

Hull Board of Selectmen

Minutes

March 5, 2013

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Tuesday evening, March 5, 2013 at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

Present: John D. Reilly, Jr., Chairman, Kevin Richardson, Vice-Chair, Domenico Sestito, Clerk, Dr. Christopher Olivieri, and, John C. Brannan, Members. Also present were: Philip E. Lemnios, Town Manager, James Lampke, Town Counsel and Karen Morgan, Recording Secretary.

MINUTES

Unanimously approved in a Motion made by Olivieri, seconded by Sestito on the following minutes: January 29, 2013 & February 12, 2013.

Unanimously approved in a Motion made by Olivieri, seconded by Sestito on the following Executive Session minutes: December 27, 2011, January 31, 2012, February 21, 2012, March 6, 2012, and February 12, 2013.

[Hold] – Brannan – January 10, 2012 Executive Session Minutes

TOWN MANAGER

In summary, Lemnios addressed the Sewer Treatment Plant Emergency. At 11:50 p.m. on March 2nd, the Hull Waste Treatment Plant was successful in activating an interim treatment and discharge treatment plan. Treatment operations have been re-established and all discharge is being sent through the normal outfall pipe. All discharge is being disinfected and treated in the customary manner before emergency operations occurred.

At approximately 2:00 am on Thursday morning, February 28th, the discharge pumps at the Sewer Treatment Facility were overwhelmed by an extraordinary inflow to the plant. The failure of the discharge pumps meant that there was a 6 to 8 hour window before raw sewage would begin to back-up into resident's homes if no actions were taken.

Federal and State environmental agencies were notified that it would be necessary to discharge directly in Boston Harbor. At approximately 3:30 am all available local pumps were positioned to begin discharging directly into Boston Harbor. The Town's Emergency Response Team, notified the Massachusetts Emergency Management Agency, and requested the use of the Department of Fire Services Mobile Command and Communications Unit.

PHASE I: STABILIZATION - Thursday, February 28th

The first of a series of emergency meetings to plan and guide the Town's response to this threat was held.

The first objective was to bring pumps to the site to insure that all flow coming into the plant could be addressed. The smaller local pumps that were operating were helping, but they were not keeping up with the flow into the plant. We did not want any resident to experience a sewer back-up to their homes.

The second objective was to investigate if increased flow was the result of a broken collector pipe. The group assigned to this task identified the locations to be investigated and sent all DPW members to begin looking at a variety of locations for signs of a pipe failure.

A third group began to analyze and develop a strategy that would allow treatment operations to be reestablished, using emergency pumps and generators for several weeks. Preliminary information indicated that the Treatment Plant's electrical system, pumps, and control system had been seriously compromised. The evaluation to determine operability of these systems would take at least a week. We needed to stop discharging untreated flow into the Harbor as quickly as possible. United water acknowledges its responsibility to keep all environmental agencies informed and to timely file all necessary reports.

By late afternoon of Thursday, 14 hours into the event, our teams reported the following:

- Pump Team: Two pumps large enough to handle all flow from the town are on site. One pump was operational and discharging. The second pump was on stand-by in the event of failure of the first pump. All flow coming into the system was being handled. System stabilized.
- Flow Investigation Team: numerous locations had checked and no obvious signs of a breach could be identified. Efforts will continue.
- Electrical: cannot begin review until plant fully dewatered. Expect to be fully dewatered by Friday morning.
- Interim Operations Team: Begins to develop a pump plan for operations that will carry us through a seven to ten day window on a go-forward basis. Plan to be ready for review on Friday morning.
- Communications Team: Code Red message prepared, all social media updated; numerous interviews provided to local press.

PHASE 2: INTERIM PLAN FOR OPERATIONS — Friday, March 1st

All Teams assembled early. Goal to have the Interim Plan fully operational by end of Saturday re-iterated. All personnel and assets are focused on primary mission. Stop discharging untreated flow into Harbor.

