

## BOARD OF SELECTMEN MINUTES OF JUNE 8, 2015

**PRESENT:** Selectmen Freeman Condon, Vice-Chairman; Ed Hunt, Henry Richenburg, and Wilma McDonald  
**ABSENT:** Selectman 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.

### **II. Acceptance of Minutes**

#### **Minutes of May 11, 2015 and Special Meeting of May 18, 2015**

Motion by Selectman Richenburg, Second by Selectman Hunt; unanimously voted to approve the Minutes of May 11, 2015 and the Special Meeting of May 18, 2015 as written.

### **III. Old Business - none**

### **IV. New Business**

#### **a. License Renewals:**

Motion by Selectman McDonald, Second by Selectman Hunt; unanimously voted to renew a **Common Victualer** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: Kozeta Breakfast – 183 No. End Blvd.

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to renew a **Common Victualer** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for Northeast Ice Cream – Mobile unit.

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 Tokyo Joe's – 141 Bridge Road, contingent on receiving the sign-off approvals of the conditions set by the Building Inspector.

#### **b. New Licenses**

Motion by Selectman McDonald, Second by Selectman Hunt; unanimously voted to approve a **General** license to Play All Day – 193 Elm St. to operate a Dog Daycare Facility subject to the applicant getting a determination from the Building Inspector as to whether or not she needs to go to the ZBA for a special variance.

An application had been submitted to the Board for a **General** license to Red Ridge Farm, Inc. – 35 Bayberry Lane. The applicant, Mark Warcewicz explained that he and his wife rent out the field for weddings and he was informed that he needed a license to do so. Vice-Chairman Condon said the Board had received a report from the Building Inspector outlining issues regarding electrical, building and health departments, and it would be his suggestion to table this license until a full report is obtained by the Health Agent. Mr. Warcewicz felt he was exempt because of the farming and agriculture laws. He further explained that he does not hire the caterers, the Bride & Groom does.

## BOARD OF SELECTMEN MINUTES OF JUNE 8, 2015

Motion by Selectman McDonald, Second by Selectman Richenburg; unanimously voted to offer the Warcewicz's the opportunity to proceed with the process and pending satisfying the requirements of the Board of Health, Electrical & Building Inspectors and the ZBA by noontime on Friday, June 12<sup>th</sup> the Board will then sign the General License.

Motion by Selectman Richenburg, Second by Selectman Hunt; unanimously voted to approve a **General** license to Stand By Me Dog Daycare – 111 Elm St., to operate a dog daycare facility.

Motion by Selectman , Second by Selectman ; unanimously voted to Table a **General** license to Hey Wood – 24 Collins St. for the sale of firewood until the next meeting. In the meantime, the applicant is to get a determination by the Building Inspector as to whether this is a permitted use at this address.

Motion by Selectman McDonald, Second by Selectman Richenburg; unanimously voted to approve a **General** license to Bonnie Roberge – 76 Beach Rd., for the sale of firewood.

Motion by Selectman Richenburg, Second by Selectman Hunt; unanimously voted to approve a **General** license to Janice DeWitt – 18 Lafayette Rd. for the sale of camp wood.

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to schedule a public hearing for Monday, June 22, 2015 at 7:30 PM on a **Class III** license application for Hotrods Vintage Auto Recycling at 137 Lafayette Rd.

Motion by Selectman McDonald, Second by Selectman Hunt; unanimously voted to approve a **Special Event Permit** to Dale David for a Literature Display at the Beach Promenade for the months of May – September. This permit has also been signed off by the Police Chief and DPW Director and both stated that there is to be no soliciting.

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to approve a **Special Event Permit** to the Lions Club for their Voluntary Toll on June 13, 2015 with a rain date of June 14, 2015.

Motion by Selectman Richenburg, Second by Selectman Hunt; unanimously voted to approve a **Special Event Permit** to Salisbury Fire Association & Family for their Annual "Timmy Trot 5K" to be held on Nov. 7, 2015.

### **c. License Amendments - none**

### **d. Committee Appointments - none**

### **e. Update/Presentations: DPW Director/License Commission**

**DPW Director** was not present this evening.

**Michael Gilbert, Chairman of License Commission**, reported that not a lot has happened since his last update. There are 34 licensed establishments and one seasonal license was added. During the summer season, there will probably be 7 or 8 one-day licenses issued. He also notified the Board that Sean McCarthy will not be requesting re-appointment, which will leave a vacancy on the Commission.

