

**MINUTES OF THE SELECT BOARD MEETING  
MONDAY, JANUARY 25, 2021**

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Chairwoman Manupelli called the meeting to order at 7:24 p.m. via remote participation. Participating members were Mrs. Gonzalez, Mr. Wallner, Mr. Stuto, Mr. O’Leary, and Town Administrator, Michael Gilleberto.

**CALL TO ORDER OPEN SESSION**

Chairwoman Manupelli called to order the open session at 7:24 p.m.

Members recite the Pledge of Allegiance.

**DONATIONS FROM INTERNATIONAL FAMILY CHURCH - VOTE TO ACCEPT**

Mr. Gilleberto states no one from the International Family Church is present. This agenda item will be passed over.

**MINUTES**

Mrs. Manupelli asks the Board to pass over the Minutes as there are corrections that need to be made. Mr. O’Leary added he has some corrections he would like made also.

**COVID – 19 UPDATE**

Mr. Gilleberto states he will provide an update after the scheduled hearings.

**PUBLIC COMMENT**

None.

**DISCUSS FIRE DEPARTMENT EQUIPMENT AND STAFFING GRANTS**

Mr. Gilleberto informs the Board a memo from Chief Stats is included in the meeting packet. Chief Stats is in attendance and provides further information about the grant, he states the following:

- The equipment grant would be for One Hundred and Sixty Thousand Dollars, with a 5% cost share to the community.
- February 12<sup>th</sup> is the deadline to apply for the equipment grant, the staffing grant has not opened yet, but when it does, he will put in for a staff of twelve.
- Mr. O’Leary encourages Chief Stats to file the grant application and stated the Board cannot afford to go forward without the cooperation of the Firefighters Union.
- Abigail Hurlbut, Finance Committee Chairperson inquired what the exposure for 12 new hires would be beyond the 3 year point, when the grant funding ends. Chief Stats responded it would be over One Million Dollars per year, however with the assistance of the Union, there would be some cutbacks of overtime to help offset some of those costs.
- Don Kelliher, Finance Committee member inquired if the One Million Dollars would include benefits, Chief Stats responded it would include salary and benefits.

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**7:37 - SHOW CAUSE HEARING – ROUTE 28 LUCKY MART**

Mrs. Manupelli reads the Notice of Hearing. Attorney Sean Delaney, representing the Licensee is in attendance. Chief Murphy reads the report of the compliance check. Chief Murphy states this is the third selling to a minor violation within eighteen months. Comments and statements as follows:

- Attorney Delaney states Manager, Vimal Patel took immediate action and terminated the employee who sold the alcohol.
- Vimal Patel retrained his employees on identifying customers.
- Financially Mr. Patel needs to sell his business and to revoke his license at this time would be very difficult.
- Attorney Delaney provided examples of ABCC license suspensions at other establishments after violations.
- Attorney Delaney stated a fair and reasonable suspension would be no greater than ten days and if greater than ten days, anything over ten days should be held in abeyance for two years.
- Mr. Stuto stated he rejects Attorney Delaney's argument and the punishment should be progressive. He further stated the third time is a habit and the buck stops with the owner of the establishment, and asking for leniency based on losing money is not a good way of going about it. Attorney Delaney responded he is not asking for leniency, what he is asking for is a progressive sanction; the first suspension was three days, the second suspension was five days, for this violation, he is asking for a ten day suspension.
- Mrs. Manupelli stated this is the third instance of discipline over the course of eighteen months and the Board needs to keep their eyes on the facts of this case and action the Board has taken previously.
- Mr. O'Leary stated the timeframe of the violations is an important factor to consider. He further stated the Board has been consistent and agrees the measures taken should be educational in nature, but how often do you educate the same person on the same violation within an eighteen month time period; the assumption of responsibility would be to accept the action of the Board. He also stated Lucky Mart was not targeted, they received the same notice of compliance checks as other establishments, and that a license is a privilege not a right, and a ten day suspension is a floor and not unreasonable.
- Mrs. Manupelli stated the following findings of fact:
  - o The Show Cause Hearing was convened as a result of December 28, 2020 alcohol compliance check during which the Licensee sold alcohol to an under aged patron; the Clerk did not request any identification of that patron.
  - o Mr. Patel was the individual who sold the alcohol, he is supposedly TIPS trained according to the police report, but he did not adhere to the TIPS training.
  - o In regard to not identifying the patron, this individual Marmik Patel was the very same individual with whom police had met, not one week prior to provide the Licensee with a memo on the importance of identifying patrons.
  - o This is the third violation of this type by this Licensee of a violation of sales to a minor.

