

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2023**

Chair Manupelli called the meeting to order at 7:06 p.m. via remote and in person participation. Participating members were Ms. Gonzalez, Mr. Wallner, Mr. O'Leary and Town Administrator, Michael Gilleberto. Mr. Stuto participated remotely.

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

Adam Austin-42 Main Street wanted to publicly object under the Open Meeting Law that Exemption 7 could of have been predicted by the Chair.

Select Board discussed how to proceed re: minutes and objection.

Mr. O'Leary offered the response of a Scrivener's error.

Select Board agreed.

The Board entered Executive Session at 7:09 p.m.

The Board reconvened in open session at 7:39 p.m.

Members recite the Pledge of Allegiance.

Chair Manupelli began with announcing they are being joined via remote participation by Select Board member Mr. Stuto. Secondly, for the record, they had one agenda item for Executive Session. They received a request for public records for executive minutes. That exemption was inadvertently left off the written agenda. They didn't take a motion with regard to that as the law requires the Select Board to talk about that request for those minutes in Executive Session and review them to determine whether or not any privilege remains. For the record they did take a motion that included two different exemptions one including to review those executive sessions and there were quite a few of them. The third thing is to send it over to her colleague Mr. O'Leary to give a few a little a few words about our retired Chief Ed O'Brien

Mr. O'Leary said Eddie O'Brien was a friend, public servant and a longtime member of the community in our fire department. He joined the Fire Department in 1974, achieved the rank of Captain in 1991 and was our chief from 1993 to 2005. When he retired due to disability and he had a diagnosis a few years back of a rare neurological disorder which finally got the best of him at a very young age of 66. He was very well

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2023**

respected member of the community. Mr. O'Leary had the pleasure of sitting across the table with him negotiating several contracts and he always had the interest of his fellow firefighter's safety, their education, the work environment but paramountly the safety of the public at Large. At the same time, he was well respected not just through the community but for the region and the state. He was on a number of boards and he was a volunteer for the Metro Boston critical incident stress management team. He was a founding member which provides peer assistance to First Responders after traumatic events. He volunteered for that team for 20 years. As part of that team he responded to what's the cold storage fire as well as World Trade Center in New York on 9-11. He was a tremendous public servant, it's a terrible loss for his family. To his wife Stacy, Sean his son who's happens to be following in his footsteps and his daughter Hillary, we send our heartfelt condolences and a true public acknowledgment of the service to the community and also to his colleagues that are in the fire department disaster Community. We send you all positive thoughts and prayers and wishes to the family and his colleagues

Next order of business. Public Comment

Adam Austin-42 Main Street- This evening my comments are directed to the three members of the Select Board that are not members of the Wastewater Planning and Advisory Committee. I hope and believe that the information in my comments will be as surprising and disappointing to you as it was to me when I uncovered it. The information in the presentations that the Wastewater Planning and Advisory Committee and the Wastewater Working Group presented to the remainder of the Select Board, and subsequently to the people of the town in workshops contained false and misleading information. I will point out two examples. The Presentation to the Select Board, dated September 28, 2022, and the Town Resident Information Session presentation dated October 11, 2022, both state that the Wastewater Study contractor's financial analysis was based on their performance of (and I quote) "a 3 Year Average Water Use Analysis to assign Sewer Units". In fact, two water use analyses were performed, one for the water use of each property over 3.5 years, and a second over 5 years. The Wastewater Planning and Advisory Committee and the Wastewater Working Group then took the two sets of results, and decided on a property-by-property basis which data set would be used, and applied the more detrimental standard to each individual property. Stating that the same 3 year standard was applied across the board clearly misleading. Next, Sewer Unit Assignments. The Presentation to the Select Board, dated September 28, 2022, and the Town Resident Information session presentation dated October 11, 2022, both note that the calculations are all rounded up to the nearest 0.25 sewer units, (the equivalent of 32.75 gallons per day.) In reality, even with the "worst of two standards" assignment method, the water usage of single-family homes was rounded DOWN by 2%, and the average Condominium usage was rounded UP by more than 20%. The Equivalent Sewer unit calculation example given on slide 28 of the presentation to the Select Board is correct based on traditional, reasonable mathematics, but 100% false based on the description below it on the slide and the methodology of the proposal. This reasonable (but false) example was changed on the same slide for subsequent presentation to the people of the town as it unintentionally highlights the absurdity of the "round water use up by 20%" method. These facts are just a small sample of the misleading and dishonest information in the reports from the Wastewater Working Group and the Wastewater Planning and Advisory Committee. This is why it is so critical that their deliberations be held in a forum that is open to the public. The three of you can make a difference. As I am sure you know, I have made my opinion clear that I believe that the Wastewater Planning and Advisory Committee and the Wastewater Working Group are legally

**MINUTES OF THE SELECT BOARD MEETING
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obligated to operate with transparency to the public. The Town Administrator and Town Council have been very cordial, but they have made it clear that they believe that these groups have the legal right to deliberate behind closed doors. The three of you do not need to agree with either side. It doesn't matter whether my assertion is correct, or whether the assertion of the Town Administrator and Town Council's correct, the three of you can choose to require that future DELIBERATIONS rather than just the CONCLUSIONS of these bodies be transparent to the people of North Reading. If you choose to exercise that power, the people of our Town will be the real winners. Thank you.

