

Select Board

April 5, 2022

Present:

- Select Board: Mr. Joseph Fisher, Mr. Bill Ramsey, and Ms. Liz Klein
- Mr. Tom Mayo, Town Administrator
- Ms. Michelle Monsegur, Assistant Town Administrator for Finance
- Mr. Art Robert, Assistant Town Administrator for Operations

6:30 PM: Call to order

Mr. Fisher called the meeting to order. Select Board members participating in the meeting were himself Mr. Bill Ramsey and Ms. Liz Klein

Approval of Minutes

Vote: Mr. Ramsey made a motion to approve the minutes dated March 15, 2022. Ms. Klein seconded.

All were in favor, 3-0.

Vote: Ms. Klein made a motion to approve the minutes dated March 16, 2022. Mr. Ramsey seconded.

All were in favor, 3-0.

Vote: Mr. Ramsey made a motion to approve the minutes dated March 22, 2022. Ms. Klein seconded.

All were in favor, 3-0.

Confirm the postponement of the 2022 Town of Hingham Annual Election

At a previous meeting, the Board voted to postpone the annual Town Election. Since then, the Board was waiting for the MA State Legislature to act. Mr. Fisher said that the Board would vote tonight to confirm this postponement, pursuant to chapter 36 of the Acts of 2022.

Vote: Ms. Klein made a motion to confirm the postponement of the Town of Hingham Annual Election from Saturday April 30, 2022 from 8:00 AM to 8:00 PM to Saturday May 14, 2022 from 8:00 AM to 8:00 PM, pursuant to chapter 36 of the Acts of 2022. Mr. Ramsey seconded.

All were in favor, 3-0.

Special (One-Day) License

Sharon Bohan presented on behalf of the South Shore Conservatory. She explained that the event they are planning is a 2-day fundraiser. They plan to hold a performance by some of their adult students and to have a reception with wine and cheese. She expects approximately 45-60 guests. Police Chief Jones had no issues with the proposed event. Those interested can find information about this event at www.sscmusic.org.

Vote: Mr. Ramsey made a motion to approve the request for a Special (One-Day) Wine and Malt Beverages license to Sharon Bohan on behalf of the South Shore Conservatory for the Performathon

Adult Concert & Reception to be held at the South Shore Conservatory on Saturday, April 9, 2022 from 6:00 pm to 7:30 pm. Ms. Klein seconded.

All were in favor, 3-0.

Discussion of amendments to the Town of Hingham COVID-19 Temporary Policy Regarding Restaurant Outdoor Table Service, including but not limited to extending the term of the policy

Real Estate Counsel, Susan Murphy, presented. She said that the Town originally approved this policy as a response to Governor Baker's Executive Order. At the time it was issued, restaurants were not permitted to serve guests inside due to the COVID-19 pandemic. Now, the Select Board is being asked to approve an extension to the policy, with adjustments that would address the changes in Zoning requirements put in place as a response to the pandemic.

The Board asked questions on several topics, including the following:

- Whether the restaurant owners felt that the revised policy meets their needs – Ms. Murphy nor Police Chief Jones were aware of any complaints.
- Parking issues – Additional conditions may be imposed due to safety concerns at particular locations.
- Septic systems – The Restaurant Reopening Group will evaluate if any additional outdoor seating would cause any issues for those restaurants who have septic systems.
- ADA compliance – Ms. Murphy said that the Building Commissioner has reviewed each application for ADA compliance. She noted that the restaurants have been very cooperative when addressing concerns.

The Board members all felt that the outdoor table service has been a very successful program. Ms. Klein confirmed that the extension would be effective for one year. There would be no fees for the restaurant owners. Mr. Ramsey stated that several restaurants have successfully completed the permitting process that will allow for their outside dining to be set in perpetuity. He encouraged restaurant owners who are interested in doing the same to contact the permitting staff at Town Hall. He did not expect the Governor to extend the order beyond April 1, 2023.

FIRST VOTE: Ms. Klein made a motion to that the Board amend the "Town of Hingham COVID-19 Temporary Policy Regarding Restaurant Outdoor Table Service" in its entirety in the form of the draft dated April 5, 2022. Mr. Ramsey seconded.

All were in favor, 3-0.

