

**Hull Board of Selectmen
Final Minutes
February 20, 2020**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday, February 20, 2020, at Hull Town Hall, 253 Atlantic Avenue, Hull, Massachusetts

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

Before the meeting started Sestito reminded everyone that Early Voting for the March 3, 2020 presidential primary election will begin on Monday, February 24, 2020 to Thursday, February 27, 2020 and will take place at Town Hall in the Board of Selectmen room during normal business hours. There will be extended hours on Friday, February 28, 2020 from 8 a.m. to 12 p.m.

Also, Sestito led the Board and those in attendance in a moment of silence in memory of James Ridge (longtime Hull teacher) and Catherine "Kay" Costa Moleta (active member of the community and widow of the late Selectman Louis Costa for whom the meeting room is named).

APPROVALS

Minutes

Motion	Constable	To approve the Minutes of the January 27, 2020 Board of Selectmen Meeting
Second Vote	Grey Unanimous	

Nantasket Beach Salt Water Club, Patrice Kenney, Mgr., 3 Fitzpatrick Way, re: One Day Liquor License on March 14, 2020 from 12:00 p.m. noon to 12:00 a.m. midnight for St. Patrick's Day Dinner

Motion	Grey	To approve a One Day Liquor License for the Nantasket Beach Salt Water Club on March 14, 2020 from 12:00 p.m. noon to 12:00 a.m. midnight for a St. Patrick's Day Dinner
Second Vote	Richardson Unanimous	

Hull Boosters re: Permission to hold a carnival from June 17th to June 21, 2020 through Rockwell Amusements on the HRA property

Motion	Grey	To approve that Hull Boosters hold a carnival from June 17, 2020 to June 21, 2020 through Rockwell Amusements on the HRA property
Second Vote	Richardson Unanimous	

Hull Knights of Columbus, 440 Nantasket Avenue re: One Day Liquor License on March 14, 2020 from 6:30 p.m. to 11:00 p.m. for St. Patrick's Day Event

Motion	Grey	To approve a One Day Liquor License for Hull Knights of Columbus on March 14, 2020 from 6:30 p.m. to 11:00 p.m. for St. Patrick's Day Event
Second Vote	Richardson Unanimous	

Discussion and Decision re: License Amendment Requests

A) Local 02045 LLC dba Local 02045

B) 145 NA, Inc dba Nantasket Flatts

Lemnios explained that there would not be a Hearing tonight on these requests as both Local 02045 and Nantasket Flatts have given preliminary indications that they would like to change the terms and conditions of their licenses and still need to file their applications. The question for the Board of Selectmen is if they want to have each of the parties notify abutters and advertise or just hear it as an Amendment without notification and advertisement. He is raising this question because in the past when both of these parties came before the Board for an initial license they had a fairly strong neighborhood participation in their liquor licenses. Sestito asked the Board if they had a preference.

Constable stated that she was not opposed to a Public Hearing but if the change was not substantial she would be less inclined to do this. Lemnios noted that Nantasket Flatts indicated that they want to change the configuration of the outdoor deck which would mean a change in the way the outdoor deck operates and the Board would have to evaluate the impact of the change given that both of these venues are located next to large residential areas. Sestito feels he would definitely recommend that the Board notify abutters because it is a residential part of town.

Motion	Grey	To have a publicly advertised hearing on these two items once they have submitted their applications
Second Vote	Reilly Unanimous	

JA Holdings, Inc. dba Red Sky at Steamboat Wharf, 48 George Washington Boulevard re: Public Hearing for Seasonal All Alcohol License (New), Common Victualer License (New) and Entertainment License (New), Andrew Boothroyd, Proposed Manager

Jeffrey Tocchio, Esq., Counsel for JA Holdings, Andrew Boothroyd and Justin Gould were present on behalf of the applicant and Steamboat Wharf Marina which is the lessee under a lease from the Town for the pier, and were sworn in before speaking. Tocchio stated that the applicant was looking for seasonal All Alcohol, Common Victualer, and Entertainment licenses.

Tocchio stated that the buildout is currently being constructed and will consist of approximately 2,000 square feet of interior space and there will be approximately 2,000 square feet of external patio to the west side of the building which will be enclosed and fenced. They have applied for and received all approvals that would be expected at this point and they are now awaiting determination on the Chapter 91 license. They do not anticipate any issues with this. The kitchen components are starting to be delivered and they are well on their way toward the eventual opening. The plan is for 44 seats inside the building and 58 seats outside for total seating of 102. The bar will have counter service and there will be locked liquor cabinets. Customers will order their food at a counter and "food runners" will bring the food to them. Customers will have to go through the building to access the outside area as there will be no entrance to the patio from the outside. This will allow the staff to observe and make sure that everyone who is getting alcohol is of age.

