

**MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JUNE 11, 2018 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM**

PRESENT: Selectmen Wilma McDonald, Vice-Chairman; Freeman J. Condon, Chuck Takesian, and Donna Abdulla

ABSENT: Selectman Ray-Parrott

ALSO PRESENT: Neil J. Harrington, Town Manager and Janet Flannery, Secretary

I. Call to Order/Salute to the Flag

Vice-Chairman McDonald called the meeting to order at 7:00 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

Minutes of May 7, 2018, Special Meetings of May 14, 2018 and June 1, 2018

Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to approve the Minutes of May 7, 2018 and the Special Meetings of May 14, 2018 and June 1, 2018 as written.

III. Old Business - none

IV. New Business

a. License Renewals - none

b. New Licenses

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to approve a **General** license to Joyful Harvest Market – 2 Elm Street, B1

Motion by Selectman Condon, Second by Selectman Abdulla; unanimously voted to approve a **General** license to Brenda Hersey – 99 Beach Road for the sale of firewood to campers.

Selectman Abdulla recused herself for the next 3 licenses and left the meeting.

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to approve a **Common Victualer** license for Salisbury Sports Pub, LLC – 3 Broadway

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to approve a **Entertainment** license for Salisbury Sports Pub, LLC – 3 Broadway

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to approve a **Sunday** license for Salisbury Sports Pub, LLC – 3 Broadway

Selectman Abdulla returned to the meeting.

Special Event Permit – Salisbury Beach Partnership for summer events from 6/23/18 through 9/1/18 at Center Stage

Bob White presented the Partnership's request and noted that the events would mirror the activities that took place last summer. Mr. Condon moved approval for discussion purposes. Selectman McDonald pointed out that the annual "Ramble" wasn't listed as one of the events. Mr. White said it was part of the weekend concert lineup but not listed separately. Because of the size of the Ramble,

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JUNE 11, 2018 – 7:00 PM
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COLCHESTER ROOM

Selectman McDonald said she thought it should have a permit of its own. It was agreed that the Special Permit would be taken up at the next meeting.

c. License Amendments

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to approve an amendment on a **General** license for Salisbury Fuel, Inc. – 157 Bridge Rd., formerly Salisbury Energy.

d. Liquor License Renewals

e. New Liquor Licenses

f. Committee Appointments - none

g. Update/Presentations: DPW Director/Planning Director

Ms. DeMeo, DPW Director, reported on the following:

- The DPW will be continuing with the annual street paving program this year. The list of streets to be improved will be posted on the Town's website. Also, the State is starting tonight on repaving a large portion of Beach Road
- Tree pruning is being done
- Pot holes are being filled and streets are being swept
- Catch basins are being cleaned
- Repairs on some streets still need to be done due to snow and ice damage
- A lot of time has been spent getting the parks ready for summer; the cemeteries were ready for Memorial Day. She is also looking into the accounting, etc. for Long Hill Cemetery and how perpetual care works. She indicated that Long Hill is close to being full and the Town will have to start looking at an additional location for a new cemetery soon.
- She is working with Mass. Maritime Academy, who will be providing a college senior to work for the Town this summer on a project which will entail compiling a preventative maintenance program for all town buildings.
- She is working with Chief Fowler and Lisa Pearson on the new beach parking plan and getting it up and running, as well as finalizing the parking rates
- She spent considerable time since her last report working with the study group preparing to bring the Lafayette Road sewer extension project to Town Meeting
- A new person has been hired at the Wastewater Treatment Plant to replace Kevin Wholley who recently retired
- She is now a certified Tree Warden

Ms. Pearson, Planning Director, reported on the following:

- An additional \$85,000 was appropriated at Town Meeting to finalize the Town Common project; the contractor is moving forward with irrigation, etc. She is currently waiting for the new monument to be installed
- The Art Stroll was held on June 10 and was very successful; it was originally scheduled for a date in May but was rained out
- She is working on continuing to upgrade Partridge Brook Park and is finalizing a PARC Grant application for the playgrounds and skate park

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JUNE 11, 2018 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

- She is still waiting to hear about whether the Town will be funded in the next round of Community Development Block Grants

Selectman Condon commended Ms. Pearson and her staff on the Art Stroll. Relative to the Town Common project, he said he was a little concerned with the landscaping and wanted to go on record that he had issued some concerns earlier on about the condition of the grass and weeds. Ms. Pearson said she did pass his concern on to the contractor, who is responsible for the landscaper, all through the construction project and they will take care of the problem. She further explained that until the Town signs off on the project we cannot do anything with the landscaping such as weeding, mowing the grass, etc., because to do so would make the warranty null and void.

