

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JANUARY 11, 2021 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM**

PRESENT: Selectmen, Donna Abdulla, Chairman; Wilma McDonald, Chuck Takesian,
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 Abdulla 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 December 14, 2020

Selectman McDonald moved that in the second paragraph in Item V(j), the following be deleted: “Annual Off-premises/all beverage - \$1,500; Annual Off-premises/Beer and wine - \$750.” Second by Selectman Condon; unanimously voted to approve the amendment.

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to approve the Minutes of Dec. 14, 2020 as amended.

III. Public Comment - none

IV. Old Business - none

V. New Business

a. License Renewals:

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to renew a **Class I** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals, for: Howard Motors – 141 Beach Rd.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; 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: Salisbury Sports Pub – 3 Broadway. VOTE: 4 yeas, Chairman Abdulla abstained. Motion carried.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to renew a **Entertainment** license for a Juke Box, DJ/Live Entertainment/Pool Table, with the same conditions/restrictions that may have been on the original license and all subsequent renewals, for: Salisbury Sports Pub – 3 Broadway. VOTE: 4 yeas, Chairman Abdulla abstained. Motion carried.

Motion by Selectman Takesian, 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: Salisbury Sports Pub – 3 Broadway. VOTE: 4 yeas, Chairman Abdulla abstained. Motion carried.

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

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; 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: ABF U-Pack Moving – 74 Main St., Salisbury Play Ball – 6 Old Elm St., Anderson Landscaping – 168 Elm St., Sherwin-Williams – 175 Elm St., Anima Massage – 90 Main St., Tom's Discount – 175 Elm St., Caldwell's Motorcycle Svcs – 193 Elm St., Town Car Transportation – 25 Lafayette Rd., Cassidy's Limo – 8 Grover St., Tri-City Cuts – 38 Lafayette Rd. Unit 3, CDC Packaging – 8 Fanaras Dr., TFL/USA Canada – 72 Elm St. Unit 3, Ciao Bella Skincare – 102 Bridge Rd., U-Haul of Salisbury – 6 Merrill St., Cinema 95 – 201 Elm St., Vaughn Thermal – 26 Old Elm St., Clover Club Boat Storage – 40 Bridge Rd., Vynorius Piledriving – 150 Elm St., Cove Marina – 8 Friedenfels St., Vicki's Nail Spa – 6 Merrill St. Unit 5, Dick's Variety North – 4 Main St., Wash n' Wags – 8A & 8B Beach Rd., Dog Tails – 15 Main St. Ste. 105, Wayside Collectibles – 10C Elm St., Groundswell Surf Café – 25 Broadway, Whole Foot – 167 Elm St., W. Harrison & Sons – 12 Harrison Ave., Wilson Pool – 58 Main St., JW Salon – 158 Bridge Rd. Unit B, Woodward Fence – 4 Old Elm Street.

b. New Licenses

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to approve a **General** license to Port City Salon – 102 Bridge Rd.

c. License Amendments - none

d. Liquor License Renewals – none

e. New Liquor Licenses - none

f. Committee Appointments - none

g. Update/Presentations: Planning Board – Donald Egan

Mr. Egan, Chairman of the Planning Board, reported to the Board remotely via Zoom. He said presently there is a full Board consisting of himself, Marty Doggett, Lou Masiello, Gil Medeiros, Deborah Rider and John Schillizzi is the alternate.

Since his last update in March 2020, the Planning Board has endorsed 4 ANR's: 15 Forest Rd., 70-74 Lafayette Rpad, 98 Main St., Schoolhouse Lane & 15 Forest Road, with a 5th one scheduled for Jan. 13th at 156 Lafayette Road. There were 8 site plan reviews – 4 major and 4 minor; 1 minor modification of a site plan review for 82 Lafayette Road, and 1 major site plan review at Broadway & Oceanfront South; 4 special permits approved, one was denied and one is forthcoming at the end of January 2021; one partial Certificate of Completion given for 82 Lafayette Road and 4 full Certificates were approved for 106 Elm Street, 1 Washington Street, 2 Joy Road, and 211 Beach Rd.