SECOND VOTE: Mr. Ramsey made a motion that the Board amend the Outdoor Table Service Approvals granted to the following establishments by extending the expiration date of each OTS Approval to expire on April 1, 2023 (the "Rescission Date"); provided, however, that if the Rescission Date is extended by the Legislature, the Rescission Date shall be such the extended date unless the Select Board, in its discretion, sets an earlier expiration date, and subject to the following additional General Conditions:

1. This extension is granted subject to the Approved Plan previously approved and attached to (or referenced in) the original OTS Approval. Any modification to the location, size, layout or seating capacity of the OTS Premises from the Original Approved Plan is subject to review and approval by the Select Board.
2. This OTS Approval, as extended, is subject to all other applicable federal, state and local laws, regulations and permits. Without limiting the foregoing, and notwithstanding the grant of this OTS Approval, the establishment shall be subject to any restriction on total indoor and outdoor seating capacity imposed pursuant to Title 5 of the State Environmental Code.
3. Except as expressly modified herein, all General Conditions and Special Conditions of the original OTS Approval and prior extensions thereof remain in full force and effect.
4. The establishment may be subject to periodic inspection for compliance with this Approval. Failure to comply with this Approval may result in suspension or revocation of this Approval and in fines in accordance with Massachusetts law.

- 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub
- Shipyard Ventures, LLC d/b/a Alma Nove
- MCC4LBD, LLC d/b/a Boat House Bistro
- Burtons Grill of Hingham, LLC d/b/a Burtons Grill
- Legal Sea Foods LLC d/b/a Legal C Bar
- Locales Taco, LLC d/b/a Locales Tacos y Tequila
- Lima Sports, Inc. d/b/a South Shore Sports Center
- The Range Hingham, LLC d/b/a The Range
- BE and E, Inc. d/b/a The Snug
- Eat Well, Inc. d/b/a Tosca
- Plaza Azteca Hingham, Inc. d/b/a Vida Mexicana
- Paragon Funding Group LLC d/b/a Wahlburgers

Mr. Klein seconded.

All were in favor, 3-0.

Ms. Murphy further explained that not all Hingham restaurants were included in the vote list because several have already applied for a permanent change to their OTS and several have septic systems that require further review. Police Chief Jones did not feel that there were any public safety issues with the extension voted upon by the Board.

National Grid – Gas Main Replacement in Downer Ave.

Town Engineer, J.R. Frey, explained that National Grid is seeking a Grant of Location to continue work that has already been ongoing in Thaxter Street. Due to the poor condition of the pipe at the intersection of Downer and Thaxter Streets, connection was not possible as planned. Mr. Frey said that it seemed appropriate to seek a Grant of Location in this case because of the length of the extension and because the pipe would cross a State highway, entering into a new right of way. He expected the extension of the work to take approximately two days. All abutters have been notified and Mr. Frey noted that he has been working with the Hingham Public Schools Transportation Department and Foster Elementary School to minimize disruption to school traffic.

Vote: Ms. Klein made a motion to approve the request of National Grid to install and maintain approximately 64 feet of 4-inch gas main in Downer Avenue. This work is an extension of the work currently in progress in Thaxter Street and is necessary to complete that work. The gas main in Downer Ave. will originate at the intersection of Downer Ave. and Lincoln St., as a continuation of the gas main in Thaxter St. crossing Lincoln St., connecting into the existing 4-inch plastic gas main in Downer Ave. These gas mains will replace existing 3-inch bare steel (1939). The age of the abandoned main is 83 years old.

This approval is subject to the stipulations of the Department of Public Works as outlined in the letter dated March 31, 2022. Mr. Ramsey seconded.

All were in favor, 3-0.

Massachusetts Department of Transportation - MBTA Bus System Infrastructure Improvements: Otis Street and Governor Long Road

Mr. J.R Frey, Ms. Natasha Vance, MBTA, and Ms. Corrine Tobias, Green Int'l, MBTA Consultant were present. Mr. Frey explained that that the Board was originally approached with two separate MBTA PATI projects. One received no objections and the MBTA has moved forward with that one. The other bus stop, Otis Street and Governor Long Road, received some objections from abutters. The Traffic Committee has addressed the questions that were raised and has recommended some modifications to the original plan, which they support presenting to the Select Board. All recommendations were aimed at improving safety and would work in conjunction with the Route 3A improvement project, which has been in the works for some time. Mr. Frey felt that the modifications to the MBTA's plan would significantly improve the safety at the corner of Otis Street and Broad Cove Road by slowing traffic turning onto Otis Street. The new plan would require a proper right turn and a speed limit of approximately 15-20 mph. Currently, drivers do not have to make a significant turn. The improvements would require drivers to slow significantly.

