

**Hull Select Board
Final Minutes
February 21, 2024**

The meeting of the Hull Select Board was held at 7:00 p.m. on February 21, 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 (remotely) and Town Manager Jennifer Constable.

Before calling the meeting to order Grey led everyone in the Pledge of Allegiance and asked for a moment of silence for lifelong Hull resident, Jean Marie Fleck who passed away on February 11, 2024.

Approval of Minutes

Motion	Nesoff	To approve the minutes of the Select Board meetings on January 3, 2024, January 10, 2024, January 17, 2024, and January 31, 2024
Second Vote	McCann Unanimous	

APPOINTMENTS

Joint Meeting with the Advisory Board re: FY25 Budget Presentation

Advisory Board Chair, Jason Frady, opened the meeting of the Advisory Board.

Constable said that in formulating the budget she and Finance Director, Mike Buckley, meet individually with each department to ask for their projected budget and capital requests. They then determine revenue and expenditure assumptions and assess the capital improvement priorities and needs. Based on the information collected they formulate a draft budget, which is what she will present tonight, but she noted that she and the financial staff will continue to work through the budget and refine the numbers before it is ultimately presented at Town Meeting.

Constable said that over the next fiscal year she would like to follow the process used by the Government Finance Officers Association which assigns responsibilities in terms of the Advisory Committee, the Select Board, the Town Manager, and the town's financial staff, with an emphasis on transparency, information, and accountability. She said she would like to have a focus on Capital Improvement Planning, which she feels has been an area of weakness for the town over the last few years. She said that at Town Meeting she will be asking for approval of the creation of a Capital Outlay Committee that would include a number of stakeholders and would help prioritize major projects in Hull and help with long-range financial forecasts. She then gave a brief overview of a number of areas.

Funding Security and Financial Reserves. Constable said that at Town Meeting they will be asking for the creation of an Opioid Settlement Special Revenue Fund as Hull has received and will continue to receive money from its participation in opioid litigation and said this fund will allow the town to use the funds for their intended purposes. She said she will also ask to establish a Capital Stabilization Fund with a goal of adding 2-3% of the annual general fund budget on a yearly basis. If approved at Town Meeting, they would be able to move approximately \$1million into this fund. Constable said she would also like to fund the General Stabilization Fund on a consistent basis and to maintain a minimum balance of 3-5% of the town's operating budget.

Projected Net State Aid. Constable said that based on the Governor's FY25 budget, Hull will be receiving Education Aid in the amount of \$4,114,477 (\$15,000 less than in FY24), and \$2,863,367 in General Government Aid (\$86,848 more than FY24). She said that assessments to the town have increased to \$876,652 and stem primarily from Charter Schools and the MBTA. She said the net increase in state aid from FY24 will be \$51,932.

Preliminary Draft Budget Overview: Constable said that when they started work on the budget in December they had a deficit of \$767,410 based on “asks” and they now have a balanced budget.

Revenue Sources and Highlights: Constable said the primary revenue sources are property taxes, both commercial and residential (72%), state aid (13%), local receipts from excise, motor vehicle, meals, and hotel taxes, etc. (10%) and other revenue, which includes ARPA funds, free cash, revolving funds, and overlay surplus (5%). She said that state aid will only increase about 1%, but that local receipts are up 18.96% due to increased consumer spending and building and that investment income is doing well. She said that total receipts are up about 5%.

Expenditures: Constable said that the Operational Budget is the largest expenditure (61%), followed by Insurances (16%), Pensions (9%), Debt and Interest (7%) and Intergovernmental and Assessments (3%). There are also smaller expenditures for capital improvements, overlay, and town services such as snow and ice removal. She noted that Hull is on target to have its pensions fully funded by 2030 and has continued to maintain a “AA” bond rating.

