

Board of Selectmen

June 9, 2020

Remote meeting via telephone conference call

Present:

- Board of Selectmen: Ms. Karen Johnson (Chair), Ms. Mary Power and Mr. Joseph Fisher
- Mr. Tom Mayo, Town Administrator
- Ms. Michelle Monsegur, Assistant Town Administrator
- Ms. Susan Murphy, Town Counsel

Call to order: 7:00pm

Ms. Johnson read the following statement:

“This meeting is being held remotely 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. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.”

Approval of Minutes

Mr. Fisher made a motion to approve the minutes dated May 22, 2020. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Review and vote on the Rules and Regulations for the Weir River Water System (Board of Selectmen acting as Board of Water Commissioners)

Ms. Johnson commented that Environmental Partners collaborated with the Town of Hingham to make sure that the rules and regulations that Aquarion had set in place have been properly reviewed and have been added to and modified as appropriate now that the Town of Hingham will be operating the Water Company through a private operator.

Mr. Ryan Trahan gave an overview of the rules and regulations. He said that Environmental Partners had five meetings with the Town to discuss the rules and regulations. He explained that the rules and regulations of the Weir River Water Company help to guide the day-to-day business of the Water System and is a great guide for new and existing water customers. The document explains how to apply for new and discontinue existing water service. It reviews and discusses bill and invoices, as well as the abatement process. It covers water use restrictions for outside water use, the water balance program, and water conservation. It covers policies regarding private and public fire hydrants, as well as the procedure for setting Water System rates. He explained that the Rules and Regulations would serve as a reference for the rate payers as well as the Water System employees and the Water Superintendent.

One of the goals when writing the new Rules and Regulations was to make them similar to what the rate payers are used, while at the same time making them more user-friendly.

Mr. Fisher thanked Mr. Trahan of Environmental Partners, as well as the Water Transition and Evaluation Committee, led by Mr. Jim Taylor, for their work on the project. He had a question regarding the approval process for plumbing work (Section 10). Mr. Trahan advised that approval would be needed only when a meter is changed or when new service is installed. Mr. Trahan added that, in the event of such work, the plumbing inspector from the town in which the work was being performed would be in charge of the permitting.

Mr. Fisher also asked Mr. Trahan to speak about the process when water conservation restrictions are imposed (Section 24). Mr. Trahan explained that water conservation restrictions are currently in place between April 15 and October 15 each year. He said that the water conservation restrictions help curtail excessive water use during those months and within certain times during the day. The restrictions also give assigned days to odd or even numbered addresses. The rules and regulations also allow the Water Commissioners to impose additional restrictions in the event of a drought.

Mr. Fisher also thanked Ms. Power for the huge amount of work she put into this project.

Regarding water conservation restrictions, Ms. Power added that, as the Town gains more experience running the water company, they might want to modify this area of the document. She also added that, if changes were made to the document in the future, it would be done in a very public way.

Ms. Johnson echoed Ms. Power's comments and stated that municipal ownership of the Water System requires a public process for changes to the rules and regulations. She felt that this was of great benefit to the rate payers.

Ms. Johnson asked Mr. Trahan to explain how mixed-use (commercial and residential) buildings would be charged. Mr. Trahan explained that there would be a different meter for different usage, one commercial and one residential. She also asked about the process for the implementation of water restrictions and drought conditions (Section 24 and Section 25). Mr. Trahan advised that all changes would be voted by the Water Commissioners and would be documented in a letter to the DEP.

Mr. Fisher suggested a change to Section 3, with regard to the make-up of the Citizens Advisory Board. He suggested that the first sentence should be revised to read as follows:

"The Citizens Advisory Board, referred to as CAB, established pursuant to Article 11 of the 2019 Annual Town Meeting, consists of five residents of Hingham, three from Hull, one from Cohasset, or such other composition as may be approved by Town Meeting from time to time."

Vote: Mr. Fisher made a motion that the Board of Selectmen, acting as the Board of Water Commissioners, pursuant to Article 11 of the 2019 Town of Hingham Annual Town Meeting and Chapter 139 of the Acts of 1879 (as amended) and all other applicable laws do hereby vote to adopt the attached Rules and Regulations for the Weir River Water System, including the revised first sentence in Section 3, as noted above, concerning the make-up of the Citizens Advisory Board. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Ms. Power commended Ryan Trahan and Mark White, along with their colleagues at Environmental Partners, for their exceptional work on the transition of the Water Company. Ms. Johnson echoed her comments.

