

**MINUTES OF THE SELECT BOARD MEETING  
MONDAY, MARCH 28, 2022**

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Chair Manupelli called the meeting to order at 7:56 p.m. via in person and remote participation. Participating members were Ms. Gonzalez, Mr. Wallner, Mr. Stuto, Mr. O'Leary and Town Administrator, Michael Gilleberto.

**EXECUTIVE SESSION**

Members recite the Pledge of Allegiance.

**First order of business      Recognize Recreation Director Lynne Clemens**

Mr. Gilleberto acknowledged Lynne's passion in regards to her recreation programming, and he cited her diligence in getting recreation programming up and running after the height of the pandemic in 2020 when many communities were unable to do so.

Mr. O'Leary said he met Lynne years ago on the soccer field in North Reading when their now grown children played together and he was so happy when she took the position because of her creativity and how she just exudes excitement. The growth and expansion of the program over the years has been wonderful and she will be missed.

Mr. Wallner said the flyer has just expanded so much over the years and his favorite event was the Spring Wine Tasting. He added thank you for the legacy.

Mr. Stuto said he has heard how great she is because he has small children in sports in town. When Covid hit it became her responsibility to find grass for the many sport leagues in town. He thanked her for her efforts on that front. Good Luck in the future.

Ms. Gonzalez added that they have known each other outside the parks and rec world and it will be a big loss. She wished her the best in retirement.

Chair Manupelli added that she wishes her the best and thanked her for becoming a part of the North Reading Community. Parks and Rec is one of the places you feel a sense of belonging to the community. She knows that Lynne has been behind the scenes of many important project throughout the years. The regular events and extra efforts have been so invaluable to the town. We hope to see her around and she read the Plaque. It said "Presented to Lynne Clemens in recognition of her 16 years of dedicated service to the Town of North Reading as Recreation Director. Given by the Select Board on behalf of a grateful community. March 28, 2022"

The Plaque with a photo of the Recreational Center on Central Street was then presented to Ms. Clemens by the Select Board. There was a break for photos.

Ms. Clemens said thank you to Mr. Gilleberto for entertaining her as she was always asking for more by way of needs for the department. She also has been getting many cards and emails from the

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residents/parents/students in town that she is so appreciative of. She added that it was a pleasure to have 20 years in this community.

Mr. Gilleberto added that Nancy Ursino will be promoted to Recreation Director and offered congratulation to her as well.

**Next order of business.FY 2023 Departmental Budget Hearings:**

Parks and Recreation budget report was presented by Marty Tilton and can be found on Page 340.

Mr. O'Leary only had a comment that he was very impressed with the maintenance of the parks over the last five years when they have been used the most.

No questions.

Community Planning budget report was presented by Danielle McKnight and can be found on Page 357.

Mr. Wallner commented about the many great cost savings that was outlined in the report and that the Community Planning has always been very responsible with their budgets in the past.

No questions.

**Next order of business. Meet with Community Planning Commission**

Chair Manupelli provided a brief explanation.

Ms. McKnight did a presentation on Housing Choice MBTA Community Requirements for Multi-Family Housing.

Mr. O'Leary wanted to know if planning was asked on how to comply.

Mr. Pierce said they knew it was coming due to the high need for housing.

Mr. O'Leary said he does not know how they would be able to comply.

Mr. Pierce said the rules are not clear yet but if they don't comply there are grants that the town will not be eligible for.

Mr. O'Leary said it's of extreme concern in relation to the density (15 units per acre) He said there is a conscience decion to make in order to come into compliance to be eligible for certain grant monies.

Mr. Pierce said this is the first step in the process.

Mr. Wallner echoed Mr. O'Leary and asked them to keep the Board up to date so they can follow this issue closely.

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Mr. Pierce added there is a comment section that they are looking for feedback for.

Mr. Stuto asked about a transit line.

Ms. McKnight responded that the town is exempt for having a zoning district for a transit line. The communities that have transit stops in their community have to locate their district within a half mile. We don't have land that fits that description so we don't have to meet the location requirement but we have to have a district. It's supposed to meet the states sustainable development principals.

Mr. Stuto asked if there is an exemption process for this.

Ms. McKnight said no the only exemption is to not do it and to lose the eligibility.

Mr. Stuto said we have no train and without an exemption mechanism it was just passed in haste. "It will not work in North Reading unless a miracle happens and there is a bus stop next the The Horseshoe."

Ms. Gonzalez said a bus stop anywhere in town would be great but we cannot get The Ride in town. She asked again if there was no exemption.

Ms. McKnight said they have not determined that the Town can't totally comply yet. They have been clear that if you can't comply you will lose the opportunity to apply for the funding. The deadline for the form is May 2<sup>nd</sup>. Then they have to notify the State by the end of the year whether they can be compliant. Then the town can submit an action plan by July 2023 lastly pass zoning changes by December 2024.

Chair Manupelli wanted to add more comments to Ms. McKnight's response to the state.