Selectman Abdulla also commended Ms. Pearson on the Art Stroll.

Selectman Takesian apologized for missing the Art Stroll; he could not attend due to other commitments. He then said he is very interested in getting the so-called “McKenna’s Mountain” property on the fast track for sale and getting it back on the tax rolls. Ms. Pearson explained that an RFP was issued that included a requirement that any potential purchaser clean up the concrete pile that has been sitting on the site for years, but we are having difficulty putting the proper safeguards for any potential purchaser (and the Town) into a contract because no one knows what is in the pile and there is a question of liability if any cleanup reveals hidden contamination. It is a very sensitive area and she and the Town’s attorney are working on it.

**h. Schedule Public Hearing for a New Liquor License for Salisbury Sports Pub, LLC – 3
Broadway**

Selectman Abdulla recused herself and left the meeting room at this time.

Motion by Selectman Takesian, Second by Selectman Condon; unanimously voted to schedule a Public Hearing for a new liquor license at Salisbury Sports Pub, LLC on Monday, June 25, 2018 at 7:30 PM in the Colchester Room.

After the vote, Selectman Abdulla returned to the meeting.

i. Vote to Approve Salisbury Housing Production Plan

Representatives of the Merrimack Valley Planning Commission (MVPC) had given an overview of the Plan at the last meeting and had provided a copy of it to the Board.

Selectman Condon said he was pleased during the MVPC presentation that they had used Salisbury as a model of a community that is forward-thinking with regard to housing; he was appreciative that MVPC was very forthright in commending and praising the Town and complimentary toward our zoning initiatives and the active participation of our Affordable Housing Trust on housing issues.

Motion by Selectman Condon, Second by Selectman Abdulla; unanimously voted to approve the Salisbury Housing Production Plan, as previously presented.

**j. Vote to Reauthorize Inter-Municipal Agreement with Town of West Newbury Re:
Pump-Out Services**

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to re-authorize the Inter-Municipal Agreement with the Town of West Newbury regarding pump-out services.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JUNE 11, 2018 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

k. Vote to Apply for CZM Coastal Resiliency Grant

Ms. Pearson gave a brief update on the purpose of the grant, which is to study potential remedies to threats of erosion and flooding, such as the situation that occurred some years ago at Town Creek. If we are successful in receiving the grant, the Town intends to study possible solutions to the constant flooding of Ferry Road near Ring's Island. With some of last winter's storms, the marsh completely overflowed Ferry Road, making it impassable. Selectman Condon said these problems have been going on for years and he is encouraged that the Town is taking a look at finding ways to resolve these long-standing problems.

Motion by Selectman Condon, Second by Selectman Takesian; unanimously voted to approve applying for the CZA Coastal Resiliency Grant, as presented.

l. Discussion of Adult-Use Retail Marijuana Licensing Process

Mr. Harrington had provided copies of a power point presentation from a public forum he had recently attended on adult-use recreational marijuana. The event was sponsored by the MVPC and included presentations from a member of the State's new Cannabis Control Commission, as well as an attorney from KPLaw.

In summarizing the forum, he said that he learned that the State will be issuing licenses for various types of adult-use recreational establishments after July 1, and that cities and towns have to decide what process they want to use when it comes to licensing these businesses. He recommended that the Board consider using the process they agreed upon when they were considering licensing Medical Marijuana Dispensaries (RMDs). The only difference this time is that rather than deciding how many adult-use marijuana establishment the Board wants to license, State law specifies that the number must be at least 20% of the number of licenses issued for the sale of alcohol not be drunk on the premises, i.e., the number of liquor stores in town.

