

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, JULY 15, 2019**

Chairwoman Manupelli called the meeting to order at 7:21 p.m. in Room 14 at the Town Hall in the presence of members Mr. Schultz, Mr. Wallner, Mrs. Gonzalez, Mr. O’Leary, and Town Administrator, Michael Gilleberto.

CALL TO ORDER OPEN SESSION

Chairwoman Manupelli called to order the open session at 7:21 p.m.

The Chair States: “In accordance with the Open Meeting Law, the Board states for the record that this meeting is being recorded by NORCAM and may be recorded by other local media.”

The members recited the Pledge of Allegiance.

PUBLIC COMMENT

Jeff Stoltz, 2 Gillis Drive inquired if residents could be involved in the discussion regarding 20 Elm Street. Mrs. Manupelli stated there would be no opposition to having anyone participate. Mr. O’Leary stated the focus of the discussion will be alternative plans for 20 Elm Street.

REVIEW AUDITOR’S REPORT FOR FISCAL YEAR 2018

Auditor Dick Hingston and Finance Director Liz Rourke reviewed the FY18 Financials. Ms. Rourke provided a presentation and Mr. Hingston reviewed the contents of the management letter provided to the Board in the ShareFile. He stated it was a good year for the Town and it shows in Free Cash. Mr. Hingston further stated the longer the Town contributes to the OPEB fund, it will help get the Town to the point where it is significantly funded and will help with the bond rating.

JOINT MEETING WITH COMMUNITY PLANNING COMMITTEE – APPOINT ECONOMIC DEVELOPMENT COMMITTEE MEMBER

MADAM CHAIR, I MOVE TO JOINTLY APPOINT MICHAEL A. PRISCO AS A MEMBER TO THE ECONOMIC DEVELOPMENT COMMITTEE FOR A TERM TO EXPIRE MARCH 3, 2020.

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

SELECT BOARD

MR. O’LEARY: MR. PRISCO
MR. SCHULTZ: MR. PRISCO
MR. WALLNER: MR. PRISCO
MRS. GONSALVES: MR. PRISCO
MRS. MANUPELLI: MR. PRISCO

CPC

R. RUDLOFF: MR. PRISCO
MR. PEARCE: MR. PRISCO
MR. CARROLL: MR. PRISCO
MR. BELLAVANCE: MR. PRISCO

VOTED: 5-0 MR. PRISCO

VOTED: 4-0 MR. PRISCO (MR. HAYDEN ABSENT)

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MADAM CHAIR, I MOVE TO JOINTLY APPOINT JOSEPH P. LAURIA AS AN ASSOCIATE MEMBER TO THE ECONOMIC DEVELOPMENT COMMITTEE FOR A TERM TO EXPIRE MAY 20, 2022.

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

BOS

MR. O'LEARY: MR. LAURIA
MR. SCHULTZ: MR. LAURIA
MR. WALLNER: MR. LAURIA
MRS. GONSALVES: MR. LAURIA
MRS. MANUPELLI: MR. LAURIA

CPC

R. RUDLOFF: MR. LAURIA
MR. PEARCE: MR. LAURIA
MR. CARROLL: MR. LAURIA
MR. BELLAVANCE: MR. LAURIA

VOTED: 5-0 MR. LAURIA

VOTED: 4-0 MR. LAURIA (MR. HAYDEN ABSENT)

MINUTES

MADAM CHAIR, I MOVE TO APPROVE THE JUNE 17, 2019 REGULAR SESSION MINUTES AS CORRECTED.

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. SCHULTZ
VOTED: 5-0 (UNANIMOUS)

MADAM CHAIR, I MOVE TO APPROVE THE JUNE 17, 2019 EXECUTIVE SESSION MINUTES AS WRITTEN.

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. SCHULTZ
VOTED: 4-1 (UNANIMOUS) (MR. O'LEARY ABSTAINED)

LEGAL BILLS

MADAM CHAIR, I MOVE TO RESCIND THE VOTE OF JUNE 17, 2019 FOR THE APPROVAL OF LEGAL BILLS AND VOTE THE FOLLOWING:

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR APRIL, 2019 IN THE AMOUNT OF **\$17,097.88** AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$ 8,941.88
KOPEMAN AND PAIGE, P.C. (LABOR)	\$ 4,731.00
ARBITRATOR – SARAH KERR GARRATY	\$ 3,000.00
AMERICAN ARBITRATION ASSOCIATION	\$ 275.00
AMERICAN ARBITRATION ASSOCIATION	<u>\$ 150.00</u>
TOTAL	\$17,097.88

