

**Hull Select Board  
Final Minutes  
July 19, 2023**

The meeting of the Hull Select Board was held at 7:00 p.m. on July 19, 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 Acting Town Manager, Police Chief John Dunn.

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

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**APPOINTMENTS**

**Jim Richman, Commander, American Legion Post 140**

Grey said that Richman is asking that the Town proclaim August 5<sup>th</sup> as Oscar Smith Mitchell Day in the Town of Hull and that they approve the Oscar Smith Mitchell American Legion Post's rededication of his grave at the Hull Village Cemetery. The rededication ceremony will take place at 12:00 p.m. on August 5, 2023 and will be immediately followed by a celebration at the Hull Lifesaving Museum. Richman said that twenty-four members of Mitchell's family will be coming from Maine to attend the event.

Richman said that the Post was reactivated less than a year ago but has been very active, sponsoring a Veterans' coffee on the first Friday of every month, and participating in the free Veterans' Food Drive at WATD studios on the second Thursday of every month. He said they will be helping at the Veteran's Music Festival and Resource Fair in Quincy on July 22<sup>nd</sup> and will also be teaming up with Craig Wolfe and the Rotary to sponsor a car show on September 17<sup>th</sup> that will benefit Cops for Kids with Cancer. He noted that they are currently setting up a scholarship in the name of the late General Richard (Butch) Neal and will be teaming up with Daley and Wanzer to bring wreaths to veterans graves during the holidays. He said the Legion is anxious to find a permanent home and asked the Board where they stand in terms of a policy on use of public buildings.

Grey thanked Richman for all the good things the Legion is doing for the community. He said the Board is waiting for the new Town Manager to be in place before they address the question of the use of town buildings as they feel she should be involved in this process. The members of the Board thanked Richman for the hard work that the Post is doing for the veterans in Hull.

<b>Motion</b>	Nesoff	To proclaim August 5 <sup>th</sup> Oscar Smith Mitchell Day in the Town of Hull
<b>Second</b>	Taverna	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Nesoff	That the Town approve the Oscar Smith Mitchell American Legion Post 140 rededication of Oscar Smith Mitchell's grave at the Hull Village Cemetery on August 5, 2023 at 12:00 p.m.
<b>Second</b>	McCann	
<b>Vote</b>	Unanimous	

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**APPROVALS**

**James B. Lampke, Town Counsel re: Request to exempt certain interests in contracts from G.L. c. 268A, Sec. 20 for Library Employees Assisting School Department**

Lampke said that the School Superintendent is making revisions in the school libraries and needs technical assistance for this project. She would like to hire the Town's Library Director and Children's Librarian, both of

whom have the qualifications and would be interested in serving as consultants. They will work approximately fifty hours on this project and all of their work will be outside of their normal duties as library employees. Lampke said that under the state Conflict of Interest Law which prohibits individuals from having more than one contract with a town, both will have to file a disclosure form with the Town Clerk, the School Superintendent needs to certify that she does not have any existing employees who can do the work, and the Select Board needs to approve an exemption under the statute.

<b>Motion</b>	Nesoff	To approve the exemption from G.L. c. 268A, Sec. 20B for Diane Costagliola and Elizabeth Thompson, Library employees, as relates to their positions as consultants to the School Department on library matters and authorize Town Counsel to sign on behalf of the Select Board a certification to this effect
<b>Second Vote</b>	Taverna Unanimous	

**Dino Funari, Manager, Vitamin Sea Brewing LLC re: Request for 30 One Day Liquor Licenses on Hull Redevelopment Authority Property (Hull Shore Drive Extension) from Friday, July 28, 2023 until Saturday, August 26, 2023. Hours of operation will be 2:00 p.m. to 9:00 p.m. (Renewal)**

Funari said that for the third summer they are proposing a pop-up Beer Garden on the Hull Shore Common that would sell beer, seltzer, and wine for on-site consumption only. Based on attendance over the last two years they are proposing a capacity of sixty people at any given time in addition to three to four people working at the truck, all of whom will be TIPS-certified. They will be offering pre-packaged snacks on the truck but are also hoping to encourage local restaurants to deliver food to the site and have created a QR code that will link patrons to a site for restaurants in town that will offer delivery services. The site will be fenced and barricaded and there will be only one point of entry that will be staffed. They will have trash containers and receptacles at several locations and the trash will be emptied and removed daily. Funari said he has worked with the Building Commissioner and based on their expected capacity they will provide two port-a-potties for customer use, one of which will be handicap accessible. He said these will be enclosed with a three-sided tent so that they will not be visible from the outside. He also said they will have canopies for shade and will offer bottled water as an alternative drink for the hot days.

