

## Hull Board of Selectmen

### Minutes

**August 27, 2013**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Tuesday evening, August 27, 2013 at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

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

Absent: Dr. Christopher Olivieri, Clerk

The Board held a moment of silence in memory of the passing of Anthony "Tony" Petrucci and Martin "Marty" Fallon, former Board of Selectmen members.

\*\*\*\*\*

### CORRESPONDENCE

#### **Read aloud by Richardson correspondence from Greg Gray – Booster's sticker drive**

*In an email from Grey to Richardson dated August 20, 2013, he requested permission to do the sticker drive at the intersection at Rivas from 10:30 a.m. to 1:00 p.m. on September 15, 2013.*

Motion - Brannan Approval of the annual sticker drive with the police and fire department for approval.

Second - Reilly

Vote - Unanimous in favor

*Grey also requested to have one-day beer/wine license for their fundraiser Fascination at 189 Nantasket Avenue for Saturday, September 28<sup>th</sup> from 7:00 p.m. to 11:00 p.m.*

Motion - Reilly To approve beer and wine license as requested.

Second - Sestito

Vote - Unanimous in favor

#### **Richardson addressed the HASC road race that was cited as New Business on the Agenda.**

*The 10<sup>th</sup> annual road race will take place on August 31, 2013 at 8:00 a.m.*

Motion - Reilly To approve HASC road race with the police and fire department approval.

Second - Sestito

Vote - Unanimous in favor

**Read aloud by Richardson was correspondence from Donna Kaplan and Blake Haskell – re: Reappointment to Emergency Preparedness Committee**

Motion - Reilly To approve Donna Kaplan and Blake Haskell for reappointment.

Second - Sestito

Vote - Unanimous in favor

**Read aloud by Richardson was correspondence from Andrew Holter – re: Appointment to Emergency Preparedness Committee**

*The BOS will hold-off in voting until Holter speaks and coordinates with the Police and Fire Department as he is a new appointment.*

**Read aloud by Richardson was correspondence from Carolyn Anastos – re: Reappointments to Local Cultural Council: Carolyn Anastos and Randy Veraguas – Terms to expire in 2016**

Motion - Reilly To approve Carolyn Anastos and Randy Veraguas for reappointment to the Local Cultural Council.

Second - Sestito

Vote - Unanimous in favor

**Read aloud by Richardson was correspondence from Don Ritz – re: Reappointment to Historical Commission: Lory Newmyer, Dennis Riley and Don Ritz – terms to expire in 2015. Dr. Matteucci's**

**term is not up yet.**

Motion - Reilly To approve Lory Newmyer, Dennis Riley and Don Ritz for reappointment to the Historical Commission.

Second - Sestito

Vote - Unanimous in favor

**Read aloud by Richardson was correspondence from Office Manager – re: (A) Louis Collins request for reappointment to the Permanent Sewer Commission – Term to expire in 2018. (B) Reappointments to Hull Hero Award Committee: Genevieve Sartel, Lori West, Cyrille R. Kearns, Mary Jane Silva and Sean Bannen, for terms to expire in 2014.**

Motion - Reilly To approve Louis Collins for reappointment to the Permanent Sewer Commission.

Second - Sestito

Vote - Unanimous in favor

Motion - Reilly To approve Genevieve Sartel, Lori West, Cyrille R. Kearns, Mary Jane Silva and Sean Bannen for reappointment for the Hull Hero Award Committee.

Second - Sestito

Vote - Unanimous in favor

**Richardson addressed the reappointments of the War Memorial Commission which are for one year appointments: John J. Coggins, William F. Henderson, III, Jerry McLaughlin, Edward Burke and Robert Neal**

Motion - Reilly To approve John J. Coggins, William F. Henderson, III, Jerry McLaughlin, Edward Burke and Robert Neal for reappointment for the War Memorial Commission

Second - Sestito

Vote - Unanimous in favor

## **APPOINTMENTS**

**7:30 p.m. – Chief Billings – re: Appointment of Permanent Police Office**

*In a letter from Billings to BOS dated August 14, 2013 he wrote of the Town of Hull Certified Roster of Permanent Intermittent Officers from which the appointment of one permanent police officer, Steven Glavin, is to be considered.*

Motion -        Reilly                    To appoint Steven Glavin as a permanent police officer effective August 27, 2013.

Second -        Sestito

Vote -            Unanimous in favor

**CORRESPONDENCE CONT.**

**Read aloud by Richardson correspondence from Chief Billings – re: Surplus vehicles**

*In a memo from Billings to BOS dated August 20, 2013, he requested the approval to declare two vehicles to be designated as surplus equipment to be traded into the dealer for the total sum of \$5,300.00: Vehicle #1 2010 Dodge Charger with 92,761 miles, trade value - \$3,800.00; Vehicle #2 1998 Chevrolet pickup truck 2500 w/plow, trade value- \$1,500.00.*

Motion -        Sestito                    To approve the two vehicles to be designated as surplus equipment to be traded into the dealer for the total sum of \$5,300.00: Vehicle #1 2010 Dodge Charger with 92,761 miles, trade value - \$3,800.00; Vehicle #2 1998 Chevrolet pickup truck 2500 w/plow, trade value- \$1,500.00.

