

Hull Board of Selectmen
Minutes
March 29, 2011

The meeting of the Hull Board of Selectmen was called to order at 7:30 pm on Tuesday evening, March 29, 2011, at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Domenico Sestito, Chairman; Dennis Blackall, Vice Chairman; John Brannan, Clerk; and Christopher Olivieri, John Reilly, members. Also present were: Philip Lemnios, Town Manager and James Lampke, Town Counsel.

Appointments

7:35 pm: Michael Jackman - Congressman William Keating's Aide re: Update; District Director for Keating. Quincy is the main district office and (617)770-3700 is the main number. Sestito suggested having them in every couple of months to have updates and be able to ask questions. Lemnios asked about Keating's committee assignments: Homeland Security, Small Business, (ranking member of subcommittee of oversights and management: HSA), (3rd Reading Committee). Jackman said that Keating's priorities; jobs is the number one issue, believing that small businesses are really the ones which create jobs; the E3 program between SBA, EPA, Dept labor, commerce and energy working with businesses (manufactures primarily), which will be good for the environment. Web is: www.keating.house.gov

7:45 pm: Conservation Administrator Anne Herbst re: Hazard Mitigation Plan; James Freas gave a brief presentation on the updated Hazard Mitigation Plan. They are working on a plan with FEMA to complete 10 programs along the South Shore. The plans must be updated every 5 years. The Town has to have this plan in place in order to be eligible for FEMA grants. The plan relies on federal data, state data, and then talking to local staff and the public where floods are experienced. There is an effort to identify areas that are at risk and identification of where gaps are, what can be done to reduce those gaps. MEMA reviews it and then passes it on to FEMA, then if approved, the town adopts it and then FEMA gives a final approval. The final stage is implementation and then updating every 5 years. Brannan asked Freas what FEMA uses as a cut off, specifically asking about the fact that Hull experienced approximately \$7.2M in damage from the December 26, 2010 storm and the minimum for FEMA aid was \$8M. Freas could not answer that question. Sestito asked about a time table for the approval of an updated Hazard Mitigation Plan. The plan is possibly ready to be submitted tomorrow to MEMA and MEMA goes through a rather quick review process. Herbst is pleased with the drafted plan, reflects what the town has been doing and what the town plans to do in the future. Chief Robert Hollingshead would like to invite James Manian from MEMA to answer questions or concerns regarding government aid. Olivieri asked if there has been a reduction in filing of damage over the past 5 years. Herbst said there has been no overtopping of the dune, although it did suffer a lot of damage in the December 2010 storm. Lemnios brought up that the plan has a lot of reference to seawall repair. One; adapt and reuse of areas (elevate homes, etc.); second, strengthen the dune system (there is a lot of volunteer efforts to work on that); third; the seawalls. This county did not reach the threshold to receive MEMA grant funding after that December 2010 storm. Blackall asked about the Point Allerton seawall, pointing out that the protective fence to prevent people from getting on that wall has essentially washed away. Lemnios explained that the state has taken over the repairs on that wall. That wall has serious undermining to it, \$4.2M is roughly the cost for full repair - at some point the state might say they don't have the funds, the government

might say it's not their job and it might come back to the town. The stony beach seawall is really at higher risk due to the area and what it protects. For the past number of years the Town has put about \$50K in the capital budget for seawall repair. Audience member Patrick Finn pointed out that the Stony Beach seawall protects the sewage facility and it is currently not paying a PILOT. He suggests asking them for one to use for repair of that wall. Conservation Commission member Sheila Connor, points out that it's the 100 year event that works on the walls, it's the storms like N'OEasters, etc. that do cumulative damage and happen yearly. When you look at the approach of this plan it is very logical in regard to the steps that it outlines. Sestito asked the Board if they were ready to approve the plan. Olivieri confirmed that the Town has to wait for MEMA and FEMA to approve before the town approves it.

