

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY AUGUST 14, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM**

PRESENT: Chairman Ronalee Ray-Parrott, Selectmen Michael Colburn, Donna Abdulla, Chuck Takesian and Terry Marengi, Jr.

ALSO PRESENT: Neil J. Harrington, Town Manager and Agnes Donovan, 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: Regular Session of July 17, 2023, and Special Meeting of July 19, 2023

Motion by Selectman Colburn, Second by Selectman Takesian; unanimously voted to approve the Minutes of July 19, 2023 special meeting.

Motion by Selectman Colburn, Second by Selectman Takesian; unanimously voted to table the Minutes of July 17, 2023 regular meeting.

III. Public Comment

Lance Wisniewski, Executive Director of SCTV, advised the Board that there were issues with some of the Comcast HD channels, specifically that Channels 12 and 1070 were not working. Mr. Wisniewski advised people to contact Comcast to complain if they cannot access SCTV channels and to copy SCTV on any written correspondence.

Lynn Welch, 50 Lafayette Road, asked about the new State MBTA zoning law and sewer betterments. Lynn Welch asked how the betterment affects property owners. Town Manager Harrington responded and said that all the affected home addresses and land parcels were assigned either a betterment or privilege fee. He said the final EQR/betterment amount will not be determined until six months after the Lafayette Project is completed. He said each single family will be assessed one EQR, and that the more intense multi-unit houses will be assessed a higher EQR number. Mr. Harrington stated that as of this time the EQR is estimated to be \$30,000.

Niko Kady, North End Boulevard, addressed the Board. He stated he works at the beach center during the summer and suggested adding more bathroom signage at the Broadway Mall. He said there are bathroom signs but that they are difficult to see and that the signs need to be larger. Mr. Kady suggested having banners which would be visible from the beach. Mr. Harrington said that the Town is aware of the issue and has plans to improve the signage.

IV. Old Business

- a. M.J.F. Bowery Corp., d/b/a Ten's Show Club – Entertainment License – Outdoor Beer Garden – Live Entertainment and DJ (Seasonal)

Per the Board, this agenda item has remained on the table for some time. The Board discussed the matter and determined that this item does not need to stay on the agenda, but can be added later when it is time for the Board to take a vote on this item.

V. New Business

- a. License Renewals:

Automobile - Class III - Salisbury Petroleum & Auto Repair, Inc. – 157 Bridge Road

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Motion by Selectman Takesian, Second by Selectman Colburn; 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 Petroleum & Auto Repair, Inc. - 157 Bridge Road.

b. New Licenses:

Automobile - Class II - Maxwell Motors - 42 Bridge Road

The applicant, Mr. Murphy, appeared before the Board. He stated he bought the 42 Bridge Road property about four years ago and he wants to open a used car business. He stated he will only sell a few cars. He will only be working as a buyer.

Selectmen Marengi said he drove by the property and noticed quite a few cars there. He voiced public safety concerns about the site line of this property especially for those exiting left from the property. He asked if there was any Site Plan Review required. Mr. Murphy said he plans on staying behind the fence/pole and removing the dumpster. Mr. Marengi asked if the Building Inspector had signed off on this business and if there would be a limit on the number of cars Mr. Murphy could sell.

Scott Vandewalle, Building Inspector, answered Selectman Marengi's question and said this property is shallower than adjacent properties. He stated there is no room for diagonal parking at the front of the site. He also said the applicant will need a Special Permit and Site Plan Review, which will determine and limit the number of cars allowed to be on this business lot.

Selectman Abdulla asked if the applicant needed other approvals, e.g., Conservation. She also asked for recommendations or an approval statement from the Building Inspector and she was advised that there was no approval needed from the Building Inspector. Selectman Colburn voiced concerns about this area being environmentally sensitive and said he was also concerned about hazardous materials being on this site. He stated that if Mr. Murphy is changing use, then he would need Conservation approval. Mr. Murphy said he will not be working on the cars other than washing them. He said he will not be performing oil changes.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to table the Class II Automobile License application for Maxwell Motors – 42 Bridge Road.

The Chairman urged the applicant to work with the Building Inspector regarding Site Plan Review and Special Permits.

