

## **Hull Board of Selectmen**

### **Minutes**

**July 23, 2013**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Tuesday evening, July 23, 2013 at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

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

The Board held a moment of silence in memory of the passing of Kenneth R. Cowen who passed away on July 13, 2013. He was a 30-year veteran of the Hull Police Dept. He was a sergeant as well as a prosecutor. Also the Board held a moment of silence in memory of the passing of William A. Weiser who passed away on July 14, 2013, veteran from WWI and a long-time volunteer in the Town of Hull.

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### **APPOINTMENTS**

#### **7:30 p.m. – Georgette Ader Sullivan – re: Applicant for Planning Board**

*J. Timothy Reynolds, Chairman of the Planning Board called the Planning Board, which was meeting jointly with the Board of Selectmen, to order at 7:35 p.m.*

*At this point, Ms. Sullivan introduced herself and spoke of her experience.*

#### **8:00 p.m. – John D. deDoming – re: Applicant for Planning Board**

*Mr. deDoming introduced himself and spoke of his experience.*

*Reynolds adjourned the meeting at 8:13 p.m.*

*The BOS/Planning Board will come to a decision at their next meeting after meeting with applicant Jennifer Constable who was unable to attend this evening's meeting.*

#### **8:13 p.m. – Paul and Donna Goes – re: Proposed Landscaping Project at 95 Highland Avenue**

*Sestito recused himself due to conflict of interest and left the room.*

*According to Mr. Goes, due to the fact that the southeast corner of the property at 95 Highland Ave. is at a lower elevation and at a very close dimension to the intersection of Highland and Western avenues, each time it rains, street water flows onto and down into the property and pools along the foundation and causes the basement to be flooded. Caruso Landscape Design proposed rebuilding the walk to bring it to above street grade level, bring down the grade from the wooden structure, install a drain to divert the roof water toward the driveway, build a garden area to not exceed 18" in height. They are seeking a license from the Town to build and maintain the wall and area where the Highland Avenue layout is not constructed or used for road purposes.*

Motion -        Reilly                      To approve of the license to be granted to Mr. and Mrs. Goes at 95 Highland Ave. with final approval of Town Counsel, with plans to discuss the schematics and documents before project is started and to discuss this with Mr. Stigliani; also subject to any and all final reviews of licenses including the Police and Fire Dept. and authorizing the Town Manager to sign off.

Second -        Olivieri

Vote -            Unanimous in favor

**8:15 p.m. – PUBLIC HEARING - Preep Corporation dba Quick Pick, Bhavesh B. Patel, Manager, 265 Nantasket Avenue - re: Wines and Malt (Annual) as a Package Goods Store – Police Chief's Report [Not Heard this Evening]**

**8:29 p.m. – PUBLIC HEARING – Preep Corporation dba Quick Pick, Bhavesh B. Patel, Manager, 265 Nantasket Avenue – re: Wines and Malt (Annual) as a Package Goods Store**

*Applicants have been sworn in.*

*Kenneth J. DiFazio represented Dashratbhai K. Patel and Bhavesh B. Patel.*

*This is a public hearing under Chapter 138 of the General Laws that Preep Corporation, dba Quick Pick, Bhavesh B. Patel, Manager has applied for a license to sell alcoholic beverages of the following kind: Wines and Malt (annual) as a Package Goods Store at 265 Nantasket Ave. Premises to be licensed consist of first floor retail condominium store with two entrances front and rear with front on Nantasket Avenue and rear to a parking lot. Two ice cream windows and walk-in coolers. Hours of service to be 7:00 a.m. to 11:00 p.m., seven days a week.*

*Police Chief Billings submitted a report indicating that the applicant appeared suitable and noted that the manager had managed well a similar business down the street. He also questioned whether another package store license was needed in that area.*

*Brian S. McCarthy, 3 Summit Ave. expressed supported of the proposed application.*

*Reilly asked about Question #12 – Previously Held Interests in Other Licenses of the application in which the application checked off “No” for: Has any individual listed in §10 who has a direct or indirect beneficial interest in this license very held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not previously held. Lampke answered that if was just an employee that generally would not be the beneficial interest and asked if he would have any type of financial interest of the license at the former location. Patel answered no. Lampke said that the State will look further into this issue.*

Motion -        Reilly                      To approve the license to Quick Pick, Bhavesh B. Patel, Manager, 265 Nantasket Avenue for unit 265 with the following stipulations: A detailed drawing will be submitted showing the elevations in the front and rear, a lighting plan, there will be no single beverages available for sale of beer and wine, the signage will be determined. These to be completed before license to be issued.

