

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING  
MONDAY, FEBRUARY 12, 2018 – 7:00 PM  
SALISBURY TOWN HALL, 5 BEACH ROAD  
COLCHESTER ROOM**

**PRESENT:** Selectmen Chuck Takesian Chairman; Wilma McDonald, Henry Richenburg,  
Freeman J. Condon, and Ronalee Ray-Parrott

**ALSO PRESENT:** Neil J. Harrington, Town Manager and Janet Flannery, Secretary

**I. Call to Order/Salute to the Flag**

Chairman Takesian 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 January 22, 2018**

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to approve the Minutes of Jan. 22, 2018 as written.

**III. Old Business - none**

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

Motion by Selectman Ray-Parrott, Second by Selectman Richenburg; unanimously voted to table the **Class III** license renewal for Salisbury Petroleum & Auto Repair – 157 Bridge Rd. until the next meeting.

The Building Inspector and Conservation Agent visited the site and pictures were taken indicating that cars are parked in the marsh area and there are definitely junk cars outside without fencing.

Motion by Selectman Condon, Second by Selectman Richenburg; 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: Salisbury Petroleum & Auto Repair – 157 Bridge Rd. and Merry Motors.

Motion by Selectman Richenburg, Second by Selectman McDonald; 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: Pushcart Caterers – State Reservation, Lee's Seafood – 5 Oceanfront, and Carousel Lounge – 20 Oceanfront So.

Motion by Selectman Ray-Parrott, Second by Selectman Richenburg; unanimously voted to waive the reading of the General licenses.

Motion by Selectman Richenburg, Second by Selectman McDonald; 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: Vynorius Piledriving – 150 Elm St., Face to Face – 90 Main St., Gun Worx – 74B Beach Rd., Hudson's Outboard – 46-50 Bridge Rd., Thomas Bracken School of Dance – 102 Bridge Rd., Croteau Enterprises – 138 Bridge Rd., Pac-Van – 74 Main St., Rusnik Campground – 115 Lafayette Rd., Jim Phillips Firewood – 57 Main St., Stand By Me – 66 Elm St., Trelfa Labs – 6 Merrill St., Boston Granite – 158 Lafayette Rd., Seacoast Lock & Safe – 124 Lafayette Rd., Joe's Playland – 10-12 Broadway, and Joe's Playland – 15 Broadway

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Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to renew an **Entertainment** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: Carefree Arcade – 20 Oceanfront So. – Arcade, Carousel Lounge – 20 Ocean Front So. – Band and Karaoke, Carousel Lounge – 20 Ocean Front So. – 2 pool tables/1 video game/1 juke box, Rusnik Campground – 115 Lafayette Rd. – 5 video games/1 air hockey game/1 pool table, and Joe's Playland – 10-12 and 15 Broadway – arcades (2 licenses)

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to renew a **Sunday** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: Carousel Lounge – 20 Oceanfront So., Carefree Arcade - 27 Oceanfront So., and Joe's Playland – 10-12 and 15 Broadway

**b. New Licenses - none**

**c. License Amendments - none**

**d. Committee Appointments**

**e. Update/Presentations: Conservation Commission**

**Chairperson Sheila Albertelli** reported that the Commission received 10 Notices of Intent and 4 Requests for Determination since her last presentation to the Board. No enforcement orders were issued. She then spoke about the new dredging project in the Pisquataqua River. Any towns wishing to receive the sand will need to have environmental permits completed by May 1<sup>st</sup>. There are many details to be worked out, such as funding sources and the volume of sand expected. There are towns on the South Shore in need of sand, but Salisbury, Newbury and Newburyport have priority at this point because it will be less expensive to transport the sand by barge to our area.

She also noted that residents with questions as to whether or not permits are required for work they hope to do on their property should contact Michelle Rowden, Conservation Agent, or go to the Conservation Commission page on the Town's website and click on "why do I need a permit".

