

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JUNE 12, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

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

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

Minutes of May 22, 2023.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to accept the Minutes of May 22, 2023, as written.

III. Public Comment –

David Albertini, Michael Farrell, Cindy Parquette, and other owners/residents of 233 Beach Road addressed the Board. They expressed concerns about insufficient notice of Tens' request for an Alteration of Premises for its liquor license, so they could set up an outdoor beer garden. The residents said they had just received public notice of this request in the past few days. They also raised concerns regarding excessive noise from people leave Ten's, the cutting and clearing of trees and bushes, a pole being placed by Ten's on their property, fencing, parking, and bright spotlights. Chairman Ray-Parrott advised the residents that there were two agenda items for the meeting relating to Ten's -- their application for an Alteration of Premises to serve alcohol outdoor and an application for outdoor entertainment. She also advised the speakers to address concerns which were not specifically related to these two items directly with the owners of Ten's.

IV. Old Business

- a. M.J.F. Bowery Corp. - d/b/a Tens – Liquor License Amendment for a Change of Alternation of Premises

Chairman Ray-Parrott stated that, in her opinion, the abutters' notice was inadequate and that the Board should consider holding another public hearing on the matter before taking a vote.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to hold a Public Hearing for an Amendment for a Change of Alteration of Premises of M. J. F. Bowery Corp. - d/b/a Tens on June 26, 2023, at 7:15 PM.

- b. M.J.F. Bowery Corp. - d/b/a Tens – Entertainment License — 11 No. End Blvd – Outdoor Beer Garden - Live Entertainment and DJ (Seasonal)

Chairman Ray-Parrott stated that this item would be left on the table.

V. New Business

- a. License Renewals: None

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b. New Licenses:

Automatic Amusement: M.J. F. Bowery Corp. - d/b/a Ten's Show Club – 11 North End Blvd. - Add Golden Tee Game

The Selectmen noticed that the Agenda incorrectly labeled this application as an Entertainment License and not as an Automatic Amusement License. Ten's owner Robert DePesa appeared before the Board and stated that he is seeking to add one video game. The Board advised the applicant of the fee difference and told him to come into the office for a corrected license later in the week.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve an **Automatic Amusement License:** M.J. F. Bowery Corp. - d/b/a Ten's Show Club – 11 North End Blvd. - Add Golden Tee Game.

Common Victualer: Wingz & Thingz – 18 Broadway – Sunday thru Saturday from 9:00 AM – 12:00 AM

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve a **Common Victualer** license for Wingz & Thingz – 18 Broadway - Sunday through Saturday from 9:00 AM – 12:00 AM, contingent on approval by the Health Department.

General: Best Thai & Swedish Massage – Massage Therapy - 158 A Bridge Road from 8:30 AM – 8:30 PM.

Tipnipa Gallagher, applicant, appeared before the Board and advised them she was opening a massage therapy business on Bridge Road.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve a **General** license for Best Thai & Swedish Massage – Massage Therapy - 158 A Bridge Road, contingent upon approval by the Health Department if necessary.

Street Performers: Rocking Russ – Music Interactive Dance – Salisbury Beach from 11:00 AM – 8:00 PM

Russel Earle appeared before the Board. He said he would like to set up in front of the stage in the beach center and play mainly 70's and 80's music. The Selectmen asked if he would change his ending time to 6:30 PM on Wednesday, Friday and Saturday, so as not to interfere with the live entertainment on stage. He agreed. They advised him to check in and coordinate with Jenn Roketenetz, Parks and Recreation Director, regarding specific details such as location. The Selectmen reminded Mr. Earle to keep his music family friendly.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve a **Street Performers License** for Rocking Russ – Music Interactive Dance – Salisbury Beach – 11:00 AM – 8:00 PM (6:30 PM on Wednesday, Friday, and Saturday)..

Special Event Permit:

1. Matt York/Music at the Beach Center- July 17, 2023 - Sponsored by Salisbury Parks and Recreation from 5:00 PM – 8:00 PM

Jennifer Roketenetz, Parks and Recreation Director, appeared before the Board. She advised the Board that this event is funded through a grant from the Salisbury Cultural Council. She stated that the applicant performs songs and reads stories from the Highway Men.

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Motion by Selectman Takesian, Second by Selectman Colburn unanimously voted to approve a **Special Event Permit** for Matt York/Music at the Beach Center- July 17, 2023 - Sponsored by Salisbury Parks and Recreation – from 5:00 PM – 8:00 PM.

