

**Hull Board of Selectmen
Final Minutes
April 28, 2021**

The meeting of the Hull Board of Selectmen was held at 7:00 p.m. on April 28, 2021 via the GoToMeeting platform as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law.

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

Before starting the meeting Constable led everyone in the Pledge of Allegiance.

Kurt Bornheim, Harbormaster re: Update on 2021 Boating Season

Kurt Bornheim was on the call to give an update on the upcoming boating season. He said they are expecting another extremely busy year as boat sales have been booming and have only slowed because inventory is down. There are no slips or moorings available in Hull or anywhere on the South Shore. He said they will be working with the Coast Guard and local Fire and Police personnel to train and monitor new boaters who have been unable to take boater training courses due to Covid and there will be a heavy emphasis on enforcement. He said that again this year due to Covid concerns and restrictions they will not be operating the pump-out boat. They are waiting for updated guidelines from Governor Baker and it is possible that they may be able to operate the boat on a limited, reservation-only basis later in the season.

Bornheim said he and Town Planner Chris DiIorio have applied for a dredging grant for Steamboat Wharf, which is coming up for its required 10-year maintenance. The initial grant would cover the cost of the permits and would allow them to apply for grants from the State and the Seaport Economic Council that would cover a significant amount of the costs, which would be well over \$1million. He noted that the commercial clam-digging season started in January but there is no recreational clam-digging allowed. He said that residents are now able to get their mooring permits online and this seems to be working well. DCR has said that Spectacle Island will be opening at the same time as last year and they are hoping to open up Peddocks Island in late summer depending on state regulations. Bornheim said he is hoping for another safe boating season.

Grey raised the issue of boat ramps. Bornheim said they have three ramps in town, A Street, Steamboat Wharf, and Pemberton. In order to secure funding for new ramps, which cost an average of \$1 million installed, they need to provide a dedicated parking spot for every \$10k spent on the ramp. Lemnios pointed out that the funding also requires that parking be open to anyone from Massachusetts and the parking spots must accommodate a vehicle and a trailer. Bornheim said he is having discussions with Safe Harbor Sunset Bay Marina about a possible private partnership in which they would help pay for the boat ramp. Bornheim isn't sure how this would work but it might be a solution.

Pursel asked if the A Street dock will be closed again this year. Bornheim said that according to the guidelines that were put out on March 22nd docks can only be used to facilitate boating access and all other gatherings are prohibited. Since enforcing social distancing at a dock is not possible they decided not to put it in. The Windemere dock was installed because it is a commercial dock and Pemberton was put in because it is used by first responders and the Coast Guard. He said that if the guidelines change they will put the A Street dock back but it would be August 1st at the earliest.

Reilly asked about the shellfish seeding of the beds down by Nantasket Pier that was done a few years ago but Bornheim said this was not successful. He said a virus went through all of the clam flats from Hull all the way up to the North Shore but the flats are now coming back and they are starting to see a lot of seeds. Reilly asked about the trawler that you see every season. Bornheim said this boat is permitted through the State and does hydraulic

dredging for sea clams that have to be a certain size and is very well regulated. Reilly asked if there was any way to regulate the pipe that is coming from the ramp at Nantasket Pier that drains into the mud flats and pushes the silt into the mooring and docking area as it increases the amount of dredging that needs to be done. Bornheim said that is a state drain and he has brought it to their attention as it is a large issue. He said it is a huge pipe that really needs work and he has never seen anyone do anything on it. Bornheim said when they do the required testing of the material in the basins they find a lot of hard metals and toxins. Since nothing has changed on the south side the issue would clearly be the water coming out of the drain pipe which could be contaminated from the roadway.

There was a discussion of safety in the A Street Pier area with people swimming and Bornheim said there is a bylaw that prohibits swimming. Constable also asked where the nearest pump-out location is. Bornheim said there is one in Hingham Harbor and several others nearby. They applied for a grant for a pump-out station but they did not receive it and he is not sure why but thinks perhaps the funding for the grant was uncertain. Lemnios thanked Bornheim for all of his hard work on behalf of the Town.

