

## **BOARD OF SELECTMEN MINUTES OF JUNE 22, 2015**

**PRESENT:** Selectmen Freeman Condon, Vice-Chairman; Wilma McDonald, Ed Hunt, Henry Richenburg, and Chuck Takesian  
**ALSO PRESENT:** Neil J. Harrington, Town Manager and Janet Flannery, Secretary

### **I. Call to Order/Salute to the Flag**

Vice-Chairman Condon 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. At this time, he welcomed Selectman Takesian to the Board.

### **Re-Organization of the Board**

Vice Chairman Condon called for nominations for Chairman.

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to nominate Selectman Condon as Chairman. Roll vote: Selectman Richenburg – yes; Selectman McDonald – yes; Selectman Hunt – yes; Selectman Takesian – yes; Selectman Condon – present.

Voted 4 in favor, with 1 abstention, for Selectman Condon to be the new Chairman.

Chairman Condon called for nominations for Vice Chairman.

Motion by Selectman Richenburg, Second by Selectman Takesian; unanimously voted to nominate Selectman McDonald as Vice-Chairman. Roll vote: Selectman Richenburg – yes; Selectman McDonald – present; Selectman Hunt – yes; Selectman Takesian – yes; Chairman Condon – yes.

Voted 4 in favor, with 1 abstention, for Selectman McDonald to be Vice-Chairman.

Chairman Condon then called for nominations for Clerk.

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to nominate Selectman Takesian as Clerk. Roll vote: Selectman Richenburg – yes; Selectman McDonald – yes; Selectman Hunt – yes; Selectman Takesian – present; Selectman Condon – present

Voted 4 in favor, with 1 abstention, for Selectman Takesian to be Clerk.

### **II. Acceptance of Minutes Minutes of June 8, 2015**

Motion by Selectman McDonald, Second by Selectman Hunt; voted to approve the Minutes of June 8, 2015 as written. VOTE: 4 yeas – Selectman Takesian abstained – motion carried.

### **III. Old Business**

#### **General license – Red Ridge Farm – 35 Bayberry Lane**

Mr. Warcewicz addressed the Board and said that after the last meeting he came to the Town Hall and found out that the Building Inspector, Health Director and Wiring Inspector were at his farm. They told him what he had to do to comply and he feels he did everything that was asked of him, and he hired an attorney as suggested. Chairman Condon said the Board did receive the attorney's letter and he has some concerns with what was said and pointed out that the Board never told Mr. Warcewicz that the Town would prohibit weddings; he just has to come into compliance. He also pointed out that it is not the Board's call on zoning, building permits or the health directives and he feels we are back to where we were two weeks ago and when Mr. Warcewicz has done everything that was asked, he should come back to have his license approved.

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### IV. New Business

#### a. License Renewals:

Motion by Selectman Richenburg, Second by Selectman Hunt; 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 A.J.I. Cleaning Co. – 6D Sawyer Lane

#### b. New Licenses

Motion by Selectman Hunt, Second by Selectman Richenburg; unanimously voted to approve a **General** license for LC Technology Solutions, Inc. – 2C Fanaras Drive

#### c. License Amendments - none

#### d. Committee Appointments:

**Cultural Council** – 3 vacancies for 3 years and 1 for 2 years – 4 Applicants: \*Linda Boragine, \*Monique Greilich, Bonnie Griffith, and Sharon Odle

Motion by Selectman McDonald, Second by Selectman Hunt; unanimously voted to re-appoint Monique Greilich and Linda Boragine and appoint Bonnie Griffith for 3 year terms to expire June 30, 2018 and to appoint Sharon Odle to fill an unexpired term to expire June 30, 2017.

**Historical Commission** – 2 vacancies for 3 years and 2 for 2 years – 3 Applicants: \*Valerie Turner, \*Nancy Meehan, and Walter Sidley

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to re-appoint Valerie Turner and Nancy Meehan for a 3 year term to expire June 30, 2018 and appoint Walter Sidley for a 2 year term to expire June 30, 2017.

**License Commission** – 3 vacancies for 3 years – 1 Applicant: \*Rhonda-Lee Cameron

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to re-appoint Rhonda-Lee Cameron for a 3 year term to expire June 30, 2018.

**Library Trustees** – 1 vacancy for 3 years – 1 Applicant: \*Jeannette Lazarus

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to re-appoint Jeannette Lazarus for a 3 year term to expire June 30, 2018.