Ms. Natasha Vance, Project Manager of the MBTA's PATI project explained that the aim of the PATI project is to make bus stops safer for drivers and pedestrians and to improve handicap accessibility. She explained the deficits of the current bus stops and noted that there is a disabled bus rider at the location so they want to make sure that the rider can easily get on and off the bus. She explained the elements of an accessible bus stop include

- An 8'x10' landing area
- A clear zone at the back doors of the bus
- An accessible path of travel so disabled rides do not become stranded

Ms. Corrine Tobias, Designer at Green International, said that they have planned for improvements that would slow vehicles at the intersection with curbside bump-outs. The bump-outs would slow traffic and improve pedestrian safety. They plan to move the crosswalk closer to the intersection, reducing its length. She added some additional information with regard to the other bus stop at the intersection of Otis Street and Governor Long Road. Improvements at that location would include landscaping within the Town of Hingham right of way and accessibility improvements that would mitigate parking issues at the location.

Mr. Fisher pointed out that Hingham's Master Plan identified accessibility issues as a priority and he felt that these bus stop improvements would work to that end. Ms. Klein also noted that accessibility is a Town-wide goal and she appreciated the efforts to make the intersection safe.

Mr. Takashi Fukuda, 139 Otis Street, had some questions regarding alterations to landscaping resulting from the construction. Mr. Frey said that only plantings in the right of way or those plantings on private property that overhang the right of way may be trimmed back to allow for the construction work to be complete. Mr. Frey said that he would be happy to meet Mr. Fukuda in the field to answer any additional questions.

Mr. Eric Seasholtz, 141 Otis Street, appreciated the changes that have been made to the plan. He also suggested that there should be fewer bus stops on Otis Street due to low ridership in the area. Ms. Natasha Vance commented that the MBTA is currently undergoing a bus network redesign, which could result in some route changes. She encouraged Mr. Seasholtz to coordinate with Mr. Frey as soon a draft map is released by the MBTA in May.

Mr. David McCarthy, 143 Otis Street, asked about the timing on the project. He also suggested more enforcement of the speeding in the area of the intersection of Broad Cove Road and Otis Street. Ms. Natasha Vance explained that they hope to begin the construction at the end of summer/beginning of fall. She said that abutters would be notified two weeks prior to the beginning of work.

Vote: Mr. Ramsey made a motion to approve the request of the Massachusetts Department of Transportation to install MBTA Bus System Infrastructure Improvements designed to improve accessibility at the intersection of Otis Street and Governor Long Road. The improvements include the construction and/or reconstruction of concrete sidewalk, handicap ramps, granite curbing, signage, and striping within the Town owned Right-of-Way on Otis Street, at the intersection with Governor Long Road. This approval is subject to the stipulations of the Department of Public Works as outlined in the letter dated March 4, 2022. Ms. Klein seconded.

All were in favor, 3-0.

**Massachusetts Department of Transportation - MBTA Bus System Infrastructure Improvements:
Broad Cove Road**

Vote: Ms. Klein made a motion to approve the request of the Massachusetts Department of Transportation to install MBTA Bus System Infrastructure Improvements designed to improve accessibility at the intersection of Otis Street and Broad Cove Road. The improvements include (1) Reconstruction and reorientation of the intersection of Otis Street and Broad Cove Road, consistent with the proposed construction planned for the Route 3A Improvement Project; 2) The construction and/or reconstruction of concrete sidewalk, handicap ramps, granite curbing, new guardrail, signage and striping within the Town owned ROW on Otis Street, and within the State Highway Layout in Otis Street and Broad Cove Road. This approval is subject to the stipulations of the Department of Public Works as outlined in the letter dated March 4, 2022. Mr. Ramsey seconded.

All were in favor, 3-0.

Parking Fine Structure

Police Chief Jones stated that that Traffic Committee approved the following changes, as noted in the below vote, during their March 23 meeting and is recommending the changes to the Select Board for approval. Chief Jones said that the goal of the proposed fines is to simplify the fee structure. He also noted that they have compared the proposed fee structure to comparable communities and they fall in line with those. Ms. Klein noted that the proposed change to the handicap-parking fee would require a change in the Town By-laws and would not be taken up by the Board at this time.

Vote: Mr. Ramsey made a motion to adopt the following changes to the Parking Fine Structure effective

- 1.
2. **Bus Stop violation reduce from \$100 to \$25**
3. **Increase Fire Department related fines from \$25 to \$50**
4. **Within 10' of a Hydrant**
5. **Fire Lane obstruction**
6. **Increase Obstructing Sidewalk/Crosswalk from \$20 to \$25**
7. **Increase Within 20' of intersection, over 1' from curb, and Other from \$15 to \$25**
8. **Add the following violation and associated fees:**
 - a) **EV Space Violation \$50**
 - b) **Bicycle Lane Violation \$25**
 - c) **Outside the lines Violation \$25**

Ms. Klein seconded.

