

**Hull Select Board
Final Minutes
January 31, 2024**

The meeting of the Hull Select Board was held at 7:00 p.m. on January 31, 2024 at Hull Town Hall, 253 Atlantic Avenue, Hull, MA.

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.

Grey said that before they begin on the agenda for the meeting, Christ Krahforst, Hull's Director of Climate Change and Adaptation, wished to speak. Krahforst said that because of the recent flooding events in Hull, his Committee and the Emergency Management team in Hull will be holding a public meeting in this room on Thursday, February 7th to give the community information about the nature of the flooding and how events like this will be handled. He said public participation will be welcomed.

APPOINTMENTS

Lori West, Town Clerk re: Update on 2024 Elections and to request the following:

- 1. Vote on early voting polling hours for the March 5, 2024 State Primary at Town Hall, 253 Atlantic Avenue**
- 2. Review and sign the March 5, 2024 State Primary Warrant; and**
- 3. Appoint 2024 State Election Poll Workers**

West said that there will be four elections this year: the Presidential Primary on March 5th, the Annual Town Election on May 20th, the State Primary on September 3rd, and the Presidential election on November 5th. She said that all registered voters should have received a vote by mail application and anyone wanting to take advantage of this option should return the form as soon as possible. She said that anyone who wants a form and did not receive one can contact the Clerk's office or check the Town Clerk's web page.

West noted that the vote by mail option, which is unfunded, will cause an increase in the Town Clerk's budget that will be reflected in the budget for the upcoming fiscal year. She said the elections will be held at the High School and said she has spoken with the Town Manager about meeting with the Town's emergency personnel to have a plan in place in the case of any problem such as they experienced last year.

Motion	Nesoff	To accept the following early voting hours for the March 5, 2024 Presidential Primary Election which will occur at Hull Town Hall, 253 Atlantic Avenue: Saturday, February 24, 2024 from 9:00 a.m. to 3:00 p.m., no early voting on Sunday, February 25, 2024, and Monday, February 26, 2024 through Thursday, February 29, 2024 from the hours of 8:30 a.m. to 4:30 p.m. There will be no early voting on Friday, March 1, 2024.
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Second Vote	McCann Unanimous
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Motion	Nesoff	To appoint the following 2024 Election poll workers: Kathleen Bell, Cyrille Donlan, Ann Marie Dunn, Meghan Bennett, Terry McDonald, Jean Fisher, Cheryl Grey, Cindy Magnoli, Jennifer Olivieri, Kathleen Dunn, Dorothy Resnick, Maxine Nash, Paul Paquin, Dena Tompkins, Tim Dunn
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Second Vote	Taverna Unanimous*
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*Grey recused himself from the vote as his wife is a poll worker.

Nesoff then read the March 5, 2024 State Primary Warrant.

Motion	McCann	To review and sign the March 5, 2024 Primary Election Warrant
Second	McCarthy	
Vote	Unanimous	

Clifford and Kenny re: Employment and Labor Law Counsel

Constable said that since Lampke will be retiring as Hull's Town Counsel effective June 30, 2024, she is proposing a model in which the Select Board approves a Town Counsel, a Labor and Employment Counsel, and a Land Use Counsel, which she feels are the three areas in which legal counsel is most often needed. She said that tonight she has invited Attorneys Jaime Kenny and Rich Messina from the law firm of Clifford and Kenny to speak about their expertise in Employment and Labor Law.

Kenny said their firm specializes in the area of municipal labor and employment and currently represents over thirty cities and towns in Massachusetts, with the majority of their clients being on the South Shore. She said that their primary focus is to work with municipalities to avoid the legal pitfalls that can lead to costly litigation. She said they work to develop an ongoing relationship with a town's team and offer training that is specific to the municipal unionized environment and helps foster sustainable and fair collective bargaining agreements. She said they work to give their best advice based on the circumstances of a situation and to give options but keep their recommendations very specific. Messina emphasized the importance of managing the relationship with unions and helping towns navigate the legal landscape of labor negotiations.

McCarthy asked Constable if this is a model that other towns are using. Constable said that Hull was fortunate to have had Lampke's services for so many years, but that it is common for municipalities to hire separate counsel for the various legal areas. She said she is familiar with Clifford and Kenny's work and feels they are highly qualified and would be extremely accessible.

Motion	McCann	To appoint Clifford & Kenny as the Employment and Law Labor Counsel for the Town of Hull
Second	Nesoff	
Vote	Unanimous*	

*Taverna recused himself from the vote as the firm was involved in a personnel issue that relating to a family member.