1. The deadlines needs to be bumped out by the legislature. It's unfair, inequitable and unrealistic expectation.
2. There should be an emphasis on waivers files, for waivers for projects in process for towns who are not recipients of services. Or an exemption.
3. Retro back for Edgewood and Martin's Landing not in place or in play not shown. Make it clear what can be used.
4. Retroactive five years look back and consider North Reading who has made great strides.
5. Access amount to pay for MBTA. What will they bring to North Reading?

Mr. O'Leary added that the town does not have the capacity from a wastewater, topography and wetlands standpoint to support.

Mr. Pierce said thank you and reminded that they don't have all the rules yet.

There was and EDC appointment.

MADAM CHAIR, I MOVE TO JOINTLY REAPPOINT THE FOLLOWING INDIVIDUALS TO THE ECONOMIC DEVELOPMENT COMMITTEE FOR THE TERMS AND POSITIONS STATED BELOW:

(TWO VACANCIES – ROLL CALL)

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DAVID O'NEIL, MEMBER – THROUGH MARCH 3, 2024

THOMAS OLLILA, ASSOCIATE MEMBER – THROUGH MAY 3, 2024

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

VOTED:        MRS. MANUPELLI -DAVID O'NEIL, THOMAS OLLILA  
                 MR. WALLNER -DAVID O'NEIL, THOMAS OLLILA  
                 MR. O'LEARY -DAVID O'NEIL, THOMAS OLLILA  
                 MR. STUTO -DAVID O'NEIL, THOMAS OLLILA  
                 MRS. GONZALEZ - DAVID O'NEIL, THOMAS OLLILA  
                 MR. PEARCE- DAVID O'NEIL, THOMAS OLLILA  
                 MR. HAYDEN- DAVID O'NEIL, THOMAS OLLILA  
                 MR. RUDLOFF- DAVID O'NEIL, THOMAS OLLILA

**Next order of business.FY 2023 Departmental Budget Hearings (continued)**

Hillview Commission budget report was presented by Mr. Francis Hachey & Ms. Karen Moberg and can be found on Page 4. Also in attendance via zoom were Mr. Stack and Mr. Hemme.

Mr. Pulver said he sees a line that says payment in lieu of taxes and LUC is all zeroed out and if that was intended to be that way for an ongoing basis.

Mr. O'Leary & Mr. Hashey answered yes.

Ms. Hurlbut said that they understand that for the time being until some project get completed payment in lieu of taxes will be zero.

Elizabeth Rourke said that the Capital within the Capital plan was outside the operating budget and the capital plan will be addressed then.

Mr. O'Leary announced that there will be new tenants at the Hillview and he thanked the commission for their work in this respect. He added that they need to continue to invest in this property so it will continue to return to the community tenfold.

Mr. Hashey is looking forward to the new tenants.

Chair Manupelli said it will be nice to resume town events there.

Mr. Kelliher asked if there was an assumption in the budget of the revenue from the tenants and he would like to see the impact of that.

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Ms. Moberg said the lease was signed after the budget was submitted but the tenant will be taking over utilities immediately and paying \$3500/mo. starting in August and 3% revenue share after the first year and they leased it for 5 years.

Treasurer/Collector budget report was presented by Maryann MacKay and can be found on Page 75.

No questions.

Assessor's budget report was presented by Deb Carbone and can be found on Page 70.

No questions.

Information Technology budget report was presented by Elizabeth Rourke and can be found on Page 83.

No questions.

Chair Manupelli said that the towns needs to shore up some staffing and expand the IT department moving forward as Delphi was meant to be temporary.

Ms. Rourke agreed with the need to add a staff members but were unable due to budget constraints.

Finance/Accounting budget report was presented by Elizabeth Rourke and can be found on Page 58.

No questions.

Chair Manupelli added that Ms. Rourke wears many hats and noted her appreciation of that.

Public Safety Administration, Page 87, Public Services Administration, Page 304, Town Administrator, Page 36, Select Board, Page 30, Town Counsel budget report can be found on Page 26 and was presented by Town Administrator Michael Gilleberto.

No questions.

Chair Manupelli added that Mr. Gilleberto also works around the clock and appreciates all his efforts as well.

**Next order of business.        FY 2023 Revenue/Expense Plan Update**

Ms. Elizabeth Rourke continued with a slideshow.

Chair Manupelli asked in regards to the 48K being an annual number for the new Northeast Metro Tech Vocational School

Ms. Rourke said in FY23 49K range. FY24 same 49K range and FY25 and beyond up to 271K

No Questions from Finance Committee.

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There was a Brief recess at 9:28

**Next order of business.            Brief Update on Proposed Rail Trail Project**

Mr. Wallner gave history on how this project feasibility study began.

**Sept 2016** Mr. Wallner meets Sarah W at Apple Fest while manning an SSAT booth and Sarah tells him about the trails.

He followed-up with the Town Planner and they start to explore trail maps.

**In April 2017** Phil Hertz gets involved. He offers to give Mr. Wallner a bike tour of the trail. Phil is a long time resident of NR and is a Project Manager and now consultant in his professional life. What Mr. Wallner saw was amazing.

