

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, FEBRUARY 27, 2023**

Chair Manupelli called the meeting to order at 7:39 p.m. via in person and remote participation at the NORTH READING MIDDLE HIGH SCHOOL, 189 PARK STREET, DISTANCE LEARNING LAB. Participating members were Ms. Gonzalez, Mr. Stuto, Mr. Wallner, Mr. O'Leary and Town Administrator, Michael Gilleberto.

MADAM CHAIR, I MOVE TO ENTER INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSES:

SUBSECTION 3 - TO DISCUSS STRATEGY WITH RESPECT TO PENDING LITIGATION IF THE CHAIR DECLARES THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE TOWN

SUBSECTION 7 - TO COMPLY WITH, OR ACT UNDER THE AUTHORITY OF, ANY GENERAL OR SPECIAL LAW OR FEDERAL GRANT-IN-AID REQUIREMENTS (MGL CHAPTER 30a, SECTION 22(F), (g)(2) TO REVIEW THE SELECT BOARD EXECUTIVE SESSION MEETING MINUTES FROM THE FOLLOWING DATES: 1/14/19, 1/28/19, 2/25/19, 3/4/19, 3/18/19, 4/1/19, 4/22/19, 5/20/19, 6/10/19, 6/17/19, 7/15/19, 8/19/19, 9/9/19, 9/30/19, 10/28/19, 11/18/19, 12/16/19, 1/13/20, 1/27/20, 2/10/20, 2/29/20, 3/9/20, 3/23/20, 4/15/20, 5/4/20, 5/18/20, 6/1/20, 6/15/20, 6/29/20 & 2/13/23; VOTES MAY BE TAKEN)

AND TO ADMIT THE FOLLOWING:

MICHAEL P. MURPHY, CHIEF OF POLICE

DARREN KLEIN, TOWN COUNSEL, KP LAW

JANELLE AUSTIN, TOWN COUNSEL, KP LAW

MOTION BY: MR. WALLNER
SECONDED BY: MR. O'LEARY

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 UNANIMOUS

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Next order of business. Recognize Water Superintendent Mark Clark

Each Select Board member expressed multiple sentiments of gratitude for the 28 year legacy of Mr. Mark Clark. Abigail Hurlbut & Don Kelliher added their owned best wished for a long and happy retirement.

Next order of business. Proclamation: Dollars for Scholars

Brenda Beherrell, Amy DiChiara & students Sabrina Mini & Lucia Mini were present. They gave a background on the Legacy of the Program from its inception in 1963. They also added that they have given out \$1.46M over the years.

Mr. O'Leary said thank you for their years of efforts. He set up an endowment fund when his Dad passed and he encourages all to participate in the program.

MADAM CHAIR, I MOVE TO PROCLAIM MARCH 6-9, 2023 AS NORTH READING DOLLARS FOR SCHOLARS WEEK AND TO READ THE ATTACHED PROCLAMATION.

MOTION BY:	MR. WALLNER
SECONDED BY:	MR. O'LEARY

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 UNANIMOUS

Next order of business. Warrant Article Informational Hearing, March 6, 2023 Special Town Meeting

Chair Manupelli opened the Public hearing at 8:06 p.m. She then read the Notice. She asked Mr. Adam Austin to explain the Citizen Petition and the reason behind it and what they were asking change in the by-law.

Mr. Austin-42 Main St. He began with his prepared comments.

Chair Manupelli asked if Mr. Austin could curtail his comments to the reason for the Warrant Article Hearing.

Mr. Austin continued with prepared remarks.

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Chair Manupelli requested Mr. Austin to again explain the Warrant article to inform the members of the community of the by-law proposed change and not the future sewer project. She additionally had to request any public comment be made through the chair.

Mr. Austin continued.

Chair Manupelli asked if Mr. Gilleberto could give the info on what the changes being asked so that the community will know and understand why there will be a STM on Monday, March 6, 2023.

Mr. Gilleberto went through some slides on Article 1 and a list of question with answers.

Attorney John Eichman was present to assist in answering questions.

Chair Manupelli asked for the Attorney to make a clarification

Attorney Eichman added under the current bylaw abutter contributions can be lower than 50 percent but the previous way the reversion requires the approval of a majority owners with a majority flow on that street for the town to assess betterments at all. If you're going to assess the maximum that they can be assessed is 50 percent but if they want to agree that the town will pay more than 50 percent they can do that.

Mr. Stuto asked if you have somebody that rents out their condo or home or I own a building but lease it out to the UPS store, under the old bylaw would not have a vote. If you're a registered voter in North Reading and you can vote for everything else but you would not have a vote for that. If we reverted back their votes are gone if they're not owners.

