

**Hull Select Board
Final Minutes
January 17, 2024**

The meeting of the Hull Select Board was held at 7:00 p.m. on January 17, 2024 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 Jennifer Constable.

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

APPOINTMENTS

Public Hearing: 145NA Inc., dba Nantasket Flatts, 145 Nantasket Avenue, Richard J. Vaughan, Manager re: Non-use of License and Violations

Lampke said that Nantasket Flatts closed in January of 2023 and that in March the Select Board received a letter from the owner, Richard Vaughan, informing them they had closed and that he and his wife were trying to sell the establishment. At this time the Board sent a letter to the Vaughans giving them six months to either reopen, sell the license, or transfer the license to another location. Lampke said that none of this has happened, so the Board must decide whether the license should be revoked, canceled, or forfeited.

Richard Vaughan and his attorney, Louis Cassis, were present. Vaughan said the reason for the closure was primarily Covid-related. He said that initially there were several local restaurants that expressed interest in purchasing the business, but all of these fell through. Vaughan said they recently dropped the price and there are currently several potential buyers and he would be very surprised if it is not under agreement by the spring. Vaughan said the building is in A+ condition and would be ready to open once the sale goes through. Cassis asked that the Board consider not putting an end-date on the license as this might drive the price down. He suggested that they revisit this issue before the summer and hopefully the business will be sold by then.

It was the feeling of the Board that from a pro-business perspective, it made sense to come to a compromise. Lampke said it would certainly be much more difficult to sell a building like this without a liquor license and noted that the Town does not have a surplus of available licenses. He recommended, however, that they keep a tight rein on this license and request periodic updates on the progress of any potential sale. He suggested that the Select Board Continue this Hearing to another date, thereby eliminating the need for an additional new formal Notice, and introduced several documents into the record: March 6, 2023 letter from the Select Board to the licensee giving a six months-notice; November 23, 2023 License Renewal Application; December 29, 2023 letter from Town Counsel to Richard Vaughan indicating that there would be a Hearing; January 11, 2024 letter from Atty. Cassis to the Select Board with revised application renewal form and evidence of liquor liability and workers' compensation insurance. Lampke noted that there had been an issue with the Town relative to real estate taxes, but Vaughan said they have worked out a payment plan for this.

Grey suggested that they Continue the Hearing to the meeting of the Select Board on April 24th and said they could grant an extension at that time if necessary. Constable said this was a fair compromise but urged the Board to keep in mind that technically this is the last unconditional All Alcohol license available in Hull. She said that the Legislature had approved the Town's request for five additional licenses but that these come with a number of restrictions.

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| Motion | Nesoff | To Continue the Hearing on 145NA Inc., dba Nantasket Flatts, to the meeting of the Select Board on April 24, 2024 with the stipulation that monthly updates on the potential sale of the property will be provided |
| Second Vote | McCarthy Unanimous | |

Russell Titmuss, GEI Consulting re: Presentation on Fitzpatrick Way Seawall Project

Constable said she was aware that there were questions in the community about the status of the Fitzpatrick Way Seawall project, so she asked Russell Titmuss from GEI consulting, Kevin Mooney from Waterways Project Management, and John Struzziery, Hull's Director of Wastewater Operations and Assistant DPW Director, to give a preliminary introduction of the project and lay out some information on funding sources and timelines. She also noted that there are concerns about the current integrity of the existing wall and the potential conversion to a one-way flow of traffic so she wanted to reassure the community that they are providing the time and resources to do a thorough study of the project.

Titmuss said that in 2019 they began a study of the conditions of the site in an effort to develop some short and long-term alternatives for repairs and upgrades. He said that on the ocean side they studied the area from Stony Beach up to Point Allerton around the lagoon, and on the bay side they went from the bridge on Fitzpatrick around to Spring Street and all the way down Nantasket Avenue. He noted that each portion of the shoreline had different conditions. He said that based on this study, the Nantasket Avenue Seawall was identified as the highest priority of the areas of the shoreline. Once that determination was made, Titmuss said they begin to develop a specific project and to move forward with project design and permitting. He said the scope of the project is to construct all new seawalls landward of the existing seawall. To do this they will have to relocate all the overhead utilities and will need to raise the roadway behind the wall, which means raising Nantasket Avenue about 3' to bring it above the FEMA stillwater elevation for flooding. He said they will need to tie in to the existing roadway at each end of Nantasket Avenue.

Titmuss said they will incorporate the lower part of the existing wall into their structure, which will provide stability, and will need to develop some width for the structure to improve its flood performance. He said that to make space for pedestrians and cyclists they will need to bite into the roadway, necessitating the change to a one-way road in this area. He said they will be raising the wall, which will make looking at the ocean more difficult, but they are planning to include an overlook area at the point where people are accustomed to looking out.