The Manager suggested that the Board announce that they will accept applications after July 1, that applicants be required to identify a site in town that they control that conforms to the recently-adopted overlay zoning, that they provide a detailed explanation of how they intend to operate the business (e.g., security measures that will be taken, days and hours of operation, etc.), and that they provide a draft Host Community Agreement for the Town to consider. Then the Board should interview each of the applicants and delegate the Manager to do the appropriate background checking and negotiations re: the Host Community Agreement before the Board decides who to license. All applicants must also be licensed by the State.

Mr. Harrington noted that there are several communities that have banned the retail sale of recreational marijuana outright, but a majority of voters in town approved the 2016 ballot question and, since there has been no attempt to institute a ban via a vote of Town Meeting, he recommends that the Board proceed with setting up a licensing process. He noted that Alternative Therapies Group, which is already licensed to sell medical marijuana, also is interested in a license for the sale of recreational marijuana, and he is in the process of renovation his location on Elm Street. If he were selected to be licensed for the sale of adult-use recreational marijuana, he would be required to separate the sale of the two different types of marijuana at his retail location. Mr. Harrington suggested that the Board allow Alternative Therapies Group to submit a proposed Host Community Agreement in advance of

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
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COLCHESTER ROOM

setting up the licensing process for adult-use recreational marijuana retail sales. One advantage of licensing Alternative Therapies Group early is that they have already been vetted by the Town and have successfully negotiated a Host Community Agreement for their RMD. If they were to be licensed for the sale of recreational marijuana in an expeditious manner, and if they were successful in sales, the Town would be assured of receiving a significant amount of revenue from this operation. He suggested that the Board be prepared to vote on establishing a licensing process at the next meeting.

V. Comments by Visitors

Brendan Burke of Ferry Road complained about the upkeep of certain Town properties and buildings and handed out photos showing examples of areas where the Town, in his opinion, does not seem to care. In particular, he complained about the fact that he had met with the Town Manager's Chief Aide re: street sweeping in Salisbury Square and was told that this area is controlled by the State and was not the responsibility of the Town. He told the Board that he did not care who was responsible, he wanted the Town to sweep the square. He also complained about the condition of the Town Common project and suggested that the Town should hire several part-time workers to pull out the weeds, mow the grass and ensure that the area does not look like an eyesore.

Mr. Harrington said he takes offense at Mr. Burke's comments and explained that the Town has limited resources. The DPW is responsible for sweeping the streets, getting the beach ready for the summer, maintaining the cemeteries, filling in potholes after the winter, etc. He said that the Town does a very good job and the vast majority of people in town know that the DPW has a very good reputation. He also noted that he knows of no community that sweeps State roads. As far as the Town Common goes, he acknowledged that since the contractor's fence was removed, things look unsightly, but the project is not done and when it is finished it is going to be beautiful. Ms. Pearson added that the entire area of the Common is legally the responsibility of the contractor until the project is finished and signed off on by the Town; if the Town steps onto the property to do what Mr. Burke wants, we will be relieving the contractor of his legal responsibility to finish the project properly.

A gentleman who is part owner of 221 Lafayette Road (the site of a former Getty Station) said he was very disappointed with the outcome of the Lafayette Road corridor sewer extension vote and asked if the Town could take another look at whether it would be affordable to extend sewer along Lafayette Road only. He said there are several sections of that portion of Route 1 that need sewer in order to expand business, etc. Selectman Condon thanked him for coming in and for making his needs public; he said he personally agrees with some of the points he made and thinks some of the Town's economic development potential is going unrealized.

A resident of 108 Lafayette Road said she was also extremely disappointed with the defeat of the sewer expansion vote and agrees 100% with the previous gentleman. She said she is a realtor and realizes the value and importance of having sewer available, both for homeowners and businesses.

VI. Sewer/Water

VII. Correspondence

VIII. Hearings – none scheduled

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY, JUNE 11, 2018 – 7:00 PM
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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 Condon; unanimously voted to ratify the signing of the following weekly warrants: W18-180 through W18-190.