Second -        Reilly

Vote -            Unanimous in favor

**Read aloud by Richardson correspondence from Chief Billings – re: Surplus, damaged and outdated equipment**

*In a memo from Billings to BOS dated August 20, 2013, he would like to declare the following items to be designated as of no value, broken or outdated surplus equipment: Obsolete/Damaged Ford Center consoles (5), Damaged Whelan Power Strobe Box (17), Damaged Light Control (4), Not working Whelan Amplifiers (3), Metal brackets (20+), Obsolete Cell Phone Charger (1), Damaged Keyboard older MDT (1), Damaged Fast tracks control module (1), Damaged ID control (1), Video Supply (1), Damaged Light Control (1), Damaged Siren Box (3), Damaged Motorola switch Box/Light Control (2), Obsolete Crown Vic Laptop tubes (6), Damaged/Obsolete Plexiglas partition for Crown Vic (6), Bundle of wire (1), Nuts and bolts (many), old fuses (many), Prisoner hard rear seat Ford Crown Victoria (2), Ford Crown Victoria Cages (5) and Ford Crown Victoria Push Bar (1).*

Motion -        Reilly                      To approve of the surplus, damaged and outdated equipment as requested.

Second -        Sestito

Vote -            Unanimous in favor

## OLD BUSINESS

### **Aquarion Water Co. update**

*Lampke summarized to the BOS about the Aquarion Water Co. update that was discussed at a prior Executive Session. This is regarding the filing of the litigation relative to acquiring the water company. The litigation was filed by Hingham. Hingham had requested that the Town of Hull file an amicus with the Court for supporting of their petition to keep the case in the Supreme Judicial Court. The lawsuit seeks to have the court clarify the 1879 statute as well as the guidance of the calculation of the value/methodology should be. The importance of this is that Hingham felt it should not be filed with the Superior Court, but rather directly with the Supreme Judicial Court, which is provided for by law. These cases are typically filed with the Superior Court and it can be appealed further to the Appeals Court and Supreme Judicial Court. If filed directly in the Supreme Judicial Court the cases are often remanded to the Superior Court for trial. . Whoever wins or loses with the decision can appeal so as part of the discussion, Lampke was authorized, if his further research determined that it was in the Town's interest, to file the amicus with the court indicating that the Town of Hull supports keeping the case in the State Supreme Judicial Court and not taking a position at this time about how much to pay, etc. This was filed with the court and it is still under advisement. It is the water company's right to file an opposition, which they have done, claiming that they feel discovery needs to be conducted. Lampke questioned the need for discovery as there is a statute, there is information that the water company has concerning the values. What discovery does the water company have with Hingham? It appears primarily to be a legal issue, not factual. There is no particular time frame, the court can approval the hearing on this issue or could just act. Lampke advised that he researched it further and was satisfied that it was in the Town's best interest to see this resolved in the Supreme Judicial Court and not involve the Superior Court. Thus he filed the amicus.*

*Brannan asked Lampke about what point in time do we have a better understanding or sit down with the Hingham folks that if the purchase does go through, how do we fit in with this. He would like to have more discussion before the Town supporting a law from 1879. Lampke stated that with the issue of litigation is not support or against the law of 1879, it is to seek clarification of some of its language of the then Hingham Water Co. Lemnios answered that this is about what Aquarion says and what the assets/business are worth and what is compared to today's worth. Hingham is reading the statute as a methodology to determine the value if they ever want to buy it back. They come up with a much lower valuation. Hingham recognizes that Hull is part of this system.*

*Richardson stated that the BOS authorize the Town Counsel to file in support of Hingham at the last Executive Session meeting.*

Motion -        Reilly                      To approve of supporting Hingham's decision to file in the Supreme Judicial Court.

Second - Sestito  
Vote - Unanimous in favor

## APPOINTMENTS CONT.

### 8:00 p.m. – John Meschino – re: Request for crosswalk

*Meschino spoke to the BOS requesting two full cross-walk be placed on the corners of Nantasket Avenue adjacent to S Street (North and South of S Street). The buildings nearby (Cumberland Farm and the Dog Parlor) generate a lot of traffic as well as the surrounding areas. It is very difficult to cross the street.*

*Doug May, 29 S Street supports the idea of a crosswalk proposal. There are a lot of people from Bay Side and the beach and his children go back and forth across Nantasket so it is difficult with the way cars are parked and you have to get out in the road to stop people and most of the time they do not stop. It would be a real help for us to one or two crosswalks put in as more people will respect that. We had a number of people who are renters with small children and carriages and this is a real safety issue.*

*Nancy Plotkin, 29 S Street spoke about the travels along Nantasket Avenue. The pet parlor has a lot of people with dogs trying to cross these streets. The businesses that John mentioned, there are people crossing at all hours during the day. It is an active intersection.*

*Meschino mentioned that in the past years, there have been two fatalities.*

*Rhoda Kanet said that she is also in support of the crosswalk at the intersection in question.*

*Lemnios said that he will confer with the Police Department on this matter and come back with the recommendation from the Board. Sestito asked Lemnios to speak with the Dept. about North of Wellspring as well.*

Motion - Reilly To consult with the Police Chief and/or Safety Officer and report back to the BOS.