Operational and Capital Expense Highlights: On the operational side Constable said they will be engaging in collective bargaining with four unions over the next few months. She said they have included some staff increases, including two new firefighters for the Fire Department, which is currently understaffed compared to other local departments. She noted that they will be shifting to a different model for legal counsel and will also be having some expenses in terms of buyouts for retirement and sick and vacation time. She said that most town departments including the Council on Aging and the Municipal Light Plant are now fully staffed, and said they will be adding a part-time position for Hull TV.

Constable said that Capital expenses will include ongoing discussions around the closure of Town Hall and the relocation of Town offices and possibly the Senior Center over to the Memorial Middle School (MMS). There will be repairs and maintenance to MMS and the boiler at the Library will be replaced. She said they will be adding to online permitting and exploring general government software to improve transparency and general education around town finances. She noted that they had a request for an ambulance replacement that they were able to fund through an application to Plymouth County for excess ARPA funds. She said they are talking about starting a Capitalization Stabilization Fund, increasing the General Stabilization Fund, and funding a public safety feasibility study.

Constable said that she and the financial team have been working on establishing fiscal policies for FY25/26 that would cover such things as Capital Planning and Financial Operations and hope to establish a Capital Outlay Committee. She hopes to have this capital planning process in place by the summer and feels it would work well with the Select Board’s annual retreat meeting so that everyone involved (Select Board, staff and town personnel) could be informed and in agreement on priorities. She said she would like to increase online presence and accessibility and would also like to conduct wage and classification studies as this is important to keep Hull a competitive employer.

Constable thanked the Advisory Board as well as the financial staff who had worked on this preliminary budget. She said they will have department meetings over the next month to refine and finalize the budget, will have the Select Board sign the Budget Warrant at their meeting on March 27th, and hope to have it approved at Town Meeting on May 6th.

Grey asked if any members of the Select Board had questions. McCann asked Constable if they were thinking about any possible capital expenditures for seawall repair and maintenance. Constable said they have gone out to bid for the Fitzpatrick Way Nantasket Avenue Seawall project and the bid came in a bit lower than expected but that there would be a contribution on the town’s side. She said they are currently finalizing those numbers but this is an important and necessary investment. She said they are also hoping to fund the Crescent Beach Seawall project, which would be largely grant-funded, and to do an inventory of seawalls and prioritize their needs. McCann and the other members of the Board thanked Constable for a great presentation.

Advisory Board member, Dave Clinton, said he was impressed by the planning process that is going on and thanked Mike Buckley for his part in securing funding for the ambulance replacement, which was a huge savings for the town. Other members of the Advisory Board thanked Constable for her work on this and for her commitment to transparency and establishing good policies and procedures.

Grey opened the presentation to comments or questions from the public. Randy Gould asked about the money for repairs to town buildings and said he feels that the DPW barn needs work. Constable said that the town wants to maintain their properties, even those that might be relocating such as the Senior Center, and said they will be doing another assessment on the DPW barn and other properties that are in flood zones. Chad Wolfe asked about the composition of the Capital Outlay Committee. Constable said she assumes it would include a member of the Advisory Board, the Select Board, herself, and members of the financial team, but has not thought too much beyond that. David Irwin asked if there is money available to reconfigure the Memorial Middle School and she said there is and the intent would be to bond and borrow for that.

Frady adjourned the meeting of the Advisory Board.

Request for approval of estimated seasonal population for the Massachusetts Alcoholic Beverages Control Commission re: Town of Hull's C. 138, Sec. 17 Seasonal Liquor Licenses

Constable said this is a request from the Massachusetts Alcoholic Beverages Control Commission (ABCC) for approval of the Estimated Seasonal Population for the Town of Hull. Constable said an extensive amount of work has gone into compiling this number. She acknowledged that at the last Select Board meeting there was an extensive discussion of how this number is reached. She said there is no exact formula for determining the number, but based on guidance from the ABCC town staff contacted hotels, motels, bed and breakfasts, and rooming houses in Hull to determine their occupancy as of July 10th, which is considered the peak of the summer season. She said it often seems during the summer that Hull's population rises to 20,000 to 30,000 people, but they are not allowed to consider day visitors who come for the beach, shops, or restaurants. She said that Town Clerk, Lori West, had reached out to several local communities that have seasonal licenses but those who responded said they had no set formula for reaching this estimate. Constable said West took the number of residential households in the town (4,962) and multiplied that by 2.25, which is the average household number for the Town of Hull, and arrived at a population of 11,165. She then added 391, which was the number of occupants of rooming establishments in the town as of July 10th, giving her a total estimated population of 11,556.

