

**Hull Board of Selectmen
Final Minutes
December 19, 2019**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday, December 19, 2019, at Hull Town Hall, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Domenico Sestito, Chair; Jennifer Constable, Vice Chair; Kevin Richardson, Clerk; and Greg Grey, Member. Also present were Town Counsel James Lampke and Town Manager Philip Lemnios. Member John Reilly was absent.

Paragon Entertainment Ventures, LLC, dba Paragon Boardwalk, 189-197 Nantasket Ave., Charles Boggini, Mgr. – re: Public Hearing for Alteration of Liquor License (Premises); Amendment to Common Victualer License; Amendment to Entertainment License

Jim Hodgen, Director of Operations for Paragon Entertainment, was present and explained that Paragon was hoping to concentrate their alcohol service into the Arcade, the Beer Hall and into what they are calling Paragon Boardwalk. They feel that by doing this they can contain the areas in which alcohol is served and consumed and this will help to create a safe, secure, family-friendly venue. There will be a retail space constructed but this will have no alcohol service and will be separated from the areas in which alcohol is allowed.

Lemnios noted that the Town had worked with Paragon to devise a schedule of hours for the Craft Beer Hall, the Arcade, the Kitchen and other areas. These hours were approved at the last meeting and since then there has been only one minor complaint received by the Board which concerned an early closing. A discussion followed regarding whether it is permissible for venues to close earlier than their stated schedule of hours. According to state law, an establishment can only close early under extraordinary circumstances (e.g. a snow storm). Lemnios did state that because some establishments in the Town struggle to stay open during the winter season, the Board has allowed some businesses to follow a truncated schedule during off-peak times of the year. Once the truncated schedule is in place, however, they are obliged to adhere to that schedule. There was discussion as to the balance between the burden placed on establishments when there is little or no business and the rights of employees who count on having set hours and the public who assume that the venue will be open during stated hours of operation. Constable stated that this is probably an area that warrants further discussion.

Richardson asked about the planned date for opening and Callahan stated they are hoping to open in May of 2020. Grey asked about the Fascination space but Charles Boggini, the Manager of Paragon Boardwalk, stated that at this point it is not financially feasible to do anything with that space.

Lampke noted that in order for a license to be issued they would need an exact description of where alcohol would be served and consumed. At this time the plan is for alcohol to be available in the Boardwalk space, the Beer Hall and the Arcade. They are not planning to have waiters/waitresses taking orders and serving customers.

There was also discussion about the possibility of scheduling events in this space on a regular basis during the summer, which would potentially involve a large number of people occupying the space. This is an issue that will need to be worked out a later date in conjunction with the capacity allowances set forth by the building and fire departments.

After discussion the Board voted as follows:

Motion	Richardson	To approve the alteration of the liquor license, approve the amendment to the Common Victualer License, and approve the amendment to the Entertainment license for the Boardwalk Area as submitted on page 1 of the Paragon Alcohol and Common Victualer and Entertainment License.
Second Vote	Grey Unanimous*	

*Sestito abstained from the vote as he had not been present for the discussion.

Nantasket Center for the Arts Application for the MCC

Bart Blumberg, President, and Irwin Nesoff of the Hull Artist Studio were present to update the Board on their plans to convert the old DCR police station building into the Nantasket Center for the Arts and to request a letter of support from the Board. They are in the process of developing a proposal to submit to the Massachusetts Cultural Council (MCC) for funds for this project. They are currently working with Four Point Consulting, a group that works with historical buildings and cultural facilities, for the purpose of conducting a feasibility study to explore three areas: (1) if the building could serve as a center for the arts, (2) if it's feasible to renovate it considering its current condition, and (3) if there is a need for such a center in Hull and whether it would provide a benefit for the community. They toured the building with Four Point several weeks ago and they will be presenting a report and proposal for their scope of services within the near future.