Jason McCann, Hull Pride re: Kenberma Crosswalk Project

Jacon McCann, a member of Hull Pride, gave a presentation on the Kenberma Rainbow Crosswalk Project. He said that Hull Pride is proposing to create a painted rainbow crosswalk at the north side of Kenberma Street across Nantasket Avenue which they feel would celebrate Hull's commitment to inclusion and diversity, support economic development in the Kenberma Business District area, and complement beautification efforts of the Town of Hull streetscapes. McCann said this initiative is supported by the owners of Scoops and Good Geeks, which are the two businesses that are adjacent to where they are proposing the crosswalk, and they have a broad base of support throughout the Town. He noted that they have been endorsed by the Hull Economic Development Committee, the Hull No Place for Hate committee, the Hull-Nantasket Chamber of Commerce, along with a growing list of local businesses.

McCann said there are two possible options for the crosswalk. One would be a traditional white crosswalk with colors painted inside of it and the other would be just to have rainbow stripes painted vertically across Nantasket Avenue. They are going through the process of getting approvals and building community support and are starting to secure funding. He said they have gotten estimates from Chip Kane, the contractor who did a crosswalk in Provincetown who is on this call. They have spoken with the Police Department and the Town Manager, and are hoping to coordinate the striping with the annual town-wide crosswalk restriping that the Town does every year in late May or early June. McCann noted that several towns in MA have used rainbow crosswalks as a way to slow traffic and Chief Dunn has discussed the implementation of the project with the Police Departments in Provincetown and Plymouth. McCann said that MassDOT has actually funded projects that include rainbow crosswalks and there are no accessibility issues, and there are no reported safety issues.

McCann said Chip Kane who did the painting and striping in Provincetown gave an estimate of \$3,575 for design, paint, materials and labor. Kane was on the call and said that if awarded the contract he could most probably complete it in a four-hour period and they could certainly pick a time of day that made the most sense with the traffic flow. He said that his intent would be to have the shape and color replicate a traditional crosswalk and work with the existing pattern of the crosswalk. McCann said he realizes that it is up to the Town to decide who they would use for contractors. McCann emphasized that they are proposing to fund this privately and have already received some pledge donations from corporate sponsors and private individuals. They are planning to do marketing and media coverage during June, which is Pride Month. They are here now to get the approval of the Selectmen as the Town's Traffic Commissioners and hope to be able to paint the crosswalk in time for Pride Month.

Constable thanked McCann for his presentation and the great work that he and his group have done in the Town and opened it up to the Board for questions. Reilly noted that Chief Dunn had written a memo which raised a question about the Town's liability if there were an accident at such an intersection since it would stray from the guidelines for unmanned intersections. There followed a discussion about the Town's potential liability around this intersection since it would not be in compliance with federal guidelines as well as the possibility that the Town's

insurer would not cover claims from an accident at such an intersection. Lampke said he had spoken with the Town's insurer who recommended that the Town comply with federal guidelines but did not say they would not cover claims. Lampke said there is no evidence that these types of crosswalks cause accidents but the Selectmen must consider the potential liability issues in this project. He also said the Board should consider how they would handle similar requests from other groups in the future. Reilly asked if it would be possible to draft some sort of guideline or policy that could be used as a reference in the future. Lampke said this could be drafted but it would have to be content neutral and could not be decided on whether the group that is proposing it is popular.

Lemnios said he wanted to thank Chief Dunn, Deputy Chief Reilly, and Lampke for the time they have spent on this issue. He said thinks potential liability is something they need to take into consideration but feels they should be able to craft a policy that would serve a significant portion of the community. McCann said that in terms of the liability, the Town is working hard to repair all of the streets but there are a number of intersections, sidewalks and crosswalks that are in need of repair and pose a potential threat. He also said that their proposal, which will be privately funded, does not single out one particular group of people but would beautify the area for everyone.

