

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, MAY 24, 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. RE-ORGANIZATION

Chairman Abdulla Stated that it has been an honor and privilege to have served the Board as Chairman for the past year and she thanked Board members for the help and support she received from them. Now, she said, it is now time to pass the gavel. She then made a motion to nominate Selectman McDonald as Chairman. The motion was Seconded by Selectman Condon, and it was unanimously voted to appoint Selectman McDonald as the new Chairman of the Board.

Chairman McDonald then asked for nominations for Vice-Chairman. Motion by Selectman Condon, Second by Selectman Ray-Parrott; it was unanimously voted to place all names in nomination. A roll call vote was taken as follows: Selectman Condon – Chuck Takesian; Chuck Takesian – Chuck Takesian; Selectman Abdulla – Chuck Takesian; Selectman Ray-Parrott – Chuck Takesian; Chairman McDonald – Chuck Takesian. The Chairman declared that Mr. Takesian had been unanimously elected as Vice-Chairman.

Chairman McDonald then asked for nominations for Clerk. Motion by Selectman Condon, Second by Selectman Takesian; it was unanimously voted to place all names in nomination. A roll call vote was then taken as follows: Selectman Takesian --Freeman Condon; Selectman Condon – present; Selectman Abdulla – Ronalee Ray-Parrott; Selectman Ray-Parrott – Ronalee Ray-Parrott; Chairman McDonald – Ronalee Ray-Parrott. Selectman Takesian then moved that the vote be made unanimous in favor of Selectman Ray-Parrott as the Clerk of the Board, and it was approved unanimously.

III. Acceptance of Minutes

Minutes of May 10, 2021

Motion by Selectman Ray-Parrott, Second by Selectman Takesian; it was unanimously voted to approve the Minutes of May 10, 2021, as written.

IV. Public Comment

Dennis and Amy Nealey – 9 Del Logan Drive. Mr. Nealey stated that they just became aware of the proposed change of location for Ganesh Wellness from 238 Lafayette Road to 191 Lafayette Road and they are opposed. He said he dealt with a lot of issues during the permitting process for Root & Bloom's marijuana cultivation facility and he is concerned with the size and color of the building. The Ganesh proposal is too close to an existing neighborhood where there are young families and a dispensary doesn't fit the neighborhood. Also, parking spots are going to be near his property line and will encroach on his privacy, resulting in loss of value of his property which could be cause of a potential law suit being filed against the Town. He asked the Board to postpone a vote on the Ganesh proposal tonight and walk the neighborhood to hear what other residents might say about allowing a new marijuana retail store going next to the cultivation facility.

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A resident from Pine Street stated her concern with the cultivation building and spoke about the overlay district, traffic and the on-going construction. She said she had requested a “No exit sign” from the DPW to be posted at the entrance to her street, but nothing has happened yet. She also stated that a marijuana retail store would have a negative impact on the neighborhood.

V. Old Business - none

VI. New Business

a. License Renewals:

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 Kaknes Landscape & Patio Supply – 109 Rabbit Rd.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; 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 Carefree Arcade – Arcade license.

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: Carefree Arcade.

b. New Licenses

Motion by Selectman Ray-Parrott, Second by Selectman Condon; unanimously voted to approve a **Common Victualer** license for Sabor Mineiro Brazilian Steak House – 135 Bridge Rd.

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to approve a **Special Event Permit** for the Salisbury Art Stroll on June 13th at Partridge Brook Park, sponsored by the Planning Department.

Motion by Selectman Abdulla, Second by Selectman Condon; unanimously voted to approve a **Special Event Permit** for the Outreach Concerts from June 30, 2021 to September 1, 2021, sponsored by the Salisbury Beach Partnership.

c. License Amendments

Dolphin Grill – Entertainment License: Amend to include non-gambling card games (45’s and cribbage)

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to table this matter until the next meeting and request that the applicant attend.

