

BOARD OF SELECTMEN MINUTES OF AUGUST 12, 2013

PRESENT: Selectmen Henry Richenburg, Chairman; Ed Hunt, Fred Knowles, Donald Beaulieu and Freeman Condon

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

Minutes of June 24, 2013, July 8, 2013; Special Meeting Minutes of June 26, 2013, July 1, 2013, July 11, 2013, and Public Hearing of Aug. 6, 2013

Motion by Selectman Condon, Second by Selectman Hunt; unanimously voted to approve the Minutes of June 24, 2013 as written.

Motion by Selectman Hunt, Second by Selectman Condon; unanimously voted to approve the Minutes of July 8, 2013 as written.

Motion by Selectman Hunt, Second by Selectman Condon; unanimously voted to approve the Minutes of the Special Meeting on June 26, 2013 as written.

Motion by Selectman Hunt, Second by Selectman Condon; unanimously voted to approve the Minutes of July 11, 2013 as written.

Motion by Selectman Beaulieu, Second by Selectman Condon; voted to approve the Minutes of the Public Hearing on August 6, 2013 as written. VOTE: 4 yeas; Selectmen Hunt abstained – motion carried.

III. Old Business - none

IV. New Business

a. License Renewals – no applications received

b. New Licenses

Motion by Selectman Hunt, Second by Selectman Condon; unanimously voted to approve an **Entertainment** license for Cushing Amusements to have amusements at Pirates Park on 8/29/13 thru 9/2/13, subject to receiving a corrected Certificate of Insurance with the correct expiration date.

Motion by Selectman Hunt, Second by Selectman Condon; unanimously voted to approve a **Sunday** license for Cushing Amusements to have amusements at Pirates Park on 9/1/13.

Motion by Selectman Hunt, Second by Selectman Condon; voted to approve a **General** license to Bishop Farm to sell firewood on 7 Taft Street and the corner of Beach Road and Old County Rd. VOTE: 3 yeas; Selectmen Beaulieu and Chairman Richenburg abstained. Motion carried.

Motion by Selectmen Hunt, Second by Selectman Condon; unanimously voted to approve a **Special Event Permit** for the Granite State Wheelmen, Inc. to have their 40th Annual Bicycle Ride along the Seacoast on Sept. 21 and 22, 2013, on the condition that they hire an Officer to be at the intersection of

Ferry and Beach Road in front of the Church.

Motion by Selectmen Hunt, Second by Selectman Condon; unanimously voted to approve a **Special Event Permit** to the Salisbury Fire Fighters Association for their Annual Boot Drive scheduled for August 23 and 24, 2013.

c. License Amendments

Common Victualer – The Deck – 179 Bridge Rd.

Motion by Selectman Condon, Second by Selectman Beaulieu; unanimously voted to approve an amendment for The Deck to amend their operating hours for Thursdays thru Saturdays from 11AM – 11PM to 11AM to 12:30AM.

d. Committee Appointments

Cultural Council – 3 openings – 3 years: 1 applicant – Adam Gingras

Motion by Selectman Condon, Second by Selectman Hunt; unanimously voted to re-appoint Adam Gingras for a three-year term to expire 6-30-16.

Planning Board – 1 opening – 5 years: 1 applicant: Brendan Burke

Motion by Selectman Condon, Second by Selectman Hunt; unanimously voted to appoint Brendan Burke for a five-year term to expire 6-30-2018.

e. Update/Presentations: Building Inspector/ZBA/Planning Board

Mr. Lovering, Building Inspector reported that there has been a consistent rise in growth and building permit fees in the past years' of the building boom. While the numbers are in part increasing because of the growing economy, it is also because of the comfort level and the ongoing education of contractors, architects and developers on code changes and code requirements. To date this year new growth is at \$10.3M and \$159,000 in permit fees on 248 building permits with 4 months to the end of the year; the projected December total is +/- \$12.5M in new growth. Last year's new growth was \$9.8M and \$150,000 in permit fees on 350 building permits.

He further reported that due to changes to the Site Plan Review by the Town Manager and the Business Owners Group, the Inspection Dept. successfully collaborated with more than 48 businesses to come to Salisbury. Examples of a few of the new business are: the relocation of Walls Ford from Route 1 to Route 110, Mello Disposal, EnPro, Tom's Discount Expansion, The Deck. On-going commercial projects examples are: 50 Beach Road, Bassler Veterinary Hospital, TH Glennon. On-going residential projects are: 12 Beach Road, Northpointe, 6 new single family house starts, and numerous renovation projects ranging from roof and siding replacements to single family dwelling remodeling. Regarding enforcement, illegal signage continues to be a problem and I removed the signs from public ways on a regular basis; illegal motor vehicle sales that are reported to the Inspection Dept. Are enforced to protect the legitimate car dealers – the most recent enforcement was performed on Pike Street and Lafayette Rd. The sprinkler systems at the Sylvan Street Grille/Cinema 95 which were not connected to the Municipal water supply are now connected and the proper engineered plans and affidavits are on file. The crane that was located at 29 Cable Avenue was removed, and there is ongoing enforcement of an illegal business set up to perform various boat repairs and boat storage at 123 Bridge Rd. In closing Mr. Lovering expressed his appreciation to his staff and he encouraged the Board to ask them any questions about the way his department does business. In his opinion, he feels the team approach is working very well.

