

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, SEPTEMBER 30, 2019**

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Chairwoman Manupelli called the meeting to order at 7:29 p.m. in Room 14 at the Town Hall in the presence of members Mr. Schultz, Mr. Wallner, Mr. O'Leary, and Town Administrator, Michael Gilleberto. Mrs. Gonzalez was absent.

**CALL TO ORDER OPEN SESSION**

Chairwoman Manupelli called to order the open session at 7:29 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.

Mrs. Manupelli asked for a moment of silence for former Board of Health Director, Martin Fair.

**MINUTES**

MADAM CHAIR, I MOVE TO APPROVE THE JULY 15, 2019 REGULAR SESSION MINUTES AS WRITTEN.

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

MADAM CHAIR, I MOVE TO APPROVE THE JULY 15, 2019 EXECUTIVE SESSION MINUTES AS WRITTEN.

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

MADAM CHAIR, I MOVE TO APPROVE THE AUGUST 19, 2019 REGULAR SESSION MINUTES AS WRITTEN.

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

MADAM CHAIR, I MOVE TO APPROVE THE AUGUST 19, 2019 EXECUTIVE SESSION MINUTES AS WRITTEN.

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

MADAM CHAIR, I MOVE TO APPROVE THE SEPTEMBER 9, 2019 REGULAR SESSION MINUTES AS WRITTEN.

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

**MINUTES OF BOARD OF SELECTMEN MEETING  
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MADAM CHAIR, I MOVE TO APPROVE THE SEPTEMBER 9, 2019 EXECUTIVE SESSION MINUTES AS WRITTEN.

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

**BOARD MEMBERS' REPORTS**

Mr. O'Leary:

- There was a water/waste water meeting on October 16<sup>th</sup> and things are moving forward with Andover and the chlorination plant.
- Talked of Martin Fair and how he served the Town for over 30 years. He sent his condolences to his family.
- He judged the apple pie contest at the Apple Festival. He stated it was a great event and congratulated the event planners.

Mr. Wallner:

- Attended the COA meeting and high on their agenda is getting the AARP Aging Well Initiative document signed; he is looking forward to the Board signing the document.
- Attended the CPC meeting to get final comment on the 2018-2028 Strategic Plan. The 5 most important things that came out of the meeting was: protecting and celebrating natural areas, improving and expanding walking and biking trail systems, improving aesthetics of the built environment, strengthening the Town's community and economic development, and leaving a legacy for future generations.

Mr. Schultz:

- Stated that Parks and Rec made repairs at Kids Spot today.
- There is an EDC Forum in October; he wants to listen to businesses to see how to help.
- SSBC litigation update – mediation on case that did not resolve and will continue to go forward on process.

Mrs. Manupelli:

- Board is in full support of the AARP Aging Well Initiative.
- Thanks residents for reaching out to thank the Board for the time and effort given to the recent amusement and pool table license application.

**PUBLIC COMMENT**

None.

**OCTOBER 7, 2019 TOWN MEETING WARRANT ARTICLE INFORMATIONAL HEARING**

Mr. Gilleberto gives power point presentation which gives a summary to show available funds. He explained Articles 1-14, discussion was had on:

Article 7 – Amend FY2020 Operating Budget - funding for 20 Elm Street appeals; \$125 Thousand Dollars from free cash to fund legal and consultant expenses. It is important to the Board to have enough resources to fund the Town's position on the 40B development.

Article 9 – Appropriate Money for Special Counsel Legal Expenses to cover expenses for the SSBC litigation. \$250 Thousand Dollars from free cash to bring it through trial.

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Article 10 – Appropriate Funds for Survey, Engineering Design and/or Construction of a Portion of Swan Pond Road. Mr. Gilleberto discussed the history and spoke of the feasibility study which resulted in an estimated cost of \$315 Thousand Dollars to pave the gravel portion of the road, with a recommended funding request being \$350,000 if the Board desires to proceed.

DPW Director, Patrick Bower states:

- A formal survey will need to be done to find the Town's share of the project.
- Estimated cost of the survey could be \$40 Thousand Dollars or more.