Paul Denaro-402 Park St. asked why the abutters will be paying for the extension from North Reading to Lawrence and not the rest of the town who will eventually be using it as well. Why can't it be spread out? It's unfair. He mentioned he did not know the Select Board was having meetings about Wastewater.

Chair Manupelli answered that have regular executive sessions meetings that are posted for different reasons and we would put that on an agenda but we recently received a request of public records. A public records request which included the request to turn over copies of executive session minutes so this evening we went into executive session to review those minutes in addition to another reason we went into executive session. We have to take that request and make sure that we answer it within a certain number of days because it's a public records request. It's a request for executive session minutes it goes back for a couple of years. We did not have an executive session meetings on the Wastewater matter. She just wants to eliminate is she left the impression that they were meeting on Wastewater. We never met in an executive session on Wastewater. She wanted to correct that impression for the record.

Mr. Denaro I understand that that the select board made a change to the voting rules. It puts the town Residents at a disadvantage with this project coming up because now you only need two-thirds of the vote of the people who are present to get this system to pass. What we can do to try to vote that back if that is possible

Mr. O'Leary said the Select Board do not change the rules. It happens at Town Meetings and the residents vote on the town meeting floor. It is always listed in the Towns Warrant articles.

Mr. Denaro offered a suggestion to have a committee of townspeople to advocate for the town.

Dave Woodland, 11 Oak Ave asked if any of you (Select Board) live on the west side of the Town. I know your taxes might go up a little bit. I'm on a fixed income and I know when 2 ½ goes through and even more with this sewage system most of the people will not be able to live in this town and the only thing you can do to bring into this town might be more condos. I can walk to town in the center and I grew up right up here I got Supermarket liquor stores two three major liquor stores in this town I could walk. I mean it's just you got to understand the people that live life on this side of 28 this way we don't get much and get the traffic we get the trucks and everything else. I mean you got a lot of different other things to think about.

Ms. Valerie Schiavoni, 7 Greenbriar Dr. 307 mentioned she is not receiving the Select Board agendas anymore.

Ms. McNeil will investigate and correct the situation.

**MINUTES OF THE SELECT BOARD MEETING
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Mr. Stuto wanted to say he really have a problem with being called dishonest. It's kind of a major issue with that and for Mr. O'Leary to be called that and the Town Administrator and a lot of different people and people we hired from a mandate from town meeting. I understand that sometimes there's a lot of information, a lot of different ways to interpret it, and there's been a lot of presentations but dishonest is a really big word to call someone. Dishonest for their volunteer time for the time people give up for the time I do as a member of the community with four kids in the school system. I just like to say there's a lot of emotions with this differing opinions but let's just let's keep it to those facts. Whether you agree disagree a lot of different interpretations I will let everyone know just in case you don't the Select Board members make zero dollars in North Reading. this is all volunteer so there's no there's no win here let's just be cognizant when we say certain words dishonesty's it's not a nice word and you know what sometimes it is warranted somebody is not being honest I understand but let's be careful to prove everyone in and then come in front of this board and say some three out of the five select board members your other two members are liars and we should somehow disagree and now I am so happy that this meeting is being recorded. Thank you.

Chair Manupelli appreciates the comments and the people showing up. She added her colleagues are not dishonest.

Next order of business. Wastewater Update

Joseph Parisi present and update on the Wastewater with a brief PowerPoint. He will return with more details.

Mr. O'Leary left the room at 8:42 and returned at 8:42.

Abigail Hurlbut is excited to have an end date by which they have to accomplish all these things. Her biggest concern and also the concerning the finance committee is that it's going to take a good five years before they have the sewer in the ground which means it's going to take a good five years before you start collecting anything to speak of and even longer before you have additional tax revenue from suggested construction on say 28. How you finance those five years is a very serious question which she really doesn't think the tab is appropriately addressed so far it's one thing to say Okay so we're going to take part of the betterment fees and we'll apply them to offset the borrowing costs that the town has occurred. She missed that the other thing but they're not going to get those fees until the sewers complete. what do you do for five years.

Chair Manupelli asked if there is a goal for the Special Town Meeting.

Mr. Gilleberto answered that April 15 is the deadline.

Mr. Kelliher asked when the town will have the new model. People need to have an idea to make an educated decision.

Joseph Parisi said the target is to have the model by the next meeting or just after with details.