What Mr. Wallner also learned is that our town has no access to our own trails. Lynnfield formally considered it trespassing to access our trail through their town.

**In May 2017** Phil then joins LUC. The rail trail appears as a project for the 1<sup>st</sup> time, and has been on their public agenda ever since.

**In Oct 2018** Phil and the LUC goes to town meeting to request \$55K to conduct a feasibility study. Town approves and Phil subsequently gets a grant for \$45K from DCR. Cost to the town. \$10K. This was well publicized at the time.

**Feb 2021** Phil, the consultant and Mr. Wallner meet with MA DOT but encounter some major problems. A lack of a terminus, plus a lack of connectivity to other towns threatens the feasibility of this project. But then surprisingly, in.

**Nov 2021** Lynnfield has a major change of heart and is now proposing Willis Woods a new rec area in Lynnfield with access being offered to N. Reading, Middleton and Peabody. This is a major breakthrough and gets MA DOT excited about the project again.

Mr. Wallner notes that the Transcript did a great job of advertising the Willis Woods public meeting and the subsequent results including a significant section of the article devoted to Phil updating the readers to where the project was at and the direction it was taking.

Mr. Wallner also added that he has been reporting on these milestones during public sessions throughout his tenure on the Select Board and especially over the last few months. Meanwhile, LUC continues to post this project on their public agenda at almost every meeting.

**In February of this year**, the Feasibility study is completed and shows promise to continue to advance this project.

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**On March 17, 2022** the LUC made a request to put the Phase 1 funding on the June Town Meeting warrant. LUC is sponsoring it. Phil and Mr. Wallner then started to prepare materials and to get the info about the project out to the town as soon as possible.

Unfortunately, in haste, someone posted an old map which they thought had been removed from the town website years ago. This caused much confusion. Also, if one looked at the Feasibility report, there were 3 different route options to consider which also caused confusion.

Meanwhile, Phil and Mr. Wallner had prepared slides for the town which should help clear up confusion and set the record straight so all can deliberate based on real data. He is asking that even if you thought you knew what this project was about before based on social media, that you pay close attention before you cast judgement.

From his view, and he thinks Phil feels the same way, this trail is a hidden gem that will benefit the North Reading community for generations to come. It also comes at a time when MA DOT is quite excited about us moving forward and funding it. One should also recognize however that many rules come with this funding. Most notably, protecting the wetlands and wildlife amongst many other concerns. They cannot just pave a path. That is why the project costs so much to build which MA DOT is intending to pay for.

He also points out that this project helps to meet the Towns recreational goals as spelled out in the **Open Space and Recreation Plan 2020**.

That all being said. Change is hard. They intend to have more open sessions beyond tonight to gather feedback. They also hope you can think beyond what may happen in your own backyard and think about the benefit to the community. His back yard is Martins Pond which he shares with many. And they are delighted that people enjoy it so much. They hope you will feel the same and support the same proposal they are making here tonight at Town Meeting in June. Thank you.

Chair Manupelli offered an explanation that the Select Board is unable to comment on social media according to the open meeting law. They need to remain radio silent.

Mr. Phil Hertz from the LUC then continued with a slideshow.

Ms. Rita Mullins wanted to add the LUC has never had any intentions of taking anyone property in the past many years of her service.

Mr. O'Leary said they are not looking to going beyond Chestnut St.

Mr. Phil Hertz said yes.

Mr. Wallner added that the cost is \$850K but they applied for a grant.

Mr. Hertz said the grant is for \$300K Mass Trail Grant and they will not know if they get the grant until August.

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Mr. Stuto wanted to say that the Select Board has not voted for this rail trail project yet. He is very upset that Facebook insinuate that they had. They need to spend money to property owner's payoff and additional \$850K without a guarantee of phase II.

Mr. Hertz said he understand it's the way the state of Massachusetts works.

Mr. Stuto said it's going to be hard enough to ask people to give up a garden to put in sewer. They need to speak to the owners. First spend \$850K with a whole list of things that we need money for in the town.

Ms. Gonzalez wanted to say she was thrilled to see the attendance at the meeting on this matter and then asked to see the Delisle property on the map again. She wanted to know how close the house to the trail was.

Mr. Hertz said the trail would run very close to the property line but runs closer to the abutters.

Chair Manupelli wanted to make the comment that the first map went through many properties and this new one has come miles away from that first one. She acknowledged the hard work put into the study.

Mr. Hertz said the \$850 would be town money.

Mr. Kelliher said they need \$850 in June with the help to get \$300 back where does the other \$850 come from.

Mr. Hertz said when the final design in 1-2 years happened and the easements are discussed they come back to the Select Board the 2 Million includes easement the state would pay more than 10 million.

