

BOARD OF SELECTMEN MINUTES OF SEPTEMBER 9, 2013

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

ABSENT: Selectman 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 August 12, 2013**

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to approve the Minutes of August 12, 2013.

III. Old Business

a. Earth Filling Permit Approval for 191 Beach Road Project

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to approve the Earth Filling Permit with the conditions as cited on the attached copy of the permit. The original permit is on file in the Town Clerk's office.

IV. New Business

a. License Renewals – no applications received

b. New Licenses

Class II – Eastern Auto – 123 Bridge Rd.

Selectman Beaulieu pointed out that since an individual is applying for this Class II license his name should appear on the license, doing business as Eastern Auto. He called and spoke to the applicant who came in and corrected his application. Selectman Beaulieu also pointed out, for the record, that the applicant has not obtained the required \$25,000 bond but will do so once his license is approved. However, the license cannot be issued until the bond is obtained. Another issue raised was the boat storage and repair being done on the same premises and it was made clear that a special permit from the ZBA is required and until that is done all boats must be removed from the premises. If a special permit is granted for boat storage and repair, the applicant must file for a General License through the Board of Selectmen.

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to approve a Class II License to Adam Silvestri d/b/a Eastern Auto at 123 Bridge Rd. with the following conditions: (1) the applicant must provide a copy of the \$25,000 bond; (2) provide a plot plan showing where the 20 cars are to be parked, and (3) the Selectmen will revoke this license if any boat sales or repairs appear on the property without obtaining a Special Permit, and if the permit is obtained the applicant must come before the Selectmen for a separate General license.

Special Event Permit – American Horror Films Productions, LLC

Motion by Selectman Knowles, Second by Selectman Hunt; unanimously voted to approve the Special Permit with the stipulation that if they are going to film beyond Lions Park they are to come back to the Board of Selectmen.

c. License Amendments**Common Victualer – Good Fortune Restaurant – 2 Elm St.**

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to approve the amendment allowing the Restaurant to close Mondays.

d. Committee Appointments**Liquor Commission: 2 Openings – 1 for 1 year and 1 for 2 years: 2 applicants: Peter Marggraf and Rhonda-Lee Cameron**

Mr. Harrington explained that there has been discussion about both applicants. It appears that Ms. Cameron's husband's family owns the Hungry Traveler restaurant. In her application, she stated that she had worked there for 18 years. Mr. Harrington said that he had contacted Town Counsel, at the request of the Chairman, to inquire as to whether her employment would disqualify her from serving per Mass. General Laws or the Special Act that created the Salisbury Liquor License Commission. The response was that she may not be disqualified from serving, but there could be circumstances in which she would have to avoid the perception of a conflict of interest, and Town Counsel suggested that it may be problematic if she is appointed. With regard to the other applicant, Mr. Harrington stated that he had checked with the Town Clerk and Mr. Marggraf has only been a registered voter in Town since August of 2012. He noted that the Special Act requires that applicants must be a resident for at least two years in order to be eligible to serve on the Liquor License Commission.

Motion by Selectman Knowles, Second by Selectman Beaulieu; unanimously voted to table until the next meeting in order to get clarification as to whether these applicants may be appointed.

e. Update/Presentations: None**f. Vote to Adopt Veterans Services Intermunicipal Agreement**

Mr. Harrington stated that he had provided a memorandum to the Board explaining the proposed Agreement. At the last Town Meeting, Article 23 was adopted which authorized the Selectmen to petition the General Court for special legislation to create a regional veterans' services district that would include Salisbury, Amesbury, Newburyport, Newbury, and Merrimac. The estimated share of the Town's cost would be about \$18,000, which is slightly higher than the \$15,360 for similar expenses in our FY14 budget. Since we are already in FY14 the funding for the intermunicipal agreement would be pro-rated for the remainder of FY14. The basic premise of the Agreement is to serve the veterans in all five towns with 1 full-time Veterans Agent and 2 part-time people working on an interim basis and if it works then each town would file special legislation to formally create the regional district. Mr. Harrington felt this would be a good time to do this since the Town's Veterans Agent, Mr. Mace, intends to retire soon and a new agent will have to be hired either way. He also pointed out that each town has the option to opt out if they believe the regional district is not working.

Selectmen Hunt said he spoke with Ray Mace who initially was in favor of a regional district, but has now changed his mind. He further stated that years ago there was a welfare office in every town and then the State took over and it doesn't work as well. He thinks the Town should hear from the veterans before making a decision and suggested that Mr. Mace notify them and get their input. He also suggested that the Board consider allowing the 37 veterans who are currently receiving benefits to come to the next meeting and be allowed to speak on the matter.