Interim Operations Team: finalized design for piping, electrical and pump configuration all to be located outside the plant building. The plan will allow for all flow to be treated to the proper environmental standards.

- Pump Team: By-pass pump operational. Additional elements needed to make interim plan work ordered and will be on site by end of day.
- Electrical Team: Will arrange for proper size power generators needed for interim plan to be brought to site by end of day. Begin review of damage to existing systems
- Construction Team: Started preliminary work with piping on-site.
- Flow Investigation Team: Reaching out to MWRA for Temporary Flow Meter. Need for more data.
- United Water Team: Continues to keep environmental agencies informed, will have a fully developed interim staffing and monitoring plan ready to be in place for Saturday.
- Communications Team: Final Code Red message prepared, all social media updated; interviews provided to local press.

All focus and efforts is to have Interim Plan operational on Saturday. All pieces of equipment and elements to implement the interim plan will be on site by late Friday night.

Saturday, March 2nd

- All working groups report that elements needed to make interim plan operational by days end are on site. All agree Interim Plan will operational by end of the day!
- Temporary metering indicates the plant is still receiving high volumes of water. However the volume does not appear to be fluctuating with the tides. This would indicate that collection system is not compromised. DEP reports that several area facilities are still experiencing much higher than normal flow. Will continue to collect data.
- Some electric elements restored at plant, office space, second floor testing lab and the alarm system brought on line.
- United Water reports Interim Operational Plan completed, fully detailed and staff ready to go. 24/7 coverage in place.
- Final full team meeting held late in the day. All teams report that work is progressing. United Water acknowledges and accepts responsibility for final steps of implementation of Interim Plan and resuming operations.
- United Water responsibilities include transferring from by-pass discharge mode to utilizing regular outfall. Start treatment of discharge, maintaining operations of all temporary equipment, including fueling for pumps and generators. Transferring

temporary meters to appropriate locations. Testing water quality and reporting to environmental agencies as required.

- MEMA and Department of Fire Services demobilize and leave site.
- Town emergency personnel demobilize and leave site
- Interim Plan goes operational early in the evening with full transfer back to traditional outfall at 11:50 p.m. All employment agencies involved.
- Reports on Sunday indicate Interim Plan is working well.
- Monday, March 4 will begin next phase; Planning for rehabilitation

Lemnios thanked various organizations and departments for all of their hard work and dedication. Also, Richardson thanked Lemnios for his hard work and efforts during this situation.

Lemnios requested that the Selectmen declare a local emergency: The sewer plant failure must be declared a separate emergency from the snowstorm declaration on February 8th.

Motion - Richardson: To Declare an emergency due to a sewer plant failure as a separate emergency for snowstorm declaration of February 8, 2013, the date of Declaration of February 28, 2013.

Second - Olivieri

Vote - Unanimous in favor

Motion - Richardson: Motion, under G.L. c.44, s.31 to authorize the Sewer Department to incur liabilities in excess of appropriation due to the Sewer plant failure beginning on February 28, 2013.

Second - Olivieri

Vote - Unanimous in favor

Motion - Richardson: Motion, under G.L. c.44, s.31 to request approval from the Director of Accounts to pay the liabilities incurred for emergency purposes without appropriation due to the Sewer plant failure beginning on February 28, 2013.

Second - Olivieri

Vote - Unanimous in favor

Lemnios requested that the Selectmen declare a local emergency: Date of Declaration on February 8, 2013, affirmed on February 12, 2013.

Motion - Richardson: Motion, under G.L. c.44, s.31 to authorize the DPW, Fire Department, Police Department and any other departments to incur liabilities in excess of appropriation due to the blizzard on February 8, 2013, up to \$100,000.

Second - Olivieri

Vote - Unanimous in favor

Motion - Richardson: Motion, under G.L. c.44, s.31 to request approval from the Director of Accounts to pay the liabilities incurred for emergency purposes without appropriation due to the blizzard beginning on February 8, 2013, up to \$100,000.