**Next order of business.      Public Comment**

Mr. Ralph Simard-90 Park Street said his property is 2 feet off the abutters land and that his property is very close the line they are proposing. He remembered having a long discussion with Mr. Hertz about this and he is 1000% opposed to this trail. There was a day that random people were walking through his property when his daughter was outside at her swing set and they were trespassing. He never received a letter. There are people that are at the meeting tonight that have not been notified with letters. The trails are going through properties. He also thinks the Board should ask about the phase II portion more.

Mr. Stephen Delisle-3 Mount Vernon Street said the picture shown of his yard is not doing it justice as it's from 30 feet on the other side of the pole and the trail goes right through the middle of his yard and it's not going to happen. He originally said he would work with the wooded part of his property with the abandon area but he is not giving up his property that he uses. This is not right.



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Mr. Hertz said the state won't allow them to acquire land if there is an access that works better. The map is not cast in stone and can be modified. This was just the most direct route.

Chair Manupelli asked that people not bash Mr. Hertz as there was repeated interruptions from the room.

Ms. Deborah Pascale-170 Elm Street said she is not on Facebook and did not know about the feasibility study at all. Not everyone is getting their info from Facebook as she got it from the town website. As a resident of North Reading on the Ipswich River for 22 years, she wants to know if they considered the significant amount of flooding that happens in this area. She does not know if they will find solid land to build a piling for the bridge. The Ipswich River is a very dynamic river and changes constantly. It has flooded her property and up four feet in her basement before. She also is representing the Nicosia family on Railroad Dr. who do not want the trail to go behind their garage.

Mr. Stephen O'Sullivan- 9 Appletree Lane said he uses the rail bed often. This is the first he heard of this rail trail. He is shocked with the lack of transparency as his neighborhood did not know. He is not in favor of the access through his property that he uses with his own dogs. Have they thought of parking? There is no room for sidewalks as the area is too narrow. He also added he did not get any notice in the mail.

Mr. John Nowosacki- 10 Pleasant Street said in regards to the Elm Street bridge is that bridge would go over wetlands. How are kids supposed to use this access, just dart across route 62? The parking across from Pleasant St will not work. There are already vehicles parking there when they bring their ATV's and they don't need more cars there. This is being fought by all on Pleasant Street.

Mr. Hertz said the Elm Street parking lot would have about 10-15 cars space with pedestrian crossing.

Mr. Matt Donahue- 19 Woodland Drive (he was recognized by the Chair for his well-written letter he sent to the town that will be added to the end of this meeting minutes) asked why is the map is going through the Delisle property as it is protected wetlands. His concerns are with wildlife support, storm water management and trash. \$850K for the first part and \$850K for the second part –who will pay for the upkeep, keep it repaved, vegetation management, lighting and police presence-what will that do to our taxes. The town would need to add police to the force. He asked if it was said that it was illegal for members of the Select Board to comment on Facebook about this. He then quoted Mr. Wallner said “many path options were considered and anyone who's been affected and many landowners have already agreed to support it” He said a comment publically like that would make people think this has already been spoken about and is it a violation of what they are doing.

Ms. Nancy Nienhuis-144 Elm Street said that Pleasant Street is at the end of her property and she is not opposed to that part but it's an impossible task to do without harming the neighbors and who will fund the upkeep. The residents in this town are already being priced out of town with the taxes now. The Peabody walkway was also told that the wildlife would come back and it did.

Mr. Hertz said the upkeep on a padded trail is minimal. It will be stable for 20 years.

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Chair Manupelli added that the city of Malden's trail is through the MBTA and the city is responsible for maintaining the trail. It is not a leap to expect it.

Mr. William Smith- 230 Elm Street said he has a beautiful piece of property and this is the 5<sup>th</sup> time the town of North Reading has tried to take his land. The first time was in 2002 when the town took 50 acres and paid him \$300K which was not pleasing to him. The Town wanted to put a school on that property but its unbuildable wetlands. After the land was not able to be used then the town went to easements and it went to Superior Court and the court gave the land back. This land has been in his family since his grandfather had a business on it back in 1898. He made a comment about LUC member not be sworn-in. He is opposed to the trail and the parking lot across from Pleasant Street. The worst street for a parking lot.

Mr. Alex Vorrilas- 16 Winter Street added that although it looks like phase two is now no longer happening he wanted to make sure it was known that the Town would never get an easement from him and he is concerned about how it will affect the wetlands behind the property.

Ms. Christelle Birkmaier- 83 Park Street she read a letter submitted by *Easement Impacted Property Owners Against the Trail* that is attached to these minutes.

Ms. Kerstin Mead- 21 Woodland Drive said her children have a safe place to play back in the woods and this trail would change that. She would like to see the letter.

Chair Manupelli answered yes.

Ms. Mullins said that the LUC is transparent and will schedule meetings. She has been a member for 26 years and they were able to build IRP without taking property. It's ok to say "no not in my backyard" But all parks and schools are in someone's backyard or near homes. They have the right to vote against it at Town Meeting. The LUC will meet 1-2 more times before the next two meeting. She has lived here for 48 years and this is the 7<sup>th</sup> time there has been open space plans for trails. Mr. Hertz is excellent in what he does and the town needs professional people to help which projects like these.