d. Liquor License Renewals - none

e. New Liquor Licenses - none

f. Committee Appointments - none

g. Update/Presentations: Affordable Housing Trust/Police Chief

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Mr. Klima, Affordable Housing Trust (AHT) Chairman, said that the Trust was established by the Town in 2005. There are seven members appointed by the Selectmen, which includes two Board members. The purpose of the Trust is to create and preserve affordable housing in Salisbury for low-moderate income people. Funds come from the Inclusionary Zoning Bylaw that requires developers of three or more units to either build affordable housing or contribute to the Trust. In terms of expenditures, the AHT has invested \$98,000 to date in 14 CDBG Housing Rehab projects totaling 214 units, and has committed \$80,000 in additional funding. At the Residences at Salisbury Square, AHT invested \$275,000 in 41 units. Other commitments include a contribution of \$15,000 each to the three new units being built by Habitat for Humanity on Old County Road. Overall, Mr. Klima said he was proud that Salisbury is a leader in assisting in the development of affordable housing in the area. Over time, the Trust wants to ensure that the Town maintains an affordable housing percentage over 10%, so that we can retain more control over Ch. 40B projects, and the AHT also wants to buy more land to develop affordable housing. Mr. Klima informed the Board that the total available funds in the Trust after current commitments is \$1,025,059. In closing, he noted that the new chair of the AHT will be Selectman Ronalee Ray-Parrott.

Selectman Condon commended and thanked Mr. Klima for all he has done for the Trust and he then congratulated Ronalee on being appointed the new Chair.

Police Chief Fowler gave a Power Point presentation showing some of the comparisons from 2020 to 2021. These included the following: There was a 50% increase in calls for service, arrests were up by 43%, and motor vehicle accidents up by 30%. He noted that the lower numbers for last year were due in part to the Covid-19 pandemic. We went on to point out that this past weekend was the busiest since he has been in Salisbury, which will be 9 years next month. There were 5 arrests, 12 motor vehicle accidents, 88 calls for service, an officer was transported to the hospital for a laceration, and Lt. Dellaria rescued an intoxicated driver from a burning car, saving his life. As for personnel changes, there is a new K-9 Officer, Mike Tullercash, and Sgt. Forget was promoted to Supervisor and is presently at Roger Williams University in Rhode Island for supervisor training. Ten body cameras are on order and before the end of the summer all officers will have the cameras. This week, liquor license compliance checks were started and the Board will be notified of any violations. Finally, he stated that the Police Department's web site was re-designed recently and people can check it for parking information, Code Red sign-up, firearms licensing, crime prevention, and using a drug drop off site. The Board thanked the Chief for all he does and the example he sets.

h. Vote to Schedule Public Hearing on a National Grid and Verizon Request Covering Joint Pole Location on Black Snake Road

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to open the Public Hearing at 7:20 P M.

A representative from National Grid reviewed the pole location and explained that this was necessary to service two new buildings. There were no abutters and no questions.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to close the hearing at 7:25 M.

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to approve the request to install the pole on Black Snake Road.

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i. Vote to Approve Lease with New Cingular Wireless, OCS LLC d/b/a AT&T for Installation of Electronic Telecommunications Equipment on the Beach Water Tank

Mr. Harrington had provided a summary of the major components of a new lease with New Cingular Wireless d/b/a AT&T. An RFP had been issued several months ago AT&T provided the most responsive bid, so he was recommending that the Board vote to approve the proposed lease. He then outlined a summary of the major terms of the lease, noting that in the first year the Town would receive \$36,000. With a 2% escalation clause, the final year of the lease result in a payment of about \$52,000. All lease payments would go into the Water Enterprise Fund.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to approve the Lease with New Cingular Wireless, OCS LC d/b/a AT&T for the Installation of Electronic Telecommunications Equipment on the Beach Water Tank.

j. Town Manager's Evaluation

Selectman Abdulla read a summary of the Town Manager's evaluation, which consisted of a composite of ratings by each of the Board members, noting that the overall evaluation score was 9.54 out of a possible 10. Mr. Harrington thanked the Board for their support, especially during the Covid-19 pandemic. He also thanked Health Director Jack Morris for his front-line help and support, the first-responders, and COA Director Liz Pettis for their tireless efforts to get as many residents vaccinated as possible. He said he is also indebted to all workers and staff for having continued to provide excellent service to the public over the past 15 months, and that he appreciates their hard work and dedication.

k. Vote to Amendment to the Host Community Agreement Between the Town and Ganesh Wellness, Inc. for Change of Location from 238 Lafayette Road to 191 Lafayette Road

Selectman Condon referred to the concerns of the abutters, saying he believes that traffic generated by a new marijuana retail store can be controlled by signage and parking should not be a problem with the neighborhood because there's more than enough spaces on the Root & Bloom property. He also pointed out that the applicants do take all concerns seriously, and he noted once the address change is approved Ganesh Wellness will still have to go through the local permitting process. He stated that he has watched Mr. Kutcher develop property within and outside of Salisbury and has great confidence in the commitments made by Root & Bloom to appease and address the concerns of the abutters. For all of these reasons, he supports the proposal.