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. O'LEARY
VOTED: 5-0 (UNANIMOUS)

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MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR MAY, 2019 IN THE AMOUNT OF **\$15,408.36** AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$8,150.36
KOPEMAN AND PAIGE, P.C. (LABOR)	<u>\$7,258.00</u>
TOTAL	\$15,408.36

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. O'LEARY
VOTED: 5-0 (UNANIMOUS)

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR JUNE, 2019 IN THE AMOUNT OF **\$14,910.51** AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$8,757.21
KOPEMAN AND PAIGE, P.C. (LABOR)	\$3,325.00
ARBITRATOR – SHERRIE ROSE TALMADGE	<u>\$2,828.30</u>
TOTAL	\$14,910.51

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. O'LEARY
VOTED: 5-0 (UNANIMOUS)

JOINT MEETING WITH COMMUNITY PLANNING COMMITTEE AND ECONOMIC DEVELOPMENT COMMITTEE – REVIEW/DISCUSS TOWNWIDE MASTER PLAN – REVIEW/DISCUSS/VOTE FACILITY MASTER PLAN

Town Planner Danielle McKnight gave a presentation describing the previous studies done by the CPC exploring redevelopment potential of the area of Main Street near Winter Street, and how they relate to the warrant article funds given in October, 2016 to create a concept plan and study the wastewater needs of this area. (See attached)

- Mr. Schultz states the Town should not be developing private parcels. He is opposed to taking commercial property and using it for municipal buildings where they will no longer be on the tax rolls.
- EDC member, Sean Delaney stated Mr. Heffron presented a plan which would include retail, office and residential space at 66 Winter Street.

8:24 – Mrs. Manupelli leaves the room.

- Mr. Delaney continued to add that if feedback is for no municipal use in the area of Main Street, (shown in the presentation), then the area is more conducive to private use.

8:28 – Mrs. Manupelli returns.

- Mr. Wallner stated to give the people something more than just commercial, something more is needed to draw people in.
- EDC member, Michael Prisco stated there was a water/wastewater plan to bring sewer to Route 28; Mr. O'Leary responded sewer is a long way off.

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- CPC Member Warren Pearce stated that a 21E has already been done at 66 Winter Street. He further stated studies have shown that 66 Winter Street is the location that comes up for producing a legacy for the Town.
- Mr. Wallner stated the entire area should be discussed, not just 66 Winter Street, and no money should be spent until there is a development plan.
- Mr. O'Leary stated the Facilities Master Plan Study and the Town Wide Master Plan study should be combined.
- Facilities Master Plan Committee Member, Abby Hurlbut and Finance Committee Member Don Kelliher stated that the Facilities Master Plan Committee should be included in EDC and CPC discussions pertaining to the Studies.
- Sean Delaney stated the plans should all dovetail.
- Mrs. Manupelli stated there is value in coordinating the studies and will move forward considering all parcels designated and will not singularly focus on 66 Winter Street.

9:11 – Chair calls for a 5 minute recess.

9:15 – Meeting back to order.

SHOW CAUSE HEARING: SMOKES&SNACKS, INC., D/B/A RT. 28 LUCKY MART

Attorney James Cote, representing Lucky Mart and Manager, Sonal Patel were in attendance. Police Chief Michael Murphy read the police report. Attorney Cote stated Lucky Mart uses the nationwide Check ID System which validates licenses from any state. The minor's license had already been scanned and passed/validated 3-4 times prior to the date of the violation. Mr. Schultz stated, based on a statement from the minor in the report, that the Licensee has a reputation of not carding. Attorney Cote stated remedial measures will include: Checking ID's under 35, using Check ID system and requiring a second form of ID if an out of state license is used. Mr. Wallner stated the Licensee should work together with the Police Department to come up with a better practice. Mrs. Manupelli states the findings of fact:

1. Licensee sold alcohol to a minor on June 8th (Police report stated June 1st);
2. Minor is being prosecuted for possession of alcohol sold to him by Licensee;
3. Licensee admitted to selling alcohol to the minor 3 other times in the past.

Mr. Gilleberto informed the Board of the length of past suspensions given out to other establishments for selling alcohol to a minor. Mr. Schultz stated the Board needs to be consistent with what they have done with other licensees in the past.

MADAM CHAIR, I MOVE TO SUSPEND FOR 3 DAYS THE WINE AND MALT BEVERAGE LICENSE OF SMOKES & SNACKS, INC., D/B/A LUCKY MART, 202 NORTH STREET ON AUGUST 31, 2019 THROUGH SEPTEMBER 1, 2019.

