

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

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Chairwoman Manupelli called the meeting to order at 7:36 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 7:36 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.

The Chair states she will be passing over Agenda item number 3.

**BOARD MEMBERS' REPORTS**

Mr. O'Leary:

- Getting closer to finding a location for a chlorination plant.

Mr. Wallner:

- Attended LUC meeting and reports they are making progress on the bike path.
- Has been sitting in on the Facilities Master Plan Committee meetings.

Mr. Schultz:

- Still working on the Facilities Master Plan and have received and are reviewing 3 proposals.
- Welcomes the kids back to school.

Mrs. Gonzalez:

- Asked the residents to watch for busses and kids, now that school is open.

Mrs. Manupelli:

- Asked the residents to slow down for busses and bikes now that school is open.
- Thanks the TA, Mr. O'Leary, Mr. Schultz and the HR Director for their time during negotiations.

**PUBLIC COMMENT**

None.

**INTRODUCE ASSISTANT BUILDING INSPECTOR AND BUILDING SUPERINTENDENT**

DPW Director, Pat Bower introduces new Building Superintendent, Marc Hamel and gives his background. Building Inspector, Gerry Noel introduces Assistant Building Inspector Daniel Anzalone and gives his background.

**DISCUSS OCTOBER TOWN MEETING WARRANT ARTICLES**

Discussion was had regarding Articles 11 and 13. Article 13, relative to 70 Concord Street, would transfer the care, custody and control of the property to the Select Board. Discussion was had regarding Article 11, relative to the intergenerational design, a project related to the ongoing Facilities Master Plan. It was the consensus of the Board to leave the Article on the Warrant, make a presentation at Town Meeting, but move to pass over the article at this time. Article 7, the Operating Budget was discussed. Mr. O'Leary proposed it as an opportunity to supplement the Town Counsel budget to defend the Town's position to hire additional consulting services to handle the 40B proposal and the appeal that is pending.

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

**SIGN OCTOBER TOWN MEETING WARRANT**

MADAM CHAIR, I MOVE TO SIGN THE OCTOBER 7, 2019 TOWN MEETING WARRANT.

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

**7:54 - PUBLIC HEARING: TERESA'S/GRILLE 19, 20 ELM STREET – POOL TABLE  
LICENSE**

Mrs. Manupelli reads the Public Hearing Notice. Applicant Nick Yebba and Nick Yebba, Jr. were in attendance. Mr. Gilleberto confirms that Mr. Yebba provided proof of certified and first class mailing of the hearing notification to abutters. He informed the audience that some residents did not receive notification because they are not direct abutters. The following residents expressed their opposition to the pool table license:

Tom Woo, 40 Riverside Drive – Stated neighbors on the even side of his road did not receive notification. He further stated there has been noise complaints against Teresa's made to the NRPD.

Jeff Stolz, 2 Gillis Drive – Stated Mr. Yebba's business model has changed dramatically since he first opened, he did not fulfil his responsibility with notification for the first hearing, and he is continuing to advertise the pool tables are open.

Sandy Woodmansee, 34 Elm Street – Stated he is no longer in favor of the pool table license, business model in 2012 did not include pool tables, did not get notified of the first hearing, is not what a residential neighborhood deserves, and has an issue with 3 pool tables.

Susan Holsing, 36 Niblick Way – Stated ignorance of the law is not a reason for not applying for a license.

Allen Helferich, 8 Lynn Street – Stated he saw an advertisement indicating the game room was open with automatic amusement devices and pool tables. Mr. Gilleberto responded a license was granted for the automatic amusement devices, but the pool tables should be covered.

Nicholas Holsing, 36 Niblick Way – Stated the advertisement included “#pool tables”.

Wendy Emerson, 100 Lowell Road – Stated North Reading needs more things to do; it would be good to have more entertainment in North Reading.

Michael Myette, 3 Childs Road – Stated he is against the pool table license because of the way Mr. Yebba went about it.

Allen Helferich, 8 Lynn Street – Inquired if electrical and building permits had been pulled for the game room. Mr. Gilleberto responded that the Building Department did not comment that there were any issues however he will look further into it.

8:30 – Public Hearing closes.

Mr. Yebba responds:

- Licensed until 1:00 am, usually close between 10:00-10:30;
- Game room is soundproofed;
- Assistant General Manager will be watching game room which will be restricted to over 21 years of age;
- Filed for an entertainment license when he first opened, but did not realize it did not cover games and pool tables;
- Grille 19 has never had a police complaint, but the pool (Resorts North) has;
- Coin slots on Pool tables will be taped on Sundays.

