

## **Hull Board of Selectmen**

### **Minutes**

**June 18, 2013**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Tuesday evening, June 18, 2013 at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Kevin Richardson, Chairman, Domenico Sestito, Vice-Chair, John D. Reilly, Jr., and, John C. Brannan, Member. Also present were: Philip E. Lemnios, Town Manager, James Lampke, Town Counsel and Karen Morgan, Recording Secretary.

Absent: Dr. Christopher Olivieri, Clerk

The Board held a moment of silence in memory of the passing of Paul Cellucci, former Governor of Massachusetts who passed away on June 8, 2013.

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### **MINUTES**

Unanimously approved in a Motion made by Reilly, seconded by Sestito on the following minutes: June 4, 2013 and June 11, 2013.

### **APPOINTMENTS**

#### **7:30 p.m. – Chief Billings and Chief Hollingshead – re: July 4<sup>th</sup> Update**

*Police Chief Billings and Fire Chief Hollingshead addressed the BOS and public regarding the July 4<sup>th</sup> holiday. Hollingshead asked that everyone enjoy the upcoming holiday and to be safe. He also thanked Billings and his officers for their efforts to try to put this program together. He also thanked the DPU for their upcoming cleanup work for after the 4<sup>th</sup> and to Peter Seitz for the public service announcements. There is an enforcement of a no bonfire aspect and that fireworks are illegal in the Commonwealth of Massachusetts and will do their best to keep people safe. A professional firework display will take place at 9:00 p.m. on the beach front on Saturday, June 22<sup>nd</sup>. On July 20<sup>th</sup>, there is a KidsCare Program that will take place at the fire station. Billings thanked Hollingshead and his staff as well as the Hull public community. If anyone has any questions about the planning to please contact the Police Dept. Brannan thanked Billings and his staff for their participation for the car show. Another \$5,000 was raised for the Cops with Kids with Cancer charity.*

#### **7:40 p.m. – PUBLIC HEARING – Smart Save, Inc., dba Smart Save Variety Store, Maniskumar Patel, Manager, 169 Nantasket Avenue – Wine and Malt beverages as a package store – NEW**

*SWORN IN: Mr. and Mrs. Maniskumar Patel*

*Lampke stated that this is an advertised hearing under Chapter 138 of the M.G.L for the issuance of a wine and malt annual package store license for 169 Nantasket Avenue. There is a current license outstanding for that location by the prior operator and that operator closed recently without notice to the BOS. The license is established at this site. Unfortunately the law does not allow for more than one license to be established on one location. Mr. Patel stated that the previous owner had a license and he has not had much contact with this owner. The one phone call that he did recently have with the prior owner was about the business being sold and he did not know that this was going to happen about the license. Patel thought it would be easy to obtain the license and did not seek the advice of an attorney. The owner of the building had contacted the owner and he said that he would or will call the Town and talk to someone to surrender the license and that he is moving out of the business. Lampke suggested that a Show-Cause hearing concerning the existing license may be necessary under the circumstances. The State typically looks to allow several months after a place has closed or lost their lease or left their location to find a new location to relocate to. If the Patels wish to agree to a continuance to this hearing, they can find between now and then if the current license will be surrendered or transferred and the BOS can then presumably grant the license to the Patel's. If the past owners fail to show for the Show Cause hearing, the Board can then at that time make a finding that the licensee has ceased to have business at that location and vote to cancel the license that would then enable the BOS to grant that license to the Patel's so that they can continue to operate at that location. The license holding does technically have a right to appeal in 5 days to the Alcohol Beverages Control Commission.*

*Mr. Patel said the he wants to help the community and grow the business. He would like to have a frozen yogurt section in his store. He has other stores in Salisbury and Braintree that already has a beer and wine section. He is TIPS certified and has been in the business for 10 years and feels he will be very successful if he can get a license established.*

*Billings said that the Police Dept. had no objections with the Patel's obtaining a license.*

Motion - Reilly To continue this Hearing until July 9<sup>th</sup>

Second - Sestito

Vote - Unanimous in favor

Motion - Reilly To have the July 9<sup>th</sup> Hearing to be of a Show-Cause Hearing

