked to take on this role and is happy to do so. McCann asked him how he would balance this role with his role as Police Chief. Dunn said his Deputy Chief would be available, and he thinks he would be able to handle it. Taverna asked if there was a rough time frame for when the new Town Manager will be starting. Lemnios said that pending successful contract negotiations with Ms. Constable he would think she should be in place by the end of July or the first week of August.

Motion	Nesoff	To appoint Police Chief Dunn as Acting Town Manager effective Friday, June 30, 2023 at 12:00 a.m.
Second	Taverna	
Vote	Unanimous	

Approve Library Contract between the Town of Hull and Hull Library Staff Association Local 4928 for the period of July 1, 2023 to June 30, 2026.

Grey said that the economic items of note are an annual increase of three percent (3%), an evening differential beginning at 5:00 p.m. and on Saturdays of twenty percent (20%) of hourly wage, effective July 1, 2024, and the addition of \$100 to each longevity category. Lemnios said that the total value of the changes is under \$10,000 per year.

Motion	McCann	To approve the Library Contract between the Town of Hull and Hull Library Staff Association Local 4928 for the period of July 1, 2023 to June 30, 2026
Second	Nesoff	
Vote	Unanimous	

Approval of Minutes

Motion	Grey	To approve the minutes of the Select Board meetings on June 6, 2023 and June 14, 2023
Second Vote	Taverna Unanimous	

John E. Dunn, Chief of Police re: Appointment of Stephen Glavin as Police Lieutenant

Dunn said he is happy to recommend Stephen Glavin for the position of Police Lieutenant in the Hull Police Department, a position that would make him number three in the Department. Dunn noted that Glavin is a native of Hull and has worked for the Department full-time since 2013. He completed Basic Training in Corrections at the Department of Corrections in 2004 and has a degree from Nichols College as well as a Masters Degree in Criminal Justice from Curry College. During his years with the Department, he has taken on numerous responsibilities including working as a field trainer, a sexual assault investigator, a civil rights officer, and a crisis negotiator. He is widely respected and has been awarded several medals, citations, and numerous letters of recognition for his service to Hull. Grey said that Glavin has had a remarkable career in Hull and each of the Board members thanked him for his service. Glavin said he appreciated this opportunity and thanked the Board for their support.

Motion	McCarthy	To appoint Stephen Glavin as a Police Lieutenant for the Town of Hull
Second Vote	Taverna Unanimous	

Approve proposal by Philip Lemnios to provide interim consulting services effective June 30, 2023 until new Town Manager begins her duties.

Grey said that according to the proposal, examples of duties would include:

- Act as a resource with Acting Town Manager and staff members for questions, advice and associated administrative tasks
- Monitor Town Manager email box daily, respond and/or direct emails to the appropriate party for action
- Be available 24/7 for phone calls regarding ongoing issues
- Continue working on ongoing legal cases as determined by Town Counsel
- Assist new Town Manager with transition
- Based on experience, these tasks will require approximately 15 hours per week billed at a flat fee of \$2,250 per week for services

It was the feeling of the Board that the services proposed by Lemnios will definitely be needed until Constable is able to start as Town Manager and has fully transitioned into her new role. They thanked Lemnios for his willingness to take on this responsibility and noted that the rate he has suggested for his services is extremely reasonable. Lemnios said he has been happy to have worked in Hull over the years and is glad that he is able to help during this transition period.

Motion	Taverna	That the Select Board approve the proposal by Philip Lemnios to provide interim consulting services effective June 30, 2023 until the new Town Manager begins her duties and in accordance with his proposal
Second Vote	Nesoff Unanimous	

DISCUSSION

Open Meeting Complaint by Christopher Sweeney re: Allowing public comment at meetings

Lampke said he has communicated with Mr. Sweeney and he is withdrawing the complaint as he realizes that the Board is discussing this issue and may be adopting a policy in the near future. He said he will deal with his concerns after he sees what action the Board takes.

Open Meeting Public Input

Lampke noted that a recent Supreme Judicial Court Decision in the case of Barron v. Southborough and Kolenda relating to the public comment policy of the town of Southborough has left a great deal of uncertainty about a Select Board's ability to regulate or control public behavior when allowing comments during a meeting. Lampe said the Select Board must be very careful in developing any policy on this issue as the parameters of what is allowed have not been sufficiently clarified by the courts. He stressed that based on the Barron decision, any attempt to limit behaviors or language that are considered disruptive and offensive, or even potentially leading to violence, might be seen as a violation of a citizen's civil rights and leave the town open to legal action.

Lampke said there are a number of questions that the Board must consider, including whether to allow public comment at meetings, whether comments will be accepted on anything of concern to the public or should be limited to items listed on the meeting Agenda, when the comments should occur (beginning, middle or end of the meeting), what limits should be placed on the number of speakers and the length of their comments, and whether the Board would offer any response to comments.

