

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JULY 11, 2022**

Chair Manupelli called the meeting to order at 8:44 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

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

Members recite the Pledge of Allegiance.

Next order of business. Public Comment

None.

Next order of business. Proclamation: Purple Heart Community/Vote to Approve

Sue Magner presented a PowerPoint on the Purple Heart Community's requirements. Mr. Rich Stratton-Chair of the Veterans Memorial Committee and Captain of the North Reading Minit & Militia was in attendance.

Ms. Gonzalez asked if Ms. Magner has asked Brad Jones or Bruce Tarr for state money.

Ms. Magner she would look into it and that Rich Stratton has already secured the VFW to support the program.

Mr. Wallner asked if there is a yearly ceremony.

Ms. Magner answered that you don't have to do a ceremony yearly just put out the flags and lights.

Ms. Gonzalez asked if they can choose the structure to put the lights on.

Ms. Magner said yes.

Ms. Gonzalez added it is like the "Light it up Blue" program but we it will "Light it up Purple".

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Mr. O'Leary was pleased and said it is long overdue. He embraced it. He then asked if community members who have moved away will be recognized as well.

Ms. Magner answered that yes, they will be invited back.

Ms. Gonzalez said to Ms. Magner she did a great job.

Chair Manupelli suggested to Ms. Magner to solicit stories from the veterans and their families and to create a digital archive of those stories that can be accessible to residents so that we can also add to it with additional stories of how the Purple Heart came to be awarded

MADAM CHAIR, I MOVE TO PROCLAIM THAT THE TOWN OF NORTH READING IS A PURPLE HEART COMMUNITY, AND TO READ THE 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

Next order of business. Review Revised Approval-Not-Required (ANR) Plan for Town-Owned, Land- Map 8, Parcel 196 (12 Audubon Road)

PASSED OVER

Next order of business. Show Cause Hearing –Route 28 Lucky Mart

Attorney David L'Esperance (BPO #657083) was present representing Smokes and Snacks d.b.a Route 28 Lucky Mart. Vimal Patel was attending via zoom. Attorney L'Esperance wanted to say that the Purple Heart presentation was very moving. He then said they are not disputing any of the allegations but wanted to say that Mr. Patel is selling the business and leaving the Town of North Reading. Mr. Patel realizes he left an employee in charge that did not do the right thing. The situation should have been properly handled by his employee. Attorney L'Esperance said as a former Chief of Police himself he understands how important this law is to the cities and towns that undertake the responsibility and he explained this to Mr. Patel. He also added he understands there are prior disciplines and they will "fall on the sword" and accept a suspension and in the meantime plan to put together a Transfer of License.

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Chair Manupelli said they would consider Attorney L'Esperance suggestion but does not know what the pleasure of the Select Board will be regarding the same. She then polled the Select Board if they wanted to hear the report by the Police Department or make a judgment now.

Mr. O'Leary wanted to have the Show Cause hearing first.

Mr. Wallner wanted to know when this sale is supposed to take place.

Chair Manupelli said that they will have to come to the Select Board for approval anyway.

Attorney L'Esperance said negotiations are underway. A P&S has been signed.

Ms. Gonzalez, Mr. Stuto and Chair Manupelli also wanted to begin the Show Cause.

Mr. Gilleberto said they have had 3 violations with increasing amounts of suspension time from 3 days, 5 days and then 21 days.

Chair Manupelli asked when the last offense was.

Mr. Gilleberto said January 2021.

Chair Manupelli said they were joined by Lieutenant Mark Zimmerman who read the report into record.

Chair Manupelli asked the Select Board if they had any questions. There were none. She then asked Attorney L'Esperance if he had any questions and he added he already made the initial offer and stipulated that any action taken outside of that he was there to protect his client's appellate rights.

Mr. Gilleberto added that all the previous violations were sales to minors in stings. Violation 1 was in July 2019 with a 3 day suspension, Violation 2 was in December 2020 with a 5 day suspension, and lastly Violation 3 was in January 2021 with a 21 day suspension.

Chair Manupelli stated that the facts are not disputed and they need to have a discussion on what disciplinary action to take.

Mr. O'Leary suggested that due to the fact the transaction is close at hand in relation to transferring the business ownership and based on Attorney L'Esperance statement one of the contingencies of the sale is the alcohol license transfer. The Licensee has proven to be incapable of proper execution of the license, he suggests they suspend the license effective Wednesday (July 13, 2022) until the LLA (Select Board) and ABCC can approve a new Transfer of License. Basically not allowing Lucky Mart to operate and get some responsible new owners in the building.

Ms. Gonzalez said she likes the idea of a suspension for good for Lucky Mart and they are never sell any alcohol again. She questioned if they revoke the license can they prevent a new owner's ability to obtain a license. Does it "go up for grabs?"