Scarlett Oak Tavern, Drive-in Movie Night

Mr. Mayo explained that Town Counsel, Susan Murphy, as well as members of the Restaurant Re-opening group were on the call to answer questions from the Board. Senior Planner in Land Use and Development, Emily Wentworth, explained that Hingham has a working group who has been charged with locally implementing guidance from the State regarding the reopening of restaurants. She noted that the specific guidance that applies to this request is called the “workplace Standards for Drive-In Movie Theatres” and it was issued by the State on May 18th. She went on to say that Scarlet Oak Tavern has filed an application for an Entertainment License to conduct a series of drive-in movie events on Tuesday evenings during the month of June. Ms. Wentworth stated that the working group consisted of the following individuals: Susan Sarni (Health Department), Mike Clancy (Building Department), Lt. DiNapoli (Fire Department), Sgt. Kilroy (Police Department), Sharon Perfetti (Town Administrator’s Office) and herself. She advised that Scarlet Oak Tavern would like to conduct these movie nights from 8pm-11-pm on Tuesday nights. They would sell tickets in advance for up to 32 vehicles to park in their rear parking lot to view a movie. She explained that the working group has come up with a series of conditions for the Board to consider when deciding to approve the entertainment license. She added that the group generally supports the approval of the license and feels that the events can take place in a safe manner.

Mr. Kenny Robicheau, General Manager of the Scarlet oak Tavern, commented that the restaurant is strictly following the guidelines of the CDC as well as the State with regard to safety protocols.

Police Chief Glenn Olsson said that he is comfortable with the plan. One thing he stressed was allowing enough space for cars to leave during the movie if needed. He also wanted to add measurements to the plan to make sure that enough space is being allowed for social distancing. He said that the actual number of cars might be modified, to a maximum determined by the Police Department.

Sgt. Jeff Kilroy commented that the Police will have an evacuation plan and will be at the events to make sure everything is safe. Lt. DiNapoli said that they have discussed access for emergency vehicles. He also commented on the location of the movie screen and said he will be on site for the first night of the events to make sure everything is going according to plan.

Susan Sarni commented on the concession stand. She said that the restaurant would operate as a take-out food establishment. Pre-purchased food orders will be waiting for attendees to pick up at the concession stand. Food must be eaten in cars only. She also said that there is a travel plan for people to

get to the bathroom inside the restaurant. All staff and attendees must follow CDC guidelines for wearing masks.

Mr. Fisher asked if the abutters have been notified and if they had any comments. Mr. Robicheau said that he has spoken to A.W. Perry and they had no issues. There was some additional discussion about abutters and restroom facilities.

Mr. Fisher recommended that there be a review after a month of drive-in movie nights followed by a report to the Board. Ms. Johnson agreed. Ms. Power felt it was going to be a popular series of events. There was some additional discussion regarding idling cars during the movies and the exit strategy for the cars at the end of the movie. Lt. DiNapoli said that there would be a detail officer at each movie night who could direct cars out of the parking lot. He also commented that the parking situation should be reviewed once the restaurant is able to open for indoor dining. Ms. Sarni suggested that the number of cars at the movie nights might have to be lowered when indoor dining begins. Ms. Johnson said that the situation is ever changing and will have to be modified as needed. Mr. Robicheau said that Tuesday nights were chosen because they are typically less busy than other days during the week. Ms. Wentworth said that the Zoning by-law states that one parking spot is needed for every three people in the restaurant (patrons and staff). She felt that there should be enough parking once indoor dining starts and noted that the 8pm start time for the movie is later than the typical dinner hour. There was some additional discussion and modifications to the proposed conditions. Mr. Fisher stated that if the initial period of the license extends to July 14, then the applicant should anticipate providing the Board with a status report a week prior to that date to give the Board time to consider any requested extension of the license.

Vote: Mr. Fisher made a motion that the Board of Selectmen approve the entertainment license application of Scarlet Oak Tavern, 1217 Main Street, for a series of special event drive-in movie nights subject to the following conditions as follows:

1. The applicant shall comply with the sector-specific COVID-19 workplace standards for drive-in movie theaters issued by the State on May 18, 2020 as well as other applicable State and local regulations, including without limitation, Chapter 90, Section 16a and the implementing regulations there under.
2. The special events may take place on Tuesday nights from June 16, 2020 through July 14, 2020 from 8pm to 11pm, which date may be extended by the Board.
3. The events shall take place substantially in accordance with the layout plan submitted to the Board on June 9, 2020.
4. Tickets may only be sold in advance for up to a maximum of 32 vehicles or such fewer vehicles as may be allowed by the Restaurant Reopening Working Group.
5. There shall be no amplified sound. All audio shall be directed to stereo systems in individual vehicles.
6. The applicant may maintain a concession stand in the location shown on the layout plan for the sole purpose of movie ticket holders to pick up pre-ordered and pre-paid food orders from the Scarlet Oak Restaurant. The provision of food pick-up service at the concession stand shall comply with all sector-specific COVID-19 standards for restaurant pick-up service. No alcohol shall be permitted in pick-up orders for any persons holding a drive-in movie ticket.

