SELECT BOARD

MINUTES

April 12, 2023

Board met in HYBRID session at 7:00 p.m. at Abbot Hall and via ZOOM Conferencing The following members were present constituting a quorum:

M. C. Moses Grader, Chair
Jackie Belf-Becker
Erin M. Noonan
James E. Nye
Alexa J. Singer

PUBLIC HEARING. LICENSING. Transfer of All Alcoholic Beverage License/Common Victualler License. Rip Tide Group Inc. 116 Pleasant Street. The Chair opened the Public Hearing on the transfer of the All-Alcoholic Beverage License at 116 Pleasant Street. Mikael Vienneau and Paul Lynch, Counsel, appeared before the Board to present the application. No one spoke opposed to this application. Jim Zisson and Jamie Chiampa spoke in favor of the application. Public Hearing was closed. Motion made and seconded to approve the application for a Common Victualler License for Rip Tide Group Inc, 116 Pleasant Street, Manager Mikael Vienneau, hours of operation Monday through Saturday 9:00am – 12:00 midnight, Sundays 11:00 a.m. – 12:00 midnight, seating capacity = 45, subject to receipt of all applicable inspection sign offs and all fees paid. All in favor. Motion made and seconded to approve the transfer of the All Alcoholic Beverage License from Rip Tide Lounge Inc, d/b/a Rip Tide Lounge, to Rip Tide Group Inc, 116 Pleasant Street, Manager, Mikael Vienneau, hours of operation Monday through Saturday 9:00am – 12:00 midnight, Sundays 11:00 am. To 12:00 midnight, subject to approval from the ABCC, Cori approval and receipt of all applicable inspection sign offs and all fees paid and proof of TIPS or equivalent certification. Moved by Mr. Nye, seconded by Mrs. Belf-Becker. On a polled vote the Board voted as follows: Mrs. Singe, in favor; Mrs. Noonan, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mr. Grader, in favor.

CULTURAL COUNCIL. Interview/Appointment. Mark Phillip appeared before the Board as it relates to serving on the Cultural Council. Motion made and seconded to appoint Mark Phillip to the Cultural Council with a term to expire in June 2025. All in favor.

MBTA ADVISORY BOARD. Interviews/Appointment. The following applicants appeared before the Board: Dan Albert, Chris Harding and Ed McCarthy. Motion made and seconded to place all 3 names into nomination to serve as the Select Board Chair's designee to the MBTA Advisory Board with a term to expire in June 2023. All in favor. On a polled vote the Board voted as follows: Mrs. Singer, Dan Albert; Mrs. Noonan,

Dan Albert; Mr. Nye, Dan Albert. Dan Albert appointed serve as the Select Board Chair's designee to the MBTA Advisory Board with a term to expire in June 2023.

The Board took a 5-minute recess.

DISABILITES COMMISSION. Interviews/Appointment. The following applicants appeared before the Board: Dee Cuffe and Brigitte Duffy. Motion made and seconded to place both names into nomination to serve to on the Disabilities Commission with a term to expire June 2024. All in favor. On a polled vote the Board voted as follows: Mrs. Singer, Dee Cuffe; Mrs. Noonan, Dee Cuffe; Mr. Nye, Dee Cuffe. Dee Cuffe appointed to the Disabilities Commission with a term to expire in June 2024.

ARBOR DAY PROCLAMATION. Motion made and seconded to approve the request from Jonathan Fobert, Tree Warden, to proclaim Friday, April 28, 2023 as Arbor Day for the Town of Marblehead. DPW and the Tree Department will work with Sustainable Marblehead and the MHS Green Honor Society to plant 25 trees on April 29, 2023. Mayer Tree is donating a day of labor providing pruning and other tree services at Abbot Hall. Seedlings have been purchased to be planted in conservation areas as part of the Arbor Day celebration. All in favor.

CHAMBER OF COMMERCE. Celebrate Marblehead. The Chair noted that this is the 10th year the Board has receive and approved the request from the Chamber of Commerce for Celebrate Marblehead and clarified that this request is not the same as outdoor dining the town has approved for the past few years, allowed under the Governors Emergency Order. Motion made and seconded to approve the request from Katherine Koch, Executive Director, Chamber of Commerce, to hold the annual "Celebrate Marblehead" April 11 – October 31, 2022 and to allow the businesses in Town the following considerations subject to receipt of the required Certificate of Insurance and compliance with ADA, Fire, Building, Zoning and Health Department requirements:

- **Allow tables and/or displays outside of stores (non- restaurants)**
  - Business will remain compliant with all ADA, fire, building and zoning codes.
  - Tables and/or displays will allow for the required 36 inches of sidewalk space, excluding curb, for handicapped accessibility requirements.
  - Sidewalk space will allow for 48 inches, however, an unobstructed 36-inch path of travel, excluding curb, will be maintained past any sidewalk obstruction. Such obstructions include but not limited to utility poles, mail boxes, trees and open areas around them, street lights, traffic signal bases and pre-cast foundations and other signal hardware, hydrants, signs and poles.
  - It is preferred that tables and chairs are made of natural materials, ie: wood or metal.
- **Permit outdoor entertainment from Thursday–Sunday from 10 AM–8 PM**

- Business will remain compliant with all ADA, fire, building and zoning codes.
- Entertainment will only include small or solo performances without amplification.

