

**Hull Board of Selectmen
Final Minutes
December 15, 2021**

The meeting of the Hull Board of Selectmen was held at 7:30 p.m. on December 15, 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, Chair; 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 calling the meeting to order Constable led everyone in the Pledge of Allegiance.

APPOINTMENTS

Paul Sordillo, Veteran's Agent re: William Henderson Street Dedication Request

As Paul Sordillo was unable to be on the call, Paul Dunphy spoke on behalf of the Veteran's Council to request that a Town intersection be named in William Henderson's honor. Dunphy said that Bill Henderson was a very giving person who had a great impact on local veterans and was also very involved in the St. Vincent de Paul Society. Reilly stated that Henderson is very deserving of this honor due to his great love for the Town and his positive effect on the lives of its residents.

Motion	Reilly	To approve naming the intersection of Lewis and Manomet Streets in honor of William Henderson
Second Vote	Constable Unanimous	Reilly – Aye Constable – Aye Grey – Aye Pursel – Aye

CORRESPONDENCE

David R. MacDougall, 18 Point Allerton Avenue re: Letter of Resignation from the Beach Management Committee

Motion	Reilly	To accept with regret the resignation of David MacDougall from the Beach Management Committee effective March 31, 2022
Second Vote	Grey Unanimous	Reilly – Aye Grey – Aye Constable – Aye Pursel – Aye

Both Lemnios and Reilly spoke of MacDougall's service to the Town and expressed their regret at his resignation.

REQUESTS FOR APPROVAL

2022 Annual Liquor License Certification and Seasonal Population

Constable said the Board needs to accept the ABCC's 2022 Seasonal Population Increase Estimation Form. It is estimated that as of July 10, 2022 the population of Hull will be 10,072.

Motion	Grey	To accept the 2022 Annual Liquor License Certification and Seasonal Population
Second	Reilly	
Vote	Unanimous	Grey – Aye Reilly – Aye Pursel – Aye Constable – Aye

Lori West, Office Manager re: New Year's Eve Extensions

West had sent a memo dated December 15, 2021 stating that the following liquor establishments have requested to remain open until 2:00 a.m. on New Year's Eve, December 31, 2021: California Underground, 257 Nantasket Avenue; Daddy's Beach Club, 280 Nantasket Avenue; Jo's Nautical, 125 Main Street; Schooners, 157 Nantasket Avenue; The C Note, 159 Nantasket Avenue; LaDalat, 181 Nantasket Avenue; Sandbar, 297 Nantasket Avenue.

Pursel noted that the memo should actually read that they are requesting to remain open until 2:00 a.m. on New Year's Day, January 1, 2022.

Motion	Grey	To approve the request of the above-named establishments to remain open until 2:00 a.m. on New Year's Day, January 1, 2022.
Second	Pursel	
Vote	Unanimous	Grey – Aye Pursel – Aye Reilly – Aye Constable – Aye

Paragon Entertainment Ventures, LLC dba Paragon Boardwalk, 189-197 Nantasket Avenue, Charles Boggini, Mgr. re: (A) All Alcohol; (B) Common Victualer; (C) Auto Amusement; (D) Entertainment (Renewal)

Lemnios said they had gone through the files again in order to confirm that the application for this year mirrored the application for 2019 and was merely a renewal, not an amendment of the license. He noted that there had been some confusion with regard to the Entertainment License for the exterior Boardwalk and mini-golf area but they had confirmed that the license was for piped-in music only and the applicant had signed off on this.

Lemnios said that Chief Dunn was present to speak to the issue of noise complaints and what parameters an officer would look at if he received a complaint. Constable reminded members of the public that this is a renewal only and that there are very limited circumstances in which the Board can modify, suspend or revoke a license. These circumstances would be: to protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, criminal activity or from health, safety or fire hazards; to prevent an unreasonable increase in the level of noise in the area caused by the license activity or caused by patrons entering or leaving the premises; to prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises. Constable explained that this is not a public hearing and she did not want there to be unrealistic expectations on the part of the public.

