

Board of Selectmen

June 25, 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: Mr. Fisher made a motion to approve the Minutes dated June 9, 2020. Ms. Power 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) Vida Mexicana (Plaza Azteca Hingham) - Request for Outside Table Service and modification of liquor

license: Ms. Maria Bravo, General Manager, presented their application to the Board of Selectmen. She explained that they are looking to have outdoor tables with umbrellas in the back of their parking lot. She noted that they would have the necessary barriers. She also explained the walking plan for the guests and staff. Lt. DiNapoli commented that he felt the location as presented allowed for safe, one-way flow for the guests and staff.

Mr. Fisher commented that he liked the one-way traffic flow. He asked if the restaurant's neighbor, TD Bank, had reviewed the plan. Ms. Bravo said that they have a good relationship with TD Bank, but, since they have been closed for some time, she has not yet gone over the outdoor seating plan with them yet. Ms. Bravo said she was happy to get in touch with TD Bank to review their plan.

Ms. Power asked for clarification on the number of tables. Ms. Bravo said that she was asking for approval for 13 tables, although she does not yet have all 13. There was some additional discussion of number of tables and configurations. Ms. Bravo said that, at the moment, they have eight tables. Ms.

Susan Murphy, Town Counsel and Police Chief Olsson made some additional comments about the plan. They were comfortable with the six-foot separation between the tables as presented.

Ms. Murphy commented that, once the Board has voted to approve the application, the permit will be filed with the Town Clerk. As soon as the applicant receives confirmation from the Town Clerk, their permit will be in effect.

Lt. DiNapoli noted that he would contact the abutter, TD Bank, and would report to the Board to confirm that the plan meets its approval.

FIRST VOTE: Ms. Power made a motion that the Board approve the application of Plaza Azteca Hingham d/b/a Vida Mexicana to expand Outdoor 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:

1. No amplified sound nor other entertainment shall be permitted in the outdoor dining areas.
 2. The placement of the two jersey barriers along the TD Bank side of the dining area shall be modified to be closer to the dining area in a location to be approved by Hingham public safety officials.
 3. In accordance with ABCC Guidelines for Extension of Premises to Patio and Outdoor Areas, the entire OTS Premises (as 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 public safety officials prior to opening of the OTS Premises.

B. General Conditions:

1. Outdoor 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 Outdoor 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 further moved that the Board approve the request of Plaza Azteca Hingham d/b/a Vida Mexicana, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #00063-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

(2) The Range (Range Hingham, LLC) - Request for Outside Table Service and modification of liquor license: Mr. Jeff Toccio and Will O'Connell presented the application to the Board. Mr. Toccio explained the location of the outdoor tables, the hostess station, the hours of operation, food take out areas, as well as traffic patterns. He noted that they are proposing 136 seats outside, which is the approved number for their Title V septic system and an addition to the regular number of 90 outdoor seats. He explained that they have segregated the driving range and its travel paths away from the outdoor dining. Mr. Toccio also said that Mr. Will O'Connell has received a written approval of their proposed outdoor dining plan from their neighbor, the Derby Brook Condos. He stated that the closest unit is 445 feet away to the South.

Lt. DiNapoli commented that, after an initial misunderstanding of the process, The Range has fully complied with all COVID-19 regulations. He noted that they have designated areas for serving alcohol, smoking areas, and dining areas. Mr. Toccio thanked Lt. DiNapoli, Sgt. Kilroy, and Town Counsel, Susan Murphy for their help with the process. Ms. Janet Bardong, President of the Homeowners Association at Derby Brook Condominiums, commented that they have reviewed the proposal and are happy with it.

Mr. Fisher asked about signage at the Range. Mr. Toccio said that they have some signage and can add more if needed. Ms. Power asked about the patron: server ration. Mr. Toccio commented that there would be one server for fourteen patrons.

Ms. Power commented that she appreciated the thought that had gone into this plan and anticipated that The Range would be a popular location.