Constable said that by Charter the Select Board is the appointing authority for counsel, but she would like to request that the Board designate appointing authority to the Town Manager for Special Counsel, as there are times when the town needs to use Special Counsel for specific situations and those hiring decisions often need to be made quickly. She said that she would bring anything significant to the Board for their approval.

Motion	Nesoff	To delegate authority to the Town Manager to hire Special Counsel for the Town when needed.
Second	McCarthy	
Vote	Unanimous	

Hull Redevelopment Authority re: Summer Parking Discussion

HRA Chair, Dennis Zaia called the meeting of the HRA to order. Members Daniel Kernan, Adrienne Paquin, and Joan Senatore were also present. HRA member Bartley Kelly arrived during the meeting.

Zaia said they are hoping to get an answer from the Select Board regarding the number of cars that will be permitted in their lot this season as they may be going out to bid but are also looking into the possibility running the parking lots themselves as a "no cash" operation that can be more easily monitored. He said that Kernan is doing some

research on options for this type of operation, but in either case they would need to know the number of cars allowed in order to move forward. Zaia said they would also like to discuss the possibility of sharing the cost of traffic details at Phipps Street with DCR.

Constable said that the DCR lot adds at most one-third of the traffic in that area, but said this might be a good time to have a conversation with DCR to see if there is any way they could help with the details. Zaia said they would like to find a more equitable way to pay for these and thought that perhaps some of the money might come from the DCR Trust Fund. Constable said they anticipate that the first working meeting with DCR will be in March and said it might be possible to raise this issue at that meeting. Zaia said they would also like a discussion with DCR of a unified signage program for people coming into Hull that would let people know where they can park.

An extensive discussion of the number of cars to be permitted in the HRA lots followed. Zaia and Kernan were in favor of returning to the pre-Covid maximum of 900 cars and said that HRA member Bartley Kelly agreed. Paquin said she would be in favor of maintaining the smaller number that has been established and Senatore said she would like a compromise of 750 cars. Nesoff said he thinks the HRA should come back to the Board with more information and a proposal as to how many spots they feel they would need. Zaia said this does not work for them because their RFP needs to be out by the middle of March and they would need to publish an RFP for thirty days. Zaia said that in order to give the Board a number he would make a motion that they ask the Select Board for a maximum number of cars to be set at 900.

Motion	Zaia	To encourage the Select Board to set a maximum number of vehicles in the HRA parking lots at 900 for the 2024 summer season from May 1, 2024 to September 30, 2024
Second Vote	Kernan 3-1-0	Zaia – Aye Kernan – Aye Senatore – Aye Paquin – No

Kelly had not arrived yet.

There was some discussion as to whether the Select Board should commit to a maximum number of cars when there is no application before them but Zaia stated that he does not think the HRA can put out an RFP without an approved number from the Select Board. Kernan said the HRA is simply asking the Select Board for a maximum number of cars they would approve and they would work with whatever number they are given. Nesoff made a motion to table the discussion until the HRA submits a specific proposal, but there was no second to the Motion.

McCann said he feels it is important to give the HRA a frame of reference at this point and he, Grey, and McCarthy said they were all comfortable with a range of 500-600 vehicles while Taverna felt a higher number made sense. Various options were proposed, including setting the number of cars at 600 with the provision that with the approval of the Chief of Police, in certain situations the number might be increased to 900. Constable encouraged the Board to consider whether Hull's public safety structure has the capacity to handle this increase as well as the environmental impact on the adjacent neighborhoods of having 500-900 vehicles coming in on a regular basis during the summer months. She also noted that Police Chief Dunn has indicated that the reduced number has had a positive impact on the Town.

Grey opened the discussion up to comments from the public. Several residents spoke, and the consensus was that the maximum should be set at 900 as the reduction in the number of allowed cars had created a situation in which people were coming to Hull and parking wherever they can once the lots were full. HRA member, Bart Kelly, had joined the meeting at this point and agreed.

McCarthy said that after listening to the public comments he would be inclined to increase the maximum number of cars to 900 for the 2024 season only and said that data should be gathered during the season to see what impact the increase has. Grey disagreed and said that this would return them to a situation in which there is a log jam of traffic in the beach area for much of the summer. McCann agreed and said that Police Chief Dunn's assessment that the reduction in numbers has been a good thing is persuasive to him.

Motion	McCarthy	To allow a maximum of 900 cars at the HRA parking lot for the 2024 season starting May 1, 2024 to September 30, 2024
Second	Nesoff	
Vote	3-2-0	McCarthy – Aye Nesoff – Aye Taverna – Aye Grey – No McCann - No

Zaia adjourned the meeting of the HRA at 9:06 p.m.

DISCUSSION

Ethics Training Requirement – Request that the Select Board change the policy of annual ethics training requirement to every 2 years in accordance with State law.