Mr. Schultz wanted to know how the Town could appropriate the money without determining what the shared cost will be. He further stated all the residents of the street would have to agree and there is one hold out.

Rosalie Cravotta, 223 Swan Pond Road stated the residents will equally share in the costs and will assume the cost of the resident who doesn't want to contribute. She wants to know the final amount.

Mr. Schultz stated a program needs to be in place for paving gravel roads.

Mrs. Cravotta asked for a 50/50 split like other developments.

Scott Simpson, 251 Swan Pond Road asked the Board to commit to a percentage of the costs.

Phil Cravotta, 223 Swan Pond Road stated he originally wanted to pave the road, now it has turned into an ecological and environmental issue.

Mr. Gilleberto stated there are 19 private parcels and 4 Town-owned parcels that will benefit from the paving, therefore the Town owns 17.4% of the parcels. If this were added to the potential 50% Town cost share, the total Town share would be 58.7% of the estimated cost of \$350; cost to pave per parcel could be between 15-18 Thousand Dollars for those participating. Mr. Gilleberto stated under the public betterment bylaw the Town is required to give the higher cost amount to the residents.

Mr. Schultz asked the DPW Director for a total cost to pave all the dirt roads in Town.

Mr. Wallner stated there will be a bit of a return on the investment because it will cost less to maintain a paved road than a dirt road.

Mr. Gilleberto stated using the public betterment bylaw as an example, the residents and the Town would each be responsible for 50% of \$350 Thousand Dollars, \$175 Thousand Dollars. He further stated the money would have to come from free cash because it cannot be borrowed for.

Mrs. Manupelli stated she would like something in writing and a firm commitment from the residents for Town Meeting, and she is not ready to move forward. She further stated more time is needed to get a policy in place.

Mr. Wallner is in support of appropriating \$175 Thousand Dollars.

Mr. O'Leary does not want to miss another construction season; he is in favor of the appropriation.

Article 11 – Appropriate Money for Intergenerational Center Design. Mr. Gilleberto stated the recommendation is to pass over this article and the Board previously expressed that it wanted to make a presentation on the status at Town Meeting. He further stated there is no request for funding. Discussion was had regarding a more central location besides Ipswich River Park. Mr. Wallner stated a location has not been determined and doesn't want to lead the residents to believe it will go at IRP. The Master Plan that CPC did reference a possible location at the Stop and Shop area. In response to a question, Mr. Gilleberto stated Stop and Shop is not in a position to sell the property until 2025. Facilities master plan, CPC study and sewerage all have to be considered stated Mr. Wallner.

Article 12 – Acquire Land for Concord Street/Fordham Road/Riverpark Intersection Improvements. Mr. Gilleberto stated the Town does not have a written agreement at this point, but it is not required for this to go forward. Teradyne has also indicated that the construction work will be paid for by some combination of Riverpark companies. The Town will be responsible for maintenance.

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Article 13 – Authorize Special Legislation, Acquisition and Disposition – 70 Concord Street. Mr. Gilleberto states this would give the Select Board the authority to acquire and dispose of this property.

Article 14 – Amend Code – Zoning Bylaws. Mr. Gilleberto states this is a placeholder relative to 20 Elm Street. The Board will be passing over this article.

**10:01 - SHOW CAUSE HEARING – RSS CONVENIENCE, INC., D/B/A CONVENIENCE PLUS**

Licensee Mohammad Razzak was in attendance. Police Chief Murphy read the police report. Mr. Razzak stated the employee who sold the alcohol to a minor was a new employee who he was training. He further stated the incident happened when he left the store. The clerk was not TIPS certified as is required by the Board no longer than 30 days after hire; the clerk was hired 3 months ago. Mr. Razzak stated the clerk will get TIPS certified and they will purchase the ID check machine.

Mrs. Manupelli states the findings of fact:

1. Sale of alcohol to a minor on August 30, 2019 without the purchaser being ID'd.
2. Licensee was not present in the store at the time of the violation.
3. Clerk was not TIPS certified within 30 days of hire and has been employed for 3 months.

