

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JULY 18, 2022 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

PRESENT: Selectmen Chairman Chuck Takesian, Donna Abdulla, Ronalee Ray-Parrott, and Michael Colburn
ABSENT: Selectman Wilma McDonald
ALSO PRESENT: Neil J. Harrington, Town Manager and Janet Flannery, Secretary

I. Call to Order/Salute to the Flag

Chairman Takesian called the meeting to order at 7:04 PM in the Colchester Room, Salisbury Town Hall. He then announced, per the Open Meeting Law, that this meeting is being recorded and broadcast live.

II. Acceptance of Minutes
Minutes of June 27, 2022

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to approve the Minutes of June 27, 2022 as written.

III. Public Comment

Tom Saab – re: Proposed MassDOT North End Boulevard Reconstruction Project and Beach Erosion Issues at Access Points 5-7

Mr. Saab, representing Salisbury Beach Citizens for Change, presented a petition, signed by 215 residents, and he read it into the record indicating their opposition to the current MassDOT design for the reconstruction of North End Boulevard. The major concern of the petitioners was that the current design would restrict, and in some places eliminate, parking by homeowners and residents on the east side of the State roadway that has historically been allowed. He requested that the Board vote tonight to support the petition and register their opposition to the project. Mr. Harrington said that he and the Selectmen have been to several meetings on the project over the past few years and Town officials are aware of the concerns of the people who have signed the petition. He reminded everyone that the project is not even at the 25% design phase and said he has been working vigorously to address the concerns of property owners in the Town's discussions with the State on the project, with a goal of implementing changes to the design that will alleviate the parking problems on the east side of the roadway that are the subject of the petition. He then reminded the Board that since there is no action item on the agenda to vote on this matter, any such vote would be out of order.

Mr. Rignoli of 180 No. End Blvd. said he supports the petition, as there is a group of property owners between the Catholic church and Access #7 feeling very vulnerable. He claimed that there seems to be no sympathy for their concerns and they need the support of the Selectmen to champion them. Chairman Takesian said they do have the Board's support and, as the Town Manager said, Town officials are working with the State to address as many concerns as possible.

Mr. Makarewicz of Cable Avenue would like to see the State scrap any plans to change the street and leave it as it is.

Mr. Saab said on July 4th he drove up and down No. End Blvd. and took an accurate count as best as he could and came up with 400 parking spots that would be lost on the east side if the current design was approved.

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Mr. Martinelli said he has been to all the MassDOT meetings and has written to the Secretary of Transportation. He feels the residents are frustrated at this point. They don't have any information other than knowing they have the support of the Selectmen and Town Manager and asked if there could be more communications with the property owners. He suggested weekly or monthly updates. Mr. Harrington said he had been coordinating meetings for 2 ½ years with MassDOT and it is not practical to send notices to hundreds of people every time a new change is made to the plan. At this point they are narrowing down the alternatives and now there are a lot of concerns. He assured everyone that the Town will continue to meet with MassDOT and will let the residents know the outcome. There will also be additional public meetings. He then stated that there's no perfect plan for improving No. End Boulevard. In order to improve safety and drainage and provide for multiple modes of transportation, per State guidelines, there must be some changes to the current roadway. The key will be to try and minimize negative impacts. Not everybody is going to be 100% pleased, but the State has roadway safety guidelines and no project will be funded if it fails to meet these guidelines and does not rate high enough to be funded.

Mr. Lou Masiello, 300 No. End Blvd. said the only workable solution would be to eliminate the bike lane on the west side of the street. He asked the Board to take a vote indicating that they don't want the bike lane and let the State take it from there. He further said bikers take up too much space – they ride double but should ride single and he asked the Board to advocate for the residents.

A new resident on No. End Blvd. told the Board he has two homes; he lives in one and rents out the other. If he loses two parking spots he won't be able to rent the second house and won't be able to remain in Salisbury.

Ms. Pataluna of 18 No. End Blvd. said she is fortunate to be living the family home which has been there for 100 years. In the Summer, on a typical week-end from Thursday to Monday you can't move your car because you will lose the parking spot. If the roadway is moved to the east, there is no way anybody will be able to get in or out of their driveway.

