

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, AUGUST 17, 2020 – 7:00 PM
MEETING HELD REMOTELY VIA ZOOM**

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

ALSO PRESENT: Neil J. Harrington, Town Manager

I. Call to Order/Salute to the Flag

Vice-Chairman Abdulla called the meeting to order at 7:00 PM. She noted that, pursuant to the Governor's emergency order suspending certain provisions of the Open Meeting Law, the meeting was being held remotely and could be viewed by the public on SCTV Channel 12.

II. Acceptance of Minutes

Minutes of July 13, 2020; Executive Sessions of May 12 and May 28, 2020; Special Meetings of June 8, June 11, June 25, and August 3, 2020.

Selectman McDonald moved that the Minutes of July, 2020, be approved as presented. Selectman Takesian seconded the motion, and the motion passed unanimously.

Selectman Ray-Parrott moved that the Minutes of the Executive Sessions of May 12 and May 28, 2020, be approved as presented. Selectman Takesian seconded the motion, and the motion passed unanimously.

Selectman McDonald moved that the Minutes of the Special Meetings of June 8, June 11, June 25 and August 3, 2020 be approved as presented. Selectman Takesian seconded the motion, and the motion passed unanimously.

III. Public Comment - none

IV. Old Business none

V. New Business

a. License Renewals

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to renew a **General** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: 5 Dragons Martial Arts Academy – 1 Merrill Street, Unit 16B

b. New Licenses

Motion by Selectman Ray-Parrott, Second by Selectman Takesian; unanimously voted to approve a **Common Victualer** license for John's Famous Foods LLC – 72 Main Street (Hot dog/Sausage Stand), contingent upon the applicant receiving a sign-off from the Health Department.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to approve a **General** license for: JP Green Creations – 56 Lafayette Road.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to approve a **General** license for: Salisbury Playball LLC – 6 Old Elm Street.

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Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to approve a **General** license for: The Mermaids Wardrobe Treasure Trove – 26 Ocean Front South.

c. License Amendments

Selectman Ray-Parrott moved that the Live Entertainment license for the Hideaway Pub at 183 North End Boulevard at amended to include indoor entertainment, seven days/week from 12:00 noon until 10:00 PM, except until 11:00 PM on Fridays and Saturdays. Selectman Takesian seconded the motion for purposes of discussion. He then noted that he has reservation with allowing outdoor entertainment, as the property is located in a residential area, and he believes certain forms of indoor entertainment are allow under the State's guidelines. Ms. Ray-Parrott asked whether the Board should table the matter until it received further clarification re: the indoor entertainment issue. Mr. Takesian said that would be a good idea. Selectman Ray-Parrott then moved to table the matter pending receipt of any further information regarding indoor entertainment. Mr. Takesian seconded the motion, and it was adopted unanimously.

d. Liquor License Renewals - none

e. New Liquor Licenses – none

f. Committee Appointments

Cultural Council – 2 vacancies to expire 6/30/22 and 3 to expire on 6/30/23

3 applicants: Beverly Gulazian*, Mary Whitmore*, Kathleen Gilday* (*incumbents)

Selectman Takesian moved that all three applicants be re-appointed to terms expiring 6/30/23. Selectman Ray-Parrott seconded the motion and it was adopted unanimously.

Housing Authority – 1 vacancy; term to expire on 6/30/24; 1 applicant – Shirley Joubert

Selectman Takesian moved that Ms. Joubert be appointed to the Housing Authority for a term to expire on 6/30/24. Selectman Ray-Parrott seconded the motion and it was adopted unanimously.

g. Update/Presentations: none

h. Vote to Approve and Execute a \$1,146,000 1.5% Water Bond dated August 27, 2020 for Well #8 Construction and to Execute Related Closing Documents

Mr. Harrington reminded the Selectmen that at a special meeting of the Board held on August 3, Finance Director Karen Snow explained that the Town was about to sell bonds for the Well #8 project, in conjunction with a loan and grant to be received from the USDA, and that a formal vote of the Board to approve the bond sale was required.

Selectman McDonald then offered the following motion:

Voted: that the sale of the following 1.50 percent bond of the Town dated August 27, 2020 (the Bond”),

\$1,146,000	Water Bond payable in annual principal installments of \$35,813 on August 27 in each of the years 2021 through 2051, inclusive, and \$35,797 on August 27 in the year 2052 with interest thereon calculated from August 27, 2020,
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to the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture, at par and accrued interest, if any, is hereby confirmed.