#### e. Update/Presentations: Police Chief/Planning Director/DPW Director

**Chief Fowler** reported that activity seems to be increasing in Salisbury. Comparing the period of December 13<sup>th</sup> to June 14<sup>th</sup> calls have increased 32%, motor vehicle crashes are up 3.3% (but he feels weather has a lot to do with that) and citations are down by 69%. The Department has received significant grant funding, including a \$99,995 Byrne grant and \$22,000 for equipment from the State, a \$41,947 grant for domestic violence prevention, and \$4,930 for underage alcohol enforcement. Regarding personnel, new Officer Jeremy Kelley will be graduating from the Academy this month. Also, there is an officer on extended leave and he hopes to have a resolution on him this summer. The Chief also noted that with the large apartment complex at 191 Beach Road and the new homes behind Pat's Diner, additional officers are needed. The police station project is out to bid – sub-contractor bids are due July 2<sup>nd</sup> and general contractor bids on July 10<sup>th</sup>. He spoke with the new Lieutenant at the State Police and he doesn't know if we will be getting any assistance from them this summer.

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**DPW Director Don Levesque** reported on the following:

**Beach Parking Lot Revenues/Expenditures** for FY15: revenues for the summer of 2014 were \$89,428 and to date for FY15 they are \$26,435. Personnel Services summer of 2014 were \$31,510.35 and to date for the summer of 2015 they are \$15,536.61.

**Patching** was done on Liberty Street, 286, High Street, Atlantic Ave., Pike Street and various other locations.

**Chapter 90 Funding:** \$34,900 was expended and Salisbury was first in the District to submit all the paperwork for reimbursement. The money was used to replace the municipal parking lot sign, line paint and patching of Central Ave.

**Chapter 90 Street Maintenance:** In the process of paving Mudnock Rd., Ferry Rd., and March Rd. Mike Wolpert of H&M Industries raised 27 catch basins. A culvert is being fixed on Ferry Rd and after it is fixed a finish course will be put on.

**Other Projects:** Whittier Bridge is ongoing. Water Projects – improvements to Wells # 5, 6 & 8; Blackwater River - signed off on National Grid work request for pump station on 12<sup>th</sup> street which is coming soon; working on moving SCADA to the wastewater treatment plant, a trailer has been rented for Pennichuck personnel; Ameresco energy audit for the Fire Dept., town hall, Hilton Center, comfort station, WWTP and Memorial/Sparhawk School; added a watering station to Longhill Cemetery; Parks & Rec – utilities at Partridge Brook and a Brewfest is being planned as a fundraiser for this project. Other works in progress are: Lincoln Ave & Howard George Court, Salisbury Square water improvements, Pike School renovations, installation of cell tower at the beach water tank, and the new police station.

**Planning Director Ms. Pearson** reported that Lincoln Ave. & Howard George Court are being paved by EJ Paving which completes that project. Phase I of the PARC Grant's multi-phase project is being finalized. She received a grant which the Town must match which will be used for the ball fields; several local contractors have come forward to help with stump removal. She is also working with the Lions Club in building a tot lot, as well as a handicapped tot lot. The elementary school students have been conducting a fund raiser recycling various items and have raised \$1,000 since January for the Partridge Brook project. The Library is still on schedule and hoping to open at the end of September. Pleasant Street – town is moving forward with the engineering of the project and will be talking with the residents. She is working with MVPC on the Hazard Mitigation Plan and has been working with the people who are interested in raising their homes above flood level. Ameresco is rapidly moving forward in getting all buildings air tight – this is over a \$1M project and it is the hope the Town will receive energy credits. The Affordable Housing Trust is actively working with the re-sale of affordable units. Scholarship funds are available for the Boys & Girls Club summer program. Received a \$24,000 grant for the Stevens Trail and with a number of volunteers a 1 mile loop of the eastern marsh trail was completed. Working diligently with Weston & Sampson to move Lafayette Road sewer project forward, and also working on the re-zoning of Lafayette Road for which several hearings have been held.

### **f. Vote to Approve Sale of Bond Anticipation Note for Outdoor Recreational Facility and Energy Conservation**

Motion by Selectman Takesian, Second by Selectman McDonald; unanimously

Voted: to approve the sale of the \$1,050,000 1.10 percent General Obligation Taxable Bond Anticipation Notes, Series A (the "Series A Notes") of the Town dated June 26, 2015, and payable March 24, 2016, to Century Bank at par and accrued interest, if any.

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Further Voted: to approve the sale of the \$463,000 0.60 percent General Obligation Bond Anticipation Notes, Series B (the “Series B Notes” and together with the Series A Notes, the “Notes”) of the Town dated June 26, 2015, and payable March 24, 2016, to Century Bank at par and accrued interest, if any.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 9, 2015, and a final Official Statement dated June 17, 2015, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to review and update the Town’s post-issuance compliance procedures in the form as the Treasurer and bond counsel deem sufficient in order to monitor and maintain the tax-exempt status of the Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer 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.

### **V. Comments by Visitors**

Tom Saab of 190 No. End Blvd. said he wanted to get the message out that he is the co-producer of the faith based motion picture “Faith of Our Fathers” and it opens July 2<sup>nd</sup> at the Cinema 95 and he was offering 2 free tickets to any veteran, anyone presently in the service, police officers and fire fighters. Tickets can be picked up at Linda’s Omega, the Divided House or his real estate office.