Tocchio stated that they are looking at a season that runs from May 1st through Halloween. During the two "shoulder seasons" of May 1st to Memorial Day and the day after Labor Day to Halloween the hours of operation

would be 11 a.m. to 10 p.m., Wednesday through Sunday. During the high season from Memorial Day weekend through Labor Day they would be open Monday through Sunday with the same hours.

They have submitted building plans to the Board which show office space that would be used for accounting and management and would also be used for storage of non-liquor stores. This area would be accessible from a door on the East side and deliveries would come in through this door. Both the cabinets above the bar and this office/storage space are lockable.

Entertainment would consist of piped-in music and would be music that is appropriate for casual dining rather than any type of dance music that would be loud and heard from a distance. Tocchio also stated that they have been in touch with Walter Sullivan, the attorney for Jake's Seafood, and Jim Lampke, the Town Counsel, and he feels they are all close to reaching an agreement on the parking situation.

Tocchio then asked if any members of the Board had questions. Reilly asked if they were planning to be open on Monday holidays during their "shoulder seasons" and Tocchio said that they are. Reilly asked if the Planning Board had any recommendations or stipulations and Gould responded that there were no major stipulations or changes. Reilly stated that in terms of entertainment they should plan to have speakers facing inward toward the building and also encouraged them to consider low-level lighting on the outside patio. Tocchio said that they have all permits and are moving ahead at full speed. They are optimistic that they will meet their goal of opening on May 1st.

Lampke asked if there would always be a staff person in the patio area to ensure that there was no problem with alcohol being passed over the fencing to an underage person, etc. Tocchio said that the plan was to have staff going in and out but that there would not be one person assigned permanently to the patio area. Given the setup of the area he did not feel that this would be difficult to monitor. Boothroyd stated that staff would be out there doing different things (cleaning up tables, bringing additional food and beverages, etc.) and they would definitely be monitoring the area. Gould also pointed out that the north-facing wall of the building which looks out on the patio is going to be all glass so that staff on the inside would be able to see what was going on outside. He noted that staffing might fluctuate depending on the day of the week (more staff would be needed on weekends). Richardson said that based on the setup he did not feel it was necessary to have one person assigned permanently to the patio. Lampke asked if everyone who was touching alcohol would be tip certified, which they would be.

Reilly asked about the space between the fence and the seawall. Gould said that the Conservation Commission had recommended having the fence approximately 5' back from the seawall and had asked them to put in a vegetative strip there. The walking path goes in front of the building, not behind it and they do not want people using the space behind the building.

Reilly then asked about the parking issue. Lampke said that there had been concerns about the effect this would have on parking in the area so they were working on amendments to the lease to address these concerns.

Motion	Reilly	To approve the Common Victualer license for JA Holdings, Inc. dba Red Sky at Steamboat, Andrew Boothroyd, Proposed Manager, which is as follows: The "shoulder season" #1 will be from May 1 st to the day before Memorial Day, Wednesday through Sundays only, 11 a.m. to 10 p.m. During the main season which will be Memorial Day through Labor Day, they will be open daily from 11 a.m. to 10 p.m. The second "shoulder season" will start the day after Labor Day through November 1 st , and will include any Monday holidays, and will be open Wednesday through Sunday from 11 a.m. to 10 p.m. with the stipulation that the applicant amends the application to include that in the second shoulder season and that Clause #3 of the Agreement between all parties which states the restaurant operation shall offer for food selections no greater than 33% of seafood items be included in the Common Victualer license.
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**Second
Vote**

**Richardson
Unanimous**

Before the final vote Grey asked if the Amended Lease Agreement should be attached to this license, or to all three licenses. He raised the issue that if Steamboat has not moved what they are supposed to move out of the parking area and it is not ready, whether the license would be ready. Lampke stated that the conditions of the document apply to all three licenses and stated that the vote of the Board will be incorporated into the lease amendment. Grey then asked if both parties are okay with the 33% of Steamboat's menu being seafood, as this is higher than had originally been discussed. Lampke said that the attorneys today stated their agreement with this increase. He said that it is the Town's responsibility to ensure that the activities at one location will not be detrimental to the activities at another Town tenant location. Lemnios commented that the only reason the Board is so involved in this level of detail in the Agreement is that the Town is the landlord of the site where both restaurants are located.

