

**MINUTES OF THE SELECT BOARD MEETING  
MONDAY, JANUARY 14, 2019**

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Chairman Prisco called the meeting to order at 8:10 p.m. in Room 14 at the Town Hall in the presence of members Mrs. Manupelli, Mr. Mauceri, Mr. O'Leary, and Town Administrator, Michael Gilleberto. Mr. Schultz was absent.

**CALL TO ORDER OPEN SESSION**

Chairman Prisco called to order the open session at 8:10 p.m.

The members recited the Pledge of Allegiance.

**PUBLIC COMMENT**

Elizabeth Stolz, 2 Gillis Drive, read a letter co-signed by 640 people regarding the opposition to the 40B development at 20 Elm Street. Mr. Prisco stated that tonight is not a public hearing.

Marci Bailey, 21 Duane Drive read from a Mass Housing handbook the state's criteria for approving a 40B development.

John Felix, 11 Judith Drive stated the development would be a disaster for the Ipswich River.

**BOARD MEMBERS' REPORTS**

Mr. O'Leary and Mr. Mauceri reported on a waste water meeting they attended and were informed that there are questions that the Town of Andover is required to answer; there is another meeting scheduled in a couple of weeks.

Mr. Mauceri informed the audience that he will not be seeking reelection in May, and he thanks the Board and community who have supported him.

Mrs. Manupelli stated that Mr. Mauceri will be a massive loss on the Board in terms of history and expertise, and appreciates all his assistance on the Board.

Mr. O'Leary stated that Mr. Mauceri has served the community for 46 years on various Boards and Committees which he has been part of also and Mr. Mauceri has given a lot of himself to the community.

Mr. Prisco encouraged the audience to use the water smart portal to have access to water usage by the moment. He announced that he will not be seeking reelection that the community needs a change and he wants to focus on businesses and family.

Mr. O'Leary sent his condolences to the family of Ben Sands who recently passed away.

Mr. Mauceri thanked Mr. Prisco for his leadership over the last couple of years.

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**PROCLAMATION: NORTH READING NIGHT OFF**

Youth Services Chairman, Peter Majane was in attendance to promote North Reading Night Off.

MR. CHAIRMAN, I MOVE TO PROCLAIM TUESDAY, MARCH 12, 2019 TO BE NORTH READING NIGHT OFF AND TO READ THE PROCLAMATION.

MOTION BY: MR. O'LEARY

SECONDED BY: MRS. MANUPELLI

VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

Mr. Prisco informed the audience Mr. Schultz has pneumonia and is disappointed he could not be in attendance tonight.

**20 ELM STREET – REVIEW COMMENT LETTER TO MASS HOUSING**

Mr. Gilleberto reviews with the audience the comment letter to Mass Housing. He states that the letter was 99% drafted by the Town Planner and included comments from the Development Review Team.

John Felix, 11 Judith Drive expressed his concern about the water supply if the Town should have to get their water from the Ipswich River in the event the Town is not up and running with Andover. Mr. O'Leary responded that the quantity of water would not be impacted as what the Town is taking from the Merrimack the Town is adding to the Ipswich basin.

Mr. O'Leary stated the letter is very comprehensive and the proposals' impact and style would generally not be acceptable; the state should give "pause to give immediate approval." He further stated the Town Planner and the Administration have done a great job.

Loretta Capezzuto, 12 Duane Drive commented that the Town has done a great job and inquired when the timeframe for questions will be. Mr. Gilleberto responded it will be weeks and he further stated that the Town has asked for an extension of time to submit their comment to Mass Housing.

Dorina Helferich, 8 Lynn Street expressed her concern regarding the development contaminating the drinking water as she only uses well water.

Elizabeth Stolz, 2 Gillis Drive stated the Towns of Carver and Stow were able to litigate the approval of a proposed development on the grounds of contaminated water. She further stated the Town does not have to accept the risk.

Charlotte Murphy, 10 Cleek Court stated a traffic impact study should be done during the busy season, not in January or February.

Mrs. Manupelli suggested adding imagery or pictures to the letter.

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John Felix, 11 Judith Drive stated the letter should express the affordable housing units required to meet the Town's quota, and this development will be 180 units over the quota. He further stated the environmental impact and closeness to neighbors should be included in the letter and abutting communities should be contacted to get their input.

Mr. Prisco suggested encouraging DHCD to reach out to Mass Housing also.

Jeff Bemiss, 3 Fairview Street stated the Ipswich Water Shed Committee has done valuable work to progress the Ipswich River. He inquired if can they be used as consultants. Mr. Gilleberto responded they could as he wants to make sure the Town is submitting the right comments regarding the environmental impact of the development.

