

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, NOVEMBER 28, 2016 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM**

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

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

I. Call to Order/Salute to the Flag

Chairman McDonald 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 - none

III. Old Business - none

IV. New Business

a. License Renewals for 2017:

Motion by Selectman Richenburg, Second by Selectman Takesian; unanimously voted to renew a **Class II** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: BMB Auto Sales – 200 Lafayette Rd., Cars of Yesteryears – 42-44 Bridge Rd., and Bill's Auto Sales – 60 Main St.

Motion by Selectman Richenburg, Second by Selectman Takesian; unanimously voted to renew a **Class III** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: Hotrods Vintage Auto Recycling – 137 Lafayette Rd.

Motion by Selectman Richenburg, Second by Selectman Takesian; 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: Harry's Auto Repair – 27 Elm St., Bill's Auto Service – 32 Pike St., and NE Rebuilt – 191 Lafayette Rd.

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to waive the reading of the Common Victualer and Entertainment licenses.

Motion by Selectman Richenburg, 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: Marie's Restaurant – 85 Beach Rd., Subway – 192 Elm St. Good Fortune – 2 Elm St., Cristy's Pizza – 11B Broadway, Uncle Eddie's – 8 Oceanfront So., Invalsa Coffee – 1 Merrill St., Northeast Ice Cream – Vending Truck, Connie's Stagecoach – 95 Elm St., Gracie's Bar & Grill – 5 Broadway, The Deck – 179 Bridge Rd., Dunkin Donuts – 15 Lafayette Rd., Salisbury House of Pizza – 2 Beach Rd., Dunkin Donuts – 192 Elm St., Cosmos Restaurant – 136 Rabbit Rd., Hungry Traveler – 96 Beach Rd., Lee's Seafood – 5 Oceanfront, Winner's Circle – 211 Elm St., Kittens – 99 Bridge Rd., and Pat's Diner – 11 Bridge Rd.

Motion by Selectman Takesian, Second by Selectman Condon; 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 Hideaway Pub – 183 No. End Blvd. VOTE: 4 yeas – Selectman Richenburg abstained. Motion carried.

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Motion by Selectman Condon, Second by Selectman Takesian; 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: Pat's Diner – 11 Bridge Rd. – Juke Box, Winner's Circle – 211 Elm St. – arcade/comedy/juke box (3 licenses), Kitten's – 99 Bridge Rd. – live adult entertainment and DJ, Uncle Eddie's 8 Oceanfront So. – 1 pool table/bands & DJ/juke box (3 licenses), Good Fortune – 2 Elm., Gracie's Bar & Grill – 5 Broadway – live music/juke box/1 pool table (2 licenses), The Deck – Karaoke/Live entertainment/DJ, and Good Fortune – 2 Elm St.

Motion by Selectman Takesian, Second by Selectman Condon; voted to renew a **Entertainment** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for Hideaway Pub – 183 No. End Blvd. 4 years – Selectman Richenburg abstained. Motion carried.

Motion by Selectman Ray-Parrott, Second by Selectman Takesian; 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: Gracie's Bar & Grill – 5 Broadway, Kitten's – 99 Bridge Rd., Uncle Eddie's – 8 Oceanfront, and Winner's Circle – 211 Elm St.

Motion by Selectman Takesian, Second by Selectman Condon; voted to renew a **Sunday** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for Hideaway Pub – 183 No. End Blvd. VOTE: 4 years – Selectman Richenburg abstained. Motion carried.

Motion by Selectman Takesian, Second by Selectman Richenburg; unanimously voted to renew a **Parking Lot** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals for: North End Boulevard Corp. – 245 No. End Blvd.

b. New Licenses – Special Event Permit

Motion by Selectman Ray-Parrott, Second by Selectman Takesian; unanimously voted to approve a Special Event Permit to the Winner's Circle Running Club for their annual Hangover Classic Road Race on Jan. 1, 2017.

c. License Amendments - none

d. Committee Appointments:

Historical Commission – 1 vacancy to fill an unexpired term until 6/30/18 – 1 applicant: Thomas Tatro

Motion by Selectman Takesian, Second by Selectman Richenburg; unanimously voted to appoint Thomas Tatro to the Historical Commission to fill an unexpired term expiring on June 30, 2018.

e. Update/Presentations: Health Agent/BOH

Jack Morris, Health Agent

- Reported on the Housing Program which has been very effective; not many problems with renewals and there are probably between 300 – 400 units in the program.

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- He is also working on abandoned homes: some have been re-habilitated; working with the Attorney General to get 156 Beach Road in receivership; problem with title at 137 No. End Blvd. – once that is settled it will be demolished and a new home built.
- Currently doing annual permitting including food establishments.
- Lafayette Road Corridor Sewer Program – working with the study committee on the issues of EQR's, betterments and privilege fees. He will attempt to find properties to see when they had a Title V inspection and if any replacements were done, and to also see what it would cost now for new septic systems.
- Newest restaurant VASA, at the site of the former Stripers Restaurant, will be owned by Sean Toomey is scheduled to be opening in the next week. \$1M has been put into the renovations which also include the Motel.
- The Board of Health is reviewing its regulations and is anticipating adopting new ones in March.
- Currently working on outstanding permits for septic systems.

f. Vote to Approve Contract for the Confidential Administrative Assistant to the Police Chief

Mr. Harrington said this Contract was recently discussed in Executive Session and the Board anticipated voting on it at tonight's meeting. He recommended approval of the contract.

