

Hull Board of Selectmen

Minutes

August 25, 2016

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday evening, August 25, 2016, at the Hull Municipal Building, 253 Atlantic Ave., Hull, Massachusetts.

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

APPOINTMENTS

Eo Martin, regarding California Underground, _____ [insert address]: Public Hearing, continued

This was the continuation of a public hearing begun on August 11, 2016 regarding Eo Martin's request to extend the operating hours of his restaurant California Underground. The hours that were previously granted by the selectmen were 11 a.m. to 10 p.m. for a Common Victualers and All Alcohol license. Martin is now seeking to extend the closing hour to midnight.

After the previous session of the hearing, Lampke had researched whether the extended hours could be given for a limited amount time to allow for a trial period. He reported that any future reduction to an extended closing time would have to be the result of a hearing and based on reasonable cause. In addition, even with the hearing, the closing hour could only be reduced to 11 p.m. rather than the 10 p.m. closing time granted as requested in the original license.

Reilly asked if Martin had gotten permission from the building's condo association for the extended hours. Martin said that he had for the original hours, but not for the current request. Reilly stated that he would have given the granting of the license more consideration if he had known in the beginning that a later closing time would be requested. He also expressed concern about the absence of servers in the business plan, noting that servers perform an important role in monitoring the age of drinkers. Constable said that although she supports new businesses in town, she shared some of the concerns about staffing levels at that time of night and the need for a letter from the condo association.

Lemnios asked if Martin could get a letter from the condo association in support of the proposed hours. Sestito made a motion to approve, with the stipulation of the receipt of said letter. Lampke noted that the letter should be obtained before a vote was taken. Sestito then withdrew his motion. The board will revisit Martin's request at its next meeting.

Reilly stated that he was concerned that a dangerous precedent would be set if people could first apply for a license under certain hours and then later come back to change it. He said that they should be held to their initial request for at least a year.

Motion	Sestito	Motion to approve the license for 12 a.m. closing time with the condition that he presents some form of authorization and approval from the condo association that their board or governing body has approved and does want the hours as presented this evening.
Second	-----	

Vote	Withdrawn	
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CORRESPONDENCE

Letter from Sergeant Donald Love regarding retirement

A letter from Sergeant Donald Love announced that he would be retiring from the Hull Police Department as of September 14, 2016. He has given his notice to both Chief Robert Sawtelle and the Retirement Board representative. Richardson asked Lemnios if Love would be able to come in so that the board could thank him for his service, and if not, he requested that a letter of appreciation be written.

NEW BUSINESS

Lemnios said that he and Selectman Mitchell had gone to a meeting at the Aquarion Water plant in Hingham at which Aquarion officials discussed the current drought conditions and said that they plan to have a water ban from May to October every year. Lemnios expressed concern that the company is making public policy and economic development decisions without public input. He further said that they couldn't articulate their criteria for putting a water ban in place. He noted that 20-25% of the system's water is unaccounted for on a daily basis, compared to an industry standard of 10%. Reilly noted that the cost of that water is then added to their rates.

APPOINTMENTS, CONTINUED

Hull Cultural Council Appointments

The board conducted interviews for appointments to the Hull Cultural Council. The council is allowed a minimum of 5 members and a maximum of 22. Members serve three-year terms and no single member can serve more than two consecutive terms, at which time they must take at least one term off.

- Christine M. Farrell-O'Reilly is an experienced grant writer and reviewer. She is now retired and would like to contribute to the town's cultural process.
- Donna J. Naughton stated that she is acquainted with the good works of the council and would like to do something for the community.
- Susan Goranson is recently retired and has a strong interest in the arts. She has had experience with finance and grants and would like to make a contribution to granting funds to worthy organizations.

A fourth new applicant, Richard Glackemeyer, was not present at the meeting.

Applications for reappointment were received from Chris Maher, who would like to serve a second term; and Barbara Lahage, a former member who had stepped down as required after serving two consecutive terms and would now like to resume membership on the council.

The board made the appointments as follows:

Motion	Sestito	To reappoint Ms. Maher to a three year term to expire in 2019; to reappoint Barbara Lehage; and to appoint Susan Goranson, Donna Naughton, and Christine Farrell O'Reilly.
Second	Reilly	

Vote	Unanimous	
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Woods Hole Group FEMA maps presentation

Mitchell Buck of the Woods Hole Group presented to the board its analysis of the FEMA Flood Insurance Rate Maps (FIRMs), on which town flood insurance premiums are based. Robert DeCoste, Vice-Chair of the HRA, explained that the HRA hired the consultants to review the maps and make recommendations about whether it would be beneficial to pursue a challenge to them. The town co-financed the project. Buck presented the group's work, which analyzed the flood zones, transects, and base flood elevations on which the insurance rates are based. It was their conclusion that a successful challenge to the maps could affect 102 properties based on flood zone changes, and 1052 properties based on changes in base flood elevations. The HRA has authorized the Woods Hole Group to continue with the process by filing a Letter of Map Revision (LOMR) with FEMA. Buck stated that the process could take six months or more to complete. He said that he was fairly confident that the result would be successful. It was noted that the entire flood map was not analyzed and that FEMA will only consider changes to the parts of the map as presented.

