

BOARD OF SELECTMEN MINUTES OF MARCH 25, 2013

PRESENT: Chairman Henry Richenburg, Selectmen Fred Knowles, Donald Beaulieu, Ed Hunt and Jerry Klima
ALSO PRESENT: Neil J. Harrington, Town Manager and Agnes Donovan, Acting Secretary

I. Call to Order/Salute to the Flag

Chairman Richenburg 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 February 25, 2013**

Motion by Selectman Klima, Second by Selectman Beaulieu; voted to approve the Minutes of February 25, 2013 as written. VOTE: 3 yeas – Chairman Richenburg and Selectman Hunt abstained. Motion carried.

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

Mr. Kutcher was not present. Motion by Selectman Beaulieu, Second by Selectman Knowles that the Board tie together this Old Business item and Agenda Item H., Discontinuance Permit Request for 1 Unit at Kendell Lane and discuss both items at that time.

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

Motion by Selectman Beaulieu, Second by Selectman Hunt; 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: JB Auto Restoration & Collision – 105 Lafayette Rd.; Bob Fuller Truck & Repair Svcs. – 4 Main St., and Hatheway Auto Service – 66 Bridge Rd.

General:

Motion by Selectman Klima, Second by Selectman Beaulieu 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: Marte-L Convenience Store – 45 Toll Rd; Seacoast Lock & Safe Co. – 124 Lafayette Rd.; Tri-City Cuts – 38 Lafayette Rd., and Tri-Clean Systems – 163 Bridge Rd.

b. New Licenses**General:**

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to approve a new **General** License for North East Companies Inc. d/b/a NAPA – 158 Bridge Rd. subject to the applicant filing d/b/a documentation and registering as a Foreign Corporation with the Town Clerk.

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to approve a new **General** License for REK Enterprises d/b/a Landscapexpress, Inc. – 109-113 Rabbit Rd subject to the applicant correcting the application date to March 1, 2013; the applicant providing proof of Workers Compensation Insurance, and the applicant filing d/b/a documentation with the Secretary of State and the Town Clerk.

The Pasture at Pettengill Farm – 53 Ferry Road

Henry Richenburg advised the Board that first there needs to be approval from the Board of Health prior to the BOS. The next BOH meeting will be on May 7th. Selectman Hunt asked why the applicant needs a license and Mr. Webb said a license is required because there will be retail sales.

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to Table the New **General** License application for The Pasture at Pettengill Farm – 53 Ferry Road until after the applicant receives Board of Health approval.

Slick's Cuts & Shaves – 203 Lafayette Road

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to approve a new **General** License for Slick's Cuts & Shaves – 203 Lafayette Rd.

Pioneers Surf Shop, LLC – 25 Broadway

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to approve a new **General** License for Pioneers Surf Shop, LLC – 25 Broadway subject to the LLC being registered, and Certificate of Workers compensation being filed with the application.

Special Event Permit

Parks & Recreation Tortoise and the Hare 10K Run/3 mile walk

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to approve **Special Event Permit** for the Parks & Recreation Tortoise and the Hare 10K Run/3 mile walk to be held on April 6th.

First Annual Cassidy's 5K Race and Walk

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to approve **Special Event Permit** for the First Annual Cassidy's 5K Race and Walk to be held on April 27th subject to the sponsor providing proof of liability insurance and that the Town of Salisbury is named as an additional insured on the policy for this event.

c. License Amendments

Entertainment: Splash Lounge of Salisbury – 3 Broadway – amend to include “Men in Motion”.

Selectman Beaulieu questioned if this is the type of activity we want to attract to the Beach. Selectman Hunt asked if this was exotic entertainment and the applicant stated it was not exotic.

Motion by Selectman Knowles, Second by Selectman Hunt; to approve Splash Lounge of Salisbury's **Entertainment** License Amendment to include “Men in Motion” subject to the applicant signing the correct application. VOTE: 4 yeas – Selectman Beaulieu abstained. Motion carried.

