

COMMONWEALTH OF MASSACHUSETTS

TOWN OF HULL, MASSACHUSETTS

Facsimile of the November 18, 2019

SPECIAL TOWN MEETING WARRANT

with

ADVISORY BOARD RECOMMENDATIONS



**Special Town Meeting
Monday, November 18, 2019 at 7:00 o'clock in the evening**

**In the Hull High School situated at
180 Main Street, Hull, MA**

ADVISORY BOARD MESSAGE

Under our current form of Government, the Town Manager, with the guidance of the Board of Selectmen, prepares the Town Budget and presents it to the Board of Selectmen and the Advisory Board for their review. Through discussions with the Town Manager and Department Heads, the Advisory Board reviews the budgets and makes recommendations for changes. This process usually concludes with agreement between the Advisory Board and the Town Manager in terms of presenting the Budget to Town Meeting. The Advisory Board considers all articles for the purpose of making recommendations with explanatory statements. While considering each article many questions are considered such as: Is it necessary? Can the Town afford it? Is it in the Town's best interest? Is it fair to all? Does it affect the balance of power? Is it within legal and allowable guidelines?

The following section includes a facsimile of the Town Warrant. It is called a facsimile because the actual Warrant does not include the commentary and recommendations of the Advisory Board. Some confusion has been caused in the past when motions are read at Town Meeting and are differently worded than what you see here. Motions may be worded differently so long as they are worded within the scope of the printed article. Some people think of the printed warrant as an agenda of the Town Meeting. The legal warrant is printed, signed and posted by our Board of Selectmen.

Comments are in italicized print under the ARTICLES. The RECOMMENDATION precedes the commentary of the Advisory Board. Typical recommendations are as follows:

FAVORABLE ACTION - The Advisory Board is recommending a favorable vote on the Article.

UNFAVORABLE ACTION - The Advisory Board is recommending an unfavorable vote on the Article.

NO RECOMMENDATION - The Advisory Board does not wish to make a recommendation or there is insufficient information to support a recommendation.

RECOMMENDATION AT TOWN MEETING - The Advisory Board does not wish to make a recommendation prior to reviewing additional information or waiting for another committee to hold a public hearing.

NO ACTION - A no action motion or recommendation suggests that Town Meeting set aside and prevent any further action on this Article for the meeting.

REFER TO STUDY—This motion refers (commits) a matter to a committee for additional investigation and report or carry out substantive action.

THE ADVISORY BOARD:

D. Clinton, Chair

R. Carney

P. Larsen

J. Polito, Vice Chair

P. Cormier

D. Sullivan

J. Frady, Clerk

R. Healey

M. Mitchell

C. Wolfe

S. Kiley



**TOWN OF HULL
Advisory Board**

253 Atlantic Avenue
Hull, Massachusetts 02045

781-925-2000

To the Citizens of Hull,

The Board of Selectmen have called this Special Town Meeting for two articles. The focus of this Special Town Meeting (STM) is to amend Chapter 100 of the Code/Bylaws of the Town relative to the hiring of Firefighters possessing a valid Emergency Medical Technician – Paramedic certificate. We are also being asked to affirm a vote on an article relative to land acquisition for 5 parcels along Beach Ave in order to reconstruct a dune across these parcels connecting the existing dune structure on each end. A third article has been made by a citizens' petition in order to revise the appropriation made at last Annual Town Meeting from the Community Preservation Open Space Reserve.