2. Summertime Craft Fair – Town Common – Three dates - July 8 and 29, and October 21st, 2023 – Sponsored by New England Vendor Events - from 10:00 AM – 6:00 PM

Nancy Black from New England Vendor Events appeared before the Board. Ms. Black said there will be approximately twenty vendors. She said they will be using sandbags (no spikes) to secure the tables and tents. The vendors are “mom-and-pop” crafters, they are family friendly, and she said there will be a donation from the event to Ukraine kids for books and medical supplies. Ms. Black said they will rent port-a-potties. She said they will set up and clean up.

Selectmen Abdulla asked if this event falls under the Board’s new policy re: the private use of municipal property or the jurisdiction of Parks and Recreation. In discussion, the Board determined that the Town Common comes under the jurisdiction of Parks and Recreation. Selectmen Abdulla asked if there was a map/lay out of where the crafters would be set up. The Board clarified with Ms. Black that there would not be a bouncy house. The Board advised the representative that she would need to reach out to Jen Roketenetz to actively reserve the Town Common, provide the layout, and pay the applicable fee prior to the event(s).

Motion by Selectman Takesian, Second by Selectman Colburn unanimously voted to approve the **Special Event Permit** for the Summertime Craft Fair – Town Common – Three dates - July 8th, July 29th, and October 21st, 2023 – Sponsored by New England Vendor Events from 10:00 AM – 6:00 PM, contingent upon the applicant receiving final approval from Jen Roketenetz, formally schedule the event for the Town Common, provide the layout, and pay the applicable fee.

3. Drive-in Movie Night - Town Parking Lot – September 9, 2023 (rain date of 9-16) - Sponsored by New England Conference of Young People in Alcoholics Anonymous from 6:30 PM – 11:00 PM

A spokesperson for the sponsoring group said this would be second annual event and he anticipated between 60 and 100 people.

Motion by Selectman Takesian, Second by Selectman Colburn unanimously voted to approve a **Special Event Permit** for Drive-in Movie Night - Town Parking Lot – September 9, 2023 (rain date of 9-16-2023), Sponsored by New England Conference of Young People in Alcoholics Anonymous, from 6:30 PM – 11:00 PM.

- c. License Amendments: None
- d. Liquor License Renewals: None
- e. New Liquor Licenses: None
- f. Committee Appointments: None
- g. Update/Presentation: None

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h. Second Reading and Adoption of Policy re: Private Use of Municipal Property

Selectman Abdulla stated that this was the second and final reading of the policy

Motion by Selectman Colburn, Second by Selectman Takesian unanimously voted to approve adoption of Policy re: Private Use of Municipal Property.

Chairman Ray-Parrott thanked Donna Abdulla and Wilma McDonald for their efforts in preparing the policy for adoption by the Board.

i. Vote to Approve COLA Adjustment for FY2023 for Retirees, Pursuant to Chapter 269 of the Acts of 2022

Town Manager Harrington provided background on this issue. He stated that a bill passed the Legislature in late 2022 and was signed by Governor Baker that gives local retirement boards the option of voting for a Cost-of-Living Adjustment (COLA) of an additional 2% on the first \$16,000 of a retiree's pension for fiscal Year 2023. He noted that Salisbury is one of 19 communities that are members of the Essex Regional Retirement System and said that in order for the COLA to be approved for retirees within the system the Essex Region Retirement Board itself and 2/3 of its member communities must approve this change by June 30, 2023. Mr. Harrington advised the Board that he met with Karen Snow, Finance Director, and they have determined that if the 2% COLA is approved the long-term additional liability to the Town would be insignificant. He recommended that the Board vote in favor of this proposal.

Motion by Selectman Takesian, Second by Selectman Colburn unanimously voted to Approve COLA Adjustment for FY2023 for Retirees, Pursuant to Chapter 269 of the Acts of 2022.

j. Vote to Clarify Expiration Dates of Terms of Members of the Conservation Commission

Chairman Ray-Parrott explained that, due to a recent change in the Town Charter, the Board of Selectmen, rather than the Town Manager, now appoints the members of the Conservation Commission. She explained that the terms of board members appointed by the Board of Selectmen expire on June 30th and that the expiration dates of the Town Manager board appointees expired on December 31st. She informed the Board that it would be advisable to set new term expiration dates for current members of the Commission.

