

## BOARD OF SELECTMEN MINUTES OF OCTOBER 6, 2014

**PRESENT:** Selectmen Donald Beaulieu, Chairman; Freeman Condon, Henry Richenburg, and Wilma McDonald  
**ABSENT:** Selectman Hunt  
**ALSO PRESENT:** Neil J. Harrington, Town Manager and Janet Flannery, Secretary

### **I. Call to Order/Salute to the Flag**

Chairman Beaulieu called the meeting to order at 9:00 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 - none**

### **III. Old Business - none**

### **IV. New Business**

#### **a. License Renewals – no applications received**

#### **b. New Licenses**

Motion by Selectman Condon, Second by Selectman Richenburg; unanimously voted to approve a **General** license to George O. Fowler – 15 Folly Mill Rd. for the sale of loam, fill, and firewood

#### **c. License Amendments**

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to approve an amendment of a change in address to a **General** license for Complete Car Cleaning, etc. – 106 Bridge Road (formerly at 162B Bridge Rd.)

#### **d. Committee Appointments - none**

#### **e. Update/Presentations: DPW Director/Planning Director**

**DPW Director, Don Levesque** reported that there has been a lot of issues and activity in the last 6 months.

- The parking lot was very active: ticket sales came to \$138,703 compared to \$135,877 last year. 10,000 regular daily passes were sold and 300 seasonal passes. More money was made this year than last year. Daily rate was raised to \$15.00 in July and after 6PM it is lowered to \$10.00. By doing that the Town probably gained about \$3,000 - \$4,000 and all in all it was a very active season. There were some issues at the comfort station: the roof was leaking and after one of the storms the roof caved in which cost \$5,000 to repair.
- Parks & Recreation just had a fund raiser that netted about a \$1,000 profit, which is for the upkeep of one of the baseball fields. The Fall Festival for Halloween is scheduled for Saturday, Oct. 25<sup>th</sup> between 1 & 4 PM – hay rides and other events are planned.
- The Town received \$34,900 from MassDOT through the Winter Recovery Program and this money had to be spent in a timely fashion and in a certain way. A portion was used for patching throughout the Town in which 275 ton of asphalt was used, and there are still some areas to be done. Also, 20 catch basins were repaired. For the record, Mr. Levesque wanted to make it clear that there are 700 catch basins in Town and not 60 as people were led to believe. Line painting was done throughout the Town and 675 catch basins were cleaned, along with 8 storm drains.

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- The Town has taken over Long Hill Cemetery; there are still some issues to be resolved but the Town has been maintaining the area.
- Beach Tank Cell Tower – there have always been issues, but with the help of the Manager and Leah Hill he has been working with Verizon and they will be going before the Planning Board on Wednesday to explain what they want to do.
- The Town Creek culvert project is largely finished, with just a few items to be done. The rail trail is open and people are able to use it.
- The Town is now off the summer water restriction and Mr. Levesque thanked the residents for their cooperation and asked that they continue to watch their water usage.

### **Lisa Pearson, Planning Director**

- The Town Hall was painted this summer with the help of the Sherriff's Dept., DPW, and monies donated by merchants via the Chamber of Commerce. The inside first floor also was painted.
- The Library had a "topping off" ceremony and it is starting to take shape. All is on schedule at this point.
- The Police Station – The public hearing was held last week as well as an open house in the current station. The Chief said anyone who could not attend is welcome to call and schedule a time to visit.
- There was another successful season for the community garden and they are starting a winter planting.
- Received a \$30,000 grant for a small addition to the Stevens Rail Trail, and it is the hope to build a larger trail which will be a nice addition to the marsh trail.
- Received the 2014 CDBG Grant, which will fund the Boys & Girls Club program, the Pettengill House Emergency Assistance program, Lincoln Ave. and Howard George Court Phase II project, and Housing Rehabilitation.
- Ms. Pearson is working on the FY15 Grant Application and trying to figure out what the Town should apply for. She asked the Selectmen for suggestions because she will come back in a month or two for their input.

