

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, SEPTEMBER 11, 2017 – 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 August 14, 2017 and Special Meeting of August 22, 2017

Motion by Selectman McDonald, Second by Selectman Ray-Parrott; unanimously voted to approve the Minutes of August 14, 2017, with one correction to Item I, 2nd sentence: change “She” to “He,” and also to approve the Minutes of the Special Meeting of August 22, 2017 as written.

III. Old Business - none

IV. New Business

a. License Renewals - none

b. New Licenses

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to approve a **General** license for Caldwell Motorcycle Service – 191 Elm St., Unit A1.

Mr. Caldwell clarified that this is for service only and no sale of motorcycles.

c. License Amendments - none

d. Committee Appointments

Affordable Housing Trust: 2 openings – 2 applicants: Jerry Klima & Deborah Rider

Motion by Selectman Ray-Parrott, Second by Selectman Condon; unanimously voted to re-appoint Jerry Klima and Deborah Rider to the Affordable Housing Trust, both for two-year terms to expire June 30, 2019.

Council on Aging: 4 openings – 1 for 1 year; 1 for 2 years; 2 for 3 years: 4 applicants: John Haggerty, Warren Worth, Bill Adrien, and Ted Irvin

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to re-appoint John Haggerty and to appoint Warren Worth to the Council on Aging; both for three-year terms to expire June 30, 2020.

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to appoint Bill Adrien to the Council on Aging for a two-year term to expire June 30, 2019.

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to appoint Ted Irvin to the Council on Aging for a one-year term to expire June 30, 2018.

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e. Update/Presentations: Town Clerk/Conservation Commission

Mindy Morrison, Town Clerk, reported that her office has been relatively busy. 727 dog licenses have been issued, as well as 10 residential kennel licenses and 5 commercial kennel licenses. Parking ticket revenue is up by about \$5,000. Codifying the By-Laws is all up to date. Town Meeting is scheduled for October 23. The warrant opened last Friday, September 8th and will close on September 22nd to be posted on October 6th. She is hoping to update the voting machines since the ones presently being used will not be able to be used in two years. Parking tickets are slowing down. The Attorney General just certified the 2018 Election Ballot for the next State election.

Sheila Albertelli, Conservation Commission Chair, said that the past 6 months have been extremely busy. 75 Notices of Intent have been received since March, which is more than the surrounding towns receive in one year; 27 were approved and 8 enforcement orders were issued. Three Emergency Certification Permits were issued: 1 on Pleasant Street, 1 at 270 No. End Blvd for the repair of piers, and 1 on Kendell Lane to repair a sink hole. A notice has been sent out to residents regarding the permitting of projects and explaining that the entire beach is in a resource area and is a barrier beach. There is a document on the Town's web page that gives details about projects and how to contact the Conservation Agent before starting projects and/or updates. In closing, she said that she is constantly getting amazing feedback about the new boardwalk.

f. Fred Bishop re: Storm Water Issues

Mr. Bishop asked the Town Manager if he had any feedback or follow-up on their meeting of several weeks ago regarding drainage, and the Manager said he did not but that he would be meeting with the new DPW Director to fill her in and he would let Fred know the outcome. Fred then gave a brochure on road drainage to the Selectmen and asked the Board if they were aware of the drainage problems and if he could get a commitment from the Board to have drainage problems in town looked at. The Chairman said the Board member are aware of drainage problems in town in general and asked if the Manager could speak on the issue. Mr. Harrington said there are drainage issues in several parts of town, but solving the problems is always a question on whether they are on public or private property. He said that the Town addresses drainage issues on public property depending on the availability of funds. He cited examples of a drain pipe on Pleasant Street being replaced and a collapsed drain having been repaired on Sweet Apple Tree Lane as part of planned road construction projects. However, he noted, many drainage problems are on private property and the Town is not responsible for taking care of them. Mr. Richenburg asked Mr. Bishop if he had a list of specific drainage problems on Town property that he could supply to the Town Manager, which he agreed to do.

