

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JANUARY 22, 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 Dec. 11, 2017 Special Meeting and Jan. 8, 2018 Regular Meeting

Motion by Selectman Ray-Parrott, Second by Selectman Condon; unanimously voted to approve the Minutes of December 11, 2018 and January 8, 2018 as written.

III. Old Business

a. Class II – Congdon Auto Repair & Sales – 50 Elm St.

Motion by Selectman Condon, Second by Selectmen Richenburg; unanimously voted to remove from the Table.

Harold Congdon was present, as requested, to address the concerns of the Board regarding the size of the lot and the actual address of the business. He explained that the address is 50 Elm Street and there was a lot line in the middle of the building and the Board of Assessors wanted it corrected, and that there is an acre and a third where most of the business is conducted. The area behind a section of the fence is for the repair of cars, insurance cases and customer cars; the left side is where the taxis are parked at night and for the taxi driver's cars. Chairman Takesian said the issue is the address being 48-50 Elm Street and Mr. Congdon agreed to have it changed to 50 Elm St.

Motion by Selectman Richenburg, Second by Selectman McDonald, for purposes of discussion, to correct the description of the lot to read 1.33 acres at 50 Elm Street with 321.30 frontage on Elm Street.

Discussion: Selectman Condon said he has many questions about the entire use of the property, including questions pertaining to the Class III license, and he can't vote on the Class II until the questions on the Class III are answered. Mr. Congdon said that any vehicles to be restored, dismantled or repaired will be kept inside and he will not put them outside. Once they are repaired they have to be re-inspected and they are then put on the lot to be sold. Selectman Ray-Parrott questioned the number of cars along the side of the road on Harrison Ave. and Mr. Congdon said they belonged to the taxi drivers. Selectman Condon said he knows they are separate lots and asked how many people live there and how many properties are on this lot. Mr. Congdon said that has nothing to do with his license, and then stated there is one dwelling that has been there since 1972 and a mobile home since 1972. Selectman Condon asked if he had been told to remove the mobile home because it wasn't legal, and Mr. Congdon said he had not been told that. Selectman Condon questioned that answer and said he asked questions and can't get a straight answer and has never been able to. He said that Mr. Congdon had been told to install a 6 ft. fence and gate and he put up a 4 ft. fence and never enclosed the gate. Mr. Congdon said he doesn't close the gate because an emergency vehicle couldn't reach his sick daughter who lives in the mobile home. Selectman Condon said the Class III was issued in 2014 and

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Mr. Congdon was asked to put up a fence according to the by-laws and he hasn't done it, and there is no assurance that this will ever be done; he's been disregarding the wishes of the Board for the last three years.

Chairman Takesian indicated that there are four lots of land, including one for the used cars, and he asked what lot pertains to the junk cars. Mr. Congdon said all businesses are on one lot and since he changed the Class III application to have all vehicles inside he didn't feel there was any need to have a fence. Selectman Condon went over the list of conditions that must be followed that he must comply with, particularly a fence that would appeal to the neighbors. Mr. Congdon claimed that he has frontage on Harrison Avenue, but Selectman Richenbourg said he understood that was not the case.

Atty. Adam Costa, representing the Harrisons, said in respect to the frontage, Harrison Ave. is on the plan with 3 lots, 5 Harrison Ave. with 500 ft. frontage and 7 Harrison Ave. with 100 ft. frontage with a 1 ft. strip of land. He then referred back to his correspondence submitted to the Board a few meetings ago. He further stated that the Harrisons have no objection to the Class II license but if that license is approved, they ask that it be limited to 1.2 acres of land and identified at 50 Elm Street. He also pointed out that if the dwellings are being lived in then that is a residential use and the businesses can't be on the same lot. With respect to the Class III license, the Harrisons are concerned with the visibility of the operation. If what Mr. Congdon says is true, then he should be working on the vehicles inside, but if any are outside there must be a fence and they would like to have a restriction to number of vehicles. Mr. Congdon said he will contact a company and contract them to put up a new fence.