Second - Olivieri

Vote - Unanimous in favor

Reilly recognized the efforts of Lemnios for the major events of the blizzard, major snow storm and plant failure. A commendation for exceptional management and services during times of crisis was presented to Lemnios from the Board on behalf of the Town.

APPOINTMENTS

8:10 p.m. – Robert Cambra – re: HYFA Carnival

Robert Cambra requested the permission of the BOS to hold the HYFA carnival on June 16, 2013 until June 24, 2013. The carnival will run from June 19th until the 23rd with the hours of operation being 5:30 p.m. to 10:00 p.m. on Wednesday (19th), Thursday (20th) and Sunday (23rd); from 5:30 p.m. to 11:00 p.m. on Friday (21st) and Saturday (22nd) and on Saturday, June 22nd to have a fireworks display.

Motion - Richardson: To approve the HYFA Carnival as requested starting on June 17th, opening date June 19th-23rd. Also allow the use of fireworks on the 22nd with a rain date of 23rd, subject to the proper authorization of the fire and police chief.

Second - Sestito

Vote - Unanimous in favor

Motion - Richardson: To waive the fees for inspection services.
Second - Sestito
Vote - Unanimous in favor

CORRESPONDENCE

Read aloud by Reilly correspondence from Town Clerk – re: Resignation from Housing Authority

In a memo dated February 27, 2013 from Bennett to BOS, she addressed the resignation from Patrice J. Twigg as a member of the Housing Authority effective January 17, 2013.

A request was made that the opening be placed on the May 20, 2013 ballot for the annual election.

Motion - Brannan: To place the expired one-year term on the annual town election.
Second - Richardson
Vote - Unanimous in favor

LICENSES

*Unanimously approved the license for Knights of Columbus, 440 Nantasket Avenue – re: One Day All Alcohol for March 16, 2013 from 7 p.m. to 12 Midnight on a Motion made by **Richardson**, seconded by **Sestito**.*

8:20 p.m. – Budget Review

Lemnios said that the significant changes to the budget plan are that the Governor's budget has been submitted to the House and it is beginning its process. Copies of the budget presentation had been submitted to the Board. The Governor's budget talked about increasing local aid and so forth and when you look at the net change in local aid, the Hull's proposal is about a \$40,000 difference. Part of that is driven by the fact that we have a very stable population in schools. We began the process with the Advisory Board in reviewing the budgets. They approved Article 1-6. They also approved a couple of other smaller articles. We are keeping an eye with the Mass Municipal Association. The Town does receive Federal Grants. The other place we might see some risk is with the state aid as it receives federal monies. Another challenge is with the Chapter 90 monies that come to the Town for roadways, part of that is funded with Federal Grants, so there might be some adjusting. There has been communication with the Dept. of Revenue or any state agency about what will happen to the Town. There has been speculation but no direct indication as to what changes may be incurring.

Q. Brannan – To review line 12, local receipts. Showing a 15% increase.

A. Lemnios – Local receipts on the budget presentation, the chart shows all of the elements that make up local receipts. The single largest element is automotive vehicle excise. If you look at the estimate of

FY14, it measures about \$40,000 greater than FY12, you are always setting your estimate on data from 1 year. We have to set this estimate, we have to report the estimate with the Dept. of Revenue to justify why we believe we are going to take that number.

Q. Brannan – On the 3rd line, it goes from \$215 to \$15,265 on penalties interests on taxes and excises, Are tax receipts slower than they were this time last year?

A. Lemnios – The tax receipts are not slower, but what we did two years ago is go after the larger dollar unpaid accounts. We are putting 265 in there as a number based on what is a reasonable expectation. We are more aggressive than what our actual was at FY11 and you can see in FY11, we are 38.3 and FY09 is 207. It has too much variability to it.

Q. Brannan – Can you deal with the fees, we went from \$300-400,000 down to \$28,000.

A. Lemnios – Said we need to double-check on that, he thinks that has to do with recoding items. Some of those things migrating into different categories.