8:15 pm: a brief break was called by Sestito prior to the girls basketball team coming in

8:21 pm: Proclamation; Hull High School Principal Michael Devine introduced the girls basketball team, first Coach Liz Londregan, Amy McDonald, Brianna Kelly, Nicole Heavern, Stefanie Cohen, Elana Carsky, Samantha Larson, Ariel Olivieri, Nicki Twombly, Abby Wanet. State Representative, Garrett Bradley will be extending an invitation to the team to go to the State House to be recognized. Londregan was named coach of the year, Nicole is in the running for player of the year. Masshoops.net is where one can vote. The voting ends Saturday 04-02-11. Nicole also became the second girl to score 1,000 pts. Sestito read a proclamation and then presented it to the team.

8:30 pm: Bob Fultz re: Ferry Service (**Cancelled; rescheduled for the next meeting**)

10:35 pm: Bradley Swartz - Applicant for Livery Badge: Lampke explained the Chief of Police had concerns and recommended to go over some material then go into executive session then come back to public meeting.

Swartz and Chief Billings were sworn in. Swartz spoke briefly about why he wants to become a livery driver. He said his driving record was presented to the Board, which was actually his insurance form not his driving history. He will need to go to the Registry to get his driving history.

10:39pm Hearing was suspended to allow Chief Billings and Swartz to speak briefly.

10:47pm: reconvened the hearing.

10:48pm: suspended the hearing.

10:49 pm: reconvened meeting

Move - Sestito	To move into Executive Session to discuss concerns on the character and reputation of an individual and to reconvene in open session
Second - Blackall	Roll Call Vote: Reilly, Aye; Blackall, Aye; Brannan, Aye; Olivieri, Aye

Sestito recused himself from the session due to possible conflict with the company that was being discussed.

11:17pm: Sestito called public session back to order
Blackall explained that Swartz withdrew his application.

Old Business

10:06pm:

1. Budget Approval; no update from State Rep Bradley or Senator Hedlund regarding what they spoke of concerning the current state budget. Blackall asked if there could be a provisional budget to put in the warrant and if there is an updated budget that can be presented at town meeting.

Mr. John Schmid spoke briefly about the school committee's request for \$300K to maintain level service for FY12. There cannot be a continued cutting of the budget.

Sestito asked if the board members would be willing to postpone discussion to next week. It will be rescheduled. Blackall asked if it could be the single item on the agenda. Reilly asked if Park/Recreation could be added to that discussion.

Move - Blackall
Second - Olivieri

To extend meeting to 10:45
Vote - Passed unanimous

New Business

8:33 pm:

1. Town Meeting Warrant Signing; Article 26 (general property maintenance) was the last Article that was being discussed. Sestito asked if Brannan gave Lampke the outline for this article. Brennan said that the genesis of this article is to have bylaws to improve the town, there needs to be some sort of violation or notice and then a fine. Olivieri asked Lampke what happens in the instance if no one is living in the house and the bank holds the property. Lampke explained that MA is a title state so when the mortgage goes to a bank, the bank is the owner, although they do try to avoid their responsibility to maintain the property. Olivieri asked Lampke if the town would be able to put a lien on the property so if they go sell they would have to pay it. Lampke explained that there is actually a warrant article for Town Meeting to create something that would allow that. Sestito asked if there is overlap with anything that is already in place. Lemnios explained that this is one bylaw that would allow the code officers to issue a fine so many of the issues are not covered under bylaws currently. Lampke explained that this article was modeled from a law in place in Fitchburg. This is toned down from theirs. There is some overlap, if a building is not structurally sound the code enforcement people can issue fines. This also addresses certain things that are under question as to where they fall. Towns have to submit laws that they want to pass to the Attorney General's office. This article may go through the AG's office before Town meeting once we know what the language is. Cities can pass laws and enact them without the AG's review and approval; towns have to submit them to the AG's office. Olivieri asked if someone is already receiving fines from say the health department would they also get a fine as a result of this bylaw? Lampke explained that it is possible. Fines for violations of town bylaws fines go to the Town, if it is a state law they go to the state. Sestito asked if the town has the capacity to enforce. Lemnios said that yes. A bylaw of this nature will really be complaint driven, at least initially. Olivieri cannot support this article right now as it gives too much power to the government and not enough to the people. Sestito suggested that it be vetoed more. Blackall spoke about the property value and those who live around devalued property should be able to enjoy their neighborhood. Blackall reminded the Board they are looking at it to put it before Town Meeting to have the option to vote in favor or not. Brannan explained that this gives the Town the ability to take action. Olivieri doesn't believe this will address the problem.

