

Board of Selectmen

June 18, 2020

Remote meeting via telephone conference call

Present:

- Board of Selectmen: Ms. Karen Johnson, Ms. Mary Power and Mr. Joseph Fisher
- Mr. Tom Mayo, Town Administrator
- Ms. Michelle Monsegur, Assistant Town Administrator

Call to order: 5:30pm

Ms. Johnson called the meeting to order and 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.”

Remembrance of Mr. Joe Freeman

Mr. Fisher read the following statement in remembrance of Mr. Joe Freeman:

“Joe Freeman passed away on June 6, 2020 after suffering a heart attack at the Butterbrook Golf Club in Westford, MA. I have known Joe for twenty-seven years as a neighbor, a colleague on the Zoning Board of Appeals, and as a friend. In each one of those twenty-seven years, Joe dedicated a good portion of his time and energy to making Hingham a better place, a welcoming community, and a place where he and others could enjoy their time, family and friends. I will miss him. I would like to express the condolences of the Board of Selectmen to his wife Jane and his son James. I’m not sure if I ever sufficiently thanked Joe for all his hard work on the Zoning Board of Appeals. Joe worked with me, and others, on the Zoning Board as we reviewed and issued permits for numerous projects, including practically every major 40B project in the Town. Joe made sure that the Town’s interests were well protected as we strived to achieve an adequate supply of affordable housing for our residents. Joe was also instrumental in the review of the plaza on South Street, in the downtown area where Joseph’s Hardware used to be located, for those of you who remember. Joe helped craft the Zoning Board permit that we issued in 2013 to South Shore Bank, for the creation of a banking center on South Street. Joe was also significantly involved in the review of projects involving Pier decks, ramps and docks along the Hingham waterfront. Joe was the guy that sorted through complicated issues involving flood plain and watershed protection. Joe’s background as an Environmental Consultant was invaluable to the Town. Joe was also involved in 2017 in the Board’s review of work in connection with the new Visitor’s Center Gatehouse at World’s End Reservation. But, not all was good with Joe. If Joe was still around I would thank him, but I would ask him why was he so opposed to approving additional cell towers when AT&T proposed their construction in 2014. Joe, we really do need better cell service in Hingham. And Joe, I would ask you, why were you in Westford playing golf earlier this month? You should know that we have much better golf courses in Hingham. Joe Freeman was a great guy, a friend to me, and a dedicated and active resident of Hingham. He and I would usually sit together at Town Meeting and trade comments and the occasional joke. I will be especially missing him at the upcoming 2020 Town Meeting this weekend. Thank you.”

Ms. Johnson offered a moment of silence for Joe Freeman.

Review and vote on the Operations and Maintenance Agreement between the Town of Hingham and SUEZ Water Environmental Services, Inc. (Board of Selectmen acting as Board of Water Commissioners)

Operations and Maintenance Agreement between the Town of Hingham and SUEZ Water Environmental Services, Inc. (Board of Selectmen acting as Board of Water Commissioners)

Ms. Johnson reported that, last night, the Board authorized the signature of the Asset Purchase Agreement, the agreement between Aquarion and Eversource and the Town of Hingham for the acquisition and the assets of the water system. She said that we pledged to Town Meeting, pursuant to Article 9 at the FY 2019 Warrant, that Hingham would contract with a private firm specializing in water management and operations. She explained that the Town went out to bid for those services. There was a comprehensive and efficient RFP process resulting in an award of the bid to SUEZ Environmental Services. Subsequent to the RFP process, the Town, along with Town Counsel, created an Operations and Maintenance Agreement.