FIRST VOTE: Mr. Fisher made a motion that the Board approve the application of The Range Hingham, LLC d/b/a The Range to expand Outdoor 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. Without limiting General Condition #5 below, unless and until bar service of alcohol is permitted under the Commonwealth of Massachusetts COVID-19 reopening plan, the following restrictions shall apply:
 - (a) Alcohol may only be served with food orders to patrons seated for table service.
 - (b) No alcohol may be served to driving range patrons.
 - (c) No alcohol may be served to patrons waiting to be seated.
2. No patrons shall be permitted to wait for seating within the OTS Premises. (For example, patrons must wait in their cars or in other areas beyond the service area where 6’ social distancing can be maintained.)
3. Prior to commencing operations in the OTS Premises, the enclosure located between the tables and the grass walking path along the driving range must be placed at least 6’ from the edge of the tables along the grass.
4. Prior to commencing operations in the OTS Premises, the pedestrian pathways shown by arrows on the Approved Plan must be physically marked on the ground.

B. General Conditions:

1. Outdoor 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 Outdoor 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 made a motion that the Board approve the request of The Range Hingham, LLC d/b/a The Range, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #00066-RS-0528 for the period commencing as of the effective date of this approval and expiring on November 1, 2020.

Ms. Power seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

(3) *The Snug (BE&E Inc.) - Request for Outside Table Service, modification of liquor license, and license to use the Tunnel Cap:* Mr. Ed Brown from the Snug explained that they are proposing 24 outdoor seats on the Tunnel Cap behind the restaurant. He said that they would update the outdoor lighting to make the location brighter. He said that, as suggested by Mr. Clancy of the Building Department, they plan to cover the outdoor drain during dining hours. He added that they have post and chain fencing with concrete supports that would enclose the seating area. There was some discussion regarding public access to bathrooms. Mr. Clancy noted that the Snug would be required to allow public access to an outdoor handicap bathroom, in the form of a portable restroom, nearby the dining area. He felt that it would be too difficult for handicap patrons to access the indoor bathrooms due to the distance from the outdoor dining area and the stairs at the building entrance. Ms. Susan Murphy added that she has received final approval from the MBTA to grant the license for use of the tunnel cap. Ms. Murphy added that Hingham has received permission from the MBTA for the installation of a portable restroom on the tunnel cap, but patrons would still be allowed to use the indoor restrooms, if they choose to do so. Mr. Brown commented that he has notified neighbors and tenants of the proposed plan. Mr. Brown thanked Ms. Murphy and the Restaurant Reopening Group for their help.

FIRST VOTE: Ms. Johnson made a motion that the Town enter into a License with BE & E, Inc. d/b/a The Snug for use of the public alley and a portion of the Tunnel Cap adjacent to 116 North Street in

connection with Outdoor Table Service pursuant to COVID-19 Order No. 35, for a term expiring on November 1, 2020 or earlier termination of such Outdoor Table Service, subject to such conditions as are set forth in the License draft dated June 25, 2020.

Mr. Fisher seconded.

Roll Call Vote:

Mr. Fisher: yes

Ms. Power: yes

Ms. Johnson: yes

SECOND VOTE: Ms. Johnson moved that the Board approve the application of BE&E, Inc., d/b/a The Snug to expand Outdoor 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 OTS Premises in form required by the Town of Hingham and the MBTA (the “License”) 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. In order to facilitate handicapped accessibility to restroom facilities, as needed, a “porta-potty” shall be maintained by the Applicant in accordance with the terms of the License. The final location of the porta-potty shall be confirmed by the Applicant with the Restaurant Reopening Working Group.
3. Patrons waiting for tables must be in their cars or in areas beyond the OTS Premises where 6’ social distancing can be maintained.
4. No outdoor entertainment nor amplified sound shall be permitted.

B. General Conditions:

1. Outdoor 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:
 - e) Town of Hingham Covid-19 Temporary Policy Regarding Restaurant Outdoor Table Service.