Chair Manupelli said if it gets revoked the Licensee's Attorney would appeal and that would go through a hearing process too with the ABCC.

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Attorney L'Esperance wanted to add that a Transfer of License cannot happen if a license is under current discipline. He asked for a date certain or under open discipline. He suggested a 20 or 30 day suspension or by next meeting in August or September.

Chair Manupelli said that they never had a 3 violations in a row.

Mr. Gilleberto added that the licensee has a certain number of days to appeal to the ABCC and then will be under their purview and timeline. They would have to have a Hearing and then issue their decision and that will take time if the license is revoked.

Chair Manupelli said yes it stays with the ABCC until it's adjudicated and cannot be reissued until then.

Mr. Stuto wanted to know how to impose a monetary fine.

Chair Manupelli said that the Select Board is only the LLA and they can suspend, revoke, and roll back hours but not fine.

Mr. Stuto asked who can fine.

Mr. O'Leary answered that the ABCC can do fines in lieu of suspensions.

Mr. Stuto questioned if they can refer to someone who can.

Chair Manupelli replied no as it is the Select Board job to take action in the Show Cause hearing.

Mr. O'Leary gave background history on how Show Cause hearing in the past have gone when more than one offense had occurred with a business.

Mr. Wallner asked if it was anyone else in front of them would it be normal to revoke the license after a 3rd offense.

Chair Manupelli said they never have revoked before.

Ms. Gonzalez said she does not trust the licensee and she never wants them to hold a liquor license ever again. She also does not trust that it will be sold.

Mr. Stuto added he does not want this to effect the new business owner. He wants to punish the outgoing not the incoming.

Deliberations continued without interruptions with the Select Board, Mr. Gilleberto and Lieutenant Zimmerman.

Attorney L'Esperance added that they are willing to voluntary surrender the license to the Town Administrator, Mr. Gilleberto tomorrow (July 12, 2022) and agree to not sell any alcohol and wait for the Transfer to be approved by the LLA.

Further discussion occurred regarding harming the next owner and what happens if another business wants to go for the license. Chair Manupelli read M.G.L.138 Sec 64 first paragraph "The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. If at any hearing a licensee is charged with serving or

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selling alcohol or alcoholic beverages to a person under twenty-one years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person. If the license is revoked, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so revoked, and if he is the owner of the premises described in such revoked license, no license shall be issued to be exercised on said premises for the residue of the term thereof."

Mr. Stuto wants to involve Town Counsel to confirm that the next business will not be penalized as he does not want their actions to be a "poison pill".

Continuing back and forth deliberations on how to word a Motion with appropriate concessions to add that were agreeable to all. Ultimately the Select Board decided on the following:

MADAM CHAIR, I MOVE TO CONTINUE THE HEARING TO SEPTEMBER 26, 2022, TO PERMIT THE LICENSEE TO ENTER INTO A WRITTEN VOLUNTARY AGREEMENT INCLUDING TURNING OVER THE LICENSE TO THE TOWN ADMINISTRATOR'S OFFICE ON JULY 12TH IN THE MORNING, THAT THE LICENSEE AGREES TO NO MORE ALCOHOL SALES, GIVEAWAYS OR DISPLAYS, AND THAT ALL ALCOHOL WILL BE REMOVED. PENDING THE SUBMISSION OF A COMPLETED APPLICATION FOR TRANSFER OF LICENSE, IF NO APPLICATION IS SUBMITTED BEFORE SEPTEMBER 26TH, THE DISCIPLINARY HEARING WILL CONTINUE.

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

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

VOTE: 3-2

After the vote on the motion was taken the date of the 2nd September meeting changed to September 28th from the 26th.

Next order of business. Review Wastewater Outreach Schedule

Mr. Gilleberto gave a general update on an initial timeline for informing the public and preparations needed for the Special Town Meeting on the Wastewater project. The TA and Select Board discussed a time for them to have a workshop to bring the Select Board up to speed on the status of the project. After some dialog they decided on Friday, August 5th 6:00 p.m. - 9:00 p.m. Hopefully the consultants can attend. There will be other workshops to come and the Special Town Meeting is scheduled for November 19 or the first week of December

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Next order of business. Set Upcoming Meeting Dates

Friday, August 5th 6:00-9:00 p.m. Wasterwater Workshop

Monday, August 8th

Wednesday, September 7th

Wednesday, September 28th

Monday, October 3rd for October Town Meeting arrive at MSHS @ 6:00 p.m. for pre-meeting

Monday, October 17th to sign Special Town Meeting Warrant

Monday, November 7th

Monday, November 14th for Special Town Meeting

Monday, November 21st for Tax Classification

Monday, December 5th TBD

Monday, December 12 back up date for Special Town Meeting or Regular meeting.

