

Hull Board of Selectmen

Minutes

June 30, 2015

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Tuesday evening, June 30, 2015, at the Hull Municipal Building, 253 Atlantic Ave., Hull, Massachusetts.

Present: John C. Brannan, Chair; Domenico Sestito, Vice-Chair; Christopher Mitchell, Clerk; John D. Reilly, Jr., Member; and Kevin Richardson, Member. Also present were Philip E. Lemnios, Town Manager; James Lampke, Town Counsel; and Catherine Goldhammer, recording secretary.

MINUTES

The selectmen voted to approve minutes for the Board of Selectmen’s meeting of June 9, 2015, with the correction of the name of Paul Sordillo to be made.

Motion	Sestito	Motion to approve, with correction
Second	Richardson	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote

APPOINTMENTS

7:30 p.m. Public Hearing, continued: Preep Corporation, dba Quick Pick, 265D Nantasket Ave., re: Change to wine and malt (annual) license, new manager, new officer, and transfer of stock.

This was a continuation of a hearing begun on June 23, 2015, at which all parties could not be present. Joseph Devlin, attorney for the applicant, explained that the changes were being requested by the estate of the former license holder, Dashrath Patel, now deceased, making his son-in-law Bhavesh Patel the new officer and transferring stock to him. The change also includes changing director/manager of the establishment from Dashrath Patel to Satishkumar M. Patel.

Motion	Richardson	Motion to approve the transfer and to approve the change of director and manager
Second	Mitchell	

Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote
-------------	----------	--

LICENSES AND RENEWALS

The selectmen voted to approve the renewals of the following licenses:

Motion	Sestito	To approve the renewal of Common Victualer license for J&S Bakeries, Inc., dba Weinberg’s Bakery & Café, 519 Nantasket Ave.
Second	Richardson	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote

Motion	Sestito	To approve the renewal of Common Victualer license for West Corner, Inc., dba Pizza Box, 14 Nantasket Ave.
Second	Richardson	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote

CORRESPONDENCE

Summarized by Brannan: Fire Department Local 1657 regarding Fill the Boot drive

A letter from James Pearson, FF/EMTP, Representative for Local 1657 requested permission to hold the annual MDA Fill the Boot drive on Saturday, July 11, with a rain date of either July 25 or August 1, from 10 a.m. to 2 p.m. The event raises money for children with muscular dystrophy.

Richardson recommended that the organizers confer with the DCR regarding the use of DCR property.

Motion	Richardson	To approve that date, assuming approval of Police Department
Second	Sestito	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote

TOWN COUNSEL

Town Counsel Lampke presented the selectmen with a letter stating that due to his legal capacity with the town's inspectional department, which is currently involved in code enforcement issues regarding a property on D St., to which the home owned on C Street by Lampke's wife and in which Lampke resides, is an abutter, he may be construed to have a financial interest in the outcome of the case. The letter disclosed the situation and requested a waiver. Lemnios noted that Lampke does not have any enforcement authority in the matter involving the D Street property.

Motion	Richardson	Move pursuant to G.L. c. 268A, section 19 to determine that the financial interest Town Counsel James B. Lampke and his family have in the property where he resides is not so substantial as to be deemed likely to affect the integrity of the services which the Town expects from him in his providing legal services to the Town relative to code enforcement issues concerning 6 D Street which due to its proximity to Lampke's residence and family's property Lampke and his family may be deemed under the guidelines of the State Ethics Commission as having a financial interest.
Second	Sestito	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye

		Mitchell – Aye Reilly – Absent for the vote
--	--	--

APPOINTMENTS, CONTINUED

7:45 p.m. Public hearing, continuation: Charles Sands, regarding application for livery badge

8 p.m. Michael Ashe, dba Seaside Taxi, 712 Avalon Dr. – to amend Hackney License to Livery license for two livery vehicles and one livery badge

These two appointments were considered together, as the first applicant is attached to the latter’s business. The hearing was continued from the previous week after the selectmen recommended that the parties reconsider their business plan and consider changing their application to a livery rather than taxi service. Ashe said that they had decided to take that suggestion and the business would be called Seaside Transit, rather than Seaside Taxi, and the application would be so amended.

Ashe stated that fees would be set in advance with the customer and a GPS would be used to facilitate this. He said that they had purchased a magnetic sign for the top of the vehicles. The vehicles were inspected by the police department on Wednesday.

Lampke noted that the selectmen might at some point want to review the town bylaws related to taxi and livery services, which have not been updated for some time.

The selectmen voted to approve both applications.

