

Board of Selectmen

June 23, 2020

Remote meeting via telephone conference call

Present:

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

Call to order: 7:00pm

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.”

Approval of Minutes

Vote: Ms. Power made a motion to approve the Minutes dated May 26, 2020, June 2, 2020 and June 4, 2020. Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Review of applications for Outside Table Service from the following establishments:

- (1) *Alma Nove (Shipyard Ventures)* - Request for Outside Table Service and modification of liquor license

Mr. Alan McKenna and Mr. Paul Wahlburg presented the plan to the Board of Selectmen. Mr. McKenna gave the Board a brief description of the additional outdoor seating they are requesting. He explained their plan would accommodate an additional 36 seats, which would be an extension of their existing patio seating. Town Counsel, Susan Murphy, shared the plans with the Board. Lt. DiNapoli of the Restaurant Working Group commented that he has visited the site with Mr. McKenna and Mr. Wahlburg and felt that it was a good plan. He noted that safety barriers have already been put into place and all COVID-19 regulations have been met. Ms. Johnson commented that the Board has received a letter of approval for the plan from the Shipyard Condo Association.

Mr. Fisher asked if the applicant planned on marking on the floor, the pathway to the restrooms. The working group felt comfortable with the application as presented. Lt. DiNapoli commented that, at Alma Nove, the path to the restrooms could be monitored from the hostess station.

Ms. Johnson had a concern about noise since the Shipyard is a mixed-use location. Town Counsel, Susan Murphy noted that entertainment, including music, would not be allowed during this phase of restaurant reopening. There was consensus amongst the Restaurant Working Group that they were all happy with the plan as presented.

FIRST VOTE: Ms. Power made a motion that the Board approve the application of Shipyard Ventures LLC d/b/a Alma Nove, 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:

No amplified sound nor other entertainment shall be permitted in the outside dining areas.

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. Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

SECOND VOTE: Ms. Power made a motion that the Board approve the request Shipyard Ventures LLC d/b/a Alma Nove, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License # 00031-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. Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Wahlburgers

(2) Wahlburgers (Paragon Funding Group III, LLC) -- Request for Outside Table Service and modification of liquor license

Mr. McKenna explained the plan for additional outdoor seating, which would add some tables to their current outdoor patio, extending seating into the walkway adjacent to the current patio. The plan would allow for an additional 28 seats outside. Lt. DiNapoli commented that the Restaurant Working Group agreed that this was a good plan. Police Chief Olssen also agreed that the group, including the Police, feel comfortable with the plan. There were no questions from the Board.

FIRST VOTE: Mr. Fisher made a motion that the Board approve the application of Paragon Funding Group III, LLC dba Wahlburgers, 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:

No amplified sound nor other entertainment shall be permitted in the outside dining areas.

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 Paragon Funding Group III, LLC d/b/a Wahlburgers, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #00059-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. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Johnson: yes

Ms. Murphy noted that that the restaurants may commence the additional outdoor seating as soon as they receive conformation from the Town Clerk.

Discussion of the potential purchase of 335 Lincoln Street

Ms. Johnson stated that the property at 335 Lincoln Street had been identified as a potential site for a new Public Safety building. Mr. Mayo added that this is the property for which the Town had given Town Meeting approval for some site work and preliminary design in order to decide if it is a suitable location for such a building.

Ms. Susan Murphy gave a brief history of the consideration of the site for a new Public Safety building. She said that the Selectmen had begun considering the location just prior to the COVID-19 State of Emergency, during the second week of March 2020. At that time, she said, the Board of Selectmen ratified an offer to purchase the property. There have been recent negotiations toward a Purchase and Sale Agreement, with a draft date of today, June 23, 2020. She noted that this Purchase and Sale Agreement is consistent with all the material business terms of the Letter of Intent to purchase the property, which had been previously reviewed by the Board. She said that the property is a little over three acres and has a purchase price of \$5,475,000. She further stated that the Town will have a due diligence period which will extent until November 30, 2020. She noted that the Town is not required,

under the Purchase and Sale Agreement, to put any money down while it investigates the site. During the due diligence period, the Town may engage in a title investigation, a site survey and environmental investigations. In addition, the Town may work with the Building Committee that was approved at Town Meeting, in deciding the feasibility of building on the site and any associated due diligence. The Town also has the right to convene a Special Town Meeting prior to the November 30, 2020 deadline to seek approval for the funds for the purchase price of the property.