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- The other two violations for which this license has been suspended, was a three day suspension for sale to a minor in violation of Massachusetts General Laws, Chapter 138 Section 34 that occurred on June 8, 2019. The second was a five day suspension for sale to a minor on October 18, 2020 and therefore these repeated instances have occurred within the past year and a half.

Mr. Gilleberto spoke of instances where suspensions vary and is difficult to make comparisons. One revocation in the 90's was reinstated by the ABCC.

Mrs. Gonzalez is bothered that the 2<sup>nd</sup> and 3<sup>rd</sup> offense where the minor was not even asked for identification.

Mrs. Manupelli stated compliance checks were advertised in the newspaper and the licensees were aware this was going to happen

The following motions were made:

MADAM CHAIR, I MOVE TO SUSPEND FOR TWELVE CONSECUTIVE DAYS THE PACKAGE STORE / WINE AND MALT BEVERAGE LICENSE OF ROUTE 28 LUCKY MART, 202 NORTH STREET ON FEBRUARY 7, 2021 AND THAT THE LICENSE MUST BE DELIVERED TO THE NORTH READING POLICE DEPARTMENT AT THE CLOSE OF BUSINESS ON FEBRUARY 6, 2021 AND PICKED UP AT THE POLICE STATION ON FEBRUARY 19, 2021.

MOTION BY:                      MR. O'LEARY  
SECONDED BY:                  NONE  
MOTION FAILS

MADAM CHAIR, I MOVE TO REVOKE THE PACKAGE STORE / WINE AND MALT BEVERAGE LICENSE OF ROUTE 28 LUCKY MART, 202 NORTH STREET.

MOTION BY:                      MRS. GONZALEZ  
SECONDED BY:                  NONE  
MOTION FAILS

MADAM CHAIR, I MOVE TO SUSPEND FOR FOURTEEN CONSECUTIVE DAYS THE PACKAGE STORE / WINE AND MALT BEVERAGE LICENSE OF ROUTE 28 LUCKY MART, 202 NORTH STREET ON FEBRUARY 7, 2021 AND THAT THE LICENSE MUST BE DELIVERED TO THE NORTH READING POLICE DEPARTMENT AT THE CLOSE OF BUSINESS ON FEBRUARY 6, 2021 AND PICKED UP AT THE POLICE STATION ON FEBRUARY 21, 2021.

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

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Mrs. Manupelli states the penalty must be more considerable, maybe a 30 day suspension. Mr. Stuto agrees with 30 days but not to revocation. Mr. O'Leary is looking for the Licensee not to appeal the 14 day suspension and to accept the punishment and move on; a thirty day suspension could lead to the ABCC to remand it back to the Town or not agree to the suspension, he wants to send a strong message and avoid litigation. Mr. O'Leary further stated he would like the Licensee to agree in writing to a 14 day suspension. Mrs. Gonzalez inquired if there would be a problem if they did appeal to the ABCC, she said to let them appeal. Mrs. Manupelli doesn't think a vote should be taken based on fear of an ABCC appeal. Mr. O'Leary stated the motion is not made out of fear of an ABCC appeal, he is trying to be practical about the process, and he doesn't want litigation. Mr. Delaney responded to Mr. O'Leary and stated Lucky Mart would accept the 14 day suspension and waive any appeal rights to the ABCC.

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

VOTE: 2-3(MRS. MANUPELLI, MRS. GONZALEZ, AND MR. STUTO OPPOSED)

MADAM CHAIR, I MOVE TO SUSPEND FOR THIRTY CONSECUTIVE DAYS THE PACKAGE STORE / WINE AND MALT BEVERAGE LICENSE OF ROUTE 28 LUCKY MART, 202 NORTH STREET ON FEBRUARY 1, 2021 AND THAT THE LICENSE MUST BE DELIVERED TO THE NORTH READING POLICE DEPARTMENT AT THE CLOSE OF BUSINESS ON JANUARY 31, 2021 AND PICKED UP AT THE POLICE STATION ON MARCH 3, 2021.