Common Victualer - Aroma Joe's - 147 Bridge Road

Motion by Selectman Takesian, Second by Selectman Colburn to approve a Common Victualer license for Aroma Joe's - 147 Bridge Road.

Matthew Higgins, applicant, appeared before the Board. He said Aroma Joe's focus is on the community and that they are looking forward to opening their second business in Salisbury. A vote was then taken on the matter, and it was approved unanimously.

Special Event Permit

*September 11 Remembrance - Sponsored by Salisbury Lions Club- September 10 at the Town Common from 9:00 AM - 11:00 AM

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A.J. Pappas, Vice President of the Lions Club, and Mike Roberge appeared before the Board. Mr. Pappas stated they intend to display flags on the Town Common in memory of the victims of September 11. Selectman Colburn said there will be about 3,000 flags on the Common.

Motion by Selectman Takesian, Second by Selectman Abdulla; voted to approve the September 11 Remembrance, Sponsored by the Salisbury Lions Club, on September 10 at the Town Common from 9:00 AM - 11:00 AM. The motion carried with four Selectmen voting in the affirmative. Selectman Colburn abstained.

*Salisbury Days - Sponsored by Salisbury Parks and Recreation/Jenn Roketenetz - September 22-24 at the Town Common, Elm Street, Memorial Field and Lions Park
Jenn Roketenetz, Parks and Recreation Director, appeared before the Board and presented an overview of the events for Salisbury Days. She stated that there would be twenty events over the course of the weekend.

Motion by Selectman Colburn, Second by Selectman Takesian; unanimously voted to approve Salisbury Days - Sponsored by Salisbury Parks and Recreation/Jenn Roketenetz on September 22-24 at the Town Common, Elm Street, Memorial Field and Lions Park.

*Wild West Horse Powered Reading Fest - September 30, 2023, starting at 11:00 AM
Elizabeth Shea appeared before the Board to speak about this community event. She advised the Board that they had to change the event date to October 1st, 2023. The location was also changed to Memorial Field behind the Boys and Girls Club due to concerns regarding the Town Common lawn. Ms. Shea said there will be two pony stations and that there will be facilitators with the ponies at all times and that the ponies will be in corrals. The children will be able to interact with the ponies on a one-on-one basis.

Selectmen Takesian asked if Elm Street still needed to be closed and was told “no.”

Chairman Ray-Parrott asked about liability insurance for this Town property, and Ms. Shea said there was insurance for the event.

Motion by Selectman Colburn, Seconded by Selectman Takesian; unanimously voted to approve Wild West Horse Powered Reading Fest on October 1, 2023, starting at 11:00 AM at Memorial Field.

- c. License Amendments: None
- d. General
- e. Liquor License Renewals: None
- f. New Liquor Licenses:

One Day Special Liquor License Permit

*Seaside Brewfest- Sponsored by Salisbury Parks & Recreation & Salisbury PTA
September 23, 2023, at Salisbury Beach Center, "Lawn on B" from 4:00 -- 7:00 PM

Jenn Roketenetz, Parks and Recreation Director, appeared before the Board and provided an overview of the Seaside Brewfest event. Ms. Roketenetz said the lawn will be cordoned off and there will be people to check ID's. Chairman Ray-Parrott acknowledged all the previous help with this event over the years from John Dow.

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Motion by Selectman Colburn, Second by Selectman Takesian; unanimously voted to approve a One Day Special Liquor License Permit for Seaside Brewfest - Sponsored by Salisbury Parks & Recreation and Salisbury PTA on September 23, 2023, at Salisbury Beach Center, "Lawn on B," from 4:00 PM -- 7:00 PM.

*Salisbury Days Beer Tent - Sponsored by Salisbury Parks & Recreation on the Town Common - September 24, 2023, from 12:00 PM - 4:00 PM

Jenn Roketenetz, Parks and Recreation Director, appeared before the Board. She stated that this year the Beer Tent will be on the Town Common instead of Memorial Field. She advised the Board that there would be people checking ID's and that the bartenders would be TIP certified.

