

**Select Board Meeting, Wednesday, September 14th, 2016 in the Cavendish Town
Office Meeting Room at 6:30 pm**

Present: Bob Glidden (Chairman), George Timko, Mike Ripley, Jill Flinn (arrived 7:30 p.m.), Rich Svec (Town Manager), Bruce McEnaney (Assistant to the Town Manager), Jen Leak (Recording Secretary), and citizens as listed on the attached sheet.

Absent: Wendy Regier

1. Call the meeting to order

Bob Glidden, Chairman, called the meeting to order at 6:30 p.m.

2. Follow up to Item #7.a. from the Select Board meeting of 09/12/16 which is to consider the catering applications for four events at the Inn at Glimmerstone.

For this purpose, the Select Board acted in it's capacity as the Board of Liquor Control. Rich reviewed the problems with two of the applications which were submitted for approval on Monday, September 12, 2016, but which had missing or incorrect dates. Rich asked Mary Jane Abbate, who was present, to correct those dates, which she did. Rich then read aloud the first application.

Request to Cater Malt, Vinous and/or Spirituous Liquors for the Inn at Glimmerstone Mansion, wedding rehearsal dinner, on Friday, September 16, 2016, from 4-9 p.m., for 35 people.

Mike asked if there would be music at this event. Mary Jane said there would probably a radio but this catering permit is just to allow her to serve liquor. Mike said he had concerns about noise and fireworks which occurred during previous events. Mary Jane said that she had sent a letter to all of her forthcoming wedding parties, stating that fireworks were not legal in Vermont, and that they needed to be aware of the volume of music played due to complaints of neighbors. However, one of the recent wedding parties brought and set off fireworks themselves, despite her warning. Bob said that, as property owner, she was still responsible for what happens on her property.

The Select Board, Fire Chiefs Bob Glidden (Proctorsville) and Shane Turco (Cavendish), citizens in attendance and Mary Jane then discussed the sequence of events which occurred leading up to the fireworks event in question. Mary Jane said that she had contacted the Fire Chiefs for information only and did not request a permit herself. Mary Jane stated that the bride asked for a fireworks permit, which was denied, but that she (Mary Jane) was unaware of the denial. However, the wedding party went ahead and set off the fireworks despite her warning them not to. Rich asked the fire chiefs to send a copy of any future permit denials to the property owner as well as to the party requesting the permit, and they both agreed that would be done.

Mary Jane maintained that, as renters, the wedding party is not under her control, and that the renters are responsible for their own actions. Ed Garrow, who was present, said that he believed, since Mary Jane was on the premises during the fireworks and excessive noise incidents, that she was still responsible for what occurs on her property. He also stated that he believed there have been more complaints about her events than Mary Jane has acknowledged.

George asked for clarification of Mary Jane's assertion that she was not liable for events occurring while her property is rented. She said that, when people agree to rent the property, through

HomeAway.com, they agree to a standard lease. Rich asked if a “no fireworks” clause and no loud noise clause could be added to that lease. Mary Jane said that it could. She said that her attorney has told her that the guests “own” the property during the time they are there, and while she can tell the guests what her rules are, she is unable to enter the buildings or enforce her rules while they are there.

Mike reminded Mary Jane that she certainly knew that the Town had issues with fireworks and noise. He said that while the Select Board may not have control over her renters’ actions, the Board can control whether or not to issue her liquor catering permits. Mary Jane said that she can have these events as BYOB affairs without the liquor permits. She said the point of getting the liquor license was to cover her liability issues and to exert some control over liquor consumption. Bruce asked if she provided a licensed bartender to serve the liquor. Mary Jane said she did. Jen asked if Mary Jane was on premises only during the time for which the catering permit is valid. Mary Jane said yes and that, after she leaves, the renters are free to consume alcohol themselves, just as anyone, who rents any other house or hotel room, would be.

Mary Jane added that she is contributing to the local economy by bringing people into the area who rent other properties and go out to eat in town, as well as adding to the tax base. Jen asked for clarification on what tax benefit the town receives. Mary Jane said that her increased revenue led to an increase in the property taxes she pays. Diane McNamara, Town Clerk/Treasurer who was present, pointed out that the total annual property taxes are based on property value assessment, not owner income.

Ed said that all the points made so far have considered Mary Jane’s business needs but have not addressed the needs of her neighbors. Ed said that, at the August meeting, the Select Board had asked Mary Jane to contact her neighbors and to keep the barn doors closed, but she has not done either. Mary Jane said she has taken steps to reduce the noise, but cannot keep the doors closed during the summer heat and cannot control what her renters do.

Rich asked if Mary Jane intended to reach out to her neighbors. Mary Jane said she could try to find out which neighbors had complained, but she didn’t know who they were. Linda Collins, who was present and lives behind the Glimmerstone barn on Rogers Drive, arose from her seat and went over and introduced herself to Mary Jane.

Mike again asked Mary Jane why she wanted the Select Board to approve these permits if she could hold the events anyways on a BYOB basis. Mary Jane said that she wanted to serve liquor in order to have some control over the consumption, and in order to provide a shuttle bus to take guests home after the end of the permitted event time. She said that the majority of people leave at that time, except for those staying in the Mansion, but added that she does not force anyone to leave. Rich commented that he would rather see a catering license rather than BYOB, so that there is at least some control over liquor consumption and timing of these events. Mary Jane stated that the music ends at the same time as the catered liquor.

