

## Selectmen's Meeting

June 6, 2011

4:00 pm

A meeting of the Board was held on the above date in the Fred B Morgan Jr. Meeting Room, Town Hall. Members present were: Arthur Smadbeck, Chairman; Michael J. Donaroma, and Margaret E. Serpa. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 p.m. Mr. Smadbeck opened the meeting. The first item was an advertised hearing for Alchemy to change the company name from Ba D'Bing, Inc. to Alchemy Restaurant LLC. They would be keeping the d/b/a Alchemy. Present was Scott Caskey, Manager.

There being no public comment, Mr. Smadbeck closed the public part of the hearing at 4:02 pm. Ms. Serpa moved to approve the change of name. Mr. Donaroma seconded. Unanimous.

At 4:05 Mr. Smadbeck reopened the continued public hearing from May 23<sup>rd</sup> for "The Greenhouse" for a seasonal beer and wine license for a restaurant. The Zoning Board of Appeals had now approved the project and the alcohol hearing could continue. Present were Patrick and Ted Courtney, owners. Mr. Smadbeck opened the floor to Patrick to present the application.

Mr. Patrick Courtney presented a casual family dining establishment with indoor and outdoor seating. He stated that they would be open from noon to 10 pm and had been approved for 49 seats by the Zoning Board of Appeals. He was looking for a beer and wine license so they could provide that option to patrons who wanted a beverage with their meal.

Mr. Smadbeck then opened the floor first to those in favor of granting the license.

Mr. Gino Courtney, local businessman and father of the applicants, stated that he was in favor. That the applicants had done their homework and tried to appease the neighbors' issues.

Mr. Bob Carroll spoke in favor of granting the license.

Mr. Smadbeck then opened the floor to those opposed.

Mr. Steven Caliri, Innkeeper at the Victorian Inn, stood and read a prepared statement. He believed that the project should be referred to the Martha's Vineyard Commission. He felt that the change from retail to restaurant should warrant the referral and was concerned about the comfort of his guests.

Mr. Smadbeck then announced that there had been a great deal of written correspondence received. A large majority of it was in favor of granting the license.

Mr. Donaroma asked Mr. Patrick Courtney what he was doing to take into consideration the neighbors noise concerns.

Mr. Patrick Courtney replied that they had changed several things from the original plan. They had changed closing time to 10pm from 11pm. There was a concern about foot traffic noise so they changed the service to full table service and moved the public area to the front of the property. They also plan on planting shrubbery and grass as a noise buffer.

There being no further public comment, Mr. Smadbeck closed the public comment part of the hearing at 4:08 pm.

Mr. Donaroma moved to approve the seasonal beer and wine license. Ms. Serpa seconded. Unanimous.

Mr. Smadbeck then recognized Mr. Stuart Fuller, Highway Superintendent.

Mr. Fuller would like to put a turn around on 19<sup>th</sup> St. North before the wetlands area. He would like permission to speak with Town Council to arrange an easement. Ms. Serpa moved to approve Mr. Fuller's request. Mr. Donaroma seconded. Unanimous.

Ms. Dolby asked that Mr. Fuller wait until after July 1<sup>st</sup> to proceed.

Ms. Serpa then asked Mr. Fuller about the trespassing bobcat issue.

Mr. Fuller responded that the owner had been away, but that he expected it to be gone by the end of the month.

The next item on the agenda was the Cottage Street Landing. Ms. Dolby explained that the contractor involved could not come due to surgery and had asked the item to be continued to June 13<sup>th</sup>. The Board agreed.

The Board then voted to concur with the decision of the Edgartown Board of Water Commissioners and allow the Martha's Vineyard Flying Club to run Oak Bluffs water to their property in the State Forrest until at some point Edgartown is ever able to provide water to the parcel.

Ms. Smadbeck then recognized Mr. Fred Fournier, owner of Landscape. Mr. Fournier had originally been on the agenda April 25, 2011 concerning a request for two curb cuts on one property on Fuller Street. The item was postponed until the Board received an opinion from the Planning Board. The Planning Board wrote a letter to the Board of Selectmen advising against the second curb cut. Mr. Donaroma chose to abstain from the discussion.

Ms. Serpa started by stating that she agreed with the Planning Board and that one curb cut was plenty.

Mr. Fournier stated that he was aware that the Planning Board had advised against the second curb cut. He was determined to convince the Board of Selectmen otherwise. He showed lots of plans and pictures of other downtown streets where someone had an extended or double curb cut. He explained that the second curb cut would be for "delivery items only".

Mr. Smadbeck stated that he would be uncomfortable deciding against the Planning Board.

Mr. Fournier replied that the Selectmen had the ability to decide against the Planning Board and then went through the whole explanation of the project again.

Mr. Smadbeck stated that when the Planning Board takes the time and trouble to write a letter that the Board of Selectmen do not typically go against them.

Ms. Serpa moved to deny permission for the second curb cut on Fuller St. and added that there were no other properties on Fuller St. that have a second curb cut. Mr. Smadbeck seconded. Unanimous.

Mr. Donaroma then returned.

Mr. Smadbeck then recognized Mr. Ronald Rappaport, Town Counsel. Mr. Rappaport was in to discuss lease negotiations in executive session. But, he first wanted to inform the Board of the good news that they had won the appeal by Ron Minkin to the Department of Public Utilities in reference to his request to acquire a street license for downtown streets for a ticketed tour.

The Board expressed their pleasure in this development that the state upheld their decision.

The Board made a determination that Mr. Rappaport's involvement as a trustee of the Martha's Vineyard Saving's Bank which is the lender to the purchaser of Edgartown Marine was "not so substantial as to be deemed likely to affect the integrity of services which the Town may expect" and signed a copy to be filed with the Town Clerk.

Mr. Smadbeck then moved to go into executive session to discuss lease negotiation concerning Edgartown Marine with Town Counsel. They then took a roll call vote each voting aye.

At 4:55pm the Board resumed public session.

The Board then approved the following items:

The minutes from May 23<sup>rd</sup> and May 31<sup>st</sup>.

The Vineyard Vines Rally Ride to be held on August 21, 2011. Sgt. Craig Edwards was present and stated that it did not conflict with any other functions and that they would leave their bicycles at the Edgartown School for the function at the Daniel Fisher House.

A Transfer of Chapter 77 funds of \$15,000 for the Edgartown Police Department.

A Commercial Marine License Renewal for Steve Purcell d/b/a Larry's Tackle Shop to do Charter Fishing.

Two Yard Sales: one for Pamela Montoya on June 12<sup>th</sup> and one for Jane Joyce on June 11<sup>th</sup>.


A Travel Voucher for the Council On Aging.

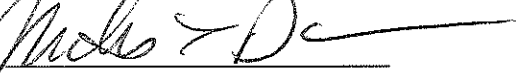
The Board approved and signed "A Resolution Concerning African American Revolutionary War Patriots of Edgartown, Massachusetts and the Proposed National Liberty Memorial" a copy of which is attached.

The Board denied a request from Jack Wills for a one day liquor license with reference to the letter received from the Police Chief advising it not be granted. Ms. Serpa specified that all one day liquor licenses are granted or not granted on a case by case basis.

At 5:05pm Ms. Serpa moved to adjourn to Wednesday at 3:00pm in the same place if needed. Mr. Donaroma seconded. Unanimous.

Approved:

  
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Arthur Smadbeck, Chairman

  
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Michael J. Donaroma

  
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Margaret E. Serpa  
Board of Selectmen

Respectfully submitted,

Kristy Rose  
Assistant