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

Select Board responds:

- Mr. Gilleberto states the TA's office did not receive proof of the first notification mailing;
- Mr. Wallner states false advertising misleads people;
- Mr. Schultz states Mr. Yebba has made many missteps and wants to make sure the rules are being followed. He used T's Tavern as an example.
- Mrs. Manupelli states only the license application should be discussed;
- Mr. O'Leary states this application process is different because of the other issues associated with Mr. Yebba. He further stated he will support the license application and if it doesn't work out, the Board can pull it.
- Mrs. Manupelli states Mr. Yebba's business model is shifting, the Board told him he had to cover the pool tables until he got a license, and he advertised the game room was open with pool tables, the Board can have a Show Cause hearing to revoke a license if there are too many public disturbances.
- Mrs. Gonzalez expressed her concern about pool tables being in a residential neighborhood.
- Mr. Gilleberto clarifies who was included on the abutters list and the number of units at the Greens. He further stated there are outstanding issues with the Fire Department and Health Department that would need to be complied with before the license is issued.
- Mr. O'Leary suggests since Mr. Yebba advertised the pool tables were open one month prior to obtaining a license, the license should be effective one month after the license is issued.
- Mr. Wallner suggests waiting to issue the license when they see there has been no advertising.

MADAM CHAIR, I MOVE TO APPROVE THE POOL TABLE LICENSE FOR TERESA'S/ GRILLE 19 AT 20 ELM STREET TO EXPIRE MAY 1, 2020 SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS EFFECTIVE JANUARY 1, 2020

MOTION BY: MR. SCHULTZ

No second on the motion.

MADAM CHAIR, I MOVE TO APPROVE THE POOL TABLE LICENSE FOR TERESA'S / GRILLE 19 AT 20 ELM STREET TO EXPIRE MAY 1, 2020 2019 SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS, EFFECTIVE NOVEMBER 15, 2019.

MOTION BY: MR. O'LEARY

No second on the motion.

Mr. Wallner stated Mr. Yebba should reapply for the license in January.

The Board moves the original motion.

MADAM CHAIR, I MOVE TO APPROVE THE POOL TABLE LICENSE FOR TERESA'S / GRILLE 19 AT 20 ELM STREET TO EXPIRE MAY 1, 2020 SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS.

MOTION BY: MR. O'LEARY

SECONDED BY: MR. SCHULTZ

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

Mr. Schultz indicates he would like to discuss further. He would like to amend the motion to include a January 1<sup>st</sup> effective date.

MADAM CHAIR, I MOVE TO AMEND THE ORIGINAL MOTION TO INCLUDE AN EFFECTIVE DATE OF JANUARY 1<sup>ST</sup>.

MOTION BY: MR. SCHULTZ  
SECONDED BY: MR. WALLNER  
VOTED: 3-2 ( ?? OPPOSED)

MADAM CHAIR, I MOVE TO APPROVE THE POOL TABLE LICENSE FOR TERESA'S / GRILLE 19 AT 20 ELM STREET TO EXPIRE MAY 1, 2020 SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS EFFECTIVE JANUARY 1, 2020.

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

VOTED: 3-2 (MRS. MANUPELLI AND MR. WALLNER OPPOSED)

**ACCEPTANCE OF DEED FOR LITTLE MEADOW WAY FOLLOWING TOWN MEETING  
AND STREET ACCEPTANCE**

Attorney Jill Mann, counsel for the developer was in attendance.

9:14 – Mr. Schultz recuses himself as he has had business dealings with Attorney Mann.

MADAM CHAIR, I MOVE TO ACCEPT THE QUITCLAIM DEED FROM JOZ DEVELOPMENT LLC FOR LITTLE MEADOW WAY IN THE FORM PRESENTED FOR THE COMPLETION OF THE LAYOUT AND ACCEPTANCE OF LITTLE MEADOW WAY AS A PUBLIC WAY IN THE TOWN, PROVIDED THAT THE APPLICANT RECORD SAID DEED AND ACCEPTANCE AT ITS COST NO LATER THAN SEPTEMBER 16, 2019, AND PROVIDE EVIDENCE OF SUCH RECORDING TO THE TOWN CLERK FOR FILING, AND FURTHER TO AUTHORIZE THE CHAIR TO SIGN SAID DEED.

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

9:16 – Mr. Schultz returns.

**VOTE TO SCHEDULE SHOW CAUSE HEARING – CONVENIENCE PLUS**

MADAM CHAIR, I MOVE TO SCHEDULE A SHOW CAUSE HEARING FOR RSS CONVENIENCE, INC. D/B/A/ CONVENIENCE PLUS FOR MONDAY, SEPTEMBER 30, 2019 AT 8:30 P.M.