Motion	Grey	To approve the first option for a rainbow crosswalk (rainbow colors within traditional white stripes) on the north side of Kenberma Street at Nantasket Avenue as presented by Jason McCann at this meeting
Second Vote	Reilly Unanimous	Grey – Aye Reilly – Aye Pursel – Aye Constable – Aye

Lemnios said that people could make a donation to the Town of Hull with a designation for the crosswalk and the Town would set up a fund for that purpose or they could donate directly to Hull Pride. Lampke said he hopes such projects will encourage the Federal Highway Administration to change their policies. Constable said she feels the Board should consider adopting a policy on how to handle future requests of this nature.

Charles Boggini, Paragon Entertainment Ventures, LLC, 189-193 Nantasket Avenue re: Alteration to Premises and Covid Operating Plan Update (Continued)

Constable noted that the Board had just received an updated plan from Paragon Entertainment and turned the meeting over to Boggini. Boggini said that David Peters, their consultant, was on the call as well as Drew (?). He said they are looking for a capacity of 326 in the exterior Boardwalk area and 54 for the interior area. These numbers are within capacity guidelines. He said they are here seeking approval of their Covid seating plan only.

Lemnios said he has had several conversations with Boggini over the last several days and that Boggini anticipated increasing the indoor capacity to 111 once all restrictions are lifted. He said the exterior space can accommodate 326 with the current regulations for separation but this number might be increased by 104 people once all restrictions are lifted as of August 1, 2021. At this point the two combined spaces would get to 540. Lemnios emphasized that the original 1,000 has been reduced to 540 for all of the spaces in part because of the transformation of the total area and the changes in design and Boggini said that 540 is the number he is comfortable presenting. Boggini said he would like to discuss possible changes in operations before August 1st. Lemnios noted that the guidelines that Governor Baker just released said that as of May 29th if you wanted to have a drink the restriction of having to be seated is being lifted. Lemnios asked Boggini what he saw happening once the restrictions start to be diminished. Boggini said his view is exactly what the site has been built for which would be to go to a specific container and order food and then either stand up and eat it there or go back to a table to sit with others who may have gotten food somewhere else.

Lemnios said that before August 1st the number will not exceed 330 outside and that after August 1st they will submit a permanent operations amendment outlining how things will look when there are no restrictions. He said that what is before the Board tonight is 326 outside and 54 inside and this would be in effect until August 1st, but the

way in which patrons can get a drink may change before then based on guidelines from the State. Lampke asked how food would be ordered and served. Drew, who is working with Paragon on this venture, said people would only be allowed onto the property if a table is available and this would be managed through a reservation-style system at the entrance. There would be servers to take orders and serve the food and drinks.

Grey said he wanted to confirm the final count before making the motion. The outside capacity would be 326 and the inside capacity would be 54 based on the schematic presented on April 28, 2021. Lemnios noted that on the Application to Amend the Common Victualer License the number for present capacity is listed as 250 but should actually be 380. Lampke said Boggini should amend the numbers to be consistent with what is being approved. Boggini said he accepted this amendment to the application.

Motion	Grey	To approve a capacity no greater than 380 persons for Paragon Entertainment Ventures, LLC, 189-197 Nantasket Avenue, 326 for the outside and 54 for the inside, subject to approval by Inspectional Services and compliance with all Covid protocols
Second Vote	Pursel Unanimous	Grey – Aye Pursel – Aye Reilly – Aye Constable – Aye

Dylan's Pizza, Inc., 14 Nantasket Avenue, Raul G. Yubi, Manager re: Common Victualer License (New)

The Manager, Raul Yubi, was on the call and asked whether, if the license is approved, they would be able to serve customers at the tables in the establishment. Lemnios said that the application specifies a total seating capacity of 26 and this would be permitted subject to submission of a Covid-compliant seating plan to the Board of Health. Pursel asked if there would be any outdoor seating or if they would be serving beer or wine and Yubi said that there would be no outdoor seating at this time and they would not be serving beer or wine.

