

Hull Board of Selectmen

Minutes

December 23, 2013

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Monday evening, December 23, 2013 at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts NOTE: This is the meeting that was scheduled for December 17, 2013 which was cancelled due to a storm

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

[Selectman John Reilly had not arrived prior to the license renewals, license issuances and correspondence, and thus did not participate in same.]

LICENSE RENEWAL

*Unanimously approved the license for Bridgeman Enterprises, Inc., dba Bridgeman's Restaurant, Joseph G. LaSpada, Manager, 145 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for William K. Trapp, Sr., dba Beach Front, 297 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant (C) Entertainment (Live, Jukebox, DJ & Karaoke) on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for Ric Ray, Inc., dba Schooners, Raymond K. Chase, Manager, 157 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant (C) Entertainment (Jukebox) on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for Joseph Agostino, dba Beach Food, 245 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for C Note, LLC, dba The C Note, Charles J. Fruzzetti, Manager, 159 Nantasket Avenue (A) All Alcohol as a General on Premise (B) Entertainment (Live, Jukebox, DJ & Karaoke) (C) Automatic Amusement Devices (1 Pool Table and 1 Electronic Game) on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for Estate of Beverly I. Tullish, dba A Street Deli, Stephen Tullish, Manager, 675 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant (C) Entertainment (Live, Jukebox, DJ & Karaoke) on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for Trung Dang, dba Lucky Stars, 385 Nantasket Avenue – Common Victualer on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for Joseph A. DiVito, Jr., dba Weinbergs Bakery + Café, 519 Nantasket Avenue – Common Victualer on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for K&R Auto Location, Inc., Rabih Habchy, President, 30 C Street, Class II Wholesale Auto on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for 165 Nantasket Realty Tr. dba Sandpiper Inn, Michael Glass, Operations Manager, Lodging House, 165 Nantasket Avenue on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for James M. Milligan, Jr., dba Nantascot Lodging House, Sheryl Connor, Manager, Lodging House, 475 Nantasket Avenue on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for Thornton's Market, Inc. dba Riddle's Supermart, Michael Sears, Mgr., 505 Nantasket Ave – All Alcohol Package Store on a Motion made by **Olivieri**, seconded by **Sestito**.*

*Unanimously approved the license for Loretta H. West dba LW Auto Sales, 4 Lincoln St., Class II Wholesale on a Motion made by **Olivieri**, seconded by **Sestito**.*

LICENSE

*Unanimously approved the license for Knights of Columbus, 440 Nantasket Avenue – One day all alcohol for December 31, 2013 from 7:00 p.m. – 12 Midnight on a Motion made by **Olivieri**, seconded by **Sestito**.*

CORRESPONDENCE

Read aloud by Richardson was correspondence from the Office Manager – re: New Year's Eve Closing
In a memo dated December 12, 2013 re: New Year's Eve Closing, Bennett wrote to the BOS asking if they want to allow liquor establishment (on premises) to remain open until 2:00 a.m. New Year's Eve, if so requested.

Motion -	Olivieri	To allow the businesses to come in and fill out the required paperwork
Second -	Sestito	
Vote -	Unanimous in favor	

Correspondence from Paul Dunphy – re: Applicant for War Memorial Commission [WILL BE HEARD IN JANUARY/2014]

Read aloud by Richardson was correspondence from John Meschino – re: Resignation from Conservation Commission

In a letter dated December 16, 2013 from Meschino to the BOS, he wrote effective immediately he is resigning his position as a Commissioner of the Hull Conservation Commission. A letter of appreciation will be sent for his service on the Commission.

Read aloud by Richardson was correspondence from Police Chief Richard Billings – re: Winter Parking Ban

In a letter from Billings he wrote of the Winter Parking Ban in Hull will take effect from 12/1/2013 through 3/31/2014. No on-street parking will be allowed on the following streets between the hours from 1:30 a.m. and 7:00 a.m.: Nantasket Avenue, Atlantic Avenue, Spring Street and Main Street. All other streets: parking will be allowed on the even numbered side of each street, except when said parking is prohibited, in which case, parking will be restricted to the odd numbered sided of the street, i.e., when snow is predicted or a snowstorm prevails, motor vehicle owners residing on the side streets, particularly those who reside on the side streets which are narrow or on hills, should park their cars off the street whenever possible.