MOTION BY:	MR. STUTO
SECONDED BY:	NONE
MOTION FAILS	

MADAM CHAIR, I MOVE TO SUSPEND FOR TWENTY-ONE CONSECUTIVE DAYS THE PACKAGE STORE / WINE AND MALT BEVERAGE LICENSE OF ROUTE 28 LUCKY MART, 202 NORTH STREET ON FEBRUARY 7, 2021 AND THAT THE LICENSE MUST BE DELIVERED TO THE NORTH READING POLICE DEPARTMENT AT THE CLOSE OF BUSINESS ON FEBRUARY 6, 2021 AND PICKED UP AT THE POLICE STATION ON FEBRUARY 28, 2021.

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

Mrs. Manupelli asks Mr. Wallner to amend the motion to begin the suspension on February 5th.

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MADAM CHAIR, I MOVE TO SUSPEND FOR TWENTY-ONE CONSECUTIVE DAYS THE PACKAGE STORE / WINE AND MALT BEVERAGE LICENSE OF ROUTE 28 LUCKY MART, 202 NORTH STREET ON FEBRUARY 5, 2021 AND THAT THE LICENSE MUST BE DELIVERED TO THE NORTH READING POLICE DEPARTMENT AT THE CLOSE OF BUSINESS ON FEBRUARY 4, 2021 AND PICKED UP AT THE POLICE STATION ON FEBRUARY 26, 2021.

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

VOTE: 3-2(MRS. MANUPELLI, AND MRS. GONZALEZ OPPOSED)

**8:33 NUISANCE OR DANGEROUS DOG HEARING – 18 MAPLE ROAD**

Mrs. Manupelli reads the hearing notice. Attorney Brian Reilly, Animal Control Officer Jerry Berg, Attorney Cohen, the Guides, and Chief Murphy are in attendance. Mrs. Manupelli swears in anyone who is testifying and states anyone who participates is a witness. Chief Murphy gives a summary of the report of December 19, 2020. Comments as follows:

- Mr. and Mrs. Daniel Coveney of 5 Winterberry Lane give details of the dog attack. Mrs. Manupelli states the Board has a written report and pictures.
- Mr. and Mrs. Stansbury, 18 Juniper Road request the Select Board take action against the dogs. They provide the Board details of the attack and stated they would support euthanizing the dogs.
- Jenna and Chris Albano, 21 Maple Road spoke of their experience with the dogs, and stated they are dangerous to other animals.
- Kevin and Stephanie Norwood, 7 Winterberry Lane spoke of their concern for the neighborhood.
- John Davis, 10 Winterberry Lane provided a written statement that Mrs. Manupelli read into the record because he was not in attendance. Attorney Cohen objected to Mrs. Manupelli reading the statement, she responded that we owe it to the complainant to read the statement.
- Mr. Firshein, 2 Winterberry Lane states that the neighborhood lives in fear.
- Amelia Persall, 8 Winterberry Lane stated she will not walk by the Guides house anymore out of fear.
- Chris and Julie Peabody, 12 Winterberry Lane will not let her children leave the neighborhood when they walk their dog.
- Leo and Laura Lebouef, 7 Maple Road provided a statement that Mrs. Manupelli reads. It stated they have stopped walking past the Guides house in fear of the dogs possibly getting loose. Mr. Gilleberto reads an email the Lebouefs provided that was forwarded to him by another resident (the Lebouefs are not in attendance).