Motion	Grey	To approve the application for a Common Victualer License (New) for Dylan's Pizza, Inc., 14 Nantasket Avenue, Raul G. Yubi, Manager, subject to approval from Inspectional Services and submission of a seating plan to the Board of Health, and compliance with all Covid guidelines
Second Vote	Reilly Unanimous	Grey- Aye Reilly – Aye Pursel – Aye Constable – Aye

Robert Kelly, 77 Atlantic Avenue, re: HRA Parking Permit not to exceed maximum 600 non-residential cars

Lemnios said that prior to Robert Kelly's successful bid for the HRA parking permit, the Board had a discussion on the parking capacities that were to be in place. The decision was to allow 75 cars in the Water Street (Triangle) lot, 425 cars in the main HRA lot, and 100 non-resident cars in the Phipps Street lot which is also available to resident vehicles with stickers that are not part of the 100-vehicle limit. There will be Police details every Saturday and Sunday at the Nantasket and Phipps Street intersection and additional days as determined by the Police Chief. Lemnios said there was also a suggestion that officers be posted at the Phipps and Manomet intersection if necessary. Kelly's daughter, Breanna, said they would be meeting with the Police Chief the next day to go over operations in terms of when details would be needed.

Kelly asked if they could have non-resident cars park in one of the other lots if too many residents were parked in the Water Street lot to allow for 75 non-residents to park and they had not met their 600 overall maximum.

Grey said the best way to deal with this would be to push residents down to the Phipps Street lot but Reilly said that the HRA and Chamber of Commerce felt that parking in the Water Street lot was vital to the business district so that pushing residents to the Phipps Street lot was not ideal. Lemnios suggested that they make the Water Street lot solely for residents and keep the Phipps Street lot at 100 non-residents and raise the main lot to 500 cars. This might make enforcement easier and would have most of the non-residents parked in the main lot which is closest to the businesses. Kelly said they had made their bid based on being able to put 75 cars in the Water Street lot and this would change their business plan and added that last year's plan did not specify that the approved number of cars had to be in certain parking lots. Lemnios pointed out that the HRA gives the bid but the Selectmen grant the license.

There was a discussion between Lemnios and Constable about how to compromise on this to protect the preferences of residents. Lemnios suggested that if you had 25 residents parking in the Water Street lot you could shift 25 cars to the main lot but that the main lot would never go over 450 at any one point in time. Breanna said to clarify it would just be a maximum 25-car leeway if needed. Lemnios said the goal is to stay as close to 425 in the main lot as possible. Both Robert and Breanna Kelly said this was fine with them.

Motion	Grey	If resident parking in the Triangle Lot does not allow for 75 non-resident cars, a maximum of 25 additional non-resident cars can be parked in the main parking lot, but the number of non-resident cars in this lot can never exceed 450
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Second	Reilly
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There was a discussion as to how the motion should be worded to include the Board's guidelines and Grey withdrew his motion.

Motion	Reilly	To approve a license for 600 total cars: 100 paid vehicles and unlimited Town-stickered cars at the Phipps Street lot, and that the paid and unpaid vehicles should be strictly segregated in this lot, 75 cars on the Water Street lot and 425 cars in the main lot. When needed for flexibility, an additional 25 cars will be allowed in the main lot when non-paid resident vehicles are parked in the Water Street lot. At no time will the number exceed 600 paid vehicles. Police details will be present every Saturday and Sunday, weather depending, and on other days at the discretion of the Police Chief. The license includes acceptance of the rules and regulations for the season.
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Second	Grey	
Vote	Unanimous	Reilly – Aye Grey – Aye Pursel – Aye Constable – Aye

Grey asked if there were still fines in place for violations and Lemnios said there are and that the policies would need to be enforced. Breanna Kelly said they understood this and thinks this will be a good year.

