

**BOARD OF SELECTMEN MINUTES OF FEBRUARY 25, 2013**

**PRESENT:** Selectmen Fred Knowles Acting Chairman, Donald Beaulieu and Jerry Klima  
**ABSENT:** Chairman Henry Richenburg Selectman Hunt  
**ALSO PRESENT:** Neil J. Harrington, Town Manager and Janet Flannery, Secretary

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

Acting Chairman Knowles called the meeting to order at 7:02 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 January 28, 2013 and February 14, 2013**

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to approve the Minutes of Jan. 28, 2013 as written.

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to approve the Minutes of Feb. 14, 2013 as written.

**III. Old Business****a. Brad Kutcher re: Limited Dividend Requirement & Annual Compliance Report for 2011**

Mr. Kutcher was not present, therefore this item remained on the Table.

**IV. New Business****a. License Renewals:**

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to renew a **Class II** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for Westside Truck Equipment – 172 Elm St.

Motion by Selectman Klima, Second by Selectman Beaulieu; 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: Cassidy Auto Body – 25 Locust St., Great Bay Autobody – Marine Co. – 162 Bridge Rd., NE Accessories – 41 Main St., Drew's Cycle – 72 Elm St., Harry's Auto Repair – 27 Elm St., and Dave's Auto Body – 137 Lafayette Rd.

Motion by Selectman Beaulieu, Second by Selectman Klima; 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: Strippers Grille – 175 Bridge Rd., and Sylvan Street Grille – 195 Elm St.

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to waive the reading of the General License since they have been posted for the past two weeks.

Motion by Selectman Beaulieu, Second by Selectman Klima; 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: Seaside Resorts – 3 Liberty St., The Pines Camping Area – 28 CCC Rd., Salisbury Bait/Gourmet – 160 Beach Rd., Gourmet Panty – 160 Beach Rd., Ditto Pines Construction – 13 Collins St., Graf Bros. Leasing – 166 Lafayette Rd., Hudson's Outboard – 46,48,50 Bridge Rd., Lacey Truck Equipment – 158 Elm St., The Chicky House – 16 CCC Rd., Bridge Marina – 179 Bridge Rd., Merrimack Valley Essentials – 9A Beach Rd., Falasca Lawn Care – 2 Erica Way, Beyond Your

Limits – 38 Lafayette Rd., Bob's Signs – 50 Elm St., CVS Pharmacy – 2 Lafayette Rd., Timeless

Treasures – 50 Elm St., Real International Emporium – 50 Elm St., Salisbury Beverage Co. – 232 Lafayette Rd., Minor Details – 102 Forest Rd., ABF U-Pack Moving – 74 Main St., Mystery Treasures – 50 Elm St., Proactive Chiropractic – 167 Elm St., Beaver Creek Trading – 34 Lafayette Rd., Topsfield Tool & Engr. – 2E Fanaras Dr., MacDougall Sales & Svc. – 29 Old Elm St., Kathy's Tumbleweed – 135 Elm St., Melo's Liquor Store – 1 Broadway, Port City Glass – 141 Bridge Rd., PC Wizard – 175 Elm St., Hodgies Too Ice Cream – 136 Rabbit Rd., Thomas Bracken School of Dance – 102 Bridge Rd., Wire & Ice Beads – 29 Main St., The Green Cocoon – 141 Bridge Rd., Creative Touch Designs – 72 Elm St., Woodward Fence & Supply – 4 Old Elm St., Beach Bum Trading Co. – 28 Oceanfront So., Driftway Parking – 6 Central Ave., Cinema 95 - 201 Elm St., Elm Street Bait & Tackle – 110 Elm St., Funny Girl Designs – 102 Bridge Rd., Elm St. Bait & Tackle Boat Storage – 110 Elm St., It's Gotta Go – 156 Elm St., and The Original Bobs Shooting Range & Gun Shop – 90 Lafayette Rd.

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to renew an **Entertainment** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: Sylvan Street Grille – 195 Elm St. – Bands and/or Juke Box

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

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to approve a **Special Event Permit** for the USS Thresher 50<sup>th</sup> Anniversary Memorial Service – Broadway & No. End Blvd., sponsored by the US Submarine Veterans

#### **c. License Amendments – Renewal & Amendment from seasonal to year-round**

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to approve the renewal of a **General** license for Salisbury Beach Parking – 70 Railroad Ave. amending it to year-round.