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- Mrs. Manupelli reads a statement that John Davis, 10 Winterberry Lane made to the Animal Control officer about their dog being attacked by the Guide's dogs. Attorney Cohen responded that Mr. Davis was cited because their dog was off leash and trespassed on his client's property. He further stated the dog (Stoli) who attacked Mr. Davis's dog has since passed away.
- Mrs. Albano responded that she witnessed Yager and Patron attack the Davis's dog, not Stoli. Stoli attacked her dog.
- Mary Lisa Griffin, 9 Winterberry Lane stated while walking she witnessed the dogs were viscous, she never went that way again, she avoids the entire road because of the two dogs, something needs to be done to protect dogs and kids. Attorney Cohen inquired what kind of dog she has, she responded she has Boston Terrier Lab mix for 10 years and can tell the difference between viscous dogs.
- Attorney Cohen states in 6.5 years there has been 1 week worth of instances reported. The dogs are not human aggressive, they are focused on dogs, they didn't attack humans, it is dog on dog aggression. He will prove how his clients have started to manage their dogs better, they have been in compliance, they are taking it serious to better manage the dogs and they are moving out of state in the summer and want to bring a sense of security to the neighborhood.
- Attorney Cohen introduces Pam Flynn. She states the following:
  - o She was their dog walker for 4 years, 3-4 times / week.
  - o She was hired to do training walks, they are trainable, she had them under control, never had any problem, never got off leash, the Guides need better management with the dogs.
  - o She explains dog aggression. She has never seen them be aggressive towards people. She stated a muzzle, and a run with adult supervision would be sufficient restraints and she would also suggest to put a fence around them. A leash causes anxiety with dogs.
- Mr. Stuto inquired if a fence would be appropriate. Ms. Flynn responded fence panels would secure them without being on leashes, not a perimeter fence, but corrals with tops on them.
- Mr. O'Leary inquired with dog on dog aggression taking place, and a human trying to break it up, where is the focus of the dog going to be? On the dog said Ms. Flynn. Ms. Flynn continues to state:
  - o She is aware the Guides are going for training to better manage their dogs.
  - o The dogs were managed fine in the house by the Guides, they hired her to do the training.
  - o She does not believe the dogs are threatened by humans, they are triggered by dogs.
- Mr. O'Leary stated the dogs were acting aggressively when he walked by the other day, no other animals were around, he would be fearful, without even being on the property line, should neighbors be concerned without walking a dog? Ms. Flynn responded she was not threatened by the dogs when she walked into the Guides house for the first time. Mr. O'Leary inquired if owners of dogs had better management and training to manage their dogs better, can it change aggression towards other dogs. Ms. Flynn responded yes,

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you can change the pattern of behavior of dogs. Ms. Flynn spoke of the fight or flight instinct and said because they have not been around other dogs, the dogs are insecure, and the bite to Mr. Coveney occurred when they were breaking up the fight, the dogs did not seek out the human.

- Mrs. Manupelli stated the dogs are being viscous with people just walking by. Ms. Flynn responded she was able to manage the dogs by herself, she never saw them be aggressive towards people.
- Mr. O'Leary inquired about Ms. Flynn's training in dog behavior? Ms. Flynn responded she is self-taught and has been doing it for 30 years.
- Attorney Cohen stated the Guides are getting professional training assistance, there is a trainer who works with owners and dogs.
- Danielle Guide stated they have owned the dogs for 6.5 years. She informed the audience what happened when dogs got out, how they dealt with the Coveney's after the attack. She states the following:
  - o She feels bad about the attack on the Coveney's dog.
  - o Attorney Cohen asked Ms. Guide if she agrees training has to be more consistent. She responded she trains them when she's home. It is difficult for Mr. Guide to train them due to health issues.
  - o They have the means to engage a trainer. The dogs are not in the yard alone anymore. They have taken steps to stop them from barking. They were cited for the dogs not being licensed, they will license them tomorrow if the dogs can stay. She shows the audience the muzzles for the dogs. Attorney Cohen states his clients have provided a copy of an insurance policy dated 6/2020-6/2021. Mr. Gilleberto inquired what the policy covered, Attorney Cohen stated the agent said it would cover the dogs under the renters insurance.
  - o She would give medication to calm the dogs, she doesn't want to remove the dogs from the property and adds they are moving out of Town. The safeguards will be muzzling, leashing, slider will remain closed at all times, will be getting another gate to make sure they don't get out, hung "beware of dog" signs. She walks them at night when no one is out. They get exercise on a long runner.
- Attorney Cohen introduces Maureen Tebot, 184 Park Street. She stated the following:
  - o She is a friend of Ms. Guide and she is at the house frequently, she is not afraid of the dogs.
  - o She brings a 9, 5, 4 and 2 year old to the house and they interact with the dogs twice a month.
- Attorney Cohen introduces Meredith and Tyler Taylor, 36 Haverhill Road, Amesbury. They stated the following:
  - o They spend a lot of time at the Guide's house with their daughter and have never seen aggression. The dogs listened when they were given directions.
  - o They Guides are committed to doing what they have to do to make sure they can keep their dogs.