Second - Sestito

Vote - Unanimous in favor

#### **8:12 p.m. – Robin Flint, Hull Nantasket Chamber of Commerce – re: Town Wide Yard Sale**

*Flint spoke to the BOS about proposing an upcoming Town-Wide Yard Sale called Stem to Stern. The idea was posted on the Hull Happenings page on the FaceBook. There were over sixty responses with very positive feedback to the concept. After listening to the recommendations and suggestions from the BOS,*

*Flint will return on July 9<sup>th</sup> with a detailed agenda for the yard sale and establish a time and date at that time.*

**8:32 p.m. – PUBLIC HEARING – Beach Fire, LLC., dba Beach Fire Restaurant Lawrence DeFranco Jr., Manager, 42A State Park Road – All Alcohol as a Restaurant – Common Victualer – Entertainment (Jukebox, DJ, Karaoke & Live) – NEW**

*Reilly read aloud a disclosure: In reference to any discussion or action on the BOS on the matter of Beach Fire LLC, dba Beach Fire Restaurant Lawrence DeFranco, Jr., Manager, 42A State Park Road. Pursuant to MGL Chapter 268A, Section 23, Reilly disclosed that he was a tenant across the street from this location.*

*Richardson stated that there is no one here to represent Beach Fire. Lampke suggested that the Hearing to open and see if there are anyone here to speak on their behalf. At this time, Richardson opened the Hearing.*

*Richardson said that there are two letters of opposition: An email dated June 18, 2013 from A. Lucid and a letter dated June 18, 2013 from M. Goldstein to the Board of Trustees of an area condominium.*

*SWORN IN: Ernesto Caparrotta, Robin Flint and Joyce Sullivan*

*Caparrotta stated that he and three others present with him this evening, received a certified letter from Mr. DeFranco regarding the license. Richardson said the BOS received the letter as well.*

*Flint stated that Beach Fire and Mr. DeFranco are members of good standing with the Nantasket Chamber of Commerce.*

*Sullivan stated that Beach Fire had issues with the conditions left outside with trash and she therefore presented pictures in that respect. Mr. DeFranco did not have it cleaned up or have it removed and the Board of Health had to be involved.*

Motion -	Reilly	To deny this application due to lack of presentation nor representation of the owner or manager to ask questions regarding his ability to properly manage this establishment under the rules and regulations of the State and Commonwealth of MA and the by-laws for the Town of Hull
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Second -	Brannan
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Vote -	Unanimous in favor
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Richardson at this point, closed the Public Hearing.

## OLD BUSINESS

### Board and Committee Reappointments

*In a memo dated June 10, 2013 from the Office Manager to the BOS, the following individuals have expressed interest in being reappointed for the Parking Committee – All terms expire in 2014: Robert J. Brady, John C. Brannan, Audrey B. Cassevoy, Robert DeCoste, Morris Fishel and Amy Clark Lemkin*

Motion -        Reilly                      To approve the reappointments of Robert J. Brady, John C. Brannan, Audrey B. Cassevoy, Robert DeCoste, Morris Fishel and Amy Clark Lemkin with terms to expire in 2014

Second -        Sestito

Vote -            Unanimous in favor

## CORRESPONDENCE

### **Read aloud by Richardson correspondence from the Planning Board – re: Vacancy on Planning Board**

*In a memo dated June 10, 2013 from the Planning Board to the BOS, the Planning Board requested a joint meeting with the Selectmen for the purpose of appointing a member to fill the vacancy from their Board to serve until their next annual election.*

*Richardson addressed the Board stating that he is going to send notice to the Planning Board to schedule this for July 23<sup>rd</sup> to give people a chance to apply.*

## LICENSES RENEWAL

*Unanimously approved the license for Paul Cutcliffe, dba Nantasket Hotel at the Beach – re: Parking for 10 cars at 115 Nantasket Avenue - RENEWAL on a Motion made by **Reilly**, seconded by **Sestito**.*

