

Hull Board of Selectmen

Minutes

August 5, 2014

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Tuesday evening, August 5, 2014 at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

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

Absent: Christopher Olivieri, Chairman

CORRESPONDENCE

Read aloud by Richardson correspondence from Police Chief Billings – re: 9 Park Avenue Parking

In a letter from the Chief Billings to the Chairman dated July 28, 2014, he sought the approval to properly post signage to provide a clear view on oncoming traffic while exiting from 9 Park Avenue.

Motion - Reilly: To approve the sign as requested

Second - Brannan

Vote - Unanimous in favor

Read aloud by Richardson correspondence from Chief Billings – re: Traffic Advisory Signs at War Memorial

In a letter from Chief Billings to the Chairman dated July 31, 2014, he sought the approval to properly post the signage for a new advisory plaques and new symbol warning signs along the Topics area on Nantasket Ave. travelling north prior to the Monument.

Motion - Reilly: To approve the sign as requested

Second - Brannan

Vote - Unanimous in favor

Read aloud by Richardson correspondence from Eileen White, Treasurer/Collector – re: Parcel 42-115 Rockaway Ave.

In a letter from White to the Board of Assessors, Selectmen and Town Accountant dated July 31, 2014, she wrote that on June 18, 2014 the Land Court entered a Final Judgment in favor of the Town of Hull's request for foreclosure on the property located on Rockaway Avenue, Parcel 42-115. The Town is now responsible for the property. Lemnios said he did not have a chance to evaluate the property and over the course of the next several weeks, he will evaluate the property and make sure it is sealed up and report back to the Board with an update of the assessment of the conditions. Brannan said he would like to have a site visit of the property.

Read aloud by Richardson correspondence from Eric Earl – re: Permission to hold wedding ceremony at Gazebo

In a letter from Earl to the BOS, he requested to use of the gazebo at 5 Fitzpatrick Way for a wedding ceremony on September 6, 2014 at 4:00 p.m. The ceremony will consist of 15 participants in the gazebo and a maximum of 100 invited guests whom will observe. Earl will personally conduct the set-up and clean up to ensure there will not be any damage to the gazebo.

Motion - Reilly: To approve the use of the gazebo subject to having TM clearing it with the owners of the yacht clubs that there are no other functions

Second - Sestito

Vote - Unanimous in favor

Read aloud by Richardson correspondence from Chief Billings – re: Certified promotional sergeants list

In a letter from Chief Billings to the Chair dated Aug. 5, 2014, he requested the BOS as the Appointing Authority for the Hull Police Dept. to requisition from the Commonwealth of MA Human Resources Division, a certified sergeant's promotional list from which to appoint a full-time permanent sergeant.

Motion - Reilly: To authorize the Vice Chair to sign for the Chair on attached Form 13

Second - Sestito

Vote - Unanimous in favor

Read aloud by Richardson correspondence from William Galvin – re: State Primary

In a letter from W. Galvin in the name of the Commonwealth to notify and warn inhabitants of said Town who are qualified to vote in the State Primary at Precincts 1, 2, and 3 in the Memorial Middle School on Tues., Sept. 9, 2014 from 7:00 a.m. to 8:00 p.m. for the following purpose: to cast their vote in the State Primary for the following offices: Senator in Congress, Governor, Lt. Governor, AG, Secretary of State, Treasurer and Receiver General, Auditor, Rep. in Congress, Councilor, Sen. in General Court, Rep. in General Court, DA, Register of Probate, County Treasurer and County Commissioners.

Motion - Reilly: To approve the State Primary Warrant and as the Constable notifying the inhabitants of the Town of Hull that are qualified to vote in elections and town affairs, to meet at the time and place for the purposes therein stated at the Memorial Middle School from 7 a.m. to 8:00 p.m.

Second - Brannan

Discussion-

We do not promote the concept of election day in this Town and would like to get the electronic signs coming in and out of Town for a week beforehand

Lemnios said that he can speak with the DCR about adding the flash signs but does not know if it can be for a full week. The flash signs around that time will also be used for the Town Wide Yard Sale as well. There is an ability to a Code Red type call that would not be Code Red and come up as Town of Hull as a reminder of the election day.

Vote - Unanimous in favor

NEW BUSINESS

Open Meeting Law Complaint from Susan Ovans

Lampke provided an overview of the Open Meeting Law and a recent complaint.

A Complaint has been served on the Board by Susan Ovans regarding the July 15th meeting of the BOS going into Executive Session (hereinafter ES). Ovans complained that she feels that the BOS did not comply with the Open Meeting Law because of the reasons that the BOS used to go into ES.

The BOS went into ES: To discuss strategy relative to collective bargaining. *She complains that the Board did not reveal name of the bargaining issue.* Another reason was strategy relative to litigation and while the Chair did state the sewer plant and property damage claims, the Chair also referred to a potential suit against the Town. Lampke said we are not here this evening to debate the issues. *Ovans in her complaint said that this was not sufficient reasons to go into ES. She also objects to the use of reason to go into ES for the attorney-client privilege and to consult with legal counsel as a basis to go into ES.*

Lampke explained that The Board gave directions to the TM and as a result negotiations with collective bargaining units led to an agreement, in terms of that unit, the name of that bargaining unit, can be disclosed and Lampke suggested to the Board to disclose that. In Lampke's opinion, depending on the nature of what is being discussed, the Board does not need to identify the bargaining unit that is involved in the discussion during ES. With strategy with respect to litigation, the Chairman stated the sewer plant claim issues as well as property damage claims which are valid reasons. The Chairman also said he wanted to discuss with the Board about receiving a potential claim against the Town. Lampke was aware of the nature of the claim and and felt it was appropriate and in the best interest of the Town not to disclose the circumstances of that claim. Regarding the objections to the use of the A/C privilege and consult with legal counsel, Lampke is satisfied that the Board is acting in authority to do so.