Continued Discussion re: Article 7 (May 8, 2021 Annual Town Meeting)

Constable said this Article was to see if the Town will petition the General Court to grant the Town authority to issue additional licenses under G.L.c. 138, the State Alcoholic Beverages Law, beyond the present quota, or take any other action relative thereto. She said they need to decide the number and types of licenses that the Board would recommend to request at Town Meeting. Reilly said he had some feedback from restaurants in the area that had a tough time last year due to a lack of business and he feels they need to balance public need with development. Lampke said there are three things to consider: the type of license involved (e.g. beer and wine or all alcohol), the type of business that should receive the license (hotel, restaurant, etc.), and the area of town where it should be designated. After discussion it was the consensus of the Board that they would recommend four general licenses and one that would be set aside for a hotel venue.

Motion	Grey	To recommend a request for an additional five annual all alcohol licenses with one license set aside for a hotel restaurant.
Second Vote	Reilly Unanimous	Grey – Aye Reilly – Aye Pursel – Aye Constable - Aye

Mark Abatuno, Economic Development Committee re: Letter of Resignation

Constable said they had received Abatuno's letter of resignation and a thank you had been sent to him as he was a very active participant in that Committee.

Hull Yacht Club, 5 Fitzpatrick Way, Charles O'Connor, Manager re: Covid-19 Amendment to Common Victualer License for the 2021 Season

Charles O'Connor was on the call and said in the last year they have reduced the bar/café area in the Club and have reduced the seating by 50%. They have a small menu put together with pizza, hot dogs, etc. and should be able to open under the current guidelines.

Motion	Reilly	To approve the Amendment to the Common Victualer License for the Hull Yacht Club, 5 Fitzpatrick Way, under the current Covid-19 guidelines
Second Vote	Grey Unanimous	Reilly – Aye Grey – Aye Pursel – Aye Constable – Aye

NEW BUSINESS/UPDATES

Reilly said that Congress recently set up a commission to start planning for the 2026 celebration of the 250th anniversary of the country's founding and even though it is a few years away, he would like to ask the Board to set up a Town committee to start working toward this. He knows there are some people who are already working on this and would like to have this put on a future Agenda.

Constable said there was an MBTA Advisory Board meeting and that the MBTA is planning to restore service back to pre-Covid levels and that due to significant federal assistance they are predicting a balanced budget through FY24. She said she also had a meeting today with Chris DiIorio, Community Development and Planning Director, and the consultants working on improvements in the business district and the consultant would like to meet with each of the Board members to update them on these efforts and to get their feedback on Covid recovery efforts as it relates primarily to economic recovery in the business district.

EXECUTIVE SESSION

Motion	Constable	Move to go into Executive Session to discuss strategy with respect to litigation, and that the Chair declare that an Open Meeting may have a detrimental effect on the litigating position of the body; Move to go into Executive Session to comply with, or act under the authority of the Privacy Laws, including G.L. c. 214, sec. 1B; Move to go into Executive Session to comply with, or act under the authority of the Attorney-Client privilege; Move to go into Executive
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Session to consult with legal counsel and to obtain legal advice pursuant to the Attorney-Client Privilege and to not reconvene in Open Session. The following subject matter will be discussed in the Executive Session: Personnel and related claims.

Second Vote	Reilly Unanimous	Constable – Aye Reilly – Aye Grey – Aye Pursel – Aye
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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 Board of Selectmen's office upon request:

- Agenda and Added Agenda for Board of Selectmen Meeting on April 28, 2021
- List of Alcohol Licenses for 2021
- Discussion Regarding Article 7
- Application for Common Victualer License for Dylan's Pizza
- HRA Parking Lot Application
- Hull Pride Crosswalk Memo
- Hull Yacht Club Common Victualer License Amendment
- Mark Abatuno Resignation
- Paragon Amendment Packet