General: Vynorius Piledriving, Inc. – 150 Elm St.

Several Selectmen stated concerns including the lack of specific times of operation; trucks warming up very early in the AM; work stopping at 7PM; trucks entering and leaving the site; Saturday hours; loading diesel, and that the Board does not recognize pre-existing practices. Selectman Klima stated the applicant should come before the Board.

Motion by Selectman Klima, Second by Selectman Hunt; unanimously voted to Table the General License amendment for Vynorius Piledriving, Inc.

d. Committee Appointments

Harbor Commission – 2 alternate vacancies. 1 applicant – David Chretien

Selectman Beaulieu stated that he made David Chretien aware that if becomes an Assistant Harbor

Master he will have to resign from the Harbor Commission.

Motion by Selectman Hunt, Second by Selectman Knowles; unanimously voted to appoint David Chretien as an Alternate to the Harbor Commission.

e. Update/Presentation: Finance Director

Finance Director, Andrew Gould, appeared before the Board stated that health insurance costs continue to escalate and the FY 2014 costs could exceed \$1M. He said that health insurance is now 5% of the general fund budget and that this cost is not sustainable at the current growth rate. Mr. Gould stated that the Town went out to bid for health insurance for next fiscal year and received two bids, one from Tufts and the other from BCBS. He said that he and Town Manager, Neil Harrington, would be meeting with both carriers this week and then they will meet with the unions to discuss possible concessions.

Mr. Gould advised the Board that there is a new law under which the Towns can make changes to health insurance without bargaining with the unions but that this would need the Selectmen to accept Chapter 32B, Section 21 of the new law. Mr. Gould stated that it is a complicated process with many deadlines and notice given to the unions. Selectman Hunt questioned if there are penalties for dropping the carrier and Mr. Gould stated he has no plans to miss deadlines. Selectman Beaulieu asked if accepting Section 21 has to go before Town Meeting and Mr. Harrington said no. Mr. Harrington said they were going to meet with the insurance carriers tomorrow and then meet with the Unions asap. Chairman Richenburg stated his concern over this tight timeline. Selectman Klima asked what is the last date that the BOS could accept this new law allowing for a timely transition and Mr. Gould said it would be the next meeting. Mr. Harrington said he prefers to work this out with the Unions and not bring the new law to the BOS. He stated he is not anticipating a problem. Selectman Hunt said that he thinks the Town Manager does OK with the Unions.

f. Vote to Refer Zoning Bylaw Amendment Request to the Planning Board

Motion by Selectman Knowles, Second by Selectman Hunt; unanimously voted to Refer the Zoning Bylaw Amendment Request to the Planning Board for a Hearing as required by law.

g. Vote re: Planning Board Member Ethics Request

Bob Straubel, Planning Board member, appeared before the Board. He explained that the Planning Board has an application in front of them for an ATT cell tower height increase on Lafayette Road. The Ethics Commission said that there is potential conflict of interest by Bob Straubel because he is in the service zone. Their argument is that he could increase his cell service, cancel his land line, and financially benefit. Mr. Straubel stated this application needs a four out of five vote of the Planning Board and there is no alternate.

Motion by Selectman Klima, Second by Selectman Knowles; unanimously voted that they have reviewed this matter and the financial interest of Mr. Straubel. The Board determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of Mr. Straubel and that he may vote on this Planning Board item.

h. Discontinuance Permit Request for 1 Unit at Kendell Lane

Selectman Beaulieu stated he wants this item tied to the Brad Kutcher Old Business item. Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to Table this application until the next meeting, and ask Mr. Kutchner to attend and bring information.

i. Vote to Place a Debt Exclusion Article on the Town Warrant

Mr. Harrington explained the Debt Exclusion proposal for the new library. He stated that the Town would receive a major grant from the state and with some private funding that this would be a great

opportunity to build a new library. The Town would have to pay the rest of the cost. He stated the debt exclusion will be limited to five years, not twenty, with the remaining expense absorbed in the six to twenty year budgets. He stated that it will be a two step process, the first being to place the Debt Exclusion Article on the Ballot which requires a majority vote, and second to place this on the Warrant for Town Meeting. Mr. Harrington explained that the debt exclusion language was approved by Town Counsel.