Mr. O'Leary made comments and said the price does not change only how it is allocated will change.

Mr. Stuto made comment on how we are in a much better place now that the interest's rate has dropped.

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2023**

After more discussion, Chair Manupelli added that this is beneficial to Town of North Reading for its long-term financial health and thanked Joseph Parisi.

Next order of business. Public Hearing: Common Victualler License- Cowabunga's Entertainment, 271 Main Street

Matt Pierce from Cowabunga's was present. He said he has been in the Town of North Reading for 8 years now. He has made some renovations to the concession stand, bathrooms and play space.

Mr. Gilleberto said they have been in transition for months. They have made some good economic work and are just waiting on the Certificate of Occupancy in regards to some banners and flags.

Mr. Pierce said the flags are down.

Chair Manupelli asked if they are open for business.

Mr. Pierce said yes.

Ms. Gonzalez asked what kind of food now.

Mr. Pierce said homemade pizza, slush, french fries, chicken fingers and wraps.

MADAM CHAIR, I MOVE TO GRANT A COMMON VICTUALLER LICENSE FOR COWABUNGA'S ENTERTAINMENT, 271 MAIN STREET TO EXPIRE DECEMBER 31, 2023 SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS.

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. Senior Plan Renewal

Mr. Gilleberto said this agenda item is routine.

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2023**

MADAM CHAIR, I MOVE TO APPROVE THE RETIREE HEALTH INSURANCE PLAN FOR 2023
IN ACCORDANCE WITH THE ATTACHED SUMMARY.

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. Set Upcoming Meeting Schedule

The Select Board decided on:

Monday, January 23, 2023
Monday, February 13, 2023
Monday, February 27, 2023
Saturday, March 11, 2023 First Budget Hearing
Monday, March 13, 2023
Monday, March 27, 2023
Monday, April 3, 2023
Monday, April 24, 2023
Wednesday, May 3, 2023 Re-Org Meeting
Monday, May 8, 2023
Monday, May 22, 2023

Next order of business. Minutes

MADAM CHAIR, I MOVE TO APPROVE THE REGULAR SESSION MINUTES AS WRITTEN FOR
THE FOLLOWING DATES.

December 6, 2021
December 20, 2021
January 10, 2022
April 11, 2022
April 25, 2022
May 4, 2022
May 9, 2022
June 1, 2022
June 6, 2022
June 13, 2022
July 11, 2022
August 8, 2022

MOTION BY: MR. WALLNER

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2023**

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

MADAM CHAIR, I MOVE TO APPROVE THE EXECUTIVE SESSION MINUTES AS WRITTEN FOR THE FOLLOWING DATES.

December 6, 2021
December 20, 2021
January 10, 2022
April 11, 2022
April 25, 2022
May 9, 2022
June 1, 2022
June 13, 2022
July 11, 2022
August 8, 2022
August 23, 2022

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

MADAM CHAIR, I MOVE TO NOT RELEASE THE FOLLOWING EXECUTIVE SESSION MEETING MINUTES BY EXERCISING THE FOLLOWING EXEMPTIONS:

11/1/2021 -Sec. 2 (Nonunion) Sec. 3 – NRAS-Ongoing collective bargaining
11/22/2021- Sec. 2 (Nonunion) Sec. 3 - Opioid Litigation, NRAS- Ongoing collective bargaining / litigation

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2023**

12/6/2021- Sec. 3 - Sec School Building Litigation, NRAS- Ongoing collective bargaining; attorney-client privileged
12/20/2021- Sec. 2 (Nonunion), Sec. 3 - Firefighters, Sec. School Building Litigation, 20 Elm St.- Ongoing collective bargaining / litigation; attorney-client privileged;
1/10/2022- Sec. 2 (Nonunion), Sec. 3 - Sec. School Building Litigation, 20 Elm St., Police, Sec. 6 – Property- Ongoing collective bargaining / litigation / property valuation
1/24/2022- Sec. 2 (Nonunion), Sec. 3 - Police, 20 Elm St.- Ongoing collective bargaining / litigation
2/7/2022- Sec. 2 (Nonunion), Sec. 3 - DPW, Library- Ongoing collective bargaining
2/28/2022- Sec. 2 (Nonunion), Sec. 3 - 20 Elm St., Sec. 6 – Property- Ongoing litigation / property valuation
3/14/2022- Sec. 2 (Nonunion), Sec. 3 - Ongoing collective bargaining
3/28/2022- Sec. 3 - Firefighters, Health Insurance- Ongoing collective bargaining
4/11/2022- Sec. 3 - Health Insurance, Police- Ongoing collective bargaining
4/25/2022- Sec. 3 - 20 Elm- Ongoing litigation / property valuation
5/9/2022- Sec. 2 (Nonunion) - Ongoing collective bargaining
6/1/2022- Sec. 2 (Nonunion), Sec. 3 – Litigation- Ongoing collective bargaining
6/21/2022- Sec. 2 (Nonunion), Sec. 3 - Collective Bargaining- Ongoing collective bargaining
7/11/2022- Sec. 2 (Nonunion), Sec. 3 - Collective Bargaining- Ongoing collective bargaining
8/8/2022- Sec. 2 (Nonunion), Sec. 3 - Sec. School Building Project-D - Attorney-client
8/23/2022- Sec. 3 - Sec. School Building Project- Attorney-client
9/7/2022- Sec. 3 - Police Lts., Sec. School Building Litigation – D- Ongoing collective bargaining; attorney-client privileged
9/16/2022- Sec. 3 - Sec. School Building Project – D- Attorney-client
9/28/2022- Sec. 3 - Library, Sec. School Building Project- Ongoing collective bargaining; attorney-client privileged
10/3/2022- Sec. 3 - Sec. School Building Project- Attorney-client
11/21/2022- Sec. 3 – DPW- Ongoing collective bargaining
12/19/2022- Sec. 3 – Firefighters- Ongoing collective bargaining