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- Attorney Cohen introduces Alicia Shaulskata, 2 Kneeland Road, Tewksbury. She stated the following:
  - o She has known the dogs since they were puppies, they are excited, good dogs.

Animal Control Officer, Jerry Berg reads from the October 24, 2018 incident report regarding the Davis dog who was unleashed and got into the Guides yard. He stated he cited the Guide's for their dogs not being licensed. Officer Berg further stated he has no report of the incident with Ms. Albano's dog. Ms. Albano stated there should be a report because the Guides were cited for their dog Stoli being unleashed and unlicensed. Officer Berg informed the audience a compliance check on the muzzle order was done today, the dogs have not been licensed as of yet, a citation was issued. Attorney Cohen stated he advised his clients not to license the dogs until the outcome of tonight's hearing. Officer Berg recommends confining the dogs to the owners premises, they should be muzzled when off premises at all times and refrained with a tethering device with a strength of 300 pounds and not to exceed three feet in length, have One Hundred Thousand Dollars in liability insurance, post beware of dog signs, which they did, he would also recommend a trainer to correct disposition of dogs. Officer Berg comments that the dogs are friendly around people, it's when there is a dog accompanying a person that the dogs become aggressive. Mr. Wallner inquires about the use of a fence with cover on top. Officer Berg responded that it would be up the property owner to install a fence.

Attorney Cohen states the following:

- There has been no human aggression.
- Officer Berg's recommendations are in place.
- Regarding insurance, Attorney Cohen will send Attorney Reilly the entire policy. He states the law says to get a One Hundred Thousand Dollar insurance policy or show that a reasonable effort was made to get it. Otherwise, there is a liability insurance company that can just cover dogs. Mrs. Manupelli inquires if renters insurance covers liability for the dog's aggression to other dogs and humans. Attorney Cohen responds that according to Ms. Guide's insurance agent, the dogs are covered.
- To conclude Attorney Cohen states he wants to make sure people can feel safe that dogs won't get loose and if they do, they are muzzled.
- The Guides understand they need training and are willing to consider medication until the training kicks in; it shows their commitment.
- The Guides are moving out of state. The dogs fit the definition of dangerous. The dangerous label stops at the state line.
- Attorney Cohen thanks the Board for their time.

Board Member comments as follows:

- Mrs. Manupelli states the Board needs to deem the dogs either a nuisance (barking) or dangerous. The complaints can be dismissed or the Board has the option, under the statute to impose measures such as what is recommended by Officer Berg or based on discussions can order them to be euthanized. The Board also has to deem one or both of the dogs dangerous.



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MADAM CHAIR, I MOVE THAT THE DOG OWNED BY EDWARD GUIDE OF 18 MAPLE ROAD NAMED JAGER BE FOUND TO BE A DANGEROUS DOG PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 140, SECTION 157.

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

Mr. O'Leary states he appreciates that Attorney Cohen agrees that both dogs are dangerous.

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

VOTE: 5-0 (UNANMOUS)

MADAM CHAIR, I MOVE THAT THE DOG OWNED BY EDWARD GUIDE OF 18 MAPLE ROAD NAMED PATRON BE FOUND TO BE A DANGEROUS DOG PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 140, SECTION 157.

MOTION BY:	MR. STUTO	
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)

Mrs. Gonzalez quotes from the Dog Whisperer that there are no bad dogs, only bad owners. It's clear they were not socialized and there were issues with Stoli, she feels a fence should be put up, but Officer Berg said it's not a solution, but it's a consideration. Mrs. Manupelli responded a fence is a better alternative than euthanizing a dog. Mrs. Gonzalez also suggested boarding the dogs somewhere else before they get to their new home, where they would be out of the neighborhood and be safe. Mrs. Manupelli states there are specific things the Board can order that are under the statute and in line with what Attorney Cohen and Officer Berg has suggested. Mrs. Manupelli reads the statute under MGL 140, Section 157 pertaining to the orders the Board can impose once dogs are deemed dangerous.

There are options for the Board depending how dangerous the Board think the dogs are based on the information presented tonight. Mrs. Gonzalez doesn't think any of those options read by Mrs.