Titmuss said they have gone out to bid on the project and noted that the bids are due back tomorrow. He said that FEMA had awarded Hull a Pre-Disaster Mitigation Grant of \$5,000,000 but those funds have not yet been released. He said the Town is also due approximately \$1,000,000 from FEMA resulting from storm damage along the northern end of the lower piece of the seawall. Titmuss said the state has a yearly seawall grant program and the Town has been awarded \$3,000,000 with the stipulation that the Town provide a \$1,000,000 match. He thinks the Town has set aside money for this.

Titmuss said that because they are planning to switch the road to one-way, they will need to conduct a traffic study to confirm which one-way direction makes the most sense. He said they will be doing traffic counts in the area and will hold public meetings before making this decision. He said that once the bids are returned, they will have more information about the timeline for construction, but he anticipates it would be approximately eighteen months. He said they have a contingency plan for repairs if there is further damage to the seawall before the project is completed.

McCann asked about the estimated lifespan of the projected work and Titmuss said it should last at least fifty years. Nesoff asked if the timeline is dependent on the release of funds from FEMA and Titmuss said it was and that the approval process for release of funds could take up to nine months. Taverna asked if there was a rough estimate of the total cost of the project. Titmuss said they estimate approximately \$12,500,000, which should include everything.

Grey then opened the meeting up to comments from the public. Paul Norton, from Point Allerton Avenue, asked about flooding in the Point Allerton and Nantasket junction area and how much they would need to raise the wall to prevent this. Titmuss said they cannot promise to prevent flooding, but the last portion of the wall will be higher. He said the only way to prevent flooding on the lagoon side would be to have the road higher all the way around but doing this would prevent homeowners in this area from accessing their homes.

Paul Paquin from Edgewater Road asked how the decision was made to prioritize this part of the seawall. Mooney said that in 2019 studies were done in three areas of Hull and at that time it was determined that Nantasket Avenue was a crucial area as a 2018 storm had damaged the low wall and if the wall were lost, they would lose access to

Pemberton Point and the Village as well as all the infrastructure that goes through that one point. He said that public hearings were held at the time. He also noted that they are very aware that there are other areas that need attention and they have been in communication with Constable about this. Mooney said there is a great deal of need in Hull and the biggest challenge is finding funding. Taverna asked if beach replenishment could be part of the solution and Mooney said it would help but it is extremely expensive. Struzziery noted that the fact that this is a major traffic route in the Town and that every utility runs through there helped convince FEMA that this is an important project and enhanced their grant application.

APPROVALS

Mike McGurl, Executive Director, Hull Life Saving Museum, re: Request to hold Hull Harbor Illumination on Saturday, July 20, 2024 from 8:00 p.m. to 11:00 p.m. with a rain date of July 21, 2024

Motion Nesoff To approve the request of Mike McGurl, Executive Director, 1117 Nantasket Avenue, Hull Life Saving Museum re: Request to hold Hull Harbor Illumination (Hull Life Saving Museum and the waterfront along Spinnaker Island to A Street) on Saturday, July 20, 2024 from 8:00 p.m. until 11:00 p.m. with a rain date of Sunday, July 21, 2024

Second Taverna
Vote Unanimous

Mike McGurl, Executive Director, Hull Life Saving Museum, re: Request for One Day Wine and Malt Licenses on Saturday, July 20, 2024 from 8:00 p.m. to 11:00 p.m. for Hull Harbor Illumination with a rain date of Sunday, July 21, 2024; Request for One Day Wine and Malt License on Friday, February 9, 2024 from 5:00 p.m. to 10:00 p.m. for Sea and Sky Art Opening; Request for One Day Wine and Malt License on Friday, March 1, 2024 from 5:00 p.m. to 10:00 p.m. for Snow Flake Meet and Greet; Request for One Day Wine and Malt License on Saturday, March 16, 2024 from 4:00 p.m. to 10:00 p.m. for Pot Luck Dinner; Request for One Day Wine and Malt License on Saturday, January 20, 2024 from 2:00 p.m. to 5:00 p.m. for Hull Life Saving Museum Annual Meeting.

Motion Nesoff To allow alcohol on the premises of the Hull Life Saving Museum and to approve the issuance of one-day licenses, all as listed on the Meeting and Agenda Notice for the January 17, 2024 meeting, subject to approval of all Inspectional Services and any other applicable requirements

Second McCarthy
Vote Unanimous

Police Chief, John Dunn re: Conditional offer of Employment for Full-Time Police Officers: Anthony Bates, Michael McDonald, Thomas Bellew, Thomas Walters

Grey read a letter from Police Chief Dunn to the Town Manager recommending that the above-named candidates be conditionally offered employment as full-time police officers for the Town of Hull, pending the successful completion of medical physicals, and the MPTC required agility test. Upon successful completion he said he will recommend that they attend the Municipal Police Training Academy as Student Officers.

Motion McCann To approve the Conditional Offer of Employment as Full-Time Police Officers for Anthony Bates, Michael McDonald, Thomas Bellew and Thomas Walters

Second Nesoff
Vote Unanimous

Request to approve Town Manager, Jennifer Constable as the Authorized Representative to authorize, finalize, submit and certify all ARPA Grant applications on behalf of the Town of Hull.