Second -        Olivieri

Vote -            Unanimous in favor

### **9:00 p.m. – Dangerous Dog Hearing**

*Applicants have been sworn in.*

*Wayne Kaufman, owner of the canine in question along with Animal Control Officer Ashley Mills spoke to the BOS about two incidents that occurred at 34A Manomet Ave. Lampke summarized the events in question.*

*The first incident occurred on April 24, 2013 involving Mr. Fortuna of Scituate and Janell Vertefeville walking with their yellow lab. According to Mr. Fortuna, the two dogs attacked one another when Mr. Kaufman let his dog Logan run out of the car without a lease. He sustained a large laceration on his left hand and several small puncture wounds and his dog was bitten.*

*The second incident that was reported on May 27, 2013 involved Susan Perry of 9 Park Ave. She stated that on the 26<sup>th</sup> the dog ran up to the fence and lounged at her. She alleged she sustained several puncture wounds and a bites to the hip and chest.*

*Officer Mills summarized to the BOS each page of the incident report that she has written up.*

Motion -        Sestito                      To submit and accept the incident report packet as Exhibit One as part of the official record.

Second -        Brannan

Vote -            Unanimous in favor

*Mills presented a proposed restraint order which was discussed.*

*The proposed restraint and control order of the dog is as follows: 1.If the dog is to come into Hull, the Hull Police Dept. is to be notified at 781-925-1212 with the details. When the dog is leaving Town of Hull Police Dept. is to be notified. 2. While the dog is in Town, if the dog is to go out on a public way or place where the public may have access, it is to be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 ft. in length and under the direct control of a responsible adult. 3. When the dog is in Town, a sign is to be*

*posted at the residence indicating "BEWARE OF DOG." 4. If the dog is on the property outside the house, it is to be in a fully fenced in enclosure with a locked gate (i.e., one that cannot be pushed open), said enclosure to be at least 10 feet away from the property boundary lines.*

*The Board further discussed the layout of the yard.*

Motion -        Sestito                      As presented tonight by Officer Mills the recommendation on how to handle Logan with the amendment of her presentation to remove the 10 ft. log on #4 to also include #5 in which to have the dog on a lease/runner at all times.

Second -        Olivieri

Amendment/Sestito

- 1. Find that violations occurred as charged.**
- 2. Find that the dog Logan is a dangerous dog under the law.**
- 3. Impose the following conditions:**
  - a. If the dog is to come into Hull, the Hull Police Department is to be notified at 781-925-1212 with the details. When the dog is leaving Town the Hull Police Department is to be so notified.**
  - b. While the dog is in Town, if the dog is to go out on a public way or place where the public may have access, it is to be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length and under the direct control of a responsible adult.**
  - c. When the dog is in Town, a sign is to be posted at the residence indicating "BEWARE OF DOG".**
  - d. If the dog is on the property outside of the house, it is to be in a fully fenced in enclosure with a locked gate (i.e. one that cannot be pushed open) and on a leash, chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet**

in length.

Second - Olivieri  
Vote - Unanimous in favor  
Nay - Reilly, Brannan

**AT THIS POINT THERE IS A FIVE-MINUTE RECESS**

#### **OLD BUSINESS**

**Reappointments [CONTINUED TO THE NEXT BOS SCHEDULED MEETING]**

#### **TOWN MANAGER**

Lemnios spoke of the airplane noise discussion from July 10, 2013 and recommended the Board appoint Robert Paul, 185 Spring Street to the CAC.

Motion - Reilly To appoint Robert Paul to the CAC  
Second - Olivieri  
Vote - Unanimous in favor

Lemnios discussed the odor issue from the sewer plant and complaints from people living in that area. He stated that we are aware of it and will do our best to take care of the issue.

#### **CORRESPONDENCE**

**Read aloud by Olivieri correspondence from David Dempsey – re: Parking on Summit Avenue for a Wedding**

*Dempsey requested additional parking passes for Summit Avenue on the evening of August 10, 2013 at 38 Summit Ave. for guest for his daughter's wedding.*

Motion - Reilly To approve the passes but for the Police Chief to use the discretion on the number of passes and utilize a workable solution.  
Second - Sestito

Vote - Unanimous in favor

**Read aloud by Olivieri correspondence from Patricia Minton and Mary Murray - re: Requesting permission to park cars at the L Street playground**

*Minton and Murray requested parking authorization at the L Street playground parking area for eight cars on Saturday, July 27, 2013 between the hours of 4 and 9 p.m. They will be hosting a small reception at their home on Q Street.*

Motion - Reilly To approve the request to have a one day parking pass.

Second - Sestito

Vote - Unanimous in favor

**Read aloud by Olivieri correspondence from James M. Sorrentino – re: Annual Sgt. Robert Guiney Motorcycle Ride**

*Sorrentino requested the permission to hold the 9<sup>th</sup> annual motorcycle run in honor of Sgt. Robert Guiney on Saturday, September 21st at approximately 1:00 p.m. The proceeds will go directly towards a 27-year veteran Wareham police officer Paul Fluggal who is being forced to retire due to health conditions.*

Motion - Reilly To approve the 9<sup>th</sup> Annual Motorcycle run as requested.