Monday, December 19th.

Next order of business. Memorandum of Agreement with North Reading Superior Officers Association

Passed Over

Next order of business. Appointments/Reappointments: Facilities Master Plan and Library Trustees

MADAM CHAIR, I MOVE TO PLACE IN NOMINATION THE FOLLOWING NAME FOR APPOINTMENT TO THE FACILITIES MASTER PLAN COMMITTEE:

WARREN PEARCE – TO EXPIRE JULY 11, 2023

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

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

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MRS. MANUPELLI

AYE

VOTE: 5-0

MADAM CHAIR, I MOVE TO PLACE IN NOMINATION THE FOLLOWING NAME FOR REAPPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES FOR TERM TO EXPIRE ON DECEMBER 31, 2024

MAXINE MACPHERSON

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

Next order of business. Legal Bills

KP LAW

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR MAY, 2022 IN THE AMOUNT OF \$10,326.34 AS FOLLOWS:

GENERAL	\$ 7,456.34
LABOR	\$ 2,562.50
20 ELM STREET	<u>\$ 307.50</u>
TOTAL	\$ 10,326.34

MOTION BY: MR. WALLNER

SECONDED BY: MR. O'LEARY

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

VOTE: 5-0

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR JUNE, 2022 IN THE AMOUNT OF \$6,639.09 AS FOLLOWS:

GENERAL	\$ 6,095.84
LABOR	\$ 543.25
20 ELM STREET	\$ <u>0</u>
TOTAL	\$ 6,639.09

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

FURMAN GREGORY DEPTULA

MADAM CHAIR, I MOVE TO APPROVE INVOICE #11423 IN THE AMOUNT OF \$54,363.92 TO FURMAN GREGORY DEPTULA FOR LEGAL SERVICES FOR THE SECONDARY SCHOOL BUILDING

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

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

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MRS. MANUPELLI

AYE

VOTE: 5-0

Next order of business. TOWN ADMINISTRATOR REPORT

There was no report.

Next order of business. BOARD MEMEBER REPORTS

Mr. O'Leary said the Board of Health's recent email stated they plan to stay the course and follow the CDC guidelines. They are also having another booster clinic in August date TBD. He stated that Ms. Gonzalez and he were present for the swearing in of 3 new police officers to the force. They are bright and energetic and he congratulated them all.

Mr. Wallner said that there was modest turnout for the Juneteenth ceremony at Ipswich River Park. There was about 30-40 attendees who enjoyed nice readings from the youth in town. Next year there should be a proclamation. Also the Human Rights Group, Merrimack Valley Black and Brown Voices, Inc. is holding a Black and Brown Owned Summer Market on July 31, 2022 from 11:00 a.m.-3:00a.m. at Ipswich River Park. There will be Handmade Gifts and Local Artisans. All are welcome to the free family event and please attend.

Ms. Gonzalez said the EDC is talking about doing Shop the Readings and Town Day again this year. Reading Municipal Light Department is planning on donating 3 car EV chargers to the Town of North Reading and they want to come to a meeting. Lastly the CPC spoke about 70 Concord Street and the fact that the DEP has walked away from the cleanup as they have done all they can. It's not totally clean but can be marketed "as is". A conversation on the history of this address issue was provided by Mr. O'Leary and Mr. Gilleberto.

Mr. Wallner wanted to add that the CPC is also discussing Assessable Dwelling units.

Mr. Stuto -None

Chair Manupelli said that the FMP asked Mr. Wallner and she attend a tour of the fire station and they saw what needs to be done by way of improvements/renovations. They are studying the architecture and will be coming to the Select Board for a major expansion of the building to be able to add female staff, enough rooms and not bunk beds and it also needs to be able to hold an engine. They have the space. She stated that the Select Board should support it and they can do better there for the Firefighters. She asked Mr. Gilleberto to clarify on a letter that was received on possible funding or an earmark that was put in place for the tie-ins.

Mr. Gilleberto answered that was correct. He has been working closely with Congressman Moulton's office and submitted applications to Senator Warren and Senator Markey and he is cautiously optimistic they will

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be a strong candidate for funding toward that project. The Town of North Reading would greatly appreciate it.

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.

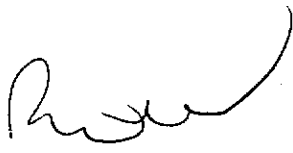
MOTION BY:	MR. WALLNER
SECONDED BY:	MR. O'LEARY

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

VOTE: 5-0

ADJOURN: 11:19 P.M.

1/9/23
DATE



RICHARD WALLNER, CLERK