MOTION BY: MR. SCHULTZ

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There was no second on the motion. Attorney Cote asked that the Board hold the license in abeyance for a 6 month probation, rather than suspension; Chief Murphy stated if the Board chooses to hold the license in abeyance, it should be for a longer period of time. Mr. O'Leary stated the Board needs to be consistent with what has been done in the past, especially if there will be appeals to the ABCC, he suggested the suspension take place over Columbus Day weekend rather than Labor Day weekend. Mrs. Manupelli stated the store needs to own their mistake, fix it, and do what they have to do to prevent it from happening again.

MADAM CHAIR, I MOVE TO SUSPEND FOR 3 DAYS THE WINE AND MALT BEVERAGE LICENSE OF SMOKES & SNACKS, INC., D/B/A LUCKY MART, 202 NORTH STREET ON OCTOBER 12, 2019 THROUGH OCTOBER 14, 2019 AND THAT THE LICENSE MUST BE DELIVERED TO THE NORTH READING POLICE DEPARTMENT AT THE CLOSE OF BUSINESS ON FRIDAY, OCTOBER 11, 2019 AND PICKED UP AT THE POLICE STATION ON TUESDAY, OCTOBER 15, 2019.

MOTION BY: MR. SCHULTZ
SECONDED BY: MRS. GONZALEZ
VOTED: 5-0 (UNANIMOUS)

9:53 - PUBLIC HEARING: TRANSFER OF COMMON VICTUALLER / WINE AND MALT BEVERAGE LICENSE – MARIO'S RISTORANTE

Mrs. Manupelli reads the Public Hearing Notice. New owners, Lamiae Raiss, and Khalid Saissi were in attendance.

10:01 – Hearing closes.

MADAM CHAIR, I MOVE TO TRANSFER THE COMMON VICTUALLER/WINE AND MALT BEVERAGE LICENSE HELD BY M.R. READING, INC., D/B/A/ MARIO'S RISTORANTE TO WAYAMA GROUP, LLC, D/B/A MARIO'S RISTORANTE, 20-G MAIN STREET, SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS.

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. O'LEARY
VOTED: 5-0 (UNANIMOUS)

20 ELM STREET – DISCUSS DEVELOPMENT ALTERNATIVE

Town Planner, Danielle McKnight informs the audience the 40B application for 20 Elm Street has been filed and states the differences between current plans and the alternative scenario proposed by the developer. She further stated the threshold for meeting the 10% affordable housing goal is based on the 2010 census. The Elm Street Apartments Development Comparison Chart is located on page 85 of the meeting packet (see attached). The following residents expressed concerns/oppositions to the project and a zoning change:

Kathy Stewart, 13 Riverside Drive, inquired if the development could be challenged because of environmental concerns. She stated going from 200 units to 162 is not making a difference. Tom Woo – 40 Riverside Drive, inquired if the developer was being honest and truthful.

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Jeff Stolz – 2 Gillis Drive, concerned that the developer’s alternative is the 1st part of his strategic plan and is concerned with what his next step will be. He further stated the Town should not be negotiating with him.

Steve Woodmansee – 34 Elm Street, stated he has sent letters to officials indicated the impact the development would have on him and his neighbors and has not received a response from anyone. He further stated he has lost water in his well due to development in the area.

Carol Varonakis, 35 Brassie Way, inquired about what would happen if the Town did not accept the alternative plan.

Jack Weilandt, 15 Spoon Way, stated he does not think the alternative proposal is good and would recommend stopping it.

Sandy Valenti, 6 Haywood Farms Lane, stated the “Defend Ipswich River” campaign now has about 200 people and is against the 162 unit development.

- Mr. Schultz stated the ZBA, not the Select Board, reviews a 40B application.
- Mr. O’Leary assured the audience that the ZBA and the Select Board will work in the Town’s best interest.
- Mrs. Manupelli tells the audience to trust Mr. Schultz, Mr. O’Leary and the TA to continue discussions with the developer, Mr. Yebba.
- It is the direct consensus of the Board to continue discussions with the developer. Mr. Schultz states “and to reject the 162 Unit proposal”.
- Mr. Wallner stated the Town has seen the benefits of continuous negotiations and uses Andover water agreement as an example.

VOTE WATER USE RESTRICTIONS

Water Superintendent, Mark Clark informs the audience of the reason for the stage 1 water restriction for lawn watering. He states the new water meter system will show properties that are not in compliance. Mr. Clark stated he would like to send a PR notification asking people to be compliant.

MADAM CHAIR, I MOVE TO DECLARE A STAGE 1 WATER USE RESTRICTION.