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

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

**VOTE OCTOBER TOWN MEETING WARRANT ARTICLE RECOMMENDATIONS**

**ARTICLE 1– HEAR AND ACT ON REPORTS OF TOWN OFFICERS AND COMMITTEES**

MR. CHAIRMAN, I MOVE TO RECOMMEND ARTICLE 1 – HEAR AND ACT ON REPORTS OF TOWN OFFICERS AND COMMITTEES.

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

**ARTICLE 2 – PRIOR YEAR BILLS**

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 2 – PRIOR YEAR BILLS.

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

**ARTICLE 3 – TRANSFER FUNDS TO CAPITAL IMPROVEMENT STABILIZATION FUND**

MR. CHAIRMAN, I MOVE TO RECOMMEND ARTICLE 3 – TRANSFER FUNDS TO CAPITAL IMPROVEMENT STABILIZATION FUND.

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

**ARTICLE 4 – APPROPRIATE MONEY TO STABILIZATION FUND**

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 4 – APPROPRIATE MONEY TO STABILIZATION FUND.

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

**ARTICLE 5 – TRANSFER FUNDS TO OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND**

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 5 – TRANSFER FUNDS TO OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND.

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

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

**ARTICLE 6 – APPROPRIATE MONEY TO PARTICIPATING FUNDING ARRANGEMENT FUND**

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 6 - APPROPRIATE MONEY TO PARTICIPATING FUNDING ARRANGEMENT FUND.

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

**ARTICLE 7 - AMEND FY 2020 OPERATING BUDGET**

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 7 – AMEND FY 2020 OPERATING BUDGET.

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

Mr. O'Leary asked if the Board wanted to direct the Administration to add Fifty Thousand Dollars to the Town Council budget to address 20 Elm Street appeals. He further stated the responsibility rests with the Town to give the Board of Appeals the necessary tools to allow for informed decisions. Mr. Schultz stated the Town is committed to fighting this project. Mr. Schultz requested the Town get expert and legal costs.

**ARTICLE 8 – RESCIND AUTHORIZATION TO BORROW**

MR. CHAIRMAN, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 8 – RESCIND AUTHORIZATION TO BORROW.

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

**ARTICLE 9 – APPROPRIATE MONEY FOR SPECIAL COUNSEL LEGAL EXPENSES**

MADAM CHAIR, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 9 – APPROPRIATE MONEY FOR SPECIAL COUNSEL LEGAL EXPENSES.

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

**ARTICLE 10 - APPROPRIATE FUNDS FOR SURVEY, ENGINEERING DESIGN AND/OR CONSTRUCTION OF A PORTION OF SWAN POND ROAD**

Mr. Gilleberto states DPW Director, Patrick Bower and Town Engineer, John Klipfel are in attendance. He further states:

- The budget is estimated at 315 Thousand Dollars;
- A source of funding for the project has not been determined yet.

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

Mr. Bower addresses questions from the Board, he states:

- 25-50% of the roadway is on Town Owned property;
- By improving the roadway there will be increased storm water runoff and certain standards for water quality have to be met.

Mr. Gilleberto states he believes there is an expectation that there would be some contribution from property owners to help defray the costs to the Town, but it will not be a traditional betterment. Mr. Schultz responded that there should be something in place so every dirt road won't be paved and paid for by the Town.

Phil Cravotta, 223 Swan Pond Road stated:

- He thought the price was high;
- Engineer should have done an altitude study regarding the land and the water.

Mr. Bower responded:

- Zone A is drinking water supply and there are stringent requirements and regulations to abide by.

Rosalie Cravotta, 223 Swan Pond Road stated the cost seems high and it would be difficult to share in the cost. She further stated the Town spends a lot of money maintaining the road and if it was paved 20 years ago the Town would have recouped the money by now.

Mr. Schultz expressed his concern about residents being able to come up with their share of the costs and that everyone would have to buy into it.

Finance Committee member, Don Kelliher stated he incurred costs of a new road with the purchase price of his home and he does not agree with the Town paying the cost to pave Swan Pond Road. He also asks that a plan be put together for the Capital Improvement Planning Committee.

Phil Cravotta suggested contacting Danvers to help with the costs as Swan Pond is a source of their drinking water.

Mr. Gilleberto states a source of funding will be identified.

MADAM CHAIR, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 10 – APPROPRIATE FUNDS FOR SURVEY, ENGINEERING DESIGN AND/OR CONSTRUCTION OF A PORTION OF SWAN POND ROAD.