It is Blumberg and Nesoff's hope that they can create a permanent gallery space in which to exhibit artists from the community. They are also hoping to have community and meeting spaces, to develop an after school arts program for local youth, and to host national juried art shows. They feel this would provide both an economic and cultural benefit for the community.

The grant is to be submitted to the MCC by January 10, 2020 and they will be notified in June as to whether they will receive any funds. If a grant is given, they will have a year to raise matching funds. Based on the results of the feasibility study they anticipate requesting a grant of \$25,000 - \$40,000. They are planning to request a grant amount that would cover the cost of the feasibility study.

After discussion the Board voted as follows:

Motion	Richardson	That the Board of Selectmen write a letter, signed on their behalf by The Chair or the Town Manager, in support of the project as proposed.
Second Vote	Grey Unanimous	

The members of the Board thanked both Blumberg and Nesoff for their service to the Town and stated that they felt this project would be a service to the community. Constable stated that she had recently described this project to the MAPC and they were very excited about the possibility.

Continuation of Discussion of Board of Selectmen's Goals and Objectives.

Since not all members of the Board were present at the meeting it was decided to table this discussion until the next meeting on January 9, 2020.

Request for Extended Hours

The Board has received applications for extended hours on New Year's Eve until 2 am from a number of local establishments.

Motion Richardson To Approve extended hours until 2 am on New Year's Eve for the following liquor establishments:

California Underground – 257 Nantasket Avenue
Daddy's Beach Club – 280 Nantasket Avenue
Jo's Nautical – 125 Main Street
LaDalat – 181 Nantasket Avenue
Schooners – 157 Nantasket Avenue
The C Note – 159 Nantasket Avenue
Mambos – 269 Nantasket Avenue
The Parrot – One Hull Shore Drive
Nantasket Beach Salt Water Club – 3 Fitzpatrick Way
Beach Front – 297 Nantasket Avenue

Second Sestito
Vote Unanimous

My Starfish, LLC dba Shipwreck'd, 125 Main Street, Adrian Muir, Proposed Mgr. – re: Public Hearing for Seasonal All Alcohol License (New) and Public Hearing Where Proposed Location is within 500' of a School

Lampke noted that when an establishment applying for a liquor license is within 500' of a school there must be a public hearing as part of the licensing process in order for the Board to determine whether or not the location is detrimental to the educational mission of the school. Adrian Muir and Susan Regan were present on behalf of Shipwreck'd. Both were sworn in before speaking.

Muir noted that Shipwreck'd had worked with the School Committee over several months due to its proximity to Hull High School. He had just received a copy of the minutes from the School Committee meeting on November 4, 2019. At this meeting the School Committee had unanimously supported their

proposal contingent on Shipwreck'd coming back to the Committee a year after the licensing to update them on how things were going.

There was some discussion as to whether the School Committee would be able to withdraw its support of the liquor license, if granted, if they were unhappy in a year with how it was affecting the school. Lampke stated that once the license was approved by the Board and by the ABCC and assuming that Shipwreck'd was in compliance with the terms of the license, the feelings of the School Committee would have no bearing. Their only recourse if that were the case would be to meet with the licensees to address any matters of concern. He also stated that should the owners decide to transfer ownership of Shipwreck'd in the future the license would go with the sale of the property. The license would be in effect as long as the Town leases the property and could not be changed during the term of the lease without cause or agreement of the Town and Licensee. As a result, he emphasized that it is the responsibility of the Board to decide at this point the need for and suitability of approving this license.

Richardson pointed out that there does not appear to be any objection on the part of the community to the issuance of this license. Muir emphasized that there is a need for this license in this location as a surprising number of commuters who work night shifts in the City come in the morning hours and want to have a meal other than breakfast, and that some would like to have a beer or a glass of wine with their meal. He emphasized that they will have shortened hours during the off season (ending at 3:45). Regan stated that they do not want to change the feel of who they are as an establishment, they would just like to be able to offer something that isn't currently available in that part of the Town.

