

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, AUGUST 13, 2018 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

PRESENT: Selectmen Ronalee Ray-Parrott, Chairman; Wilma McDonald, Freeman J. Condon, Chuck Takesian, and Donna Abdulla

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

I. Call to Order/Salute to the Flag

Chairman Ray-Parrott called the meeting to order at 7:00 PM in the Colchester Room, Salisbury Town Hall. She then announced, per the Open Meeting Law, that this meeting is being recorded and broadcast live.

II. Acceptance of Minutes

Minutes of July 23, 2018

Motion by Selectman Takesian, Second by Selectman McDonald; unanimously voted to approve the Minutes of July 23, 2018 as written.

III. Old Business

General License – Richard James Surette – 218 Lafayette Rd. (Corner of Rte. 286 & 1)

Mr. Surette was present, as requested, in order for the Board to get clarification as to the unregistered cars that are parked on the lot abutting the one on which his business is located. He explained the lot he leases belongs to Conte Realty and he provided a letter from Mr. Conte, as well as a copy of the plot plan, showing that the cars are not parked on Mr. Conte's property. Mr. Harrington also informed the Board that he sent a letter to the other property owner requesting that the cars be removed.

Motion by Selectman Condon, Second by Selectman Takesian; 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 Richard James Surette.

IV. New Business

a. License Renewals - none

b. New Licenses

Motion by Selectman Takesian, Second by Selectman McDonald; unanimously voted to approve a **Common Victualer** license for Jilly's – 8 Broadway (new owner) subject to the approval of the Health Agent.

c. License Amendments - none

d. Liquor License Renewals - none

e. New Liquor Licenses

1-Day Liquor License

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to approve a 1-Day liquor license to Heather Fritz & Nathan Silvia on Sept. 14, 2018 at the State Reservation Pavilion for a wedding rehearsal picnic party from 2PM – 7PM

f. Committee Appointments - none

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g. Update/Presentation: Building Inspector

Mr. Vandewalle provided a copy of a new report that is generated for permit receipts. It was for the period January through June, totaling 647 permits resulting in \$265,828.53 in permit fees collected and an estimated construction cost in the amount of \$20,446,579.94. He pointed out that the commercial building permits were high because of the 18 Maple Street and 29 Elm Street 40B projects and the mechanical permits were high due to the one-time large permit for replacement of HVAC units at 23 Beach Road resulting in \$4,500 fees on a \$300,000 work value. He also reported he is still dealing with FEMA and several engineers representing beach property owners regarding damages from the March storms. Finally, he noted that his office is being re-organized and he has been relocated to new space on the first floor of Town Hall to improve the workload and flow for the customers.

Mr. Takesian noted that the Building Inspector's office used to provide the selectmen with a monthly report of all building permits approved, but that this practice had been discontinued. Mr. Harrington noted that the secretary in the Building/Health Dept. retired within the last year and, combined with the implementation of the new permit tracking system, the monthly reports probably fell through the cracks. Mr. Vandewalle said that the new system could produce a variety of different reports, but that he would suggest that the Board receive a "short version" summary report every month. Mr. Takesian agreed that this would be acceptable.

h. Discussion of Parking at the South End of the Beach

Selectman Takesian said he believes there should be a workshop set up and two selectmen appointed by the Chairman to a sub-committee to get input from residents of the south end of the beach re: the parking situation. The sub-committee would then report back to the Board with their suggestions. He said it is a complicated issue and it's obvious everybody isn't going to be satisfied no matter what is recommended. He also pointed out that all public streets are open for the citizens to park. Chairman Ray-Parrott said she has been fielding phone calls from residents and agrees there should be a workshop, but she would also like to address the winter parking ban and overnight parking at the municipal lot, in addition to the parking issues on the south end of the beach. Although some residents were present and wanted to address the Board on this issue, she pointed out that a 7:30 public hearing was scheduled and she wanted to begin the hearing.

Motion by Selectman Takesian, Second by Selectman McDonald; unanimously voted to set up a subcommittee of two selectmen appointed by the Chairman to hold workshops that would be open for anybody who wants to attend and written comments/statements would be accepted.

VIII. Hearings

7:30 PM – Class II License – Congdon Auto Repair and Sales – 50 Elm Street

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to open the Public Hearing at 7:35 PM.