Attorney Eichman answered that in the pre-town meeting abutter approval process the tenants would not have a vote because they are not Property Owners. If theoretically the owner was an owner of a smaller multi-family home and he lived there they would get a vote. The property owner obviously gets to vote in the town but it does say that the votes that count are the resident owners on the street so if the owner doesn't live there that's not one of the votes that's going to be counted in determining whether the board can assess betterments for that street. This bylaw as best interpreted is a limitation on the use of betterments street by street.

Mr. Stuto asked if a condo association vote yes/no its one vote for the condo.

Attorney Eichman yes.

Ms. Gonzalez asked how it is different with the bylaw change; do those tenants get to have a vote.

Attorney Eichman with the bylaw as it is now right there is no process for residents on a street to say yes or no to betterments. The only process that they can do is by going to town meeting and asking as part of the financing Warrant article to say the limitation of betterments is "X" percentage and that would have to be voted by town meeting. That's the process by which you would limit betterments at that point.

Paul Denaro, 402 Park St. compliment the TM for sending out the information and mailings on the Citizens Petition. Mr. Denaro asked to get an example of majority of H2O usage.

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Mr. Gilleberto gave an example.

Mr. Denaro asked about people on a side streets to a main street would have a say certain volume.

Mr. Gilleberto said they don't take all the properties street by street. Vote for Main St. Vote for Concord St.

Mr. Denaro asked if the option to bring the sewer mains down side streets is not in the current plans.

Mr. O'Leary answered that yes.

Mr. Gilleberto said Phase II had Martins Pond.

Chair Manupelli added this meeting is not just about sewer it's about any water project in the future.

Mr. Denaro said his concern was how to pay for a sewer project that is phase one not knowing what future cost would be.

Chair Manupelli answered that would be a vote taken at a town meeting on a proposed project by everybody that's registered and attends. They are answering questions on the bylaw change.

Mr. Denaro what does Phase II cost.

Chair Manupelli called a recess due to Zoom Participant issue at 8:52. Chair Manupelli recalled meeting at 8:53

Mr. O'Leary responded fully on this issue to help focus the meeting more.

Chair Manupelli called a recess due to Zoom Participant issue at 8:57. Chair Manupelli recalled meeting at 9:06. She made a public apologies to the zoom attendees, current attendees and to Mr. Denaro.

Jeff Yule 427 Park St. asked if the bylaw was changed to make it easy to implement sewer in town.

Mr. O'Leary answered that it was not specific to any project.

Mr. Yule asked what the reason was.

Mr. Wallner answered that it was to give the most flexibility.

Mr. Yule asked Mr. Adam Austin what his reason for the citizen petition.

Mr. Austin replied that it was to protect the abutters against extreme options.

Mr. Stuto asked Mr. Austin his opinion. We heard at the last meeting from some that they're registered voters but they rent that their fear is that if sewer goes through in a property management company raises their costs. The question becomes under the old bylaw they would not get a say in that if a project did

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make sense abutters could pretty much vote that in and it goes through and then as a renter you could theoretically see your costs go up.

Mr. Austin said he prefers the renters had a vote. He wants to bring it back to when it was fair and revert to the owners on the route getting the right to vote. With the new bylaw no one gets a vote. He is just asking for fair and reasonable.

Ms. Gonzalez added that the first plan was not unreasonable it was the opportunity to get feedback on the original plan. The feedback went to the working group and they will bring a new plan to Town Meeting.

Chair Manupelli again said the reason for the Hearing was the bylaw.

Mr. Yule asked if that article passes at the STM then it has to be sent to the state for approval.

Chair Manupelli answered that yes.

Mr. Yule asked if the state would not approve.

Chair Manupelli said they approved the first time.

Mr. Kelliher- Finance Committee added the original bylaws covered 2 subject matters. 1) Roads on unaccepted streets. 2) Water projects on unaccepted streets. As I understand the impetus for the addition of sewer because it was that was not in the old by law was water supply and I believe roads. I think there's a problem with the original bylaw with if the residents of the street want a Road built on an unaccepted way or they want water brought down they ought to be paying for it and the rest of the taxpayers shouldn't be paying. If you revert and get rid of the section on sewer betterments and try to incorporate it into the bylaw by putting it into public water supply by adding sewers to it and you've got this 50 percent or the lesser. Even if you're your estimate is a good estimate there's a risk there that it's going to cost more and but the abutter are going to be held harmless and the rest of the taxpayers are going to pay more. I just think that there are issues in this that we probably ought to address.