Motion	Sestito	Motion to approve the request from Michael Ashe, dba Seaside Transport, 712 Avalon Dr., to amend the hackney license to livery license for two livery vehicles and one livery badge, the vehicles being a 2012 Toyota Sienna and a 2012 Kia Optima
Second	Richardson	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote

Motion	Sestito	Motion to approve the applicant Charles Sands’ request for a livery badge
Second	Richardson	

Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote
-------------	----------	--

NEW BUSINESS

Lemnios asked the selectmen to authorize the snow deficit incurred during the winter of 2015. A letter from Town Accountant Michael Buckley notified the selectmen that the town incurred a snow removal deficit in the amount of \$807,586. The deficit is permitted under state law when authorized by the town manager and advisory board. The deficit can be amortized over a period of three years. An amount of \$250,000 was included in the FY16 budget as the first piece of the amortization. After the Federal and State governments have notified the town of their reimbursements, Buckley will provide an amortization schedule.

Lemnios also noted that the DPW has placed an order for four snow removal vehicles, as authorized by Town Meeting, and they hope to have them by October. The town is also reevaluating snow removal routes.

Motion	Brannan	To recognize and acknowledge the snow deficit in the amount of \$807,586 and authorize that it be spread over three years
Second	Richardson	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote

Regarding their representative to the Plymouth Country Advisory Board, the selectmen voted to continue with Reilly as representative and Brannan as alternate.

Motion	Brannan	To approve
Second	Richardson	
Vote	Approved	Brannan – Aye Sestito – Aye

		Richardson – Aye Mitchell – Aye Reilly – Absent for the vote
--	--	--

Lemnios explained a letter and supporting plans from Matthew Reilly which requested approval for the installation of a wooden retaining wall at 1 Dighton Street. Part of the wall is within the layout of Deighton Street, but not in the built portion. The applicant understands that if given a notice to vacate, he will have thirty days to restore the property to its original state. Reilly has approval from the Conservation Commission.

Motion	Richardson	To authorize the granting of a license as requested, subject to approval of necessary town departments and satisfactory execution of licensing agreement
Second	Sestito	
Vote	Approved	Brannan – Aye Sestito – Aye Richardson – Aye Mitchell – Aye Reilly – Absent for the vote

Lemnios presented copies of the July 4th safety press release summarizing recommended safety precautions and laws regarding fireworks and bonfires. Two piping plover areas are restricted.

Lemnios notified the board that the town is in the process of applying for a grant for the Crescent Beach seawall in the Gunrock area. There was a public meeting in April and the town met with representatives of the state last week. The goal is to reconstruct the revetment and the hope is to also increase the height of the seawall. He also noted that the **Stoney** Beach seawall project is coming to an end and they have heard from a few residents concerned about the size of the stones used at one end of the wall. Lemnios said that these were within the guidelines set by the engineers of the project.

HRA member Bob DeCoste updated the board about the RFP that was put out by the town, the HRA, and the DCR to hire a consultant to explore changing Hull Shore Drive to two-way traffic. On June 29, the consultant was in for a meeting with the HRA and will soon be gathering traffic information. There will be a joint meeting of the HRA, the DCR, town officials, and stakeholders in August. The HRA is also aggressively pursuing an RFP for development of the land and hope to have that ready for September. He noted that the relationship with the DCR is the best it's ever been. The DCR are funding 50% of the study.

Brannan noted that the case in which Hull Police Department member Scott Saunders, now Acting Sergeant, came to a conclusion with a jury verdict in favor of Saunders, meaning that the jury did not find any wrongful action, on May 18, 2015. There has been no appeal and the case is now closed. Lampke commended the firm of Pierce, Davis & Perritano for their work on the case.

Richardson requested that the next meeting be held on Wednesday, July 8 rather than Tuesday, July 7. All agreed.

SELECTMEN'S DISCUSSION ITEMS

Establish Meeting Schedule through December 31, 2015

A meeting schedule through December 31, 2015 was presented and agreed upon.

Presentation of Debt Exclusion

Lemnios gave a PowerPoint presentation of the issues related to debt exclusion for the Jacobs School renovation.

The presentation covered the following topics:

- Definition of a debt exclusion
- Summary of Jacobs School debt
- Value of Jacobs School debt
- Proposal to exclude the balance of the Jacobs School debt and dedicate the balance to capital items from the 2014 Capital Plan, such as roads, drainage, guardrails, playgrounds, artificial turf field, seawall repair, and ongoing annual capital items
- Benefits of doing so, including improvement of physical infrastructure, focus on items everyone experiences every day, predictable stream of funds
- Summary of plan for long-term capital funding
- Estimated tax impact of a debt exclusion on residents
- Next steps, including plan for FY17 implementation, referendum question, and town meeting action.