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Manupelli are enough. Mr. O'Leary inquires of Attorney Cohen, will the fencing or kennels be reasonable enough to get and to restrain dogs of this strength. Attorney Cohen responded installing a fence at this time of year would be difficult because the ground is frozen and the fence needs to be secured into the ground, and installing a fence is further complicated because the Guides do not own the house. Mr. O'Leary stated the Guides may be able to comply with fencing later in March. He further stated he doesn't think a three foot tethering is fair and humane and the well-being of the neighborhood and dogs need to be considered. If they are going to stay, best way to protect the neighborhood is with the tethering, muzzle and fencing. Mrs. Manupelli polls the members to see if euthanizing is being ruled out.

- Mr. O'Leary wants to see if the neighborhood can be accommodated by the Guides, and if not, he is not ruling out euthanizing the dogs.
- Mr. Wallner does not see the dogs being able to stay on the property, there has been no consistency following through, even getting a license. The owners have to take them off property. If they can't do that, then they are making the decision to euthanize their own dogs.
- Mr. Stuto sees the danger of the dogs, no person has been hurt, he agrees with Mr. Wallner and Mrs. Gonzalez, the dogs need to be removed from the neighborhood. You have to cross the animal to human threshold before you put a dog down. He is weighing heavily the recommendation of Officer Berg.
- Mrs. Manupelli states the statute prescribes what the Board can order. Having them boarded would have to be with an agreement with the owners as a resolution.
- Mrs. Gonzalez isn't ruling out euthanizing because she is thinking about the residents in the neighborhood feeling terrorized. She states the dogs should be off the property.
- Mrs. Manupelli does not rule out euthanizing due to testimony of the neighbors. The training has not worked and the neighbors have rearranged what they do because of the dogs. At the minimum the Board should be imposing the maximum. She suggested an electric fence.
- Mr. Stuto asks Officer Berg if this case warrants euthanizing if they are not complying with orders. Officer Berg responds yes, if they do not comply with the orders. Mr. Stuto inquired about voluntary measures the Guides could take, such as an electric fence. Officer Berg responded, the electric fence don't work, he doesn't believe in them. Pitbulls can jump over fences. He recommends the owners be with the dogs at all times. The dogs are not people aggressive, they are dog aggressive.

Attorney Reilly stated homeowners/renters insurance will cover pets as long as there is no pet exclusion in it. The way the statute is written, there are seven things the Board can choose from, the first two don't work with as tenants, has to be agreeable with landlord. The conditions that are in place now, the Guides have agreed to keep in place. He thought Officer Berg's orders are within

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the statute. It doesn't sound like the Guides would appeal the ruling. Mr. Wallner inquires if ordering the removal of the dogs is allowed within the statute. Attorney Reilly stated banishing the dogs is not something the Board can do, the District Court would not uphold that order. Mr. Wallner inquired if the Guides could remove the dogs from the property voluntarily. Attorney Reilly responded it could conflict with the statute. Mr. O'Leary asked for further suggestions from Attorney Cohen. Attorney Cohen stated he is not a fan of electric fences unless it's a back-up measure in addition to what has been discussed. If they are on a run with adults and muzzles it gives them the ability to exercise. Runs should be put in an area away from the street to avoid people seeing and hearing the dogs. Attorney Cohen further stated this is not a euthanasia case. The dogs are not people aggressive. The dogs should never be outside alone and the Guides would agree to be outside the house with the dogs, with a muzzle on at all times. Mrs. Gonzalez agrees to all stipulations that Officer Berg and Attorney Cohen recommend. She inquires what if the Guides don't comply, Officer Berg responded they can order euthanization, impose large penalties, and imprisonment. Mr. O'Leary states penalties for non-compliance are weak, the statute is weak. Mrs. Gonzalez asks the Guides about voluntarily boarding the dogs until they get into their new home; Danielle Guide responded no, action has been taken before going outside with the dogs. Attorney Cohen stated MGL Chapter 140, section 164 is where Animal Control can seize and euthanize. Mr. Stuto inquired about adding electric fence into the motion. Mrs. Manupelli responded the Board cannot order that under the statute. Mrs. Gonzalez responded a dog needs to be trained on an electric fence or it will not work. Mr. O'Leary inquired if the Guides don't comply, can dogs be euthanized under the Animal Control Officer, Attorney Reilly responded the Animal Control Officer would have the authority to euthanize the dogs if they are found off the property and not under the control of the owners. Attorney Reilly further stated a Judge could put the dog owner in prison if the orders were being violated. Mr. O'Leary asked Attorney Reilly if the Board would have to go through the enforcement of MGL Chapter 140, section 157 before section 164 could be imposed, Attorney Reilly responded the statute gives cover to euthanize the dog. If there is a violation, the dog can be seized and the Board can hold another hearing and not consider anything but euthanization. Mr. Stuto states it is clear where this is heading and if anything is violated it will not be favorable. Mrs. Manupelli states dogs are people's property and the statute writes the exigency the police need to seize the property and possibly euthanize the dog in emergency circumstances.

