

Hull Board of Selectmen

Minutes

November 16, 2017

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday evening, November 16, 2017, at Hull Municipal Building, 253 Atlantic Ave., Hull, Massachusetts.

Present: Kevin Richardson, Chair; Chris Mitchell, Vice-Chair; Domenic Sestito, Clerk; Jennifer Constable, Member; and John Reilly, Member. Also present were Town Manager Phillip Lemnios and Town Counsel James Lampke.

APPOINTMENTS

Fire Chief Christopher Russo, regarding introduction of new firefighters

This was put forward to the next meeting of the board, due to a scheduling conflict.

Town Accountant and Tax Collector, regarding bond issuance and refunding

Town Accountant Michael Buckley was at the meeting to request that the board authorize two borrowing items. The first is for the town's share of the Crescent Beach seawall project for the amount of \$3.25 million over 29 years. The second is a refinancing of the 2008-2009 borrowing for the Jacobs and Memorial School projects. This amount is \$3.9 million, with 10 years remaining on the bond. This refinancing will save the town about \$374,000 dollars. The rate obtained for the seawall bond is significantly lower than the rate at the time the bond was approved by Town Meeting, and this will save the town about \$900,000.

Lemnios pointed out that Buckley, Eileen White, and Katherine Rebel create a very solid financial team for the town. This authorization will save the town \$1.2 million on these two projects.

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| Motion | Mitchell | See attached motion, which was read in full by Selectman Domenico Sestito, Clerk. |
| Second | Reilly | |
| Vote | Unanimous | |

The selectmen signed the documents as required.

The board took a brief recess at this time.

Planning Director, regarding marijuana zoning proposal

Town Planning Director, Chris DiIorio, updated the board on the marijuana zoning bylaw created by the Planning Board, including a map of the proposed marijuana overlay district, which includes Nantasket Avenue from Water Street to the top of the beach, plus a portion of George Washington Boulevard. He stated that the Planning Board's hope is that locating retail stores in this area might jumpstart economic development.

Please see the draft document in the archives of this meeting for details of the bylaw.

There are three components described by DiIorio as follows:

- Component 1, Sections 1-5, relates to any marijuana sales in the overlay district.
- Component 2, Section 6, relates to the sale of medical marijuana, which cannot be banned in town.
- Components 3 and 4, Section 7, relate to retail sale of marijuana. There are two different iterations of Section 7; the first will take effect if a referendum prohibits retail sales of recreational marijuana in town. The second

iteration will take effect if no referendum is held, or if one is held but fails, or if the town limits the number of establishments.

He pointed out that the Planning Board set a required distance of 1000' between stores, which "limits" the number of potential stores to five or six. He said that design standards would be based on Nantasket Beach Overlay District guidelines, as would traffic control and signage. He stated that the special permit conditions would have to be renewed every five years and the license would be nontransferable. There would be a local sales tax. He stated that the Planning Board would hold a public hearing in early December.

Lampke stated that Town Meeting voted to impose a local sales tax as permitted by state law, which at that time was 2%. The law has now been increased to 3%. This may require a new vote by Town Meeting. He also stated that the moratorium adopted by Town Meeting only relates to the zoning bylaw and would terminate when the bylaw is voted into effect and approved by the Attorney General's office.

Constable pointed out that the bylaw relating to medical sales includes buffer zones regarding areas where children congregate. She stated that the marijuana overlay district delineated by the Planning Board is almost completely an area where children congregate and includes the carousel, the arcade, and the beach. Asked if the Planning Board took that into account when it created the district, DiIorio said that was up to the Board of Health.

Lemnios questioned DiIorio on the 1000' spacing between potential stores. Lemnios said that there is an alternate model that limits the number of stores to the number of 20% of liquor store licenses in town and if that model was adopted it would be limited to one, as there are six liquor store licenses. He said that since the Planning Board had said that economic development was their main rationale, it should take into consideration starting with a tighter standard in terms of number of stores possible in order to allow the town to negotiate a better host agreement. He said that there are so many regulatory issues that he would argue that the Planning Board should start with a very stringent standard that allows one or two at the most and see if they produce the types of outcomes anticipated.

Constable asked if the Planning Board reached out to commercial business on selecting the location. DiIorio stated that it did not, but that the Chamber of Commerce did a survey and got feedback that "wasn't all that negative." Constable asked how many responses the survey got. DiIorio didn't know. He said he thought the Marijuana Task Force would be addressing these issues.

Sestito suggested starting with a low risk option. He stated that there needs to be a gap between the overlay district and areas where children congregate. Constable also encouraged defaulting to a more restrictive environment. Mitchell said that a five-year renewal period for the special permit was too long and one year might be more appropriate.

Reilly said that the first part of the proposed bylaw is standard as to what falls within the Planning Board's purview. He said that it then veers off into operations and criminal matters, which are not in its purview. He stated that the bylaw requires more cooperation and input from the Board of Selectmen.