Lemnios said that if the maps change, anyone in the middle of the process of getting permitted for home elevation would be able to abandon that request and resubmit, but added that regardless of changes to the maps, the town should be encouraging people to elevate above and beyond minimal standards.

Richardson noted that it is now possible to have flood insurance with a higher deductible of \$10,000 as opposed to the previous \$5,000 maximum.

The Woods Hole Group presentation is available on the town website.

Lemnios suggested that the board make a motion to support the preparation and filing of a LOMR, with the formal document coming back to the selectmen when it's ready for signature.

Motion	Sestito	So moved.
Second	Reilly	
Vote	Unanimous	

NEW BUSINESS, CONTINUED

Reilly informed the selectmen that the Retirement Board, to which he is the Board of Selectmen's representative, will be hearing the case concerning whether Greg Shea, who was convicted of taking funds from the police association retirement fund, will be allowed to collect his pension. Reilly stated that he had asked for a conflict of interest opinion from Town Counsel because he has a son who is on the police force. The conclusion, approved by the State Ethics Commission, was that he could be involved in the hearing as a member of the Retirement Board.

Sestito informed the board that the HAPSA Candlelight Vigil will be held on Wednesday, August 31 at the Bernie King Pavilion from 7-9 p.m.

Lampke reminded those present that the U.S. Coast Guard Honor Band concert will be held at the High School on Wednesday, September 14 from 6-7:15 p.m. This will be a picnic style event and there will be offsite parking across from the Hull Lifesaving Museum. Festivities will continue at the Lifesaving Museum after the concert.

Mitchell noted that school will be in session at the high school starting on Tuesday and that police will be on hand to remind commuters not to park in the high school lot.

Resident Rhoda Kanet informed the board that the town will be involved in the Coastal Sweep Clean-up on September 17, and the Beach Management Committee will be participating. Lemnios noted that it will also be the weekend of Endless Summer and Town DPW crews will be tied up with that event. Kanet replied to a question from Lemnios that DCR crews would handle any collections of debris for removal. Mitchell added that he had received a call from Robin Flint, President of the Chamber of Commerce, that they are looking for volunteers for Endless Summer.

EXECUTIVE SESSION

At 9:30 p.m., Richardson asked for a motion to go into Executive Session to discuss the reputation, character, physical condition or mental health of an individual; to consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual; to go into Executive Session to discuss strategy with respect to litigation and that he as Chair declared that an open meeting may have a detrimental effect of the litigating position of the body; 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 to go into Executive Session to consult with legal counsel and obtain legal advice pursuant to the Attorney-Client privilege; and not to reconvene in open session.

The matters to be discussed were:

- Personnel matter

Motion	Sestito	Move to go into Executive Session to discuss the reputation, character, physical condition or mental health of an individual; to consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual; to go into Executive Session to discuss strategy with respect to litigation and that the Chair declared that an open meeting may have a detrimental effect of the litigating position of the body; 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 to go into Executive Session to consult with legal counsel and obtain legal advice pursuant to the Attorney-Client privilege; and not to reconvene in open session.
Second	Constable	
Vote	Passed 4/0/1	Richardson – Aye Mitchell – Aye Constable – Aye Sestito – Aye Reilly – Recused

The open session was adjourned at 9:35 p.m. on a motion by Mitchell, seconded by Sestito. The board will meet next at 7:30 p.m. on Thursday, September 1, 2016. [Note: The September 1 meeting was subsequently cancelled. The next meeting will be held on September 8, at 6:00 p.m.]

Recorded by Catherine Goldhammer

Approved by:

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's agenda and added agenda for August 25, 2016
- Letter from Sergeant Donald Love regarding retirement from Police Department
- Letter from Richard Glackemeyer regarding appointment to Hull Cultural Council
- Email and letter from Christine Farrell-O'Reilly regarding appointment to Hull Cultural Council
- Letter from Donna Naughton regarding appointment to Hull Cultural Council
- Letter from Chris Maher regarding reappointment to Hull Cultural Council
- Letter from Barbara Lahage regarding reappointment to Hull Cultural Council