Dunn said that he has been down there for the past two summers and his department has found it a very well-run event and there have not been any problems. Funari said their goal is to have a permanent presence in Hull once they can find a suitable space. Taverna said this might be a “test run” for some of the recent proposals for use of the open space at the HRA.

<b>Motion</b>	McCann	To approve Vitamin Sea Brewing LLC’s request for 30 One Day Liquor Licenses on Hull Redevelopment Authority Property (Hull Shore Gardens) from Friday, July 28, 2023 until Saturday, August 26, 2023 with hours of operation from 2:00 p.m. to 9:00 p.m.
<b>Second Vote</b>	McCarthy Unanimous	

Lampke noted that Funari will be coming back on August 2<sup>nd</sup> for a hearing on an Entertainment License for a one day event at the site. Lampke said that notices will be sent out to abutters.

**Armando Aguilar, 440 Nantasket Avenue, Hull Knights of Columbus re: One Day Liquor License on Saturday, August 5, 2023 from 6:00 p.m. to 10:00 p.m. for a Birthday Party**

<b>Motion</b>	McCarthy	To approve the request of the Hull Knights of Columbus for a One Day Liquor License on Saturday, August 5, 2023 from 6:00 p.m. to 10:00 p.m. for a birthday party
<b>Second Vote</b>	Taverna Unanimous	

**Kevin Richardson, President, Hull Boosters re: Approval for annual Hull Booster’s Beach Race/Walk on Thursday, August 3, 2023 at 6:30 p.m. beginning at the Mary Jeannette Murray Bath House (MJM) to M Street and returning to MJM**

<b>Motion</b>	Nesoff	To approve the request of the Hull Boosters for their annual Hull Booster’s Beach Race/Walk to be held on August 3, 2023 at 6:30 p.m., going from the Mary Jeannette Murray Bath House to M Street and returning to the Bath House
<b>Second</b>	Taverna	
<b>Vote</b>	Unanimous	

**Mike McGurl, Executive Director, 1117 Nantasket Avenue, Hull Life Saving Museum re: One Day Wine and Malt License on Saturday, August 5, 2023 from 12:00 p.m. to 5:00 p.m. for Oscar Smith Mitchell Post, One Day Wine and Malt License on Sunday, August 6, 2023 from 12:00 p.m. to 5:00 p.m. for Volunteer Appreciation, and One Day Wine and Malt License on Saturday, July 29, 2023 from 8:00 p.m. to 11:00 p.m. for Hull Life Saving Museum Illumination**

<b>Motion</b>	Taverna	To approve the request of the Hull Life Saving Museum for One Day Wine and Malt Licenses on July 29, 2023 from 8:00 p.m. to 11:00 p.m., on August 5, 2023 from 12:00 p.m. to 5:00 p.m. and on August 6, 2023 from 12:00 p.m. to 5:00 p.m. as listed on the Agenda and Added Agenda for this meeting
<b>Second</b>	McCann	
<b>Vote</b>	Unanimous	

**Judith E. Barry, Secretary, Green Hill Improvement Association re: Permission to hold Gala Day on Saturday, August 19, 2023 at 9:00 a.m. on Gunrock Beach; rain date will be Sunday, August 20, 2023**

<b>Motion</b>	McCarthy	To approve the request of the Green Hill Improvement Association to hold Gala Day on Saturday, August 19, 2023 at 9:00 a.m. on Gunrock Beach, with a rain date of Sunday, August 20, 2023
<b>Second</b>	Nesoff	
<b>Vote</b>	Unanimous	

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## **DISCUSSION**

### **Open Meeting Public Input (Continuance of Discussion)**

Lampke said that based on the Board’s discussion at the last meeting he had made some revisions to his draft on Guidelines for Public Input at Open Meetings. He said the first revision was to clarify that these guidelines applied to a “limited public forum” (i.e., a meeting), as opposed to a “pure public forum” such as people speaking in a park, or on a sidewalk, as that speech cannot be restricted. Since the Board wanted comments limited to agenda items, he had eliminated language that allowed members of the public to speak on anything of concern to them. At the request of the Board, Lampke reviewed each of the guidelines in the updated draft.