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to approve the Contract for the Confidential Administrative Assistant to the Police Chief.

g. Vote on Response to Open Meeting Law Complaint by Patrick Higgins of Swansea, MA

Mr. Harrington referred to another complained filed by Patrick Higgins, which he had provided to the Board. He noted that, according to the Attorney General's regulations, the Board needs to put complaints of this nature on their agenda and either vote to send a specific response or delegate the responsibility for doing so to the Town Manager. Selectmen Takesian stated that he read the law and the Attorney General's regulations and could not find a requirement for the Board to declare, upon entering into executive session to discuss a potential contract with a non-union employee, that holding such discussions in open session would have a detrimental effect on the negotiating strategy of the Board.

Motion by Selectman Ray-Parrott, Second by Selectman Takesian; unanimously voted to instruct the Town Manager to respond to Mr. Higgins' complaint of Nov. 2 on behalf of the Board.

h. Vote Re: Letter of Non-Opposition for Medical Marijuana Dispensaries

The Town Manager noted that the Board had held a workshop recently in which representatives of these entities seeking to open medical marijuana dispensaries in Salisbury attended and made presentations. Under the current law a letter of non-opposition from the local Board of Selectmen is required before such entities can apply to the State for a license.

Selectman Condon said he had given the matter a lot of thought and there is no doubt in his mind that marijuana can be a great relief for cancer patients and those suffering from other medical diseases. However, he also noted that he has great respect and has always supported the Police Chief who has made it known that he is adamantly opposed to having these dispensaries in Town.

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Selectman Takesian also stated that he had thought long and hard about this issue. He voted against it when it was on the ballot, but after meeting with the 3 potential applicants he realized there is merit to medical marijuana. It appears to be very much regulated and a letter of non-opposition would allow applicants to proceed to the next step, but he questioned what control the Board would have once the applicant received a license from the State. A host agreement could prove beneficial to the Town, but he was unsure at what step of the process this might occur.

Selectman Ray-Parrott stated that she believes there is merit to medical marijuana, but asked if the Board can find out what the next step is and whether the Board can or should approve a general letter of non-opposition or whether a letter is needed for each specific applicant. She would also like clarification as to how and when towns negotiate host agreements. Mr. Harrington said he would contact other communities to see how they handled this and will report back to the Board.

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to table this matter until more information is presented to the Board.

V. Comments by Visitors

VI. Sewer/Water

VII. Correspondence - none

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.

Selectman Takesian asked about the status of meetings with people who are interested in changing the sewer rate structure in town. Mr. Harrington said he met with Jim Dondero this past week to discuss some of the relevant data and had also spoken with Chris Woodcock, the consultant hired by the Board the last time that water and sewer rates were increased. The central issue is that water and sewer costs are 90% fixed, and people have to realize that a certain percentage of the water rate has to remain as a fixed cost. Thus, if the sewer rates are tied to water consumption, a rate structure would have to be put in place that guarantees that the town recoups the fixed costs of running the sewer system. He said that there would be additional meetings in the near future and that he would report back to the Board.

X. Selectmen's Report

a. Ratification of Signing of Weekly Warrants:

None available for this meeting.

b. Subcommittee Reports

Lafayette Corridor Sewer Extension: No report.

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Police Station: Mr. Richenburg reported that it is anticipated that, once the new station opens, both the old and new stations will be running together for a while. Also, the new 911 operation is scheduled to come online in mid-January.

Selectman Ray-Parrott reported that two 19-year olds approached the Parks & Recreation Commission to see if the skate park could be remodeled. Mr. Levesque took a look at it, but there is a problem with water. They then proposed to look at the Elementary School field, and the Commission was very interested, so Lisa Pearson and Chairman McDonald have been meeting with the young people to move the project forward. They understand that they will be responsible for raising the funds. Ms. Pearson has been looking to see if there are any grants available and the boys are looking at soliciting contributions from various sporting companies.

Chairman McDonald said she volunteered with COA Director Elizabeth Pettis at the Festival of Trees, which was very nice.

Selectman Condon noted that he, along with other members of the Board, went to the annual Christmas tree lighting ceremony at the Town Common, and he thanked the DPW and the Chamber of Commerce for making the event possible.

Santa will be riding around Town on the fire truck on December 11th passing out presents. Breakfast with Santa is scheduled for 8AM on December 10th at the COA.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman, Second by Selectman; unanimously voted to adjourn at 8:00 PM.

Documents provided at the meeting and on file in the Selectmen's Office:
Copies of licenses as listed
Appointment request letter
Town Manager's Report

Respectfully submitted:
Janet E. Flannery, Secretary

Approved: _____
Ronalee Ray-Parrott, Clerk