Read aloud by Richardson was correspondence from Police Chief Richard Billings – re: Appointment of Special Officers

In a letter from Billings to the BOS dated December 10, 2013 re: appointment of special officers. He wrote that he requested the following named applicants to be appointed as Special Police Officers without pay. These appointments would expire at 12:00 midnight on December 31, 2014 or sooner at the Appointing Authority's discretion:

1st year as a Seasonal Officer – Derek O'Rourke, Andrew Bresciani, Ashley Mills, Robert Connolly, William Bowers, Eric Waters, Christine Orr, Christopher Susi and Joseph Nihill.

2nd year as a Seasonal Officer – Barbara DeWolfe, Brendan Emberg, Gregory Nelson, and Peitro Treviso.

3rd year as a Seasonal Officer – Gregory Giannetti, Anthony Parham, Robert Green and Ryan Connor.

Motion - Olivieri To approve of the appointment of special officers as requested

Second - Sestito

Vote - Unanimous in favor

Read aloud by Richardson was correspondence from Police Chief Richard Billings – re: Requesting Authorization for Requisition

In a letter from Billings to the BOS dated December 11, 2013, he is requesting the BOS to authorize the requisition from the Human Resource Division of Civil Service for the appointment of two permanent officers to be considered: Officer John P. Mercer and Officer Andrew K. Reilly.

Motion - Olivieri To approve of the appointment of two permanent officers as

requested

Second - Sestito

Vote - Unanimous in favor

[Selectman John D. Reilly had not yet arrived at the meeting and thus did not participate in this vote.]

OTHER BUSINESS

Olivieri would like wish everyone a safe and happy Christmas and Happy New Year.

Sestito asked the Town Manager re: updates on the Pemberton Float. Lemnios replied the he did send an email out this afternoon to Guy Bresnahan. He indicated that the contract is in place for the engineering. He is going to use the MBTA consulting engineers available to them to begin the process of permitting a move of the Float about 60 or 70 ft. out. They will do this in the course of a couple of months around early spring.

Sestito would like to thank the Harbor Master for putting up the port holes which was appreciated by our commuters.

Brannan asked the Town Manager re: the status of Nantasket Avenue and Surfside project. Lemnios said there were two contracts working in that space. The first is PA Landers which is the contractor who is directly associated with the Surf Side Improvement Project. That project basically involves resurfacing the entire roadway and redo the drainage. It will also add new sidewalks in the area. The second crew that was working in that area over the last month was the gas company. They were basically replacing the gas main in that stretch and reconnecting the services. They are finished with their work. PA Landers is finished for the winter months and will come back in the spring and stop by Memorial Day.

Brannan spoke to the Town Manager re: the auction on 822 Nantasket Ave. Lemnios said it was a sheriff's sale. The sheriff sale was held in mid-November and the highest bid was \$175,000 by the property owner who made a \$5,000 deposit at that time and had 30 days to make payment of \$170,000 balance to the sheriff's office. The owner then assigned the property to a another party and that party is in the process of determining with the Town the balance of the taxes owed for that property. The buyer intends to develop the property. The Town sued the property owner for non-payment of taxes over four properties, obtained a court judgment and this was the first property to be sold by the sheriff to satisfy the judgment. We will be proceeding against other property that the person owns to collect the balance.

AT THIS POINT, THERE IS A FIVE-MINUTE RECESS

Selectman John Reilly arrived at the meeting.

APPOINTMENTS

8:00 p.m. – Steamboat Wharf Marina re: Lobster Express Fish Market

Justin Gould from Steamboat Wharf Marina, on behalf of the Lobster Express, came to the BOS speaking

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of a lease update of his current operations and for a change of activities by adding a change of menu and the addition of a fryolator for the Lobster Express business.

Brannan said he would not be interested in any change unless there was more detail. He does not know if this discussion should be pursued at this time as he saw nothing in the packet that shows sufficient detail. He requested to see a business plan and suggested it was not in the Board's best interest to approve of anything going forward in the absence of sufficient information.

Reilly discussed the Chapter 91 law and license and the inability to grant this if it is inconsistent. He would like to discuss this further with Lampke. Lampke said he would need verification from DEP that this use is permitted and would research the issue.