Further Voted: that the annual installment amounts may be subsequently amended by the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture, to make minor rounding or computation adjustments, and we hereby authorize the Treasurer to approve such minor changes in the payment schedule, provided that the principal amount, interest rate and term of the Bond remain unchanged.

Further Voted: that the Bond shall be subject to redemption upon such terms and conditions as are set forth in the Bond.

Further Voted: to covenant with the registered owner from time to time of the Bond that the Town shall maintain rates and charges for the use of the Town's water system in an amount sufficient, with other income of the Town's water works, to pay all costs of operating the system and the entire principal of and interest on the Bond and all other indebtedness of the Town incurred for municipal water purposes as they become due. The Bond shall nevertheless be a general obligation of the Town, payable from any of its available revenues, including revenues derived from ad valorem taxes levied in accordance with the law upon all taxable property in the Town, subject to the limit imposed by Chapter 59, Section 21C of the General Laws.

Further Voted: that each member of the Board of Selectmen, the Town Clerk, the Town Treasurer and any other officials of the Town be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Selectman Takesian seconded the motion, and it was adopted unanimously. The Chairperson then moved to the public hearing portion of the agenda.

VIII. Public Hearings

Chairperson Abdulla announced that the Board of Selectmen, in its capacity as the Liquor Licensing Authority for the Town, would hold a public hearing on the application of Salisbury Play Ball, LLC d/b/a Play Ball, 6 Old Elm Street, for a new beer and wine license. Selectman McDonald moved to open the hearing at 7:17 PM. Selectman Takesian seconded the motion, and it was adopted unanimously.

Attorney Joseph Devlin of Newburyport, representing the applicant, and George Penniman, the owner, were present, and Atty. Devlin presented the case on behalf of Play Ball, LLC. He noted that the owner has owned the property for about three years and took over the business when the prior owner's lease expired and they decided not to renew. Mr. Penniman has renovated the property, and is looking to license a 35 by 18-foot lounge and to license the retail store, which is where the alcohol service (but not consumption) will take place. He noted that all employees will be certified to serve alcohol and that the owner is attempting to provide an additional amenity for his customers.

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Selectman Ray-Parrott asked if food will be served along with alcohol, as she understood that food needs to be served if beer and wine is served. Atty. Devlin noted that the owner has applied for a food license, but has not heard back yet from the Health Dept., but that he wishes to comply with all Covid regulations. Selectman Takesian clarified that prepared foods must be served so that, for instance, a hot dog would qualify, but serving popcorn would not.

Selectman Abdulla asked Atty. Devlin whether the owner would be submitting a plan for any alternations that might be necessary to served alcohol as proposed. Mr. Penniman explained that it was his intent to keep the alcohol limited to the lounge area and that he would prefer not have to relocate his retail space. Selectmen expressed concerns about the distance between where the alcohol will be served and the lounge area, where it will be consumed. Mr. Penniman said he would employ a camera system and have a staff member in the lounge, but he would be willing to put in a glass door if required. Selectman Takesian said he would be uncomfortable with patrons purchasing alcohol sixty feet or so away from the lounge and then walking down a corridor to consume it in the lounge. Mr. Penniman replied that if the Board was not comfortable with the idea of a glass door, he would much rather have an employee deliver the beverage.

Selectman Takesian then moved that the public hearing be closed. Selectman Ray-Parrott seconded the motion, and it was adopted unanimously.

Selectman McDonald said she thought the proposed set-up was awkward because the place where the liquor is proposed to be served will be different from where it will be consumed. Selectman Abdulla stated that she would like to make sure that the applicant receives approval for food service from the Health Dept. Atty. Devlin suggested that by the time the State ABCC approved the application, Mr. Penniman would have his food license and that he would be okay with the Board adding a condition that the applicant would need to have a food license before his alcohol license would be released. Mr. Penniman stated that he thought a gated system or a barrier would be a good idea.

Selectmen Takesian moved that the Board approve the license application, subject to the applicant obtaining a food permit from the Board of Health, that the beverages be served by an employee, and that a barrier be provided to separate the lounge from the hallway. Selectman Ray-Parrott seconded the motion, and it was adopted unanimously.

Chairperson Abdulla then announced that there would be a second public hearing on the application of Seacoast Entertainment for Adults at 99 Bridge Road for a transfer of liquor license from Sweetheart Corporation to Seacoast Entertainment for Adults (Kittens). Selectman Takesian moved to open the hearing at 7:44 PM. Selectman ccc seconded the motion, and it was adopted unanimously.

