

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY JUNE 26, 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
Minutes of June 12, 2023**

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve the Minutes of June 12, 2023, as written.

III. Public Comment

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)

Chairman Ray-Parrott stated that this item will remain on the table as it is connected to the Liquor license application.

V. New Business

- a. License Renewals - None
- b. New Licenses:

Special Event permit:

- a. Voluntary Collection of Tolls sponsored by Salisbury Lions Club – July 1, 2023 - Beach Center and Town Parking lot – 10:00 AM – 9:00 PM.

Motion by Selectman Takesian, Second by Selectman Abdulla; to approve Voluntary Collection of Tolls sponsored by Salisbury Lions Club – July 1, 2023 at the Beach Center and Town Parking lot from 10:00 AM – 9:00 PM. The motion carried with four Selectmen voting in the affirmative. Selectmen Colburn abstained.

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

Agricultural Commission – Two terms expiring 6/30/2023: two applicants -*Thomas Tatro, Stacie Warcewicz

Chairman Ray-Parrott advised the Board that Stacie Warcewicz withdrew her request to serve on the Agricultural Committee.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to reappoint Thomas Tatro to the Agricultural Commission for a three-year term to expire on 6/30/2026.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY JUNE 26, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Cultural Council - Five terms expiring on 6/30/2023: one applicant - *Jane Purinton

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to reappoint Jane Purinton to the Cultural Council for a three-year term to expire on 6/30/2026.

Library Board of Trustees – Two terms expiring 6/30/23; two applicants: *Jim Dondero; *Jane Purinton

Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to reappoint both Jim Dondero and Jane Purinton to the Library Board of Trustees for three-year terms to expire on 6/30/2026.

Planning Board – Three terms expiring on 6/30/2023 (two regular members and one alternate); three applicants: *Marty Doggett and *Gilbert Medeiros (regular members) and *Angelica Media (alternate)

The Town Manager reminded the Board that in order to continue the process of adjusting terms of the Planning Board to ensure that only one regular member's term would expire each year, the Selectmen should make one reappointment for a full five-year term and the other for a term to expire on 6/30/25.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to reappoint Gilbert Medeiros to the Planning Board for a term to expire on 6/30/2028.

Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to reappoint Marty Doggett to the Planning Board for a term to expire on 6/30/2025.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to reappoint Angelica Medina as an Alternate to the Planning Board for a two-year term to expire on 6/30/2025.

* Indicates incumbent

g. Update/Presentation: Harbormaster/Conservation Commission

Harbormaster

William Van de Stadt, Harbormaster, provided the following updates:

- Since the beginning of season there has been quite a bit of training ensuring that our Assistant Harbormasters are current on the rules pertaining to citations and the court process
- Mass. Environmental officer provided training to the Assistant Harbormasters on the Chapter 90B rules
- He hired four new personnel this year and is aggressively training them. No accidents so far.
- Last year they wrote 80 citations and all but four have been resolved.
- Mooring Program – all moorings have been assigned mooring numbers and GPS location.
- Equipment issues – the pump-out boat needed a new engine. Also, two new outboard motors have been ordered, which may not be available until the end of 2024.
- He is in process of replacing a small mooring puller so they can pull out moorings themselves; mooring chains are also being replaced
- When asked a question about the revolving fund, Reggie Santos, Asst. Harbormaster, said that at last account there was about \$110,000 in reserve from waterway fees and \$135,000 in the stabilization account. Money in the revolving fund is approximately \$70,000. He stated they will have to spend about \$50,000 from the stabilization fund on the new engines but that this will still leave money in the fund.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY JUNE 26, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Conservation Commission:

Jeff Ward, Chairman, addressed the Board. He advised the Board that there have been a few notable projects before the Commission since the last update in November. Notably, the Lafayette Road reconstruction project was approved by the Commission at the end of 2022.

Other projects still before the Commission include: The One Oceanfront Development (former Big Block); 14, 16, 18 North End Blvd. development; 6, 10, 18 Forest Road Development, and 100 Forest Road development. He said they will be taking many of these projects up at their next meeting. If anyone is interested in those projects please come to the next Conservation Commission meeting on July 19th, 2023 at 7:00 PM.