Second - Sestito

Vote - Unanimous in favor

**Read aloud by Olivieri correspondence from Town of Wareham – re: Request for support of House Bill 1115**

*Mr. Teitelbaum, Chairman of the Wareham BOS, requested the Town of Hull to join the Wareham BOS in supporting House Bill 1115, an act relative to the definition of law and moderate income housing.*

Motion - Reilly Reilly said that we will take this under advisement and discussed at a later time.

Second - Sestito

Vote - Unanimous in favor

**Read aloud by Olivieri correspondence from George Boylen – re: St. Mary of the Assumption Festival**  
*On behalf of St. Mary's, Boylen requested the approval for the 3<sup>rd</sup> St. Mary of the Assumption procession and festival to be held from the A Street Pier to the Church at 10:30 a.m. on July 28, 2013.*

Motion - Reilly To approve the procession.

Second - Sestito

Vote - Unanimous in favor

### LICENSES

*Unanimously approved the license for Temple Beth Sholom, Gary Bloch, President, 600 Nantasket Ave., - One day all alcohol for August 11, 2013 from 6 p.m. to 12 midnight on a Motion made by **Reilly**, seconded by **Sestito**.*

### NEW BUSINESS

Richardson/Lemnos reminded everyone of the Annual Harbor Illumination celebration that will take place on July 27, 2013 beginning at 4:00 p.m. Information about the event can be found at the following website: [www.Hulllifesavingmuseum.org](http://www.Hulllifesavingmuseum.org)

Brannan said that he has been receiving phone calls about people parking outside the restricted parking area. People are putting their truck and trailer in front of people's homes. He would like to do something with the old gas station by the fire station and use it as a place for a parking space. Lemnios said he would like to meet with Lampke and see what the legal options are in regards to this matter and see what other parties need to be involved in this action for a solution.

Sestito spoke of the commuter boat ferry has a new service provider, the same service provider as in Hingham. He wanted to ask the Town Manager to draft a letter to Secretary Richard A. Davey, Transportation, DCR and the GM of the MBTA, Dr. Beverly A. Scott bringing up the topic of weekend service again to Hull.

Richardson said to the Board Members that if anyone would like anything else added to the agenda to please let him know.

Richardson announced that the next BOS meeting will take place on Tuesday, August 6, 2013.

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**Motion:** Richardson requested a Motion to move to Executive Session to ***to consider the purchase, exchange, lease or value of real property and that I as Chair declare that an open meeting may have a detrimental effect on the negotiating position of the public body; and to discuss strategy*** with respect to litigation that I, as Chair, declare that an open meeting may have a detrimental effect on

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the litigating 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: Olivieri

Vote: Unanimous in favor.

The following subject will be discussed during Executive Session:

1. Sale and Disposition of Real Property, Town-Owned Property: Yacht Club, Nantasket Pier, Mezzo Mare

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

**The Selectmen moved to Executive Session at 10:35 p.m. and not reconvening into open session.**

*Recorded by Karen Morgan*

Approved August 6, 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 July 23, 2013 Meeting
2. Added Agenda for the July 23, 2013 Meeting
3. Letter from Billings to BOS dated July 23, 2013 re: Liquor License for Proposed Manager B. Patel
4. Letter from Boylen to BOS dated July 22, 2013 re: St. Mary of Assumption Festival
5. Letter from Dempsy to BOS dated July 1, 2013 re: Parking on Summit Avenue for a Wedding
6. Letter from Minton to BOS dated July 11, 2013 re: parking authorization at L Street playground
7. Letter from Sorrentino to BOS dated July 12, 2013 re: 9<sup>th</sup> Annual Motorcycle Run
8. Letter from Teitelbaum to BOS dated July 23, 2013 re: House Bill 1115
9. Memo from Office Manager to BOS dated July 18, 2013 re: Reappointments
10. Letter from Mills to BOS dated July 12 2013 re: Request for Dangerous Dog Hearing
11. Memo from Lampke re: Proposed Restraint and Control Orders for the dog
12. Legal Notice from Local Licensing Authorities re: Preep Corporation dba Quick Pick
13. Letter from Goes to BOS dated July 23, 2013 re: Proposed Landscaping Project
14. Letter from deDoming to BOS dated July 12, 2013 re: serving on the Planning Board
15. Memo from Office Manager to BOS dated July 18, 2013 re: Planning Board Vacancy
16. Letter from Sullivan to BOS dated June 18, 2013 Board and Committee Vacancies
17. Email from Constable Fultz, et al. dated June 25 2013 re: Planning Board



18. License Application as follows: Temple Beth Sholom, Gary Bloch, President, 600 Nantasket Ave.,
  - One day all alcohol for August 11, 2013 from 6 p.m. to 12 midnight