7. The applicant shall notify all ticket-holders, post signage and distribute with take-out orders, a notice that informs attendees that consumption of alcohol in vehicles is prohibited and also informs attendees of applicable rules and regulations as may be reviewed and approved by the Restaurant Reopening Working Group.
8. The applicant shall hire a Police detail for each event night. Such detail shall direct traffic exiting the premises as needed.
9. Without limiting the foregoing references to State COVID-19 standards, all employees working at the events, whether in the parking areas or concession stand, and all customers who leave their vehicles for food pick-up or to use the restroom shall wear protective facemasks and maintain six feet social distancing at all times. The applicant shall have sufficient staff to direct movie customers to the restroom in accordance with the path of travel shown on the approved layout plan.
10. Customers must watch the movie from their vehicles and remain in their vehicles at all times except for concession table food pick-up and to use the restroom. No customers shall be permitted to watch the movie from outside a vehicle.

Ms. Power seconded.

Roll Call vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

To adopt the Hingham Outdoor Table Service Policy pursuant to Governor Baker's Covid-19 Order No. 35

Town Counsel Susan Murphy explained that the Outdoor Table Service Policy is a mandate from the Governor's Covid-19 Order #35, which loosens Zoning laws and rules and regulations surrounding liquor licenses. She added that there is a pending bill (#4774) which would legislatively codify what the Governor has ordered. She stated that the Governor's Order allows the local licensing authority, the Board of Selectmen in Hingham, to issue modifications to permits related to food and beverage establishments and waives a significant amount of applicable rules and regulations. It waives all abutter notices and public hearing requirements with respect to liquor license modifications and states that such modifications can remain in place until November 1, 2020. Ms. Murphy further explained that the Order is requiring the local licensing authority to first adopt a process for granting these approvals. She noted that the Order does not apply to those restaurants that already had approved outdoor seating, as long as they are able to follow social distancing rules. This new Order requires compliance with all the State COVID-19 standards. She stated that there is an application process and submission requirements. Ms. Murphy went into some detail regarding the application process and the online form the establishments will be using. She advised that each establishment will be required to show a layout plan for tables and a path of travel within the establishment.

Mr. Fisher asked if applicants would need proof that their activities would be covered by insurance, with respect to outdoor seating. Ms. Murphy advised that applications could have different requirements, for example, if an establishment wants to expand their outdoor seating to Town property like a sidewalk.

Mr. Fisher also asked if there was a need to notify abutters of potential changes to outdoor seating. Ms. Murphy explained that the Governor's Order and the pending legislation do not include a legal requirement to notify abutters of changes.

Ms. Johnson clarified for the public that an establishment that already has outdoor seating but wished to extend the area of the outdoor seating would also need to go through this permitting process. Executive Health Officer, Susan Sarni emphasized the importance of proceeding with safety in mind.

Lynn Barclay asked about establishments notifying abutters of changes at their establishment. Ms. Johnson explained that, while it is not required in the Governor's Order to alert abutters of changes, it would be a best practice to alert them to any changes in light, noise or odor and that it would add to the success of this temporary situation. Ms. Johnson noted that an applicant's hearing at a Board of Selectmen meeting would serve as public notice of any changes; however, the Board would be asking applicants if their abutters have been contacted. Ms. Johnson further explained that the Governor's Order lifted the regular 14-day abutter notices in an attempt to streamline and speed up the process of restaurants reopening. Mr. Fisher commented that it would be the responsibility of the Board of Selectmen to make a finding that the potential impacts on residential neighbors and abutting businesses will be mitigated.

Vote: Mr. Fisher made a motion that the Board adopt the "Town of Hingham COVID-19 Temporary Policy Regarding Restaurant Outdoor Table Service" in the form of the draft dated June 9, 2020 with changes noted below and that such Policy be deemed effective immediately. The policy changes are as follows:

- A change in Section 5e, requiring the applicant or it's representative to attend hearings by the local licensing authority;
- A change in Section 8d, stating that potential impacts on residential abutters and neighboring businesses, if any, from light, noise, and odor will be mitigated.

Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Lynch Field Concession Agreement

Vote: Mr. Fisher made a motion to sign the Concession Agreement for Lynch Field with Hingham Little League, Hingham Youth Hockey, and Hingham Youth Football for a one-year term ending June 14, 2021.

Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Appointments

Mr. Mayo stated that Assessor, Rick Nowlan, is planning to retire at the end of June. He said that Ms. Erin Walsh was interviewed by a team consisting of himself, Michelle Monsegur (Assistant Town Administrator), Lisa Campbell (HR Director), Chrissy Roberts (Council on Aging), and Sue Nickerson (Town Accountant) and all on the team unanimously agreed that Ms. Walsh would be a good fit for the position of Director of Assessing. He added that the Board of Assessors also approved Mr. Mayo's recommendation of Ms. Walsh as Director of Assessing.

Mr. Nowlan felt that Erin would be a great candidate and said that she has worked with him for the past seven years as Assistant Assessor. Mr. Fisher fully endorsed her appointment. Ms. Power commented that Mr. Nowlan has been a great partner with the Board of Selectmen and she appreciated that he had been thoughtful about a succession plan. Ms. Johnson echoed Ms. Power's comments and wished Mr. Nowlan all the best in his retirement.

Vote: Mr. Fisher made a motion to approve the Town Administrator's appointment of Erin Walsh as Hingham's Director of Assessing pursuant to Chapter 263 of the Acts of 2016, an Act Relative to the Town Administrator in the Town of Hingham, such appointment to be effective July 1, 2020. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

COVID-19 Update

Mr. Mayo gave the following update on the COVID-19 crisis:

COVID-19 Cases

"As we mentioned last week, the Department of Public Health (DPH) recently began reporting both confirmed and probable COVID-19 cases and deaths in Massachusetts. As of today, DPH is reporting 103,889 cases in Massachusetts, of which 8,404 are in Plymouth County. As of last Wednesday, DPH was reporting 257 COVID-19 cases in Hingham. The number of hospitalized COVID-19 patients, the percentage of people testing positive for COVID-19, and the number of COVID-19 deaths across the state continue to decline at this time.

Phase 2 Reopening

Governor Baker announced over the weekend that Massachusetts moved to Phase 2 of the reopening plan effective yesterday, June 8th. Phase 2 will roll out according to a two-step schedule. Under Phase 2 - Step 1, the following enterprises may open their brick-and-mortar premises to employees, customers, and the public, with restrictions:

- Retail stores, including stores in enclosed shopping malls
- Restaurants - outdoor table service only
- Hotels, motels, inns, and other short-term lodging (but no events, functions, or meetings)
- Limited organized youth and adult amateur sports activities and programs - no contact games or scrimmages, and indoor facilities limited to youth programs

- Professional sports practice and training programs - no inter-team games and no public admission
- Personal services involving no close personal contact, such as photography, window washers, individual tutoring, home cleaning, etc.
- Non-athletic instructional classes in arts/education/life skills for youths under 18 years old in groups of fewer than 10
- Driving schools and flight schools
- Outdoor historical spaces (but no functions, gatherings, or guided tours)
- Funeral homes - increased capacity to permit 40% occupancy for one service at a time within the facility
- Warehouses and distribution centers
- Golf facilities, including outdoor driving ranges
- Other outdoor recreational facilities, including pools, playgrounds, spray decks, mini golf, go karts, batting cages, climbing walls, and ropes courses
- Post-secondary/higher ed/vocational-tech/trade/occupational schools for the limited purpose of permitting students to complete a degree, program, or prerequisite for employment
- Day camps including sports and arts camps
- Public libraries

If public health data reflects continued positive progress, the Governor will announce Step 2 of Phase 2 through a subsequent order. Step 2 will include the following, with restrictions:

- Indoor table service at restaurants
- Close-contact personal services, such as nail care services, massage therapy, personal training services, and tattoo, piercing, and body art services

Our Restaurant Reopening Working Group -- consisting of staff from the Health, Building, Land Use & Development, Police, and Fire Departments along with Town Counsel -- will continue to work with Hingham food establishments to help them navigate the new Phase 2 requirements and work through the process this Board reviewed tonight to consider requests to add to or expand outdoor seating. We are committed to working with and supporting our local businesses during this transition, while ensuring public health and safety standards are met. As new opportunities to get out of your house emerge, please continue to frequently wash your hands, practice social distancing, and cover your face when you cannot maintain 6 ft. of distance from others in public.