Susan Pawlischeck, ZBA Chairperson, reported that the ZBA has been very busy, but as of this morning

they are down to 3 members and will no longer be able to meet since some agenda items which come before the ZBA require 4 votes. Since the Charter allows for a member of the Board of Selectmen to fill a vacancy on an emergency basis, Selectman Hunt volunteered to fill one vacancy until January. Kevin Henderson, who sits on the Warrant Advisory Board, also volunteered. Mr. Harrington said he will take both under advisement.

Robert Straubel, Planning Board Chairman, announced that the Planning Board now has a full membership with the new appointment made this evening. He had provided a listing of the semi-annual report and he gave a quick overview for the public. A copy of his outline is on file in the Selectmen's Office.

f. Vote to Approve the Earth Filling Permit for 191 Beach Road

Joel Kahn of Equitable Alliance gave a presentation as to where they were and where they are going with regard to the project. He stated that in 2007 the Planning Board approved the 210 unit project. However, in reviewing the plans after purchasing the property, the new ownership realized that certain aspects of the project needed to be changed, as there were many issues that made the project not feasible at the time. At the close of his presentation Mr. Kahn expressed a desire to have the permit approved, but the Chairman explained that one of the requirements of the Earth Filling Bylaw was to have a Public Hearing on every large permit application and a vote could not be taken tonight.

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to schedule a Public Hearing on August 27, 2013 at 5:00 PM in the Colchester Room on the 191 Beach Road Earth Filling Permit application.

g. Mark Fitzgerald: Update on Movie Being Filmed at the Beach

Mr. Fitzgerald said he didn't have much of an update, but he had been working with the Police Chief, Fire Chief and DPW Director on the logistics of getting the beach center area ready for the filming. He did mention that there had been a change in the date for filming: instead of filming on Sept. 5th, they now want to film on Tuesday, Sept. 3rd, with the set up starting at 12:00AM and filming from 7AM – 9PM. They would then return on Wednesday to put everything back in order.

h. Discussion and Presentation Relative to Salisbury's 375th Anniversary

Bruce MacDonald, representing the Chamber of Commerce, and as co-chair of the 375th Anniversary Committee with Marie Miles, addressed the Board about the celebration, which is to be held on Sept. 21st on the Town Green. Rep. Costello and Senator Ives-O'Connor will be attending and he invited the Selectmen and Town Manager to attend and to speak if they wish. He then introduced Donna Champagne, who is also on the Committee who wished to make a presentation to the Town.

Ms. Champagne said she also served on the Committee for the 350th Anniversary and she had been presented with an original print of the schedule of events for that celebration. Now 25 years later she felt that it would be appropriate for her to present it to the Town to be hung in Town Hall. She then invited citizens and businesses to help with the 375th anniversary. She encouraged vendors to get involved and urged residents to come to the event as well.

i. Sign PILOT Agreement Relative to Solar Facility at 12 Rabbit Road

Mr. Harrington pointed out that on July 8th there was an agenda item to approve a Payment-in-Lieu-of-Taxes (PILOT) Agreement for the personal property only at the solar facility located at 12 Rabbit Road. In early July, the attorneys for the Town and the property owners were negotiating and unfortunately by July 8th they had not reached a final agreement. He stated that the Agreement was now complete and a

copy had been provided to the Board. Appendix A was corrected and that was the only change. Motion by Selectman Beaulieu, Second by Selectman Condon; unanimously voted to sign the PILOT Agreement as presented.

V. Comments by Visitors

Chuck Colburn, representing the Lions Club, announced that the Club would be holding its second annual Fun Day and Glow Golf on Aug. 28th from 7 – 9:30 PM at Captain's Corner, which is their major fundraiser.

VI. Sewer/Water

Chairman Richenburg reported that he and Selectman Hunt met with Mr. Levesque re: representatives of the Rings Water District and suggested setting up a meeting to update the Board. A meeting was set for August 19th at 4:00 PM in Conference Room A.

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: W14-1 thru W14-26

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to ratify the signing of the following weekly warrants: W14-1 thru W14-26.

Selectman Hunt said he has had received several calls regarding the proposed floodwall along the Blackwater River, and he thought maybe it was time to meet with residents of the area again and explain what is happening, because they are concerned that the winter is coming and many of them will be leaving for Florida. Mr. Harrington said nothing has changed since his last update. The Army Corps has not approved the appraisals that the Town's appraising consultant put together and the environmental permitting has come to a standstill. He explained that if the Army Corps doesn't approve the appraisals, the Town can't sit down and negotiate the easements – there is nothing the Town can do. He noted that this is an Army Corps' controlled project and that the Town has done everything that has been asked of us, but the Town can't build the wall and we can't move the project. He has assured residents that the Town has done everything possible and the Town is not holding the project up. He said that he was as frustrated as the residents are, and that he had spoken with Congressman Tierney last week about the subject and asked him to see if he could intervene and help get the project back on track.

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to have a letter sent on behalf of the Board to our Congressional delegation regarding the lack of movement on the part of the Army Corps with regard to the Blackwater River flood control project.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman, Second by Selectman; unanimously voted to adjourn at 9:03 PM.

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

Minutes of June 24, 2013, July 8, 2013, Special Meetings of June 26, 2013, July 1, 2013, July 11, 2013,
and Public Hearing of August 6, 2013

Copies of licenses as listed

Information on the Earth Filling Permit

PILOT Agreement

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: _____
Fred Knowles, Clerk