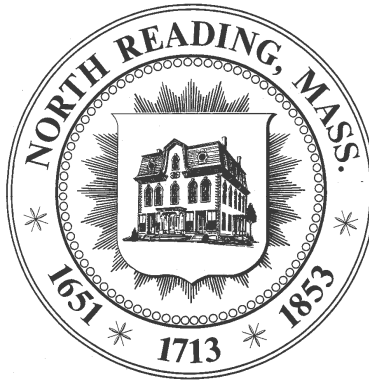


**TOWN OF NORTH READING
MASSACHUSETTS**

**SPECIAL
TOWN MEETING WARRANT**



MONDAY, MARCH 6, 2023

7:00 P.M.

Gymnasium, North Reading High School, 189 Park Street

*Learn more and ask questions about the business to be conducted
at the Special Town Meeting at the Select Board's*

**WARRANT ARTICLE INFORMATIONAL HEARING ON
FEBRUARY 27, 2023 AT 8:00 P.M.**

TURN PAGE FOR FURTHER DETAILS

Please bring this book with you to the Special Town Meeting.



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IMPORTANT INFORMATION REGARDING THE MARCH 6TH SPECIAL TOWN MEETING

It is the intention of the Town Moderator and Select Board to convene and conduct a Special Town Meeting at the Middle/High School located at 189 Park Street on Monday, March 6, 2023 at 7:00 PM in the gymnasium.

Under state law, only residents who were registered as voters in North Reading as of February 24, 2023 may participate at this Special Town Meeting. Residents who were not registered as of that date may attend the Special Town Meeting but may not vote and will be seated separate from registered voters.

The Select Board wishes to call your attention to a **Warrant Article Informational Hearing** which will be held on **Monday, February 27, 2023 at 8:00 PM** in person at the Distance Learning Lab at North Reading High School and via "Zoom" virtual meeting technology. The purpose of this Informational Hearing is to give residents a chance to learn more about the warrant article, to ask questions, and to be able to discuss the warrant article before the Special Town Meeting as much as possible. Residents may access this hearing virtually as follows:

Via the internet: <https://us02web.zoom.us/j/82366018385>

Via phone: **One tap mobile: +19292056099 or +13126266799**

-or-

Dial by telephone: (929) 205-6099 or (312) 626-6799

Enter Meeting ID: 823 6601 8385 #, then press # again

PROCEDURE FOR TOWN MEETING

1. Moderator presides, using Roberts Rules of Order, except as provided by the General Laws, the Charter and By-Laws.
2. Articles in the warrant are considered in the order in which they appear, but voters may move to consider them out of order. (This takes a 4/5 vote of the Town Meeting.)
3. In order for an article to be considered by Town Meeting, it must be moved and seconded. The article is then open for debate by all in attendance.
4. To speak at Town Meeting, stand and say Mr. Moderator. After being recognized by the Moderator, state name and address before making any remarks.
5. Debate may be ended by a voter's "Move the question."
6. Amendments to original motion must be presented in writing to the Moderator. Upon being seconded and discussed, the Moderator calls for a vote. If passed, the original motion, as amended, is then voted.
7. Reconsideration of a vote is permitted only once and only at that session of Town Meeting.

The above information was prepared by the North Reading League of Women Voters.

A CITIZEN'S CHECKLIST FOR TOWN MEETING

To be considered on each vote:

