Hull Board of Selectmen Minutes April 12, 2011

The meeting of the Hull Board of Selectmen was called to order at 7:30 pm on Tuesday evening, April 12, 2011, at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Domenico Sestito, Chairman; Dennis Blackall, Vice Chairman; John Brannan, Clerk; and Christopher Olivieri, John Reilly, members. Also present were: Philip Lemnios, Town Manager and James Lampke, Town Counsel.

Appointments

7:35 pm: Public Hearing - K&R Auto Relocations, Inc., Rabih Habcht, President 30 C Street - Applicant for Class II Wholesale Car Dealers License

Habcht was sworn in:

Habcht spoke briefly about how he ships cars oversees so he does business primarily by phone, fax and online.

Move - Olivieri To approve the class II with no signage on the

property unless required by Massachusetts State law and solely for

a home office

Second Blackall Vote - Passed unanimous

7:39pm: Hearing closed

7:40 pm: Parking Study Committee: At this time Robert DeCoste brought Parking Study Committee meeting to order.

Sestito asked if the fee is increased is there any exception for the senior population. Bob said that it has been discussed, possibly a 50% discount. If the board wanted to add something like that the committee wouldn't object. Reilly suggests a higher premium for visitor passes. He asked if the revolving account is set up who is the arbitrator for the expenses from that account. Lemnios explained that the fund would have to be annually renewed and people would have to vote. Reilly asked why the urgency, and if the cart being put before the horse. Parking Study Committee member Audrey Casevoy explained that there were discussions surrounding these questions and asked if the police or public works does the painting can't they still do it. If the Board supports it and at Town meeting it wouldn't make sense for it to be voted down. DeCoste pointed out it has been the intent of the committee to have all the actions of the fund be approved by the Selectmen, also the revolving fund and Town Meeting are two separate issues. The new committee would need to get approval to do different projects.

Move - Brannan To accept scenario #4 of \$14 for a parking sticker with the

exception of a senior discount of 50% being 65+ or disabled for

restricted and municipal.

Second - Blackall Roll Call Vote - Reilly, Aye; Blackall, Aye; Brannan, Aye;

Olivieri, Aye; Sesitio, Nay; Motion passed (4-1)

8:00pm: postponed until after the public hearings. Blackall suggested to open hearings, recess them and complete this issue.

8:00 pm: Sestito called for a brief recess

8:03pm: Meeting reconvened.

Brannan said they will take action at Town Meeting. Blackall asked Reilly if he has concerns and that's why he wants to wait. Reilly said a revolving fund is important but sees a potential problem with putting a figure on it, especially right now with the environment of a tax increase, etc.. He suggests working toward it in steps. The first step is getting the revolving fund set up and then phasing it in. Dennis Zaia pointed out that this committee is the second of it's kind, and believes that it's possible that some people may feel that it's not important to volunteer for committees because the work put into them isn't recognized or able to move forward. Brannan spoke briefly explaining that it is time to take steps to solve a problem. Blackall said that if it is underfunded it will fail, it will be defined going forward that a cost will coincide with services being offered. Olivieri did some research on what other communities are doing. Some communities charge a large amount for visitor. He said the Town could do \$10 for resident and \$20 for visitor. That way this would be a smaller jump for the residents. Audience member Anne Murray has a concern for resident and visitor pass. She is buying both and no matter how much you charge it's still coming out of her pocket so an across the board price is better. Ms. Bell feels that it's time for a vote, this is the first committee where you have a solution and the money behind it. She feels it could work, give it a chance and if it doesn't work there is a new committee in place and can work on it then. DeCoste personally liked Olivieri's idea. Sestito isn't comfortable yet and feels that there should be further discussion. He suggested that if someone purchases a sticker they can park for free at a meter but follow the time frame of the meter.

8:02 pm: Public Hearing - Hull's Kitchen, LLC dba Hull's Kitchen, 19 Hull Shore Drive, Jeffrey P. Wicks, Manager (A) Common Victualer (B) All Alcohol (Seasonal) as Restaurant (C) Entertainment (Live) - Change of description of Licensed Premises

Sworn in Jeff Wicks, Mrs. Wicks

8:02pm: recessed for Parking Study Committee continuation

8:30pm: Public hearing reconvened

The Wicks asked why they had to attend. Lampke explained that by law when you apply for this type of license you have to list a description of the premises. In addition, depending on the capacity it triggers other things (ex. bathrooms, etc). He further explaining that they applied for a renewal and then applied for a change. Technically the change is approved by the Board and the ABCC then the alcohol license can be approved. There was a discussion on the renewal of the original license and the victualer, and the entertainment, but the victualer and the alcohol needs to be voted on first, then entertainment.

