

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, NOVEMBER 9, 2020 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM**

PRESENT: Selectmen, Donna Abdulla, Chairman; Wilma McDonald, Chuck Takesian, Freeman J. Condon and Ronalee Ray-Parrott

ALSO PRESENT: Neil J. Harrington, Town Manager and Janet Flannery & Agnes Donovan, Secretary

I. Call to Order/Salute to the Flag

Chairman Abdulla called the meeting to order at 7:00 PM in the Colchester Room, Salisbury Town Hall. She then announced, per the Open Meeting Law, that this meeting is being recorded and broadcast live on SCTV.

Chairman Abdulla opened the meeting by stating that the Town lost two people dedicated to Salisbury during the past week. She expressed her sympathies to Selectman Ray-Parrott on the loss of her father, Ronald Ray, who served the Town Moderator for thirty years, a member of the Lions Club and a long-time baseball coach and umpire in the community. Chairman Abdulla also mentioned Harold Condon, who had served as a member of the Conservation Commission and Planning Board, as well as the Town's Animal Control Officer. She stated that both men loved the Town and will be missed. The Chairman asked for a moment of silence in their memory.

II. Acceptance of Minutes of October 19, 2020 (Regular Session)

Motion by Selectman McDonald, Second by Selectman Ray-Parrott; unanimously voted to approve the Minutes of October 19, 2020 (Regular Session) as written.

III. Public Comment – None

IV. Old Business – None

V. New Business

a. License Renewals:

General – Bradley McAllister – 136 Rabbit Rd. (Sale of Christmas Trees)

Motion by Selectman McDonald, Second by Selectman Ray-Parrott; unanimously voted to approve a **General** license for Bradley McAllister for the sale of Christmas Trees at 136 Rabbit Road.

b. New Licenses – None

c. License Amendments: Sylvan Street Grille – 195 Elm St. – Vote to Approve Change of Manager

Motion by Selectman McDonald, Second by Selectman Ray-Parrott; unanimously voted to approve the Change of Manager for Sylvan Street Grille from Jeremy Nichols to Cody Tremblay.

d. Liquor License renewal for 2021

Chairperson Abdulla announced that the Liquor License renewals would be voted upon at 7:30 PM, as that was the time that license holders had been asked to appear in person to sign their licenses.

e. New Liquor Licenses – None

f. Committee Appointments – None

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g. Update/Presentation: Town Clerk

Melinda Morrison, Town Clerk, advised the Selectmen that her office completed the U.S. Federal Census, the Primary Election, the Fall Town Meeting and the Presidential Election. She then provided the following updates:

- Voting: Vote by Mail application cards were sent to all registered voters in July. Voters had the choice to vote by mail, vote early in person (including weekends), apply for and send in an absentee ballot, or vote in person on Election Day. These choices caused voters some confusion and her office answered hundreds of calls. Because of COVID, her office was allowed to eliminate the check-out table on voting day, which facilitated the voting process. She advised the Selectmen that Salisbury had a 78% voter participation with 5,594 citizens voting from a base of 7,186 registered voters.

- Mandates: There were over twenty mandates associated with voting this year. The mandates included ballots that had to be hand delivered to the voters who were in quarantine and the purchase of and securing of a ballot drop-off box. Most mandates were unfunded, but she was able to secure a \$5,000 grant which she used to purchase voting stands for in-person early voting, postage, ink, and other voting-related supplies. She stated she is hoping to recoup funding from the State for several voting-related expenditures.

- Team Work: Ms. Morrison thanked Lynne Karpenko, Assistant Town Clerk, the volunteers and other Town employees for their assistance in completing the unprecedented amount of work associated with the election process this year.

- Post-Election: There is still post-election work to be done. Her office needs to research provisional ballots, which are the ballots of people who thought they were registered and voted. After her office researches the list of registered voters, all provisional ballots belonging to voters who are registered will be counted as part of the final election result.

- Audit: Ms. Morrison advised the Board that Precinct #2 was randomly selected by the State for a post-election audit. This means they the Clerk's office will have to hand count all the votes to prove the totals agree with the election night tapes.

The Selectmen thanked Ms. Morrison, her staff, and the volunteers for their hard work, dedication and patience during this year's voting process.

h. Vote to Approve Documents that were Omitted from Original Transfer License Application for Seacoast Entertainment for Adults, LLC

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to approve documents that were omitted from the original Transfer of License Application for Seacoast Entertainment for Adults LLC.