## NEW BUSINESS

### Parking Committee Recommendations

*Robert DeCoste addressed the BOS by stating that the Parking Committee voted to recommend to the BOS that vehicle owners with either handicap plates or placards be afforded the same 50% discount on restricted or municipal stickers that senior citizens receive.*

Motion -        Brannan                      To approve that handicap plates or placards be afforded the same 50% discount on restricted or municipal stickers that senior citizens receive

Second -        Sestito

Vote -            Unanimous in favor

Motion - Reilly To approve the same for disabled veterans with the stipulation that those individuals show proof

Second - Sestito

Vote - Unanimous in favor

#### **CORRESPONDENCE CONT.**

**Read aloud by Richardson correspondence from Denise Stanley, Wise Guys Pizza and More – re: Outside seating**

*In a letter dated June 17, 2013 from Stanley to the BOS, she requested permission to add outside seating for 12 people. She would like to put 3 picnic tables out front of the restaurant at 754 Nantasket Avenue.*

Motion - Reilly To approve permission to add outside seating for 12 people and 3 tables out front of the restaurant

Second - Sestito

Vote - Unanimous in favor

#### **NEW BUSINESS CONT.**

Lemnios spoke of the DCR Seawall Project is moving along well. He has not heard any negative comments about the project. The parking lot area seems very well contained. The sidewalk on the Veteran's Monument is coming together as well.

Brannan spoke of being in CT for business last week and while reading *The New York Post*, he came across an article entitled "It's a Crack Down." This is in regards of the New Jersey Saggy Pants Ban. The New Jersey Town Council voted unanimously to ban pants more than three inches below the hip from their Boardwalk.

Brannan also brought to the attention of the BOS about the history of Town vs. State votes in elections. He distributed a bar graph presentation representing the voter turnout in Hull from a historical perspective from the years of 2000 – 2013. The May Town elections have been down in attendance vs. the November State elections.

Richardson announced that the next BOS meeting will take place on Tuesday, July 9, 2013

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**At this point the Board makes a Move into Executive Session**

**Motion:** Richardson requested a Motion to move to Executive Session to discuss strategy with respect to litigation that I, as Chair, declare that an open meeting may have a detrimental effect on the bargaining position of the body; to comply with or act on the authority of Attorney-Client Privilege, 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:

1. Status of Collective Bargaining with unions
2. Litigation and Claims Involving the Town

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

**The Selectmen moved to Executive Session at 9:15 p.m. and not reconvening into open session.**

*Recorded by Karen Morgan*

Approved July 10, 2013

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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 June 17, 2013 Meeting
2. Added Agenda for the June 17, 2013 Meeting
3. Minutes from June 4, 2013 and June 11, 2013
4. License Application as follows: Paul Cutcliffe, dba Nantasket Hotel at the Beach – re: Parking for 10 cars at 115 Nantasket Avenue
5. Retail Alcoholic Beverages License Application Monetary Transmittal Form – Manishkumar, P.
6. Retail Alcoholic Beverages License Application Monetary Transmittal Form – Beach Fire LLC
7. Letter dated June 13, 2013 from Billings to the Town of Hull Licensing Authority re: new application for a Liquor License – Manishkumar, P.
8. Letter dated June 13, 2013 from Billings to the Town of Hull Licensing Authority re: new application for a Liquor License – Beach Fire Restaurant
9. Stem to Stern – Hull's Town Wide Yard Sale Day information packet – R. Flint
10. Email dated June 5, 2013 from R. Flint to J. Bennett re: Town-Wide Yard Sale
11. Email dated June 18, 2013 from A. Lucid to K. Richardson re: Beach Fire, LLC
12. Letter dated June 18, 2013 from M. Goldstein to Board of Trustees re: Beach Fire LLC
13. Memo dated June 10, 2013 from the Planning Board to BOS re: Planning Board Vacancy

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14. Memo dated June 10, 2013 from the Office Manager to the BOS re: Reappointments
15. Email dated June 11, 2013 from J. Bennett to P. Lemnios re Handicap discount on stickers
16. Letter dated June 17, 2013 from D. Stanley to BOS re: Outdoor Table
17. Bar Graph from J. Brannan re: Voter Turnout in Hull from a Historical Perspective