**f. Deb Choate: Triton Regional School District School Committee Update**

School Committee member Deborah Choate reported that the District is in the middle of developing a budget for FY19 and it is now common knowledge that the District is facing serious funding challenges. She mentioned that she has been on the School Committee 14 years and this is the worst she has seen it. The budget was done differently this year, as the Superintendent asked all principals to develop a zero-based budget for FY19. Among the initiatives being recommended is a new special education program designed to prevent certain students from being placed outside of the District. Certain funding scenarios would require layoffs, with the worst case resulting in a reduction of 51 staff people. However, it will be 3 to 4 weeks before any firm numbers are available.

Selectman Richenburg said he attended the last two budget meetings and complimented the School Committee and the job they are doing. However, he was concerned about one statement that was made that it appears it is the Towns vs. the School District and he certainly doesn't feel that way. Ms. Choate said she heard that statement earlier in the school year and spoke up stating she didn't agree and felt that everyone is trying to work together for the good of the schools. The Committee wants to

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work hard to keep staffing adequate. She noted that when someone is laid off unemployment has to be paid, which reduces a portion of any potential savings. She said that it's taken a long time to build the District up and she would like to keep it that way. She also commended the Superintendent and School Committee on the forum that was recently held, at which the State Auditor pointed out several funding problems facing regional school districts, and she urged parents and others interested in maintaining the quality of education at Triton to write to their legislators, and particularly the House and Senate Ways & Means Chairmen, who craft the budgets for their respective branches, as they ultimately decide on funding levels for education throughout the State.

**g. Jenn Roketenetz: Salisbury Elementary PTA Update**

Ms. Roketenetz thanked the Board for inviting her to attend tonight and announced that the SES PTA was recently recognized as a National School PTA of Excellence. She then gave an overview of the PTA's Mission Statement. She stated that Salisbury has the oldest continuously operating PTA in the country, founded in 1910, and they have 108 years of devotion to the educational success of SES students and the promotion of family and community engagement. They operate with the support of the millions of national members, thousands of state members, and hundreds of local members. They are continuously seeking to gain the support of their government -- local, state and national -- and they strive to enrich and create an environment in which all children have the same opportunities towards learning, towards cultural awareness, towards citizenship, and making their community and world a better place. In closing, she highlighted the opportunities in learning enrichment, learning tools, parent, family & student events, and fundraising at Salisbury Elementary.

**h. Vote to Schedule Public Hearing re: National Grid's Proposal to Locate a New Pole on Baker Road**

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to hold a Public Hearing on February 26, 2018 at 7:30 PM for National Grid's revised request to install a new pole on Baker Road.

**i. Vote to Submit FY2018 CDBG Grant Application**

Ms. Pearson reported to the Selectmen that the Town is eligible to apply for the CDBG 2018 Grant in the amount of \$550,000, which would fund projects such as housing rehabilitation assistance, economic development/commercial rehabilitation, infrastructure, public social services and planning projects. Based on the amount of money available in this grant year and the recommendation of the Citizens Advisory Committee, Ms. Pearson requests that the Board of Selectman approve the submission of the following activities:

- Continue with the housing rehab program to fix the health and safety code violations, allowing people to remain in their homes.
- Continue the Boys & Girls club scholarship program that provides daycare after school, half days, no school days and the December, February, April and summer vacation programs for ages 6 to 16 for eligible Salisbury residents.
- Continue the emergency assistance program through the Pettengill House Emergency Assistance Program, providing a maximum of \$500.00 per household, paid directly to the service provider, such as the utility company or landlord to help at a time of crisis.

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- Continue the YWCA Childcare Assistance Program. This Program will subsidize part of the cost to low/moderate Salisbury families for daycare.
- Add a new Social Service Activity, Women's Crisis Center for Jeanie Geiger Crisis Assistance Program.

Selectman Condon expressed the importance of the programs to meet the needs of the low/moderate income community in Salisbury. Selectmen Richenburg agreed.

Motion by Selectman Ray-Parrott, Second by Selectman Richenburg; Voted to submit the FY2018 CDBG Grant application as presented. VOTE: 4 yeas – 1 absent, since Selectman McDonald recused herself from the presentation and returned after the vote was taken.