Motion by Selectman Colburn, Second by Selectman Abdulla; unanimously voted to approve a One Day Special Liquor License Permit for Salisbury Days Beer Tent - Sponsored by Salisbury Parks & Recreation on the Town Common - September 24, 2023, from 12:00 PM - 4:00 PM.

g. Committee Appointments:

Council on Aging-Three terms to expire on 6/30/2026: two applicants - Elizabeth Guy and Marilyn Bessom

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to appoint both Elizabeth Guy and Marilyn Bessom to the Council on Aging for a three-year term to expire on June 30, 2026.

Cultural Council - Three terms to expire on 6/30/2026: one applicant - Joan Travis

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to appoint Joan Travis to the Cultural Council for a three-year term to expire on June 30, 2026.

h. Update/Presentation: Building Inspector/ZBA

Scott Vandewalle, Building Inspector, appeared before the Board. He advised the Board that his department has been busy. In the last six months they have issued 207 one- and two-family residential building permits, 47 commercial building permits, 177 electrical permits, 24 mechanical permits, 92 plumbing permits and 95 gas permits. He advised the Board that a total of approximately \$220,000 in fees had been obtained in the last six months.

Mr. Vandewalle addressed two of the larger projects in town. He stated that his department has issued 8 Certificates of Occupancy for 504 North End Boulevard, and 4 Certificates of Occupancy permits for 207 Beach Road.

Zoning Board

Derek DePetrillo, Chairman of the Zoning Board, provided an activity update to the Board.

- Applications: 19
Variance/Findings/Special Permits Issued: 15; Withdrawals: 1; Denials: 3
- New residential construction approvals - none
- Variance (5): for front/side/rear setbacks
- Findings (7)
 - 1 for a change of use from four family to three family use in R3 Zoning District
 - 1 for change of use from mixed use to two-family use

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4 for non-conforming use and/or structure

1 Withdrawn

- Special Permits (5)

1 Denied; 2 Internally Illuminated Signs; and 2 Auxiliary Accessory Apartments

- Administrative Appeal (2) - denied.

In response to a question regarding electronic messaging boards, Mr. DePetrillo said that electronic messaging boards do need a Special Permit.

i. Vote to Sign and Approve Sale of Bond Anticipation Notes

Karen Snow, Finance Director, appeared before the Board. She advised the Board this request was for a one-year renewal of certain Bond Anticipation Notes (BAN). She stated that the current BANs expire on September 8. Ms. Snow advised the Board that the Bond Anticipation Notes include financing for the Beach Welcome Center; Ring's Island Flood Resiliency Project; Lafayette Road/Route 1 sewer construction; Bridge Road water main, and the Meaders neighborhood water line projects. She stated the interest rate has increased costing the Town more in debt service. She said this renewal results in a 3.45% net interest rate.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously

Voted: to approve the sale of \$13,620,425 5.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated September 8, 2023, and payable September 5, 2024, to Jefferies LLC at par and accrued interest, if any, plus a premium of \$208,664.91.

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 July 27, 2023, and a final Official Statement dated August 9, 2023, 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 Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town 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 Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

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

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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.

j. Vote to Renew Contract with Chief Aide to the Town Manager

Mr. Harrington addressed the Board and said this renewal request was for a three-year contract. Mr. Ryan's job description would be the same, but he was proposing to change his job title, which now would be Assistant Town Manager. Mr. Harrington said this title would be in line with the job title for similar positions in other local towns. The Manager recommended that the contract be approved as presented. In discussion, the Board clarified that, in the event of a vacancy in the Town Manager's position, this contract does not entitle Mr. Ryan to succeed Mr. Harrington, as the Town Charter stipulates that the Board of Selectmen is the appointing body for the position of Town Manager.

Motion by Selectman Colburn, Second by Selectman Abdulla; unanimously voted to approve the renewal of James Ryan's contract, with the new job title of Assistant Town Manager.

k. Vote to Approve FY2023 Proposed Year End Budget Transfers

Karen Snow, Finance Director, appeared before the Board. She explained she is getting ready to close out the FY23 year. She stated that there are some small transfers required in order to balance some individual line items in the General Fund and enterprise fund budgets.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve the FY2023 year end budget transfers, as proposed by the Finance Director.

l. Vote to Approve Special Event Parking Fee for Special Event (Riverfest - August 26)

Mr. Harrington stated that he was proposing a special increased parking fee in all Town-controlled parking areas for the upcoming Riverfest music festival, to be held on August 26. Members of the Board discussed the extra costs the Town would incur for this event, including Police, beach attendants and DPW staff. The Town Manager said this rate change would not affect any Salisbury citizen with a beach parking pass. He also mentioned that, considering that the concert was free, he thought the fee was reasonable, and that the \$40 fee would expire at 6:00 PM, so that anyone coming to the beach in the evening to hear the regular concert and see the fireworks would only be subject to the regular beach parking rates. Selectman Abdulla asked if the State Reservation was raising its parking rates for this event and was told "no."

