

BOARD OF SELECTMEN MINUTES OF MARCH 24, 2014

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 Feb. 24, 2014 and March 3, 2014**

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to approve the Minutes of February 24, 2014 as written.

Motion by Selectman Beaulieu, Second by Selectman Knowles; voted to approve the Minutes of March 3, 2014. VOTE: 4 yeas – Selectman Hunt abstained. Motion carried.

III. Old Business

- a. **Vote to Approve the DPW Contract for FY2014-16**
- b. **Vote to Approve the Police Dispatchers Contract for FY2014-16**
- c. **Vote to Approve the Dept. Heads Contract for FY2014-16**
- d. **Vote to Approve the Administrative Professionals Contract for FY2014-16**

Motion by Selectmen Beaulieu, Second by Selectman Knowles; unanimously voted to take items III (a) through (d) and IV (h) out of order to be discussed in Executive Session.

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

Motion by Selectman Hunt, Second by Selectman Knowles; 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: Dunkin Donuts – 15 Lafayette Rd.

Motion by Selectman Hunt, Second by Selectman Condon; 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: Elm Street Bait & Tackle – 110 Elm St., Sherwin-Williams Co. – 175 Elm St., and Latitude Sports Club – 191 Elm St.

b. New Licenses

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to approve a **Common Victualer** license for Gracie's Bar & Grill – 5 Broadway. Selectman Beaulieu pointed out that her Worker's Comp policy will not be effective until April 1st and the applicant said she was aware of that and would not be operating before that date.

Motion by Selectman Hunt, Second by Selectman Knowles; unanimously voted to approve a **General** license for Luxe Designs – 13A Shea St. with the condition that there be no employees or customers on the premises.

Motion by Selectman Hunt, Second by Selectman Condon; unanimously voted to approve a **Entertainment** license for Gracie's Bar & Grill – 5 Broadway – live entertainment (karaoke)/juke

box/pool table (2 licenses)

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to approve a **Entertainment** license for Good Fortune Restaurant – 2 Elm Street - DJ

Motion by Selectman Hunt, Second by Selectman Beaulieu; unanimously voted to approve a **Sunday** license for Gracie's Bar & Grill – 5 Broadway

Motion by Selectman Hunt, Second by Selectman Knowles; unanimously voted to approve a **Special Event Permit** for the Parks & Recreation Committee for their annual Tortoise and the Hare Race

c. License Amendments - none

d. Committee Appointments: License Commission – 1 vacancy to fill an unexpired term until 6/30/15 – 1 applicant: Tyrone Rowe

Motion by Selectman Hunt, Second by Selectman Knowles; unanimously voted to appoint Tyrone Rowe to the License Commission to fill the unexpired term until 6/30/15.

e. Update/Presentations: DPW Director/Planning Director

Lisa Pearson, Planning Director reported that funds from the FY12 grant for the Girls & Boys Club Scholarships and the Pettengill House funding has all been spent. The Gardner Street project is complete, and 5 units of the housing rehab were completed, as well as 1 additional unit that was done with some money that was left over. They were also able to transfer money for the SES environmental camp scholarships. As for the FY13 grant, there is 1 housing rehab unit to start April 1st and an individual who needed addition funds is being helped out. The bid for the new sidewalk project for Lincoln Ave. is going out shortly. Other on-going projects Ms. Pearson is involved with include: the second Art Stoll; working with Affordable Housing Trust for the 29 Elm Street and Spalding School with a final bidder on that project; working with the Police Chief for the new Police Station; working with the contractor on the Blackwater Creek project, who must be out of the water by April 15th. Also, she noted she is working with the Town Common Committee and hoping to coordinate the final project when the library construction is complete. Selectman Condon applauded Lisa for all her efforts and hard work in obtaining grants and for her work on the library project. Chairman Richenburg concurred.

Don Levesque, DPW Director: Mr. Levesque stated that there were 32 occasions for sanding and plowing this winter. There were 1,835.27 tons of sand used at a cost of \$23,124.20 and 1,235.14 tons of salt at a cost of \$60,293.87.