Thomas Woo, 40 Riverside Drive inquired about a timetable of the steps involved and if there will be an open forum. Mr. Prisco responded residents will have a chance to respond when it gets before the ZBA. Mr. Gilleberto informed the audience of the timeline, that the law doesn't allow for the Town to give approval, the deadline for comments is Wednesday, however the Town has asked for a 60 day extension. Mr. O'Leary stated the ZBA will approve or not approve.

Andrea Spano, 3 Haywood Farm Lane suggests Town Counsel review the letter.

Jeff Stolz, 2 Gillis Drive stated a key criteria for housing for disabled is accessibility to places they can walk to and the development does not offer that accessibility or access to public transportation. Mrs. Manupelli stated the lack of proximity to stores and employment should be incorporated in the letter with a visual. The project was submitted with 1.6 cars per unit and public transportation or amenities are not available.

Carol Varonakis, 35 Brassie Way stated the development is dangerous and the mass of cars will be a safety issue.

Mrs. Manupelli stated saying the town doesn't not want the development is not enough, that it is crucial to get environmental expertise. Mr. O'Leary stated the Town is in a reactionary role and that the Town has always been receptive to 40B applications. The ZBA is sensitive to the impact on neighbors.

Sandy Valente, 6 Hayward Farm Lane stated the letter is not compelling, it's too long, and suggested getting legal advice to make it more compelling.

Mr. Prisco stated to advocate what the Town did on the housing production plan. Mrs. Manupelli stated she is not opposed to 40B housing, but 20 Elm Street is not the right spot.

Mr. Prisco requested the ZBA meetings be televised during this process. Mr. Gilleberto stated that as of Friday, the Town has received 300 pages of comments from residents.

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**REVIEW COMMUNITY PLAN FOR “THE WALL THAT HEALS”**

Veteran’s Agent Susan Magner stated she failed to mention the cost of hosting “The Wall That Heals”, and that she is not requesting money from the Town, she plans on using money from the will of Charles Anderson or from the Veterans gift account. Mr. Gilleberto stated he wanted to disclose to the Town there are expenses associated with the Wall. Ms. Magner stated donation information will be on the Town website for residents interested in donating.

**SIGN PURCHASE AND SALE AGREEMENT – 217 MAIN STREET**

Mr. Gilleberto informs the audience that the Town will not be signing the Purchase and Sale Agreement for 217 Main Street and reads the following statement:

“Since the acceptance of the Town's conditional offer to purchase 217 Main Street in December, the Town through its Department of Public Works has been further investigating the possible use of this property for municipal purposes including as a Fire Station. This investigation included a review of the property by an outside engineering firm. While the engineering firm has identified that the property appears to be in good condition and to have been well-maintained, a closer review of the building by the firm's architect has revealed that the property does not meet the classification level required for it to be used as a fire station or public works facility. The building is believed to be suitable for other categories of use, presumably including its former use as a water bottling and distribution facility. An initial review indicates that upgrading the building classification to the level required for use as a Fire Station or public works facility would be cost prohibitive. Therefore, the Town will not be pursuing this real estate acquisition further. We thank the sellers and their agents for their efforts and assistance throughout this process, and wish them well in identifying the right buyer and the right use for the property.”

MR. CHAIRMAN, I MOVE THAT THE TOWN WITHDRAW ITS PREVIOUS CONDITIONAL OFFER AND THAT THE TOWN NOT ENTER INTO A PURCHASE AND SALE AGREEMENT FOR 217 MAIN STREET.

MOTION BY: MR. O’LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

**DISCUSS TOWN MEETING DATES FOR 2019**

The Board discussed various dates. Monday, June 10<sup>th</sup> and October 7<sup>th</sup> were suggested. Mr. Gilleberto will confirm with Town Counsel as June 10<sup>th</sup> is a religious holiday.

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**APPOINTMENTS: CONSERVATION COMMISSION**

Mr. O'Leary stated he appreciates the interest in the Conservation Commission. He informed the Board that the Commission has the authority to appoint members; however, he would like the Select Board to be the appointing authority. Mr. O'Leary recommended 1 year terms for Associate Members.