#### **d. Committee Appointments**

**Council on Aging – 1 vacancy to fill an unexpired term for 1 year: 2 applicants – Ann Wallace and Paula Moore**

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to appoint Ann Wallace.

#### **e. Update/Presentations: DPW Director and Planning Director**

DPW Director, Don Levesque said he and his department have been very busy the past several weeks with the snow: there's been 44 inches so far this year vs 22 inches last year at this time. His snow budget is \$99,000 and he is just about at that point now whereas last year \$53,000 was spent. He then gave an overview of the following:

- Street Maintenance – 733 catch basins were cleaned in October of 2012; 101,152 linear feet of yellow line painting was performed in August of 2012; drainage improvements were made at 72 Ferry Rd. that also ran thru an easement out-falling at 1 Samantha Way; Gardner Street Phase II; Repaired 500' of sidewalk on Ferry Rd.; 2,000 tons for street paving on Jon St., Viking, Juno, Odin, James Court, 17-56 Follymill, Pine, Del-Logan, Bayberry, Kendell, Trout Way, Ferry Lots, Mudnock Rd. (Ferry Lots to Elm), Brissette and the Municipal Lot.
- Parks & Recreation – meetings are now held in the EOC Room on the first Tuesday of each month. The annual fall festival & hayride was held last October. The annual Easter egg hunt will be held on Saturday, March 23<sup>rd</sup> at the elementary school from 9 – 11 AM, and the tortoise & hare road race is scheduled for April 6<sup>th</sup>. There is a new "sitting park" at Railroad & Ocean which was inspired by Joanne Housianitis.

- Cemeteries – surveyed and cleaned monuments at the True, Maplewood, Old Colonial Burying Ground and Long Hill which is private, but maintained by the Town.
- Historical Society Building – this is now under the DPW jurisdiction and a new flat roof was put on and repairs made to the front hall ceiling.
- Recycling – After Hurricane Sandy there were lots of downed trees and power outages and the recycle center was opened up Nov. 1<sup>st</sup> through the 3<sup>rd</sup> to assist residents with their cleanups.
- The annual household hazardous waste collection was held on the 1<sup>st</sup> Saturday in November and 61 households took advantage of the event.
- Landfill monitoring – The Town monitors wells & oversees periodic surveys as required by the DEP. In Sept. 2012 a company was brought in to mow the grassy area of the capped landfill and in January Cook Company was hired to grind and remove large a brush pile.
- Current Town projects – Blackwater River Flood Risk Management Project, Bridge Rd. Tidegate, Memorial School Building, roof repairs at the Public Works facility, Town Facilities Project-Design Services/Feasibility Study for emergency services, beaver trapping.

Planning Director, Lisa Pearson reported:

- That the CDBG Grant was submitted last week and what was included in that was the housing rehab program, construction of the water line on Lincoln Ave and Howard George Court, and the continuation of the Pettengill House and Boys & Girls Club programs.
- Working on the Town Creek project endlessly, trying to get things done in time. There have been construction delays because of the difficulties at this time of the year, but they are looking to start construction mid-October and hope to be completed by April 15<sup>th</sup>.
- The Borders to Boston Trail – working on the engineering from Mudnock Rd. to the Seabrook Line.
- Have been working on the Affordable Housing Trust and looking at the possible renovation of the Spalding School to see what possibilities would be a “fit” for that location.
- Received the Phase II bids today for the Gardner Street project and hope to start construction in April.
- Prepared an RFP to have a consulting engineer look at the location for the new Police, Fire, and DPW building.
- Still working with MVPC on the clean-up of 29 Elm St.
- The last project is the Art Stroll on the Railtrail working with the Newburyport Art Association. Funding was received from the Cultural Councils in Salisbury, Newburyport, Amesbury and West Newbury. Wilson Welding made a contribution by making the metal frames/brackets that the 4’ x 7’ paintings will be hung from.
- In closing, Ms. Pearson mentioned that she is going to be applying for a Grant to elevate Ferry Road; she has sent out letters requesting information and hopefully will have enough information to come before the Board at the next meeting.