MS4 amendments were made to the subdivision regulations & site plan review and there is ongoing review for the Lafayette/Main design guidelines, in addition to a Rules & Regulations update and a Zoning bylaw review.

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As part of the Inclusionary Agreement (Affordable Housing) at the Planning Board meeting March 11, 2020 the Planning Board voted to approve the maximum contribution of \$21,000, an increase of .56%. In FY20 total inclusionary housing payments were \$114,838.50 and for FY21 YTD it is 175,969.50.

In closing, Mr. Egan thanked everybody for their help and support of the Planning Board during this time of the pandemic. He also talked about the Planning Board revolving fund issue as a follow-up to a previous request by the Selectmen for the Planning Department to provide a report on the status of fund. He noted that he had been requested, along with the Treasurer, to provide a reconciliation from last March, but that task was not complete. He said it was his understanding that the Planning Department was going to contact all previous applicants who had open account balances. A new Assistant Planner started recently and she has taken up that task.

VI. Sewer/Water

Vote on Appeal of Water and Sewer Access Fees at 15 CCC Road

Mr. Harrington had provided the Board with a copy of a request from the developer of a project at 15 CCC Road to be granted an abatement from water and sewer access fees for this property, primarily based on the premise that the property owner thought that the fees were “unfair and excessive” in light of the cost the developer incurred in extended the sewer and water lines to the furthest extent of the property line. He also provided the Board with a memorandum from the DPW Director in which she made it clear that the developer wasn’t asked to do anything different than what other developers are required to do by town policy, and he had been made aware of the Town’s requirement to extend water and sewer mains to the furthest extent of the property in advance. She recommended that the request for an abatement of water and sewer access fees be denied. The Town Manager stated that he agreed with the DPW Director that there is no basis for the request to be approved.

Selectman Takesian explained that water and sewer access fees are levied in order for the Town to recoup the cost of providing additional capacity in these systems due to new users, and he reiterated that the developer had full knowledge of what he was required to do prior to starting the project. Mr. Harrington confirmed that was the case and that the developer had met with the DPW Director and the head of the Sewer Department, Jeff Ingalls, and were informed of all relevant Town policies.

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to deny the request for a waiver of water and sewer access fees for the development at 15 CCC Road.

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.

X. Selectmen’s Report

a. Ratification of Signing of Weekly Warrants:

Motion by Selectman McDonald, Second by Selectman Takesian; unanimously voted to ratify the signing of the following weekly warrants: W21-42 through W21-49.

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Selectman Ray-Parrott said the Salisbury elementary School PTA was not able to organize their annual display of messages of hope on the Town Common recently, but would like to do so on Sunday of the Martin Luther King Day weekend. She urged people to contact the PTA to participate. Also, in response to calls and complaints she has heard about the FY2021 tax rate, she wanted to clarify for the public that the actual tax rate has gone down, but since housing values have risen, people are seeing increases in their taxes. She pointed out that Salisbury continues to have one of the lowest tax rates in all of Essex County per \$1,000 of valuation.

Selectman McDonald announced that the Town's annual census forms are in the mail and she requested all residents to complete them and return to the Clerk. These are not the Federal census forms, which were distributed in 2020. She noted that the Town census is very important for planning purposes, maintaining accurate voting lists and assisting in the Elementary School's pupil count. She also clarified that if citizens are leery about the census forms, they can be assured that bylaw no information submitted, such as children's ages, is ever given out or published by the Town.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to adjourn at 7:42 PM.

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

Minutes of Dec. 14, 2020

Copies of licenses as listed

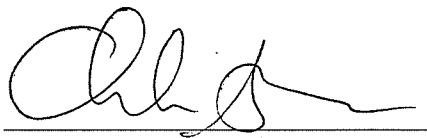
Info re: Appeal at 15 CCC Road

Town Manager's Report

Respectfully submitted:


Janet E. Flannery, Secretary

Approved: _____


Chuck Takesian, Clerk

MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date January 11, 2021

Re: January 11th Report to the Board

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

1) Welcome Center

There has been an unfortunate delay in the construction schedule for the new Welcome Center and public restroom facility that was slated to be completed on the Broadway Mall by July 4th weekend in the summer of 2021. This delay has been caused due to unforeseen circumstances, as described below, but will not deter the Town from its goal of having modern, clean restroom facilities open and operational during the upcoming summer.