Ms. Deborah Pascale-170 Elm Street she wants to know how the police feel about this project. Is the town concerned about liability of accidents on the trail, eminent domain issues? What is the town's liability and who is responsible.

Ms. Birkmaier asked when the LUC meeting was.

Ms. Mullins said it is on April 4<sup>th</sup> or 5<sup>th</sup>.

Mr. O'Leary said the residents input is important.

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Ms. Linda Smith- 230 Elm Street said that the trail is to go 1200 feet off her back and her main concern is the people and kids trespassing all over and through her property. There has been an entire kindergarten walking through her property. There are already kids going behind her barn dropping off dirt bikes.

Chair Manupelli thanked everyone for their comments and after the room cleared she asked if it's was the pleasure of the Board to take the Select Board Appointments next on the agenda and it was agreed to do so.

**Next order of business.Appointments:**

**VOTE TO APPOINT TOWN AUDITOR**

Mr. Gilleberto began with some background on how the town auditor retired and they had requested quotes and have decided to partner with Melanson and he asked the Select Board to vote to approve. He then introduced Andrew Gordon of Melanson who was attending via zoom.

Mr. Gordon gave a brief overview of his company.

Mr. O'Leary asked how many towns Melanson has been involved with over the last 5 years.

Mr. Gordon answered as a company annually 75-100. His team alone 15-20.

Mr. O'Leary asked if those were all municipalities.

Mr. Gordon said yes.

Mr. Wallner asked what the process was to vet a new auditor.

Ms. Rourke answered that there was no need for an RFP but and FRQ went out to CPA firms. There are only a handful that do this work in Massachusetts. One firm did not have any space for North Reading.

Chair Manupelli said that she was familiar with the firm of Melanson and has only positive things to say about them.

MADAM CHAIR, I MOVE TO APPOINT MELANSON AS TOWN AUDITOR TO AUDIT FISCAL YEAR 2021.

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

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VOTE: 5-0

**RECORDS ACCESS OFFICER**

MADAM CHAIR, I MOVE TO APPOINTMENT SUSAN DUPLIN AS RECORDS ACCESS OFFICER FOR AN INDEFINITE TERM.

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

**STATE ETHICS COMMISSION**

MADAM CHAIR, I MOVE TO APPOINTMENT SUSAN DUPLIN AS STATE ETHICS COMMISSION LIAISON FOR A TERM TO EXPIRE ON DECEMBER 31, 2022.

MOTION BY: MR. STUTO  
SECONDED BY: MRS. GONZALEZ

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

VOTE: 5-0

**LOCAL CENSUS LIAISON TO US DEPT. OF COMMERCE**

MADAM CHAIR, I MOVE TO APPOINTMENT SUSAN DUPLIN AS TO LOCAL CENSUS LIAISON TO US DEPT. OF COMMERCE FOR AN INDEFINITE TERM.

MOTION BY: MR. STUTO

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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

**BOARD OF REGISTRARS**

MADAM CHAIR, I MOVE TO APPOINT SUSAN DUPLIN AS MEMBER OF THE BOARD OF REGISTRARS FOR AN INDEFINITE TERM.

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

Mr. O'Leary recommended that Mrs. Gamelin be reappointment as the Democratic liaison to the Board of Registrars.

MADAM CHAIR, I MOVE TO REAPPOINT KIELY GAMELIN AS MEMBER TO THE BOARD OF REGISTRARS FOR A TERM TO EXPIRE APRIL 1, 2025.

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

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE

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MR. O'LEARY	AYE
MRS. MANUPELLI	AYE

VOTE: 5-0

**Next order of business. Review List of Articles – June 6, 2022 Spring Annual Town Meeting**

Mr. Gilleberto went over the list of 28 articles that were being proposed for June Town Meeting.

There was a suggestion to move #28 up the list by 2 spots.

Mr. Gilleberto said that the articles will be drafted.

**Next order of business. Memorandum of Agreement – North Reading Fire Fighters, Local #1857-Vote to Ratify and Sign**

MADAM CHAIR, I MOVE TO RATIFY AND SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF NORTH READING AND NORTH READING FIREFIGHTERS, IAFF LOCAL 1857 FROM JULY 1, 2020 THROUGH JUNE 30, 2021 AND FROM JULY 1, 2021 THROUGH JUNE 30, 2024 AS AMENDED WITH CHANGES IN SECTION 6.

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

**Next order of business. TOWN ADMINISTRATOR REPORT**

Mr. Gilleberto stated that on 3-28-22 he participated in "Two Steps Forward against Antisemitism: Virtual Summit for Massachusetts Mayors and Town Officials" hosted by the Lappin Foundation. Over 150 people including municipal officials from throughout Massachusetts attended. The presentation included data showing an increase in anti-Semitism -related crimes, review of tools to identify anti-Semitism, and recommendations for communities.

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Secondly he has forwarded the attached opinion in regards to the Drinkwater property, provided to the Board last week, to interested parties who have asked for an update.