Jim Poulin of Harrison Ave. asked for a definition of the required fence and it was clarified that the fence must six feet high, cannot be seen through and the cars shielded so that they cannot be seen from the first floor of any neighbor's house. Mr. Poulin asked if the fence could also block residents' view of the trailers on Mr. Congdon's property, as well as the two proposed lots and Harold's house.

The resident at 11 Harrison Ave. said he abuts Mr. Congdon's property in the rear where the trailer is and there is another trailer half way down Harrison Ave. He said that people are living there and the Class III operation is right behind it. He also asked that the Board make sure the fence goes all the way behind Mr. Congdon's property.

Colleen Poulin of Harrison Ave said she did not have a problem with the Class II license being issued, but urged the Board to be vigilant with everything and not just the fencing.

Motion by Selectman Richenbourg, Second by Selectman McDonald, to approve the Class II license for Congdon Auto Repair, provided the description is corrected to 1.32 acres on Elm Street with 321 feet of frontage; the address be corrected to 50 Elm Street and the number of vehicles be limited to 20 and not 30.

Selectman McDonald said that both licenses should be held in abeyance until the Board has been shown that all conditions are met. Selectman Ray-Parrott stated that the operation of the two licenses is not really separate and she is concerned everything is blurred together; she has a problem determining how the licenses are separated because they are all on one property. Selectman Condon said he personally has no problem with a clean and legitimate operation of a Class II business but will not vote to approve this until the time comes when the conditions have improved and the fence is up.

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A vote was then taken on the motion to approve renewal of Mr. Congdon's Class 2 license. VOTE: 3 nays; 2 yeas – Selectman Richenbourg and Chairman Takesian. Motion failed.

IV. New Business

a. License Renewals:

Class III – Congdon Auto Repair & Sales – 50 Elm St.

Motion by Selectman Condon, Second by Selectman Ray-Parrott, to deny the renewal of Mr. Congdon's **Class III** license.

Discussion: Chairman Takesian said he didn't want to deny the license and would like to table it. Selectman Condon said he has no problem with tabling it, but doesn't think anything will be done about the fence or cleaning up the property, which is what the Board wanted done four years ago and nothing has been done; he cannot vote for the Class III license until the fence is up, and once it is Mr. Congdon can come back and re-apply. If there is a good faith effort made immediately to put up the fence, he will not take the next step to revoke the license.

VOTE: It was unanimously voted to deny renewal of the Class III license.

Motion by Selectman Richenbourg, Second by Selectman Condon; 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: JB Restoration & Collision – 105 Lafayette Road and New England Accessories – 42 Main St.

Motion by Selectman Richenbourg, Second by Selectman Ray-Parrott; 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: Hodgie's Too of Salisbury – 136 Rabbit Road, Lena's Seafood – 131 Rabbit Rd., Nancy's Marshview – 155 Bridge Rd., Dairy Queen of Salisbury – 96 Elm St., and Happy's Fried Dough – 14 Broadway.

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

Motion by Selectman Ray-Parrott, 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: Anima Massage – 90 Main St., Star Spa – 111 Lafayette Rd., Mike's Package Store – 121 Bridge Rd., Pines Camping Area – 28 CCC Rd., HA Richard & Sons – 54R Elm St., Bob's Signs – 50 Elm St., Vaughn Thermal Corp – 26 Old Elm St., TCS Communications – 85 Lafayette Rd., Sea Note Music – 57 No. End Blvd., Paws 4 Play – 93 Bridge Rd., Merrimack River Feline Rescue – 63 Elm St., Cassidy's Limousine – 8 Grover St., 5 Dragons Martial Arts Academy – 1 Merrill St., RJ Tindle – 118-122 Rabbit Rd., Jay's Tire & Battery – 29 Bridge Rd., Cambridgeport Air Systems – 8 Fanaras Dr., Paul's Sportswear & Ski Shop – 107 Bridge Rd., Shorts Foundations – 82 Bridge Rd., and ABF U-Pack Moving Svc. – 74 Main St.