Nesoff asked what seasonal increase in population would allow for an additional license and Constable said she believes they would need to demonstrate a seasonal increase of about 5,000 people. McCarthy said that since Covid a lot of people have bought properties on the beach that are now used as summer rentals, and he does not think this was considered. He pointed out that most of those homes would probably house about 5-6 people at a time. Taverna said it is a difficult number to pin down, but he is concerned about the fact that in past years the Select Board had certified a much higher number, and said it would be helpful to know how those numbers were reached. West and Constable both said they have not been able to determine how the numbers were calculated in the past but that going forward they want to provide a number that they can back up with hard evidence.

Grey said he agrees with West and Constable and feels they cannot go on assumptions but need to rely on facts. Nesoff said that given the documented number of homes in Hull he does not see any way that they can reasonably estimate an additional 5,000 people in the summer. McCann said he does not see an easy or reliable way to come up with another estimate and is comfortable relying on the number presented by the Town Clerk. He said he was prepared to make a Motion for the Board to approve this estimate, but there was no second so he withdrew the motion.

Taverna and McCarthy said they were not comfortable accepting the number as proposed. Taverna asked if they could table the discussion until they were able to do more research, but Constable said there is a deadline of March 1st for the Board to submit their estimate. She stressed that staff had spent extensive time trying to come up with the best formula for arriving at a reasonable estimate and said that if a new methodology is used it would have to come from the Board and they would need to substantiate the new number. Nesoff said that going forward they may have to come up with a new method but at this point he would support a motion to approve the estimate they have.

Motion	McCann	To submit an Estimated Seasonal Population of 11,556 for the Town of Hull to The Massachusetts Alcohol Beverage Control Commission
Second	Grey	
Vote	3-2-0	McCann – Aye Grey – Aye

Nesoff – Aye
McCarthy – No
Taverna – No

Taverna asked Lampke if he and McCarthy could refuse to sign the document. Lampke said they do not have to sign, but the submission to the ABCC should reflect that the vote of the Board was 3-2. Constable pointed out that this document is submitted to the ABCC by the Board as a whole, and not by individual members.

APPROVALS

Mike McGurl, Executive Director, 1117 Nantasket Avenue, Hull Life Saving Museum re: One Day Wine and Malt License on Saturday, March 9, 2024 from 5:00 p.m. to 8:00 p.m. for Meet and Greet with Linda Greenlaw.

Motion	Nesoff	To approve a One Day Wine and Malt License for the Hull Life Saving Museum on Saturday, March 9, 2024 from 5:00 p.m. to 8:00 p.m.
Second Vote	McCarthy Unanimous	

Chris DiIorio, Director of Community Planning and Development re: Request for letter of support for the Town of Hull's Massachusetts Preservation Projects Fund Grant Application for the Fort Revere Tower Rehabilitation Project

Associate Town Planner, Matthew O'Sullivan, said they are seeking a grant of up to \$100,000 from the Massachusetts Preservation Projects Fund for work on the concrete foundation at Fort Revere Tower. The application is due by March 15th. Constable said that this grant would be to supplement the overall project budget and would be extremely helpful. She said that a Motion from the Select Board supporting this application is needed.