**j. Vote to Approve Contract with Consortium of Law Firms to Pursue Civil Remedies Relating to the Wrongful Distribution of Prescription Opioids**

Mr. Harrington referred to a Memorandum from Town Counsel explaining the purpose of the contract and he said that the Town joined a similar lawsuit a few years ago regarding additives that were added to gasoline which resulted in \$400,000 being awarded to the Town. There would be no cost to the Town, but we would share proportionally in any possible financial settlement, after the consortium of law firms subtracted its 25% fee.

Motion by Selectman McDonald, Second by Selectman Richenburg; unanimously voted to enter into a contract with the consortium of laws firms proposing to pursue civil remedies relating to the wrongful distribution of prescription opioids, and to sign the "Engagement to Represent" contract as presented.

**k. Vote to Approve Grant Application to Methuen Festival of Trees Historic Preservation Grant Program**

Ms. Pearson explained that this is a grant for the restoration and preservation of historic resource, which are normally buildings, but in this case she would be applying to have the Town restore the Hope Chapel bell & Quaker Memorial plaque on the Town Common. She also mentioned that it is the Town's intent to re-locate the Hope Chapel bell back to the beach area. The grant application is for \$3,000, with the Town required to provide a matching contribution, which would come from the Town Common restoration project.

Motion by Selectman Condon, Second by Selectman Richenburg; unanimously voted to approve the submission of the Historic Preservation Grant as described.

**l. Vote to Approve Sale of Former Plains School Property**

Ms. Pearson explained that the Town received four responses to an RFP that had been issued for the sale of the former Plains School property at 91 Main Street. An overview of the RFP results had been provided to the Selectmen prior to this evening. She then announced the 4 bidders:

1. EDM Construction from Merrimac, MA which has proposed a contractor's office and storage with light fabrication
2. Eric Bezanson from Amesbury, MA, who has proposed that the property be used as a Doggie Daycare facility. Ms. Pearson noted that this use would require a special permit

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3. Berkshire Bridge & Iron from Dalton, MA, which has proposed that the property be used as a satellite office, material storage for work in progress and finished material
4. Eastern Specialty Concrete from Salisbury, MA, which has proposed the site for a primary shop location, office & storage

The Board asked Ms. Pearson questions about the RFP process and about some of the proposed uses for the property.

Motion by Selectman McDonald, Second by Selectman Ray-Parrott; unanimously voted to award the bid to EDM Construction, Inc.

**V. Comments by Visitors**

**Larry White** owns property in Salisbury and is Chairman of the Finance Committee in Newbury. He spoke about the Triton budget, recited some budget information went over some figures, and said that the FY19 proposal supported by the School Committee is unacceptable. Aside from finding way to fund the budget, he expressed concern that the \$3 million proposed increase would then become the base line for the following year's budget. Three budget scenarios were presented by the Superintendent, but the School Committee is only looking at scenario #1, which is the \$3M increase, and nothing else; he said he feels that it's a "them vs. us" approach and the District is not making a realistic attempt to work with the towns.

**Ms. Pearson** informed the Selectmen that the American Legion had presented her with a check for \$4,000, to be used toward the purchase of a new flagpole for the Town Common. She noted that an appropriate marker would be placed near the new flagpole recognizing this gift. Members of the Board expressed their appreciation to the American Legion for their generosity.

**VI. Sewer/Water**

**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 Richenburg, Second by Selectman Ray-Parrott; unanimously voted to ratify the signing of the following weekly warrants: W18-110 through W18-125.

**b. Subcommittee Reports**

**Lafayette Corridor Sewer Extension:** Still moving on and working on getting the costs down.

Selectman Ray-Parrott said she received a letter from Mary Sylva informing the Board of her resignation from the Affordable Housing Trust.

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Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to accept Ms. Sylva's resignation with regret, to send her a letter of thanks for her service, and to post the position.

**XI. Executive Session - none**

**XII. Adjournment**

Motion by Selectman McDonald, Second by Selectman Richenburg; unanimously voted to adjourn at 8:15 PM.