g. Vote to Approve Sale of Bonds & Bond Anticipation Notes for Water Project (Well #8), Well Construction, Police Station Design, Police Station Construction, Lafayette Road Sewer Phases 2 & 3, Town Common, Town Creek, and Wastewater Treatment Facility

Information had been provided to the Board prior to the meeting and Finance Director Karen Snow reported that there was a very successful bond sale on September 7, at which \$9.8M of bonds were sold. There were 7 bidders and the Town received a significant premium of over \$1M, which reduced the amount we had to borrow. This shows that the Town has financial stability and investors are confident in buying our bonds. Also, Standard & Poor's re-affirmed the Town's AA Bond rating.

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Before the vote was taken, Selectman Condon commended Ms. Snow and the Town Manager for their effort and hard work in preparation for the Sale of Bonds and Bond Anticipation Notes.

Motion by Selectman McDonald, Second by Selectman Condon; unanimously Voted: That the sale of the \$9,800,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated September 15, 2017 (the “Bonds”) to FTN Financial Capital Markets at the price of \$10,951,632.39 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on September 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$520,000	4.00%	2028	\$495,000	5.00%
2019	510,000	5.00	2029	495,000	4.00
2020	505,000	5.00	2030	495,000	4.00
2021	505,000	5.00	2031	470,000	4.00
2022	500,000	5.00	2032	470,000	3.00
2023	500,000	2.00	2033	470,000	3.00
2024	500,000	5.00	2034	470,000	3.00
2025	495,000	5.00	2035	470,000	3.00
2026	495,000	5.00	2036	470,000	3.00
2027	495,000	5.00	2037	470,000	3.00

Further Voted: to approve the sale of a \$5,453,000 2.00 percent General Obligation Bond Anticipation Note of the Town dated September 15, 2017, and payable September 14, 2018 (the “Notes”) to Eastern Bank at par and accrued interest plus a premium of \$54,324.15.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 24, 2017 and a final Official Statement dated September 7, 2017 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 24, 2017 and a final Official Statement dated September 7, 2017, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings

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shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

h. Vote to Authorize Letter to Nuclear Regulatory Commission re: Request for Hearing on Evacuation Plans at Seabrook Nuclear Power Plant

Mr. Harrington noted that Mr. Comley from Rowley had appeared before the Board at previous meetings requesting that a letter be sent to the NRC re: holding a hearing on the adequacy of evacuation plans for the Seabrook nuclear power plant. The Manager reminded the Board that Mr. Comley had given draft letters to the Board for them to consider sending, and he suggested that if the Board does agree to send a letter he would be glad to prepare one for the Chairman's signature.

Motion by Selectman Condon, Second by Selectman Richenburg; unanimously voted to authorize the Town Manager to draft a letter for the Board to send to the Nuclear Regulatory Commission requesting a hearing on the evacuation plans at the Seabrook Nuclear Power Plant.

i. Discussion and Vote re: Letter of Non-Opposition for Proposed Registered Marijuana Dispensary

Mr. Harrington noted that he had provided the Board with a summary of his research into the three proposals that had been made in the spring for opening a Registered Marijuana Dispensary (RMD) in Salisbury. He also included, for the Board's information, an e-mail from Town Counsel evaluating the three proposed Host Community Agreements. Mr. Harrington informed that Board that he had met with representatives of all three companies and checked out their references. He informed the Board that all three companies received high marks from the other communities with which they had been, or were proposing to, operate an RMD. He also toured the RMD operated by one of the three firms in Salem, MA. He also informed the Board that two of the three proponents have a site secured in town and the third has a potential site. All things considered, he stated that, in his opinion, Alternative Therapies Group presented a proposal that was the most advantageous to the Town, and he recommended that the Board approve a letter of non-opposition for Alternative Therapies Group, Inc., provided that a final Host Community Agreement be approved first by the Board. Before the vote was taken, Selectman Ray-Parrott thanked the Manager for all the information he provided to the Board, and said she appreciated all the work and the time he put into this matter. She found it all very helpful in making a decision.