Move - Reilly To approve the Common Victualer and All Alcohol license that is in the original License Renewal that was previously approved. was

Second - Olivieri Vote - Passed unanimous There was discussion on an effort to gain some clarification about the exact capacity and the specifics on the expanded area in the open deck area. Reilly asked what the change in capacity was. Bart Kelly, from the Building Department, said right now it is for 19 seats until he gets approval for approximately 35 seats, then there will be question of bathrooms required. Right now the original is for less than 20 and it doesn't require a bathroom for patrons. If the operator puts in something new it also needs to meet today's handicapped requirements. For this one needs to go through the Selectmen and the Building Department. Reilly asked if the Board approved the change would it meet those requirements. Kelly said for less than 20 it would. Lemnios asked Lampke how many seats were originally approved. The current application says 20-24 seats. The Wicks said 19. Lemnios said they will have to amend the current application and if they go beyond 19 they would be in violation, unless they re-applied with the Selectmen and showed they meet the requirements of state law. Lampke explained that this is part of the problem. In 2010 it had 20-24, 2009 it was 20. That's why it's important for the Board have applicants come in for a change of description with plans. The Board should require a seating plan so it can be seen what the capacity is.

Move - Reilly To approve the amendment request for the application to note it

will be 19 as originally approved

Second - Olivieri Vote - Passed unanimous

Move - Olivieri To give Hull's Kitchen conditional approval to change the licensed

premised capacity not to have changed and no use of expanded area, no alcohol until ABCC approve a new seating plan, and that there be a sign off from the building department and inspectional

services

Second - Blackall Vote - Passed unanimous

Blackall asked when last year they modified the bathroom to accommodate the customers theywere going to make a change. Wicks explained that a change was made. Wicks explained that the reality is that since the original application it has fluctuated. He explained that as you run business you find out how it flows, they are doing what they can to stay in this range. Blackall explained that there are definitive rules. When they went from 19 to 24 it opens a whole new issue. Lampke explained that they have to apply and then from there it opens up what the requirements are. Are they seeking to have more than 19? The Wicks said no. Kelly explained that the new deck has been built but a permit was not issued for it. It's possible that the permit application fell through the cracks. Brannan asked if the deck has access from the back side of the deck. Wicks said it did. Olivieri clarified that on the new deck they can't serve liquor there yet. Olivieri explained that tonight they can amend to 19, but they need to get the Building Department inspect the new deck, sign off on it and then come in again and apply to serve liquor on the deck. Lampke explained there is an application tonight that is pending changing the description including the expanded deck. Before alcohol could be served on it it would have to be approved by the ABCC. Lemnios said they will need to supply a new floor plan showing where the 19 will be for the file. Brannan said it would be premature for the Board to vote on anything else. Lampke asked if any of the 19 include the new proposed deck area. Lemnios asked what the projected opening date is. Mr. Wicks said May 1st was the date. Further discussion took place about the requirements by the ABCC with regard to the original area.

Sestito swore in Rhoada Kanet and Vernon Wood

Kanet suggested to Brannan that he put that as one of the items for the proposed government study committee and have a checklist for what people to have for the process. Wicks confirmed that liquor, beer, wine and food specifically for 19 in the original space. When the Building Department approves and signs off they can serve food at that time on the expanded deck area. They cannot serve alcohol until the ABCC approves the license for the expansion area. Lampke explained that now that they have been approved conditionally by the Board, the papers will be forwarded to the ABCC. It should be self evident that they may need to meet any further legal requirements for example, the bathrooms. Wicks asked where they submit the plan to. Lemnios confirmed to give the amended seating plan to Janet Bennett.

9:17pm: Hearing is closed

8:55pm: a five minute break was called by Sestito

9:03pm: hearing was recalled

8:15 pm: Public Hearing - Nantasket Resort, Inc. dba Nantasket Beach Resort, 45 Hull Shore

Drive, Jackson Slomiak, Manager - Automatic Amusement Device **NEW**

8:30 pm: Public Hearing opened and sworn in, Slomniak, and VernonWood

8:30 pm: paused this hearing to continue previous public hearing

9:19 pm: Slomiak public hearing was reconvened. Slomiak explained that the devices will be going into what was once the flower shop. Sestito graciously acknowledged that the resort is hosting the Hull Hero Award event. Wood asked whether the floral shop had access to Nantasket Ave. Slomiak said it does, but only for hotel guests, and as a second means of egress (exit in an emergency).