Sestito commended Muir and Regan on their having gone through the School Committee from the beginning. Constable asked if they employed students from the community and Regan stated that almost all of their employees are students at Hull High School or college students who live in the Town.

After discussion the Board voted as follows:

Motion	Sestito	The Board determines that an All Alcohol license will not be detrimental to the educational activities at Hull High School.
Second Vote	Grey Unanimous	
Motion	Sestito	<p>To approve the application for the seasonal All Alcohol license with the following hours:</p> <p>For the off-season (4/1/2020 – 5/21/2020 and 9/8/2020 – 11/30/2020) the hours are as follows: Monday – Thursday: 8 am – 3:45 pm Friday and Saturday: 8 am – 6:45 pm Sunday: 10 am – 4:45 pm</p> <p>For the peak season (5/22/2020 – 9/7/2020) the hours are as follows: Monday – Thursday: 8 am – 6:45 pm Friday and Saturday: 8 am – 8:45 pm Sunday: 10 am – 5:45 pm</p>

Second Constable
Vote Unanimous

Lampke noted that there was a correction made on page 3 of the liquor application indicating that the applicants are tenants under a sub-lease with Mr. Dwyer who has a lease with the Town. The Town does not have a lease with Shipwreck'd.

Motion Sestito To amend the Common Victualer license as follows: to change the hours in the off-season, which is 4/1/2020 – 5/21/2020 and also from 9/8/2020 – 11/30/2020 to open Monday, Tuesday, Wednesday, Thursday, Friday at 5:30 am and on Saturdays and Sundays to open at 6 am and also to close on Monday, Tuesday, Wednesday, Thursday at 4 pm and to close on Fridays and Saturdays at 7 pm and to close on Sundays at 5 pm.

Second Constable
Vote Unanimous

Richardson noted that he had recently been at a meeting of the Chamber of Commerce and that the majority of business people in that area were requesting that the Police Chief reduce the speed limit in that business district.

Comcast Cable License Renewal

Lemnios stated that the Town has been negotiating with Comcast for a Successor License Agreement. The changes will not be concluded by December 31st so the attorney who has been working with the Town on this has recommended that the Board of Selectmen make a motion and vote to issue a “friendly preliminary assessment of denial” which will preserve the rights of the Town in the unlikely event that no conclusion is reached in January. After discussion the Board voted as follows:

Motion Sestito To vote to issue a friendly preliminary assessment of denial of the license renewal of Comcast Cable Communications Management LLC to allow for additional time for the parties to reach a cable license renewal agreement. Whereas the Town of Hull is desirous of completing the cable television license renewal process and reaching a cable license renewal agreement with Comcast Cable Communications Management LLC, Comcast, pursuant to the informal licensing process set out in Section 626 (h) of the Cable Act; whereas Comcast and the Town have engaged in a good faith cable license negotiation process; and whereas the Board of Selectmen as cable television’s licensing, issuing authority, deems it prudent to protect the interests of all parties with respect to a formal license renewal process. Now, therefore, because a renewal license has not yet been finalized and issued by this Board, and in order to protect the interests of the Town and Comcast as both parties work to finalize a renewal

license agreement the Board, pursuant to Section 626 (c) (1) of the Cable Act, hereby votes to issue this friendly preliminary assessment of denial to provide additional time to complete the license renewal and issue a renewal cable license. In order to provide the best opportunity for the parties to expeditiously reach an agreement regarding a cable television renewal license, the Town's special cable counsel will file a request/motion with the Department of Telecommunications and Cable of the Commonwealth of Massachusetts to extend the time for the Town to file a written statement detailing the reasons for its preliminary denial pursuant to 207 DMR 3.06 (3). This will provide additional time for the parties to finalize an agreement and for the Town to not issue a renewal license without the need to devote the time and attention to matters other than the completion of the renewal license agreement.

