

Minutes of the Town of Marble
Special Meeting of the Board of Trustees
September 12, 2019

A. Call to order & roll call of the Special Meeting of the Board of Trustees – The meeting was called to order by Mayor Ryan Vinciguerra at 7:06 p.m. Present: Ryan Vinciguerra, Charlie Manus, Larry Good, Emma Bielski and Tim Hunter. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.

B. Consider approval of Slow Groovin Liquor License Renewal – Ryan Vinciguerra recused himself and turned the chairing of the meeting over to Tim Hunter, Mayor Pro Tem. Tim asked if everyone had had a chance to read the correspondence from Mary Geiger stating that Slow Groovin' is in violation of their liquor license. Ron reported that this was the only public comment received about this issue.

Larry Good stated that his recollection was that they had started to build the fence when questions concerning the lease put construction on hold. Nial O'Connor explained that they had the materials on site and they are working with contractors to get the fence up as soon as possible. It is designed to be taken down at the end of the season but they hope to get it up before that date (October 31) and then have it back up for the 2020 opening on May 1. Emma Bielski asked if anyone beyond the two parties involved in a lease has legal jurisdiction to object to what they might see as a lease violation. It was felt that they did not. Ron reported that Kendall Burgemeister, town attorney, said that the lease states that a fence needs to be in place in order to serve alcohol on the leased ground. The liquor license includes a question concerning if the land is owned or rented. The current renewal request is for the owned premises and states that the location is owned. Because the premises is both owned and leased, they may also want to check the rental box to cover the land that is leased. The renewal request also needs to include the date that the lease expires. When the lease changed from 12' to 19', that change requires a change of premises application. Kendall advises that Slow Groovin' put the fence in, apply for the change of premises, amend the liquor license application and liquor can then be served on that part of the property. Larry Good asked if the liquor license renewal can be approved with the understanding that a conditional addendum would be coming that includes the fence being constructed, the, the change of premises application be approved and the renewal application be amended to include rental property and the date of the lease expiration.

Ron explained that the board has four options: 1. Approve as is; 2. deny it; 3. table it; or 4. approve the application with conditions.

Charlie said that when the last lease was approved, it was with the understanding that the fence would be built. Nial explained that they began as soon as the lease was approved in August. The project includes getting materials, designs and construction. Charlie said he would vote to approve the liquor license when the fence is up. Nial said it had taken the town three years to get the lease finalized and the change in the surveyed land lease also caused a delay but that progress has been made since the lease was approved. Ron explained that the holes were drilled at the 19' spot in June in anticipation of the lease being approved. Nial explained that they filled the holes when the lease delay occurred. Ron wanted to be clear that the delay was not all to do with the Town of Marble.

Emma said that she sees no reason not to approve it with the conditions that the fence be built and that the change of premises application be submitted. Larry also asked that the change regarding checking the rented property box be made to the renewal application.

Tim made a motion to approve the liquor license with the condition that the fence be constructed before liquor can be served on the leased ground. Emma Bielski seconded and the motion passed with Tim Hunter, Emma Bielski and Larry Good voting yes and Charlie voting no. Ryan then resumed chairing the meeting.

C. Adjourn - Emma Bielski made a motion to adjourn. Tim Hunter seconded and the motion was approved unanimously. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Terry Langley