

BOARD OF SELECTMEN MINUTES OF APRIL 8, 2013

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

I. Call to Order/Salute to the Flag

Chairman Richenburg 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 - none**III. Old Business****a. General License – Vynorius Piledriving – 150 Elm St.**

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to approve the General License for Vynorius Piledriving subject to the following hours: Mon-Sat. 5AM-7AM Transport only; 7AM-7PM Manufacturing/Loading/Transport; 7PM-1AM Monitoring only and also subject to the other conditions previously stated on the license.

b. Brad Kutcher – Limited Dividend Requirement & Annual Compliance Report for 2011 and Discontinuance Permit Request for 1 unit at Kendell Lane

Chairman Richenburg pointed out to Mr. Kutcher that it has been at least a year and a half that the Board has been waiting for this information and he has had a liturgy of reasons why he can't comply. Mr. Kutcher said he spoke with his accountant again today and she gave him her word that she would have everything for him in three weeks. Chairman Richenburg requested that he submit that in writing and send it to the Board and he agreed to do so.

Atty. Gagliardi, representing Salisbury Realty Trust and their request for a Discontinuance Permit and asked that it be sent to the Rent Control Board to have a public hearing.

Motion by Selectman Beaulieu, Second by Selectman Klima; voted that the Discontinuance Permit request be forwarded to the Rent Control Board as requested. VOTE: 4 yeas – Selectman Knowles abstained. Motion carried.

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

Motion by Selectman Hunt, 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: Tokyo Joe's Studios of Self Defense – 141 Bridge Rd.

b. New Licenses

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to approve a **General** license to 5 Dragons Martial Arts Academy – 1 Merrill Street

Motion by Selectman Klima, Second by Selectman Hunt; unanimously voted to approve a **Special Event Permit** to the Salisbury Lions to conduct a voluntary toll in Salisbury Square on May 18th.

c. License Amendments - none**d. Committee Appointments – none**

e. Update/Presentations: Council on Aging/Assessors/Conservation Commission

COA Director Liz Pettis reported that 2,656 congregate meals have been served through the meal program sponsored by the Merrimack Valley Nutritional Program, and 8,612 meals were delivered via Meals on Wheels for a total of 11,268 meals. The Council received a new van through a grant that is shared with Newburyport whereby they use it two days a week and pay for the maintenance and repairs. Salisbury has use of it three days per week and has provided 2,186 rides to date. 697 seniors participated in at least one of the classes in the last year for a total of 24,549 visits. Some programs that were held over the past year are: National Screening Day, Elder Abuse, Alternative Housing Seminar, computer classes. Ms. Pettis is presently working on the Friendly Visitor Program.

May is "Older American" month and during the third week in May all events will be free.

Chairman Richenburg said he is always impressed when he sees the monthly calendar come out.

Chief Assessor Cheryl Gorniewicz stated that in addition to her assessor responsibilities, she has been working on several projects with the Town Manager, DPW Director and the contractor for the flood tide gate and working with the tax collector gearing up for the auction in the Fall; also working on a mapping project and tying up the development of the Plains School. She spoke about the solar projects, one which is up and running and the other in the planning stages, and has attended a workshop on taxation and valuation of solar facilities which was provided by the State. The Board of Assessors feels it would be a benefit to the Town to enter into a tax agreement with the solar companies and it was suggested that workshop be held.

Motion by Selectman Hunt, Second by Selectman Beaulieu; unanimously voted to have a workshop on a date to be determined.

Sheila Albertelli, Conservation Commission. Chair reported that ConComm now has a full Board. Since the last update, they have processed 23 Notices of Intent, 27 Requests for Determination, and 31 Emergency Certifications, 85% of which were from beach homeowners wanting to bring in sand. In March the flood wall project was denied because the Commission did not have legal authority to approve a necessary waiver. The project is applying for an Order of Conditions and a waiver from Mass DEP. The Commission heard from abutters, DCR, the Army Corps and contractors doing the project – all questions were answered and one commissioner was assigned as a contact to answer further questions. A pre-construction meeting on the Whittier Bridge widening project will be held by MassDOT and Amesbury and Newburyport will be included along with Salisbury. Michelle Rowden has been attending Merrimack River Beach Alliance meetings and reporting back to the Commission. The focus has been on Plum Island and the homes that were lost and repairing the jetties. Regarding Salisbury Beach erosion, Michelle and Mike Magnifico made the determinations of the "hot spots" that needed to be taken care. She then gave an in-depth report on erosion, harvesting the sand, and emergency requirements set by the DCR. Mr. Tom Saab of North End Blvd. spoke about beach mining and said he understands that the State is very close to approving beach mining at Plum Island and he urged the Selectmen to make sure Salisbury Beach is included and he feels there is no excuse not to get it approved if Plum Island gets it. Ms. Albertelli addressed that comment and said that harm might be done by mining in the long run.

f. Green Communities

Planning Director Ms. Pearson reported that the Green Communities Act received a grant several years ago. At that time there were many roadblocks and it was tabled. Over the last year or two all of the State grant programs now provide bonus points to the municipalities that are Green Communities and she is here tonight to see if this is something the Board wants to pursue. She pointed out that energy conservation is one of the driving forces to adopt this. Newburyport and Amesbury, along with 122

other communities have become Green Communities and she is looking to put it out to the public since a

hearing has already been held. If the Town wants to adopt it, there are two times a year the State accepts the applications and that is in May and October. It was the general consensus of the Board that they want to move forward, but want more information. Ms. Pearson suggested moving forward before the end of June.

g. Vote to Accept the Withdrawal of Warrant Article Submitted at Selectmen's Meeting of March 25, 2013

Ms. Pearson explained that at the last meeting the Selectmen forwarded a Warrant Article petition for a Zoning By-law amendment allowing chickens to be raised in the C-2 district to the Planning Board. She contacted the petitioners because of a wording complication and the petitioners asked to withdraw the original amendment and have submitted a new petition with a revised proposal..