Chair Manupelli said she had that same question in regard to the percentage and why we fix it at that amount and the engineer did explain that at the time that the residents who were voting on a private way Swan Pond Paving. They had to have a fixed amount so that we had to have an amount and it was the best estimate in at that moment of time where they had the majority of the residents. That didn't go through because they didn't have one abutter in the middle of the road that would not agree. I know what you're saying but I think at the time that fixed amount that estimate at the time was necessary to go to the abutters and say this is how much your contribution is.

Abigail Hurlbut added that this is the largest single financial project that we've ever done. We don't get reimbursements from the state as we did as part of the cost of the schools. This project is probably not going to be completed for five years so the possibility of those costs for construction increasing during that period of time is good and it's not just the town that's picking up the overage, it's the taxpayers. In this particular with a long-term very expensive project like this it's really an issue. I don't know if we can do anything about it or not but I think that we should certainly give consideration to that.

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Mr. Denaro said he read somewhere there's 90 miles of streets in North Reading but he thinks if we took maybe five side streets you multiply times five times at least it would be something that that the townspeople could say Okay phase three and phase four is going to cost this much. They're just small informational additions that he thinks he would need to as a former business owner. He wants to get all the information.

Chair Manupelli closed the comment portion at 9:32 p.m.

**Next order of business. March 6, 2023 Special Town Meeting, Warrant Article
Recommendation**

The Select Board discussed and came to a consensus not to make a recommendation until town meeting.

MADAME CHAIR, I MOVE TO MAKE A RECOMMENDATION AT SPECIAL TOWN MEETING ON THE CITIZENS' PETITION: AMEND CODE OF NORTH READING – GENERAL BY-LAWS CHAPTER 25 - ASSESSMENTS.

MOTION BY:	MR. WALLNER
SECONDED BY:	MR. O'LEARY

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 UNANIMOUS

Next order of business. Wastewater Discussion (continued)

Chair Manupelli said there will be another Q & A meeting in the DLL on 3/8/23 at 7:00 p.m. & Q & A meeting on 4/5/23 (Virtual) & 4/11/23 in the DLL at 7:00 p.m.

Mr. Gilleberto presented the slides on the new financial plan again. The Select Board had some additional discussion.

Next order of business. PUBLIC COMMENT

Jeff Yule asked why Mr. O'Leary recused himself.

There was no answer.

Mr. Yule said if there is a conflict the town's people needs to know.

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Mr. Denaro asked why we have to pay 93 million to go from the Town Line 10.3 miles up to Greater Lawrence. He would think that maybe we could get it down to 50 million if you go to Reading.

Chair Manupelli answered that we don't have an option to tie into Reading sewer where we're not tied into their water supply as they're with the MWRA. We tied into Andover because it was a far better financial arrangement for the town and more controlled under that contract that we entered for the 99 years. It was more financially beneficial for the town to get our water through Andover.

Mrs. Denaro commended that she is not happy that they don't know why Mr. O'Leary recused himself

Mr. Austin, 42 main St. said he understands the new scenarios are purely financial differences in the project. I see that the presentations that we were given in the Fall Split the total eligible cost between special benefits facilities and general benefits facilities and that ratio has changed significantly. Special benefits have more than doubled while the data has come off of the general benefit facilities knowing that General benefit facilities are facilities that as it's laid out here says that they're the out of town pump stations as opposed to the in-town pump stations. That's not how it was divided before and can you explain why that's changed here.

Mr. Parisi answered

Mr. Denaro asked for info on Phase II that Martin Pond section and do people know what the cost will be when its time.

Mr. Parisi explained.

Mr. Mills ask for point of order on the public comment.

Next order of business. **Review FY2024 Revenue/Expenditure Plan**
Tabled

Next order of business. **Meeting Minutes**

MADAM CHAIR, I MOVE TO APPROVE THE FEBRUARY 13, 2023 REGULAR SESSION MINUTES AS WRITTEN.

MOTION BY:	MR. WALLNER
SECONDED BY:	MR. O'LEARY

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 UNANIMOUS

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Chair Manupelli wanted to state for the record that the Select Board:

Acknowledgement of release of portions of Select Board executive session minutes dated 7/6/2020- Sec 6 4, 12 & 14 Concord Street, 7/20/202 – Sec 3 SSBC litigation, 8/3/2020 – Sec 6 4, 12 & 14 Concord Street, 9/21/2020– Sec 3 SSBC litigation, 12/7/2020– Sec 3 SSBC litigation, 12/17/2020 – Sec 3 Fire Unfair Labor Practice, 1/25/2021 – Section 2 nonunion, 2/22/2021 – Sec 3 SSBC litigation, 3/15/2021– Sec 3 SSBC litigation, 6/21/2021– Sec 3 SSBC litigation, 7/12/2021– Sec 3 SSBC litigation, 8/16/2021– Sec 3 SSBC litigation, 9/8/2021– Sec 3 SSBC litigation, 9/20/2021 - Sec 3 SSBC litigation, 10/4/2021– Sec 3 SSBC litigation; under the Open Meeting Law, subject to any necessary redactions under the Public Records Law.