Mr. O'Leary stated the Board has been consistent with suspensions for first time offenses; it gets worse if it happens again.

MADAM CHAIR, I MOVE TO SUSPEND FOR 3 DAYS THE WINE AND MALT BEVERAGE LICENSE OF RSS CONVENIENCE, INC. D/B/A CONVENIENCE PLUS, 7 MAIN STREET ON: OCTOBER 12, 13 AND 14 AND THAT THE LICENSE MUST BE DELIVERED TO THE NORTH READING POLICE DEPARTMENT AT THE CLOSE OF BUSINESS ON OCTOBER 11, 2019 AND PICKED UP AT THE POLICE STATION ON OCTOBER 15, 2019.

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

**ONE DAY ALCOHOL LICENSE: ALDERSGATE CHURCH (EVENT TO BE HELD AT ST. THERESA'S)**

Applicant Rachel Fisher was in attendance to discuss the event.

MADAM CHAIR, I MOVE TO GRANT A ONE DAY WINE AND MALT BEVERAGE LICENSE TO ALDERSGATE CHURCH FOR AN EVENT TO BE HELD AT ST. THERESA'S CHURCH HALL, 63 WINTER STREET ON SATURDAY, OCTOBER 19, 2019 BETWEEN THE HOURS OF 6:00 P.M. AND 9:00 P.M SUBJECT TO ALL REGULATORY DEPARTMENT REQUIREMENTS.

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

**SERVER TRAINING PROGRAM AUDITOR – DISCUSS / VOTE TO DESIGNATE**

Mr. Gilleberto states the Substance Abuse Grant Director, Amy Luckiewicz would assist in compliance checks on Alcohol Server Training Certifications. Ms. Luckiewicz discussed her experiences as the Substance Abuse Grant Director.

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MADAM CHAIR, I MOVE TO APPOINT AMY LUCKIEWICZ AS THE SERVER TRAINING PROGRAM AUDITOR FOR A TERM TO EXPIRE DECEMBER 31, 2019.

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

**DISCUSS WARRANT ARTICLES/RECOMMENDATIONS/ASSIGNMENTS**

Mrs. Manupelli states that Mrs. Gonzales will be presenting Articles 1-3 at Town Meeting.

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

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

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

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

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

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

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

No action required this evening.

Mrs. Manupelli states Mr. Schultz will present Articles 4-6 at Town Meeting.

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

No action required this evening.

**ARTICLE 8 – RESCIND AUTHORIZATION TO BORROW**

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

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

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Mrs. Manupelli states that Mr. O'Leary will present Articles 7-9 at Town Meeting.

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

No action required this evening.

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

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

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

Mrs. Manupelli states Mr. Wallner will present Articles 10 and 11 at Town Meeting. Mrs. Manupelli further states that she will present Articles 12-14 at Town Meeting.

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

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

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

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

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

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

**REVIEW INTERSECTION IMPROVEMENT AGREEMENT – CONCORD STREET/FORDHAM ROAD/RIVERPARK DRIVE**

Mr. Gilleberto states that he does not expect an agreement to be in place before Town Meeting.

**WATER/WASTEWATER UPDATE**

Discussion was had in Executive Session, no further update needed.

**APPROVE LEGAL BILLS**

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR ARBITRATOR BRUCE FRASER IN THE AMOUNT OF **\$1,468.00.**

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

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**TOWN ADMINISTRATOR'S REPORT**

See attached. Topics discussed:

Police Department's voluntary re-accreditation.

Assessors in North Reading beginning October 8<sup>th</sup>.

Senior Rebate Tax Work-Off Program.

Correspondence sent to the State DHCD.

Adjustment to the Health Director's work schedule.

**OLD AND NEW BUSINESS**

Mr. O'Leary: No Comment.

Mr. Wallner: No Comment.

Mr. Schultz: No Comment.

Mrs. Manupelli: No Comment.

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

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

VOTE: 4-0 (UNANAMOUS) (MRS. GONZALEZ ABSENT)

ADJOURN: 11:09 p.m.

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DATE

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LIANE R. SCHULTZ, CLERK