- f) Massachusetts COVID-19 Mandatory Workplace Safety Standards
 - g) Massachusetts COVID-19 “Safety Standards and Checklist: Restaurants”
 - h) 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 Outdoor 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: Ms. Johnson moved that the Board approve the request of BE&E Inc., Inc. d/b/a The Snug, pursuant to COVID-19 Order No. 35, to temporarily alter the Licensed Premises under Liquor License #00010-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

Proclamation in honor of Chairman Johnson:

Ms. Power and Mr. Fisher read the following proclamation in appreciation of Chairman Karen Johnson’s time on the Board of Selectmen:

“The Board of Selectmen hereby issues this Proclamation for the exceptional service rendered by Karen A. Johnson. Whereas you, Karen A. Johnson, citizen volunteer, acting as Chair and member of the Town of Hingham’s Board of Selectmen over the last three years, have served as a role model for all those who may follow; and whereas, as a distinguished public servant, steward, with a remarkable record of service to the Town, this Board, Town employees, and members of our community have benefitted from your careful consideration of complex issues, commitment to transparency, and a high ethical standard, and profound respect for the many constituents of the Town; and, whereas, your dedication to our veterans community, your support for affordable housing initiatives, and your sponsorship of targeted tax relief for seniors, you always strove to improve the well-being of our citizens in need; and whereas you have left an everlasting legacy on the community through your selfless efforts to facilitate the historic acquisition of our water system, which will benefit the citizens for generations to come; and, whereas,

your unwavering advocacy for public safety, seniors and students in Hingham will result in a significant investment in new Public Safety infrastructure, an expanded Senior Center, and modern school facilities which will serve our residents from childhood through their golden years; and, whereas, during a time of unprecedented crisis, you demonstrated unparalleled leadership, financial stewardship, and strength to guide the citizens and businesses of Hingham through a global pandemic. Now therefore, we, Mary M. Power and Joseph M. Fisher, members of the Board of Selectmen of Hingham, proclaim our heartfelt gratitude and appreciation of all you have done on behalf of this great town and extend to you and your family a sincere “well done.”

Mary M. Power
Joseph M. Fisher
June 25, 2020”

Ms. Johnson thanked them for their thoughtful words and said that it has been her pleasure to be their colleague on the Board of Selectmen. She commented that there had been a number of curve balls that came their way over the last year and felt that they dealt with them carefully and methodically, with the continued good stewardship that is the hallmark of this Town.

Ms. Power elaborated on three contributions made by Ms. Johnson during her tenure on the board including her focus on Hingham’s downtown and the downtown merchants (both prior to and during the COVID-19 crisis), her outstanding work on water company governance, and her leadership in the development and documentation of the FY21 financial management plan, which will be a blueprint for both FY21 and for for Boards to come.

Mr. Fisher commented that, in the year he has worked with Ms. Johnson, he has learned three important skills. He said, “First, I learned leadership. Leadership is not just telling people what to do. It is not simply being a Director of Operations or a senior official that other folks have to follow. What I have learned from Karen is real leadership, effective leadership, which means that you have to be good at motivating others, delegating to others, having a positive attitude, and demonstrating that you are a trustworthy person, someone who acts with honesty and integrity. It means that you have awareness, not just about others, but also about yourself and it means that you know how to build relationships. Karen, you have demonstrated all those traits from your dealings with the water company acquisition to navigating the twists and turns of this COVID pandemic. You have proven to be a true leader. Second, I learned from you about running a meeting. I came to this Board after about 15 years on the Zoning Board of Appeals and during that period, I chaired, literally, hundreds of meetings and dealt with numerous contentious issues. During our Zoning meetings, we had developers who were anxious to get their projects approved. We had residents who were upset about what their neighbors were planning to do on abutting properties. I was convinced that I had all the skills, that I knew all the techniques necessary to run an effective meeting. Then, I joined the Board of Selectmen and got to participate in Board meetings led by you, Karen, and I saw a true master at work. I discovered that I had a lot to learn about navigating issues and personalities at meetings. Over the last year, I feel like I have been an apprentice, learning skills that will serve me will in the future. The third thing that I really learned from you is excellence. Karen, you have set a high standard for yourself in everything you do for the Town. You don’t just attend meetings, you actively prepare for the entire agenda. You don’t just review

financial statements, you get behind the numbers and flag the issues that may need to be explained or resolved. You don't just meet with residents, you get to know them and you appreciate their concerns and expectations. All in all, you have set a high bar for your fellow Selectmen and I am hopeful that I can live up to the example that you have set. Thank you and you will be missed."