### **f. Vote to Sign State Election Warrant**

Motion by Selectman Richenburg, Second by Selectman McDonald; unanimously voted to sign the State Election Warrant as submitted.

### **g. Vote to Approve Order of Layouts for Taft Street, Adams Street, Garfield Street, Washington Street, and Hayes Street**

Mr. Harrington explained that this process is necessary in order for the Town to legally and formally adopt the streets as town ways. However, one step was skipped in this process and he requested that the matter be tabled until the next meeting.

Motion by Selectman Condon, Second by Selectman Richenburg; unanimously voted to table until the meeting of October 20, 2014.

### **h. Vote to Grant License to National Grid for Utility Connection to New Library**

Mr. Harrington said this license would only exist until the Town grants a permanent easement to National Grid to supply electric power for the new library. A warrant article giving the BOS authority to grant the permanent easement is going before Town Meeting later in the month.

Motion by Selectman Richenburg, Second by Selectman Condon; unanimously voted grant National Grid a license to install underground electric utilities on a portion of the property at 17 Elm Street.

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### **i. Vote re: Use of Portion of Water Dept. Land at 175 Beach Road for Police Station**

Mr. Harrington explained that the Town is proposing to construct a new police station on Beach Rd. The proposed site is located on a parcel of land that was acquired by the Town when it purchased the water system several years ago. The entire site is about 6 acres and about 2 acres is necessary to build the new police station. Under the law, the Board and Town Meeting need to vote that the land in question is no longer necessary for water department use.

Motion by Selectman Condon, Second by Selectman Richenburg; unanimously voted that the Board of Selectmen, in such capacity and as the Water Commissioners, hereby determines that the portion of the property located at 175 Beach Road that is shown approximately as "Transfer Portion" on a plan entitled "Plan of 175 Beach Road", and which is part of the land acquired by the Town pursuant to a deed recorded with the Essex South District Registry of Deeds in Book 17706, Page 448, is no longer required for water supply and/or distribution purposes, and that the same may be transferred by Town Meeting.

### **j. Vote re: Re-sale of Property at 135 Beach Road, Unit 107**

Ms. Pearson had provided a Certificate of Compliance re: the re-sale of the unit at 135 Beach Rd. and said it this was an affordable unit. The owners worked hard to sell it at an affordable price, with the help of the Planning Dept. and were not successful in doing so. According to the deed rider the owner can then sell the unit as a market rate unit and the difference in price would then revert to the Town. However, in order to sell at market price it must be approved by the Selectmen and they must vote and confirm that the following is true:

1. The Property referred to herein is the Property described in the Deed Rider.
2. The Municipality and the Undersecretary have each either been unable to locate an eligible purchaser for the Property or have each elected not to locate an eligible purchaser for the Property, and the Municipality and the Undersecretary have each elected not to exercise its right of first refusal to purchase the Property, all as described in the Deed Rider.
3. Either (i) no excess amount above the Maximum Resale Price is payable by the Grantee to the Municipality, or(ii) any amount in excess of the Maximum Resale Price Payable by the Grantee to the Municipality pursuant to the terms of the Deed Rider has been received by the Municipality.
4. The transfer of the Property by the Grantee to Joseph J. Richard for consideration in the amount of One Hundred and Twenty Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$126,750.00) is in compliance with the terms of the Deed Rider.
5. The Municipality and the Undersecretary hereby acknowledge and confirm that the Grantee has fulfilled all of its obligations set forth in the Deed Rider and that henceforth all rights, restrictions, agreements, and covenants contained in the Deed Rider shall be null and void.
6. All defined terms used herein shall have the definitions set forth in the Deed Rider unless otherwise defined herein.

Motion by Selectman Richenburg, Second by Selectman Condon; unanimously voted to approve the sale at the market rate and to confirm that six conditions are true and did occur.

All documents are on file in the Planning Director's office.