Sincerely,

David Clinton, Chair
Jay Polito, Vice Chair
Jason Frady, Clerk

Advisory Board Members:

Expire in 2020: Dan Sullivan, Robert Carney, Matthew Mitchell

Expire in 2021: Stephen Kiley, David Clinton, Peter Larsen, Jason Frady

Expire in 2022: John Polito, Patricia Cormier, Robyn Healey, Chad Wolfe

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

To any of the Constables of the Town of Hull in the County of Plymouth

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Hull qualified to vote on Town affairs and elections to meet at Hull High School situated at 180 Main Street in said Hull, on Monday, the Eighteenth day of November next, 2019 at 7:00 o'clock in the evening, then and there to act upon the following articles, namely:

ARTICLE 1: To see if the Town will strike Chapter 100 of the Code/Bylaws of the Town which presently reads:

“All candidates applying for employment with the Hull Fire Department must satisfy the requirements of Massachusetts General Laws, Chapter 31, the Civil Service Law, so-called. Further, said candidates shall possess, at the time of employment, a valid State of Massachusetts Emergency Medical Technician-Paramedic certificate. Failure to maintain a current and valid Massachusetts Emergency Medical Technician-Paramedic certificate shall result in the following action: Upon loss of Emergency Medical Technician- Paramedic certification the employee shall be placed on probation for a period of three months. At the conclusion of said three months probation the employee shall provide to the Chief of the Department proof of valid certification as a Certified Massachusetts Emergency Medical Technician-Paramedic. Failure to provide a valid Massachusetts Emergency Medical Technician- Paramedic Certificate at the conclusion of the three month probation shall result in their being subject to disciplinary and/or job termination actions.”

and replace it with the following(with strike-out deletions and underlined additions showing for the convenience of the reader the changes to be made):

“All candidates applying for employment with the Hull Fire Department must satisfy the requirements of Massachusetts General Laws, Chapter 31, the Civil Service Law, so-called. Further, said candidates shall possess, at the time of employment, a valid State of Massachusetts Emergency Medical Technician-~~Paramedic~~ certificate and such other certifications as the Appointing Authority may determine in his or her judgment necessary based on staffing and community needs. Failure to maintain a current and valid certifications as were required for hiring ~~Massachusetts Emergency Medical Technician-Paramedic certificate~~ shall result in the following action: Upon loss of ~~Emergency Medical Technician- Paramedic~~ such certifications the employee shall be placed on probation for a period of three months. At the conclusion of said three months probation the employee shall provide to the ~~Chief of the Department~~ Appointing Authority proof of valid certifications as were required for hiring. ~~as a Certified Massachusetts Emergency Medical Technician-Paramedic.~~ Failure to provide a such valid Massachusetts Emergency Medical Technician- Paramedic Certificate ~~certifications~~ at the conclusion of the three month probation shall result in ~~their~~ the employee being subject to disciplinary and/or job termination actions. Based on staffing and community needs as

reasonably determined by the Appointing Authority, the Appointing Authority may waive the requirement of such certifications.”

or take any other action relative thereto. (Inserted at the request of the Fire Chief)

Recommendation: Favorable Action on Article 1. This Article seeks to revise an existing bylaw that requires all firefighters be certified paramedics. The existing bylaw presented and issue as we are facing a shortage of firefighters in the department. Passing this Article would eliminate that mandate and vest with the Strong Fire Chief the power to determine the staffing levels needed to continue Advanced Life Saving (ALS) certification. At our public hearing both the fire chief and union president voiced support and agreement in this bylaw change.
(Unanimous)

ARTICLE 2:To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to ratify, confirm, adopt and supplement the vote and any action taken under Article 16 of the 2019 Annual Town Meeting, the property or an interest therein or a portion thereof, abutting easterly from the properties located at Assessors Parcels 21-006 (133 Beach Avenue); 21-007 (137 Beach Avenue); 21-008 (139 Beach Avenue); 19-163 (141 Beach Avenue); 19-164 (143 Beach Avenue) for general municipal purposes, and for all purposes and uses accessory thereto, including but not limited to construct, repair, maintain and improve a road, utilities, dune, and infrastructure system, to protect persons and property, to enable and facilitate public and municipal access to and use of the beach; and to accomplish same raise and appropriate and/or appropriate and/or transfer from available funds or use from existing and/or available funds or funds to be available or borrow a sum of money; and to authorize the Town Manager to apply for and accept grants and gifts to accomplish said projects and purposes; and authorize the Town to enter into agreements for said projects and purposes., or take any other action relative thereto. Nothing contained in this article or any action thereunder shall be construed to indicate that the Town does not already own or have sufficient interests in the property, or that the vote taken under Article 16 at the 2019 Annual Town Meeting is not otherwise valid and effective. Any action taken under this article is intended to remove any clouds on the Town's rights and/or to establish and affirm the Town's rights.(Inserted at the request of the Town Manager)