Constable said the state requires all public servants, including committee members, to take an ethics exam every two years. She said that the Town had been requiring everyone on staff to take the test on an annual basis, because tracking every two years was very difficult. However, the state is utilizing a new system that makes the tracking much easier, so the Town Clerk is requesting that they return to the two-year requirement.

Motion	McCann	To change the Select Board policy of Annual ethics training requirement to every two years in accordance with state law
Second	Nesoff	
Vote	Unanimous	

Select Board Policies and Procedures and Organizational Commitments

Constable said they have made some edits to the section in the Select Board Policies and Procedures that relates to minutes from Executive Sessions. Nesoff said that he did not see a draft with the edits before the meeting, as he had requested, and as a procedural issue he is not prepared to vote on a document he has not had the opportunity to review. Constable said the edits are not extensive and they had discussed and agreed on them at the last meeting. She said it is her understanding that they were emailed to the Board and posted online.

McCann suggested that they postpone this discussion to another meeting. Constable said they could do this, but did caution the Board that the meeting agendas will be very full over the next few months.

Motion	Taverna	To move the review of the Select Board Policies and Procedures and Organizational Commitments to the next meeting of the Select Board
Second	McCarthy	
Vote	Unanimous	

Marijuana Bylaw Review Status

Constable said that she is continuing to work with Lampke, staff, and outside counsel to review Hull's existing bylaws and votes from previous town meetings and how they relate to the bylaw that was voted at the Special Town Meeting in August. She said that at this point they feel some edits and corrections may need to be made and they are planning to meet with outside counsel on Monday in preparation for having them come before the Select Board to present their recommendations. She said that they are also waiting for the CCC to issue a template model Host Community Agreement (HCA) and suggested that the Board not move forward in accepting applications until questions around Hull's bylaws are resolved and they know what the CCC will be requiring in new HCAs. She said that if the Board does want to begin accepting applications, they will need to decide how they will accept them, what the timeframes should be, and how they would move them forward to an HCA.

Nesoff said that accepting applications and forming HCAs are two different things and feels that the Board needs to determine how it will request applications, what information they would like included, and the timeline for returning them. He said he would like this to be an agenda item at their next meeting. Lampke suggested that if they do begin accepting applications, they should include a caveat that because state laws are in flux the Board reserves the right to restart the process or request more information.

Taverna asked why the laws are in flux when there are so many retail marijuana establishments across the state. Lampke said that the new regulations only apply to those establishments seeking new licenses or amending an existing license to include recreational marijuana. He noted that the regulations issued at the end of October have provisions for social equity, which is something the new applications will need to address. Lampke said that the Board could accept applications and begin to review them, but they may need to go back and request more information. He said it will not be an easy process. Nesoff said he has spoken with people at the CCC and the HCA template should be out by March 1st, so if they begin to accept applications now and have a forty-to-sixty-day turnaround period, they will have time to review the HCA template.

Nesoff asked for a further explanation of the issues in the bylaws that they are trying to resolve. Lampke said it is very confusing, but there are some questions around the vote that was taken in 2018 that allowed medical marijuana but prohibited recreational use. Constable said that these issues may be moot, however, because the vote that was taken this past summer was very clear and was approved by the Attorney General's office, so they are hoping they will not have to go back to Town Meeting for any further votes. However, they are waiting for the recommendations of outside counsel as they would like to avoid the possibility of legal challenges.

The feeling of the Board was that this is a very complicated legal area, but they would like to move the process forward as quickly as possible. Lampke suggested that they start reviewing Hull's existing rules and regulations that give guidance as to what information the town is looking for in applications, and to see if they feel any changes need to be made. Constable noted that the existing regulations are public documents and the current application is online but said she would distribute copies to the Board. Nesoff also recommended that Board members look at the CCC website which has a lot of information. He suggested that the Select Board might hold an additional meeting for the purpose of going over what their application process should be.

Grey opened the meeting up to comments from the public. Stephen Werther, President of Alternative Compassion Services (ACS), said they had completed the Town's online application several months ago and emailed it to everyone. He said their application contains a great deal of information and would be a good starting point for the Board's review. He also said that the CCC has issued a draft HCA which gives a good overview of what they will be looking for in an HCA. He noted that under the new HCA, municipalities are entitled to get 3% of the 20% sales tax that they are mandated to charge. He said no other monies are due the town unless costs are incurred because the establishment is there. He said that holding up review of applications will not change anything for the town financially. He urged the town to move his application along and said he would supply as many documents as needed.