Storm Season 2022/2023 - The winter storms damaged beach accesses 8, 9, and 10 to the extent that there was the possibility that they would need to be closed long term. The MRBA collaborated with DCR to approve two emergency plans through the combined efforts of the Conservation Commission, National Heritage and Endangered Species program, Senator Tarr, and other state and town officials to allow the 3 accessways to be reopened. Access 9 and 10 were able to be repaired and opened for Memorial Day. Access #8 is now open as well. He stated that this incident brought together a diverse group of stakeholders with a common interest and watching the group work was truly amazing.

Conservation Commission Jurisdiction:

Mr. Ward said that in light of the difficult storm season, he would like to remind the public of the jurisdiction of the Conservation Commission. The barrier beach, from the ocean to the salt marsh, is under the jurisdiction of the Wetlands Protection Act. He advised the public that any time someone proposes to alter this area they need to have Conservation Commission approval. This includes significant storm cleaning, rebuilding or creating new beach access stairs, stairs on structures or decks. If people have any questions, they should contact the Conservation Agent.

Finally, Mr. Ward stated that he wanted to reiterate the need for conservation by-laws so that there would be clear and transparent rules and regulations for complying with the Wetland Protections Act, and safeguarding the Town or Salisbury. Bylaws (or regulations) would provide guidelines and direction so that applicants will know what he/she needs to do before they start their project and not become subject to enforcement.

- h. Set Date for Public Hearing for petition of National Grid covering the installation of underground facilities on Driftway

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to set a Public Hearing for a petition of National Grid covering the installation of underground facilities on Driftway for 7:10 PM on July 17, 2023.

- i. Vote re: Renewal of Employment Agreement for Town Manager

Selectman Takesian, who along with Selectman Abdulla was charged with negotiating with the Town Manager on the terms of a new employment agreement, said that they reviewed the compensation of other local town managers and town administrators and found that Mr. Harrington was underpaid. He then reviewed the key considerations and components of the new contract and asked the Board to support a new 3-year agreement.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY JUNE 26, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to renew the employment agreement for the Town Manager for FY2024-26

VI. Sewer/Water

VII. Correspondence

Selectman Abdulla read correspondence from Comcast advising the Town of an increase in the monthly subscription rate for Starz from \$8.99 a month to \$9.99 a month, effective July 2023.

VIII. Hearings

7:15 P.M. Public Hearing – M.J. F. Bowery Corp., d/b/a Tens Show Club – Liquor License Amendment for Alteration of Premises

Motion by Selectman Takesian, second by Selectman Colburn; unanimously voted to open the Public Hearing for M.J. F. Bowery corp., d/b/a Tens Show Club – Liquor License Amendment for Alteration of Premises

Many owners and residents of South Beach Landing (SBL) attended the meeting and addressed their issues and concerns to the Board. SBL Attendees included David Albertini, Brenda Gharabegian, Michael Fay, Al Oliveria, Mike Albert, Joe Dooley, Cindy Paquette, and SBL Condo Association president Paula Olivera.

David Albertini, representing the majority of owners/residents of SBL, offered a Power Point presentation to the Board detailing the issues and concerns of the residents/owners of South Beach Landing. Concerns included the need for more details of the project, concerns regarding the noise, proximity, limits on hours of operation, limit on hours for entertainment, safety concerns at the busy North End Boulevard intersection, restroom issues, impact of losing 32 parking spaces, lighting, and how long will it be until the parking lot is cleared at night. He stated SBL residents' concern for the intersection next to North End Boulevard and Beach Road and that they are afraid that this addition to the liquor license will add to the noise and lighting concerns at this busy intersection. He asked the Board to consider potential safety issues at this intersection.

Brenda Gharabegian said her balcony faces the parking lot where she has witnessed public urination and has seen sexual acts in the parking lot. Peter DePesa from Tens advised her to call the police when she witnesses this type of activity.

Al Olivera, who lives facing the noise, stated that the police were called previously because of the noise and the police had Tens close the doors, and he has a concern regarding the noise because there will be no doors to close in a parking lot.