Q. Brannan- Could the increase inspections that we are getting, are those considered to be in this page.

A. Lemnios – Said the housing inspection is part of the revolving fund and that we review at the Town Meeting annually.

Q. Reilly – Asked about the boat excise.

A. Lemnios – Answered that the boat excise is part of the Harbor Administration.

OTHER BUSINESS

Olivieri thanked the Town for their hard work and efforts during the recent sewer problem.

Sestito spoke of the Hull Hero Award with the deadline being March 14th. The nomination papers are at the Town Hall website and the library. The ceremony will take place in May. He stated that the current committee has a vacancy to be filled and asked the Board if they can advertise the last position.

Motion - Olivieri : To advertise the position needed for the committee.

Second - Sestito

Vote - Unanimous in favor

Rhoda Kanet reminded of the grass planting will take place on the 23rd from 10-1, instead of 9-12.

Brannan said the Hull Life Saving Museum Boat race was fantastic and congratulated everyone on their efforts.

Reilly addressed the Board regarding his son Andrew Reilly. In his disclosure, his son was appointed as a permanent police officer and Reilly asked Mr. Lampke to check with the state regarding some issues involving the police dept. Reilly had made the disclosure about a year ago when his son was a seasonal officer and now his son is a permanent full-time officer. He read his written notification to the Town Clerk that in reference to discussion or action by the BOS on behalf of Cope-Allen, et al. and to the extent it may be necessary, he makes the following disclosure pursuant to Chapt. 268, section 23, paragraph (b)-3.

"Dear Town Clerk:

In reference to any discussion or action by the Board of Selectmen on the matter of Cope-Allen v. Hull, et al, to the extent that it may be necessary and as abundance of caution, I make the following disclosure pursuant to G.L. c. 268A, sec. 23(b)(3):

This matter involves a law suit against the Town, Board of Selectmen and Hull Police Chief Richard Billings, Captain Robert Sawtelle and Lieutenant Dale Shea. As a member of the Board of selectmen I may from time to time be involved in discussions and decisions relative to this matter. My son was employed in the past as a seasonal Police Officer, is on the Department's list of Special Police Officers and is also on the state civil service list for the Town of Hull Police Department. He was recently offered a conditional offer of employment and is going through the process of becoming a police officer for the Town. He is or will likely become a police officer for the Town. I recuse myself from any participation in any matter relative to his employment with the Town.

As the litigation involves his Department and superiors and as he is employed by the Department, I make this disclosure. He does not have any financial interest in this law suit."

At this point the Board makes a Move into Executive Session

Motion: Reilly requested a Motion to move to Executive Session to discuss strategy with respect to litigation that I, as Chair, declare that an open meeting may have a detrimental effect on the litigating position of the body; to comply with or act on the authority of Attorney-Client Privilege, to consult with legal counsel or obtain legal advice pursuant to the Attorney-Client Privilege and not be reconvening into open session.

Motion- Olivieri, so moved

Second: Brannan

Vote: Unanimous in favor.

The following subject will be discussed during Executive Session:

1. Cope-Allen, et al. vs. Town of Hull
2. Additional Claims

Roll Call Vote: Aye, Olivieri, Aye, Sestito, Aye Reilly, Aye, Richardson, Aye, Brannan.

Reilly announced that the next scheduled BOS meeting will be held on March 12, 2013.

The Selectmen moved to Executive Session at 9:20 p.m. and not reconvening into open session.

The following documents were included in the Board of Selectmen's packets or were presented during the meeting and are available in the Board of Selectmen's Office upon request:

1. Minutes from meetings of January 29, 2013 and February 12, 2013
2. Executive Session minutes of December 27, 2011, January 10, 2012, January 31, 2012, February 21, 2012, March 6, 2012 and February 12, 2013
3. Letter from Robert Cambra, HYFA carnival
4. Letter from Town Clerk, resignation from Housing Authority
5. License application for Knight of Columbus, one day all alcohol
6. Disclosure letter from John Reilly
7. Budget Power Point presentation and hand out

Recorded by Karen Morgan

Approved: April 9, 2013