MR. CHAIRMAN, I MOVE TO PLACE IN NOMINATION THE FOLLOWING NAMES FOR APPOINTMENT AS ASSOCIATE MEMBERS OF THE CONSERVATION COMMISSION FOR TERMS TO EXPIRE ON DECEMBER 31, 2019. (THREE OPENINGS)

- 1) MICHAEL HOULE
- 2) RANDALL MASON
- 3) JOHN LAPE
- 4) LAUREN BESHARA
- 5) TOMAS SANCHEZ
- 6) BETH ADAMS

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
MR. O'LEARY MASON, BESHARA, SANCHEZ  
MR. MAUCERI MASON, BESHARA, SANCHEZ  
MRS. MANUPELLI MASON, BESHARA, SANCHEZ  
MR. PRISCO MASON, BESHARA, SANCHEZ

VOTED: 4-0 - MASON, BESHARA, SANCHEZ (MR. SCHULTZ ABSENT)

**SIGN ABCC 2019 RENEWAL CERTIFICATION**

MR. CHAIRMAN, I MOVE TO SIGN THE ABCC 2019 RENEWAL CERTIFICATION.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

**LEGAL BILLS FOR NOVEMBER**

MR. CHAIRMAN, I MOVE TO APPROVE LEGAL BILLS FOR NOVEMBER, 2018 IN THE AMOUNT OF **\$12,281.29** AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$ 1,911.29
KOPELMAN AND PAIGE, P.C. (LABOR)	\$ 9,044.00
THOMSON WEST PUBLISHING	<u>\$ 1,326.00</u>
TOTAL	\$12,281.29

MOTION BY: MR. O'LEARY  
SECONDED BY: MR. MAUCERI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

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**SPECIAL COUNSEL (SCHOOL LITIGATION)**

MR. CHAIRMAN, I MOVE TO AUTHORIZE PAYMENT TO FURMAN, GREGORY, DEPTULA FOR INVOICE #11373 IN THE AMOUNT OF \$92,243.50 AND TO AUTHORIZE PAYMENT OF \$110,000 FOR A RETAINER TO COVER LEGAL SERVICES, EXPENSES AND EXPERT WITNESS COSTS AND INITIAL MEDIATION FEE FROM JANUARY – JUNE 2019.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

**MINUTES**

MR. CHAIRMAN, I MOVE TO APPROVE THE **DECEMBER 3, 2018** EXECUTIVE SESSION MINUTES AS WRITTEN.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

MR. CHAIRMAN, I MOVE TO APPROVE THE **DECEMBER 11, 2018** EXECUTIVE SESSION MINUTES AS WRITTEN.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

MR. CHAIRMAN, I MOVE TO APPROVE THE **DECEMBER 14, 2018** REGULAR SESSION MINUTES AS WRITTEN.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

MR. CHAIRMAN, I MOVE TO APPROVE THE **DECEMBER 14, 2018** EXECUTIVE SESSION MINUTES AS WRITTEN.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

MR. CHAIRMAN, I MOVE TO APPROVE THE **DECEMBER 17, 2018** REGULAR SESSION MINUTES AS WRITTEN.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

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MR. CHAIRMAN, I MOVE TO APPROVE THE **DECEMBER 17, 2018** EXECUTIVE SESSION MINUTES AS WRITTEN.

MOTION BY: MR. O'LEARY  
SECONDED BY: MRS. MANUPELLI  
VOTED: 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

**TOWN ADMINISTRATOR'S REPORT**

See attached. Topics Discussed:

- Two new employees in the Water Division of the DPW;
- Will be advertising for vacant positions the Water Division of the DPW; and
- Will discuss the ban on plastic bags with other Town Managers/Administrators.

**OLD AND NEW BUSINESS**

Mr. O'Leary – No comment. Happy New Year.

Mr. Mauceri – Wants to get dialog going with Andover regarding water and wants to be sure they answer questions to keep on a reasonable schedule.

Mrs. Manupelli – Stated it will be difficult to find a replacement for Mr. Mauceri and she is sorry to see Mr. Prisco leaving as he has been a big help to her on the Board.

Mr. Prisco – Stated he is happy he and Mr. Mauceri brought up their intentions not to seek reelection early enough to give others time to think about running. He has been documenting the processes on FinCom.

Mr. O'Leary – Stated Mr. Prisco, Mr. Mauceri, and Mel Webster deserve time off and congratulated them on their decisions.

MR. CHAIRMAN, I MR. O'LEARY MOVE TO ADJOURN.

SECONDED:	MRS. MANUPELLI	
VOTED:	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE
	MR. MAUCERI	AYE
	MR. PRISCO	AYE

VOTED 4-0 (UNANIMOUS) (MR. SCHULTZ ABSENT)

ADJOURN: 10:36p.m.

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DATE

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STEPHEN J. O'LEARY, CLERK