Acknowledgement of review and continued non-disclosure of portions of Select Board executive session minutes dated 7/20/2020 - Sec. 3 – Firefighters, 9/21/2020- Sec. 3 – Firefighters, DPW, 10/19/2020- Sec. 3 - 20 Elm St., 12/7/2020- Sec. 3 - 20 Elm St., 1/25/2021-Sec. 3 – Firefighters, NRAS, DPW, Sect. 2 – Nonunion 2/22/2021-Sec. 3 - 20 Elm St., 3/15/2021-Sec. 3 - 20 Elm St., 4/12/2021-Sec. 3 – 20 Elm St.; Sec. 2 Nonunion, 4/26/2021-Sec. 3 –Nonunion, 5/10/2021-Sec. 3 – Firefighters, NRAS, Sec 2 – Nonunion, 5/24/2021- Sec. 3 - 20 Elm St., 6/21/2021- Sec. 3 – Firefighters, 7/12/2021-Sec. 3 – Library; Sec 2 – Nonunion, 8/16-2021-Sec. 3 –Nonunion, 9/8/2021- Sec 6 - Property-property valuation, 9/20/2021- Sec. 2 –Nonunion; Section 3 Fire, DPW, and Fire ,10/18/2021- Sec. 3 Firefighters, Sec 2 – nonunion, 11/16/2020 Sec. 3 – DPW-Teamsters, Local 25 under the Open Meeting Law.

Acknowledgement of release of portions of Select Board executive session minutes dated 05/10/2021 – Section 2 (Nonunion), 9/8/2021 – Section 2 (Nonunion).

Next order of business. TOWN ADMINISTRATOR REPORT

Mr. Gilleberto reported:

I am pleased to inform you that the North Reading Police Department has been reaccredited by the Massachusetts Police Accreditation Commission. Attached please find a related media advisory.

Attached please find a public records access report from Town Clerk Susan Duplin.

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Unfortunately, due to an unintentional oversight, multiple public records requests were inadvertently not responded to between mid-November and early-February. This led to notices being submitted by the Secretary of the Commonwealth's Public Records division. We are in the process of responding to each public records request, and in some cases are asking that the request be narrowed so that we can better respond. These requests are separate and apart from the recent Open Meeting Law complaints and ongoing review of Executive Session minutes. I wish to publicly apologize to any resident who has been adversely impacted by this unintentional oversight. While we are not perfect, I know the Town Clerk and I remain committed to the public's access to public records and pride ourselves on timely response. Additional safeguards and a tracking mechanism have been put in place to avoid this type of failure from occurring in the future.

I wish to provide the Board and the community of two ongoing hiring processes.

First, the Town has recently completed advertising and received applications for the position of Finance Director. I intend to have a screening committee consisting of HR Director Bob Collins, DPW Director Joe Parisi, Assistant Superintendent of Schools for Finance and Operations Michael Connelly, and a representative of the Finance Committee to assist in screening candidates.

Second, as has been referenced in budget meetings in recent years, Police Chief Michael Murphy has informed me of his intention to retire in August. The Town is in the process of contracting with a third party public safety assessment company to assist in evaluating finalists. I intend to have a screening committee consisting of HR Director Bob Collins, Fire Chief Don Stats, Superintendent of Schools Patrick Daly, and a community representative to assist in screening candidates.

Mr. Wallner asked about the status of a grant writer.

Mr. Gilleberto said they had a few options.

Next order of business. BOARD MEMEBER REPORTS

Mr. Wallner asked who the liaison for the new Transportation committee was.

Chair Manupelli will check and let him know at the next meeting.

Mr. O'Leary said to come the STM. This is an important issue.

Ms. Gonzalez said be safe tomorrow.

Mr. Stuto- None

Chair Manupelli asked for the Motion.

Next order of business. OLD AND NEW BUSINESS

Mr. Stuto see Board Member Report

Ms. Gonzalez see Board Member Report

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Mr. O'Leary see Board Member Report
Mr. Wallner see Board Member Report
Chair Manupelli see Board Member Report

Last order of business. ADJOURN

MADAM CHAIR, I MOVE TO ADJOURN.

MOTION BY:	MR. WALLNER
SECONDED BY:	MR. O'LEARY

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 UNANIMOUS

ADJOURN: 10:53 P.M.

DATE



RICHARD WALLNER, CLERK