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Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to provide a letter of non-opposition to the proposal offered by Alternative Therapies Group, Inc., pending the successful negotiation of a final Host Community Agreement between the company and the Town.

j. Vote to Approve Inter-Municipal Agreement with Town of West Newbury re: Use of Pump-Out Services

Mr. Harrington referred to the Harbormaster's presentation to the Board in July re: a proposed agreement with the West Newbury Harbormaster for Salisbury staff to use West Newbury's pump-out boat to provide sewage pump-out services to the boaters of West Newbury. In return, West Newbury would provide a sum of money to compensate Salisbury for its employees' wages and any other expenses incurred. The Agreement was provided to the Board for their approval, which would be for FY18 only, with an option to renew in FY19 for FY20.

Motion by Selectman Condon, Second by Selectman Richenburg; unanimously voted to approve the Inter-Municipal Agreement with West Newbury for Pump-Out Boat Services, as presented by the Town Manager.

V. Comments by Visitors

Stephen Comley, Sr. thanked the Board for agreeing to send a letter to the NRC requesting a public hearing re: the evacuation plans at the Seabrook Nuclear Power Plant.

Ray Pike, Harbormaster, referred to Mr. Comley's comments about an evacuation plan and pointed out that there is a Chapter in the Salisbury Town Charter pertaining to boats being able to get through the mouth of the river in an evacuation situation.

VI. Sewer/Water

a. Vote to Amend Water and Sewer Regulations to Require Water and Sewer User Billing for all Town-Owned Properties and to Require Sewer Using Billing for Salisbury Elementary School

The Manager reminded the Board that he had informed them at a previous meeting of the fact that he had found out that the Town was not billing itself for water consumed at Town-owned buildings and properties, and that the Town was also not billing Town-owned building and Salisbury Elementary School for sewer user charges. He noted that he had provided to the Board the water meter readings for Town-owned buildings and properties, as well as SES, so they would have a sense of how much water was being consumed, but not billed. He suggested that the Board, as Water and Sewer Commissioners, make the necessary policy changes to correct this situation and require water and sewer billing at these properties, effective at the beginning of FY2018.

Motion by Selectman McDonald, Second by Selectman Richenburg; unanimously voted that the Selectmen, acting in their capacity as Water Commissioners, adopt the following change to the Salisbury Water Department's Water Rate Schedule:

The Schedule for Metered Regular Water Customers is hereby amended by adding at the conclusion of the first sentence, titled Availability," the following sentence:

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Effective July 1, 2017, all Town-owned buildings and properties serviced by a water meter shall be considered Metered Regular Water Customers.

Motion by Selectman McDonald, Second by Selectman Richenburg; unanimously voted that the Selectmen, acting in their capacity as Sewer Commissioners, adopt the following change to the Town of Salisbury's Sewer User Fee Rules and Regulations:

The Sewer User Fee Rules and Regulations are hereby amended by adding, at the conclusion of paragraph #5, entitled "Non-residential Customers," the following sentence:

5. Non-residential Customers – Effective July 1, 2017, for purposes of this paragraph, all Town-owned buildings and the Salisbury Elementary School shall be considered as non-residential customers.

b. Vote to Impose Moratorium on Private Fire Service Protection Fees for Hydrants in Residential Developments

Mr. Harrington outlined his memorandum to the Board pertaining to this issue and recommended that the Board put a moratorium on the billing of this fee as it relates to residential properties going forward. Selectman Richenburg asked how long it would take to resolve the issue of unpaid private fire protection fees and the Manager said it was hard to tell, but that he would begin the process by working with Town Counsel to ascertain who was legally responsible for paying the overdue fees and work to clear up these delinquencies, if possible, before returning to the Board to discuss the future status of the fees. He noted that there is an issue of fairness involved with this situation because some condo associations have paid the fee and are current, but some are not. He said that unless the matter winds up in court, he would hope to have the issue of delinquent fees resolved before the end of the current fiscal year.