Motion by Selectman Ray-Parrott, Second by Selectman Richenbourg; 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: Captain's Corner – 73-75 Main St. – Arcade

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Motion by Selectman Ray-Parrott, Second by Selectman Condon; unanimously voted to renew a **Parking Lot** license for No. End Blvd. Corp. – 245 No. End Blvd.

b. New Licenses

Motion by Selectman Condon, Second by Selectman Richenburg; unanimously voted to approve a **Common Victualer** license to: Two Brothers Pizzeria – 135 Bridge Road (formerly Angelina's) subject to the approval of the Board of Health.

Motion by Selectman Ray-Parrott, Second by Selectman McDonald; unanimously voted to approve a **General** license to: Star Spa – 111 Lafayette Road, Unit 2.

c. License Amendments - none

d. Committee Appointments - none

e. Update/Presentations: Building Inspector/ZBA

Scott Vanderwalle, Building Inspector, provided a report on the new permitting system and briefly explained the changes. It is working out very well with almost 100% compliance. In addition, Terry Mahoney was hired to replace Christine DiRuzza and has been working out very well. Inspections out in the field are starting to slow down a bit, but there are more projects coming up and the permitting process for the spring is starting now. He is expecting this summer to be a very busy one, not including the "Big Block" project.

Susan Pawlisheck, Chairman of the ZBA, reported that there is a full 5-member Board but they could always use an alternate member; she urged anyone watching to apply if interested. Since her last report 6 months ago, the ZBA heard 12 findings and approved one; approved 5 out of 7 variances and reviewed one appeal regarding the Building Inspector's decision. which the ZBA upheld. Two more cases will be coming in next week.

Selectman McDonald said it's nice to see the ZBA deny things once in a while which she knows is hard to do. Selectmen Richenburg and Condon both complimented Ms. Pawlisheck for the job she does. Chairman Takesian agreed that it is hard to say no and he thanked her and her Board for the great job they are doing.

f. Lisa Pearson Re: FY18 CDBG Grant Application

Selectman McDonald recused herself at this time and left the room.

Ms. Pearson was present to discuss the 2018 CDBG Application. The rules are the same as last year and if there is anything that the Board would like to add to please let her know and she will then come back with the final application. A few of the programs/projects that will be included are housing assistance, economic development/commercial rehabilitation, infrastructure, public social services, and planning projects. Ms. Pearson received four proposals for the RFQ that was recently sent out for social services.

Based on the need, she requested that the Selectmen consider that the following items be included in the new grant application:

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Phase II Presidents Street Infrastructure
Continuation of the Housing Rehab Program
Social Services

Selectmen Ray-Parrott and Condon both complimented Ms. Pearson on the success she has had in writing and receiving CDBG grants.

Selectman McDonald returned to the meeting after this presentation.

g. Vote to Approve Application for Recreational Trails Grant (Lisa Pearson)

Ms. Pearson reported to the Board that the Recreational Trails Program (RTP) provides annual grant funding for the construction & maintenance of trails and trail-related facilities across the State. The Planning Department has been working with the Coastal Trails Coalition and the Salisbury rail trail committee on a safe alternative to a Rte. 286 connection. She has had conversations with Seabrook, Seabrook rail trail advocates and the Seabrook Firemen's Association and would like to apply for a Rec Trails grant for the portion of the proposed access from the Mudnock Road trail to the Seabrook line. This requires a 20% match, but the match can be in-kind services which is what she is proposing.

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to approve the request to apply for the Recreational Trails Program Grant, as outlined.

h. National Grid Re: Pole Location on Baker Road

A Public Hearing was held on December 18, 2017 at 7:15 PM in the Salisbury Town Hall, Colchester Room, 5 Beach Road, Salisbury, MA as requested by National Grid and abutters were duly notified.

National Grid had proposed to install a new pole #40 in the public way with 2 anchors approximately 175 feet from existing pole 39, in order to extend secondary conductor and provide electric service to a new home located at 81 Baker Road, Salisbury, MA as shown on the plan dated 9/13/17 (#24447191).