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i. Vote to Schedule Public Hearing re: Request for Alcohol License Transfer from RPD-Sals Corp. d/b/a R&L Liquors to Armegha Sales Corp. d/b/a R and L Liquors

Motion by Selectman Ray-Parrott, Second by Selectman McDonald; unanimously voted to schedule a Public Hearing on November 23, 2020 at 7:30 PM re: a request for an Alcohol License Transfer from RPD-Sals Corp. d/b/a R&L Liquors to Armegha Sales Corp. d/b/a R and L Liquors.

j. Vote to Schedule Public Hearing for a Verizon Request to Place a new 4-inch PVC Conduit on the Westerly Side of Atlantic Ave. at the Junction of Murray Street

Motion by Selectman Ray-Parrott, Second by Selectman Takesian; unanimously voted to schedule a Public Hearing re: a Verizon request to place a new 4-inch PVC conduit on the westerly side of Atlantic Ave. at the junction of Murray Street for November 23, 2020 at 7:15 PM.

Chairman Abdulla then announced the Board would move to the public hearings portion of the agenda, which was scheduled to begin at 7:10 P.M.

VIII. Hearings

7:10 PM – Liquor License Transfer from Antonio's Pizzeria to Harbor Pizza Restaurant & Pub

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to open the Public Hearing at 7:20 PM.

The applicants, Randy & Giovanni Musto, were present and explained that they had just purchased Antonio's Pizzeria at 188 Lafayette Road and were planning on transferring the ownership and opening a new entity called Harbor Pizza Restaurant & Pub, with the intent of serving pizza and Italian style food. They will be doing alterations and improvements and hope to be ready to open the first of the year. Ms. Musto advised the Selectmen that they plan to work closely with the Department of Health. She stated that she is TIPS certified and has certifications in safety and crowd control. No abutters were present.

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to close the Public Hearing at 7:23 P.M.

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to approve the Liquor License Transfer from Antonio's Pizzeria to Harbor Pizza Restaurant & Pub.

7:20 PM – Appeal from the Owners of 165 Atlantic Ave. for Relief from a Water Access Fee Assessment

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to open the Public Hearing at 7:25 PM.

Tom Saab, real estate agent, and Atty. Michael Healy, appeared for the applicants and addressed the Board. Mr. Saab provided the Board with a brief history of the property, prepared by the owners. He noted that a key factor in this matter was that the 2018 northeaster damaged the property and it has been unoccupied since then. The owners are elderly and are looking to sell. He said it has been a lengthy process to meet the FEMA regulations and to acquire the Building and Conservation permits to save this property. He stated he realized that a section of Town's regulations require that a water

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access fee be charged for any property with more than two years of non-use of water, but he argued that the property owners should not be considered “new customers” since the property had always been occupied during the summer months. Due to the extenuating circumstances he described, he did not think charging several thousands of dollars in water access fees for this property was fair. He requested that the Board waive the water access fees currently being assessed for 165 Atlantic Avenue.

The Town Manager stated that he had provided a memorandum to the Board relative to this case and a printout showing the 5-year water consumption history of the property prior to the 2018 storm. He noted that the relevant section of the Water Access Fee regulations states that the fee should be charged to new customers who apply for new water service or connection to an unused existing street connection that is expected to result in an increase in the volume of water taken from the public water system. He stated that it is his opinion the water connection at 165 Atlantic Ave. should not be considered an “unused service” and that the Board should waive the water access fee for this property.

Selectman Takesian said that he was familiar with the property, as he owns rental property not too far away, and remembered the damage that was done to several properties in the area by the 2018 storm. He stated that he would agree with what was stated in the homeowners’ narrative and was in favor of their appeal.

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to close the Public Hearing at 7:35 PM.

V. New Business (continued)

d. License Renewals: Liquor License Renewals for 2021

Motion by Selectman McDonald, Second by Selectman Ray-Parrott; unanimously voted to approve the following Liquor License Renewals for 2021: All American Tavern, Antonio’s Pub, Bucciarelli Butchery, Capri, Seaglass, Carousel Lounge, Cinemagic, Express Food Mart, Family Chinese, Good Fortune, Gourmet Pantry, Hungry Traveler, Kittens, Mike’s Package, Portside Waterfront, R&L Liquors, Salisbury Mini Mart, Salisbury Sports Pub, Ten’s, and Winner’s Circle. Chairman Abdulla thanked all the owners/managers who showed up at this meeting.