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to impose a moratorium on private fire protection fees in residential developments, to expire June 30, 2018.

VII. Correspondence – Letter from Comcast Re: channel information.

VIII. Hearing – 7:30 PM – Amendments to Town of Salisbury Water & Sewer Regulations

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

Mr. Harrington explained that there are two separate enterprise funds: one for water and one for sewer, both of which are self-supporting. He noted that he had been studying the issue of the Town's practice of not billing for water at Town-owned buildings and other Town-owned properties in recent years, and not ever, as far he can tell, having billed for sewer use at Town-owned buildings and Salisbury Elementary School. He did note that Triton had been paying for water use at SES, but not sewer. As a result of this research the Manager recommended that the Board, as Water & Sewer Commissioners, vote to amend the water & sewer regulations of the Town to provide that Town-owned buildings and properties be billed for water & sewer usage, effective July 1, 2017 and that Triton be billed for sewer usage at SES, effective on the same date. A copy of the Manager's memo to the Board on this issue is on file in the Selectmen's office.

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The following comments from the public were heard:

Tom Saab of 190 No. End Blvd. stated that he has been meeting with the Manager since last August on the issue of possibly changing the methodology for sewer user bills, and that the issue of the Town not billing for sewer and water consumption at Town-owned buildings had come up several times. He said his concern is that the General Fund is supposed to pay for these charges, with the monies going into the enterprise funds. He said that the enterprise funds have lost that money over the years and asked if there is any way to get that back. Mr. Harrington said it is unlikely since the Town's books for previous fiscal years have been closed. He also noted that the total consumption is such that it would not generate a significant amount of money.

A resident on Liberty Street started to explain that she has spent \$900 in the past year for water, but the Chairman then explained that the hearing was just relative to the issue of whether the Town should bill for water and sewer at Town-owned buildings and properties, and that a discussion of water rates for residential customers was not relevant.

Mitchell Makarawicz asked how the State Park pays for their water and sewer and the Manager said as far as he knows the Reservation is billed like everybody else, but he will find out for sure.

Gracemarie Tomaselli of No. End Blvd. said she believes the Town can recover water and sewer user charges for previous years, stating that there are ways to correct such errors. She said the Town should adopt a water and sewer billing system that is fair and equitable for everybody.

Joyce Tomaselli of No. End Blvd. asked what method will be used in figuring how the Town will bill for sewer use at Town-owned building and the Manager said it will be the current method in place right now, which is the EQR method.

Motion by Selectman McDonald, Second by Selectman Condon; unanimously voted to close the Hearing at 8:00 PM.

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: W18-28 through W18-38.

b. Subcommittee Reports

Lafayette Corridor Sewer Extension: Mr. Richenburg reported that there is no change in the status of the project.

Selectman Condon said he was very pleased and surprised to read about the Salisbury PTA being the oldest PTA in the country and suggested sending a letter of congratulations.

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Selectman Ray-Parrott said she had been working with the Parks & Rec Commission on the Partridge Brook Park and reported that first flag football games were played last weekend. She thanked the Manager for his support and Lisa DeMeo, Ray Cote and all the DPW workers who worked so hard to get the field ready, and Lisa Pearson who worked tirelessly to get this project up and running. There will be a grand opening in the future. She also mentioned that the dog park is open.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Richenburg, Second by Selectman Ray-Parrott; unanimously voted to adjourn at 8:45 PM.

Documents provided at the meeting and on file in the Selectmen's Office:
Minutes of August 14, 2017 and Special Meeting of August 22, 2017
Copy of license as listed
Info re: Amending the Water & Sewer Regulations
Town Manager's Report

Respectfully submitted:
Janet E. Flannery, Secretary

Approved: _____
Ronalee Ray-Parrott, Clerk