Attorney Arthur Broadhurst of Methuen, representing the applicant, the petitioner, Thomas Lyons, and the owner of the property, Kevin Moury, were present. Attorney Broadhurst explained that the current owner was proposing to lease the building at 99 Bridge Road to the applicant, who would be buying the property via financing provided by the current owner. The applicant proposes to continue running the business as it has run by Mr. Moury for the past 16 years. According to Atty. Broadhurst, there was a surprise investigation from the ABCC, that there were no issues, and that the inspectors told the owner that he was operating properly under the Governor's emergency Covid orders. He said he would be happy to answer any questions from the Board.

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There being no questions, Selectman Takesian moved to close the public hearing. Selectman Ray-Parrott seconded the motion, and it was adopted unanimously.

Selectman Ray-Parrott then moved that the Board approve the transfer of liquor license from Sweetheart Corporation to Seacoast Entertainment for Adults. Selectman Takesian seconded the motion, and it was adopted unanimously.

The Chairperson then returned to the regular agenda.

V. New Business

i. Vote to Approve New Contract for Chief Aide/Human Resources Director

Selectman Condon moved that the Board approve the contract as presented. Selectman Ray-Parrott seconded the motion. Selectman McDonald then moved that the matter be tabled so that the Board could hold an executive session at its next meeting to discuss its bargaining position relative to the contract. Selectman Takesian seconded the motion, and it was adopted unanimously.

j. Vote to Approve the Sale of Real Property at 92 Main Street (former Plains School)

The Town Manager reminded the Board that it had met on August 3 to discuss the merits of the two proposals that had been deemed responsive to the Town's RFP for the disposition of the property. He summarized the proposals by noting that one of the proposals is from an existing Salisbury business whose owner is looking to renovate the building into a combination of a retail business and a residence and the other is a company from out of town that is looking to close two or three offices elsewhere and consolidate its operations in Salisbury. He added that both proposals were good, and he hoped that the Board would choose one this evening, so that the Town can proceed with the sale of the property.

Selectman McDonald moved that the Board vote to select the proposal from Wilson Pool as the winning bid for the sale of the former Plains School. Selectman Takesian seconded the motion. Ms. McDonald stated that both applications were good, but she felt that the Wilson Pool proposal was slightly better, and the offer also entailed a higher purchase price. A vote was then taken, and the motion was adopted unanimously.

VI. Sewer/Water

a. Vote to Approve Sewer Main Extension for Forest Salisbury LLC – 15 Forest Road

Selectman Condon moved that the proposed sewer extension be approved. Selectman Ray-Parrott seconded the motion. Mr. Harrington noted that Eric Botterman from Millennium Engineering was available to answer any questions, on behalf of the applicant. He also noted that he had sent the Board a written statement of support by the DPW Director. Selectman Takesian asked Mr. Botterman to explain where sewer is currently located on Forest Road. Mr. Botterman informed the Board that there is existing sewer service on Forest Road, but it stops before the small bridge on the street and then picks up on the other side, but there is no existing service where the proposed development is to be located. He also noted that sewer service currently exists on School House Lane. The Board then voted on the motion, and it was adopted unanimously.

VII. Correspondence - none

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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.

X. Selectmen's Report

a. Ratification of Signing of Weekly Warrants:

Selectman Ray-Parrott moved that the Board ratify the signing of the following weekly warrants W20-130 and 134; W21-4 through W21-12. Selectman Takesian seconded the motion, and it was approved unanimously.

Selectman McDonald noted that early voting will be held for the State primary, which will be held on Sept. 1st, upstairs at Town Hall, as follows: Saturday and Sunday, Sept. 22 and 23, from 9:00 AM until 1:00 PM; Monday through Friday, Sept. 24-28, during regular Town Hall hours. All Covid precautions will be taken and voters are encouraged to wear masks. All, the Hilton Senior Center will be open from 10:00 AM until 8:00 PM for voting on Primary Day.

XI. Executive Session - none

XII. Adjournment

Selectman Takesian moved that the meeting be adjourned. Selectman McDonald seconded the motion, and it was adopted unanimous. The meeting was adjourned at 8:07 PM.

Documents provided at the meeting and on file in the Selectmen's Office:

Copies of memos presented to the Board by the Town Manager

Town Manager's Report

Minutes of July 13, 2020; Executive Sessions of May 12 and May 28, 2020; Special Meetings of June 8, June 11, June 25, and August 3, 2020.