Lampke explained that under the law Ms. Ovans is required to serve the Lampke did request and receive approval from the AG's office for an extension to respond. The Board will be preparing a response based on the discussions that Lampke had with the Board and if Ovans does not like that response, she can appeal it, the AG's office will review it and make a determination. The Town takes the Open Meeting Law seriously and uses ES for matters called for and permitted by the law. The BOS does not make up reasons to go into ES.

Reilly said that this is not the first time that Ovans challenged the Board about these matters. He welcomes a third-party review. Lampke said that it is a legal process and respects the AG's advice and if the Board does not agree to the advice, the Board has different steps to challenge which is all part of the legal process. Reilly said in open session that the discussion for one of the unions was the library union negotiations and the Board voted to approve the contract.

Motion -	Reilly:	Would like to have an open session to reaffirm the vote and approve the library union contract as negotiated by TM
Second -	Sestito	
Vote -	Unanimous in favor	

OTHER BUSINESS

Ovans said she is looking for ES minutes from '87 and '88. She said that Selectmen's clerk T. Finneran said that the minutes were marked as approved but not as released. Lampke said Finneran was uncertain if the minutes were approved to be released. Lampke asked Finneran to look at the minutes of the open session of the Board's meeting with the ES minutes to see if they were voted to be approved to be released. Some areas may be in violation of someone's personal privacy in which sections may need to be redacted. Sestito said we should start the process of inventory.

TOWN MANAGER

Lemnios spoke of the 3-year agreement of the library contract. There are two positions that are reclassified to the new position of Asst. Librarian. The Asst. Director position has not been filled for many years. Effective July 15, 2014, 2% on July 1st, 2% by FY15, 2% by FY16 and 2% by FY17. We are currently in FY15.

Lemnios reminded everyone of the boat service being suspended on Aug. 6th to Aug. 10th due to needed maintenance work. Everything is on target, cuts were done in the concrete where the new ramps will be installed. Also, bid documents for the seawall and revetment for Stoney Beach is being advertised, bid documents are available at Town Hall. Bids are due back on Aug. 27th. This is a 180 day completion period.

Reilly asked Lemnios about any updates on the Atlantic Ave. project. Lemnios said not at this time. He explained that the project is at 75% design standards and those documents were signed and going through the Chap. 90 process.

NEW BUSINESS

Brannan spoke about Peddocks Island. He went on a visit to the island for a celebration the DCR put on. There were 432 under-privileged children brought over by ferry boats and they participated in many planned activities. There are plans to add more to the island, there are many old buildings and a church on the island and Save the Harbor Save the Bay are participating and envisioning developing schools and public and private businesses to be set up there.

Brannan asked Lemnios about the update of the Surf Side project. Lemnios said the project will recommence after Labor Day to avoid the summer traffic.

Sestito asked Lemnios about discolored water. Lemnios said that the Town received phone calls about the discolored water near A Street. There was testing being done on the fire hydrants in the area.

Audience member Rhoda Kanet spoke of rusty water and wondered if that could have warranted a reverse 911 or a Code Red if that should happen again. Lemnios said that would be up with Aquarion Water. Also she inquired about the DCR proposal. Lemnios said there are no further updates on the proposal. The comment period ended in early June. In conclusion, she would like to have the surfing issue to be discussed on an upcoming agenda.

Audience member Karen Perry Kaplan spoke about the dogs on the beach and the surfing issues and policeman that are supposed to be tagging cars . She feels that nothing is being enforced and there is no presence and asked how long a car can be parked at her house without being tagged. Lemnios said that the number of tickets issued this year were equal to the number of tickets equal to last year. Officers are out and are tagging.

At this point the Board makes a Move into Executive Session

Richardson requested a Motion to move to Executive Session to discuss strategy with respect to litigation, and that I, as Chair declare that an open meeting may have a detrimental effect on the litigating position of the body, to move to go into Executive Session to comply with, or act under the authority of the Privacy Laws, including G.L.c.214, Sec. 1B, to go into Executive Session to comply with, or act under the authority of the Attorney-Client privilege, and also to move into Executive Session to consult with legal counsel or obtain legal advice pursuant to the Attorney-Client Privilege and not be reconvening into open session.

Motion- Reilly, so moved

Second: Sestito

Vote: Unanimous in favor.

The following subject will be discussed during Executive Session:

Property Damage Claim against Town, Employee Complaint and Cope-Allen vs. Hull, et al.

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

The Selectmen moved to Executive Session at 9:16 p.m. and not reconvening into open session.

Recorded by Karen Morgan

Approved August 26, 2014

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 5, 2014 Meeting
2. Added Agenda for the August 5, 2014 Meeting
3. Letter from Billings to Chair dated July 28, 2014 re: 9 Park Avenue Parking
4. Letter from Billings to Chair dated July 31, 2014 re: traffic signs at War Memorial
5. Letter from White to Boards dated July 31, 2014 re: 43-115 Rockaway Avenue
6. Letter from Earl to BOS re: permission to hold wedding ceremony at the Gazebo

7. Letter from Billings to Chair dated August 5, 2014 re: certified promotional list
8. Letter from Galvin re: State Primary voting