**Next order of business. BOARD MEMEBER REPORTS**

Mr. O'Leary had no report.

Mr. Wallner said that the Martins Pond committee is having a meeting March 29<sup>th</sup> to discuss the potential need for dredging which would need a consultant. They may need extra weed control as well. The Forrest Committee are still looking for a consultant for the swan pond area.

Mr. Stuto had no report.

Ms. Gonzalez said that the CIT is offering Guiding Good Choices Spring 2022 to North Reading families and beyond free of charge. This interactive program offers science-based skills and practice to help parents, grandparents and caregivers, Strengthen bonds with their children, Increase protective factors and decrease risk factors and prevent youth substance use. This is a four part series. CIT are also joining the NRPD to offer Community Naloxone training on March 30<sup>th</sup>, April 3<sup>rd</sup>, April 6<sup>th</sup> or April 28<sup>th</sup>.

Chair Manupelli wanted to add that she heard that North Reading/Stoneham Hockey Mites won the Valley Playoffs in Hamilton.

Mr. Gilleberto added some details.

**Next order of business. OLD AND NEW BUSINESS**

Mr. Stuto see Board Member Report

Ms. Gonzalez see Board Member Report

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. STUTO
SECONDED BY:	MR. O'LEARY

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE

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MR. O'LEARY

AYE


MRS. MANUPELLI

AYE

VOTE: 5-0

ADJOURN: 11:47 P.M.

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
VINCENZO STUTO, CLERK

*Letter From Easement Impacted Property Owners Against the Trail:*

3.28.2022

Select Board, Town Administrator, Mr. Hertz,

I am speaking as a representative for the group of private property owners that this Rail Trail will be crossing through via proposed easements. We would like to acknowledge all the hard work Mr. Hertz has done over the last 3+ years. We can certainly see it is a passion of his and he has dedicated much time into it. That being said, we the private property owners are opposed to the plans as they are currently presented in the January 2022 Feasibility Study for the Rail Trail.

Here are our collective concerns in brief:

- Lack of transparency and communication on this project.
- Infringement of privacy and ownership of private property via easements.
- Conservation of Wetlands and the environmental impacts of vegetation, vernal pools, Wildlife, and other sensitive species.
- The general safety of our young children to play on our properties when a trail cuts through along with questions of trail safety as a whole.

Thank You,  
Easement Impacted Property Owners Against the Trail.

*Letter from Matt Donahue*

Hi All - first off, thank you for all the hard work you do for the town serving on the select board. It is a thankless job, and I appreciate the work you do for the town.

My name is Matt Donahue, and I live on Woodland Dr. My house backs up to Ipswich river watersheds and wetlands, and that land supports an amazing ecosystem of wildlife, vegetation and waterways. Both myself, and my neighbors, were all surprised when we saw the feasibility study for a rail trail that would cut directly through this area, posted to a Facebook group. It caught us all off guard, as this was the first time we had heard about this, and it just happened to be a lucky coincidence that someone had posted about it. This trail would severely impact the wildlife in our area, but also impacts all of our properties as



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well. We all expected the town would have been in better communication with our street, considering the proposed trail runs directly behind our property. While we do think a bike path connecting certain parts of town is a good idea, we could not be more against the section that goes behind woodland drive for a number of reasons.

### 1) Impact to Wildlife

The wetlands behind Woodland Dr. is home to a number of animals and unique vegetation. A number of these are native plant and animal species that are protected under the Massachusetts Endangered Species Act (M.G.L. c. 131A). Personally, I am an animal lover, and a big advocate for not interrupting natural habitats. I have a camera on the back of my house, and just over the past 30 days have seen – fox, coyote, deer, fisher cat, possum, rabbit, skunk, North American black squirrels, amongst all the other common wildlife we see here in North Reading.

Our biggest concern is the impact to wildlife. I understand the trail can be built in as many environmentally friendly ways as possible, but that does not eradicate the impact to wildlife. The state of Washington, a largely rural state, conducted a study on this very topic. The report was called “Recreation and trail impacts on wildlife species”. The study found that wildlife was time and time again, negatively impacted by the construction of a public trail. The areas where there was a negative impact were:

A. Trapping/poaching – Although trapping is not allowed in Washington State Parks, illegal trapping and hunting are cited as risks associated with trails (particularly snowmobile and ORV trails). *Again – as stated above, trapping and poaching are not allowed in North Reading, but providing a clear easy walking trail, into the heart of our animal’s habitats, will certainly make it easier for offenders to target our local wildlife.*

B. Stress/physiological response – Studies of heart rates and fecal glucocorticoid levels have shown stress responses to human activity. Chronic stress can make species susceptible to illness and reduce individual fitness (Sapolsky 1992 in Creel et al. 2002). *The large volume of people who would be using this section of trail, being so close to downtown, will undoubtedly increase the stress and physiological response to animals in our area*