Kevin Henderson, who is a veteran, said he feels the veterans will lose the personal care by regionalizing. Motion by Selectman Hunt, Second by Selectman Knowles; unanimously voted to table until the next meeting and invite the veterans to attend or to send their written comments as to how they feel about regionalizing veterans services.

g. Discussion of Potential Medical Marijuana Facility

The Town Manager had provided information from Town Counsel pertaining to this issue. He also

informed the Board that the State Dept. of Public Health has recently adopted regulations for the implementation of the new law, which went into effect on Jan. 1, 2013. The Attorney General has ruled that a community cannot prohibit a marijuana facility, but it can place a temporary moratorium to provide time to develop special zoning to regulate where such facilities can be located. One of the provisions of a moratorium would be that it be temporary and only for a reasonable length of time that allows for research, development and implementation of the special zoning.

Selectman Knowles said he was opposed to a moratorium and suggested that the Planning Board look at this and come up with geographical areas in town that might accommodate a marijuana facility. He would also like to have Town Counsel and a representative from DPH come and explain this more fully. He indicated that this all came about through a ballot question approved by a significant majority of the people in the State and he felt that setting a moratorium might be construed as acting against the will of the people. Mr. Harrington recommended that the Board contact the Planning Board about creating new zoning to accommodate marijuana facilities, because the failure to at least adopt a moratorium would allow a potential facility to be sited anywhere in Town once it is approved by the State. Both options require quick movement in order to meet the deadlines for the Fall Town Meeting. Selectman Beaulieu said a moratorium would be needed to give the Town time to create related zoning and he felt it was incumbent upon the Selectmen to take precautions because if they don't establish some parameters, an interested party can locate a marijuana facility anywhere in town.

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted, in conjunction with Selectman Knowles' suggestion, to hold a workshop with the Planning Board and to request Town Counsel to attend.

Chairman Richenburg said he will contact the Planning Board Chairman and set a date for a workshop within the next week.

V. Comments by Visitors

Joanne Radcliffe – Lafayette Road said she agrees with Selectman Hunt's comments re: the veterans agent and said Ray Mace has done a wonderful job over the years.

VI. Sewer/Water

a. Discussion of Lafayette Road/Heritage Park Sewer Issue

Eric Botterman of Millennium Engineering said Heritage Park has been before the Board several times re: having the Town install a new sewer line on Lafayette Road, since the Park is under a Consent Order from DEP and must eventually install sewer. There have been meetings investigating the possible extension and Lisa Pearson has been helpful in identifying a funding source where Heritage Park could either be granted or loaned money. However, to obtain that type of funding they need to be a non-profit entity, which they currently are not. The residents are willing to vote to change that. Once that is done they can move on to the next step.

Chairman Richenburg said that the State will be upgrading and re-paving Rte. 1 in 2016/17 and hopefully the Town can work with them and have the sewer put in at that time in conjunction with that project. He also indicated that 5 years ago there was an ad hoc committee that studied extending sewer on Lafayette Road and he would be willing to form another such committee.

Motion by Selectman Knowles, Second by Selectman Beaulieu; unanimously voted to move forward and have the Chairman and Selectman Hunt form a committee to look at extending the sewer line and bring their findings back to the Board.

b. Water and Sewer Rate Study Committee

Chairman Richenburg said it had been several years since the Town had studied its water and sewer rate structure, and that he thought it was time to re-examine the issue. He noted that he had been asked by some beach residents to look at changing the water and sewer rates for summer residents. He stated that

he had discussed the issue with Selectmen Beaulieu, Condon and Knowles and that they had agreed to serve on this committee.

VII. Correspondence

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: W14-27 thru W14-41.

Selectman Knowles said that he had received complaints that 18-wheelers are traveling on Seabrook Road and their "J" brakes are disturbing the residents and he is concerned that when the 191 Beach Road project starts it will continue and be worse. He asked if something could be posted. Mr. Harrington said he will speak with the DPW Director. He also noted that the 375th Anniversary brochure will be published soon and the Selectmen have been asked to provide a letter or proclamation to be inserted into it.

Selectman Hunt has received complaints from the commercial area at the beach about people feeding the birds on Broadway. He said it has become a nuisance and he asked if there could be a town ordinance instituted to stem the feeding of the birds. He also asked how close the Town is to installing the sidewalks on Central Ave. Mr. Harrington said he will look into both issues.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Knowles, Second by Selectman Beaulieu; unanimously voted to adjourn at 8:45 PM.

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

Minutes of Aug. 12, 2013

Copies of licenses as listed

Veterans Services Inter-municipal Agreement

Info re: Medical Marijuana Facility

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: _____
Fred Knowles, Clerk