Move - Blackall
Second - Brannan

To put Article 26 to the Warrant to Town Meeting

Move -Sestito	As a submotion to vet the article and present something cleaner to town meeting
Second – Olivieri	

Substitute Motion:

There was a brief discussion on Article 31 regarding zoning bylaws, which included the possibility of hiring an outside company come in and review the town's bylaws. Sweicz thanked Lemnios, Lampke and Peter Lombardo on their hard work on this article. Finn was confused by the article. Lampke explained that to make sure that there is one document that is the zoning bylaw, this will clean up a few typos or language in the bylaw. Reilly questioned Article 28 with regard to the light department (Paragraph C), and would like to include the first part (a/b, first page) - having an appointed board. He asked the Board to reconsider the vote from last week. Blackall withdrew his motion.

Pat Cannon of the Light Board briefly spoke about how well the light department has been running and how the PILOT issue was really the bump in the road that appears to have caused this focus. The Light Board is elected and if the public doesn't like what they are doing they can be removed. These options really do nothing. Olivieri reminded everyone that if it wasn't for the \$200K PILOT this discussion, article and citizen's petition wouldn't be taking place.

Move - Blackall
Second - Brannan

To extend meeting to 10:30pm
Vote - passed unanimous

10:40pm: Special Town Meeting Warrants

3 items were presented.

Move - Olivieri
Second - Reilly

To approve the three warrant articles as presented.
Vote - Passed unanimous

Correspondence

1. Kat von Tungeln re: Permission to have a 5K Road Race: Sestitio read letter for the road race to take place on Sunday October 23rd or Sunday October 30th supporting Batten Disease, citing the website: www.bdsa.org

Move - Reilly

To approve the 5K Road Race, subject to approval of the Fire Chief and Police Chief

Second - Blackall

Vote - Passed unanimous

2. Joseph F. Mahoney, Jr. re: Requesting appointment to the Government Study Committee
Will add Mahoney to list of applicants to the committee.

Miscellaneous

Chief Billings announced an invitation to the Selectmen to a meeting tomorrow about working against domestic violence at the high school auditorium at 10am.

Rhoda Kanet, announced that the annual Beach Grass Planting, would begin at A St. and Beach Ave., Saturday April 9 at 9am.

Licenses

1. Knights of Columbus, 440 Nantasket Ave. - One day all alcohol for April 16, 2011 from 1-5 pm

Move - Blackall

To approve the One day all alcohol license for the Knights of Columbus on April 16, 2011 from 1-5 pm

Second - Olivieri

Vote - Passed unanimous

New Business

Blackall - thanks to the people who attended DCR Reuse committee on Saturday. More than 50 people were there. The Town Planner is currently tallying the votes. There will be meetings on April 7th from 7-9pm and April 9th from 2-5pm at the High School Cafeteria. He asked about the VFW site. Lemnios believes it has been sold and the owner may seek to develop it for housing. At some point Blackall would like discussion about communications and services in town.

Reilly - asked for an update on a couple of things sent to the AG's office. Lampke explained that the Board brought up the evaluation of Town Manager last month. He has not haven't heard back from the AG's office. If he does not receive an opinion back from the AG's office, he recommended the Board consider moving forward.

Brannan - approached by neighbors in the Sagamore Hill Hampton area. He asked if there are going to be additions or adjustments to buildings is there a process to letting people know if it is a town owned building, citing Beach Foods. He asked for copies of any process.

Move - Blackall	To extend meeting to 11:35pm
Second - Brannan	Vote - Passed unanimous

Move - Blackall	To adjourn meeting
Second - Brannan	Vote - Passed unanimous

Meeting adjourned at 11:37 pm

April 3, 2012
Approved