Richardson made a disclosure that in reference to discussions or actions by the BOS concerning Bayside Marketing and Jake's Seafood, Steamboat Wharf Marina and Lobster Express regarding licenses or other matters that, to the extent it may be necessary and as an abundance of caution and to disclose pursuant to General Laws Chapter 268A Section 23-(b), Subsection (j)3, he has a child who works at Jake's and has for many years and has a son who works at Lobster Express that rents space at Nantasket Pier from Steamboat Wharf Marina, which is a lessee of the Town. As a member of the BOS he may from time to time be involved in discussions and decisions relative to these matters and believes can remain to be impartial.

Motion - Reilly To direct Town Counsel to explore the Chapter 91 law and contact the tenant's attorney and report back to the Board on the Town's point of view as to whether this is the legal permitted use under Chapter 91.

Second - Olivieri

Vote - Unanimous in favor

Motion - Reilly To direct the Town Manager and Town Counsel and perhaps a member of the Board to meet with the tenants, Steamboat Wharf and Bayside Marketing to see if something can be worked out. Either meet with them separately and/or together and report back to the Board with the findings.

Second - Olivieri

Vote - Unanimous in favor

Richardson announced that the next BOS meeting will take place on Tuesday, January 7, 2014.

Richardson requested a Motion to move to Executive Session 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 body; to comply with or act to the authority of the 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 by Roll Call Vote: Aye, Reilly, Aye, Olivieri, Aye Richardson, Aye, Sestito, Aye Brannan.

The following subject will be discussed during Executive Session:

1. Steam Boat Wharf lease

The Selectmen moved to Executive Session at 8:51 p.m. and not reconvening into open session.

Recorded by Karen Morgan

Approved: April 8, 2014

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 December 23, 2013, 2013 Meeting
2. Added Agenda for the December 23, 2013 Meeting
3. License Applications as follows: Bridgeman Enterprises, Inc., dba Bridgeman's Restaurant, Joseph G. LaSpada, Manager, 145 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant; William K. Trapp, Sr., dba Beach Front, 297 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant (C) Entertainment (Live, Jukebox, DJ & Karaoke); Ric Ray, Inc., dba Schooners, Raymond K. Chase, Manager, 157 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant (C) Entertainment (Jukebox); Joseph Agostino, dba Beach Food, 245 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant; C Note, LLC, dba The C Note, Charles J. Fruzzetti, Manager, 159 Nantasket Avenue (A) All Alcohol as a General on Premise (B) Entertainment (Live, Jukebox, DJ & Karaoke) (C) Automatic Amusement Devices (1 Pool Table and 1 Electronic Game); Estate of Beverly I. Tullish, dba A Street Deli, Stephen Tullish, Manager, 675 Nantasket Avenue (A) Common Victualer (B) All Alcohol as a Restaurant (C) Entertainment (Live, Jukebox, DJ & Karaoke); Trung Dang, dba Lucky Stars, 385 Nantasket Avenue – Common Victualer; Joseph A. DiVito, Jr., dba Weinbergs Bakery + Café, 519 Nantasket Avenue – Common Victualer; Knights of Columbus, 440 Nantasket Avenue – One day all alcohol for December 31, 2013 from 7:00 p.m. – 12 Midnight; K&R Auto Location, Inc., Rabih Habchy, President, 30 C Street, Class II Wholesale Auto; 165 Nantasket Realty Tr. dba Sandpiper Inn, Michael Glass, Operations Manager, Lodging House, 165 Nantasket Avenue; James M. Milligan, Jr., dba Nantascot Lodging House, Sheryl Connor, Manager, Lodging House, 475 Nantasket Avenue; Thornton's Market, Inc. dba Riddle's Supermarket, Michael Sears, Mgr., 505 Nantasket

Ave – All Alcohol Package Store; and Loretta H. West dba LW Auto Sales, 4 Lincoln St., Class II Wholesale

4. Memo from Bennett to the BOS dated December 12, 2013 re: New Year's Eve Closing attaching Application for an Extension of Hours for the Sale of Alcoholic Beverages on New Year's Day.
5. Letter from Dunphy to the BOS re: appointment to the open seat on the War Memorial
6. Letter from Meshino to the BOS re: resignation from Hull Conservation Committee
7. Letter from Billings to the BOS re: Winter Parking Ban
8. Letter from Billings to the BOS dated December 10, 2013 re: Appointment of Special Officers
9. Letter from Billings to the BOS dated December 11, 2013 re: Permanent Police Officers
10. Packet from Spinale and Gould to Lemnios dated December 6, 2013 re: Lobster Express Fish Market
11. Packet from Gould to Lemnios dated December 15, 2013 re: lease update