Water Projects: 70 acres of land has been thinned/cleared by Landex as part of the Watershed Management Program. A bid was put out for the new well #8, which was originally estimated at a cost of \$800,000. However, well #8 is a continuation of wells #5 and #6 and between DEP, National Grid and all the new changes that had to be made through the existing wells the construction bid came in at \$1.2M. He reminded the Board that \$800,000 was authorized for this project at Town Meeting. He informed the Board that there is the possibility of a grant through the USDA with a 25% match, as well as a low interest loan, but in order to move forward it would have to go to another Town Meeting for approval. In other DPW news, Mr. Levesque reported that the wastewater treatment plant expansion study is on-going; the annual Easter Egg Hunt is scheduled for April 5th at 9AM from 9 – 11 AM for ages 2-8; due to the increased vandalism at Lions Park security cameras are to be installed next month. Trees have been cut and a utility pole has been installed to support the cameras that were purchased by the Parks and Rec Dept. with money raised at last year's Tortoise and Hare Race.

Selectman Condon said it has been a very tough winter and he's had the occasion to travel the adjoining

towns and he commended Mr. Levesque's department for the job they did in keeping Salisbury's roads cleared. He also commended him on his involvement with the Blackwater Creek project, the sewer expansion, and the sewer and water rate study.

Finally, Mr. Levesque informed the Board that Kathleen Waelter would be retiring later in the spring. He cited her many contributions to the DPW department and praised her professionalism and dedication to the job, noting that she would be greatly missed.

Motion by Selectman Hunt, Second by Selectman Beaulieu; unanimously voted to draft a citation to Kathy Waelter for her 25 years of service to the Town.

f. Vote to Sign Verizon Wireless Lease and Notice of Lease for Beach Water Tank

Mr. Harrington stated that after several fits and starts and bids, the Town finally has a successful contract with Verizon Wireless for the installation of wireless telecommunications equipment on the beach water tank. The proposed lease before the Board for adoption is for ten years with two 5-year renewal periods. He noted several of the provisions of the lease that are favorable to the Town and recommended that the Board vote to approve and sign the lease and the Notice of Lease.

Ray Champagne, President of the Beach Betterment Association, said his organization has lobbied for the past few years with Verizon for this service and he has personally spoken with the VP from Verizon. On behalf of the Association he thanked the Manager and Don Levesque for all their work to get this done.

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to approve and sign the Lease with Verizon Wireless and the Notice of Lease.

g. Vote to Adopt a Selectmen's Policy re: Elevation Certificates and to Waive a Second Reading

Selectman Beaulieu had requested this to be on tonight's agenda. However, since the last meeting there's been a tremendous amount of activity regarding flood insurance and elevation certificates. Recently, the Congress passed an amended version of the Biggert-Waters Act which took two elements of the 2012 bill and reversed them. The new law restores the grandfathering elements originally removed by the Act, but only after FEMA develops new regulations. Thus, in the meantime, the 2012 law remains. With the on-going changes at the federal level, he suggested that the Board hold back on passing a new procedure/policy and table this item until some future meeting.

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to table until a future meeting.

h. Vote to Approve Contract for the Finance Director: To be discussed in Executive Session.

i. Vote Intention to Lay Out 10th Street West, 11th Street West, 12th Street West, Lewis Avenue, Florence Avenue, Carter Avenue, Humphrey Avenue as Public Ways

Mr. Harrington explained that an extensive amount of drainage work needs to be constructed in conjunction with the Blackwater River Flood Control Project, and in order for this work to be done the Town needs to acquire either the ownership fee or an easement in the roads in the affected area, which are currently privately owned. In order to accomplish this, the streets need to be surveyed, which has taken place, and a vote needs to be taken stating the Town's intention to lay out the streets as public ways. It is the Town's intention, he noted, only to acquire the necessary easements in the streets, and not to acquire the actual ownership.

Motion by Selectman Condon, Second by Selectman Hunt; unanimously voted to lay out 10th Street West, 11th Street West, 12th Street West, Lewis Avenue, Florence Avenue, Carter Avenue, and Humphrey Avenue as towns ways, as shown more particularly on a plan entitled "Street Acceptance and

Easement Plan, Salisbury MA,” dated March 12, 2014, prepared by Millennium Engineering, Inc. (sheets 1-7), and that the Board of Selectman forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L.c.41, Sections 81G and 81I.

Mr. Harrington noted that following action by the Planning Board, the Selectmen would then need to vote to accept the layout plan and refer the matter to Town Meeting for final adoption.