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

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR NOVEMBER, 2022 IN THE AMOUNT OF \$3,832.61 AS FOLLOWS:

GENERAL	\$ 2,662.61
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**MINUTES OF THE SELECT BOARD MEETING
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LABOR		<u>\$ 1,170.00</u>
TOTAL		\$ 3,832.61
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 Two Open Meeting Law Complaints

Mr. Gilleberto said the agenda item is required.

MADAM CHAIR, I MOVE TO APPROVE THE RESPONSE TO MR. AUSTIN DATED DECEMBER 22, 2022 AND JANUARY 2, 2023, AND TO AUTHORIZE THE CHAIR TO SIGN THE RESPONSE LETTER.

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. TOWN ADMINISTRATOR REPORT

Mr. Gilleberto reported attached please find information recently reviewed with the Financial Planning Team concerning revenue-to-date for FY 2023 and the first draft of the FY 2024 Revenue and Expense plan.

Residents are reminded that Christmas tree collection is scheduled to occur this Saturday, January 14th. Trees should be curbside by 6:30 AM, free of decorations and not in bags.

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2023**

Residents are reminded that the Town now requires the use of overflow bags for trash in excess of two 50 gallon barrels. . Bags may be purchased from the following stores: Christopher's, Ryer's, CVS, Moynihan Lumber, and Reading Lumber. More stringent enforcement will begin next week.

In response to the Board's request, I have spoken with the Superintendent-Director of Northeast Metropolitan Regional Vocational School District. The Superintendent informs me that they are working on a presentation to update communities on the construction project, including the issue of disability access. He will forward us a copy of the presentation once it is complete, and in the meantime provided me the attached information from the District website. He is also happy to host a representative of the Commission on Disabilities should they wish to learn more about the project.

There was a discussion on the ADA issues at Northeast Metropolitan Regional Vocational High School. The Select Board was polled on how to proceed. They want a proper response to the questions and hope they are making it accessible. The TA will get concrete answers.

Next order of business. BOARD MEMEBER REPORTS

Mr. Stuto said after the Wastewater update he has nothing to add.

Mr. O'Leary said there is a Wastewater meeting on Wednesday morning. He sent condolence to George Stack who lost his twin sister. They postponed the Hillview meeting but have 2 new members who are looking forward to get working. He added he is buying a Mega Million ticket to help pay for the Wastewater. Happy New Year, he hopes it is healthy and prosperous.

Mr. Wallner none

Ms. Gonzalez she was with the CPC and she would like to sit with the TA to discuss the Transportation Committee. The EDC is preparing for the Wastewater proposal. The chair has bought postcards and note pads etc. She was able to be present for the new Fire Fighter/Paramedic swearing-in. Today is National Law Enforcement day. She sent her appreciation to her Daughter, her daughter's boyfriend, her husband, Mr. O'Leary's son and anyone who chooses this path. Demar Hamlin went home from the Hospital today.

Chair Manupelli asked is there was any changes to the trash schedule this week and how that would be communicated.

Mr. Gilleberto said on the website, social media. They only do reverse 911 if it will be delayed more than one day.

Chair Manupelli wished her Mother a Happy 80th Birthday.

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

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 9, 2022**

Mr. Wallner see Board Member Report
Chair Manupelli see Board Member Report

Last order of business. **ADJOURN**

MADAM CHAIR, I MOVE TO ADJOURN.

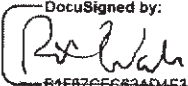
MOTION BY: MR. WALLNER
SECONDED BY: MR. O'LEARY

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

VOTE: 5-0

ADJOURN: 10:43 P.M.
1/24/2023

DATE

DocuSigned by:

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RICHARD WALLNER, CLERK