Constable said that Plymouth County administers the American Rescue Plan Act (ARPA) funds for municipalities within the county. She noted that as Hull's new Town Manager she will need authorization to process and submit ARPA grant applications. She noted that Hull currently has two pending applications related to sewer projects.

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| Motion | Nesoff | To approve Town Manager, Jennifer Constable, as the Town of Hull's authorized representative to authorize, finalize, submit, and certify all ARPA grant applications on behalf of the Town |
| Second Vote | McCann Unanimous | |

TOWN MANAGER REPORT AND BOARD UPDATES

Constable said she had attended the services for Joe Menice this past week and the outpouring of admiration for his work in Hull was amazing. She said that her new Executive Assistant, Michelle LeBlanc, has started work and is already having an impact. She encouraged everyone to stop by the office and introduce themselves. She also noted that the Assistant Town Manager position was posted last Thursday in several different locations, including on the Town website. She said that all applications will go to the consultants, who will do the initial screening.

Grey asked about the status of the work on the sewer main break on George Washington Boulevard. Constable said they are hoping to begin work on Monday, the 22nd. She said they did an emergency procurement of funds for this work that will come out of the Sewer Enterprise Fund. Taverna asked about the extent of work that will be needed and Constable said they do not know at this point but are hopeful that the break might just be at one location.

Nesoff asked if the DCR Commissioner has signed the Memorandum of Understanding (MOU) with Hull. Constable said the town's liaison to DCR, Jenna Johnson, said she would send it to the Commissioner, and at this point they are just waiting to hear back from her. Constable said the first meeting with DCR is supposed to be in March and she is planning to touch base with Johnson to talk about the composition of the working group and agenda for this meeting and said that as soon as she has any information, she will update the Board. Constable said it is her thought that the working group for the meeting should include a member of Town staff, a member of the Select Board, and a member of Public Safety. She does not anticipate that this will be a public meeting.

McCann asked what Town departments Constable anticipates would need space at the Memorial Middle School. Constable said that the Town Hall is old and is not well maintained, so they are thinking of relocating Town Hall offices to the school. She said that the Police Department's Administrative offices have requested to relocate there as well.

Nesoff said he was considering making a Motion to place a discussion of the process for putting out a Public Notice regarding applications for adult use cannabis sales on the Agenda for January 31, 2024. Constable said she understands that Nesoff is anxious to move on this, but said that she and Lampke are currently in discussions with outside counsel on this issue and are doing research on the Bylaw to ensure that the Board has the facts it needs to move forward appropriately. She said the Select Board could vote to place this on the agenda for the 31st but she cannot guarantee that they will have all the answers by that date. Nesoff said he would change his motion to having an update and a possible discussion on the topic. He said he feels that if discussions with lawyers are happening outside of public meetings it is important to have an update and discussion of this in a public forum. McCann said he feels that based on the policy they discussed at the last meeting regarding agenda items, a motion was unnecessary.

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| Motion | Nesoff | To have an update and potential discussion about Adult Use Cannabis at the meeting of the Select Board on January 31, 2024 |
| Second Vote | Taverna 4-0-1* | *McCann abstained |

McCann thanked all the Town staff who had worked so hard during the past few storms. Nesoff said that the Martin Luther King service event sponsored by the Hull No Place for Hate Committee was a great success. McCarthy mentioned that he has been contacted by Maxine Nash from the Fort Revere Park and Preservation Society and feels

they have a good action plan for 2024. He said they are on Facebook if anyone would like to get an update on their plans.

Lampke then read a letter stating that he will be seeking to wind up his career as Hull Town Counsel between now and the end of the fiscal year. He said that he will work with the Select Board and the Town Manager to ensure a smooth and orderly transition. Lampke said that serving Hull as Town Counsel has been an honor and a privilege and he looks forward to a continuing role in the Town. He thanked all town employees, officials, and residents for their support and assistance over the years and acknowledged the support he has received from his wife, Cindy, and their two children.

Constable said she knows this was not an easy decision and expressed everyone's gratitude for Lampke's untiring work on behalf of Hull.

EXECUTIVE SESSION

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| Motion | Grey | Move 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 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: To discuss strategy with respect to collective bargaining where an open session may have a detrimental effect on the bargaining position of the body; Bargaining units which may be affected include Police, Fire, DPW, Clerical, Hull Municipal Light Plant and the Library |
| 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 January 17, 2024
- Materials related to license renewal for 145NA Inc., dba Nantasket Flatts
- GEI Consulting Presentation materials on Fitzpatrick Seawall Project
- Letter from Police Chief John Dunn regarding Conditional Officer of Employment for Police Officers
- Materials related to Hull Life Saving Museum's request to hold Hull Harbor Illumination and One Day Wine and Malt Licenses