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to authorize the Chairman to sign the letter to the Planning Board of their intent.

j. Vote Intention to Lay Out Ocean Front South as a Public Way

Mr. Harrington explained that this matter is similar to the vote just taken, except that the vote stating the Board’s intention to lay out Ocean Front South as a town way is related to the future development of Salisbury Beach, and not the flood control project. He noted, however, that the intent in this case would be the same, i.e., for the Town to acquire an easement in the roadway, not the ownership fee.

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to lay out Ocean Front South as a town way, as shown on a plan entitled “Street Acceptance Plan in Salisbury, MA showing Ocean Front South,” dated March 12, 2014, prepared by Millennium Engineering, Inc. (sheets 1-7), and that the Board of Selectman forward the layout petition and plan to the Planning Board for its comments and recommendations pursuant to G.L.c.41, Sections 81G and 81I.

Motion by Selectman Beaulieu, Second by Selectman Hunt; unanimously voted to authorize the Chairman to sign and send to the Planning Board a letter of transmittal prepared by Town Counsel, which is attached.

Motion by Selectman Hunt, Second by Selectman Condon; unanimously voted to take Item VI. (a) and (b) out of order.

VI. Sewer/Water

a. Presentation by the Lafayette Road Sewer Extension Committee

Bob Carroll, representing the Sewer Extension Study Committee, stated that the committee has been looking into the possibility of extending sewer further up Lafayette Road. The proposal is to extend a sewer line along Lafayette Road, beginning at the intersection of Schoolhouse Lane, all the way to the New Hampshire border, go west to Main Street and onto Pike Street, including all the smaller streets in that area, and tie the new line into the Rabbit Road sewer line, bringing sewer service to a total of about 29 new streets. The study committee is recommending that the Selectmen vote as Sewer Commissioners to transfer \$400,000 from the Sewer Enterprise free cash account to fund a preliminary design which would include the area mentioned and also would include a topographic and wetland survey. If the transfer is approved, the preliminary design would begin and it will take about a year to compete. Betterments would be calculated on the entire project.

b. Approval of Warrant Article

Motion by Selectman Condon, Second by Selectman Hunt; unanimously voted to submit the following warrant article to Town Meeting: To see if the Town will vote to transfer the sum of \$400,000.00 from Sewer Enterprise Fund Free Cash to FY2014 Sewer Enterprise Fund line item number 6000.0440.5307 (Purchase of Services – Engineering) for the purpose of funding the preliminary engineering costs for the

possible expansion of sewer service to all unsewered areas of town east of Route 95; or to take any other action relevant thereto.

ON PETITION OF THE BOARD OF SEWER COMMISSIONERS

V. Comments by Visitors

Cheryl Papandrea, Chairperson of the Board of Health, read a statement she had e-mailed to the Selectmen requesting they mediate the ongoing dispute between the Board and the Town Manager. No action was taken by the Board.

Jay McDonough addressed the Board and announced that he has just purchased his own radio station, 94.9 FM, which he operates out of his home. He would like to do a network broadcast on the beach which would be a real estate informational show, but in order to do this he would need to have the power to send the signal to a satellite. When the time comes, he was told he would like to submit a Special Event Permit for the Board to approve.

VII. Correspondence

Letter from Xfinity re: Hispanic channel information

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 Hunt; unanimously voted to ratify the signing of the following weekly warrants: W14-143 thru W14-150.

Chairman Richenburg said he will be putting the Town Manager evaluation forms in the Selectmen's boxes and asked that they complete them and return to him by the next meeting.

XI. Executive Session

Motion by Selectman Beaulieu, Second by Selectman Knowles; unanimously voted to enter into Executive Session at 9:15 PM for the purpose of discussing the DPW contract, Police Dispatchers contract, Department Heads contract, and Administrative Professionals contract, all for FY2014-16, as well as the proposed contract for the Finance Director. The Town Manager and the Secretary would be in attendance, and it would not be the Board's intent to return to open session. Roll vote: Selectman Beaulieu – yes; Selectman Knowles – yes; Selectman Condon – yes; Selectman Hunt – yes; Chairman Richenburg – yes.

XII. Adjournment

Meeting adjourned immediately after Executive Session at 9:50 PM.

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

Minutes of Feb. 24, 2014 and March 3, 2014

Copies of licenses as listed

Verizon Wireless Contract
Information of the Intention to Lay Out specific streets as listed
Town Manager's Report

Respectfully submitted:
Janet E. Flannery, Secretary

Approved: _____
Fred Knowles, Clerk