All were in favor, 3-0.

Lincoln School Apartments

Mr. Art Robert and Ms. Amy Farrell presented.

7:52 PM: Ms. Farrell, Chair, called the meeting of the Lincoln School Apartments Board of Managers to order.

She introduced other members of the Board of Managers who were present. Ms. Farrell presented the Calendar 2022 Budget. There was some discussion regarding the costs associated with unit turn over. Mr. Fisher asked about the morale of the residents. Ms. Farrell said that she feels that residents are generally happy. She did note that there were some safety concerns during the pandemic. The long duration of the closing of the public areas, such as the open living spaces did affect moral. She expects that the residents would be happy with capital improvements that being are being planned for next year, including updates to the common spaces.

She gave a quick update on the windows project. The windows are currently being fabricated and should be complete by July or August. She expects to receive an updated project calendar next week. She also noted that Corcoran is currently soliciting bids for the purchase of a back-up generator. Ms. Farrell also gave an update on the recent elevator repairs.

She followed with a presentation of the recently completed third Capital Needs Assessment of the Lincoln School Apartments. Major projects to be completed by the end of 2023 include:

- Renovation of some unit interiors
- Masonry and brickwork repairs to the exterior of the building
- Common area upgrades

Mr. Fisher asked if Ms. Farrell was satisfied with the current ADA compliance of the building. Ms. Farrell said that she was generally satisfied with the building's compliance and noted that any changes or upgrades to the building would be subject to inspection by the Building Department.

Mr. Fisher asked if the Board has been satisfied with Corcoran's performance managing the building. Ms. Farrell invited members of the Board of Managers to comment. Mr. Steve Spall, felt that Corcoran has done a very good job. Mr. Matt Dillis, a registered certified Civil Engineer, stated that the property has been well cared for and has not noticed any deferred maintenance. Ms. Gretchen Condon, previous manager of elderly housing programs, also felt that Corcoran has been doing a very good job. Ms. Farrell also noted that she has been happy with the staff at Corcoran. She felt that the staff has been very accommodating and helpful. She explained that Corcoran's contract goes to bid every three years. They are currently in the third year of a three-year contract.

Vote: Ms. Klein made a motion to approve the Lincoln Apartments LLC Calendar Year 2022 Budget (as presented) pursuant to Section 6.4 of the Ground Lease between the Town of Hingham and Lincoln Apartments LLC. Mr. Ramsey seconded.

All were in favor, 3-0.

8:20 PM: Ms. Farrell adjourned the meeting the Lincoln School Board of Managers.

Public Comment

"The Hingham Select Board encourages community engagement and welcomes questions and comments as agenda items are discussed at the meeting. In addition, we have set aside up to fifteen minutes for public comment for items that fall under the purview of the Select Board and are not already on tonight's agenda. If any guests wish to speak, please seek to be recognized. Once recognized, state your name and address and address your comments to the Chair. Comments will be limited to three minutes per speaker and must relate to topics within the scope of the responsibilities of the Select Board. Speakers are encouraged to present their remarks in a respectful manner and not to indulge in personalities. The Public Comment period is not a time for debate by members of the Select Board. The Select Board is not adopting or endorsing any of the comments made during the Public Comment period."

There were no comments from the public.

Town Administrator/Select Board Reports

Ms. Klein announced that the Police and Fire Departments are holding tours of their facilities tomorrow. She also reported that the Select Board plans to attend the meeting of the Hingham Unity Council tomorrow night.

Mr. Ramsey noted that spring youth sports have just started. He thanked all the great volunteers around Town who make those sports happen.

Mr. Fisher reported that the Hingham Sports Partnership had a wonderful even this past Sunday night. He congratulated them for a successful event.

Executive Session

The Chair Stated: The Board will enter into Executive Session under M.G.L. c. 30A, Section 21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town. The Board will not reconvene in Open Session. ROLL CALL VOTE.

Vote: Ms. Klein made a motion to enter into Executive Session. Mr. Ramsey seconded.

All were in favor, 3-0.

The Select Board entered into Executive Session at 8:21 PM.

Documents: A complete meeting packet of supporting documentation is on file and available for public review in the Board of Selectmen's office