Lampke said that the law regarding new HCAs does regulate the financial arrangements with municipalities, but said that an original HCA was negotiated with the predecessor of the current operator and certain financial promises were made by that operator. The business was transferred but the conditions of the original HCA continued. He said that other communities on the South Shore had similar types of impact fees under existing HCAs and some of the operators still paid the money, but he does not think that this issue will ultimately affect how the town moves forward.

Constable said that the main issue at this point is that the Town needs to make sure that what the town legally adopted and what they have on record is what it was intended to be. She said they have spent extensive time reviewing this and are now at a point at which they can present the information they need to outside counsel to ensure that their bylaws are doing what they were intended to do and can move forward in a way that does not put the town in any legal jeopardy.

A member of the public said that back in August a number of citizens did a great deal of work in order to have a dual medical/recreational facility in Hull approved and feels it is unfair that seven months later the Town has not accepted ACS's proposal. Another speaker said that the will of the people at Town Meeting was very clear and that

they wanted to grant a dual license to this facility, which has proven itself in Hull. Lampke agreed that the sentiment at the Special Town Meeting was clearly in favor of ACS, but that the town is required to treat all applicants fairly. Werther said he understands what Constable is saying about issues with the bylaws, but would just like to feel that the process is moving forward. He said they can be patient if they feel that something is happening. Grey said there has been a lot of work behind the scenes and that the Select Board will set a date for a meeting at which the sole topic for discussion will be about setting policies for accepting applications.

CORRESPONDENCE

Dean E. Harrison, Consultant, Vineyard Point Ventures Inc. re: Site Approval Application for The Residences at Rockaway, 25 Ipswich Street.

Constable said that Vineyard Point Ventures Inc. is proposing a 40B project at 25 Ipswich Street. She said that she and staff had a site visit, along with the financing agency, MassHousing, but the project is still in very early stages. She said that once the applicant receives an approval letter from MassHousing they can apply for a comprehensive permit, but they are not yet at that point.

Nesoff expressed some concern about the location of the site as it is on a ledge. Grey said that discussion of the project should be limited at this point as the application process is in its beginning stages.

TOWN MANAGER AND BOARD UPDATES

Constable said she had made a preliminary presentation to the Advisory Board last night on the budget process to date and will be making a joint presentation to the Advisory Board and the Select Board on February 13th. She thanked the staff of the Senior Center who had hosted a “Meet the Manager” event yesterday and said there were many good questions from the public. She said that she and Lampke are continuing to meet with Mike Buckley on a MOA with the schools and feels they are close to finalizing the Agreement and presenting it to the Select Board.

Constable said that the Town has received a request for a Seasonal All Alcohol Package Store License. She recommended that the Board consider whether this is something they want to pursue as there was a similar proposal at the Special Town Meeting in August that was decisively defeated. She said that if the Town can demonstrate that its seasonal population grows to a certain number, they have the authority to grant an additional license, although they are not required to do so. Constable said at this point over 80% of Hull’s residents are year-round and the summer increase does not appear to justify the additional license, but to be fair to the proponent she feels this should be put on the agenda for a future meeting so they can present their argument.

McCarthy reported that with the help of McCann he is continuing to work on a policy for a Beautification Committee. He also said he had received a letter from the Plymouth County Commissioners regarding assistance with dredging work. Constable said she had not received this correspondence but would look into it.

Taverna initiated a brief discussion of the bidding process for work needed in the Town such as the portico at the Middle School and the sewer issue at George Washington Boulevard. Constable explained that in certain situations emergency procurements are needed and there is not time to go out to formal bid. She also noted that for the emergency sewer work, that the state had approved of the emergency procurement process used by the Town. She said that state procurement law is very prescribed, and said that as the Chief Financial Officer and Chief Procurement Officer for the Town her mindset is always to find the most cost-effective solution for a given situation.

EXECUTIVE SESSION

Motion	Nesoff	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
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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 Executive Session: Employment related issues – Saunders v. Hull; Beach Avenue related litigation – Town of Hull v. Ferrera, et al. and Robert McEvoy, Trustee, v. Town of Hull

Second Vote	McCann Unanimous	Nesoff – Aye McCann – Aye Grey – Aye McCarthy – Aye Taverna – 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 and Added Agenda for Select Board Meeting on January 31, 2024
- Memo from Town Clerk to Select Board re: Early Voting Hours for March 5, 2024 State Presidential Primary; Appointment of 2024 Election Poll Workers; Presidential Primary Warrant
- Letter from Clifford and Kenny, LLP to Jennifer Constable re: Employment and Labor Law Counsel services
- Letter and supporting materials from HRA to Jennifer Constable and Greg Grey re: meeting with Select Board for discussion of summer parking
- Draft of Select Board Policies and Procedures
- Letter and supporting materials from Dean Harrison, Consultant for Vineyard Point Ventures, Inc. re: Site Approval Application