There were many additional comments and remarks about Ms. Johnson's work as a Selectman, as Chairman of the Board and of her various other volunteer activities in Hingham from John Asher, Michelle Ayer, Paul Healy, Bill Ramsey, Charlie Costello, David Simms, Michelle Monsegur, and Tom Mayo. Mr. Mayo read the following message:

"When Karen was elected to the Board of Selectmen, Ted Alexiades told me that this was a big day for the Town. He was right. Karen immediately infused the Board and our office with an energy that hasn't waned since. In the first few months, Karen helped us revamp and modernize our internal process for issuing liquor licenses. We began our work on finding a new operationally appropriate location for the North Fire Station and we continued to hone our message and approach towards municipal ownership of the Town's water system, and so much more. Right up until the end of her extended term, Karen has been a moral and thought leader in Town. As the head of our local government in the midst of an unprecedented pandemic, Karen has been a steady hand on the wheel, ensuring that all of our i's are dotted and t's are crossed. I won't repeat what others have already said, but I have one last thought that I wanted to share about my great fortune of being able to work with Karen Johnson for the past three years. Karen was a big part of the decision to give me the chance to prove myself as the Town Administrator. I promised, at the time, to always put the Town first and to work tirelessly on its behalf, however, that wasn't the whole job. Through personal example after example, Karen made it clear that bringing strong moral character and a sense of ethics to our work is what sets Hingham apart. It is what encourages us to hear all sides of an issue and subsequently come to the right decision on behalf of the Town, over and over again. For that, and for the opportunity Karen granted me 2 ½ years ago, I want to say thank you. I will always work to make you proud of this Town and this office. The Town of Hingham is better because of your service. Thank you, Karen"

Ms. Johnson had the following comments:

"I want to say thank you now and I want to start with Tom and Michelle, for the hours that you have put in, the dedication that you have to each other, to the Town, to the office, to Joe, to Mary, to me, to Heidi and Sharon. As Paul noted earlier, it is a team effort. Tom, you and Michelle have built a culture of teamwork, not only in the office of the Board of Selectmen, but also throughout Town Hall. That was lacking when you arrived and you have, in a very short period of time, altered the culture, which is no easy task. You two make a tremendous team and I have been happy to be part of that bench. To my colleagues, Joe and Mary, and to Paul Healy, I talked about learning from each other, and I have done that every single day and have taken tremendous thanks in the dedication that all of you have shown to the role of the Board of Selectmen, because you all have set the standard for this Town of what it means to be on the Board of Selectmen. The remarks made about me tonight can be said for each and every one of us. We bring moral ethicacy to the table. We bring our own skill sets. We utilize those skills to the best interest of the Town. We have worked together, particularly this year, to undertake some very significant projects, from the water company, to Foster School, to the new Public Safety Facility, and it's

not a one-person show. It is a team effort, as always, and I appreciate, again, being on the bench with you. I have to thank the voters of Hingham who gave me the opportunity to serve this community that I care so deeply about. I never thought that I would run for elected office, and for a variety of reasons, the opportunity arose. I was amazed at the people in this town who support good governance. It transcends party. It transcends any particular issue. It is a care about civic pride in our community where we want somebody to sit in this seat and use their heart, their soul and their mind to come to decisions that advance the best interest of this community. It was really just astounding to me, the numbers of people that come out and support those of us who have the opportunity to step forward and serve. I couldn't be more grateful for that and humbled by that. Last, but not least, I want to thank my family: my husband Jim and my kids, Meg, Peter and Chris. You have supported me. You have listened to me. You have understood when I could not be there in the way I wanted to be for all of you. This was an important role for me to see through and, without your support, I could never have done it. Sometimes, maybe my stories might have really pushed the limit, but your belief in me gave me the courage and confidence to step forward and you never let me down. You were always there to support my work and I appreciate that. This very special town that prides itself on civil discourse, consensus building and civil commitment. Those values were on display for the world to see last Saturday at our first ever, outdoor Town Meeting. I appreciated all the folks who were able to attend and participate and I appreciate all the staff who volunteered to work so diligently to put the business of the Town before the meeting. It has truly been my honor to serve as a Selectman. This town is in great hands and I urge you to vote on Saturday because local government matters. I leave you with a quote from President Theodore Roosevelt, "This country will not be a good place for any of us to live unless we make it a good place for all of us to live." I know that has been a guiding principal of this Board of Selectmen and I know that this sentiment continues in this community. Be well all, and thank you for time this evening."

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 8:51 pm

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