Mr. Congdon stated that the new fence that the Board required is completed with posts and is standing alone on his property. There were no questions from the Board at this time. Atty. Kosta, representing the Harrison family, reported that they had requested that Mr. Congdon have the property properly fenced and enclosed and he was pleased to report that the fence is now up and self-supporting. However, his clients still have some concerns with the operation classified as a Class II, and that he is not going through with a Class III at that site. He said he would like the Selectmen to be diligent and

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review the operation to ensure that it remains a Class II operation. In addition, his clients requested that Mr. Congdon repair the portion of the Harrisons' fence that was damaged when he put up his fencing, and that he comply with all outstanding Board of Health and Building Inspector issues.

Selectman Condon said he understands that Mr. Congdon has the legal right to have the license. His only concerns tonight is that the property line has never been surveyed Mr. Congdon's fence may be four feet off his property line. He noted that Mr. Congdon no longer has a Class III license but his property still looks like a junk yard, and he would like to see it cleaned up within 30 days. He also suggested that the Chairman inspect the property to ensure that all junk cars have been removed within this time frame, that the Class 2 license be limited to no more than 20 cars at any one time, and that Mr. Congdon also comply with any outstanding order from the Board of Health and Building Inspector. He suggested that failure to comply with any of these conditions be grounds for the Board to revoke Mr. Congdon's Class 2 license.

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to close the Public Hearing at 8:08 PM.

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to approve the Class 2 license for Congdon Auto Repair and Sales, contingent on the following:

1. In 30 days of this meeting (8/13/18) the Chairperson or her designee will inspect the property to assure that there are no remnants from the junk yard left.
2. There will at no time be more than 20 cars on the lot for sale or repair.
3. The applicant will comply with all conditions/orders issued by the Health Inspector and Building Inspector.

Failure to comply with any of these contingencies will result in the Board of Selectmen revoking this Class II license.

At the close of the 7:30 public hearing, Chairman Ray-Parrott returned to the discussion of parking at the south end of the beach.

John Houssionitis of Vermont Street referred to a meeting at the library several weeks ago and stated that the overall majority of the people support a placard program. Another resident suggested that the entire area be designated parking for residents only. However, it was noted again that these are public streets and anybody is allowed to park on them. In response to criticism of Chief Fowler from a citizen for discontinuing the cone program, Selectman Condon clarified that the Chief didn't arbitrarily remove the cones. The Selectmen had allowed them to be placed on Vermont Street only on a trial basis, but cones were subsequently found to be put out on other streets and the Chief was fielding complaints from other citizens in town about the cones. At the beginning of this summer season, he decided to discontinue the program. Chairman Ray-Parrott noted that the workshop that was approved will be open to the public and there will be an avenue to collect written comments for the Board to review. Chairman Takesian stated that he counted the available on-street spaces at the south end and determined that there are about 300 spaces and about 700 registered cars, so the problem will not be easily resolved.

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i. Vote to Approve Host Community Agreement Between the Town and Alternative Therapies Group, Inc. for Operation of a Recreational Marijuana Establishment for Adult Use Retail Dispensing Facility

Mr. Harrington had provided a copy of a proposed Host Community Agreement to the Board and gave a brief overview highlighting the agreement in general. He recommended that the Board approve and sign the agreement this evening. Mr. Edwards from Alternative Therapies Group was present and Selectman Condon asked him if he had any plan on cultivating marijuana in Salisbury and Mr. Edwards said he did not. He noted that Alternative Therapies has a cultivation location in Amesbury and they would not be interested in opening another one so close in proximity.

One resident said she was disappointed that the Board would consider allowing a recreational facility because she thought that when the medical facility was approved that they wouldn't have a recreational one as well. Selectman Takesian agreed with her but he pointed out that the Town voted to have recreational marijuana and it behooves the Board to follow the will of the voters.

Motion by Selectman Condon, Second by Selectman McDonald; unanimously voted to approve the Agreement as presented and authorize the Town Manager to sign the Host Community Agreement Certification Form required by the Cannabis Control Commission, on behalf of the Board.

j. Discussion of Request by National Grid Union for Moratorium on Non-Emergency Gas Permits

Jeff Hamel and David Prior provided an informational packet to the Board and requested that the Selectmen join the sixteen other cities and towns and place a moratorium on issuing non-emergency gas permits.

Motion by Selectman Takesian, Second by Selectman McDonald; unanimously voted to table this matter until the next meeting so they can review the new information presented tonight.