Town Meeting

Preparations continue for Annual Town Meeting on Saturday, June 20th at 2:00pm (gates will open at 12:30pm) at the Hingham High School multi-purpose field. As we have stated earlier, we are committed to running this event as safely and efficiently as possible. The check-in process will be contact-free, attendees will be seated 10 ft. apart, and hand sanitizer will be available throughout the venue. A few people have expressed concern about the heat. While we do not yet know what the forecast will be for that day, we are encouraging attendees to prepare for Town Meeting as they would for any other outdoor event in June: please wear light, comfortable clothing and bring hats, sunglasses, sunscreen, personal umbrellas for shade, and a water bottle. We will set up a cooling station with misters near the restrooms and will have water stations throughout the venue. We are also in the process of securing some tents to cover a section of seating at the back of the field to provide additional shade and

protection from the heat. Please note that heels are not allowed on the turf field because they can damage it. We recommend wearing closed-toe shoes as the surface can get hot.”

Town Services Update

Ms. Michelle Monsecur gave the following update on Town Services:

Recreation Updates

“Per the state’s move to Phase 2 yesterday, playgrounds, basketball courts, and street hockey courts in Hingham will reopen this week. The High School’s multi-purpose secured facility, which includes the turf field, is available by permit only at this time. Please take precautions when using Hingham’s outdoor recreation and playground facilities. Face coverings or masks must be worn when individuals cannot maintain 6 feet of distance from others. After visiting playgrounds and public spaces, users should wash their hands or use hand sanitizer. Last Wednesday, our Recreation Commission and Recreation Department made the very difficult decision to cancel their summer camps and instead proceed with smaller scale summer programs. They issued the following statement:

- “With much consideration, the Recreation Commission has voted to cancel our Preschool, Playground, Teen Xtreme, and Country Club Sports Camps. Hingham Recreation’s Summer Camp is one of the largest municipal summer camps on the South Shore, enrolling 3,000 children and employing 100 high school and college-age young adults. These programs are part of the fabric that tie our Hingham Community together. The decision to cancel camp was not easy!
- The Hingham Recreation Commission’s most important priority is the safety of Hingham’s children and employees. Although the state is allowing camps to operate under the Phase 2 guidelines, it is not feasible for our program to meet each safety protocol.
- We are immediately turning our attention to offering shorter and smaller programs for summer 2020 which we believe are better suited to meet all the State’s safety guidelines. We plan to offer a variety of programs including sports, dance, art, and many more. Stay tuned as we will be rolling out many of these popular programs in the very near future.”

Elder Services Updates

Elder Services continues to offer fitness and social programs through Zoom, cable TV, and YouTube. In addition to the 11 programs they are currently offering, the Department introduced “Ladies Coffee Hour” on Friday mornings at 10:30am. This is an open program providing a platform for social interaction. Classes require registration by calling the Senior Center at 781-741-1458. Staff are screening messages and returning calls on a rotating schedule. Elder Services sent out a pre-recorded phone message last Friday to 4,732 members with information about Town Meeting, the Town Election, and Senior Center updates.

Elder Services continues to make referrals for services to local organizations for assistance with essential shopping, facemasks, and other needs. The Outreach Coordinator is working with a volunteer to send out newsletters and “Welcome” letters to residents who turned 60 during the last three months, with information on available Department services. The Department coordinates limited medical transportation for seniors, provided on a case-by-case basis with an emphasis on urgent medical care needs. The Senior Center also continues to host a “Meals on Wheels” program delivering up to 45 prepared meals to seniors in Hingham daily. “

Public Comment

None

Selectmen/Town Administrator Reports

Ms. Monsegur: Nothing to report

Mr. Mayo reported that, as an update to the Financial Plan adopted by the Selectmen, the Advisory Committee, and the School Committee, the Town has completed its Tier 1 Action Plan. She said that this plan identifies an initial savings of approximately \$400,000, coming from projected savings from salary and Capital savings. The plan is subject to change.

Mr. Mayo also announced that the Town has publicly posted on the Town of Hingham's website the available position of Water Superintendent. The position is scheduled to close on Monday, June 22, 2020.

Mr. Fisher: Nothing to report

Ms. Power: Nothing to report

Ms. Johnson announced the following upcoming meetings:

- June 10 at 6pm to discuss the Town's Financial Management Plan
- June 18 at 7pm to consider the option to reduce the required quorum for Town Meeting due to the pandemic
- June 14 at 2pm with Town Moderator Puzzo

Ms. Johnson also announced that residents should have received their Town Warrant in the mail today and acknowledged the efforts of all involved in the process of creating the Warrant.

Vote: Mr. Fisher made a motion to adjourn. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Meeting adjourned at 9:45 pm

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