Lemnios pointed out that without a bylaw retail sale would be permitted in any business district. Lampke noted that the worst thing the community can do is ignore it. He said that the selectmen can refer the bylaw back to the Planning Board according to Chapter 40A, Section 5. The board voted as follows:

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| Motion | Reilly | Motion to refer it back to the Planning Board and authorize Town Counsel to work with them on the Board of Selectmen's behalf, subject to Chapter 40A, Section 5. |
| Second | Sestito | |
| Vote | Unanimous | |

Lampke will provide additional information at the board's November 30 meeting. He also asked the Board to contact him with their concerns and questions.

The board took a 10-minute recess at this time.

Selectman Jennifer Constable regarding skateboard park

Constable and Tracy Britton made a presentation on a skate park and community space for the L Street Field. Constable stated that the Park and Recreation Department voted to support the project, as did the Library Trustees, in light of the fact that the proposed location is on a site that was designated as a space for a new library. They have presented the proposal to the Capital Outlay Committee as well.

Britton gave a presentation that included information on:

- Demographics of the sport
- Why skate opportunity matters
- How it promotes positive outcomes for youth
- Community benefits of skate parks
- How the proposed location would help the town
- Comparable parks existing or proposed in Hingham, Marshfield, Scituate, Boston, and Weymouth
- Proposed funding sources

In response to the board’s questions about liability and insurance coverage, Lemnios said that he was sure the town could get coverage, but there are certain activities that insurance companies will require special riders for.

Reilly pointed out that the town is land-starved and that before the field area was used for parking, there were always parking complaints on L street. He said that they will have to get abutters to support it and suggested that the Park and Recreation Department would have to weigh the importance of parking for their activities. Constable said that Friend Park was location that had been suggested. Reilly suggested narrowing down the location options and getting seed money, as well as having a joint meeting with the Park and Recreation Department and get them involved in steering the project, which would be under their domain.

Town Manager Lemnios, regarding FY19 budget preview

Lemnios gave a preliminary FY19 budget overview. He noted that this is a preliminary discussion and that the actual budget will not be received until February, at which time both the Advisory Board and the Board of Selectmen will begin their detailed reviews. The final budget will be approved at Town Meeting.

The following points were contained in the presentation and have been edited for this document.

Total revenues go up by about 3.27%, to \$41,700,323. Key revenue assumptions are as follows:

- Tax levy increases as allowed under Proposition 2.5.
- State aid is level-funded.
- Local receipts increase consistent to FY17 actual and YTD trend.
- Free cash usage is consistent with FY17’s usage.
- There is no usage of the stabilization account for the sixth year in row.

Total expenditures are estimated at \$41,700,323. Key expenditure assumptions are as follows:

- Operational budget increases by 2%.
- Health insurance increases 8%.
- Small capital projects are level funded.
- Place-holder for FY19 snow deficit is \$200,000 (weather dependent).
- State assessments increase by 5%.

Lemnios also reviewed the FY19 Town Meeting and election schedule and asked the selectmen to vote on it.

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| Motion | Reilly | Motion to set the Town Meeting schedule for February 8 for the Town Meeting warrant to close at 3 p.m. |
| Second | Sestito | |
| Vote | Unanimous | |

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LICENSING/APPROVALS

The board discussed a license request from John Boyd for permission to install a bayside deck at his 4 Sunset Avenue property. Reilly had expressed concern about the size of the deck, but stated that considering the amount of frontage of the property, it will be within scale.

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| Motion | Reilly | Motion to approve the request, subject to obtaining all necessary permits. |
| Second | Sestito | |
| Vote | Unanimous | |

A letter from David P. Irwin expressed interest in appointment to the Hull Veterans Council. Lemnios stated that the Veterans Council board can be up to 11 members and there are currently six.

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| Motion | Reilly | Motion to appoint Dave Irwin to the Veterans Commission, with stipulation that there is completion of the conflict of interest training. |
| Second | Sestito | |
| Vote | Unanimous | |

NEW BUSINESS

Sestito discussed the Marijuana Task Force’s updated marijuana outreach plan, noting that it went from four to three meetings, as follows:

- December 12: Legal overview
- January 9: General public discussion
- February 6: Pre-Town Meeting / election refresher

He also stated that he attended the recent air traffic meeting in Boston and said that the town was heavily represented by its citizens. He said that prior to the meeting they heard that the recommendation from the FAA is different from that which was presented recently to the board, and more favorable to the town, directing flights more seaward.

Mitchell congratulated the Police Department for receiving a Triple Gold Award for traffic safety efforts.

Constable said that she had been to a South Shore Coalition meeting at which UMass Boston and Woods Hole discussed conceptual findings associated with the Boston Harbor Protection Study, in particular potential harbor barrier configurations. She suggested that the board invite Conservation Administrator Chris Krahforst in to speak about this matter, because if it is ever implemented, it would drastically impact the town.

She also stated that the Economic Development Committee had a productive meeting with local business owners.

Reilly commented on the mandatory recycling requirement put into place by the Board of Health, and the committee appointed by the selectmen to explore solid waste options. He suggested that the board ask the Town Manager on behalf of the board to draft a letter to the appointed Board of Health members to put a delay on enforcing that, for six

months to a year, until the appointed committee can look into it, and authorize the chairman to sign on behalf of the board.