Motion	McCann	To support the Town of Hull's Massachusetts Preservation Projects Fund grant application for the Fort Revere Tower Rehabilitation Project
Second Vote	Taverna Unanimous	

Paul Paquin, Chair, Conservation Commission re: Request for approval of waiver from G.L.c.268A, sec.19 by non-elected municipal employee of financial interest and determination by appointing authority as allowed by G.L. c. 268A, sec. 19.

Lampke said there is a matter before the Conservation Commission involving a bluff on Harbor View Road that is failing and needs repair, and the staff of the Commission has engaged the services of GZA Engineering to work on this project. This presents a potential conflict of interest because the brother of Conservation Commission Chair, Paul Paquin, has an ownership interest in GZA. Under the Conflict of Interest law, G.L.c.268A, sec.19, municipal employees are prohibited from participating in matters in which a family member may have a financial interest and Paquin asked him for a legal opinion on this matter. Lampke said that as the law is written it is possible for an employee to be granted an exemption from the requirements of the law if he discloses the potential conflict to his/her appointing authority and they approve such an exemption on the basis that they believe the financial interest will not affect the integrity of the services the Town expects from the employee.

Lampke said he has consulted with the Ethics Commission on this matter and they agreed with his written opinion that this exemption would be applicable if the Select Board approves. The Select Board has the choice of either approving the exemption or not approving it. If they do not approve it, Paquin would be unable to participate in this matter in his role as Chair of the Conservation Commission or as a member. Lampke said that in the past the Board has usually granted these exemptions. Constable pointed out that if there were a direct conflict both Lampke and the Ethics Commission would have given a different opinion.

Taverna said he sees this as a conflict of interest and said he is concerned that Hull could be setting itself up for potential lawsuits. Nesoff asked Paquin if he had any role in the RFP for this project and Paquin said he did not, it was all done by staff. Paquin said the Commission is trying to bring resolution to this situation as a failure of the bluff could be catastrophic. Nesoff asked him how long he has been on the Conservation Commission and he said he has been on it for well over thirty years. Nesoff said he would hate to lose his expertise in this matter and the work needs to be done as soon as possible. Grey and McCann agreed and both said they were comfortable approving the exemption.

A member of the public asked about the role of the property owner in the work that will be performed. Lampke said that the Conservation Commission and property owner have been working together on this situation and the property owner has an engineering consultant that has been in touch with GZA. He said that this situation involves the Commission because of their jurisdiction under the Wetlands Protection Act and the Town has concerns because of an infrastructure system that could be impacted by whatever work is performed.

Motion	Nesoff	To approve the request of Paul Paquin, Chair of the Conservation Commission, for a waiver of financial interest as permitted by G.L. c. 268A, sec. 19
Second Vote	McCann 4-1-0	Nesoff – Aye McCann – Aye McCarthy – Aye Grey – Aye Taverna - No

McDevitt Enterprises, Inc. dba Jo’s Nautical, 125 Main Street, Stephanie Aprea, Mgr. re: (A) All Alcohol General on Premise (Change of Hours to include Wednesdays from 4:30 p.m. until 1:00 a.m.)

Grey said this Hearing had been put off to allow the applicant time to apply for a change in the Entertainment License. Constable said that the application had not been received until this afternoon so they have informed the applicant that they will need to consider this application at a subsequent hearing. She said that if the Board approves the request to amend the All Alcohol General on Premises License, Aprea can pursue a change to the Entertainment License.

There were no questions from the Board. A member of the public, David Carlin, said that in considering the Entertainment License the Board should understand that the noise from this establishment has a negative effect on the neighborhood. Grey said that this Hearing is solely for the purpose of considering an amendment to their current All Alcohol License to allow them to be open on Wednesdays. Constable said that if this is approved the applicant will come back to a subsequent meeting for a Hearing on an amendment to the Entertainment License and neighbors and abutters will be notified of the date and time of that hearing. She said that the Board must first consider the change of hours on Wednesday, which is before the Board this evening, before they can consider approving a change to the Entertainment License, which is not currently before the Board.