Lemnios stated that with respect to the vote for the liquor license, there are 8 conditions in the Agreement. Jim O'Brien, the owner of Jake's Seafood, raised the issue of Condition #2 regarding seasonal inspection services. He asked if the Board of Selectmen would consider allowing the Building Commissioner to certify that the May 1st date for clearing all boats off the parking spaces be validated before a liquor license is granted or issued. Lemnios stated that the dates for clearing of parking spots were part of the lease Agreement and that this was, in fact, an issue of lease compliance, not code compliance, and so would not come under the authority of the Building Commissioner. O'Brien said that he feels there is a significant safety concern if the allotted parking isn't available. Lemnios asserted that there is no code issue involved as the zoning in that area allows for parking in the DCR lot.

Lemnios stated that what Jake's is asking is that the Board put some provision into the license that would ensure that on April 1 and May 1 the agreed upon parking spaces are available. He said that if they are not, the Board would have two enforcement mechanisms available. The first would be to call for a "show cause" hearing to let the licensee know they are in violation of their license, which could lead to a suspension of the license for a period of time. The second option would be to say that the licensee was in violation of the lease. He said that both mechanisms have significant consequences and that very few establishments would be willing to risk either. Lampke suggested that the Board could make it a condition of the license that the premises would not open until the parking spaces were made available.

Gould said that he is open to the idea of amending the lease to include the issue of parking, but he does not feel that this should be mixed in with the issuance of the license. He said that they are fine with moving forward with the parking plan they had all agreed to and that it is just as important to Steamboat as it is to Jake's to have the parking available. Lemnios said that he understands that O'Brien would like to have an enforcement mechanism in place. O'Brien reiterated that he feels Jake's needs some sort of protection for their business and raised the issue of the revenue that Jake's would lose if adequate parking is not available.

Lemnios stated that the Board had three options to choose from: 1. To put in the licenses that they won't be issued until the parking is available; 2. To rely upon the lease to be the mechanism that defines the parking and not to include item #6 in the license; and 3. to identify an enforcement officer. He would recommend that item #6 (parking) be included in the licenses. He stated that the Board, as the issuing authority of the license and as the landlord, has the right to make a determination as to how they want to enforce this issue.

Constable said that she would be more comfortable tying the issue of parking to the lease than to the license as there is already an existing mechanism for the Board to take action if a tenant is not in compliance with a lease. She then asked if there would be enough spaces available for the two establishments if something unusual happened (e.g. a storm) that made it impossible for all of the boats to be removed by April 1. Gould said that there would be as there are approximately 30 spots available nearby and that there are other ways that they can make spaces available as of April 1. He pointed out that Steamboat has changed how they are storing their boats so they don't run into a situation like that. He stated that anything that is stored in the 27 spaces allotted to Jake's is temporary storage (e.g. floats, lumber) and could be moved within a few hours.

Walter Sullivan, Esq., the attorney for Jake's, said that they will have two establishments competing for a limited number of spots so Jake's is trying to have an agreement in place that has enforcement ability. He feels that having it in the actual license gives them that protection. He pointed out that O'Brien has been operating in that space for many years and he is looking to the Town, as his landlord, to give him protection.

Sestito asked what current enforcement is in place. Lemnios said that there are three enforcement mechanisms being proposed. The first is that the license not be issued annually until Steamboat is in compliance with the parking plan. The second would be to incorporate the plan into the license and if there is a violation it gives the Board the ability to investigate and to remedy the situation and also allows Steamboat to explain why they are not able to operate according to the plan. The third mechanism would be to have all of the conditions regarding parking be contained in the lease in which case enforcement of the conditions would be through the lease. There was a question as to whether enforcement through the lease would be a longer process.

Lampke said that a "show cause" hearing on the license as the enforcement mechanism would actually take longer (appeals to the state, etc). If there is appropriate language in the lease amendment they could be in court more quickly and it would be easier to enforce. However, it is impossible to say exactly what the time frame would be.

Tocchio stated his feeling that the second option, with a "show cause" hearing, would spur the violator to act quickly. He feels that either option 2 or 3 are reasonable and would give O'Brien the protection he is looking for. He feels option 1 would be too heavy-handed and would potentially "muddy up" the beginning of the season.