V. Comments by Visitors

Tom Saab of 190 North End Blvd. addressed the Board regarding the issue of how the Town charges property owners for the use of sewer. He said it is well known that the current EQR methodology is unfair, and that changing to a system based on water consumption is going to be a challenge. However, he said that people in town have waited long enough for this issue to be resolved. He noted that a year ago the Town Manager stated that his goal was to bring a recommendation forward to the Board for its consideration by the end of 2017. However, he was advised recently that the Manager's goal now is to move this issue forward by the end of 2018. He said that the organization he represents, the Salisbury Beach Citizens for Change, believes that changing the sewer user fee formula needs to be addressed now, and he urged the Board to work with Mr. Harrington to implement a more equitable system as soon as possible. A few residents spoke on this issue and they all ended by saying that sewer billing should be as fair and equitable as possible.

VI. Sewer/Water

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VII. Correspondence

- Letter from Paul Turner resigning from the Historical Commission.

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to accept Mr. Turner's resignation and send a letter of thanks for his service.

- Invitation to Seabrook Days festivities from Aug. 4 through the 19th.
- Mass. Lottery letter notifying the Board that the Salisbury Sports Pub has applied for a KENO license.
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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 Takesian, Second by Selectman Condon; unanimously voted to ratify the signing of the following weekly warrants: W18-217, W18-218 and W19-6.

Selectman Takesian reported that he attended Senior Day at the Hilton Center and reported that it was very successful. Selectman Condon concurred and reported that the Police department's "National Night Out" was also a success.

Chairman Ray-Parrott reported that she had attended Triton meetings over the summer trying to re-do the Regional Agreement. She proposed to the chairpersons of the boards of selectmen in the other two towns that they meet with the Superintendent as to discuss how difficult the budget process was during this past year. She also stated that the State budget increased the regional transportation reimbursement percentage from 73% to 80%. She urged citizens to write to their Representatives and Senators to advocate for increased State funding for education.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to adjourn at 9:25 PM.

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

Minutes of July 23, 2018

Copies of licenses as listed

Host Agreement for Operation of a Recreational Marijuana establishment

Town Manager's Report


Respectfully submitted:

Janet E. Flannery, Secretary

Approved: 
Donna Abdulla, Clerk

MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date: August 13, 2018

Re: August 13th Report to the Board

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

1) Balancing the FY19 Budget

Absent a vote of the Board to proceed with another override, the Finance Director and I will be looking for ways to balance the FY19 budget between now and when the warrant for the Fall Town Meeting is posted on Oct. 5. The current deficit stands at about \$300,000, and I will keep the Board informed of any decisions that I make that may affect personnel. My goal is to avoid layoffs, but at this point it is not apparent where we may be able to make cuts without affecting town services.

2) Recreational Marijuana Update

Over the past few weeks, I have met with representatives of four entities looking to open either a retail and/or cultivation facility for adult-use recreational marijuana in Salisbury. These first meetings were informational in nature, with each party asking me how the Town intends to approach the licensing process and with me asking them questions about their proposed business model and intended location. I advised each party that the Town has adopted an overlay zoning district dictating where such businesses can be located, and that any company whose host community agreement is approved by the BOS and who is licensed by the State will need to go through the special permit process at the Planning Board, as well as receive all necessary local permits. They must also meet with the Police Chief to develop a security plan that is acceptable to the Town. I advised each company's representative(s) that at some point they would be interviewed by the Board of Selectmen, and that background checks on each of them would be performed. In September, it is likely that I will recommend that the Selectmen follow the pattern adopted for the licensing of medical marijuana facilities and issue a statement requesting that all formal proposals be submitted to the Town by a certain date.

3) Space Needs Study

Pursuant to an appropriation approved at the Annual Town Meeting, a consultant has been hired to perform a space needs analysis of the departments located on the first floor of Town Hall, to estimate the cost of renovating the first floor to meet departmental requirements, and to recommend options for possible relocation of certain departments if there is not enough space on the first floor to accommodate departmental needs. An analysis will also be performed on the

cost of renovating the former Memorial School for future re-use. With the renovation of the former Spalding School well underway, it is time for the Town to make a long-term decision re: the future of the Memorial School building. Our goal is to include the Boys and Girls Club in any future plans for the building, but we will also likely look at the potential of renting out space in the building to help defray the cost of renovations.

4) New Vehicles

I am pleased to report that the Town has acquired a new Segway via a Green Communities grant that is being employed by the Police Department for parking enforcement at the beach. Also, the Fire Department's new vehicle, which was approved for funding at the Annual Town Meeting, has arrived and should be on the road soon. Any member of the BOS who is interested in having a tour of the vehicle should contact the Fire Chief.