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| Motion | Reilly | So moved |
| Second | Sestito | |
| Vote | Unanimous | |

Reilly thanked all of those planning and preparing for the Thanksgiving bonfire and those who will monitor the event. He said that it will start at 8 p.m., per Fire Chief Russo.

EXECUTIVE SESSION

At 10:10 p.m., Richardson asked for a motion to go into Executive Session to discuss the deployment of security personnel or devices or strategies with respect thereto; and to not reconvene in open session.

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| Motion | Sestito | |
| Second | Mitchell | |
| Vote | Unanimous | Richardson – Aye Constable – Aye Mitchell – Aye Reilly – Aye Sestito – Aye Note: Reilly stated that he would be present for part of the executive session and would be recusing himself from another part of it. |

The open meeting was adjourned at 10:15 p.m. The board is scheduled to meet next at 7:30 p.m. on Thursday, November 30, 2017.

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 November 16, 2017
- S&P Global Ratings credit analysis
- Marijuana Overlay District bylaw and map
- Letter from John Boyd regarding deck
- Letter from David Irwin, regarding letter of interest for Hull Veterans Council
- Vote of the Board of Selectmen on bond authorization
- Preliminary budget presentation
- Marijuana outreach schedule

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Hull, Massachusetts (the "Town"), certify that at a meeting of the board held November 16, 2017, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town's (i) \$5,982,000 General Obligation Municipal Purpose Loan of 2008 Bonds dated July 1, 2008 maturing on July 1 in the years 2019 through 2028, inclusive, in the aggregate principal amount of \$2,410,000, and (ii) \$3,450,000 General Obligation Municipal Purpose Loan of 2009 Bonds dated July 1, 2009 maturing on August 1 in the years 2020, 2021, 2024 and 2027, in the aggregate principal amount of \$1,460,000 (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium, if any, and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$7,110,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated November 21, 2017 (the "Bonds") to FTN Financial Capital Markets at the price of \$7,456,010.43 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

| <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> |
|-------------|---------------|----------------------|-------------|---------------|----------------------|
| 2018 | \$ 20,000 | 2.00% | 2028 | \$305,000 | 3.00% |
| 2019 | 280,000 | 3.00 | 2031 | 360,000 | 3.00 |
| 2020 | 585,000 | 4.00 | 2033 | 240,000 | 3.00 |
| 2021 | 585,000 | 3.00 | 2035 | 240,000 | 3.25 |
| 2022 | 575,000 | 4.00 | 2037 | 240,000 | 3.25 |
| 2023 | 575,000 | 4.00 | 2040 | 360,000 | 3.50 |
| 2024 | 565,000 | 2.00 | 2042 | 240,000 | 3.75 |
| 2025 | 555,000 | 2.00 | 2044 | 240,000 | 3.75 |
| 2026 | 495,000 | 3.00 | 2046 | 230,000 | 3.75 |
| 2027 | 420,000 | 3.00 | | | |

Further Voted: that the Bonds maturing on August 1 in the years 2031, 2033, 2035, 2037, 2040, 2042, 2044, and 2046 (each, a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due August 1, 203

| | <u>Amount</u> |
|-------|---------------|
| 2029 | \$120,000 |
| 2030 | 120,000 |
| 2031* | 120,000 |

*Final Maturity

Term Bond due August 1, 2033

| | <u>Amount</u> |
|-------|---------------|
| 2032 | \$120,000 |
| 2033* | 120,000 |

*Final Maturity

Term Bond due August 1, 2035

| | <u>Amount</u> |
|-------|---------------|
| 2034 | \$120,000 |
| 2035* | 120,000 |

*Final Maturity

Term Bond due August 1, 2037

| | <u>Amount</u> |
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| 2036 | \$120,000 |
| 2037* | 120,000 |

*Final Maturity

Term Bond due August 1, 2040

| | <u>Amount</u> |
|-------|---------------|
| 2038 | \$120,000 |
| 2039 | 120,000 |
| 2040* | 120,000 |

*Final Maturity

Term Bond due August 1, 2042

| | <u>Amount</u> |
|-------|---------------|
| 2041 | \$120,000 |
| 2042* | 120,000 |

*Final Maturity

Term Bond due August 1, 3 1

| | <u>Amount</u> |
|-------|---------------|
| 2043 | \$120,000 |
| 2044* | 120,000 |

*Final Maturity

Term Bond due August 1, 2046

| | <u>Amount</u> |
|-------|---------------|
| 2045 | \$120,000 |
| 2046* | 120,000 |

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 3, 2017, and a final Official Statement dated November 14, 2017 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated November 21, 2017, between the Town and U.S. Bank National Association, as Refunding Escrow Agent.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Term Bond due August 1, 2014
Amount

taken by secret ballot, that a notice containing the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 , as amended.

Dated: November 16, 2017

Clerk of the Board of Selectmen

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