Mike Fay said the proposal will have a negative impact on the SBL complex. He stated they can hear the bass even when it plays inside and so he is concerned about annoying music, especially since there will be no trees to lessen the noise. He also raised a concern about the loss of parking spaces if alcohol is served in the parking lot. He stated he wished they could see more plans from Mr. DePesa. Finally, he stated this expansion would negatively impact the quality of life at SBL.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY JUNE 26, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Robert DePesa from Tens addressed the lighting situation. He said he called National Grid to re-position the light. He also stated that he plans to open the outdoor patio to all ages. He stated they are still considering what the hours of operation will be.

Peter DePesa said he and his brother are partners with Mark Filantri, the previous owner. He said that they have done other events, such as pizza festivals, in Boston. He said they are hoping to cater to more people and expand their business. As to sound control concerns, he said they can set the speakers away from SBL, and if the food cart smoke annoys the SBL residents he will move the food cart. He said he is looking to generate more income for the business.

Mike Albert said most people want peace and quiet in that neighborhood. He said he invested in his property and does not want to see his property value decreased.

Paula Olivera, president of the SBL, and said they want to be good neighbors. She said the proposed plan was above and beyond what is acceptable because this business was literally right on top of their property and is too close for any of the SBL residents to be comfortable with the plan.

Selectman Marengi said this is the Beach Commercial District and that the Board has to consider the rights of the applicant. He said there are many other boards that this application has to go before, including possible Health, Planning and Conservation. He said he has visited beer gardens that seem to work well in other communities and expressed the hope that things could be ironed out between the business and neighbors.

Selectman Abdulla asked if a diagram/plans with dimensions and set to scale had been submitted by the applicant, as previously requested. Robert DePesa said he will submit a plan. She asked if they will be charging a cover charge to enter and Robert DePesa said they do not plan to charge to enter. She asked about restrooms and Robert DePesa said they are working on that as they are not allowed to put porta potties in this district. Selectmen Abdulla confirmed that they would have two managers on site, one for inside and one for outside.

Selectman Colburn said this Board has to follow zoning laws which are established by Town Meeting. He advised the SBL owners/residents to attend the other board meetings and voice their concerns before the appropriate board(s).

Selectman Takesian asked how the applicants proposed to transport the liquor outside. Robert DePesa said the liquor would be in a secure locked container outside the main building. Mr. Takesian asked Mr. Albertini if there was room for compromise. He also said he has concerns about where the bathroom will be located.

Selectman Colburn said that many of the issues being raised come under the jurisdiction of the Conservation Commission and other boards. He said this Board should be concerned only about the Entertainment and Liquor licenses. He stated that this Board can set times for the outside service of alcohol and hours for the Entertainment license.

Another resident asked if everything could be moved to another parking lot across the street owned by the same company. Mr. DePesa said because the other parking lot was a different address it would require a new liquor license. A resident asked if another liquor license was available. Selectman

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY JUNE 26, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Takesian said there are two liquor licenses available. He also stated he is not comfortable with voting in favor of the application tonight as there are too many other issues to be worked out.

Peter DePesa said he wants to be treated as the other businesses and that he wants to be able to do what is within his rights. Robert DePesa said he will get more solid renderings for future meetings. Mr. Colburn requested that the owners of Tens prepare any new plans so they can also be submitted to the Planning Board and Conservation Commission.

Motion by Selectman Takesian; Second by Selectman Abdulla unanimously voted to continue the Public Hearing for M.J. F. Bowery Corp., d/b/a Tens Show Club's proposed Liquor License Amendment for Alteration of Premises to July 17th at 7:15 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 Takesian, Second by Selectman Abdulla; unanimously voted to ratify the signing of the following weekly warrants: W23-148 through W23-153.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to adjourn at 8:53 PM.

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

Minutes of June 12, 2023

Copies of licenses as listed.

Town Manager's Report

Respectfully submitted:

Agnes Donovan, Secretary

Approved: Donna Abdulla
Donna Abdulla, Clerk