Steve Nichols addressed the Board of behalf of a project he would like to work on with Habitat for Humanity, and he introduced the Executive Director for the local chapter. Mr. Nichols stated that he has a parcel of property that he wants to give to Habitat for Humanity on Old County Road, but after researching it found it is in tax title and the taking is taking place on July 23. He asked the Board to speak to the Treasurer and ask for an extension. The Board questioned if they have the authority to interfere with any tax taking; they support the concept but can’t take any action tonight. The Town Manager said that by law, the Treasurer has the authority with proceeding or not and since she works for him he will be happy to talk with her about it.

### **VI. Sewer/Water**

### **VII. Correspondence**

Letter from Heritage Park Corp. Board of Directors thanking the Selectmen for their professionalism at the recent Annual Town Meeting and for all the hard work they do.

The Board received a letter from Mary-Jo Griffin tendering her resignation from the License Commission due to a change in her employment, which requires her moving from Salisbury to the South Shore.

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Motion by Selectman Takesian, Second by Selectman McDonald; unanimously voted to accept her resignation with regret, to send a letter of thanks and to post the vacancy.

### **VIII. Hearings:**

#### **7:30 PM – Class III Hearing for Hotrods Vintage Auto Recycling – 137 Lafayette Rd.**

Motion by Selectman Richenburg, Second by Selectman Takesian; unanimously voted to open the Hearing at 7:30 PM.

Mr. Cote said he advertised as required and also notified the abutters. No abutters were present and no comments had been submitted. Chairman Condon asked what kind of fencing was up and Mr. Cote said it a regular chain link fence. He was told there is a requirement to have an opaque fence and he said he would do that.

Motion by Selectman Richenburg, Second by Selectman Hunt; unanimously voted to close the hearing at 7:35 PM.

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to approve the Class III License.

#### **7:45 PM – Appeal of Sewer User Charges at 113 Atlantic Ave.**

Motion by Selectman Richenburg, Second by Selectman Takesian; unanimously voted to open the Hearing at 7:45 PM.

Atty. Laura Dodge, representing Robert and Jill Rand of 113 Atlantic Avenue, explained that they purchased the home in May of 2009 and from that date going forward until October of 2014 the property was assessed for two EQRs and it should have been 1 EQR and they did not know that. It was in Oct. of 2014 that they discovered the error and they filed for a sewer abatement. The DPW responded and \$90.00 was refunded because an individual has to request a refund within 45 days after being charged and it was well over the 45 day limit.

Atty. Rand pointed out that years before the Rand's purchased the home it did have an in-law apartment, but when they purchased it the in-law apartment had been removed and it was a single family home. The Chief Assessor, Cheryl Gorniewicz, confirmed that was a single family home but the error had never been caught. She then pointed out that in 2010 the assessors asked to go in and inspect the property and the Rand's refused. Had she been able to get in at that time, the error would have been caught immediately. The first time they could inspect it was in Oct. 2014; if an adjustment needs to be done it is up to the sewer commission. She further explained that in 2009 the assessor saw one kitchen had been removed. However, the disconnect at that time was there was no information or questioning about an error being made on the sewer billing; this was an error or oversight.

Motion by Selectman Richenburg, Second by Selectman Takesian; unanimously voted to close the hearing at 8:35.

Motion by Selectman Richenburg, Second by Selectman Takesian; voted to refund the Rands the \$1,440.00 they had requested. VOTE: 4 yeas – Selectman McDonald opposed. Motion carried.

### **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 Richenburg, Second by Selectman Takesian; unanimously voted to ratify the signing of the following weekly warrants: W15-203 through W15-211.

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### **b. Subcommittee Reports**

**Library:** Selectman Richenburg reported that the sidewalks have been poured. The exterior painting and siding is being done and the inside is coming along.

Selectman McDonald suggested that the meeting of July 13<sup>th</sup> be moved to 6:00 PM so that the Board will be able to attend the SBBA's annual meeting. The second meeting of the summer will be held on August 10<sup>th</sup> at 7:00 PM.

Selectman Richenburg spoke of the Firemen's Memorial held on June 14<sup>th</sup> and commended the firemen who planned it.

Chairman Condon said the Ribbon Cutting at Groundswell, a new business at the beach, which was scheduled for July 10<sup>th</sup> is now being held on July 9<sup>th</sup> at 4:00 PM.

### **XI. Executive Session - none**

### **XII. Adjournment**

Motion by Selectman Richenburg, Second by Selectman Hunt; unanimously voted to adjourn at 9:20 PM.

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

Minutes of June 8, 2015

Copies of licenses as listed

Letters requesting Appointments

Info pertaining to the Appeal of Sewer Charges

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: \_\_\_\_\_

Chuck Takesian, Clerk