Chief Dunn said that last year they had a total of fifteen calls for service in this area, and a large number of them were from one week in October relating to a band with loud music. He said that although there are regulations regarding noise coming from inside bars to the outside, the Town of Hull has no specific noise ordinance and there are no quiet hours or quiet times that can currently be enforced. He noted that this is a commercially zoned area and if an establishment has a license for entertainment and has the proper permitting and paperwork it is hard to have them stop loud music because it is not necessarily unreasonable. He said the establishments involved were responsive to requests to lower the noise level. He said that it would be possible to propose a bylaw to be presented at Town Meeting which would deal with noise and might affect how they handled such calls.

Chas Boggini said they had been discussing the issue of making adjustments to noise levels and activities internally as well as working with the Town. He said he is passionate about this business and feels they have been able to

create a very family-friendly atmosphere and will continue to be good neighbors. He said they want to provide a place where people can enjoy themselves and music is a big piece of that, but they are willing to work with everyone involved to determine the proper decibel levels and the proper times. He said he is happy to speak with anyone at any time.

Reilly asked Lampke if there is a State law regarding noise. Lampke said the State Department of Environmental Protection has regulations that pertain to noise under the category of noise pollution and whether it is hazardous to people's health. Chief Dunn noted that the State statute deals primarily with construction equipment operating in residential areas and it is his understanding that it does not really address restaurants or bars. Reilly asked if it would be possible for the Board to place stipulations on a license holder regarding decibel levels of noise and whether the police could enforce these stipulations. Lampke said yes and that according to state law a licensing authority is specifically authorized to impose reasonable conditions on any entertainment license but at this point they could not put stipulations on the license because it would require a public hearing. Lampke said that as Constable read earlier, the categories for which a Board can modify a license are somewhat limited but if an establishment is creating a disturbance or unreasonable increase in noise in the area that could be examined. Pursel said she thinks music is the vibe of the beach and is part of what makes the character of Hull, but they need to determine how to measure noise levels and to give the police force guidance regarding enforcement.

A member of the public on the call expressed concern about the fact that complaints were made about live music when only piped-in music was allowed in the outside area. Grey asked whether the police would be able to shut a band down if live music is not allowed and the Police Department is called. Dunn said he can't guarantee that this will be handled the same way every time but said that generally if there is a violation of a license they stop what is going on and it then goes before the Board for possible action. Lampke said the Board would have to hold a hearing and could suspend the license or revoke it, but, as Dunn indicated, it depends on the circumstances.

Constable said that over the course of these meetings the Board has heard concerns from staff, the Police Department, and residents that indicate that the Board might want to look into some sort of noise ordinance and this is something they should look at after the first of the year. Reilly said that he is sure that in the spin classes there was probably piped-in music and this can be just as loud as live music, so he thinks they need to set up some type of objective measurement that can be equally applied to all license holders. He noted that the summer season will be over before any ordinance could be passed and approved by the Attorney General's office and suggested that at the start of the season they get all of the license holders together and come to some sort of agreement as to what the standards will be for noise moving forward.

Motion	Grey	To renew Paragon Entertainment Ventures, LLC dba Paragon Boardwalk, 189-197 Nantasket Avenue, Charles Boggini, Mgr. re: (A) All Alcohol; (B) Common Victualer; (C) Auto Amusement; (D) Entertainment
Second Vote	Pursel 3-1-0	Grey – Aye Pursel – Aye Reilly – Nay Constable – Aye

Reilly said he is not happy with the inordinate number of hours that Town personnel had to spend to determine the conditions of this license and thinks it is becoming more common for license holders to pick and choose different days and hours. He feels the Board will need to look at their rules and regulations related to licensing such venues and that they may need to set opening and closing hours. He said he is voting no because he hopes the license holders realize that they will need to be tougher with them to maintain quality of life for residents in the area. Constable said that she agrees that moving forward the Board will need to establish opening and closing hours as it is becoming burdensome for hours and days of operation to change so much.

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

Pursel asked Lampke how early it was permissible to serve alcohol and noted that the license application indicated an opening time of 7 a.m. Lampke said that they could start serving alcohol at 8 a.m. and suggested that if the Board

is concerned about the time they could approve the renewal with a provision that they not serve alcohol until a specific time. He will check the law to see if there is a mechanism for them to request a starting time of 7 a.m. He noted that these renewals are reviewed by the ABCC.