Motion by Selectman Colburn, Second by Selectman Takesian; unanimously voted to approve a \$40 Special Event Parking Fee for Special Event for the Riverfest on August 26, 2023.

VI. Sewer/Water - None

VII. Correspondence - None

VIII. Hearings:

a. 7:30 P.M. Public Hearing – Nuisance Dog Complaint

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Motion by Selectman Colburn, Seconded by Selectman Takesian; unanimously voted to open the Public Hearing

The Complainant, Donna Tomaso, of 64 Mudnock Road addressed the Board. Ms. Tomaso said that her downstairs neighbor has a dog that looks like a pit bull. She stated that on June 8, 2023, the dog got loose, pushed her down the stairs and bit her. Ms. Tomaso stated she had to go to the hospital, and she subsequently filed a complaint. She did say that she never liked dogs. She said she tried to talk to the dog's owner who did not listen. Ms. Tomaso said the owner has no control over this dog. Ms. Tomaso said the dog officer did come out and talk to her and the dog's owner.

Chairman Ray-Parrott said that Steve Maher, Animal Control Officer, did provide a written report which recommends that this complaint be dismissed and that the Board provide restrictions, e.g., that the dog always be leashed when outside, the leash be no longer than six feet with a 300-pound test, and that the dog be neutered.

The building owner, Linda Doodnauth, appeared before the Board. She said there was a lease, and the lease says the tenant cannot have pets. Selectmen Colburn said that this was the avenue that Ms. Tomaso should pursue.

Mr. Maher stated there were no previous complaints or history regarding this dog. He answered the Selectmen's question and said for the first offense no fine was issued. He stated that the dog was up to date on all shots. And he confirmed with the landlord that no dogs were allowed per the lease. Mr. Maher reiterated his recommendations for the Board. If the Board adopts/orders his recommendations, and if that dog owner violates the recommendations, then there will be fines imposed. Mr. Maher said he could not order the dog off the property.

Chairman Ray-Parrott, Selectman Colburn and Steve Maher all advised Ms. Tomaso that she should ask the landlord to enforce the lease, which states no animals allowed and have the dog removed. Ms. Tomaso said she did not feel that she was being helped.

Motion by Chuck Takesian, second by Selectmen Colburn; unanimously voted to close the Public Hearing.

Motion by Chuck Takesian, second by Selectmen Colburn; unanimously voted to Dismiss the complaint due to lack of history, but impose the following restrictions:

1. The dog (Gunnar) must be leashed while outside of the owner's dwelling
2. the dog must be on a leash no longer than 6 feet in length with a 300-pound test
3. Gunnar must be neutered, and proof must be shown to the Animal Control Officer.

Failure to comply with the restrictions will result in the following fine structure:

1st Offense - \$100 fine

2nd Offense - \$200 fine

3rd and each subsequent offense - \$500 fine and a hearing before the Salisbury Board of Selectmen to determine further recourse/actions.

Mr. Maher explained that if fines were imposed and not paid, then this would become a civil issue and go to the Newburyport District Court.

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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 Colburn unanimously voted to ratify the signing of the following weekly Warrants: W23-163 thru W23-171 and W24-3 through W24-13.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Takesian, second by Selectman Colburn; unanimously voted to adjourn at 8:57 P.M.

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

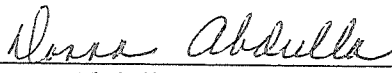
Minutes of Special Board of Selectmen of July 19, 2023

Copies of licenses as listed.

Town Manager's Report

Respectfully submitted:

Agnes Donovan, Secretary

Approved: 
Donna Abdulla, Clerk