Mr. Harrington said the State requirement for providing for multiple modes of transportation, including bicycles, is not negotiable. Without the path there will be no funding and the project will not be done.

In closing, Chairman Takesian said the residents made a good showing tonight and he urged them to attend any future meetings held by the State regarding this project.

Fred Bishop – Re: Use of Town Property

Mr. Bishop did not appear.

Ron Tony Giordano addressed the Board, stating that he was informed on July 15 that a Town employee had threatened to sue the Selectmen if they appointed him as an alternate to the Planning Board. He also claimed that this employee wrongly accused him of something, which has negatively affected his family, wife and children. He said he knows the Board is aware of the situation and he demanded that they do something about it. He also requested that the Town Manager look into this matter and "make it right."

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IV. Old Business - none

V. New Business

a. License Renewals:

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; 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 – 20 Ocean Front South.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to renew a **Parking Lot** license, with the same conditions/restrictions that may have been on the original license and all subsequent renewals, for Mark Wojcicki Parking – 32 Railroad Avenue.

b. New Licenses

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to table a **General** license for Architectural Fence M.F.G. & Design – 156 Lafayette Road.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to approve a **General** license for Simply SecondHand – 1 Cushing Street.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to approve a **General** license for The Mom Comm – 2 Elm Street, Unit 1B.

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to approve a **Common Victualer** license for Sam's Ice Cream – Mobile Ice Cream Vending Truck.

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to approve a **Common Victualer** license for Happy's Fried Dough 2 – 14 Broadway pending Board of Health approval.

Street Performers License:

Daniel Colon-Waldrón – Music Entertainment at Beach Center/Broadway

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to approve for Saturdays and Sundays from 3:00 PM to 5:00 PM on Broadway.

Walter Eaton – Music Entertainment at Beach Center/Broadway

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to approve daily from 11:00 AM – 3:00 PM at the Beach Center.

c. License Amendments

Special Event Permit: Outdoor Farmers' Market - change venue from Town Common to Beach Center for the remainder of the Summer.

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to approve the amendment as requested.

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d. Liquor License Renewals - none

e. New Liquor Licenses

One Day Special Liquor License Permit – Charity Baseball Game Between Salisbury Firefighters and Boston Renegades at Lion's Park on Aug. 20, 2022 sponsored by the Salisbury Lion's Club. Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; voted to approve the one-day liquor license permit. VOTE: 4 yeas – Selectman Colburn abstained. Motion carried.

f. Committee Appointments

Council on Aging: Patricia McBride – requesting to be appointed to the Council on Aging for a term to expire June 30, 2025.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to appoint Patricia McBride for a 3-year term to expire June 30, 2025.

Harbor Commission: Reginald Santos and Charles McLean both requested to be re-appointed for a 3-year term to expire June 30, 2025.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to re-appoint Reginal Santos and Charles McLean both for terms to expire June 30, 2025.

Stephen Roth, presently an alternate on the Harbor Commission, requesting to be appointed as a full member replacing Mark Audette for a 3-term to expire June 30, 2025.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to appoint Stephen Roth as a full member, replacing Mark Audette to expire 6/30/25.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to appoint Mike Tennis to the Harbor Commission, replacing Stephen Roth, for a term to expire June 30, 2024.

Planning Board: Two applicants requesting appointment for a term to expire June 30, 2023 – Warren Worth and Ron Tony Giordano

Chairman Takesian requested that this item be tabled until the next meeting.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to table this matter until the meeting of August 15, 2022.

Ring's Island Neighborhood Preservation District: Eleanor Bailey requesting re-appointment.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to re-appoint Eleanor Bailey for a term to expire 6/30/25.

g. Update/Presentations: Planning Board/Historical Commission

Marty Doggett, Planning Board Chair, reported that there is presently a full Board and that Mr. Masiello is the Board's appointee to serve as Salisbury's MVPC commissioner. Since the last update, the Board has endorsed 3 ANR's, approved two subdivisions, approved six major and five minor Site Plan Reviews, approved five Site Plan Modifications and four Special Permit Decision Modifications, approved four special permits, approved two accessory dwelling units and denied one. He also reported that the Review of the Lafayette – Main design guidelines is ongoing, as well as work on the new Master Plan.