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

**ARTICLE 11 – APPROPRIATE MONEY FOR INTERGENERATIONAL CENTER DESIGN**

Mr. Gilleberto states the Board will not request funding for this at Town Meeting but will plan to update the Town.

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

MADAM CHAIR, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 11 - APPROPRIATE MONEY FOR INTERGENERATIONAL CENTER DESIGN

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

**ARTICLE 12 - ACQUIRE LAND FOR CONCORD STREET/FORDHAM ROAD/RIVERPARK INTERSECTION IMPROVEMENTS**

Mr. O'Leary wants a written agreement in place for this acquisition. Mr. Gilleberto will talk to Town Counsel.

MADAM CHAIR, I MOVE TO RECOMMEND ARTICLE 12 – ACQUIRE LAND FOR CONCORD STREET/FORDHAM ROAD/RIVERPARK INTERSECTION IMPROVEMENTS.

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

Motion was withdrawn.

MADAM CHAIR, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 12 – ACQUIRE LAND FOR CONCORD STREET/FORDHAM ROAD/RIVERPARK INTERSECTION IMPROVEMENTS.

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

**ARTICLE 13 - AUTHORIZE SPECIAL LEGISLATION, ACQUISITION, AND DISPOSITION – 70 CONCORD STREET**

MADAM CHAIR, I MOVE TO RECOMMEND ARTICLE 13 – AUTHORIZE SPECIAL LEGISLATION, ACQUISITION, AND DISPOSITION – 70 CONCORD STREET.

MOTION BY: MRS. GONZALEZ  
SECONDED BY: MR. O'LEARY

Mrs. Manupelli states this article is a way to get the parcel cleaned up and back on the tax rolls. Mr. O'Leary states the article will give the Town the opportunity to transfer the property if there is an interested party without waiting for future Town Meetings.

VOTED: 5-0 (UNANIMOUS)



**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

**ARTICLE 14 - AMEND CODE – ZONING BYLAWS**

Mr. Gilleberto states this is a placeholder article in the event there is an alternative proposal for the 20 Elm Street proposed development.

MADAM CHAIR, I MOVE TO RECOMMEND AT TOWN MEETING ARTICLE 14 – AMEND CODE – ZONING BYLAWS

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

**VOTE TO RATIFY MEMORANDUM OF AGREEMENT – NR SUPERIOR OFFICERS**

MADAM CHAIR, I MOVE TO RATIFY AND SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF NORTH READING AND THE NORTH READING SUPERIOR OFFICERS ASSOCIATION FOR THE PERIOD OF JULY 1, 2019.

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

**VOTE TO RATIFY MEMORANDUM OF AGREEMENT – NR LIBRARY STAFF**

MADAM CHAIR, I MOVE TO RATIFY AND SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF NORTH READING AND THE NORTH READING LIBRARY STAFF ASSOCIATION FOR THE PERIOD OF JULY 1, 2018 THROUGH JUNE 30, 2021.

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

**LEGAL BILLS**

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR JULY, 2019 IN THE AMOUNT OF **\$6,973.09** AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$ 3,834.09
KOPELMAN AND PAIGE, P.C. (LABOR)	\$ 1,615.00
THOMSON WEST	<u>\$ 1,524.00</u>
TOTAL	\$ 6,973.09

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

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 9, 2019**

---

**SPECIAL COUNSEL**

MADAM CHAIR, I MOVE TO APPROVE PAYMENT OF A \$75,000 RETAINER TO FURMAN, GREGORY, DEPTULA.

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

**TOWN ADMINISTRATOR'S REPORT**

See attached. Topics discussed:

- Promotion of Amy DiChiara
- Appointment of Jennifer Schelzi;
- Draft town-wide Master Plan available for public comment;
- Evaluation of options for a location of a chlorination facility;
- Letter from Police Chief Murphy to Congressman Moulton regarding "safe injection sites".

**OLD AND NEW BUSINESS**

Mr. O'Leary:

- The state has 30 days to issue a ruling of the 40B application appeal.
- He wants the public to know the Board is all on the same page.
- Jim Demitri is handling it very professionally;

Mr. Wallner: No Comment

Mr. Schultz:

- Regarding the Safe Injection Site letter, he states the Town needs for focus on treatment and stands with the Chief on the issue.
- The Town is fully committed to doing what they can against the 40B project.

Mrs. Gonzalez: No Comment.

Mrs. Manupelli:

- Jim Demetri is doing a great job, he gave everyone the opportunity to be heard and it was a fair hearing.

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

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

VOTE: 5-0 (UNANAMOUS)

ADJOURN: 10:33 p.m.

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DATE

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LIANE R. GONZALEZ, CLERK