Carlin said that the Board should look at this issue carefully and see what consequences such a change might have. Grey said that when an establishment seeks to change their Entertainment License the Board routinely reaches out to the Police Chief to find out about complaints in the past year before making a decision.

Motion	Taverna	To approve the request of McDevitt Enterprises, Inc. dba Jo’s Nautical for a Change of Hours in the All Alcohol General on Premises License to include Wednesdays from 4:30 p.m. to 1:00 a.m.
Second Vote	McCarthy 4-1-0	Taverna – Aye McCarthy – Aye Nesoff – No McCann – Aye Grey - Aye

Grey asked the Board if they wanted to advertise a Notice of a Hearing on the Entertainment License in the local paper or whether they wanted to send a Notice to the abutters. The consensus was that since this license will impact the neighborhood it would be best to notify abutters. Carlin asked how they determine who is an abutter. Lampke said that under present regulations an abutter would be anyone within 300' of the property line but said that under certain circumstances the Board is free to broaden the criteria. Constable suggested that they put a notice in the local paper and notify abutters as well and Grey proposed that anyone living within 400' of the establishment should be considered an abutter. The Board was comfortable with both suggestions.

TOWN MANAGER AND BOARD UPDATES

Constable said they received twenty-four applications for the Assistant Town Manager position and that five applicants have been moved forward for interviews. She said that the interviews are scheduled for this coming Friday starting at 10:00 a.m. She said that she and the consultant will be conducting the interviews but they would welcome a member of the Board to sit in on the interviews if available.

Constable said that she and Lampke met with outside counsel regarding the marijuana bylaws and they are all in agreement that they need to defer to the Attorney General's office for additional guidance as it appears that one of the articles from 2018 was not certified by the Attorney General. She said it also appears that the Main Motion in Article 5 was never voted on and they are not sure what the consequences of that would be. She said they are trying to schedule a meeting with the Attorney General's office.

Constable said the next newsletter will be coming out on or about March 19th. She said they have received a handful of bench requests and they are looking through some of the bench options and the locations where they are being requested. She said that her assistant, Michelle, is going to reach out to the company they have used in the past to price some table sets as well and if it is not cost-prohibitive they will reach out to applicants to see if they might be interested in an alternative to a bench. She said that all applicants have been contacted and that all applications have been recorded.

McCann said he attended a meeting of the Historic Commission and they have indicated a plan to move forward with an historical resources study. He said that the Board of the Paragon Carousel has scheduled a meeting with the DCR engineers to do a walkthrough of the Clock Tower Building in an effort to move toward getting a lease and making improvements to that historical building.

Nesoff said the Affordable Housing Committee met with a representative from Habitat for Humanity and they have identified two properties that might be appropriate for affordable housing. He said they will be making some recommendations on these properties.

McCarthy asked about removing some of the parking spaces on F Street as parked cars make it very difficult to safely come out of this street. Constable said she has spoken to the Police Chief about this and he was going to send public safety officers to look at the area to see if this problem could be addressed.

Taverna said that he attended a wonderful event for veterans at the Saltwater Club that was geared toward helping veterans through the Medicare process. He said he also attended a career event at Hull High School aimed at helping students learn how to prepare themselves for job interviews.

EXECUTIVE SESSION

Motion	Nesoff	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. Topics to be discussed include strategy
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**Second
Vote**

McCann
Unanimous

relative to Collective Bargaining, specifically a Grievance filed by the Police Union, FOP-066.

Nesoff – Aye
McCann – 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 and Added Agenda for Select Board Meeting on February 21, 2024
- FY25 Draft Budget
- Materials related to Town of Hull ABCC Seasonal Population Estimate
- Materials related to Conservation Chair's request for approval of waiver of disclosure of financial interest
- Application from McDevitt Enterprises for Change of Hours in General on Premises All Alcohol license
- Letter from Chair of Select Board in support of a grant application to the Massachusetts Preservation Projects Fund Grant for work on the Fort Revere Tower Rehabilitation Project