

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JANUARY 28, 2019**

Chairman Prisco called the meeting to order at 7:15 p.m. in Room 14 at the Town Hall in the presence of members Mrs. Manupelli, Mr. Schultz, Mr. Mauceri, and Town Administrator, Michael Gilleberto. Mr. O'Leary was absent.

CALL TO ORDER OPEN SESSION

Chairman Prisco called to order the open session at 7:15 p.m.

The members recited the Pledge of Allegiance.

PUBLIC COMMENT

None.

BOARD MEMBERS' REPORTS

Mr. Mauceri:

- Informs the audience of the water/wastewater meeting held last Wednesday;
- States that there will be a meeting with the Martins Pond Church to acquire land for a chlorination plant. A location needs to be secured before submitting the FEIR.

Mr. Schultz:

- Stated he was encouraged to see many members of the Community at the last Select Board meeting and getting involved in the 40B proposed development on 20 Elm Street. Mr. Prisco responded that the Town welcomes 40B development, however the location is wrong and there is a density issue.

Mrs. Manupelli:

- Stated it was obvious with all the people that came to the January 14th Select Board meeting that it is the consensus that there are density and other issues that would not make 20 Elm Street a good location for the 40B development.
- Reminded the Board that she would like to acknowledge Kathy Dardeno and Judy Hall for their years of service on the Youth Services Committee at Town Meeting. She further stated their work on the Committee led to the evolution of the Youth Services Department.

Mr. Prisco:

- Reminded the residents that the deadline is close for submitting comments pertaining to 20 Elm Street. He further stated that Danielle McKnight did a great job and that the Town needs to continue looking at the environmental impact of the development. Mr. Gilleberto responded that there may be additional comments from the Town's water consultants, Wright Pearce regarding the environmental impact.

DISCUSS AARP NEWTORK OF AGE FRIENDLY COMMUNITIES

Antron Watson, AARP representative, and Elder Services Director Mary Prenney were in attendance. Mrs. Prenney stated the Town is currently meeting the requirements in the application. Mrs. Manupelli stated the Town needs to provide opportunities to keep the aging population in Town.

Kim Manzelli, 62 Central Street, addressed the Board stating the goal is to have seniors age in their community.

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MR. CHAIRMAN, I MOVE TO AUHORIZE THE CHAIRMAN TO SIGN A LETTER INDICATING THE TOWN'S COMMITMENT INTO THE AARP NETWORK OF AGE-FRIENDLY COMMUNITIES.

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

Mr. Prisco stated that Mr. O'Leary would be in full support of this vote.

MEET WITH READING MUNICIPAL LIGHT DEPARTMENT

Coleen O'Brien, General Manager gave a PowerPoint presentation to review RMLD'S current programs and highlights. Jason Small, Citizen Advisory Board Representative, and Charles Underhill, Director of Integrated Resources were in attendance.

Mr. Gilleberto stated with the new LED street lights, it cost less money to have all the lights on as opposed to using the old lights and selectively leaving some off. Mr. Mauceri inquired about at what point a pole can lean without causing concern. Mr. Small responded over 20 degrees the pole should be looked at. Mr. Mauceri expressed his concern about the pole on the corner of Susan Drive and Pleasant Street; Ms. O'Brien will look into it.

Ms. O'Brien thanked Mr. Prisco for his assistance in helping RMLD develop a strategic plan. Mr. Prisco addressed Bill Bellavance of the Community Planning Commission and suggested outlets for electric cars on new infrastructure should be a requirement. Mr. Underhill stated that planning and zoning boards should change bylaws and codes to encourage using solar power and providing electrical outlets in parking lots; it would be more cost effective to incorporate it into new construction rather than retrofit it.

MINUTES

MR. CHAIRMAN, I MOVE TO APPROVE THE **JANUARY 14, 2019** REGULAR SESSION MINUTES AS WRITTEN.

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

MR. CHAIRMAN, I MOVE TO APPROVE THE **JANUARY 14, 2019** EXECUTIVE SESSION MINUTES AS WRITTEN.