Selectman Knowles stated his concern that this was risky and there could be unforeseen expenses, and that we could be boxing ourselves in. Selectman Klima said it is a good goal to keep taxes down and why tax more than you need. Selectman Hunt voiced his concern there could be other buildings, new police, DPW, which may need funding. He suggested public hearings and give people information to make decisions. Selectman Beaulieu stated that if we don't accept the state grant then the money would not be available for years, and that there was no grant money for other new facilities at this time. Chairman Richenburg said that with the Grant nearing 55% of the cost being offered to us, it is in our advantage to have public hearings and move forward.

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to place the following motion on the April 30th Election ballot "Shall the Town of Salisbury be allowed to exempt from the provisions of Proposition two and one-half, so called, the amount required to pay for the bond issued in order to design, construct and equip a new Public Library to be located at 17 Elm Street, Salisbury, including all costs incidental and related thereto?"

j. Vote to Sign the Annual Town Election Warrant and the Special State Primary Warrant

Motion by Selectman Beaulieu, Second by Selectman Klima: unanimously voted to Sign the Annual Town Election Warrant and the Special State Primary Warrant.

k. Vote re: Consent to Representation of Multiple Clients by Town Counsel

Mr. Harrington addressed the Board and stated that under the rules of Professional Conduct, Kopelman and Paige, PC needs approval from all communities when they represent more than one community on a single issue. In this case it will be to draft a Home Rule Petition for a Regional Veterans Intermunicipal Agreement.

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted that "It is hereby determined, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, that the Salisbury Board of Selectmen consents to Kopelman and Paige, P.C. representing the City of Amesbury and the City of Newburyport, Town of Salisbury and Town of Merrimac to provide general assistance, limited to assisting with a petition for special legislation authorizing a district in which two cities may participate, to include two or more of the communities including the City of Newburyport, City of Amesbury, Town of Salisbury, Town of Merrimac, and Town of Newbury and to provide general assistance, limited to placing a Regional Veterans Service District Intermunicipal Agreement between those client communities that agree to participate in such Veterans Service District into final legal form, all as discussed and disclosed in a letter to the Board dated March 19, 2013".

l. Vote to Insert Notice re: April 30th Election in Tax Bills

Motion by Selectman Knowles, Second by Selectman Beaulieu; unanimously voted to insert a notice regarding the April 30th Election in the Tax Bills. Salisbury's Town Election will be held on Tuesday, April 30th; Polls will open at 7 am until 8 pm; Vote for Selectmen (2), Town Moderator; School Committee, and debt exclusion. Statewide Republican and Democratic primaries for US Senate candidate's election also to be held on April 30th.

V. Comments by Visitors

Chuck Colburn – Bridge Rd. – commented that the state may be giving us \$3.8 million but we gave them many homes.

He also commented on the Saturday Bean supper at the Senior Center which was cancelled as the State Ethics Commission called and told one of the candidates that a bean supper on public property could not be used as a fundraising campaign tool. Mr. Colburn is upset as all the money was to go to the seniors and not the candidate.

Kevin Henderson – Atlantic Ave. – commented that the state purchased the Sidewalk Cafe and he wants to know how the DCR went from purchasing to permits in less than six months.

VI. Sewer/Water

a. Vote on Water Management Act Requirements

Don Levesque, DPW Director, and Bernie Rousseau, VP at Pennichuck, appeared before the Board to explain that Salisbury had received a Notice of Noncompliance with the Water Management regulations from the DEP. They explained that in order to have Salisbury in compliance, Salisbury must implement proposed mandatory restrictions on non-essential water use. The DEP is basing their decision on the Parker River stream flow and both presenters said the Parker River does not impact Salisbury but that the DEP is not wavering in their mandate.