Move - Blackall To approve Automatic Amusement Device at Nantasket Beach

Resort

Second - Olivieri Vote - Passed unanimous

9:22pm: public hearing closed

9:17pm: Anne Murray was acknowledged by Sestito for point of order issue. Lampke explained that Point of Order is used at town meeting. At a board meeting point of order is not recognized, from members of the audience. Members of the audience and even Lemnios and Lampke don't have the right to raise a point of order. Murray explained that there were 4 public hearings scheduled, three were called to order and then recessed, but the 4th was not-there should be consistency.

<u>8:30 pm:</u> Public Hearing - Tata & Howard re: Petition for water Main Improvements Atlantic Avenue

<u>9:24pm:</u> Public Hearing opened and sworn in: Robert, Roland, Jay Perini, Greg Devine, Harry Hibbard, VP Operations of the water company. Hibbard explained that a 6" water main is to be replaced on Atlantic Avenue with a 12" main, and 3 public fire hydrants. This will pick up from

where they ended in 2010 near the Cohasset line, just past the play ground at the entrance to Stoney Beach and down past the entrance to Gun Rock (at 137 Atlantic Ave. They are hoping to gain a street opening permit on April 15 and get started early next week with site preparation. They have been before the Conservation Commission. There was a site walk yesterday. The expectation of the length of the project is 6 weeks, weather dependent, to be wrapped up by Memorial Day weekend. Lemnios said DW Director Joseph Stigliani is present. It would complete it with a final overlay coat on Atlantic Avenue. Brannan asked what the traffic plan is. Roland said they will work with the Police Department, it will probably be one lane of traffic. Brannan asked if it's standard that they are here and will start in 3 days. Roland and Hibbard said yes, everything gets approved. Lemnios said this is really a precursor to the Atlantic Avenue project. Typically one gives the public works/utilities departments the opportunity to fix or make any enhancements and get them out of the way. This is stage 3 of 5 or 6. Hibbard said that by 2014 this project will be completed so the beginning of the rehab of Atlantic Avenue starts. Reilly asked about public meetings. Hibbard said there was a hearing last night and there were no abutters that attended. Reilly asked what start and stop hours are. Roland believes 7-5 with Stigliani confirming. Reilly asked about water disruption. Roland explained that any service connectors to the main, but there will be notification to residents when that might be happening. Any time there are valve disturbances there could be discoloration, but they will do what we can to minimize that, and again, notification will be made. Aquarion will be making the changes on the new hydrants. Future maintenance of the hydrants, the Fire Department will work with them on maintenance. Stigliani explained that the Town owns a yard where they plan to to store equipment. Reilly asked if there was any coordination with the School Department regarding bus stops. Hibbard said they will absolutely get in touch with the schools. Blackall said that he knew there was discussion about limited openings and wanted to know what came from that. Hibbard said it comes down to budgeting in order to complete. Reilly asked what the time frame would be if they went to the Cohasset line. Hibbard said it could go as far out as 20 weeks. Beach Avenue would be the next capital project after the Atlantic Avenue project is completed. Hibbard and Lemnios are meeting once every six weeks and discuss projects.

Audience members voiced concern about the Director of public works being understaffed and asked if Aquarion could possibly hire staff for the 6 week period to help. Hibbard explained that there is a third party inspector that is on site, and there are no funds presently in the project to hire additional staff. Blackall agreed with Murray's request for updates but would direct Town Manager to give an update. Hibbard said they could direct their inspector to get back to Stigliani about information on the project.

Move - Olivieri To approve water main replacements as presented tonight.

Second - Reilly Vote - Passed unanimous

Sestito confirmed that they need signatures tonight. Lemnios suggested a mailing to residents letting them know what the project is going to be.

Move - Brannan To extend meeting to 10:15pm

Second - Olivieri Vote - Passed unanimous

Murray expressed concern with Aquarion's operations and coming essentially at the last minute for approval. She urged the Board to set deadlines and set financial penalties if they go beyond the projected completion date.

10:01pm: public hearing closed.

8:45 pm: Sunset Bay Marina, LLC, 2 A Street, Robert Folsom, Manager (A) Common Victualer (B) All Alcohol (Seasonal) as a Restaurant (C) Entertainment (DJ, Karaoke & Live)

10:04pm: Planning board: Jean Paquin' Chairman recused herself. There were three members of the board but they don't have a quorum. They are attending the Selectman's meeting and they can speak by law as long as they don't deliberate. Reilly, upon advice from Lampke, also recused himself from discussion due to being a board member of Seat Swap, which has an office there.