Mr. Fisher asked Ms. Murphy to review the seller's diligence materials that are required in the Purchase and Sale Agreement. Ms. Murphy said that the seller is required to provide to the Town all property materials that they already have. The Town may review the materials, including an environmental report, the existing title policy, design plans that the seller has previously planned to build. She noted that the Town is already in possession of some of these materials and the rest are due to the Town within one week of signing the Purchase and Sale Agreement.

Mr. Fisher also asked Ms. Murphy to explain the conditions to closing. She stated that the conditions to closing include that the Town has done all of its due diligence and that the Town has found, based on its review, that a project is feasible there. She added that, if the Town does not find it feasible to build a suitable building on the site, the purchase can be cancelled. Another condition of closing is that Town Meeting must approve the project. Ms. Murphy stated that the previous owner had a contract which allowed first right of refusal if the current owner decided to sell the property. The seller anticipates that the previous owner will waive their right to buy the property, however the Town is subject to that process. The Town will know within a few weeks of signing the Purchase and Sale agreement whether the previous owner would exercise their right to purchase the property.

Mr. Fisher further asked if the Town was comfortable with the purchase price, noting that it was agreed upon prior to the COVID-19 pandemic. He felt comfortable with the purchase price, but said that it had been questioned at Town Meeting. Ms. Murphy stated that the Town's appraisal of the property had come in lower than the purchase price but she noted that the real estate market in Hingham has not softened as a result of the pandemic. She said that there have been some other potential buyers interested in the property, including a competing offer. Town officials and Town Counsel did not feel that there would be an opportunity to renegotiate the purchase price. Mr. Mayo stated that the Town has done an exhaustive search for a potential property for a Public Safety facility and felt that this site is uniquely situated along the Route 3A corridor, which has recently seen a growing need for public safety. He said that its location directly on Route 3A would allow for speedier response times in an area of large population growth.

Ms. Power felt that it would be important for the Building Committee to begin their research as soon as possible. Ms. Johnson added that the Town has spent years getting to this point and felt that the 3A corridor would be the best location for this kind of a facility. She felt that this was an exciting opportunity. Mr. Fisher added that both the Chief of Police and the Fire Chief were very excited about the parcel. Chief Olsson commented that the Police has outgrown their current facility and that he was very pleased with the potential location. Mr. Mayo commented that the decision to locate to Police Department at the new site would directly benefit the Senior Center, allowing them to expand a better

serve the need of Hingham's seniors. The current parking issues at Town Hall would also see a benefit as well.

Vote: Mr. Fisher made a motion that the Board of Selectmen enter into a Purchase and Sale Agreement with 291 Mystic LLC for the purchase of the property located 335 Lincoln Street in the form of the draft dated June 23, 2020, subject to the terms and conditions set forth therein. Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

Town Administrator Evaluation

Ms. Johnson explained that the Town Administrator's employment with the Town of Hingham is governed by Article 5b of the general By-laws. She said that this Article codifies the role of the Town Administrator as well as the evaluation of the Town Administrator in connection with his/her performance and ability to supervise the municipal employees properly, administer Town government effectively, to establish and accomplish goals. Ms. Johnson asked Mr. Fisher to provide some remarks and comments on Mr. Mayo's performance throughout the past year.

Mr. Fisher said that Mr. Mayo had excelled in bringing the Town through the unexpected COVID-19 crisis, noting that the crisis had the potential to displace Town employees and upset the delivery of Town services. He felt that, due to Mr. Mayo's leadership, the Town did not see this happen. He emphasized an ongoing need for communication.

Ms. Power commented that she has been impressed by Mr. Mayo's work ethic, his integrity and his loyalty to the Town of Hingham. She commented that he has made some smart hiring decisions and has built a high caliber staff at Town Hall. She also noted that he has built a strong relationship with the new School Superintendent. She commended his work on the purchase of the Water Company, noting his organizational skills, which led to a successful Town Meeting in 2019. She said that he was required to play a prominent role in the process of the purchase of the Water Company, including during the negotiations of the Asset Purchase Agreement and the development of the DEP Business Plan. She said that, as Chief Procurement Officer for the Town, he took the lead on the contract with SUEZ. She added that, as Town Administrator, Mr. Mayo is also the CFO of the Town. She has been impressed with the quality of the forward-thinking nature of the FY21 Financial Management Plan and felt that this was due to Mr. Mayo's involvement. She echoed Mr. Fisher's comments with respect to Mr. Mayo's response to the pandemic. She felt that Tom's leadership, establishment of the Incident Management Team and his creation of the Restaurant Reopening Group have been exceptional. She, like Mr. Fisher, emphasized the importance of communication and suggested the establishment of communication protocols. She felt that Hingham is lucky to have a capable and dedicated Town Administrator. Ms. Power thanked Mr. Mayo for his counsel and guidance and felt that working with him has made her a better member of the Board of Selectmen.