Motion	Grey	To approve the renewal for Jessekat LLC dba Toast, 121 Nantasket Avenue, Jessica Travis, Mgr. re: (A) Wine and Malt as Restaurant; (B) Common Victualer
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Second Vote	Reilly Unanimous	Grey – Aye Reilly – Aye Pursel – Aye Constable – Aye
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Arc Lux, Inc. dba Mambos, 269 Nantasket Avenue, Anthony Ghosn, Mgr. re: (A) All Alcohol; (B) Common Victualer (Renewal)

Motion	Grey	To approve the renewal for Arc Lux, Inc. dba Mambos, 269 Nantasket Avenue, Anthony Ghosn, Mgr. re: (A) All Alcohol; (B) Common Victualer
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Second Vote	Reilly Unanimous	Grey – Aye Reilly – Aye Pursel – Aye Constable – Aye
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Nantasket Beach Café dba Saltwater Diner, 512 Nantasket Avenue, Richard Bornstein, Mgr. re: Common Victualer (Renewal)

Motion	Grey	To approve the renewal for Nantasket Beach Café dba Saltwater Diner, 512 Nantasket Avenue, Richard Bornstein, Mgr. re: Common Victualer
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Second Vote	Reilly Unanimous	Grey – Aye Reilly – Aye Pursel – Aye Constable – Aye
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UPDATES

Lemnios said that they will probably be doing a generator test on Friday morning at 10:00 am and they are working with the Light Department to make sure that ample notice goes out to the public. The whole process takes about 3-4 minutes. He said water work on Atlantic Avenue is being done by the Weir River Water Company in anticipation of the Atlantic Avenue project and is on target for the scheduled completion date which is the end of this month. He also said the lights at Kenberma should be lit by tomorrow and noted that the lights they have now are seasonal lights but the poles will stay there year-round so there will be opportunities for other displays during the year.

Grey asked Lemnios if they should have the Joan Taverna come in for an update on Covid. Lemnios said that she would be in for a meeting in January as the Town's caseload has increased and there is concern among public health officials that there is probably an under-reporting of cases because people are now able to do home testing and may not be reporting in the same manner. There is also some uncertainty about the Omicron variant as they realize it is very contagious but are still unsure how debilitating it will be. He noted that Hull still has a mask mandate in public buildings but there is none statewide at this time.

Pursel said that she had been contacted by the Seaside Animal Rescue regarding the status of the Animal Control Officer as they have had a number of calls about domestic animals and wild animals. They do not have the skills or the resources to handle some of the calls and want to know where to send people for help. Lemnios said he plans to present a candidate at the first meeting in January.

Reilly said he wanted to thank all of the Town staff who worked to complete the necessary inspections and paperwork in order for the licenses to be approved in a timely manner. He said things have moved more smoothly this year than some years in the past.

Constable asked for the Board's support in asking Lemnios to have Veteran's Agent Paul Sordillo look into a property tax exemption for Gold Star families and other possible recommendations for property tax exemptions for veterans that might be presented at this year's Town Meeting. Lemnios said he would ask Sordillo to start getting some information on this.

Constable also reminded everyone that Hull is part of a grant that is working with MAPC and other South Shore communities looking at a First/Last Mileage program. She said there is a survey out that she will post and she asked people to spread the word about this. The results so far have shown there is an interest in the Nantasket Beach area in Hull as a tourist destination. If they could get some sort of a transportation program that would alleviate some of the parking concerns it would certainly help support businesses and would be good for the region and would be more environmentally friendly. Lemnios said he will share the link on the Town website.

On a motion by Grey, seconded by Reilly, the Board voted unanimously by roll call vote to adjourn.

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 for Board of Selectmen Meeting on December 15, 2021
- Application materials for license renewals for: Paragon Entertainment Ventures, LLC dba Paragon Boardwalk; Jessekat LLC dba Toast; Arc Lux, Inc. dba Mambos; Nantasket Beach Café dba Saltwater Diner
- 2022 Seasonal Population Increase Estimation Form
- Resignation Letter from David MacDougall
- Letter regarding William Henderson Street Dedication
- Memorandum from Lori West regarding New Year's Eve Extensions