Ed requested that the Board approve 1 or 2 permits at a time, and see how they go before approving any others. Since the Board only meets once per month, he suggested future permits could be approved by phone or email. Rich said that would not be possible since Vermont open meeting laws require the Select Board to conduct it’s business, including liquor permit approvals, in public. Ed said that he would like Mary Jane to follow through by contacting her neighbors and closing the barn doors. He said that air conditioning units are readily available. He also suggested Mary Jane could install a berm or fencing to deflect the noise. George said that Act 250 regulations will

not allow a permanent fence around the property. Rich suggested that a portable sound barrier, placed in front of the doors to absorb and deflect noise, would not be in violation of Act 250. Mary Jane said that she is investigating making changes to the barn to minimize noise for next season. Jill added that she felt it was very important to be respectful of her neighbors and that she should simply close the doors.

George Timko moved to approve the Request to Cater Malt, Vinous and/or Spirituous Liquors for the Inn at Glimmerstone Mansion, wedding rehearsal dinner, on Friday, September 16, 2016, from 4-9 p.m., for 35 people. Jill asked Mary Jane for assurance that the barn front doors would be shut during this event. Linda requested that the back doors, which face her house, are shut as well. Bob and Rich explained that the liquor catering application is only to serve liquor and approval votes cannot contained additional clauses to keep the doors shut. ***Bob Glidden seconded. George Timko and Bob Glidden voted in favor. Mike Ripley voted against. Jill Flinn abstained.*** Since there was not a majority voting in favor, this application failed to gain approval.

Jill said that she would consider approval of this application if Mary Jane agrees to keep the barn doors shut. Mary Jane said, when she is there, she or her workers can shut them as long as temperatures inside the barn allow. She can also request the renters to keep the doors shut after she leaves but she cannot control this. Bruce and Jill both said they thought that she needed to stay on premises to keep the noise and other activities under control. Mary Jane said that she will stay during the time that her liquor catering permit is active, but that she is not allowed to stay after that.

Ed said that, whether or not it is a legal responsibility, he still thinks owners are morally responsible for the events which occur on their property. Mary Jane agreed with this statement. Bruce commented that, when she leaves the premises, she denies that responsibility. Mary Jane said that, when she rents her property, she is responsible only as the caterer and landlord. Jills stated again that she would like to see barn doors shut, which would take care of the noise problem.

George Timko again moved to approve the Request to Cater Malt, Vinous and/or Spirituous Liquors for the Inn at Glimmerstone Mansion, wedding rehearsal dinner, on Friday, September 16, 2016, from 4-9 p.m., for 35 people. Bob Glidden seconded. Rich suggested approving the applications for September 16th and 17th tonight, and waiting to see how those events are handled before approving the other two applications. Jill again stated that she would like to see Mary Jane take responsibility and close the barn doors to keep noise down. Rich added that he had not heard complaints about noise being made after the music has stopped, and Ed agreed. Linda added that she thought that it was too close to the date of the events to deny the permits and risk ruining someone's wedding. ***Bob Glidden, George Timko and Jill Flinn voted in favor. Mike Ripley voted against.*** The permit was approved.

Rich read the next application.

Request to Cater Malt, Vinous and/or Spirituous Liquors for the Inn at Glimmerstone Mansion, wedding cocktail hour and reception on Saturday, September 17, 2016, 3 p.m.-midnight, for 106 people.

George Timko moved/Bob Glidden seconded a motion to accept the Request to Cater Malt, Vinous and/or Spirituous Liquors for the Inn at Glimmerstone Mansion, wedding cocktail hour and reception on Saturday, September 17, 2016, 3 p.m.-midnight, for 106 people. Jill again

stated that she wants Mary Jane to keep the noise level down. **Bob Glidden, George Timko and Jill Flinn voted in favor. Mike Ripley voted against.** The permit was approved.

Rich read aloud the next application.

Request to Cater Malt, Vinous and/or Spirituous Liquors for the Inn at Glimmerstone Mansion, wedding cocktail hour and reception, on Saturday, September 24, 2016, from 3 p.m.-midnight, for 125 people.

Jill said she wasn't comfortable approving this application until she sees how the previous event is handled. Again, Mary Jane said she only has limited control over the guests while she is there, and none after she leaves. It was discussed that, since the 24th is only 10 days away, this could cause a hardship.

George Timko moved/Bob Glidden seconded a motion to accept the Request to Cater Malt, Vinous and/or Spirituous Liquors for the Inn at Glimmerstone Mansion, wedding cocktail hour and reception on Saturday, September 24, 2016, 3 p.m.-midnight, for 125 people. Bob Glidden, George Timko and Jill Flinn voted in favor. Mike Ripley voted against. The permit was approved.

The Select Board decided to have a special Select Board meeting on Monday, September 26, 2016, at 6:00 p.m., to consider the fourth application which is for the event on October 8, 2016. This will allow the Board to see how the three events just approved go.

Rich said that he appreciated Mary Jane's willingness to solve these issues and stated that, by now, Ms. Abbate should be very much aware of the neighbors' concerns and the concerns of the Town and how serious an issue this is.

3. Adjourn

Mike Ripley moved/Bob Glidden seconded a motion to adjourn at 8:10 p.m. All voted in favor.

Minutes Approved: _____

Date: _____