C. Breeding/rearing disturbance – Species that are considered generally tolerant of human activity may experience higher levels of disturbance at breeding and rearing sites. This may result in reduced attentiveness to young, disruption of feeding patterns, abandonment of nests/dens, and/or cause adults to undertake additional risks to their young by moving them to a new location. *In my backyard alone, we have nesting rabbits, birds, and foxes, over the past few summers and have been home to their offspring. A trail will impact that, and wondering users of the trail could severely impact breeding sites*

D. Displacement/avoidance – A variety of species often move away from human activity or intentionally avoid associated sites. Sites may be avoided due to the disruption caused by human presence or habitat changes associated with the site (e.g. soil compaction, dryness of soils and vegetation along roadsides and trails). Animals displaced by recreation are less likely to survive and reproduce where habitat is unfamiliar or inferior (Gutzwiller 1995). Displacement or avoidance is by far the most common response of species found in the literature. *This is self-explanatory. Animals who have had this habitat for 100+ years will be forced to move elsewhere, and likely not to survive.*

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E. Disease - Domestic dogs are allowed in Washington State Parks, and though regulations specify that they should be restrained at all times, there are undoubtedly many dog owners who do not abide by this rule. A variety of species are vulnerable to diseases such as rabies, distemper, and parasites transmitted by domestic dogs. *This trail is certain to see a huge use by dog owners, which as stated, will directly impact wildlife.*

F. Animal collection – Although relatively uncommon, certain species (e.g. goshawk chicks for falconry) are sometimes illegally collected. Trail access can increase vulnerability. *Less of an impact to our area, but still a possibility.*

G. Habitat fragmentation/edge effects – Habitat fragmentation/edge effects are typically associated with timber harvest and/or roads, however recreational trails can have similar, though typically less intense, impacts. *With more people accessing the wildlife habitats, there is more of a chance for their homes to continue to be disrupted.*

H. Predator/competitor increased accessibility - Trails, and snowmobile trails in particular, can greatly ease travel and access for species less adapted for movement in deep snows. This may cause greater rates of predation on some species and increased competition for prey for others. *With the heavy snow we receive in the northeast, this is a very valid concern.*

I. Snag/coarse woody debris reduction – Snags and coarse woody debris are used for cover, nesting and denning, and are key habitat components for some species. These components may be lost through trail development, wood gathering around campsites, recreational site development and associated removal of “hazard” trees, and woodcutting for firewood (though against Washington State Parks regulations, trails facilitate illegal firewood cutting). *How do we ensure people using the trail are not impacting nature that our wildlife use for their habitats?*

J. Incidental mortality – Direct collision with motorized vehicles can result in incidental mortality. Snowmobiles may indirectly cause mortality of small mammals by compacting snow and collapsing subnivalian tunnels. *I would assume this would be a non motorized trail, but what would be put in place to stop snowmobiles or ATVs from using a perfect riding path?*

K. Habituation – Many species will become habituated to human presence. Habituation often poses risks to animals, resulting in undesirable behaviors, poor nutrition, incidental destruction of property, and a host of other factors. *The increase in foot traffic, from none to hundreds of people a day, would severely impact animals.*

In Figure 1 – you can see a graphic on how these negatively impacted wildlife.  
<f97cddd5-1c7d-486f-8e4e-379dbf361ece.png>

### 2) Stormwater management standards

The area behind Woodland Dr plays a major role in the Ipswich River waterway ecosystem. Water collected from Mount Vernon Street, Flint Street, Ipswich River Park etc, all collect and funnel in behind Woodland Dr. The old Rail Way area already provides a challenge in regard to proper water drainage. The rail was built as a high mound, and separates two watersheds. The water is supposed to drain from behind the homes of Woodland Dr. and connect into Ipswich River, but the grading of land was never properly done, therefore resulting in a collection of standing water during wet months. On top of that,

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drain and water run off collect and follow a drain pipe along the side of my property, and dumps out into this same water runoff. The town actually had a pipe company out this morning checking to make sure the pipe wasn't clogged. This plays a vital role in both the ecosystem and water system for the local area. This alone causes great concern for our neighbors. How will this trail impact waterways? With the increased foot traffic, how do we know people won't venture off of the trail and step into these protect wetlands? People entering this area could severely impact the ecosystem. How do we also ensure that people do not litter on the trail, and impact the water system? According to the Massachusetts Stormwater Management Standards, it also is relevant for- Footpaths, bike paths and other paths for pedestrian and/or nonmotorized vehicle access. For phased projects the determination of whether the Stormwater Management Standards apply is made on the entire project as a whole including all phases. When proposing a development or redevelopment project subject to the Stormwater Management Standards, proponents shall consider environmentally sensitive site design that incorporates low impact development techniques in addition to stormwater best management practices. (o) Project proponents seeking to demonstrate compliance with some of all of the Stormwater Management Standards to the maximum extent practicable shall demonstrate that: 1. They have made all reasonable efforts to meet each of the Standards; 2. They have made a complete evaluation of possible stormwater management measures including environmentally sensitive site design and low impact development techniques that minimize land disturbance and impervious surfaces, structural storm water best management practices, pollution prevention, erosion and sedimentation control and proper operation and maintenance of stormwater best management practices; and 3. If full compliance with the Standards cannot be achieved, they are implementing the highest practicable level of stormwater management.