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

TOWN ADMINISTRATOR'S REPORT

See attached. Topics Discussed:

Budget hearings information, 20 Elm Street comment to MassHousing, information regarding the value of state owned land, Facilities Master Plan information, and plastic bag ban.

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8:16 - PUBLIC HEARING: JUNE AND OCTOBER TOWN MEETING DATES FOR 2019

Mr. Schultz reads the Public Hearing Notice. Mr. Gilleberto notifies the audience that this is the first time setting Town Meeting dates under the new charter; the new by-law allows the Board to pick a date as long as it does not conflict with a religious holiday.

MR. CHAIRMAN, IN ACCORDANCE WITH THE TOWN OF NORTH READING CHARTER 2-4-1,
I MOVE TO SET THE DATES FOR THE 2019 TOWN MEETINGS AS FOLLOWS:

MONDAY, JUNE 10, 2019

MONDAY, OCTOBER 7, 2019

MOTION BY: MR. SCHULTZ

SECONDED BY: MRS. MANUPELLI

VOTED: 4-0 (UNANIMOUS) (MR. O'LEARY ABSENT)

OLD AND NEW BUSINESS

Mr. Mauceri: No comment.

Mr. Schulz: No comment.

Mrs. Manupelli: No comment

Mr. Prisco: No comment

8:22 – Recess

8:30 – Reconvene

**CLASS 11 LICENSE APPLICATION VW GAS, LLC D/B/A ENTERPRISE PETROLEUM, and
144 Main Street**

Applicant Valentine Ndanga, Police Chief Michael Murphy, and Building Inspector Gerry Noel were in attendance. Mr. Gilleberto asks Mr. Ndanga questions about the business at 142 and 144 Main Street. Mr. Ndanga stated he has a towing business at the address; Mr. Noel stated he informed Mr. Ndanga that a towing business was not an allowed use in the Highway Business District, and denied his request for a towing company business. Mr. Ndanga appealed Mr. Noel's decision to the ZBA and was subsequently given approval to operate a towing business only as an accessory use to the area. Chief Murphy reads the Zoning Board decision, and it did not allow the licensee to operate a towing business, it allowed the licensee to tow ancillary to the auto repair shop. The Board discussed and questioned the applicant based on this explanation; Mr. Ndanga revealed he has multiple tow trucks, several drivers employed just for towing, and one mechanic. It appeared there were a lot of drivers towing for 2 or 3 repair bays. The Board also discussed the illegal use of the lot to store multiple vehicles for the towing business. Mr. Ndanga stated he sold his towing company in Saugus to relocate to this location, and never operated an auto repair shop/gas station before. Mr. Ndanga further stated he primarily tows cars for insurance companies, which the Board earlier discussed was a towing business as a vendor for insurance carriers and not for customers ancillary to his auto repair shop.

Mr. Gilleberto noted the landlord/owner was absent for this hearing.

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The Board indicated their opposition to granting the Class II application based on the Building Commissioner's input that this location was not zoned to operate a towing company, or store vehicles. Based on the Public Safety Director's explanation that what the Zoning Board permitted was the limited and specific function of towing ancillary to the repair shop, and based on the testimony of the applicant, he was operating a towing business which he was not permitted to do, and that the lot was already crowded with vehicles based on this illegal use. Because he was not in compliance with the limited approval or zoning, the Board will be voting against granting the license.

Bill Bellavance, 323 Haverhill Street, and member of the Community Planning Commission stated there is no room to park cars on the property. Mr. Mauceri stated he is opposed to issuing the Class II license, however would reconsider at a later date if the towing issue was resolved and there was adequate storage for cars. Mrs. Manupelli would also reconsider her opposition if he followed the rules of the ZBA. Mrs. Manupelli further stated that she cannot understand how the ZBA overturned the Building Inspectors decision as it did not make sense if the towing was not permitted under our zoning. The Public Safety Director explained to the Board the decision and read it into the record. After the hearing and testimony obtained, Mrs. Manupelli specifically told the licensee that she could understand his confusion based on the Zoning Board decision, but now that it was clearly explained to the Board and Mr. Ndanga during the hearing, did he understand he could not operate the towing business, to which he replied no.