Selectman Takesian referred to the neighbors being surprised to see the Root & Bloom cultivation building and the fact that they were concerned with its size and color. Mr. Kutcher clarified that the height, size and color of the building never changed from their original proposal.

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to approve the amendment to the Host Community Agreement between the Town and Ganesh Wellness, Inc. for a change of location from 238 Lafayette Road to 191 Lafayette Road.

l. Vote re: Adoption of Street Performers Policy

Mr. Harrington had provided a draft Street Performers Policy for the Board's consideration. He explained that the genesis of this proposal was the several calls he had received from business owners at the Beach Center over the past few years regarding people randomly showing up and performing on

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public property at the beach. The Town doesn't have any policy in place to condone or regulate this activity, and he thought it would be in the best interest of the Board to consider putting something in place before summer arrives. He summarized some of the main provisions of the proposed policy and asked that the Board vote to approve it.

Motion by Selectman Ray-Parrott, Second by Selectman Condon; unanimously voted to approve the Street Performers Policy, as prepared by the Town Manager.

VI. Sewer/Water

- a. Request from 504 North End Blvd., LLC to Assume Responsibility for Maintenance, Repair/Replacement of Town Sewer Main Within Existing Easement at 504 North End Boulevard

Atty. Lisa Mead, on behalf of the developer of 504 No. End Boulevard, addressed the Board, seeking approval for her client to assume responsibility for an existing Town easement on the southerly side of the property that provides sewer service also to the abutter at 498 No. End Boulevard. She noted that she had provided several documents to the Board to illustrate the location of the easement, the scope of the proposed redevelopment of the property, etc. She stated that the applicant has received a finding from the ZBA approving nine proposed units to replace two older buildings housing 12 units that were proposed to be razed. She noted that her client was currently in the midst of the Town's Site Plan Review process. Attorney Mead explained that the developer's goal is to replace the existing sewer line with a new line to service both properties. She stated there is no plan to build on top of the new sewer line, but that an issue had been raised by the Town's DPW Director about whether there would be enough room to service the new sewer pipe, since it was so close to the southerly property line and the proposed new buildings at 504 No. End Boulevard. She noted that she had provided a letter to the Board from the developer's engineer stating that there was sufficient space to be able to maintain the new sewer line, and that she was seeking the Board's approval of the developer's proposal to assume responsibility for maintaining, repairing/replacing the sewer line.

Extended discussion of the proposal followed, with several Board members asking questions, and the DPW Director and Town Planner answering questions and giving their opinion on the matter. They both stated that they were opposed to the proposal. One of the questions raised was how, if the Board agreed with the developer's proposal, guarantees for the provision of sewer service to the abutter at 498 No. End Boulevard by any new and future owners of the condos at 504 No. End Boulevard would be provided. Attorney Mead responded that this matter would be addressed clearly in the condominium documents for the new development.

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to approve the request from 504 No. End Blvd., LLC to assume responsibility for maintenance, repair/replacement of the Town's sewer main within an existing easement at 504 No. End Boulevard.

VII. Correspondence

Notification from Xfinity re: program changes.

VIII. Hearings

7:15 PM – National Grid: To Install Underground conduits – 3 Bridge Road

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Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to open the Public Hearing at 7:20 PM.

The Representative from National Grid explained the work outlined in the company's request, which is necessary in order to service two new buildings. No abutters were present and no other testimony was given.

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to close the Hearing at 7:22 PM.

Motion by Selectman Condon, Second by Selectman Ray-Parrott; unanimously voted to approve the request of National Grid to install underground conduits at 3 Bridge Road.

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 Ray-Parrott; unanimously voted to ratify the signing of the following weekly warrants: W21-88 through W21-91.

Selectman Takesian said he received calls and read remarks on social media regarding concerns about items having been removed from gravesites at Long Hill Cemetery. He said he agreed with the comments the Manager made in his report, and also remarked that the Cemetery Commission was doing a good job, but not getting credit for the improvements that have been made at the cemetery.