There was discussion as to whether comments should be allowed on all agenda items or limited to specific items. Lampke expressed concern that allowing comments on all agenda items might limit the discretion of the Board to exclude certain items from discussion, but the Board’s feeling was that comments, limited to two minutes from members of the public, should be allowed on all items listed on an agenda. Nesoff said he feels that at the discretion of the Chair, a member of the public should be allowed to speak for a second two-minute period, assuming all others had spoken first. Lampke said that some communities are very specific about the Select Board not responding to public comments, even if they are inaccurate, but that this can be difficult, and they should see how it plays out in practice.

The guidelines, as presented, state that all members of the public addressing the Select Board are encouraged to speak and act in a respectful and orderly manner. Lampke said the word “encouraged” is important because the

Board cannot force people to act in a certain manner. The guidelines also say that the Chair has the right to terminate speech that is not constitutionally protected because it is a true threat, an incitement to lawless conduct, or is defamatory and/or sexually explicit. Lampke said that instances of this would happen rarely, if ever, in the Town of Hull, but that keeping this language in the guidelines gives the Board some flexibility and protection. The Board was also in favor of keeping in language stating that people attending a public meeting should refrain from engaging in disorderly or boisterous conduct, and additionally felt that the Chair should be able to authorize a Constable or other officer to remove a person who, after warning, disrupts the proceedings of a meeting. The same rules and guidelines will apply to persons participating in remote public meetings.

Lampke said there might be meetings at which allowing for public comment would inhibit the orderly flow of the meeting, and had included a guideline stating that public comment was a discretionary matter and that there might times when the Select Board would omit this option entirely or would indicate certain items on which public comment would not be allowed. He said the Board would need to vote on this ahead of time and it should be noted on the Agenda for the meeting, but feels this guideline would give the Board more flexibility. The Board agreed that there are certain meetings, such as their annual goal-setting meeting, at which public comment was not appropriate. After discussion, however, the consensus was that they were not comfortable with this guideline and decided that it should be eliminated.

The Board agreed that a statement should be made that comments at public meetings do not reflect the views or positions of the Select Board or the Town but that they do not have the authority or responsibility to prevent all speech that may be upsetting and/or offensive at meetings. They also indicated that the policy is temporary and will be reviewed from time to time and they reserve the right to amend or modify parts of the policy at their discretion.

Lampke said that he will make the changes the Board has agreed on and will distribute an updated version to all of the Board members and the Town Clerk for posting on the Town website. Grey said they will vote on this “clean” copy of the guidelines at their next meeting and it will go into effect immediately.

<b>Motion</b>	Nesoff	To approve the Temporary Guidelines for Individuals Speaking at Public Meetings, as amended
<b>Second</b>	Taverna	
<b>Vote</b>	Unanimous	

### **Scheduling of Annual Board and Committee Appointments**

Grey said he had received a list of vacancies on Town Boards and Committees from Lori West, who will be scheduling interviews for these positions, and it is quite extensive. He said that some of the vacancies are for members whose terms have expired but who would like to continue in their position, and in this case, there is no need for the person to be interviewed by the Select Board. The Board will need to interview all first-time applicants for committees, however, and this can be a lengthy process.

Nesoff said he thinks it would be helpful if candidates were encouraged to attend a meeting of the committee that was of interest to them as well as to review its function and mission statement before applying. McCann also suggested that the Select Board should clarify the criteria they would use in choosing candidates, as this might help people understand why they might not be chosen and which committees might be most appropriate for them. Grey said that West will be placing an advertisement in the local paper, on cable tv, and on the Town website with a list of the committee openings and he will ask that she add a suggestion that potential candidates attend a meeting of the committee that interests them. He will also ask that she pass this suggestion on to the Chair of each of the boards and committees and include it in any email that she sends in response to an application for an open position.