Non-essential outdoor water uses that are subject to mandatory restrictions include: Washing of vehicles, except in a commercial car wash or as necessary for operator safety, and washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement. The following outdoor water uses are permitted during period of restrictions: Irrigation of lawns via sprinklers or automatic irrigation systems are based on a restricted program and only allowed use before 9:00AM and after 5:00 PM. Other restrictions will also apply.

The presenters explained that Salisbury is required to implement restriction on non-essential outdoor water use on either a calendar or stream flow basis. The calendar option would be in place from May 1st thru September 30th from 9:00AM to 5:00 PM. The stream flow trigger option is more confusing and complicated and is based on the Parker River stream flow. This option is more difficult to manage, requires constant monitoring and could confuse residents, but it can result in fewer days of water use restrictions.

After discussion, Motion by Selectman Beaulieu, Second by Selectman Knowles; voted to Table the Vote on Water Management Act Requirements.

VOTE: 4 yeas – Selectman Hunt abstained. Motion to Table carried.

b. Request from 191 Beach Realty LLC for reduction of water and sewer access fees

Selectman Klima stated they have the same access fees as every one else in Town and that Well 8 is coming on. He suggested the Town do a study so the fees would be fair to everybody. Selectman Beaulieu said this was not the proper forum for relief. Selectman Richenburg raised a concern for setting a precedent and suggested the DPW look at the rates.

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to Table the

Request from 191 Beach Realty LLC for reduction of water and sewer access fees.

c. Update on Possible Extension of Sewer Service on Lafayette Road

Eric Botterman of Millennium appeared before the Board and gave them update. He said that Heritage Park signed a Consent Order with the DEP in 2004 and that the DEP has granted extensions but that they could close the Park down at any time. Mr. Botterman said that Lisa Pearson, Planning Director, has identified a funding source for a private sewer line and at this, and with the direction of the Park, he is going ahead with design and the design should be done in September. He stated the funding source is an agency that helps with small sewer districts. Selectman Beaulieu asked and Mr. Botterman confirmed that this design would only be for Heritage Park.

The Selectmen discussed how sewer for the Park and sewer for neighboring streets could be done by the Town, raised concerns about timing, the state improving Rt. 1, the impact to any Town design or plan, the costs, impact to the pumps, the need for larger pump station, and questioned what it would take for the Town to get a design done.

Motion by Selectman Beaulieu, Second by Selectman Klima; unanimously voted to move ahead to investigate having the Town extend sewer service in this part of Town and second to get the costs.

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: W13-136 and W13-137 and W13-140 thru W13-145

Motion by Selectman Beaulieu, Second by Selectman Klima unanimously voted to ratify the signing of the following weekly warrants: W13-136 and W13-137 and W13-140 thru W13-145.

Selectman Beaulieu raised a concern for the Beach residents if the state pulls back on moving sand. Mr. Harrington said the town's primary objective is to help those who are losing their homes.

Selectman Knowles requested that the Conservation Chairman, Sheila Albertelli, speak at the next meeting. He also requested the sidewalk date for Surf Side 5 be an Agenda item.

Selectman Klima spoke highly of the artists and painters who are contributing art for the Gillis Bridge abutment connector. Selectman Klima wanted to publicly thank Wilson Welding for helping to hang the paintings. Selectman Klima wants everyone to know there will be a May 18th celebration for the Gillis Bridge Connector opening.

Selectman Hunt stated his concern that it does not look like there will be enough money to take down the Side Walk café.

Chairman Richenburg reminded the Selectmen that the Town Manager's evaluation is scheduled for the second meeting in April.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to adjourn at 10:04 PM.

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

Minutes of Feb. 25, 2013

Copies of licenses as listed

Letters requesting appointment

Town Manager's Report

Respectfully submitted:

Agnes Donovan, Secretary

Approved: _____
Fred Knowles, Clerk