**MADAM CHAIR, I MOVE THAT THE BOARD APPROVE AN ORDER TO EDWARD GUIDE IMPOSING THE FOLLOWING CONDITIONS PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 140, SECTION 157:**

- a) The dogs Jager and Patron shall be confined to the property at 18 Maple Road, except as provided in condition b); provided that "confined" shall mean securely confined indoors, or when outdoors, either on a three foot leash and muzzle when under the

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owner's control or in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper.

- b) Whenever Jager and/or Patron are removed from the premises of the owner or the person keeping the dog, the dogs shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.
- c) The owner shall provide proof of insurance in an amount not less than \$100,000.00 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dogs, or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued.

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

Mr. Gilleberto inquired if within the motion the condition about a securely enclosed and locked pen or dog run area, does it need to be enclosed/fenced. Mrs. Manupelli reads from the statute, not the motion about the enclosure. Attorney Reilly left that verbiage out of the motion because it was not feasible to construct that at this time of year. Mr. O'Leary states the motion gives them the option to be outside without the owner's supervision, even on the dog run, they should be under the owner's control. Attorney Reilly stated outside of the house they will have to be secured and under the owners control.

Mr. Stuto reads the motion again.

MADAM CHAIR, I MOVE THAT THE BOARD APPROVE AN ORDER TO EDWARD GUIDE IMPOSING THE FOLLOWING CONDITIONS PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 140, SECTION 157:

- a) The dogs Jager and Patron shall be confined to the property at 18 Maple Road, except as provided in condition b); provided that "confined" shall mean securely confined indoors, or when outdoors, either on a three foot leash and muzzle when under the owner's control or in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper.
- b) Whenever Jager and/or Patron are removed from the premises of the owner or the person keeping the dog, the dogs shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.
- c) The owner shall provide proof of insurance in an amount not less than \$100,000.00 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dogs, or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued.

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

Mr. O'Leary thanks neighborhood for coming out and delivering the notices. He further states to the Guides that their dog's future is in their hands; any non-compliance will result in something tragic. Mrs. Manupelli asks the neighbors to call right away if there is non-compliance. Officer Berg will be visiting the property to make sure there is compliance.

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

VOTE: 5-0 (UNANIMOUS)

Mrs. Manupelli states the orders will be put in writing for the owners and the owners have to register the dogs immediately. She thanks Attorney Cohen.

**EARLY MAIL-IN VOTING FOR MAY 2021 – SIGN LETTER OF SUPPORT**

Mr. Gilleberto informs the Board Representative Jones has filed legislation extending early mail-in voting for a period to include municipal elections through June 30, 2021. Town Clerk, Barbara Stats states she is in support of the legislation and is hopeful it goes statewide to cover all municipal elections. Ms. Stats further stated the costs associated with this is similar to absentee voting costs. Mr. O'Leary inquires if postcards will be sent out, Ms. Stats responded that forms would not be required to be sent out. A mailing to the voters would be a considerable cost and could not be handled in house, it would go beyond what the legislation is intending to provide. Mr. O'Leary stated he endorses the legislation, and hope it becomes the norm instead of an exception. He would like to further discuss the costs of notifying the public at a future date.

MADAM CHAIR, I MOVE TO SIGN A LETTER IN SUPPORT OF EXTENDING STATE LAW AUTHORIZING MAIL-IN VOTING TO INCLUDE THE MAY, 2021 ANNUAL TOWN ELECTION.