The primary reason for the delay in the Broadway Mall building was the discovery of an active public water line and private electric utility duct, as well as discontinued sewer and gas mains, under the surface of the area in which the pilings for the new building were slated to be driven just after the start of the New Year. The Town had no records of these active and discontinued utility lines underneath the Broadway Mall, which were only discovered when the contractor began preliminary excavation of the site. The installation of these underground utilities likely took place at least 25-30 years ago, when the Town did not own its own water supply and infra-structure and accurate record-keeping of engineering drawings of utility placements by the Town was not commonplace. The relocation of the water line and electric utility duct and the removal of the discontinued sewer and gas mains will now cause an unanticipated delay in the Welcome Center project.

To compensate for this unfortunate development, the Town has decided to revise the schedule for the construction of the second restroom facility included in the Welcome Center project, to be located in the Town parking lot at the corner of Beach Road and Cable Avenue. The Town will now focus on having this facility open to the public first, rather than the Broadway Mall building, with a target opening date of July 4th weekend. Additionally, as construction on both sites progresses, the Town will post weekly updates on its website and social media pages.

2) Year-End Legislation

The Mass. Legislature passed several bills at the end of its latest session that will have an effect on several aspects of local government. I am studying several of these bills now, some of which have been signed by the Governor, and others which are waiting for the Governor to act.

The first of these is a comprehensive climate change bill. Among other components, this bill contains a provision that represents a compromise between the State's assessors and solar developers. In the bill, the compromise language states that residential and small commercial solar projects will be exempt from property taxes, but larger commercial solar arrays will have to pay either municipal property taxes or reach a payment-in-lieu-of-taxes (PILOT) agree with the municipality. The compromise clears up a confusing situation whereby, under a 1970s-era law, solar installations that are the primary power system for a property were exempted from having to pay municipal property taxes. The law worked as it was intended for years, giving tax breaks to homeowners who installed solar panels on their homes. As commercial solar farms developed, some paid taxes and others took advantage of another part of the law that allowed them to enter into PILOT agreements, in which they paid set fees in lieu of taxes.

However, between 2014 and 2017, the State Appellate Tax Board made several rulings finding that some large commercial solar developments were also exempt from property taxes. This opened the door to several appeals and created disputes between towns and solar developers, as they tried to determine the value of solar developments and how much developers should pay to a local town.

The compromise language says that any solar or wind-powered system that generates no more than 125% of the annual electricity needs of the property where it is located, or additional property in any town under the same ownership, will be tax exempt. Any solar or wind system that generates less than 25 kilowatts of capacity will also be exempt. These two exemptions likely will cover all residential solar arrays and some that power small businesses. Any system bigger than that will be subject to property taxes unless the landowner and the municipality reach a PILOT agreement. Existing PILOT agreements will be honored and will not have to be renegotiated.

Chief Assessor Cheryl Gorniewicz has reviewed the new law and has advised me that Salisbury will not be negatively affected by its passage. Both of the two large solar projects in town are larger than 25 kilowatts and have existing PILOT agreements that extend for many years.

The second bill that may have implications for Salisbury is an economic development bill, which contains a provision changing the threshold for approving certain housing-related changes to zoning bylaws from a 2/3 vote at Town meeting to a majority vote. The bill also contains a provision requiring the 175 communities within the MBTA service area to designate one part of town by zoning in which multi-family housing is allowed by right, without a special permit. I will be discussing the potential impacts of these provision with Town Counsel.

3) Shared Streets Grant

The Town was recently notified that we have been awarded a \$180,000 Shared Streets and Spaces grant, following a successful grant application written by Town Planner Lisa Pearson. This grant, which the State introduced as a way to assist communities in the wake of Covid-19, supports the implementation of measures to improve the viability of safe outdoor commercial activities, such as dining, to increase options for mobility and safe distancing in public places, and to enhance public safety. With these grant funds, the Town intends to add certain outdoor amenities to the Driftway improvement project, which is expected to go back out to bid shortly and to commence construction in the spring.