MR. CHAIRMAN, I MOVE DETERMINE THAT:

1. MR. VALENTINE NDANGA OF VW GAS, LLC IS NOT A PROPER PERSON TO ENGAGE IN CLASS II MOTOR VEHICLE SALES BECAUSE HE IS CONDUCTING AN ONGOING VIOLATION OF A ZONING BOARD OF APPEALS DECISION BY OPERATING A TOWING BUSINESS THAT IS NOT ACCESSORY TO A REPAIR SHOP, HE IS STORING VEHICLES IN VIOLATION OF A ZONING BOARD OF APPEALS ORDER, AND HE VIOLATED A BUILDING INSPECTOR'S ORDER BY OPERATING A TOWING BUSINESS; AND
2. THAT CLASS II MOTOR VEHICLE SALES WILL NOT BE MR. NDANGA'S AND VW GAS, LLC'S PRINCIPAL BUSINESS BECAUSE VW PROPOSES TO OPERATE A USED CAR DEALERSHIP IN ADDITION TO THE GAS STATION AND REPAIR SHOP IDENTIFIED IN A CERTIFICATE OF ORGANIZATION FILED WITH THE SECRETARY OF THE COMMONWEALTH, AND MR. NDANGA IS APPEALING THE ZONING BOARD OF APPEALS DECISION RESTRICTING A TOWING BUSINESS AS AN ACCESSORY TO THE REPAIR SHOP ONLY; AND
3. THAT MR. NDANGA DOES NOT HAVE AVAILABLE A PLACE OF BUSINESS SUITABLE FOR THE PURPOSE OF CLASS II MOTOR VEHICLE SALES BECAUSE 144 MAIN STREET HAS AN ONGOING ZONING VIOLATION IN NOT REMOVING THE OFFICE TRAILER, AN ONGOING ZONING VIOLATION OF A ZONING BOARD OF APPEALS DECISION BY ALLOWING THE OPERATING OF A TOWING BUSINESS THAT IS NOT ACCESSORY TO A REPAIR SHOP, AND HAD AN ONGOING VIOLATION OF A BUILDING INSPECTOR'S ORDER IN ALLOWING THE OPERATING OF A TOWING BUSINESS; THAT WHEN THE LAST CLASS II LICENSE WAS IN EFFECT, THE BUSINESSES OPERATING OUT OF 144 MAIN STREET WERE A GAS STATION, AN AUTO REPAIR FACILITY, AND A USED CAR DEALERSHIP. GRANTING A CLASS II LICENSE TO THIS SITE AT THIS TIME WOULD ADD USED CAR SALES TO THE EXISTING PERMITTED USES OF A GAS STATION AND AN AUTO REPAIR FACILITY WITH RECENTLY PERMITTED ACCESSORY TOWING INCLUDING TOW TRUCKS PARKED AT THE PROPERTY. IT IS UNCLEAR HOW

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THESE BUSINESSES CAN CO-EXIST UNDER THE EXISTING APPROVED SITE
PLAN.

THEREFORE, I MOVE TO DENY THE CLASS II LICENSE REQUESTED BY MR. VALENTINE
NDANGA OF VW GAS, LLC D/B/A ENTERPRISE PETROLEUM.

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

MR. CHAIRMAN, I MR. SCHULTZ MOVE TO ADJOURN.

SECONDED:	MRS. MANUPELLI	
VOTED:	MRS. MANUPELLI	AYE
	MR. MAUCERI	AYE
	MR. SCHULTZ	AYE
	MR. PRISCO	AYE

VOTED 4-0 (UNANIMOUS) (MR. O'LEARY ABSENT)

ADJOURN: 9:33 p.m.

DATE

STEPHEN J. O'LEARY, CLERK