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### **UPDATES**

Dunn said that things have been going well. He said he has had to make a few calls and emails every day but it is a quiet time of the season, so he mainly deals with paperwork. He said he calls the department heads almost every day to check in and they seem to be doing well.

McCarthy said he has heard concerns from residents in the neighborhood of the Hampton Circle playground that the fill that they are adding is raising a portion of the playground and will cause water runoff during storms. He said that the low points, which is where the water will go, is near some of the houses. He said he had spoken with Town Manager Lemnios about this and he had suggested that once Constable is in place they hold a public meeting on this issue and invite residents as well as Chris DiIorio, Chris Krahforst, and John Struzziery, who would be able to give an update on procedures for drainage in the area. Grey said he would schedule this for one of the first meetings after Constable has started her position.

Nesoff said that Town Meeting had voted overwhelmingly to authorize the Select Board to negotiate with DCR for a transfer of land on Nantasket Avenue. He feels this is an important issue and would like to have it placed on an upcoming agenda in the near future.

McCann said that the Board of the Friends of the Paragon Carousel has started to make progress in negotiating a lease with DCR for the land on which the Carousel is located. He said this would be a positive thing because they are currently “tenants at will.” He also said that the Friends of Nantasket Beach will be putting on free concerts every Saturday from 3:00 pm – 5:00 p.m. on the Bernie King Pavilion that are grant-funded and DCR supported.

McCarthy said he has heard from some residents that they do not like Zoom meetings and feel they are no longer necessary. Grey agreed but said there are some situations in which a Zoom meeting is necessary. McCann raised the possibility of hybrid meetings but Grey said that there are only one or two places in Hull that could accommodate hybrid meetings.

Taverna raised the issue of the traffic problems on Beach Avenue from A Street to L Street, which is a very busy area, particularly at this time of year, and is too narrow for a two-way street. He said that there have been many close calls in this area. Chief Dunn agreed and said that he and his department are working on a proposal for this area that they hope to present to the Select Board soon. Dunn said he would definitely recommend that this stretch of road become one-way, but there is a process they will need to go through and they will need to educate the public about changes in the traffic pattern. Lampke said he feels a public meeting on this issue would be advisable, but he would check into exactly what would be required in terms of public hearings and notification of abutters. Dunn said that in the meantime he would put up signage advising drivers to slow down in this area, although he is not sure how much of an effect that would have.

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#### EXECUTIVE SESSION

<b>Motion</b>	Grey	Move to go into Executive Session to conduct strategy sessions in preparation for negotiations with non-union 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 to obtain legal advice pursuant to the attorney-client privilege, and not to reconvene in open session. The following subjects will be discussed in Executive Session: negotiations with non-union personnel regarding an employment agreement with the Town Manager designee
<b>Second Vote</b>	Nesoff Unanimous	Grey – Aye Nesoff – Aye McCann – Aye McCarthy – Aye Taverna – Aye

The Board voted unanimously to adjourn the Open Session.

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 office upon request:

- Agenda and Added Agenda for Select Board Meeting on July 19, 2023
- Memo from Jim Richman to Lori West regarding Proclamation of August 5<sup>th</sup> as Oscar Smith Mitchell Day in the Town of Hull and rededication of his grave at the Hull Village Cemetery
- Memo from James Lampke to the Select Board re: exemption for Library employees assisting the School Department
- Application from Vitamin Sea Brewing, LLC for 30 One Day Wine and Malt Licenses from 7/28/23 to 8/26/23 and materials related to the Pop-Up Beer Garden
- Application from the Hull Knights of Columbus for a One Day Liquor License on August 5, 2023
- Memo from Kevin Richardson to Lori West re: Hull Boosters Annual Beach Run
- Applications from the Hull Lifesaving Museum for 3 One Day Liquor Licenses on July 29, 2023, August 5, 2023, and August 6, 2023
- Letter from Green Hill Improvement Association to the Select Board re: Gala Day 2023 on August 19, 2023