The following licensees are to appear at the next meeting on November 23, 2020: Connie’s Stagecoach, Dolphin Grille, Gulf Express, Hideaway Pub, Mapow, Mobil Mart, Seaside Liquors, Stateline Liquors, and Uncle Eddie’s. If they fail to appear, their license will not be renewed and they will have to apply for a new license.

k. Vote to Sign Host Community Agreement with Coastal Infusions, Inc. (formerly Brother Jonathan’s Alchemy, Inc.) for an Adult Use Marijuana Cultivation and Product Manufacturing Facility at 10 Fanaras Drive

Neil Harrington, Town Manager, advised the Board that he provided the Board with a copy of this Host Community Agreement, which had been provisionally approved on October 19, subject to review by Town Counsel. He stated the Agreement was reviewed and approved by Town Counsel, but in the interim the firm’s principal, Christopher Edwards informed the Town that he was changing the name of his company from Brother Jonathan’s Alchemy to Coastal Infusions. Mr. Harrington recommended that the Board vote to approve the Host Community Agreement, to include the new name of the company. Selectman Ray-Parrott confirmed that they are prohibited from retail sales.

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Motion by Selectman Ray-Parrott, Second by Selectman Condon; unanimously voted to sign a Host Community Agreement with Coastal Infusions, Inc. (formerly Brother Jonathan's Alchemy, Inc.) for an Adult Use Marijuana Cultivation and Product Manufacturing Facility at 10 Fanaras Drive.

Selectman Ray-Parrott advised everyone that Mr. Edwards will host a community outreach meeting for abutters via Zoom on November 10, 2020.

I. Vote re: Right of First Refusal for Sale of Affordable Housing Unit at 4 Derby Lane, Unit C

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted NOT to exercise the Town's right of first refusal for the sale of 4 Derby Lane, Unit C.

VI. Sewer/Water

Vote re: Request for Relief from a Water Access Fee Assessment by the Owners of 165 Atlantic Avenue.

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to waive the Water Access Fee assessment for the owners of 165 Atlantic Avenue.

VII. Correspondence

Selectman Takesian read a letter from Jonathan Andrews notifying the Board that he would like to formally resign from his position as Harbor Commissioner, as he has not had the time to attend Commission meetings and he just moved to New Hampshire. Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to accept Mr. Andrews' resignation with regrets. Selectman Takesian also read a letter from Comcast advising of changes effective December 6, 2020.

IX. Town Manager's Report

Mr. Harrington gave a brief overview of his written report, a copy of which is available in the Selectmen's office. Selectman Condon commented on a few of the items discussed by Mr. Harrington in his summary of his report. He also stated that he wanted to congratulate Lt. Bob Roy and Sgt Steve Sforza on their recent retirements. They were both long-standing dedicated officers of the Police Dept.

X. Selectmen's Report

a. Ratification of Signing of Weekly Warrants:

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to ratify the signing of the following weekly warrants: W21-31 through W21-35.

Chairperson Abdulla reported that the Board had a workshop with Town Counsel last week for the purpose of familiarizing the Board with some of the legal aspects of their role as the Town's liquor licensing authority. She stated that she was appointing an ad hoc committee of the Board, consisting of herself and Selectman McDonald, to meet with the Town Manager for the purpose of producing a draft set of alcoholic beverages regulations, to be reviewed and eventually adopted by the full Board before the end of the year. She also noted that due to Covid-19 restrictions, the Town would be holding a virtual Veterans Day ceremony with pre-recorded videos to be produced and shown by SCTV.

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Selectman Takesian asked whether the Town was considering creating its own Water Department when the current contract for management of the Town's water supply system ends in two years. Mr. Harrington replied that the matter was not currently being considered, but that such a decision would be up to the Board. Selectman Condon said he would certainly be interested in looking at such a possibility.

Selectman Ray-Parrott thanked everyone for their condolences upon the passing of her father. She stated that he loved the Town, having served as Moderator for so many years, and that she is serving as a selectman because of his example, as he was a role model for her.

XI. Executive Session - None

XII. Adjournment

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to adjourn at 8:25 P.M.