**Second
Vote** Constable
 Unanimous

Annual Renewals

Alcohol

Motion Richardson To approve the renewal of the following licenses:

LaDalat & Company, Inc. dba LaDalat, Vo Nguyen, Mgr., 181 Nantasket Ave. – re: (A) All Alcohol as a General on Premise Licensee; (B) Common Victualer

California Underground, Eo Martin, Mgr., 257 Nantasket Ave. – re: (A) All Alcohol; (B) Common Victualer; (C) Entertainment

Jessekat LLC dba Toast, 121 Nantasket Ave., Jessica Travis, Mgr. – re: (A) Wine and Malt as a Restaurant; (B) Common Victualer

**Second
Vote** Grey
 Unanimous

Common Victualer

Motion Grey To approve the renewal of the following licenses:

West Corner, Inc. dba Pizza Box, Peter Booras, Mgr., 14 Nantasket Ave., - re: Common Victualer

My Starfish, LLC dba Shipwreck's, 125 Main St., Adrian Muir, Mgr. – re: Common Victualer

**Second
Vote** Richardson
 Unanimous

Sestito brought up the idea of providing the various Boards and Committees of the Town with standards to help guide them in how they operate. It was agreed that this was a good idea. Lemnios and Lori West will work to provide a template or framework for the Board to review.

Constable congratulated the Chamber of Commerce on another successful “Home for the Holidays” event at the Carousel and Boardwalk. She said that the South Shore Chamber has reached out to find out more about the development going on in the Boardwalk area. MAPC is also exploring options for working with the Town on various projects.

On a motion by Sestito seconded by Richardson the Board voted unanimously to adjourn at 8:52 pm.

Recorded by Kathleen Fanning

Approved by:

Documents

The following documents were included in the members’ packets or were presented during the meeting and are available in the Select Board’s office upon request:

- Agenda for December 19, 2019 meeting of the Board of Selectmen
- Application for Amended Entertainment License, Paragon Entertainment Ventures, LLC
- Application for Amended Common Victualer License, Paragon Entertainment Ventures, LLC
- Legal Notice regarding alteration of Annual All Alcohol License for Paragon Entertainment Ventures, LLC
- Application to Alcoholic Beverages Control Commission for Change or Alteration of Premises for Paragon Entertainment Ventures, LLC
- Email from Irwin Nesoff to Lori West regarding Select Board Meeting plus Hull Artists proposed plans for the Nantasket Center for the Arts
- Application for renewal of Common Victualer License for My Starfish, LLC dba Shipwreck’d
- Application for new Seasonal All Alcohol License for My Starfish, LLC dba Shipwreck’d
- June 19, 2019 letter from Sen. Patrick O’Connor to Adrian Muir and Susan Regan
- Legal Notice of My Starfish, LLC dba Shipwreck’d application for liquor license
- Application to ABCC from My Starfish, LLC dba Shipwreck’d plus supporting materials
- License Agreement between Town of Hull and William J. Dwyer
- Approval of Sublease Agreement between William Dwyer and My Starfish, LLC and Sublease Agreement with Option to Purchase Building and Equipment between My Starfish, LLC and William J. Dwyer

- Mortgage, Security Agreement and Assignment granted to William J. Dwyer by Susan L. Regan and Adrian Muir, Trustees of Muir/Regan Family Trust dated May 2, 2019
- Amended Application for New Alcohol License for My Starfish, LLC
- Application for list of abutters to My Starfish and list of abutters
- Memo from Lori West dated 12/10/2019 regarding establishments seeking approval to stay open until 2 am on New Year's Eve with attached applications from:

California Underground, 257 Nantasket Avenue
 Daddy's Beach Club, 280 Nantasket Avenue
 Jo's Nautical, 125 Main Street
 LaDalat, 181 Nantasket Avenue
 Schooners, 157 Nantasket Avenue
 The C Note, 159 Nantasket Avenue
 Mambos, 269 Nantasket Avenue
 The Parrot, One Hull Shore Drive
 Nantasket Beach Salt Water Club, 3 Fitzpatrick Way
 Beach Front, 297 Nantasket Avenue