Ms. Power commented that this significant milestone that has been a year in the making. She went over some of the history of the process of acquiring the water system. She noted that the RFP process was significant because the Town was defining the service levels that the Town felt important for the water system going forward. She acknowledged the contributions of many people including: Robert Golledge and Andy Gottlieb of Golledge Strategies, John Asher, Jeff Nutting, Michelle Monsegur, Mark White and Ryan Trahan of Environmental Partners Group. After issuance of the RFP last fall, there were site visits and many questions answered, resulting in three qualified bids for the Town to consider. The selection team was made up of Joe Welch and Dick Norman of the Transition and Evaluation Committee, John Struzziery from Hull, Jeff Nutting, Ryan Trahan, John Coughlin, Michelle Monsegur and Tom Mayo. After a complex procurement process, the decision to choose SUEZ was unanimous. She commented that the contracting process has been cordial and felt that they have arrived at a mutually beneficial arrangement. She thanked John Coughlin, Town Counsel, for his dedication and outstanding representation of the Town. She noted that Suez is eager to get started and that they have been in close contact with them throughout the process. She acknowledged Tom Mayo, Town Administrator and Chief Procurement Officer, and Michelle Monsegur, Assistant Town Administrator, for their dedication to the process and their countless hours of work on the project. She added that their knowledge and professionalism have been so critical.

Town Counsel, John Coughlin, spoke about some of the highlights of the Agreement before the Board, including:

- The Scope of Service (the maintenance and operation of the Water System, including Customer Service and Billing)
- Compensation, based on the company's price proposal
- The Annual Maintenance Fund
- Capital Improvements (Since the Town will own the system, all Capital improvements will be the responsibility of the Town.)
- The Terms of the Agreement (After five years, the Town has the option to agree to an additional five-year term)
- A Staffing Plan (Suez has agreed to interview all the current employees of Aquarion.)
- Extensions to the Water System, such as connecting a new subdivision

- A Dispute Resolution Procedure

Mr. Fisher asked what the expected start date would be for Suez. Mr. Coughlin advised that, if approved tonight, transition services could start as early as tomorrow, but the actual Operation and Maintenance by Suez would start on August 1st. Mr. Fisher also asked what changes, if any, should water users expect to see during this transition. Mr. Coughlin advised that Suez would have new contact numbers because they will be the operator of the system. He emphasized the need for public notification and added that Aquarion customers should continue to contact Aquarion until August 1st. There was additional discussion regarding notifying the Aquarion employees of the transition. Mr. Coughlin noted that he has been in touch with Aquarion's counsel regarding this matter.

Mr. Fisher also asked who from the Town would act as a manager for Suez. Mr. Coughlin commented that Suez would report directly to the Water Superintendent on a day-to-day basis or the Town Administrator if the Water Superintendent is not available. For setting policies and amending contracts, Suez would report to the Water Commissioners. There was some additional discussion regarding the Scope of Services, Exhibit C to the proposed contract with Suez.

Mr. Jason O'Brien from Suez made some comments regarding the company's collaboration with the Town from the RFP process onward. He said that Suez was excited to get started with its partnership with the Town. Ms. Johnson shared his enthusiasm for Suez to get started.

Ms. Power commented that the cost of the contract fits within the projections that Town officials presented to Town Meeting. She added that, while the bids came in higher than originally anticipated, the costs have balanced out by lower than projected debt service due to interest rate favorability.

FIRST VOTE: Ms. Power 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 approve and sign the Operations and Maintenance Agreement in substantially the form attached hereto between the Town of Hingham and SUEZ Water Environmental Services, Inc. Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Review of Applications for Outdoor Table Service

Ms. Johnson complimented the staff at Town Hall for quickly constructing of an Outdoor Table Service policy and a system for restaurants to apply for approval to implement this service. She thanked the following employees: Emily Wentworth, Mike Clancy, Susan Sarni, Sgt. Kilroy, Lt. DiNapoli, Chief of Police Glenn Olsson and Sharon Perfetti. Prior to the meeting, the Restaurant Reopening Group had reviewed applications for additional outdoor seating at the following restaurants: Burton's Grill, Ninety-Nine Restaurant, Boathouse Bistro, and the Square Café. The Board, the Restaurant Reopening Group, a representative for each restaurant, and Town Counsel Susan Murphy had some discussion regarding the applications, resulting in the following votes.

Burtons Grill

Vote: Mr. Fisher made a motion that the Board approve the application of Burtons Grill of Hingham, LLC dba Burtons Grill & Bar, to expand Outside Table Service (“OTS”) in accordance with COVID-19 Order No. 35 and the Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service (the “OTS Policy”), subject to the following conditions:

A. Site Specific Conditions:

1. The three parking spaces shown as “no parking” on the approved plan shall be blocked in a manner satisfactory to the Hingham Police Department.