Recommendation: Favorable Action on Article 2. This article is to affirm an action taken at last May’s Annual Town Meeting. We have not been presented with any new facts or circumstances that would change to our prior recommendation. In the interest of context and clarity, we present below our original recommendation to last year’s Annual Town Meeting.

This Article authorizes, but does not require, the Board of Selectman to pursue one of several methods of acquiring, if needed, an interest in five (5) parcels of land along Beach Avenue as part of the Town’s essential flood protection and mitigation planning. The land is along Beach Avenue where the naturally occurring protective dune was not only removed over time but kept open by or on behalf of the immediately adjacent property owners (or prior owners). The

Town's well-founded position is that the portions of the land at issue are located in the original Town-owned layout of Beach Avenue and therefore may be used to re-establish the critical barrier dune. This position is contested by one or more of the adjacent property owners. While this dispute is being resolved, however, the Town must fulfill its vital role in preserving and protecting those many homes and areas behind and beyond this open stretch against coastal flooding and in mitigating the effects of more frequent higher tides and flooding. No Town should wield the power of eminent domain lightly or without appropriate consideration and we expect that consideration will be applied in this situation if needed. We recommend this Article as it allows the Town flexibility to move forward with its important public safety role – ideally in an amicable manner, if possible – to protect and preserve those areas behind and landward to this area by restoring the natural dune to provide storm and flood impact infrastructure. (Unanimous)

ARTICLE 3: To revise appropriation of \$13,900 from the Community Preservation Open Space Reserve, appropriated at the May 2019 Hull Town Meeting, to fund a grant to the Town for the acquisition of property connected to the Weir River Woods located on Chatham Street at Map 47/Lot 194 containing terms and conditions approved by the Board of Selectmen and Town Manager, through a purchase and sale agreement between the Town of Hull and the Hull Land Conservation Trust, also filing reports on said project with the Community Preservation Committee; and further to authorize the Board of Selectmen or its designee, in its discretion and subject to such terms and conditions it deems appropriate to place one or more deed restrictions on said property; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote. (Inserted at the Request of Judeth Van Hamm)

Recommendation: Recommendation at Town Meeting on Article 3. The Advisory Board did not have enough information in order to make a recommendation at the time of the warrant going to the publisher. The Advisory Board is initially supportive of this effort though there are questions about the mechanics of how this action must legally take place.

And you are hereby directed to serve this Warrant by causing attested copies thereof to be posted at the main entrance to the Municipal Building and at least three other public places in said town fourteen days at least before the time of holding said meeting, as directed by vote of the town.

Hereof fail not and make due return of this Warrant with your doings thereof to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this day of , 2019.

BOARD OF SELECTMEN

Plymouth ss

Date: _____

By virtue of the above warrant, I have this day notified and warned as therein directed, the Inhabitants of the Town of Hull qualified to vote in elections and town affairs, to meet at the time and place for the purpose therein stated by posting in at least 5 public locations: Town Hall Main Lobby, Town of Hull Police Department, Hull Public Library, Town of Hull Post Office (Allerton), and Town of Hull Main Post Office.

Constable, Town of Hull

**Advisory Board
Municipal Building
Hull, MA 02045**

**Presorted Standard
CRRT
US Postage Paid
Permit #17
Hull, MA 02045**

**Residential Customer
Hull, MA 02045**