## **BOARD OF SELECTMEN MINUTES OF JUNE 8, 2015**

### **f. Vote to Approve Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project at 191 Beach Road**

The Board had been provided with a copy of the Regulatory Agreement & Declaration of Restrictive Covenants prior to this evening. The document has been approved by Town Counsel, Equity Alliance and DHCD and the Selectmen are being asked to vote to approve it.

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to approve the Regulatory Agreement and Declaration of Restrictive Covenants for the rental project at 191 Beach Road and to authorize the Vice-Chairman to sign the document.

### **g. Vote to Take Permanent Easements in Ocean Front South by Eminent Domain**

Mr. Harrington stated that Ocean Front South, although used as a public way for decades, is still owned by the Salisbury Beach Associates and, despite attempts by the Town to urge them to improve the roadway, it is still in deplorable condition. He reminded that Board that the Town has stated its intention to improve the road and eventually work to help locate a boardwalk on the street as part of the revitalization of the beach center area. In the meantime, he urged the Board to acquire permanent easements in the property, which had been approved at the Annual Town Meeting in May.

Mrs. Hatem, an abutter, had a concern and asked what is going to happen to the adjacent properties, particularly those businesses that have outside seating, and she asked if Ocean Front South will remain open. Mr. Harrington said there will be no legal effect on abutters with the taking of the easement and there is no intention on the part of the Town to change anything right now with the way the road is utilized in terms of outdoor seating for businesses.

Motion by Selectman McDonald, Second by Selectman Hunt; unanimously voted, pursuant to the authority granted under Article 16 of the May 18, 2015 Annual Town Meeting, to take by eminent domain permanent public way easements in Ocean Front South, and, having determined that no damages are due and/or damages have been waived, hereby award no damages for said taking.

## **V. Comments by Visitors**

Brendan Burke, who lives on Ferry Road, presented 2 photographs, one showing the condition next to the fire station where “run-down” town vehicles were being stored, and the other showing the front façade of the Pike School and the long grass that hasn’t been cut this year. He asked that both be cleaned up. Mr. Harrington said the vehicles on the side of the fire station are being auctioned off and will be gone in a few weeks, and that the Pike School is slated to be upgraded in the fall, following completion of the water line project in Salisbury Square. In the meantime, the grass would be cut.

Fred Bishop, who lives at 51 Dock Lane, spoke about streamlining the license process and making it easier for businesses to come to Salisbury. He also asked if there is ever any follow-up with businesses who close to locate here by asking what their biggest hurdle was in getting a license approved. Mr. Harrington said that there is no formal follow-up process, but if the Town does hear from businesses about any portion of the Town’s permitting process that seems unfair or onerous, the Town will listen to those concerns. He further said that the Town has an obligation to insure that all zoning and planning regulations are complied with, but often there are business owners who don’t necessarily want to go through the process of appearing before boards or commissions and waiting to receive approvals for what they are looking to do.

## **BOARD OF SELECTMEN MINUTES OF JUNE 8, 2015**

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

### **VII. Correspondence**

- Memo from Sean McCarthy to Michael Gilbert stating that he will not be seeking re-appointment to the Liquor Commission at this time.
- Memo from the Fire Chief inviting the Board and Town Manager to the Annual Firemen's Sunday on June 14<sup>th</sup> which will include a dedication of a new Fallen Firefighters Memorial.
- Letter from Joan Bureau submitting her resignation from the Salisbury Housing Authority.
- Letter from Robert Straubel informing the Selectmen that he will not be applying for re-appointment to either the Planning Board alternate's position or to the Harbor Commission.
- E-mail from Carol McLeod of the Town of Merrimac requesting that the Town submit names of the Board of Selectmen who wish to serve on a Whittier Subcommittee. A brief discussion ensued and no Board Member volunteered to serve. The Manager said he will notify Ms. McLeod.

### **VIII. Hearings**

#### **7:30 PM – Appeal of Sewer User Charges at 113 Atlantic Ave.**

This had to be re-scheduled because the DPW Director could not be present due to a death in his family. It will now be held on June 22, 2015 subject to the availability of the resident and Mr. Levesque.