- **Permit restaurant outdoor seating from the hours of 7 AM–10 PM**
  - Business will remain compliant with all fire, building and zoning codes.
  - Tables will be small, with a maximum of eight (8) seats per establishment.
  - Tables, chairs and benches will allow for 36 inches of sidewalk space, excluding curb, to comply with handicapped accessibility requirements.
  - Sidewalk space will allow for 48 inches, however, an unobstructed 36 inch path of travel, excluding curb, will be maintained past any sidewalk obstruction. Such obstructions include but not limited to utility poles, mail boxes, trees and open areas around them, street lights, traffic signal bases and pre-cast foundations and other signal hardware, hydrants, signs and poles.
  - It is preferred that tables and chairs are made of natural materials, ie: wood or metal.
  - Vendors and restaurants will receive required Board of Health approvals.
  - No alcohol is permitted to be served outside of any establishment in compliance with liquor license regulations.
- **Allow small beautification projects**
  - Business will remain compliant with all ADA, fire, building and zoning codes:

  i.e. flower pots along sidewalks- placement will allow for the required 36 inches of sidewalk space for handicapped accessibility requirements.

All in favor.

CONTRACT. Atlas PyroVision Entertainment. July 4th Fireworks. Motion made and seconded to approve the contract between the Town and Atlas Pyrotecnico Fireworks, Inc., in the amount of forty-eight thousand dollars ($48,000.00) and authorize the Chair to sign on behalf of the Board. All in favor.

LICENSING. One Day Liquor. Bubble Bar Boston. Lee Mansion. Motion made and seconded to approve request from Bubble Bar Boston for a (1) Day Liquor License at Lee Mansion on Saturday, May 13, 2023 from 10:00 a.m. – 2:30 p.m. subject to the following:

- Delivery of and receipt by the Licensing Authority of the required fee ($50.)
- Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
- Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.
- Alcohol will be purchased from Martignetti

Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mr. Grader, in favor.

LICENSING. 2022-2023. All Alcoholic Beverage License Seasonal Renewals. Motion made and seconded to renew the following All Alcoholic Seasonal Club License(s) subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals, CORI approval and compliance with Chapter 304 of the Acts of 2004:

- Eastern Yacht Club – Pool License, 42 -44 Foster Street, Manager: Jarod Chorney
- Dolphin Yacht Club, 17 Allerton Place, Manager: Ken Martin.

Moved by Mr. Nye, seconded by Mrs. Noonan. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mr. Grader, in favor.

LICENSING. Local/Sunday Entertainment License. Dolphin Yacht Club. Motion made and seconded to renew the following Local/Sunday Entertainment license, subject to all taxes and fees to the Town being paid and approval from the Commonwealth's Department of Public Safety for Sunday Entertainment:

- Dolphin Yacht Club, 17 Allerton Place

All in favor.

CONTRACT. Odyssey Advisors, Inc. Actuarial and Consulting Services. Parker Elmore, Odyssey Advisors and Aleesha Benjamin, Finance Director, appeared before the Board to review the contract for actuarial and consulting services**.** Motion made and seconded to approve the contract between the Town and Odyssey Advisors, Inc., for Actuarial and Consulting Services in the amount of eight thousand four hundred fifty and 00/100 ($8,450.00) and authorize the Chair to sign on behalf of the Board. All in favor.

ABBOT HALL. Permission to Use. MHS Art Exhibit reception. Motion made and seconded to approve the request from Shirley Huller White, Lead Teacher/Instructor, MHS, to use Abbot Hall auditorium om Tuesday, May 23, 2023 from 4:00 – 8:00 pm for an opening reception for the MHS Exhibit subject to the usual rules and regulations and receipt of the required fees. All in favor.

MARBLEHEAD TO HALIFAX RACE 2023. Message from Select Board. Motion made and seconded to approve the request from Kate Ferris Richardson to prepare a message from the Select Board for the 2023 Marblehead to Halifax Race Book as has been the tradition since the start of the race in 1905. All in favor.

PUBLIC COMMENT. None.

Motion made and seconded to adjourn at 8:10 p.m. All in favor.

Kyle A. Wiley

Administrative Aide

List of documents used:
Rip Tide application
Resumes: Mark Phillip, Brigitte Duffy, Dee Cuffe, Dan Albert, Chris Harding, Ed McCarthy
Arbor Day request, Tree Warden
Chamber of Commerce request, Celebrate Marblehead
Fireworks Contract
1 day liquor license request. Bubble Bar Boston
Contract. Odyssey Advisors.
MHS request to use Abbot Hall
Kae Ferris Richardson request for Halifax letter