1. **IS IT NECESSARY?** Or is it something that is not really needed or perhaps already being provided by a private or public group?
2. **CAN WE AFFORD IT?** Remember, there is no limit to what we would like, but there is a limit to what we can afford.
3. **WHAT WILL IT ULTIMATELY COST?** Many proposals are like icebergs - only a small fraction of the total cost is apparent on the surface.
4. **HOW WILL IT AFFECT BASIC LIBERTIES?** If it imposes unreasonable or illegal restraints on your life or that of others it should be vigorously opposed.
5. **IS IT IN THE BALANCED BEST INTEREST OF ALL?** If it is designed to benefit a small group of special interests, while taking unfair advantage of others, work for its defeat.
6. **IS IT A "FOOT IN THE DOOR" PROPOSITION?** Compromising a little now may bring an oppressive burden later, either in more regulations or more taxes or a combination of both.
7. **DOES IT PLACE TOO MUCH POWER IN THE HANDS OF ONE INDIVIDUAL OR GROUP?** Once the decisive power is granted to a non-elected public official or a commission as a municipal authority, the private citizen lose effective control.
8. **IS ITS APPEAL BASED ON EMOTIONAL PROPAGANDA OR FACTS?** The further a proposition gets away from facts, the more critical one should be.

TABLE OF CONTENTS

*Each article is accompanied by a "**Description...**" of what each article does.
Italicized information is explanatory in nature.*

		<u>Page</u>
	Motions Customary to North Reading Town Meetings	2
	Glossary of Terms Commonly Used in Municipal Finance	3
Article 1	Citizens' Petition: Amend Code of North Reading General By-Law Chapter 25 - Assessments	7

MOTIONS CUSTOMARY TO NORTH READING TOWN MEETINGS

MOTION TO ADMIT

A motion to admit non-voters to any session of a Town Meeting, which requires a majority vote of the Meeting in accordance with Town By-laws.

MOTION TO DISPENSE WITH THE READING OF THE WARRANT AND THE RETURN OF SERVICE BY THE CONSTABLE

This waives the requirement to read each article in its entirety as it is printed in the Warrant, which allows the Town Meeting to go directly to the reading of a motion under each article. It also waives the requirement to read the "Return of Service" which is the Constable's attestation that the Warrant was properly posted in accordance with the Town's By-laws.

MAIN MOTION

The initial motion made under each article to bring it before the Town Meeting for discussion and action. There must be a main motion before any action may be taken on each article.

MOTION TO AMEND

A motion that proposes to modify or change the action presented under another motion, usually the main motion. The Town Meeting must act on the amendment first; depending on how the amendment is voted will determine whether the main motion will change to reflect the amendment. If the amendment fails, there will be no change to the main motion; however, another motion to amend can be made.

MOTION TO CONSIDER OUT OF ORDER

A motion allowing an article to be taken out of its sequential order as printed in the Warrant, which requires a 4/5 vote of the meeting in accordance with the Town's By-laws.

MOTION TO POSTPONE

A motion to defer action on an article to a definite time. In some instances, action on one article may be dependent or impacted by another later-occurring article. In such an instance, a motion could be made to postpone action on the current article until the later-occurring article has been voted.

MOTION TO PASS OVER

A motion to defer action on an article indefinitely. No action would be taken under the article other than the vote to pass over. If the vote to pass over fails, then the article must be acted upon in some manner.

MOTION TO RECESS REGULAR TOWN MEETING

A motion to temporarily suspend discussion and action during the Meeting for a brief period of time, usually pre-stated.

MOTION TO ADJOURN TO A TIME CERTAIN

A motion made to continue the Town Meeting to another specified date, time and place, if necessary.

MOTION TO ADJOURN -- SINE DIE

A motion to officially close the Town Meeting. This motion can only be made after all articles have been acted upon, and essentially adjourns the Town Meeting without providing for a further date.

Glossary of Terms Commonly Used in Municipal Finance

Appropriation: An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount that is appropriated may be encumbered. A warrant article appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

Assessed Valuation: The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years).

Available Funds: Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds and overlay surplus.

Audit: Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

Bond: A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate.

Bond Authorization: The action of town meeting authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon the signature of the selectmen.

Bond Issue: Generally, the sale of a certain number of bonds at one time by a governmental unit.

Bond Rating (Municipal): A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment. Rating agencies, such as Moody's and Standard and Poors, use rating systems, which designate a letter or a combination of letters and numerals where AAA is the highest rating and C1 is a very low rating.