There was an extensive discussion of the various issues involved in developing such a policy. It was the consensus of the Board that public comments are necessary and valuable and should be allowed but should be limited to items listed on the agenda for that meeting and should be taken at the time the specific agenda item is being considered. None of the members felt it would be good policy to allow for an open-ended scenario in which citizens could speak on any topic of concern to them. It was the Board's feeling that any resident who has a specific concern can contact individual Board members and request that an item be placed on a future agenda. Lemnios suggested that the Chair might want to identify the items on which comments would be taken, but the sense of the Board was that each item on an agenda should be open to public comment. A decision was made that no limit should be placed on the number of people allowed to speak, but that there should be a time limit on the comments from members of the public who had no direct involvement in a particular issue. The Board felt they should not respond to the comments at the meeting unless statements are made that are factually inaccurate and need to be corrected.

Several Board members felt that a policy should be adopted as soon as possible, but Lemnios said he feels that the new Town Manager should be involved in the discussion and Grey emphasized that the Board should take its time on this and make sure that they "get it right." Lampke said he had researched policies recently adopted by several municipalities and had also reviewed the guidelines proposed by the Mass. Municipal Association in response to the recent court decision and had formulated a draft of possible guidelines that he had circulated at this meeting. The Board decided they would take the time at this meeting to review Lampke's guidelines and suggest changes or modifications based on their discussions. After the Board completed its review, Lampke said he would revise his draft and would present an updated version at the next meeting of the Board for further modifications. He stressed that any policy adopted by the Board should be temporary as it is not clear at this point how things will evolve and that they should retain the right to amend or rescind any parts of the policy that do not work well. He also said that future Boards will need to be fully trained on how to implement whatever policy is adopted.

Grey said that due to Board members' schedules the next meeting would be moved from the 12th to the 19th of July. He said they would need to meet again on July 26th because there is a Public Hearing scheduled for that date and they will also need to appoint someone to the Board of Assessors.

CORRESPONDENCE

Robert Goldstein, Chair, Council on Aging re: Letter of Resignation

Grey said that Robert Goldstein, the Chair of the Council on Aging, had given his resignation. Grey said that Goldstein had done a tremendous number of things for the COA. Lemnios said he would send him a letter of thanks.

Lampke said he had received a call from Connor Duhaime, the Coordinator of the Park and Recreation summer program regarding Drew Menice, a Special Education teacher at the Jacobs School, who has applied for a position as a Camp Counselor in the summer program. Lampke said that the state's Conflict of Interest Law prohibits people from having more than one position with a town unless certain exemptions or exceptions apply, which they do in this case since Menice is not able to perform the duties of his first job at the same time as the second, and would not be working greater than five hundred hours in the second position. Duhaime said that he will be required to file a disclosure form with the Town Clerk and the Select Board must approve the exemption of Menice's contract from Section 20 of the Conflict of Interest Law. Lampke said that they have done this in the past and there has never been a problem.

Motion	McCarthy	To approve the exemption from G.L.C. 268A, Sec. 20B of Drew Menice's contract as it relates to his position with the Park and Recreation Department
Second Vote	Nesoff Unanimous	

UPDATES

Each of the Board members expressed their admiration for the job that Town Manager Lemnios has done and said that he will be greatly missed. Lampke echoed their thoughts and said that it has been a pleasure to work with Lemnios over the past years. Everyone wished him well in the next phase of his life.

Lemnios said he has a deep love for the Town and thanked the residents of Hull who allowed him to work for the Town for the bulk of his professional career. He also thanked the current Select Board as well as past Boards, and the employees of the Town.

EXECUTIVE SESSION

Motion	Grey	Move to go into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel; Move to go into Executive Session to conduct negotiations with nonunion personnel; 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. The following subjects will be discussed in the Executive Session: employment agreements with the Town Manager designee, Police Chief, and Deputy Police Chief.
Second Vote	McCann Unanimous	McCann – Aye Nesoff – Aye Grey – Aye McCarthy – Aye Taverna - Aye

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 June 28, 2023
- Open Meeting Law Complaint Form filed by Christopher Sweeney
- Applications from the Hull Knights of Columbus for One Day Liquor Licenses on July 15, 2023 and July 22, 2023
- Letter from James Leahy regarding request for approval of road closure on 3rd Street for a Block Party on Saturday, July 29, 2023 from 5:00 p.m. to 10:00 p.m.
- Memo from Robert Kelly to Town Clerk, Lori West, requesting the addition of a Select Board Agenda item regarding a change of hours for the HRA parking lots
- Memo from Police Chief John Dunn to the Select Board and the Town Manager regarding the Police Lieutenant Eligibility List and Recommendation
- Draft of proposed guidelines for Select Board public comment policy