

BOARD OF SELECTMEN MINUTES OF FEBRUARY 23, 2015

PRESENT: Selectmen Donald Beaulieu, Chairman; Freeman Condon, and Wilma McDonald

ABSENT: Selectmen Richenburg and Hunt

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

I. Call to Order/Salute to the Flag

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

II. Acceptance of Minutes Minutes of February 9, 2015

Motion by Selectman Condon, Second by Selectman McDonald; unanimously voted to approve the Minutes of Feb. 9, 2015 as written.

III. Old Business

a. Common Victualer License – Chamathai – 50 Elm Street, Unit 1

The applicant was present as requested and Chairman Beaulieu pointed out to her that her application showed the name of the restaurant as one name, but her insurance binder had it as two and he also pointed out that she had checked off that she owned the property and that should be corrected. She clarified that it is one name.

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to approve the **Common Victualer** license to Chamathai at 50 Elm Street, Unit 1 subject to the applicant correcting the application indicating that she rents the unit.

b. General License – TintAuto.com – 2 School St.

This application was tabled from the last meeting and Mr. Wenner was not present because of weather and his other job. However, he was present tonight and Chairman Beaulieu explained that his application had been tabled because the Board had received complaints about his operation. Specifically, there had been complaints about customers of the other business in the building being harassed by him or someone at his business. There are also issues pertaining to health and safety, but Chairman Beaulieu noted that the landlord is going to take care of those. Another issue is that his license application states operating hours are from 12:00 noon to 8:00 PM, but people have reported that he is there sometimes at 11:00 PM and all hours beyond what is on his license.

Mr. Wenner claimed that he is always cordial, never rude to the other tenant's customers and he tries to help when he can. As for being there after hours, he said he usually leaves before 8PM because of his second job. He also claimed that he has never received any complaints and would like to have copies of what the Board received. He gave a copy of a DVD of his security camera to the Board and asked them to view it. The Board will view the DVD and will also provide copies of the complaints.

Chairman Beaulieu stated that whatever issues he is having with the other tenant must be resolved quickly. The Board can issue the license, but if there are any unsafe conditions or continued problems, the Board has the right to revoke it.

Selectman McDonald said she doesn't feel comfortable issuing the license until everything is signed off and approved.

Selectman Condon stated that he's been a selectman for a long time, and he's never heard more complaints about any business, as he has heard about this one. The people who have complained have been very strong in the issue; he's known them for a long time and he can trust them. He noted that Mr. Wenner says he's hardly ever there after 8:00 PM, yet he goes by frequently later at night and the "open" sign is on and the lights are on. He further stated that when the Board is asked to vote on a

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license, they are giving a stamp of approval for the public and he is uncomfortable doing that this evening.

Motion by Selectman Condon, Second by Selectman McDonald; unanimously voted to table this license application until the next meeting.

Motion by Selectman Condon, Second by Selectman McDonald; unanimously voted to take Item IV(e), Fred Knowles re: Town Common Re-Design, out of order.

Fred Knowles re: Town Common Re-Design

Mr. Knowles reported that the Town Common Redesign Committee was started in September of 2013. Members include himself, Arthur Ober, Jim Leavitt, Ken Trofatter, Chuck Colburn, and Donald Beaulieu. The plan was to upgrade the Veterans Honor Roll and Memorial; the Hope Chapel Bell and some other items related to the veterans would stay at their present location. However, it was then suggested to move the Hope Chapel Bell back to the beach, where it was originally.

The Committee agreed that it made sense to re-design the common and a graduate student came up with an architectural design which was shown to the Board. Mr. Knowles said the plan was to have the Memorial placed so it could be viewed from the second floor of the Library and after much discussion it was decided to have five large granite markers (one for each branch of the service) placed at the far end of the Common, where the tourist information booth is located, and the present Memorial would be removed. All the names of Salisbury residents who served in the wars from the Revolutionary War to Desert Storm will be engraved on the markers.

The Committee feels it will cost approximately \$60,000 - \$100,000 to complete the entire project. Their work is complete and the matter is now being turned over to the Town.

Selectman Condon thanked Mr. Knowles and the Committee for their hard work.

IV. New Business

a. License Renewals:

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to renew a **Repair** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for Hatheway Auto Service – 66 Bridge Rd.