B. General Conditions:

1. Outside Table Service shall be permitted in compliance with the Approved Plan.

2. The location, size, and layout of the OTS Premises (as defined in the OTS Policy) approved herein may not be modified without further approval. Any request for modification must be submitted in writing, with detail as to the proposed modifications, to restaurantopening@hingham-ma.gov.

3. Addition of amenities, such as tents or outdoor heating units, is subject to further review and approval. Requests for such amenities shall be sent in writing to restaurantopening@hingham-ma.gov.

4. Approval holder shall be responsible for regular cleaning of trash and food in the OTS Premises and shall not allow trash, food, or other nutrients to accumulate or be deposited (intentionally or unintentionally) into storm drains.

5. Approval holder shall fully comply with all applicable state and local laws, regulations, and standards, including without limitation:

- a) Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service.
- b) Massachusetts COVID-19 Mandatory Workplace Safety Standards
- c) Massachusetts COVID-19 “Safety Standards and Checklist: Restaurants”
- d) ABCC Advisory Regarding Guidelines for Extension of Premises to Patio and Outdoor Areas

6. This Approval may be subject to additional public safety conditions to ensure the safety of the diners, pedestrians, and vehicles, if determined by the Town that an unsafe condition exists once Outside Table Service is in operation.

7. 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.

Ms. Power Seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

SECOND VOTE: Ms. Fisher made a motion that the Board approve the request of Burtons Grill of Hingham, LLC dba Burtons Grill & Bar, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #00050-RS-0528 for the period commencing as of the effective

date of this approval and expiring on November 1, 2020 for operations in compliance with the aforesaid motion just adopted. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Ms. Murphy noted that, under the Governor's Order, the approval would be effective once the Town Clerk acknowledges receipt of the permits. She also said that the Board of Selectmen's office would notify the ABCC. The restaurants will be notified by email that their permits are in effect.

Ninety-nine Restaurant

FIRST VOTE: Mr. Fisher made a motion that the Board approve the application of 99 Restaurants of Boston, LLC dba 99 Restaurant & Pub, to expand Outside Table Service ("OTS") in accordance with COVID-19 Order No. 35 and the Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service (the "OTS Policy"), subject to the following conditions:

A. Site Specific Conditions:

1. No glass tables may be used over a mulched area.
2. In accordance with ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas, the entire OTS Premises (as defined in the OTS Policy and shown on the Preliminarily Approved Plan) must be enclosed by a fence, rope, or other means to prevent access from the pedestrian walkway areas. The proposed enclosure as shown on the Preliminary Approved Plan does not extend around the entire OTS Premises. The enclosure must be extended around the entire OTS Premises prior to opening of the OTS Premises with a final approval plan to be promptly file with the Board of Selectmen.

B. General Conditions:

1. Outside Table Service shall be permitted in compliance with the Approved Plan.
2. The location, size, and layout of the OTS Premises approved herein may not be modified without further approval. Any request for modification must be submitted in writing, with detail as to the proposed modifications, to restaurantopening@hingham-ma.gov.
3. Addition of amenities, such as tents or outdoor heating units, is subject to further review and approval. Requests for such amenities shall be sent in writing to restaurantopening@hingham-ma.gov.
4. Approval holder shall be responsible for regular cleaning of trash and food in the OTS Premises and shall not allow trash, food, or other nutrients to accumulate or be deposited (intentionally or unintentionally) into storm drains.
5. Approval holder shall fully comply with all applicable state and local laws, regulations, and standards, including without limitation:

- (a) Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service.
- (b) Massachusetts COVID-19 Mandatory Workplace Safety Standards
- (c) Massachusetts COVID-19 “Safety Standards and Checklist: Restaurants”
- (d) ABCC Advisory Regarding Guidelines for Extension of Premises to Patio and Outdoor Areas

6. This Approval may be subject to additional public safety conditions to ensure the safety of the diners, pedestrians, and vehicles, if determined by the Town that an unsafe condition exists once Outside Table Service is in operation.

7. 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.

Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

SECOND VOTE: Mr. Fisher further moved that the Board approve the request of 99 Restaurants of Boston, LLC dba 99 Restaurant & Pub, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #00037-RS-0528 for the period commencing as of the effective date of this approval and expiring on November 1, 2020 for operations in compliance with the aforesaid motion just adopted.

Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Boathouse Bistro

FIRST VOTE: Ms. Power made a motion that the Board approve the application of MCC4LBD dba Boathouse Bistro, to expand Outside Table Service (“OTS”) in accordance with COVID-19 Order No. 35 and the Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service (the “OTS Policy”), subject to the following conditions:

A. Site Specific Conditions:

1. In accordance with ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas, the entire OTS Premises (as defined in the OTS Policy and shown on the Approved Plan) must be enclosed by a fence, rope, or other means to prevent access from the pedestrian walkway areas. Such enclosure must be in place in a manner satisfactory to the Hingham Police Department prior to opening of the OTS Premises.

B. General Conditions:

1. Outside Table Service shall be permitted in compliance with the Approved Plan.
2. The location, size, and layout of the OTS Premises (as defined in the OTS Policy) approved herein may not be modified without further approval. Any request for modification must be submitted in writing, with detail as to the proposed modifications, to restaurantopening@hingham-ma.gov.
3. Addition of amenities, such as tents or outdoor heating units, is subject to further review and approval. Requests for such amenities shall be sent in writing to restaurantopening@hingham-ma.gov.
4. Approval holder shall be responsible for regular cleaning of trash and food in the OTS Premises and shall not allow trash, food, or other nutrients to accumulate or be deposited (intentionally or unintentionally) into storm drains.
5. Approval holder shall fully comply with all applicable state and local laws, regulations, and standards, including without limitation:
 - (a) Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service.
 - (b) Massachusetts COVID-19 Mandatory Workplace Safety Standards
 - (c) Massachusetts COVID-19 “Safety Standards and Checklist: Restaurants”
 - (d) ABCC Advisory Regarding Guidelines for Extension of Premises to Patio and Outdoor Areas
6. This Approval may be subject to additional public safety conditions to ensure the safety of the diners, pedestrians, and vehicles, if determined that an unsafe condition exists once Outside Table Service is in operation.
7. 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.

Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

SECOND VOTE: Ms. Power further moved that the Board approve the request of MCC4LBD dba Boathouse Bistro, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #00062-RS-0528 for the period commencing as of the effective date of this approval and expiring on November 1, 2020.

Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

The Square Café

There was some additional discussion regarding the application of The Square Café for additional outdoor seating. Ms. Wentworth commented that this was a challenging application due to the narrow space on the sidewalk outside the restaurant. Chief Olsson also commented that there have been three accidents in this location in the past ten years and that there was a focus on safety during the application process. He said that the restaurant has been required to place jersey barriers in front of the outdoor seating. Mr. Fisher added that they Board has received a letter from La Petite Maison, neighbor of the restaurant, stating that they consent to the Square Café's use of the sidewalks in front of the store. Ms. Johnson commented that, since this application includes the use of public sidewalks, the Town is required to enter into a contract for that with The Square Café. She noted that this contract would be signed and executed by Mr. Tom Mayo, Town Administrator. Town Counsel Susan Murphy said that the restaurant will be required to have Police or Department of Public Works to be present while the jersey barriers are placed on site. All Board members and Executive Health Officer, Susan Sarni thanked everyone involved with this application.

Ms. Lynn Barclay, Director of the Hingham Downtown Association, thanked the Board and the Restaurant Reopening Group for all their help with getting Hingham's restaurants reopened. She said that she was thrilled to have outdoor dining in the Downtown.

FIRST VOTE: Ms. Power made a motion that the Town enter into a License with A Fork in the Road, LLC dba The Square Café for use of a portion of the public sidewalk within the right of way of North Street in connection with Outside Table Service pursuant to COVID-19 Order No. 35, for a term expiring on November 1, 2020 or earlier termination of such Outside Table Service, subject to such conditions as are set forth in the License draft dated June 17, 2020. Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

SECOND VOTE: Mr. Fisher made a motion that the Board approve the application A Fork in the Road, LLC dba The Square Café, to expand Outside Table Service ("OTS") in accordance with COVID-19 Order No. 35 and the Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service (the "OTS Policy"), subject to the following conditions:

A. Site Specific Conditions:

1. This Approval is subject to the Applicant's execution and delivery of a License for use of the public sidewalk in form required by the Town of Hingham and its continued compliance therewith. A failure to comply with the License shall be deemed to be a failure to comply with this Approval.
2. Prior to operation of the OTS Premises, a 10' jersey barrier shall be placed by the Applicant in each of the two (2) locations indicated in the photos that constitute part of the Approved Plan. The date and time of placement of the jersey barriers must be coordinated in advance with Randy Sylvester (Superintendent of Hingham DPW) and the Hingham Police Department. The jersey

barriers must remain in such locations as long as Outside Table Service operates under this Approval.

3. The patio enclosure required in accordance with ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas must be placed in the locations shown on the Approved Plan, with the further condition that such enclosure must be placed not less than 4' from the highest point of each of the handicapped accessible sidewalk ramps providing access from the crosswalks from both Central Street and North Street. The location of such enclosure shall be subject to inspection by the Town and must be adjusted, if necessary, to meet the minimum 4' setback requirement.

4. A temporary enclosure in the style of the black fence shown in the representation submitted by the Applicant is approved, provided, however, that until such fence is available for installation and prior to operation of the OTS Premises, the Applicant shall install and maintain an enclosure to prevent access from the remainder of the public sidewalk. The materials used for the initial enclosure shall be subject to the approval of the Hingham Police Department. In no event may any holes be drilled into the sidewalk, nor any other modifications be made to the sidewalk, in connection with installation of any enclosure required for the OTS Premises.

B. General Conditions:

1. Outside Table Service shall be permitted in compliance with the Approved Plan.
2. The location, size, and layout of the OTS Premises approved herein may not be modified without further approval. Any request for modification must be submitted in writing, with detail as to the proposed modifications, to restaurantopening@hingham-ma.gov.
3. Addition of amenities, such as tents or outdoor heating units, is subject to further review and approval. Requests for such amenities shall be sent in writing to restaurantopening@hingham-ma.gov.
4. Approval holder shall be responsible for regular cleaning of trash and food in the OTS Premises and shall not allow trash, food, or other nutrients to accumulate or be deposited (intentionally or unintentionally) into storm drains.
5. Approval holder shall fully comply with all applicable state and local laws, regulations, and standards, including without limitation:
 - a) Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service.
 - b) Massachusetts COVID-19 Mandatory Workplace Safety Standards
 - c) Massachusetts COVID-19 "Safety Standards and Checklist: Restaurants"
 - d) ABCC Advisory Regarding Guidelines for Extension of Premises to Patio and Outdoor Areas
6. This Approval may be subject to additional public safety conditions to ensure the safety of the diners, pedestrians, and vehicles, if determined that an unsafe condition exists once Outside Table Service is in operation.
7. 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.

Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

THIRD VOTE: Mr. Fisher moved that the Board approve the request of A Fork in the Road, LLC dba The Square Café, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #05168-RS-0528 for the period commencing as of the effective date of this approval and expiring on November 1, 2020 for operations in accordance with the motion just adopted.

Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Ms. Power stated at 6:45pm that she would be leaving the Board of Selectmen meeting in order to represent the Hingham Board of Selectmen at the Plymouth County Advisory Board meeting at 7pm.

Public Comment

None

Appointments

Mr. Fisher made a motion to appoint Jean Silverio to the Council on Aging to fill an unexpired term ending June 30, 2020. Ms. Johnson seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Johnson: yes

Mr. Fisher said that Ms. Silverio is a retired teacher who has worked for 36 years in the Boston Public Schools, with advanced degrees in Education and Leadership. He added that she has been actively helping with the Council on Aging's 50th Anniversary Committee. Mr. Fisher also said that he has spoken with Jennifer Young, Director of Elder Services, who said she is very excited to work with Ms. Silverio. He said that he has also spoken with Dawn Sibhor, Director of the Council on Aging, who also endorses the appointment. Ms. Johnson said that she has also spoken with Ms. Sibhor and felt that Ms. Silverio would be a great addition to the Council on Aging.

Mr. Fisher made a motion to adjourn. Ms. Johnson seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Johnson: yes

Meeting adjourned at 7:00 pm

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