Can you please provide us with the efforts made to meet these standards? Show us the complete evaluation of possible stormwater management measures and show us how you plan to stay within full compliance of the standards, not only for the wetland and Ipswich river waterways, but for all the storm water we receive?

Within the same standards, it states - The Notice of Intent for any projects involving the construction, repair, replacement or expansion of public or private infrastructure shall include an operation and maintenance plan to ensure that the infrastructure will continue to function as designed. Implementation of the operation and maintenance plan as approved by the Issuing Authority shall be a continuing condition that shall be set forth in the Order of Conditions and the Certificate of Compliance. Can you please share the operation and maintenance plan that ensures infrastructure will continue to operate and function as designed?

### 3. Water and Flooding

As mentioned above, our area of town is already susceptible to water collection and flooding. How is the town going to ensure that the building of this trail will not impact the water flow, or water tables? How will the town ensure people who use the trail will not venture off the trail and into the wetlands? If this happens, it has the ability to impact wildlife, nesting animals and the water system.

### 4. Littering Through Sensitive Ecosystems

With climate change being front in center of many people's minds, how will the town ensure that users of the trail will not litter through these sensitive areas, and impact wildlife, vegetation and water ways?

### 5. Motorized Path?

Would this path allow motorized bikes, scooters, ATVs, Snowmobiles etc.? Today, there are hundreds of different motorized products on the market. These severely impact conservation and wetlands. Is the town

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expecting this path to allow motorized equipment? If not, how do you ensure people do not use motorized vehicles?

**6. Changing Building Rules?**

On top of all the environmental concerns we have, we also have questions on what this means for our property. Currently, our properties are limited to building structures and what we can do on our property. For example, my leech bed for my septic system has to be pumped up to my front yard, because my backyard is too close to the wetlands. My neighbor was not allowed to put an addition on due to the proximity of the wetlands. These change requests aren't even on the wetlands, they are just in close proximity. I would assume, if the town can build a trail directly through this sensitive area, that will bring in hundreds and thousands of people a year into the area, we will also be able to have more freedom of what we can build and how close to the wetlands we can build?

**7. Elderly, Kids and Dogs**

This section of trail will cut directly along our property lines, and be elevated on top of the old rail trail, from what the maps show. This is a big concern for us, and one of the reasons we were so disappointed that the town did not inform us they were trying to do this. Our neighborhood is filled with kids, and dogs, and there is major concern that the increase in activity directly behind our house is going to severely impact our neighborhood.

**8. End of Woodland Dr.**

The end of our road is a quiet cul-de-sac. You will be able to easily see the trail from the end of our road, and the end of our road from the trail. There is open yard (where dogs and kids are), that would be extremely easy for people to trespass and cut through. If they wanted to get to the roads, they could jump off the trail here and do so. If they wanted to access the trail, they may park at the end of our street and cut through yards to access it as well. How will the town ensure that no one is trespassing through property, and trespass through protected wetlands, to jump on and off the trail?

**9. Cost**

I see that the MA DOT will pay for the construction of the trail, but the town is responsible for all plan and design fees. The initial design, only 25%, can cost up to \$1 million. Doing that math, I would assume when it is all said and done, the town could pay up to \$5million, if not more, just for designs and plans? What is the cost to the town? How much will taxpayers have to front for this? Why is that not being communicated to the town?

**10. Communication**

I understand that COVID has changed a lot of things, but for people who are being impacted by this, it feels like certain people are trying to slide this project through as quietly as possible, hoping to avoid any pushback. I understand a lot of people are for this trail, as am I in some cases, but why is it not being better communicated? The plans, outreach to people and neighborhoods that will be impacted (either directly or indirectly), explaining the cost of this and if it will raise taxes? Why is none of this being better communicated? I understand it may be talked about on virtual town hall meetings, but I feel as though it is the responsibility of the town to make sure everyone understands the exact impacts of this.

I apologize for the long email, but this is a topic that is very important to us, and we feel passionate about. As mentioned at the beginning of the email, I want to ensure you all know how much we appreciate the work you

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do for the town. I know most of the things you handle are issues and complaints, and I want you to know we truly appreciate the hard work. Overall, we think a bike path/walking trail is a good idea and could be a positive thing for North Reading. Where our questions lie, and where our concerns are, stem from some of the areas this trail will go through. Bringing thousands of people a year through previously untouched natural habitats and protected wetlands, is a huge concern. The impact this section of the path may have on the overall ecosystem of Ipswich River could be catastrophic.

I laid out a number of questions above, and am looking forward to hearing the answers. If you could please also let me know the plan forward for the path, what the exact next steps are, and how we can voice our concerns and opposition to this section of the trail. We would like to ensure that we have every chance to voice our concerns, and work with the town and planning commission to find a better area for this path to go.

Thanks,  
Matt Donahue