Sullivan then proposed a fourth option which consisted of having the parking plan incorporated into the license for the first two years and if there is no problem with compliance it could be dropped from the license. However, it would remain in the lease. O'Brien asked that if Steamboat were not in compliance with the parking plan they would make other spots available until the issue was remedied. Sestito recapped this option, stating that there would be a "sunset clause" in the license for its first 2 years but that the parking conditions would remain in place for the term of the lease. In year 3, the lease would be the mechanism of enforcement.

Constable mentioned Item #4 regarding signage in the parking area. She feels it should be emphasized that the signage that is developed should be consistent with the Town's recent branding signage.

On a motion by Reilly, seconded by Constable, the Board voted unanimously to recess the Open Hearing so that the parties could further discuss these issues.

APPOINTMENTS

Police Chief John Dunn re: Permanent Intermittent Police Officer Candidate Recommendations

Police Chief John Dunn was present at the meeting and spoke regarding the reinstitution of the Permanent Intermittent Police Officer Candidate program. He stated that the Town is down several full-time police officers and at this time there are no Academy training programs scheduled. He feels it could potentially be six months before the Town will be able to send any candidates to an Academy for training. Since October the Town has had three persons who are working and learning the job. He feels that it would be beneficial if they could be hired by the Town as intermittent police officers because they would then be positioned to enter the Police Academy once slots become available. This would allow them to be transitioned to full-time officers.

Reilly asked if they would need a motion to reactivate the Permanent Intermittent Police Officer program. Lemnios said that this would be needed.

Motion	Reilly	To reinstitute the Permanent Intermittent Police Officer Program as outlined By the Town Manager and the Police Chief this evening.
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**Second
Vote** **Grey
Unanimous**

Reilly then asked the candidates to introduce themselves. After a brief statement from each of the candidates, he made a motion to the Board.

Motion **Reilly** That the following candidates be offered a conditional offer of employment subject to medical, physical, psychological and Human Resource Department Mass. Police Training Council required physical agility (PAT) test:
Christopher Agostino
James Garret Toner
Thomas Haskins

**Second
Vote** **Richardson
Unanimous**

Thomas Hardy, Hull Porchfest Inc. re: One Day Entertainment License for Porchfest on September 5, 2020 from noon to 6:00 p.m.

Thomas Hardy, organizer for Hull Porchfest Inc. spoke on behalf of the proposed event on September 5, 2020. He said that the Town Manager had asked him to come before the Board at this early date in order to have everything in place on a timely basis. He said that at this time he does not have a complete idea of the number of bands or host resident porches they will have but he will be willing to appear before the Board at a later date to update on exact numbers. He stated that in 2018 they had about 16 porches and approximately 40 bands and he expects that they will have about the same number this year, possibly a few more.

Hardy said that over the past few months he has been meeting with the Hull Police Department and other Town departments and he thanked them for their support and cooperation. The event will be held on Saturday, September 5, 2020, which is the Saturday of Labor Day weekend. Due to the difficulty in rescheduling the number of bands involved in this event there will be no rain date, but that barring a major storm, the event will be held. The performance time will be from 1:00 p.m. to 6:00 p.m., with noon being the shoulder time. He said that this year they are hoping to donate any proceeds from the day to a local charity and have chosen the Hull Senior Center as this year's recipient. He is hopeful that once operational expenses are paid they will be able to make a substantial donation to the Center. He said that Porchfest has three specific goals: community building; giving back to the community; and promoting a positive image for the Town.

He said that unlike the event in 2018 when there were satellite locations, this year's event will be contained in the Kenberma neighborhood. They have settled on one contiguous area adjacent to the Kenberma shopping district which is inclusive of Revere Street to the south, Kenberma Street to the north, Manomet to the east, and Massasoit to the west. Barricades will be set up so that the area would be a protected pedestrian way for the entirety of the event. They will have a headquarter area consisting of a tent in the municipal lot at Kenberma and Nantasket Avenues. The lot will have food trucks and sanitary facilities. There will be no beer concession. He also said that they are planning to make portable toilets available to host property owners at a very reasonable daily rate. They will have an area dedicated to children's activities, such as face painting.

Hardy anticipates that 1-2 thousand people will attend if there is good beach weather that day and feels this will be a good way to bring outside people to the Town. They are currently planning fundraising events, the first of which is on Friday, February 28, 2020. He said that they rely on private donations and sponsorships and merchandise sales to fund this event. Richardson asked if they are looking for sponsors and he said that they definitely are. They already have 16 sponsors and local merchants have been great but since they are hoping to give back to the Town this year they are always looking for more sponsors.