#### **f. Vote to Approve Net Metering Agreement with RE Commerce Salisbury I, LLC**

The Town Manager had provided the Board with the final version of the negotiation process between the Town and RE Commerce which is the real estate division of the Thompson Group. The first phase would be a 2 mega watt facility and they are proposing to sell 2.4 megawatts, which is 2,400,000 hours of electricity to the Town. We are presently getting 1M from Vaughn and the remainder through National Grid. If this goes through with RE Commerce the Town would be totally “green”. He then introduced Atty. Rick Holland from Kopelman & Paige who explained the Agreement which is pretty much the same as the prior one with True North. Discussion ensued and Atty. Holland answered several questions that the Selectmen had and said that this is a complicated Agreement, as was the True North Agreement and he recommended that the Board take as much time as necessary to review it. Selectman

Klima feels this is a significant transactual risk with the Town being a responsible party. He also asked what the tax situation would be and Mr. Harrington said these are things that have to be negotiated. The Town has been dealing with these people for a long time and he thinks if this is something they really want the Town needs to bargain for what they want before signing on with them. He also stated that under our zoning, they can build this as their right. The Proposal is for us to be a partner in the net metering credit so as to save money on our electricity. The possibility exists if we don't sign on at some point to lock into a certain number of kilowatt hours, they could sell them to somebody else and they will get the benefit.

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to ask the Manager to work with the Attorney and RE Commerce to set up a date for a workshop.

#### **g. Comcast Issues**

Selectman Knowles placed this on the agenda due to an increase in the Comcast billing where there is now a charge for the adapters. When the customers were told the adapters were required two would be free and there would be a charge of \$1.99 for all additional ones. He contacted Comcast to question the charge and he was given one month free. He is now going to file an appeal with Comcast and the Dept. of Telecommunications & Cable and suggested that the public do the same.

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to send a letter to Comcast expressing the following request: We, the Board of Selectmen, on behalf of the Comcast citizens of Salisbury request that the two free adapters not have a fee attached and the two adapters be placed in the first paragraph of the bill entitled " service details" with the digital converter and remote. Therefore, we appeal the 1.99 per adapter per monthly fee that has been assessed to Salisbury Comcast customers that began on or about February 2013.

#### **h. Letter of Support re: Repair of Merrimack River Jetties**

Selectman Klima said Salisbury has been working with Newburyport and Newbury, through the Merrimack River Beach Alliance (MRBA) to make progress on repairing the deteriorating Merrimack River jetties and protecting the homes, businesses and beaches on Salisbury Beach and Plum Island. Between Hurricane Sandy and the recent snowstorms our beach and the dunes have been damaged as well as many beachfront homes. Therefore, at a recent meeting with the MRBA, it was suggested that letters be sent to our Senators and Congressman requesting their assistance in securing the funds needed to reconstruct the North Jetty.

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to approve sending a letter in support of securing the funds for the project as drafted by Selectman Klima, for the Chairman's signature.

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

Chuck Colburn – Bridge Rd. –Mello Disposal has recently purchased the Wall's Ford property, and he asked if they needed a license to operate and he was told that they did not because they were offering a service and not selling a product. However, if the time comes when they do sell a product or rent dumpsters they will need to obtain a license.

Gerry Downs – Ferry Road – asked again about the status of the sprinkler system in Town Hall and the Manager said when the first floor is renovated a new system will be put in. However, the second floor has a sprinkler system.

Barry McBride – Pine Street – inquired about the report the Manager was going to provide to the Selectmen regarding the \$28,000 spent for the fire watch at Sylvan Street. Mr. Harrington said one member of the Board asked for one but a vote had never been taken. Selectman Knowles said when the

full Board is present a vote can be taken at that time.

**VI. Sewer/Water**

**VII. Correspondence - none**

**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: W13-130 and W13-131**

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to ratify the signing of the following weekly warrants: W13-130 and W13-131.

**XI. Executive Session**

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to move into Executive Session at 8:58 PM to discuss potential litigation and to adjourn without returning to open session. In addition to the Board and Town Manager the secretary will be present. Roll vote: Selectman Beaulieu – yes; Selectman Klima – yes; Selectman Knowles – yes.

**XII. Adjournment**

Meeting adjourned after Executive Session at 9:13 PM.

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

Minutes of Jan. 28, 2013 and Feb. 14, 2013

Copies of licenses as listed

Letters requesting appointment

Draft support letter re: repair of Merrimac River Jetties

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: \_\_\_\_\_  
Fred Knowles, Clerk