Documents provided at the meeting and on file in the Selectmen's Office:
Minutes of October 19, 2020 (Regular Session)
Copy of Liquor License Transfer
Host Community Agreement
Town Manager's Report


Respectfully submitted:
Agnes Donovan, Secretary

Approved: _____


Chuck Takesian, Clerk

MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date: November 9, 2020

Re: November 9th Report to the Board

Outlined below is a summary of activities over the past three weeks. Let me know if you have questions about any of these items.

1) Town Meeting

The Annual Fall Town Meeting was held successfully on Oct. 26 in the gymnasium at the Elementary School. All of the Town-sponsored warrant articles were approved, including adding \$100,000 to the Town's Stabilization Fund (which now stands at about \$925,000) and appropriating \$200,000 for additional street paving. The only warrant article not to pass was the citizens' petition to establish a resident parking bylaw for streets at Salisbury Beach.

Regarding the additional street paving, DPW Director Lisa DeMeo and I will be compiling a list of streets to be paved in 2021, which will be shared publicly via the Town's website and social media platforms. As the Board and I discussed at a workshop earlier this fall, Chapter 90 funding from the State is not adequate to keep the Town's roads in an adequate state of repair; therefore, I plan to propose additional funding from Free Cash over the next several years, so that we can make up for the backlog of street repair that is sorely needed.

2) Police Department Accreditation

I am very pleased to report that, after a site visit by a team of evaluators from the State's accreditation commission in late September and early October, the Salisbury Police Dept. has been re-accredited for the next three years. The team reviewed all of the Department's policies to ensure they are up to date with current best practices. At the end of the assessment, the team said that they were impressed with the Department and recommended no policy changes. I want to publicly commend Chief Fowler and the re-accreditation team for their efforts, and let them know I am proud of the Salisbury Police Department.

3) Groundbreakings for Projects

Groundbreakings for two important projects were held over the past few weeks. On Oct. 21, the Town officially kicked off the Lafayette Road/Main Street sewer project, and on Oct. 29 we held a formal groundbreaking for the new Welcome Center project at Salisbury Beach. Lt. Gov. Karyn Polito joined town officials for this latter event, and we had the chance to thank her for the \$1 million grant that the State Seaport Economic Council recently awarded the Town to support the project. The project is scheduled to be finished by the summer of 2021.

4) Long Hill Cemetery Update

I am pleased to report that the DPW is in the process of replacing the aging water line at Long Hill Cemetery. When completed, the project will provide multiple spigots for water use by visitors to the cemetery. The new line should be ready for use by next spring. Other efforts to improve the condition of Long Hill Cemetery will be the removal and trimming of dead trees and overhanging limbs, repair of the stone wall on the Beach Road side of the cemetery, and clearing of space for new burial sites.

Additionally, I would like the public to know that the Cemetery Commission adopted new regulations for all Town cemeteries earlier this year, which are now posted on new signs at each cemetery and on the Town's website on the Cemetery Commission page. Among the provisions in these regulations is a description of the types of items that may be placed on gravesites, along with the requirement that certain items be removed from gravesites before the end of the calendar year. Currently, there are several gravesites where prohibited items have been placed over the years, and the Commission has asked the Town to advise the public to remove these items before the end of the calendar year, or else the Town will have them removed. We are trying to make an effort to improve the appearance of all cemeteries, particularly Long Hill, and we are asking for the public's cooperation in this endeavor.

5) Marsh Erosion Meeting

On October 29, I hosted a remote meeting via Zoom for property owners on Liberty Street to discuss their ongoing concerns about the erosion in the marsh at the end of the street that has been occurring over the past several years. Also joining us at the meeting were DPW Director Lisa DeMeo and Byron Rupp and Brandon Raymond from the Army Corps of Engineers. As the flood wall along 11th and 12th Street was being complete a few years ago, I had written a letter to the Corps requesting that it put some resources into investigating the sources of the erosion near the end of Liberty Street and recommend possible solutions. The Corps informed the Town in the spring of 2020 that it had funds available to do a hydraulic study of the water flowing in and out of the creek at the end of Liberty Street, and they presented the results of their study to the Liberty Street property owners at the meeting. It was very informative and will hopefully be the first step in trying to come up with a fundable solution to the erosion issue, which in the long term may threaten homes and property at the western end of Liberty Street.