### **k. Vote re: Request of Equity Alliance LLC for Termination of Restoration Bond re: Re-Development of 191 Beach Road**

Joel Kahn of Equity Alliance, which is developing the property at 191 Beach Road, was present to request that the Selectmen terminate the Restoration Bond that was required by the Town per the Large Project Filling Permit issued on Sept. 4, 2013. He reported that they have completed importing all the

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clean fill, and have finished the installation of the geopiers, surcharging the site, completion of most foundation walls, and are currently in the process of framing two of the buildings. Based on their current schedule, all base paving should be done before winter as well as the offsite improvements, and they anticipate that Building B will be ready for occupancy in March of 2015 and the clubhouse will be completed in early January. He further stated that during the entire process they have worked hard to ensure that they adhered to all the Town's requirements and they continue to do so. He also noted that although they are requested termination of the Restoration Bond, there will still be a Road Bond and Site Plan Bond in full effect that will provide adequate protection to the Town through the completion of the project.

Motion by Selectman McDonald, Second by Selectman Richenburg; unanimously voted, rather than terminate the Bond entirely, to reduce the amount of the Restoration Bond amount from \$400,000.00 to \$50,000.00.

### **I. Vote to Take Permanent Easements in 10<sup>th</sup> Street West, 11<sup>th</sup> Street West, 12<sup>th</sup> Street West, Lewis Avenue, Florence Avenue, Carter Avenue, and Humphrey Avenue by Eminent Domain**

Mr. Harrington said that in order for the Blackwater River floodwall project to go forward this is one of the last steps. Town Counsel has recommended that no damages be awarded. Letters have been sent to all the owners involved and the deadline for the acquisition is Wednesday, October 8<sup>th</sup>.

Motion by Selectman Richenburg, Second by Selectman Condon; unanimously voted, pursuant to the authority granted under Article 15 of the June 10, 2014 adjourned session of the May 19, 2014 Annual Town Meeting, to take by eminent domain permanent public way easements in 10<sup>th</sup> Street West, 11<sup>th</sup> Street West, 12<sup>th</sup> Street West, Lewis Avenue, Florence Avenue, Carter Avenue, and Humphrey Avenue, and, having determined that no damages are due and/or damages have been waived, hereby award no damages for said taking.

### **V. Comments by Visitors**

Kevin Henderson of Atlantic Avenue said he took the tour of the Police Station and couldn't believe how the men were working out of that building and anyone who doesn't think the Town needs a new station should go take a look at it.

### **VI. Sewer/Water**

### **VII. Correspondence**

### **VIII. Hearings**

### **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 Richenburg, Second by Selectman McDonald; unanimously voted to ratify the signing of the following weekly warrants: W14-46 thru W14-54.

#### **b. Subcommittee Reports**

**Library:** Cement has been poured for the first floor and electrical and fire protection has been installed.

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**Lafayette Corridor Sewer Extension:** A meeting is scheduled for this Wednesday for an update by Weston & Sampson.

**Sewer & Water Rate Study:** Meeting scheduled for tomorrow night where the consultant will be returning to answer questions raised at the Public Hearing.

**Town Common Re-Design:** Nothing to add since last report.

**Police Station Building:** Nothing to add since last report.

Selectman McDonald mentioned that there had been discussion some time ago about streaming the license and permitting process. No action or discussion at this time took place.

Chairman Beaulieu announced that he will not be at the next meeting and he reminded the Board that the first meeting in January has been changed from the 12<sup>th</sup> to the 5<sup>th</sup> due to scheduling conflicts. He also suggested that the Board, over the next few weeks, review their plans and mark the calendar that he left in the office so there will always be a quorum for meetings over the winter months.

### **XI. Executive Session - none**

### **XII. Adjournment**

Motion by Selectman Richenburg, Second by Selectman Condon; unanimously voted to adjourn at 9:04 PM.

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

Copies of licenses as listed

Information on the Re-sale of Property at 135 Beach Rd.

Information re: Order of Layouts of Streets as well as the Taking of Easements

Town Manager's Report

Respectfully submitted:

Janet E. Flannery, Secretary

Approved: \_\_\_\_\_  
Ed Hunt, Clerk