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to approve the withdrawal.

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

Motion by Selectman Klima, Second by Selectman Beaulieu; unanimously voted to refer the revised Warrant Article petition for a Zoning By-law amendment to the Planning Board for a hearing as required by law.

i. Vote to Proclaim April as "Donate Life Month"

Mr. Colburn read a Proclamation and requested that the Selectmen accept it and join Governor Deval Patrick, proclaiming April as "Donate Life Month" in the Town of Salisbury.

Motion by Selectman Klima, Second by Selectman Hunt; unanimously voted to proclaim April as Donate Life Month and adopt the proclamation as proposed by Mr. Colburn.

V. Comments by Visitors

Tom Saab – 190 No. End Blvd. – as a follow up to the discussion on the Conservation issue and Plum Island he said that the beach mining plan will be privately funded and he informed the Board that he has the funds for his property. He also said beach grass is being sold by the Salisbury Beach Citizens for Change for \$60.00 a bundle.

Kevin Henderson referred to the \$10,000 that was put aside for the beach betterment and he pointed out that the flag pole at the beach center should be replaced. Mr. Harrington said he would look into that.

VI. Sewer/Water

Vote on Water Management Act Requirements

Selectman Beaulieu requested this to be on the agenda again after receiving several calls from citizens asking why the Board didn't take the recommendation of the DPW Director. They are concerned that if the Parker River is used as the trigger, the DEP wouldn't allow people in the Town to water at all. Chairman Richenburg asked Mr. Rousseau of Pennichuck Water to clarify the two options and what the Board's yes or no vote would mean.

Mr. Rousseau said right now the Town is under the stream trigger method which means that if the water flow of the Parker River drops below 20 cu. ft. per minute during May or June a non-essential water use restriction is started. If the flow in the Parker River drops below 6 cu. ft. per second in July, August or September then the same non-essential water use restriction is fired up again. In either case if the flow in the Parker is restored, the water use restriction is lifted.

The other option is the calendar trigger where the Town would be on the same non-essential water use restriction from May 1st until Sept. 30th every year regardless of the flow in the Parker River This is the

recommendation that was suggested, primarily because it would be simpler to administer for the DPW.

Motion by Selectman Knowles, Second by Selectman Hunt for discussion: to adopt the stream flow method for 2013 only. Discussion: Selectman Hunt said that personally he would like to have DEP explain the whole thing to the Board and he understands that something has to be acted on.

Mr. Rousseau clarified that this was not to refute or debate the stream flow vs. calendar method. The original purpose was to inform the Board that the mailing was going to be sent out. It is not as though Pennichuck or Mr. Levesque was hoping that the Board would want to challenge DEP on either one of these, but after reviewing everything and how the Town would be impacted they thought the calendar trigger method would be easiest. However, if the Board would feel better having DEP meet with them that would be up to the Board. He further stated that this came about when the Town wanted to put a new well on line and DEP wants to make sure the Town is using water as efficiently as possible before they license a new well.

VOTE: 2 yeas – 3 opposed. Motion failed.

Motion by Selectman Klima, Second by Selectman Beaulieu for discussion: to adopt the stream flow method. Discussion: Selectman Beaulieu said he doesn't feel that DEP is going to change anything and suggested following the recommendation of the staff that is paid to study the methods and go with the calendar trigger method. Selectman Hunt stated that the Town has more water and yet DEP wants to take and put the Parker River into it and it doesn't have anything to do with our aquifer. VOTE: Unanimously voted to adopt the stream flow method.

VII. Correspondence

Invitation to the Selectmen to be part of the 2013 Opening Day festivities of the Salisbury Baseball/Softball League 2013.

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 Beaulieu, Second by Selectman Knowles; unanimously voted to ratify the signing of the following weekly warrants: W13-146 thru W13-151.

Selectman Knowles said that Bruce McDonald of the Chamber of Commerce will be meeting with the Town Manager asking for money for the Town's 375th Anniversary celebration.

Selectman Klima said the contractor installed the fencing this past week on the rail trail connector that runs under the Rte. 1 bridge so that it can now be used safely. The mural paintings will be put up in early May with a celebration and an Art Stroll to be held on May 18th.

Selectman Hunt:

- asked the status of the cell tower and the Manager said it will be re-bid soon.

- he also spoke about the crane situation at the beach and said there are also 6 to 8 5-gallon buckets of hydraulic fluid on the premises and asked if the Building Inspector could get the owner to remove them. Mr. Harrington said the Inspector can ask, but can't demand it because it is private property. As for the crane, the person who owns it is not the property owner and there is a legal dispute in process. Selectmen Hunt said he would like to have the Building Inspector go down and view it anyway.
- asked when the sidewalks will be started. Mr. Harrington said the first two priorities are the beach sidewalks and those on Ferry Road from the Church to the new condos.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Knowles, Second by Selectman Klima; unanimously voted to adjourn at 9:45 PM.

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

Copies of licenses as listed

Copy of the Warrant Article petition that was withdrawn and a copy of the amended version

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: _____
Fred Knowles, Clerk