A brief Memorial Day ceremony for the Laying of the Wreath will be held at 10AM on May 31st on the Town Common, and if it rains the event will be held at the Senior Center.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Takesian, Second by Selectman Ray-Parrott; unanimously voted to adjourn at 9:45 PM.

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

Minutes of May 10, 2021

Copies of licenses as listed

Town Manager's Report

Respectfully submitted:

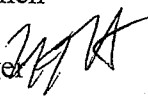
Janet E. Flannery, Secretary

Approved: _____

Ronalee Ray-Parrott, Clerk

MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date: May 24, 2021

Re: May 24th Report to the Board

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

1) Electricity Aggregation

I am very pleased to report that the Town's electricity aggregation consultant, Colonial Power, conducted a public bidding for electric power supply pricing over the past week and the Town received very competitive prices for a new three-year contract. The Town's existing contract expires at the end of 2021. As you may recall, the Town's current electricity supply rate is locked in at 11.065 cents/KW hour, which to date has resulted in over \$415,000 in savings for the Town's residential customers in less than two and a half years. The new rate, which will also be locked in for 36 months, will be 11.134 cents/KW hour, which should result in substantial additional savings.

2) Town Meeting

The Annual and Special Town Meetings were held on May 17 and all Town-sponsored warrant articles were adopted. Among the highlights of the meeting were the approval of a \$100,000 transfer from Free Cash to the Town's General Stabilization fund, which brought the total amount of this fund to over \$1,000,000 for the first time in the Town's history. Other important appropriations included approvals for the purchase of new vehicles for the Police and Fire Departments, monies to replace the roof on the Hilton Center, an additional \$50,000 for the purchase of sand from the dredging of the Piscataqua River, adoption of the annual FY22 budget, the establishment of a new Capital Stabilization Fund, and the approval of borrowing authority for the Ring's Island resiliency project.

3) Long Hill Cemetery

It has come to the Town's attention that there have been complaints about the removal of personal property from several grave sites at Long Hill Cemetery. In order to clarify what has actually been taking place, I thought it would be helpful if I provided for the Board and the public a little historical context to the situation.

For several years, Long Hill Cemetery was privately owned. Over time, general conditions at the cemetery deteriorated significantly and eventually the cemetery trustees asked the Town to take over ownership of the property. Among the conditions that the Town inherited were the

following: cemetery maintenance became neglected, the broken water line was not replaced, overgrown trees and shrubs were undermining grave sites, and burial records were in disarray. There was also no discernable rules about what items could or could not be placed on gravesites, so that over time people put whatever they wanted on family grave sites. When the Town took over ownership and responsibility for the cemetery, we formed a Cemetery Commission and began putting a plan in place to restore Long Hill. This plan included studying regulations of public cemeteries in other communities and putting together a set of regulations for all of Salisbury's cemeteries, including Long Hill.

About a year ago, the Cemetery Commission voted to approve the new regulations. Among other provisions, the regulations clearly outline a list of items that can be placed on gravesites. Other items must be removed, or the DPW will remove them. The regulations were posted on the Town's website and were mentioned at more than one Board of Selectmen's meeting. New signs also were posted at the entrance of each of the Town's cemeteries. This spring, the Town placed a large public notice in the Newburyport News in early April and on April 8 posted a notice on our website and on our social media again advising people to remove improper items from gravesites. After several weeks, those items not removed were taken away by the DPW and stored at our facility on Lafayette Road.

Apparently, someone went to the DPW facility and took a picture of a several broken urns and other items that had been picked up by the DPW and then accused the Town workers of smashing people's personal property. I want to stress that this is false information, as all items removed from Long Hill Cemetery were transported to the DPW facility and left there in the same condition that they were in before they were removed. No personal property was smashed or destroyed by Town workers. There are also several intact urns and other items that were also removed and are being stored in a more secure location, so that people may come and reclaim them if they choose.

Long Hill Cemetery is in much better condition that it was in before the Town took over ownership. A new water line has been installed, dead trees have been removed, shrubs undermining grave sites have been cut down, etc. It is unfortunate that some people have taken to social media to unfairly criticize the Town. If these people had simply called the Town to express their concerns, we would have explained to them about the regulations. All we are trying to do is improve a neglected cemetery that is now under the Town's care.