Selectman Condon mentioned that the Board's meeting in July conflicts with the annual meeting of the Salisbury Beach Betterment Association. Since Chairman Ray-Parrott was absent, he suggested that the Board address this issue at the next meeting.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Abdulla, Second by Selectman Takesian; unanimously voted to adjourn at 8:50 PM.

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

Minutes of May 7, 2018 and Special Meeting Minutes of May 14, 2018 and June 1, 2018

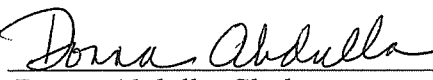
Copies of licenses as listed

Info relative to the retail marijuana licensing process

Town Manager's Report


Respectfully submitted:

Janet E. Flannery, Secretary

Approved: 
Donna Abdulla, Clerk

MEMORANDUM

To: Members of the Board of Selectmen

From: Neil J. Harrington, Town Manager 

Date: June 11, 2018

Re: June 11th 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) Triton Budget Situation

As you know, the Triton School Committee voted on May 16 to adopt a reduced budget for FY2019 for the District. Salisbury's proposed increase under this new budget will be about \$627,000. Since we had already budgeted a \$78,000 increase for Triton in the budget we proposed at Town Meeting, our shortfall currently stands at about \$549,000. Recently, the Rowley Board of Selectmen announced that they would be recommending at the Town's June 18 special town meeting that Free Cash be used to cover the shortfall in Rowley's Triton budget for FY19. If Town Meeting approves this recommendation, the Triton budget will be deemed to have passed and Salisbury will need to find a way to bridge the \$549,000 gap we now face.

Currently, we have a Special Town Meeting scheduled for June 30. The closing date for the warrant for that meeting is Friday, June 15. I can submit a warrant article to fully fund the FY19 Triton budget for this meeting, or the Board can cancel the meeting and we can work toward bridging the \$549,000 gap by the Fall Town Meeting. The Board can also consider voting to place another override question before the voters at a special town election to cover all or part of our shortfall. These are the options before us. At this point, I would recommend that the Board take no action relative to cancelling the June 30 meeting or possibly scheduling another override until after we see what happens at the Rowley special town meeting on June 18. The Finance Director and I are looking at different financial scenarios for the Town and we should have greater clarity on the issue before the next BOS meeting on June 25.

2) North End Boulevard Improvements

Several months ago, DPW Director Lisa DeMeo and I met with officials of MassDOT to ascertain the status of roadway improvement projects in Salisbury and discuss ways in which the Town and MassDOT could work together to help improve the roadway infrastructure in the Town. Based on feedback from several residents and lobbying by the Salisbury Beach Betterment Association, we advocated forcefully for something to be done to improve the condition of North End Boulevard.

I am pleased to report, as a result of this meeting, that MassDOT recently sent representatives to meet with us and inform us that they have dedicated a certain amount of funding to begin work on

the preliminary phases of eventually reconstructing North End Boulevard from Beach Road to the New Hampshire state line. Starting this summer, a MassDOT consultant will be in Salisbury to do an existing conditions survey, including wetlands resource area delineations (last week in June), traffic and pedestrian counts (July 3 – July 8), and storm drainage, utility and other survey data gathering (August through mid-October). So, if residents see activity on North End Blvd. this summer, including markings on the street, this will be the MassDOT consultants doing their work.

At the end of the year, we will meet with MassDOT again to go over the results of their survey work, and to look at concepts for reconstructing the roadway. We want residents to understand that this project will not just be looking to re-pave the street. The scope of the project will also include looking at the location and conditions of sidewalks, crosswalks and curb cuts. In the spring of 2019 we will hold a public hearing to get input and feedback before the State proceeds with any one particular design concept. Finally, once the design is at a certain stage, we will need to lobby to secure the funding necessary to do the actual construction.

To get a project of this magnitude on the drawing board is not an easy task, and there are many steps to be taken before the actual reconstruction can happen, but I am pleased that MassDOT has listened to our concerns and we look forward to working with them to make this project a reality.