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. SCHULTZ
VOTED: 5-0 (UNANIMOUS)

**POLICY REGARDING SCHOOL DISTRICT RESERVE TRANSFERS PURSUANT TO
M.G.L. CHAPTER 40, SECTION 13E – SECOND READING OF POLICY**

MADAM CHAIR, I MOVE TO APPROVE THE SECOND READING OF THE SCHOOL DISTRICT RESERVE FUND TRANSFERS POLICY PURSUANT TO MGL CHAPTER 40, SECTION 13E.

MOTION BY: MR. SCHULTZ
SECONDED BY: MR. O’LEARY
VOTED: 5-0 (UNANIMOUS)

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APPOINTMENTS/REAPPOINTMENTS

ELECTION WORKERS

MADAM CHAIR, I MOVE TO EXERCISE THE FOLLOWING OPTION FOR APPOINTMENT OF ELECTION WORKERS FOR ELECTIONS HELD BETWEEN SEPTEMBER 1, 2019 THROUGH AUGUST 31, 2020:

APPOINT ELECTION OFFICERS FROM THE LIST SUBMITTED BY THE
REGISTRARS AS RECOMMENDED BY THE REGISTRARS.

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. O'LEARY
VOTED: 5-0 (UNANIMOUS)

TAXATION AID COMMITTEE

MADAM CHAIR, I MOVE TO APPOINT SELECT BOARD MEMBER RICHARD WALLNER AS LIAISON / RESIDENT TO THE TAXATION AID COMMITTEE FOR A TERM TO EXPIRE MAY 5, 2020.

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. O'LEARY
VOTED: 5-0 (UNANIMOUS)

CAPITAL IMPROVEMENT PLANNING COMMITTEE

MADAM CHAIR, I MOVE TO REAPPOINT THE FOLLOWING INDIVIDUALS TO THE CAPITAL IMPROVEMENT PLANNING COMMITTEE:

KATHRYN MANUPELLI (SELECT BOARD REP.) – TERM TO EXPIRE MAY 5, 2020
MICHAEL CONNELLY (SCHOOL REP.) – TERM TO EXPIRE JUNE 30, 2022
ABIGAIL HURLBUT (FIN COM REP.) – TERM TO EXPIRE JUNE 30, 2022

MOTION BY: MRS. GONZALEZ
SECONDED BY: MR. WALLNER
VOTED: 5-0 (UNANIMOUS)

TOWN ADMINISTRATORS REPORT

(See attached) Topics Discussed:

- Youth Substance Abuse Grant Coordinator Amy Luckiewicz and Detective Paul Lucci's participation in a Rotary-sponsored School Resource Officer Vocational Training in the United Kingdom.
- Town Administrators participation in the Superintendent of Schools Selection Committee and the selection of Patrick Daly as Superintendent.
- The Town's ban on consumable products that contain CBD.
- New Maintenance Craftsman employee in the Water Department, Shaun O'Hearn.
- October Town Meeting Articles due date.
- The submission of a Chapter 40B housing development application for 20 Elm Street to the ZBA.

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- An action plan was developed at a June 18th meeting to address issues of concern regarding the Softball fields.

OLD NEW BUSINESS

Mr. O'Leary:

- Acknowledged the passing of Charles Piscatelli and Tony Mack, who were both long acting members of the community.
- Congratulated Mrs. Gonzalez's daughter on her graduation from the State Police Academy.
- Stated a location for a chlorination plant still needs to be determined.

Mr. Wallner:

- Stated he has introduced himself to all the boards and committees he is liaison to.
- Distributed a handout to the Board to use as an example of how to help with cohesiveness amongst Boards and Committees involved in economic development.
- Facts and opinions should be separated out on Social Media.

Mr. Schultz:

- Congratulates Patrick Daley on his appointment as School Superintendent;
- Parks and Rec combined with LUC provided a Reeds Ferry Shed at IRP.
- Barbeques are ongoing at IRP.

Mrs. Gonzalez:

- Spoke of the Wall that Heals that will be coming to IRP;

Mrs. Manupelli:

- Thanked the residents for making their thoughts known and for the feedback regarding 20 Elm Street.
- Congratulated Mrs. Gonzalez and Mr. O'Leary on their children entering the Law Enforcement field.

MADAM CHAIR, I MR. SCHULTZ MOVE TO ADJOURN.

SECONDED:	MR. WALLNER	
VOTED:	MR. O'LEARY	AYE
	MR. SCHULTZ	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 (UNANAMOUS)

ADJOURN: 11:49 p.m.

DATE

LIANE R. GONZALEZ, CLERK