### **IX. Town Manager's Report**

Mr. Harrington gave a brief overview of his written report, a copy of which is on file in the Selectmen's office.

### **X. Selectmen's Report**

#### **a. Ratification of Signing of Weekly Warrants:**

Motion by Selectman Richenburg, Second by Selectman Hunt; unanimously voted to ratify the signing of the following weekly warrants: W15-184 through W15-202.

#### **b. Subcommittee Reports**

**Library:** Mr. Richenburg reported that the project was still on track. The granite has been installed and almost all of the façade is completed. The library is still on scheduled to open in September.

**Lafayette Corridor Sewer Extension:** Mr. Richenburg stated that a proposal for the final engineering work has been received from Weston & Sampson. The committee will be reviewing it shortly and then will be giving it to the Town Manager to have Town Counsel review it.

Selectman Hunt stated that he would like to re-consider the parking lot fees at the beach parking lot and possibly lower it \$5 during the week and maybe even on bad weather weekends because he believes the current fees are hurting merchants at the beach. He asked why the Selectmen don't set the parking lot fees since they set the fees for the Harbor Commission and Sewer & Water rates. Mr. Harrington explained that it is in the Charter as to who approves the fees. The appropriate appointing authority must approve of fees set by department heads and Town boards. For example, since the Board of Selectmen appoints the Planning Board and the Harbor Commission, the Selectmen must

## **BOARD OF SELECTMEN MINUTES OF JUNE 8, 2015**

approve fees set by those boards. Likewise, since the DPW Director is in charge of the beach parking lot, and the Town Manager appoints the DPW Director, the Manager must approve all parking lot fees. Mr. Hunt then asked the Manager to take a good look at the parking lot rates. The Manager said that he believes the current daily fee of \$15 to park at the beach parking lot is reasonable since most parking lots at other beach parking facilities in the area charge at least \$20. He also noted that the fee in Salisbury is dropped to \$10 after 6:00 PM, when people are visiting the beach area primarily to patronize the merchants and attend concerts and festivals. Finally, he informed the Board that a new policy has been instituted that gives the parking lot manager the authority to lower the fee to \$10 on a slow or bad weather week day.

Mr. Hunt asked if the Manager would consider privatizing the beach parking lot. The Manager replied that, in his opinion, such a move would result in lower parking lot revenues for the Town, as the cost to run the lot would be considerably higher.

Mr. Hunt noted that there had been some discussion about moving the Hope Chapel Bell to the beach area and he asked if the Town Manager would be interested in having it moved. The Manager said that he remembered the previous discussion of this issue and he agreed it would be a good idea. Mr. Hunt said that he thought he could get a private contractor to move the bell at no cost to the Town, and the Manager said he was sure the particulars of the move could be worked out when it was time to complete the renovations of the Town Common.

Selectman Richenburg stated that he was gratified at the strong show of support by the Town for the new police station, as the override was approved 3 to 1 at the polls and at the Town Meeting it was a unanimous vote. He said he believed this support was directly attributable to the manner in which the need for the station and the Town's financing plan for it was presented to the public.

He also noted that he was pleased to attend the Memorial Day parade and ceremony and that it was a privilege to have Selectman Condon's son there to give the keynote address. He said that he was very impressed with the speech and he has heard many favorable comments from people around town.

Finally, Mr. Richenburg reported that he had the privilege to attend the Triton high school graduation with Selectmen McDonald and Hunt and he said he was very proud that there were a large number of very fine graduates who will be attending good colleges in the fall.

Vice-Chairman Condon announced that the Greater Newburyport Chamber of Commerce is having an event on July 10 at Groundswell Café and would like the Board of Selectmen and Manager to attend.

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

### **XII. Adjournment**

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to adjourn at 8:56 PM.

## **BOARD OF SELECTMEN MINUTES OF JUNE 8, 2015**

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

Minutes of May 11, 2015 & Special Meeting of May 18, 2015

Copies of licenses as listed

Info re: the Regulatory Agreement & Declaration of Restrictive Covenants

Info re: Taking of Permanent Easements in Ocean Front South by Eminent Domain

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

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

Ed Hunt, Clerk