He said that they will have preview Saturday sidewalk concerts from 9 a.m. – 11 a.m. from mid-June to the end of August. These have been popular in the past and it is an opportunity for them to sell merchandise and give information regarding the event. They will be doing publicity through social media, their website, and local newspapers and television stations. He said that they already have a plan with the Hull Police Department regarding police details for the day of the event. They do not yet have an insurance policy in place but will present it to the Board once they have it, which will probably be closer to the summer (the Town of Hull will be named on the policy). He will submit a list of property owners, and volunteers to the Board once they are closer to the event to ensure that there is adequate communication. He also noted that Porchfest is now officially registered as a “not for profit” in Massachusetts. They are applying for a 501 c.3 designation and have applied for a raffle license.

Sestito thanked Hardy for his presentation and said that he loves the fact that the event will benefit the Senior Center and also that the Hull High School band will be involved.

Motion	Grey	To approve a one-day Entertainment License for Hull Porchfest, Inc. for September 5, 2020 from noon to 6 p.m.
Second Vote	Constable Unanimous	

At this time the Meeting was recessed. It was reconvened at 9:32 p.m.

Lemnios reported on the discussions that had been held regarding the licenses for Steamboat Wharf. He said that Items 1 through 8 in the Agreement had been agreed to by all parties. Item #6, which pertains to the parking configuration, will be incorporated into the license for a two-year period and would also be incorporated into the lease amendment. Lampke said that the two-year sunset clause begins this year and will be in effect for the first two years that the license is issued. This item would remain in the lease for its full term.

Motion	Reilly	To approve and grant the application of JA Holdings, Inc. dba Red Sky at Steamboat Wharf, at 48 George Washington Boulevard, Andrew Boothroyd, Manager, for a seasonal All Alcohol License (New), Common Victualer License (New) and Entertainment License (New) as set forth in the application and presentation to the Board of Selectmen acting as local license authority on February 20, 2020 as the same may have been amended including the plan presented this evening with the following conditions: Items 1-8 as presented this evening noting that Item #6 has a two-year “sunset clause” that starts the day the license is issued and expires on November 2, 2021 with the additional stipulations that on the Entertainment license for outdoors the speakers would be pointed inward and consideration would be paid to having low level lighting to decrease the light pollution into the neighborhood.
Second Vote	Richardson Unanimous	

Sestito thanked everyone for working together and wished them a successful season. On a motion by Richardson, seconded by Constable, the Board voted unanimously to close the Public Hearing at 9:37 p.m.

Grey stated that the Community Preservation Act Committee currently has one opening and only one applicant for the position and wanted to make a motion to appoint Rachel Gilroy for that opening. After discussion it was decided to put this off until the next meeting. Sestito said that they should make an effort to get more candidates for open Board positions.

Motion	Richardson	To go into Executive Session to discuss strategy with respect to litigation and the Chair declare that an Open Meeting would have a detrimental effect on the litigating position of the body and a move to go into Executive Session to comply with and under the authority of attorney/client privilege and move to go into Executive Session to consult with legal counsel and obtain his advice pursuant to attorney/client privilege and to not reconvene into Open Session. The topic that will be discussed is Extenet License Appeal.
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To go into Executive Session to consider the purchase, exchange, lease or value of real property and the Chair declare that an Open Meeting may have a detrimental effect on the negotiating position of the body. The properties include the Yacht Club, the Saltwater Club, and Mezzo Mare.

The next meeting of the Board will be on March 5, 2020. The Open Meeting was adjourned at 9:40 p.m.

Recorded by Kathleen Fanning

Approved by:

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 Board of Selectmen Meeting on February 20, 2020
- Application for One Day Liquor License, Nantasket Beach Salt Water Club
- 2/12/20 email regarding Hull Boosters event in from June 17 – June 21, 2020 at HRA
- Hull Knights of Columbus application for One Day Liquor License on March 14, 2020
- Application for One Day Entertainment License for Hull Porchfest for September 5, 2020 and supporting materials
- License Amendment request for Local 02045 LLC dba Local 02045 and 145 NA, Inc. dba Nantasket Flatts
- Legal Notice of Hearing on JA Holdings, Inc. dba Red Sky at Steamboat Wharf application for All Alcohol License
- Application to ABCC from JA Holdings, Inc. dba Red Sky at Steamboat Wharf for liquor license
- Application for Common Victualer License for JA Holdings, Inc. dba Red Sky at Steamboat Wharf
- Application for Entertainment License for JA Holdings, Inc. dba Red Sky at Steamboat Wharf