Second - Sestito

Vote - Unanimous in favor

## NEW BUSINESS

### SEASONAL RENTAL BYLAW

*Reilly spoke about the issue of seasonal rentals of property. He had proposed that the Town Manager put together a staff committee to review the matter, hold meetings for public input and report back to the Town Manager. He noted that other communities have done this for years and he would like to address this further. Brannan stated that this will be tough regarding rental properties that are well run and other that are not. He would not be in favor in shutting it all down but he is not in favor of letting it go as it is today. Lemnios stated that he will report back to the BOS with a couple of different options*

## **PLANNING BOARD AND HISTORICAL COMMISSION**

*Richardson spoke of John D. deDoming qualifying as an alternate board member.*

Motion - Brannan To appoint John deDoming to the Historical Commission with a term to expire in 2016.

Second - Sestito

Vote - Unanimous in favor

## **OTHER BUSINESS**

### **TOWN OF HULL AND NATIONAL GRID**

*In an email from Lampke he spoke of a recommendation to the regulation on street opening hearings. Currently the applicant is to notify the abutters. National Grid wants to have the option of paying to have the Town notify the abutters. This was discussed at meetings with staff and National Grid. The Town staff are in favor of this. The Town Manager will develop the additional cost. Lampke said that the Board needs to amend its regulations if it approves of this. The proposed change would be: "As an alternative to the applicant notifying the abutters, the applicant may pay to the Town an additional fee set by the Town and the Town will notify the abutters as required hereunder."*

Motion - Brannan To approve of the proposed language.

Second - Sestito

Vote - Unanimous in favor

## **TOWN MANAGER**

*Lemnios spoke of the odor that was permeating from the sewer plant in mid-July of this year. He is working on a resolution as to where the problem originated and why it happened. Public Works worked for two weeks to get a handle of the situation. They are not satisfied with as to why it happened. The material was removed and the Town is looking to putting in an increase monitoring around the plant. They are all in the process of managing the situation as all the odors have now diminished. He apologizes to the neighbors for this incident.*

## **NEW BUSINESS CONT.**

Sestito would like to wish the students and the school department a successful school year.

Reilly wished everyone a Happy Rosh Hashanah. Reilly also mentioned that the last two bandstand concerts will be taken place this weekend and there will be a 9/11 Observance that will also take place in the next few weeks.

R. Kanet asked that the BOS add to their agenda a discussion about the numerous surfing schools taking place along wide stretches of the beach.

Brannan read aloud and presented a Resolution issued by the Board recognizing Lampke of his years of service with the Town and congratulating him on the recent award to him of the Charles Rhyne Lifetime Achievement in Municipal Law Award, bestowed by the International Municipal Lawyers Association. . Lampke expressed his appreciation.

Richardson announced that the next BOS meeting will take place on Tuesday, September 10, 2013.

\*\*\*\*\*

**Motion:** Richardson requested a Motion to adjourn

Motion- Sestito, so moved

Second: Brannan

Vote: Unanimous in favor.

**The Selectmen adjourned at 9:15 p.m.**

*Recorded by Karen Morgan*

Approved: September 24, 2013

---

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. Agenda for the August 27, 2013 Meeting
2. Added Agenda for August 27 2013 Meeting
3. Email from Lampke to Aronson dated August 14, 2013 re: Town of Hull and National Grid
4. Sheet from Meschino of proposed crosswalk location
5. Letter from Billings to BOS dated August 20, 2013 re: Surplus, Damaged, Outdated and of No Value Equipment
6. Letter from Billings to BOS dated August 20, 2013 re: Surplus Cruiser/Pickup Truck
7. Letter from Billings to BOS dated August 14, 2103 re: permanent police officer
8. Email from Haskell to Bennett dated June 13, 2013 re: Emergency Preparedness Committee
9. Email from Holter to Bennett dated June 24, 12013 re: Emergency Preparedness Committee
10. Letter from Holter to BOS dated June 24, 2013 re: Emergency Preparedness Committee
11. Email from Anastos to Bennett dated August 19, 2013 re: Hull Cultural Council
12. Letter from Ritz to BOS dated June 20, 2013 re: Hull Historical Commission re-appointment
13. Memo from Office Manager to BOS dated August 6, 2013 re: Council of Aging Appts.
14. Email from Kaplan to Bennett dated June 10, 2013 re: Emergency Preparedness Committee



15. Email from Richardson to Bennett dated August 20, 2013 re: Booster Sticker Drive
16. Resolution from the Board recognizing Lampke being awarded by the International Municipal Lawyers Association the Charles Rhyne Lifetime Achievement in Municipal Law award