Two abutters were present: Mr. Litkofski, who had his questions answered, and Mr. Wilson who had a concern with the location because the wires would be hanging in front of his house. In December, he had asked if the pole could be placed across the street at pole #79, where the wires wouldn't be a problem to anyone. Joe Ientile, National Grid representative, said the pole that Mr. Wilson mentioned was on private property and National Grid did not have the right to go on this property to install it, but he did make a commitment that Mr. Wilson's concerns would be addressed and National Grid would move the location of the pole so the wires would not be in the abutter's view. The Selectmen had unanimously voted in December to approve the solution for the pole location proposed by National Grid that will alleviate everybody's concerns.

Mr. Wilson reported that on January 9, 2018, the new pole was dropped off and the hole dug at the original location proposed by National Grid and a few days the pole was installed and wires connected, without the Selectmen's permission. The Board then requested that Mr. Ientile appear before them at their next meeting (Jan. 22) and a new proposal was submitted dated 1/9/18 (#24447191) which is attached. After a lengthy discussion, the Board of Selectmen expressed concern that National Grid had gone ahead and installed a pole in a location not approved by the Board.

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Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to deny the request from National Grid on plan #2447191, dated 9-13-17. The reason for the denial was due to the concerns of the resident at 76 Baker Road and the unsightly aesthetics that installing a pole at the proposed location would create.

Mr. Ientile was then advised to reappear with a new plan and a new Public Hearing would then be scheduled.

i. Vote to Approve CarsPort Taxi License as issued by the Town Clerk

Motion by Selectman McDonald, Second by Selectman Ray-Parrott; unanimously voted to approve the CarsPort Taxi License issued by the Town Clerk.

j. Vote to Sign the FY18 Sewer Rate Relief Fund

Mr. Harrington explained that he received an e-mail from the Division of Local Services stating the Town was eligible to apply for the FY18 Sewer Rate Relief Fund, and that application were due by Friday, Jan. 26. Ms. Snow thought it would be prudent to apply. This would be for sewer projects that had not been funded in any way by another grant.

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to sign the FY18 Sewer Rate Relief Fund application.

V. Comments by Visitors

VI. Sewer/Water

VII. Correspondence

VIII. Hearings – none scheduled

IX. Town Manager's Report

Mr. Harrington reported that a meeting of the Warrant Advisory Committee is scheduled for this Wednesday, January 24th at 7PM in Conference Room A. This is the first meeting for the year with the new Chairman, John Moak.

He also mentioned that several staff members feel there is a need for the Town to review and update the Town's sewer regulations. Jeff Ingalls, Lisa DeMeo, and Cheryl Gorniewicz are putting together a group of recommendations to bring to the Board this spring.

Finally, Mr. Harrington reported that Bartholomew & Associates was the only company that responded to the Town's RFP that was sent out for investment advisor services. He noted that it was his intent to sign a contract with Bartholomew soon, so that they could begin investing the Town's General Fund, reserve accounts, and Trust Fund monies, especially the OPEB Trust Fund, to gain greater returns for the Town's taxpayers.

X. Selectmen's Report

a. Ratification of Signing of Weekly Warrants:

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Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to ratify the signing of the following weekly warrants: W18-103 through W18-109.

b. Subcommittee Reports

Lafayette Corridor Sewer Extension: Mr. Richenburg reported that everything is “Status Quo.” The Town is still seeking funds to help defray the cost of the betterments.

Selectman Ray-Parrott reminded everyone that there is a regional school finance forum on January 25 at 6:30 PM at Triton and it is important for everyone to attend because all our State legislators will be present.

Chairman Takesian announced that he took out his nomination papers today.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to adjourn at 9:50 PM.

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

Minutes of Dec. 11, 2017 and Jan. 8, 2018

Copies of licenses as listed

Info pertaining to the Recreational Trails Program and the CDBG Grant Application for FY19

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: _____



Ronalee Ray-Parrott, Clerk