Respectfully submitted:

Neil J. Harrington, Town Manager


Approved: _____



Chuck Takesian, Clerk

MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date: August 17, 2020

Re: August 17th Report to the Board

Outlined below is a summary of activities over the past 2 weeks. Let me know if you have questions about any of these items.

1) Bond Rating

The Town recently conducted a bond rating call with Standard and Poor's, in advance of our recent sale of Bond Anticipation Notes and permanent debt for several projects. Participating on the call were Finance Director Karen Snow, Treasurer/Collector Christine Caron, Head Assessor Cheryl Gorniewicz and myself, as well as the Town's financial advisor, Hilltop Securities. We were asked several questions about the Town's finances, how we are coping with revenue losses due to the Coronavirus, new growth in town, Free Cash, use of Stabilization funds, the FY20 and FY21 budgets, and the Town's financial and investment policies. Ms. Snow also supplied the ratings team with several financial documents in advance.

I am pleased to report that, in advance of our recent bond sales, the Town's AA bond rating was confirmed by Standard and Poor's and we received very good rates on our bond sales. The bond rating company cited the Town's very strong economy, strong budgetary flexibility, very strong liquidity, and strong institutional framework" as positive credit factors. The winning bid for \$6,200,000 in BANs was .3150% and the winning bid on \$13,710,000 million in permanent bonding was .1331565%. Included in these issuances was a refunding (re-financing) of debt for the Town Hall renovation project and previously-issued sewer betterment bonds, which saved \$331,613 over the remaining life of the refunded bonds. I would be remiss if I did not publicly thank Christine, Cheryl, and particular Karen for all their hard work in helping us sustain our very good bond rating, which led to such low interest rates on our recent bond sales.

2) Small Bridge Program Grant

I am pleased to report that the Town was recently awarded a \$100,000 grant from the State's Small Bridge Replacement Program to pay for the design of a project to replace an old culvert/bridge at Smallpox Brook, behind Gerrish Road. Kudos to DPW Director Lisa DeMeo for putting together such a strong grant application. Once the new design is complete, the Town can apply for the second phase of funding for the grant program, which will be for construction to replace the bridge.

3) Beach Water Tank RFP

Due to renewed interest on the part of several companies, the Town is advertising this week for proposals from carriers to install additional wireless telecommunications equipment on the

water tank at Salisbury Beach. The ad will appear in the State's Central Register on Wednesday and bids are due by Friday, Sept. 25.

4) Rail Trail Bridge

On Aug. 4, I attended a meeting organized on Zoom by Mass. DOT which discussed the progress of the current rail trail project and plans to deliver and install the new pedestrian/bike bridge that will cross Lafayette Road near the intersections of Gerrish Road to the east and True Road to the west. The official announcement will come from MassDOT, but the plan is to have the bridge soon and, depending on the weather, have it installed over two evenings early next week. This will necessitate evening detours on two consecutive nights, which will be lifted by early the next morning. We are excited that the entire project is nearing completion by later in the Fall, and we are looking forward to the installation of the new bridge.

5) Welcome Center Project

As we near the final environmental permitting for the Welcome Center, the project has been put out to bid. We are hoping for final MEPA and ConComm approval by mid-September, so that bids can be opened by Sept. 17. It is hoped that mobilization and construction can begin about four weeks later. Due to timing issues, the completion of the Broadway Mall building is receiving top priority and is expected to be open to the public by July 4, 2021. Focus will then turn to completing the second building, in the beach parking lot, as soon as possible.

6) Plains School

In July, the Town Planner, Head Assessor and I met with the two entities who responded to the Town's RFP seeking proposals to purchase the former Plains School at 92 Main Street. We discussed their financial bids, their plans for the property, and the timing of when they hoped to move forward should one of them be chosen. As you know, the Board met in executive session recently to discuss the two proposals and a decision was slated for tonight's meeting.

7) Lafayette Road Sewer Project

A preconstruction meeting for the project was held on August 10, attended by DPW Director Lisa DeMeo, John Sykora from our consulting engineers (Weston & Sampson), the Police Chief, the Fire Chief, a representative from the contractor (Albanese Brothers) and myself. We went over several aspect of the project, including the need for police details, phasing of construction, who will oversee the work on behalf of the Town, establishment of field offices, payroll, and the fact that a Special Permit will be needed for the contractor's "laydown area" on Lafayette Road. The contractor is expected to start mobilizing and starting the project on Main Street as soon as the laydown area is approved by the Town.