Motion by Selectman McDonald, Second by Selectman Condon; 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: Falasca Lawn Care – 2 Erica Way, Extra Space Management – 143 Lafayette Rd., Skyy Salon & Spa – 102 Bridge Rd., and T&A Small Engine Repair – 156 Bridge Rd.

b. New Licenses – Special Event Permit

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to approve a **Special Event Permit** to the Winner's Circle Running Club for their 37th Annual Pat Polletta 2-Mile Rail Trail Race on June 5, 2015 subject to them having a Police Detail.

c. License Amendments – Renewal with Change in Owner

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to renew a **General** license for Junk in the Trunk – 156 Bridge Rd. and amending the owner's name from Amy Morello to Trenton Wendell.

d. Committee Appointments - none

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e. Update/Presentations: Town Clerk/Assessor

Town Clerk Melinda Morrison stated they had a busy 2014 with the local election, State Primary, Spring and Fall Town Meetings, and the State Election, as well as the re-count, which went very well. Now that 2015 has arrived, the Census forms are being sent out along with the dog license renewals. Town Elections are coming up and nomination papers are available; the last date to take them out is March 20th and they are due back by 5:00 PM on March 24th.

Selectman Condon commended Ms. Morrison and her staff for the good job they did with the re-count.

Chief Assessor Cheryl Gorniewicz reported that FY16 is a revaluation year; the first meeting was supposed to have been two weeks ago but was cancelled because of snow. She submitted her plan in January and it was accepted by the DOR. She is 70% done with the sales and personal property inspections, as well as the cyclical reviews/inspections where all property owners are notified. Sales Analysis is done in July, values are reviewed in August, everything is submitted to the DOR by October 13th and the Tax Classification Hearing is then scheduled. Her expectation is to have the tax rate set by November 30th. Income and expense forms will be sent out next week to businesses and rental properties and she asked that they be returned as soon as possible. She said that Mass. law has changed and there is now a fine if these forms are not returned. Owners with four or more rental units will be subject to a fine of \$50.00 and commercial/industrial will be subject to a fine of \$250.00. Multiple notices are sent, to help people avoid having to pay fines. Last year she had a 95% return, which was the highest in the State. By returning the statements, people are reserving their right to appeal if they do not agree with the information; if they are not returned they cannot file an appeal.

f. Vote to Take Permanent Easements in Adams Street, Taft Street, Garfield Street, Washington Street, and Hayes Street

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted, pursuant to the vote taken under Article 18 of the October 27, 2014 Special Town Meeting, to take by eminent domain permanent public way easements in Adams Street, Garfield Street, Hayes Street, Taft Street, and Washington Street, as such ways are shown on a plan entitled "Street Acceptance Plan in Salisbury, MA., showing Washington Street, Taft Street, Garfield Street, Adams Street and Hayes Street" dated September 15, 2014, prepared by Millennium Engineering, Inc. (5 sheets). The Selectmen, having determined that no damages are due for the rights hereby taken, do not award any damages for the taking.

g. Vote to Acquire Work Area Easements for Blackwater River Flood Risk Management Project

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted, pursuant to the vote taken under Article 22 of the October 27, 2014 Special Town Meeting, to take by eminent domain permanent and temporary floodwall easements, construction and/or work area easements, and other easements related to the Blackwater River Flood Risk Management Project, all as shown on a plan entitled "Street Acceptance and Easement Plan Salisbury, MA," dated March 12, 2014, prepared by Millennium Engineering, Inc. The Selectmen, having determined that no damages are owed, as the easements taken by the Order of Taking adopted by us as of this day affect only the ways shown on said plan, hereby award no damages for the taking.

V. Comments by Visitors - none

VI. Sewer/Water

VII. Correspondence

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VIII. Hearings - none

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:

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to ratify the signing of the following weekly warrants: W15-134 thru W15-139.

Selectman Condon mentioned that there was a significant water main break along with the major snowstorms and he commended DPW Director Don Levesque and his crew as well as Pennichuck Water and Robert Pike for being there and taking care of the problem.

b. Subcommittee Reports

Library: The weather has been a serious challenge, however under the circumstances they are doing an excellent job and are working diligently inside.

Lafayette Corridor Sewer Extension: nothing new to report.

Police Station Building: nothing to report – documents still being gathered.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Condon, Second by Selectman McDonald; unanimously voted to adjourn at 8:33 PM.

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

Minutes of Feb. 9, 2015

Copies of licenses as listed

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: _____
Wilma McDonald, Acting Clerk