In continuation of discussion of Sunset Bay Marina, Folsom and members of the Planning Board were present. Fultz supplied list of concerns: update compliance of order of conditions. Folsom has made an appointment to meet with Planning Board on 4-27. He said he submitted landscape maintenance plan today and submitted maintenance and operation plan for storm water system. Folsom explained that he has 2 inspections annually, one in the spring and one in the fall. He paints the street parking area every year and it is inspected by Police Department. Parking and restaurant signage is complete. Folsom said on April 8 he met police and fire and there were no issues at that time. Fultz also checked on April 12 that plants that are to be planted were actually in process, they were. Olivieri asked if any plan board member shad anything to add. Planning Board member Joseph Duffy said almost a year has gone by and many of these items are still outstanding. Hopefully they move forward, and it looks like everything is back on track. Audience member Gregory Cove asked about the Bay Ave issue where the floats are stored. Folsom said they will be gone by the end of the week. Cove asked if the land was Town owned. Folsom said he believes they own half the land, but if it is an issue they will be moved. Cove said he isn't sure they have established what is his land and what isn't. Lampke read the description of the premises. Brannanwondering why these things weren't done earlier. Folsom said that there are two major open items, the landscape and pavement. Brannan asked if he received written complaints from abutters. Folsom said he had received no complaints at all.

Move - Olivieri To approve with stipulations as previously set forth by the board.

Second - Blackall Vote - Passed unanimous

Blackall voiced discontent with not knowing who is accountable. Olivieri explained that the Police Department did go to the site and there is a report that states there weren't any problems. The Police and Building Departments are the enforcement agencies, the Selectmen are not an enforcement board.

Licenses

1. Dream Machine, 197 Nantasket Avenue, Richard Lawrence, Manager - Automatic Amusement Device - Renewal

Moved - Olivieri To approve license renewal for Dream Machine

Second - Reilly Vote - Passed unanimous

2. Friends of the Paragon Carousel, 205 Nantasket Avenue - One-day all alcohol for May 6, 2011 from 6pm - 11pm

Move - Olivieri To approve the one day license for Friends of the Paragon

Carousel

Second - Reilly Vote - Passed unanimous

New Business

Blackall asked if the budget was going to be discussed before Town Meeting. He doesn't think the budget was decided upon. Sestito said the board had wanted to have another night to focus on the budget. Blackall said we have to decide on the issue of the budget before town meeting. He also asked about the Board's letter for the Annual Town Report. Lemnios said the report is almost completed. Blackall also would like to review and approve the minutes between now and the election. He also stated that the Board should be conducting the Town Manager's review. Sestito recommended that Blackall documents his review based on the criteria he has and then will sit down and have conversation with Lemnios. Sesitio asked for clarification on the response from the AG's office with regard to being able to do Lemnios review in a public meeting. Lampke spoke with the AG's office and didn't see that they fully addressed the issues that were raised back in the summer and the person he spoke with was going to look at those issue before. He said the Town has been waiting for answers to whether the individual members of the Board writing out evaluations falls within the parameters of the new law that went into effect July 1, 2010.

Brannan would have liked to have read the letter by the board going into the Annual Report prior to it going to print. He would like to see that changed as a common courtesy to members of the board.

Reilly, announce the first band concert will be Memorial Day at the Pavilion this year. The series is being organized for July 4th through Labor Day.

Called for a moment of silence in memory of the anniversary of the Civil War this April 12th.

At the Nantasket Beach and Resort on April 28th at 7:30pm, the Hull Hero Award will be presented, it is open to the public. Recipients will be there at 6:30pm.

Miscellaneous

Kanet said beach grass planting was very successful, planting approximately 15,000 plants in about 2 hours. The Temple is having a candidates evening on May 5 at 7pm.

Move - Olivieri To move into Executive Session to comply with or act under the

authority of a general law, to wit G.L. c. 214, sec. 1B (right to privacy), to comply with, or act under the authority of the Attorney-Client privilege and to consult with legal counsel and obtain legal advice pursuant to the Attorney-Client privilege, and

to not reconvene in Open Session.

Second - Reilly Roll Call Vote - Reilly, Aye; Blackall, Aye; Sesitio, Aye; Brannan,

Aye; Olivieri, Aye

Motion passed unanimously.

Meeting adjourned into Executive Session at 10:56 pm, not to reconvene in Public Session

April 3, 2012
Approved

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