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He also informed the Board that the maximum Inclusionary Housing Contribution Payment of \$21,000 was amended at the last Town Meeting and the Planning Board is now allowed to establish the maximum payment annually, which has increased from \$21,000 to \$28,000.34. Finally, he noted that the Planning Department has made significant progress in cleaning up issues relating to unfinished projects, and he hopes to be able to make a full report to the Selectmen in the near future.

Connie Hellwig, Historical Commission Chair, reported that the Commission presently has six members. She noted that this year marks the 50th anniversary of the Commission and she recognized Neal Pike, who was instrumental in founding it. The Commission had open house tours of the Pike School House throughout last summer and participated in the re-dedication ceremony of the Spaulding School's 100th anniversary. A number of repairs have been made to the Pike School and there are plans for more improvements. She told the Board that the former schoolhouse and fire station property on Ring's Island and the neighboring Community House are both significant historic buildings and the Commission, many residents and outside historians would like to see them maintained, but not improved with bathrooms and parking lots. The commission is proposing to nominate these structures, built in the 1800's, to a program called Preservation Massachusetts' Most Endangered Historic Resources. Preservation Massachusetts doesn't offer grant money, just the distinction that raises awareness of very vulnerable buildings in our state. She asked the Selectmen for their support in supporting the Commission's nomination of these two buildings for inclusion on this list and asked for the Board to vote on this matter before the deadline of August 31.

h. Vote to Approve & Sign the State Primary Warrant

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to approve and sign the State Primary Warrant.

i. Vote re: Assignment of Police Office/Constables to Polling Places as Required by Chapter 92 of the Acts of 2022.

Town Clerk Melinda Morrison informed the Board that a new State law had just passed requiring boards of selectmen to take a vote to approve a sufficient number of police officers to preserve the integrity of local elections. She said she had been in touch with Town Counsel, who recommended a specific form of vote for the Board to take, and she asked the Board to take that vote now, as the State primary elections were coming up the day after Labor Day.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to approve a sufficient number of police officers at the polling location at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections as required by Section 72 of the Chapter 92 of the Acts of 2022; and to further designate the Police Chief the authority to assign specific police officers according to scheduling and availability.

j. Diana Gronski – Request for a “Dangerous Dog” Hearing

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to schedule a Dangerous Dog Hearing on August 15, 2022 at 7:15 PM.

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k. Lisa Pearson – Discussion and Approval of Purchase and Sales Agreement with Essex County Greenbelt Association, Inc.

Mr. Harrington explained that the Town had issued a Request for Proposals for the disposition of several parcels of property that had been taken via tax title. Essex County Greenbelt was the only respondent, and they offered to pay more than \$50,000 to purchase these parcels and make them permanent open space. He recommended that the Board vote to move ahead by agreeing to the proposed purchase and sales agreement.

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to approve and sign the Purchase and Sales Agreement with Essex County Greenbelt Association and authorize the Chairman to sign.

l. Discussion and Vote to Enter into Legal Services Agreement re: Potential Claims Related to Contamination of Town's Water Supply by Per- and Polyfluoroalkyl Substances (PFAS)

Mr. Harrington reminded the Board that they had previously voted to enter into legal services agreements with outside law firms to recover potential damages from MTBE in the Town's water supply, and also to join several other communities in suing major pharmaceutical companies and their distributors for their roles in escalating the opioid crisis around the country over the past several years. He informed the Board that he had been contacted recently by Sandman & Sandman, one of the law firms that had represented the Town in the matters mentioned above, and they were requesting that the Town enter into a new legal services agreement to seek potential damages from "forever chemicals" that may potentially affect the Town's water supply. The proposed agreement provides for no "up front" costs from the Town, and a 25% fee for the attorneys should the Town received any monies in a settlement. The Manager said he saw no downside in the Town agreeing to pursue this matter by signing on to the proposed legal service agreement.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to enter into a Legal Services Agreement re: potential claims related to contamination of the Town's water supply by per- and polyfluoroalkyl substances (PFAS) and authorize the Chairman to sign the agreement.