Ms. Johnson offered some remarks about Mr. Mayo's performance. She said that it would be an understatement to say that his efforts have been spread thin and he has risen to the occasion over the past two years. She said that his open and friendly attitude and demeanor make him accessible. She noted that he is very committed to his team and shows his employees that he values and respect them. In direct correlation to his leadership style, she noted that he has the respect and support of the Town employees. She read the following comments she has prepared:

"Tom has established and actively fostered a culture of teamwork and mutual respect for all municipal employees. He is quick to recognize the contributions of his staff. Tom works incredibly hard and diligently to ensure each member of the Board of Selectmen has the information that we need to consider the issues before us in a manner that is consistent with the Open Meeting Law. Tom has done an outstanding job of organizing and leading the COVID-19 team, the Reopening team and the Town Meeting planning team. Tom's enthusiastic and friendly demeanor go a long way when handling delicate situations and achieving Town priorities. Tom has made an effort to be visible in the community, attending events and working with community and business leaders."

Ms. Johnson also noted an opportunity for improvement with regard to communication.

Mr. Mayo thanked the Board for their kind words and noted that it is a team effort to make the Town run as smoothly as it does. He said that it is always his intent to put the Town first and base all of his decisions on what is best for the Town.

COVID-19 Update

Mr. Mayo read the following report:

COVID-19 Cases

As of today, DPH is reporting 107,439 cases in Massachusetts, of which 8,604 are in Plymouth County. As of last Wednesday, DPH was reporting 269 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 - Step 2 Reopening

Since the public health data trends are continuing in a positive direction, Governor Baker announced that Massachusetts would move to Phase 2 - Step 2 of the reopening plan effective yesterday, June 22nd. Under Phase 2 - Step 2, the following enterprises are now eligible to reopen, with restrictions:

- Indoor table service at restaurants
- Close-contact personal services such as nail salons, massage therapy, skin care services, personal training services, tanning salons, and tattoo/piercing/body art services
- Retail dressing rooms, by appointment only
- Offices, at 50% capacity"

Public Comment

None

Selectmen/Town Administrator Reports

Mr. Mayo reported that the Town is in the process of preparing for ratings calls for issuance of bonds for the water company at the end of July. He said that they have had two ratings calls thus far and are preparing for one more.

He thanked everyone who had a hand in the running of Town Meeting. He thanked his staff and commented that everyone performed above and beyond at every turn.

Mr. Fisher thanked the 392 citizens who attended Town Meeting. He felt that this was a remarkable demonstration of civic duty and pride from the residents of Hingham. He also thanked the Town Moderator for running a successful meeting under exceptional circumstances.

Ms. Power said that, last Thursday, she represented Hingham at a meeting of the Plymouth County Advisory Board. She reported that, during that meeting, they adopted the Plymouth County budget for FY21. She said that the budget is approximately \$11 million, with the potential for declining revenues. She noted that the FY21 budget showed a 9-10% decline from the FY20 budget. She felt that it was a responsible budget. She said that the Board provided an update on the Cares Act and the administering of reimbursements.

Ms. Power said that she had recently read the Hingham Town Report and commented on how inspiring it was for her to read the many accomplishments of the many Town Committees appointed by Town Meeting. She noted how fortunate Hingham is to have so many dedicated volunteers. She added that copies of the Town Report are available to the public.

Ms. Power thanked the Finance team, Jean Montgomery, Rick Knowland, Erin Walsh, Sue Nickerson, Tom Mayo and Michelle Monsegur, who have prepared for the ratings agency calls.

Ms. Power also reported that the Hingham Farmers market continues to operate on a pre-order basis and encouraged the public to order from the market at www.hinghamfarmersmarket.org.

Ms. Johnson concluded by thanking the public who showed up for Town Meeting and for their thoughtful questions. She also thanked the Town Moderator for running a very effective and efficient meeting.

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

Roll Call Vote:

Mr. Fisher: yes

Ms. Johnson: yes

Meeting adjourned at 8:20 pm

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