Town Manager Harrington advised the Board that currently the terms of two Conservation Commission members expire on December 31, 2023; two terms expire on December 31, 2024; and three terms expire on December 31, 2025. He agreed with the Chair that that the Board of Selectmen should establish new expiration dates for the terms for the current members of the Conservation Commission, and he made the following recommendation:

-For the terms of the positions held by Ms. Doughman-Johnson and Mr. Leahy, which are scheduled to expire on December 31, 2023, to establish new terms to expire on June 30, 2024.

-For the terms of the positions held by Mr. Ward and Mr. Warcewicz, which are scheduled to expire on December 31, 2024, to establish new terms to expire on June 30, 2025.

-For the terms of the positions held by Mr. Colburn, Ms. Maxim and Mr. Lucas, which are scheduled to expire on December 31, 2025, to establish new terms to expire on June 30, 2026.

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Motion by Selectman Takesian, Second by Selectman Abdulla voted to approve the change of the expiration dates of the Conservation Commission members as recommended by the Town Manager. Four Selectmen voted in the affirmative; Selectmen Colburn abstained.

VI. Sewer/Water

VII. Correspondence – Mass State Lottery Commission – Keno Application

Selectmen Abdulla read a May 30th letter from the Mass. State Lottery Commission informing the Board that an application for a KENO license application had been submitted by The Dolphin at Salisbury Beach, 28 Ocean Front South, and if the Board objects they must inform the Commission in writing within 21 days. There were no objections from Board members.

VIII. Hearings:

7:30 PM – Public Hearing re: Amendment to Sewer Access Fee regulations (postponed from the Board of Selectmen meeting of May 22, 2023)

Selectman Takesian stated that he was invoking the Rule of Necessity. He explained that the Board of Selectmen is the only entity that can amend the Sewer Access fees; that three members of the Board have a conflict of interest as all three are in the new sewer extension area; and that prior to invoking the Rule of Necessity, the Board sought and received a written opinion from Town Counsel on this matter.

Three Selectmen then provided a reason why they have a conflict of interest with the proposed Sewer Access Fee regulation change:

- Ronalee Ray-Parrott stated that her residence is on Lafayette Road and will be hooking up to the Lafayette Road sewer project extension.
- Donna Abdulla stated that her home is on Jak-Len Drive which is also part of the Lafayette Road sewer extension.
- Terry Marengi, Jr. stated that his business at 85 Lafayette Road will be tying into the sewer extension.

Town Manager Neil Harrington explained that the sewer access fee has been in place since 2004. He stated that the fee was initially intended to set funding aside for a potential costly expansion of the Town's sewer treatment plant. He explained that over time the Town accumulated a significant amount of money for the sewer plant expansion, but that in the interim the EPA approved an extension of the out-fall pipe, which was significantly less costly, rather than an expansion of the sewer treatment plant. This resulted in considerable avoided expenses for the Town and led to a surplus in the Sewer Enterprise Fund Retained Earnings account. He noted that the sewer access fee would still be needed in the future for potential capital expenditure, but he felt comfortable that it be reduced to \$500 now, in recognition of the current surplus situation.

Selectmen Takesian moved, seconded by Selectmen Colburn, it was unanimously voted to open the public hearing.

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Mitch Makarewicz, 92 Cable Avenue, addressed the Board, and asked whether residents like himself, who had received new sewer many years ago, would be eligible for a refund for a portion of the access fee he paid. Selectman Takesian advised Mr. Makarewicz that he paid a betterment and not an access fee and would not be eligible for a refund. He then stated that a lower sewer access fee would apply to all new users of the recently-completed Lafayette Road/MainStreet and surrounding streets sewer project, as well as any new sewer extension projects. Selectman Colburn clarified that the amount of the sewer access fee would need to be fluid in the future depending on the long-term capital needs of the sewer treatment plant.

Motion by Selectmen Takesian moved, seconded by Selectmen Colburn, unanimously voted to close the public hearing.

Selectmen Takesian then moved that the sewer access fee be reduced to \$500.00 effective April 1, 2023. Mr. Colburn seconded the motion and it was adopted unanimously.

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: W23-139A through W23-147.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to adjourn at 8:20 PM.

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

Minutes of May 22, 2023

Copies of licenses as listed.

Town Manager's Report

Respectfully submitted:

Agnes H. Donovan, Secretary

Approved: Donna Abdulla
Donna Abdulla, Clerk