Budget: A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the Town in setting the tax rate. The actual receipts and charges may vary from the estimates.

Collective Bargaining: The process of negotiating workers' wages, hours, benefits, working conditions, etc., between an employer and some or all of its employees, who are represented by a recognized labor union. Regarding wages, hours and working conditions.

Debt Exclusion: A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

Debt Service: The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.

Enterprise Fund: A standalone fund with its own assets, liabilities, fund balance, revenues and expenses in which a municipal service is operated as a business unit. Costs of the service are primarily recovered from user charges, and may be supplemented by general revenues.

Excess Levy Capacity: The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year.

Exemptions: A discharge, established by statute, from the obligation to pay all or a portion of a property tax. The exemption is available to particular categories of property or persons upon the timely submission and approval of an application to the assessors. Properties exempt from taxation include hospitals, schools, houses of worship, and cultural institutions. Persons who may qualify for exemptions include disabled veterans, blind individuals, surviving spouses, and seniors.

Expenditure: The spending of money by the town and schools for the programs or projects within the approved budget.

FTE: A full-time equivalent employee based on a 40-hour work week. May be one or more employees, but the total weekly hours equal 40.

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The designation of the fiscal year is that of the calendar year in which it ends; for example, FY17 or FY 2017 is the fiscal year which begins July 1, 2016 and ends June 30, 2017.

Free Cash: Certified as of each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash per se, rather it is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

Fund: An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

General Fund: The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

General Obligation Bonds: Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

Joint Labor Management Negotiation Process: A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration decision is issued, it is binding upon the Executive Branch (The Select Board and Management Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is not in the best interest of the Town.

Level-Service Budget: A budget that describes the funding required for maintaining current levels of service or activity, plus cost increases for contractual and mandated obligations. It brings previously approved programs forward at existing levels of service.

Levy Ceiling: A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that, in any year, the real and personal property taxes imposed may not exceed 2½ percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, debt exclusion, or a special exclusion. (See Levy Limit)

Levy Limit: A levy limit is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2½ percent of the prior year's levy limit, plus new growth and any overrides or exclusions. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. (See Levy Ceiling)

Local Aid: Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the "Cherry Sheets." Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation.

M.G.L.: Massachusetts General Laws.

New Growth: The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or by revaluations. New growth is calculated by multiplying the assessed value associated with new construction, renovations and other increases by the prior year tax rate. The additional tax revenue is then incorporated into the calculation of the next year's levy limit.

Other Post-Employment Benefits (OPEB): The set of benefits, other than pensions, that government employees earn while actively working, but do not receive until they retire. Typically included is health insurance coverage for retirees, their spouses and in some cases their beneficiaries.

Operating Budget: A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.

Overlay: (Overlay Reserve or Allowance for Abatements and Exemptions) An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

Overlay Surplus: Any balance in the overlay account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Within 10 days of a written request by the chief executive officer of a city or town, the assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue, i.e., it becomes a part of free cash.

Override: A vote to increase the amount of property tax revenue that may be raised over the levy limit.

Personnel Services: The cost of salaries, wages and related employment benefits.

Purchased Services: The cost of services that are provided by a vendor.

Raise: A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

Reserve Fund: A fund appropriated each year that may be used only by vote of the Finance Committee for “extraordinary or unforeseen expenditures.” **Revolving Fund:** Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Administrator.

Revolving funds: are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

Stabilization Fund: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Stabilization funds may be established for different purposes, and interest generated by such funds is added to and becomes part of the stabilization fund. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money into or out of the stabilization fund.

Tax Levy: Total amount of dollars assessed in property taxes imposed by the Town each fiscal year. **Tax Rate:** The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property.