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

Minutes of Jan. 22, 2018

Copies of licenses as listed

National Grid's Revised Pole Location Request

Info on the Contract with Consortium of Law Firms to Pursue Civil Remedies re: Wrongful Distribution of Prescription Opioids

Overview of Bids Received for the Sale of the Former Plains School Property

Info Re: Methuen Festival of Trees Historic Preservation Grant

Town Manager's Report

Respectfully submitted:


Janet E. Flannery, Secretary

Approved: \_\_\_\_\_

Ronalee Ray-Parrott, Clerk

## MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date: February 12, 2018

Re: February 12<sup>th</sup> Report to the Board

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Outlined below is a summary of activities over the past three weeks. Please let me know if you have questions about any of these items.

1) Triton FY19 Budget Issues

On January 26, I attended a forum (along with several BOS members) hosted by the Triton Regional School District, that featured a panel headed by State Auditor Suzanne Bump and our area legislators. The primary focus of the forum was a presentation and discussion of a new report issued by the State Auditor's office focusing on the inequities in funding for regional school districts and the failure of the State to fulfill its statutory requirement to provide certain funding for such districts. The consensus was that the report is timely and important because Triton and other regional school districts are facing difficult budgets years in FY19.

The administration at Triton has been working to put together a preliminary budget for FY19, and, based upon a number of factors, member communities would face potential increases in the range of 10% in their assessments unless significant cuts, including personnel, are made to the Triton budget. As you know, discussions are ongoing between Triton and representatives of the three communities re: how to fund next year's budget, and solutions to the problem, without increases in State Aid, are far from certain at this point.

2) Coastal Erosion Initiatives

On January 26, I attended the most recent meeting of the Merrimack River Beach Alliance (MRBA), where discussion focused around the need for Salisbury, Newburyport and Newbury to take advantage of the opportunity to acquire over 300,000 cubic yards of sand from the Army Corps on Engineers proposed dredging of the Piscataqua River in Maine, and to place that sand at off-shore sites along our respective seashores, where it can enhance our dune systems.

Our State legislative delegation has been able to secure a commitment of funds from the Baker administration to pay for the hiring of a consultant to work on the environmental permitting necessary to allow the dredged material to be placed at certain off-shore sites, and the three communities have pledged to work with the State to come up with a cost-share agreement for the purchase of the sand. Because the sand could be barged to our area far cheaper than being transported via trucking, the cost savings are expected to be significant, compared to traditional purchase costs for dredged materials.

A portion of the cost of acquisition of the sand has been included in a State environmental bond bill and agreements on apportionment of costs and a commitment to funding of each community's share of the sand need to be in place by the late spring, so it is likely that I will be seeking an appropriation at the Annual Town Meeting. At this time, the amount of funding for Salisbury is unknown, but this is a rare opportunity for the Town to acquire much-needed sand at a very reasonable cost.

3) Comcast License Negotiations

In recent days, significant progress has been made in the Town's negotiations for a new cable licensing agreement with Comcast. If all goes well, I expect to have a new license ready for the Board to approve at the next meeting on Feb. 26.

4) Recreational Marijuana

As you know, Town Meeting passed a moratorium on recreational marijuana sales in town until the end of calendar year 2018, or until the Town passes a recreational zoning bylaw, whichever comes sooner. I have been in conversations with Town Counsel about drafting a new recreational marijuana zoning bylaw, with the expectation that it will be presented to the Annual Town Meeting in May. Since this bylaw will involve zoning, it must go through the Planning Board public hearing process, so there will be ample opportunity for public comment and input.

In late December, the State's new Cannabis Control Commission published a draft set of regulations that all municipalities and potential recreational marijuana retailers and growers will need to abide by. The Commission has been holding a series of public hearings around the State to take public comment, with the expectation that they will finalize their regulations in March. Numerous communities have enacted the same type of moratorium that Salisbury adopted, so we should not be behind the curve in terms of the availability of recreational marijuana in town (provided that any potential retailer meets the requirements of our zoning and State regulations) by sometime before the end of this year.

5) Excise Tax Bills

The Tax Collector, Christine Caron, would like residents to know that the 2018 excise tax bills were mailed on Wed., February 7, and are due on Friday, March 9. Residents who have not received an excise tax bill may call the Tax Collector's office at (978) 465-0331.