MOTION BY:	MR. STUTO	
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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**LICENSE RENEWAL**

MADAM CHAIR, I MOVE TO RENEW THE FOLLOWING COMMON VICTUALLER LICENSE TO EXPIRE DECEMBER 31, 2021 SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS:

DAIRY QUEEN

MOTION BY:	MR. STUTO	
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)

**APPROVE LEGAL BILLS**

Mr. Gilleberto states the bill is for the recent Town Owned Land auction.

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS IN THE AMOUNT OF \$3,759.00 FOR CAPPOLA AND CAPPOLA.

MOTION BY:	MR. STUTO	
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)

**TOWN ADMINISTRATOR'S REPORT**

(See attached) Topics discussed:

- DPW's evaluation of options for trash/recycling collection due to the upcoming expiration of JRM's contract.

COVID 19 update:

- There has been a reduction in cases in a seven day period.
- Vaccinations have begun for phase one eligible individuals two weeks ago, are scheduled to get second dose February 8<sup>th</sup>.
- Looking at Hillview for a vaccination site. Would be able to do up to 1000 vaccinations per day. Only 100 doses will be available to Town

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- Working with the State and Local Administration to get residents at the Royal Meadow Nursing Home vaccinated due to vaccination dates being postponed and cancelled.

Comments as follows:

- Mr. O'Leary gives credit to George Stack who suggested using the Hillview as a vaccination site. The Board of Health is preparing for providing for a vaccination facility in North Reading. It is inexcusable what is happening at Royal Meadow Nursing Home. The state needs to take strong action against the third party who cancelled the vaccinations.
- Mrs. Manupelli inquired about the 100 vaccines and the plans to vaccinate the elderly with a sixteen to seventeen thousand elderly population. Mr. Gilleberto responded the State DPH said the Town will get a 100 doses a week.
- Mr. Stuto advised to go on line and sign up to get vaccinated in Foxboro. Thousands of appointments are available for next week. Possibly have a workshop to help the elderly sign up. He is shocked it is not advertised. Mr. Gilleberto stated there is information available on the BOH website.

**BOARD MEMBER REPORTS**

Mr. O'Leary:

- It was a great testament for North Reading to participate in America United, the national acknowledgement of loss of life due to the pandemic. Acknowledged John Watson for ringing the bell and Public Safety officials for their involvement. He thanks the Board for endorsing it.

Mr. Wallner:

- He and Mr. Stuto attended a CPC meeting and informed the Board that Pulte Homes wants to add an additional floor onto three of the buildings at Edgewater, which would be an additional 50 units. They will be going before the ZBA on February 11<sup>th</sup>. Mr. O'Leary inquired if additional units will have an affordable aspect to it; for every 10 units added the Town needs to pick up another affordable unit. He added that for the Town to consider Pulte's request, Pulte needs to consider affordable units. Mr. O'Leary further stated that the ZBA does not have to grant Pulte relief. Mrs. Manupelli added Pulte is going outside the scope of what the Board accepted in their proposal. Mrs. Manupelli asked Mr. Gilleberto if there was a land disposition agreement. Mr. Gilleberto responded there was a land disposition agreement, not a development agreement.

Mr. Stuto:

- CPC is going to give an opinion on Pulte's request before the February 11<sup>th</sup> meeting. Indoor parking spaces are now for sale, there is only 1 elevator per building. Hopefully CPC will have enough information so the ZBA will have enough information that something could be attached to the variance. He further stated Pulte seemed confident that they have been performing in accordance with the contract.
- Mr. Wheeler is attempting to build age restricted housing on 146-148 Park Street. They are trying to get everyone to get together to see how it will work. They are looking for a zoning overlay. He stated there should be an asset restriction. Mr. Wallner stated Mr. Wheeler will be attempting to build local preference housing.

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Mrs. Gonzalez:

- She participated in a Zoom call with members of the Historical Society and Militia Men to get the Putnam House Committee together to decide what to do with the money allotted to them at Town Meeting to start restoring some of those buildings.

Mrs. Manupelli:

- The Facilities Master Plan Committee met last week to get the ball rolling on the Fire Station. COVID prevented any consideration of other Town Owned property. The Committee is looking to build out the bays to be able to accommodate the larger apparatus.
- Everything is in a holding pattern due to COVID.

**ADJOURN**

MADAM CHAIR, I MOVE TO ADJOURN.

MOTION BY:	MR. STUTO	
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: 12:40 A.M.

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DATE

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VINCENZO STUTO, CLERK