VI. Sewer/Water – no action

VII. Correspondence - none

VIII. Hearings

7:15 PM – Public Ascertainment Hearing to Review the Proposal of Cogeco, LLC d/b/a Breezeline to enter into License Agreement with the Board of Selectmen of the Town of Salisbury

Motion by Selectman Ray-Parrott, Second by Selectman Colburn; unanimously voted to open the Hearing at 7:18 PM.

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Fran Bradley, Director of Government Affairs for Breezeline, gave a Powerpoint Presentation on a new choice in cable service that the company was proposing to offer in Salisbury. A copy of presentation is available in the Selectmen's Office.

Mr. Bradley informed the Board that Breezeline recently signed a license agreement in Amesbury and they are also proposing to do so in Merrimac and Haverhill. He stated that Breezeline is the 8th largest cable operator in the country and their product is a fiber broadband service; therefore, no wires will be required in customers' homes.

Following the presentation, Selectman Colburn said his biggest concern is that they work closely with SCTV. Mr. Bradley said they will do so and will provide the same number of PEG channels as Salisbury has now, except that they will be in high definition. He also noted that Breezeline is proposing to provide the same \$250,000 in capital equipment to SCTV as is contained in the Comcast contract.

Selectmen Ray-Parrott said she believes the Town needs competition and thinks a new service such as Breezeline would not be a negative.

Chairman Takesian asked if the whole Town would be wired, and Mr. Bradley said "yes." The Chairman also asked if Breezeline would have an office or location where people can go to pick up and return equipment as well as pay bills. Mr. Bradley didn't know if there would be an office in Salisbury, but there would be one locally and the company also would provide exchange/deliveries of equipment via UPS. In response to a question about the location of Breezeline's customer service centers, Mr. Bradley said that the majority of their call centers are in the U.S.

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to close the Hearing at 8:07 PM.

The Chairman then announced that the Selectmen will take the license proposal under advisement.

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 Abdulla, Second by Selectman Ray-Parrott; unanimously voted to ratify the signing of the following weekly warrants: W22-112 through W22-116 and W23-1 and W23-2.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Ray-Parrott, Second by Selectman Abdulla; unanimously voted to adjourn at 10:30 PM.

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

Minutes of June 27, 2022

Copies of licenses as listed

Letters Requesting Appointment/Re-appointment

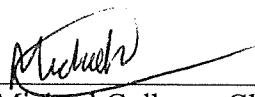
Info re: Dangerous Dog Hearing

Town Manager's Report

Respectfully submitted:


Janet E. Flannery, Secretary

Approved: _____


Michael Colburn, Clerk

MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date: July 18, 2022

Re: July 18th Report to the Board

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

1) Takeover of Water Operations

After planning the transition for about a year, the Town executed a successful takeover of the operation of our water supply and distribution system on July 1. We hired a highly qualified team of professionals to staff the new Water Division and worked with Pennichuck to migrate all the accounts from their database over to the Town. Although billing from Pennichuck ceased as of the beginning of May, meter reading continues and new water bills will be issued from the Town during the last week in July. This will be in conjunction with our transition to a quarterly billing system for water that is similar to our quarterly billing system for sewer. There may be a few glitches in the beginning of this new program, so if customers have any questions or concerns, please call the new number at the Water Division at (978) 465-1430 or reach out via email at: watersewer@salisburyma.gov.

2) Root and Bloom Tour

On June 29, I joined with BOS members in a comprehensive tour of the new Root & Bloom cultivation and manufacturing facility at 187 Lafayette Road. Having never been inside such an operation before, it was a very enlightening tour, where the process of growing marijuana plants and extracting oils from them for use in commercial products was explained in great detail. Security at the facility was very tight and the odor control system was in full operation. The facility was recently given its final license by the State Cannabis Control Commission and is now open and operating.

3) Salisbury Beach Betterment Association

Under the inspiration of Ray Champagne, the SBBA sponsored a complete renovation of the historic Hope Chapel Bell, which was recently re-located to a permanent home at the edge of the Town's beach parking lot at the corner of Beach Road and Cable Ave. On behalf of the Town, I extended my thanks to Mr. Champagne and all who assisted on the project. I also attended the annual SBBA meeting, which was held on July 11 and gave an update on various Town projects of interest completed or undertaken at the beach.