Lemnios noted that the decision to use a debt exclusion for the purposes of capital improvements, and to stick with that principal, requires vigilance and political capital. It would be done in a very transparent fashion and commitment would be needed from relevant boards and committees in the form of a memorandum of understanding about the use of the money, which would be put into the capital budget category. The risk, he said, is that when the town hits a rough spot in other areas, the temptation will be to shave some money off the capital budget.

A Capital Outlay Committee can be formed, but Lemnios said that before it is established, it is important that the Board of Selectmen commit to the underlying mission. Regarding the manner in which the capital budget would continue to be funded as the Jacobs School debt decreases, Lemnios said that he would need to feather in more funding sources. Reilly suggested that Lemnios meet individually with the Advisory Board and the School Committee to get everyone moving forward at the same time.

After discussion, the selectmen voted to move forward with the debt exclusion process and discussion.

Motion	Sestito	Motion to move the discussion forward and instruct the Town Manager to begin putting together a framework about potentially moving the debt exclusion forward at some time in the future
---------------	---------	--

Second	Mitchell	
Vote	Unanimous	

Brannan distributed his list of questions about the debt exclusion and asked the other selectmen to generate their own lists before the next meeting.

Continue Fire Chief Selection Process

The selectmen resumed discussing the process of hiring a Fire Chief begun on June 23, focusing on two key aspects: whether to hire locally or have an expanded search; and whether to hire by test only, test plus assessment center, or assessment center only. Brannan said that he would prefer a wider search and a test plus assessment center process. Other selectmen indicated their feeling that there was already a highly qualified local pool of candidates in town, who are not only qualified, but familiar with the needs of Hull in particular. Brannan asked for a show of hands of anyone who wanted to have a statewide search. He indicated yes, but no other hands were shown.

After a long discussion, Reilly made a motion to hire based on assessment center only. This motion stood while the discussion continued.

Motion	Reilly	Motion to start the hiring process by instructing Civil Service that the town will be doing an assessment center only
Second	Richardson	
Vote		

Reilly then made a motion to keep the hiring process on a town level.

Motion	Reilly	To keep the hiring process on a local, town basis
Second	Sestito	
Vote		Sestito – Aye Reilly – Aye Richardson – Aye Mitchell – Aye Brannan – Nay

--	--	--

Brannan made a substitute motion (to Reilly’s first motion) for assessment center and test, however there was no second.

Motion	Brannan	Substitute motion for assessment center and test
Second	None	
Vote	No vote	

Reilly amended his first motion (not yet voted on) to include both aspects of the hiring process (method and local candidate pool) and to add that the selectmen would interview all candidates before making an offer.

Motion	Reilly	Motion to have a departmental promotion, by assessment center only, with the selectmen conducting follow-up interviews with all candidates before an offer is made.
Second	Richardson	
Vote		Sestito – Aye Reilly – Aye Richardson – Aye Mitchell – Aye Brannan – Nay

The meeting was adjourned at 10:55 p.m. The board will meet again on Wednesday, July 8, 2015.

Recorded by Catherine Goldhammer

Approved October 6, 2015

Documents

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:

- Board of Selectmen agenda and amended agenda for June 30, 2015
- Debt Exclusion presentation handout

- Questions regarding debt exclusion (Brannan)
- Selectmen's meeting calendar
- Packet from Preep Corporation, dba Quick Pick, 265D Nantasket Ave., regarding change to wine and malt (annual) license, new manager, new officer, and transfer of stock
- Summary of Fire Chief hiring options
- Applications for livery licenses and livery badge from Michael Ashe
- Application for livery badge from Charles Sands
- Police department response form for livery badge application
- Board of Selectmen's minutes for 6/9/15
- Letter with attached documentation from Matthew Reilly regarding retainer wall
- Application for Common Victualer license from J&S Bakeries, Inc., dba Weinberg's Bakery & Café, 519 Nantasket Ave.
- Application for Common Victualer license from West Corner, Inc., dba Pizza Box, 14 Nantasket Ave.
- Press release regarding July 4th safety precautions
- Crescent Beach Seawall/Revetment Project Update
- Letter from town accountant regarding snow removal deficit
- Email regarding Board of Selectmen representation at the Plymouth County Advisory Board
- Letter from Fire Department Local 1657 regarding Fill the Boot drive
- Letter from Town Counsel James Lampke regarding Disclosure under the Conflict of Interest Law and Waiver Request