Tax Title (or Tax Taking): A collection procedure that secures a city or town's lien on real property and protects the municipality's right to payment of overdue property taxes. Otherwise, the lien expires if five years elapse from the January 1 assessment date and the property has been transferred to another owner. If amounts remain outstanding on the property after issuing a demand for overdue property taxes and after publishing a notice of tax taking, the collector may take the property for the city or town. After properly recording the instrument of taking, the collector transfers responsibility for collecting the overdue amounts to the treasurer. After six months, the treasurer may initiate foreclosure proceedings.

Tax Title Foreclosure: The procedure initiated by a city or town treasurer in Land Court or through land of low value to obtain legal title to real property already in tax title and on which property taxes are overdue. The treasurer must wait at least six months from the date of a tax taking to initiate Land Court foreclosure proceedings (MGL Ch. 60 §65).

Triennial Certification: The Commissioner of Revenue, through the Bureau of Local Assessment, is required to review local assessed values every three years and to certify that they represent full and fair cash value (FFCV). Refer to MGL Ch. 40 §56 and Ch. 59 §2A(c).

Trust Fund: In general, a fund for money donated or transferred to a municipality with specific instructions on its use. As custodian of trust funds, the treasurer invests and expends such funds as stipulated by trust agreements, as directed by the commissioners of trust funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For nonexpendable trust funds, only interest (not principal) may be expended as directed.

Turn Back: Unexpended funds of a prior fiscal year operating budget are returned to the Town, which ultimately revert to Free Cash.

Unreserved Fund Balance or Surplus Revenue Account: The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as “accounts receivable” may be taxes receivable and uncollected. (See Free Cash)

Warrant: An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted on by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors' warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NORTH READING

SPECIAL TOWN MEETING

MARCH 6, 2023

7:00 P.M.

Middlesex, SS.

To either of the Constables of the Town of North Reading in the County of Middlesex, GREETINGS.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at 189 Park Street in said North Reading, on **MONDAY**, the **SIXTH DAY OF MARCH, 2023** at seven o'clock in the evening, then and there to act on the following article:

Article 1 Citizens' Petition: Amend Code of North Reading General By-Law Chapter 25 - Assessments

To see if the Town will vote to amend the Code of North Reading General By-Laws Chapter 25 – Assessments, by deleting the words designated by ~~strike through text~~ and adding the words designated in ***bold italics text***, as follows:

§ 25-1 Betterment assessments.

The Town of North Reading will ***provide 50% of the necessary funds for assess*** betterments approved through the processes outlined below.

§ 25-2 Streets, sidewalks, storm drains.

A. Private streets -- Street, sidewalk or storm drain betterments will be assessed using the "Fixed Uniform Rate" method.

- (1) The Town of North Reading, based on the availability of funds, will provide 50% of the necessary funds for street betterments.
- (2) At a public hearing, abutters on private streets must vote on whether they want their street converted to a public street. If a majority of the property owners residing on a street and representing a majority of the road frontage vote in favor of the conversion and the acceptance of costs for construction, the Public Works Department will recommend to the Select Board, the placement of the street on a list for conversion as funds become available. At the public hearing, abutters are given a NOT-TO-EXCEED assessment cost estimate per linear foot of frontage.

- (3) The final assessment is the LOWER of either of the actual per linear foot cost based on the total construction costs divided by the assessable frontage, or the estimated assessment quoted at the public hearing. The date between its acceptance on the list by the Select Board and the date it is funded for conversion may be and is typically several years. After it is funded, the Department of Public Works shall prepare engineering and construction documents so that it may be put out to bid and constructed. Sometime between the date it is funded and the award of the conversion contract, the street is accepted as a public street, by Town Meeting. Along with the Town Meeting vote of acceptance, a notice of assessment and a layout plan is filed at the Registry of Deeds. The filing allows for title companies to recognize that the street is to become a public street and assessments to be rendered at a future unknown date. However, the layout plan and notice of assessment will not show on a certificate of municipal liens because the work has not yet been undertaken and no costs have been assessed for the conversion of the street to public.
- (4) After the street is accepted as a public street, the construction contract is awarded and construction takes place. It is not uncommon for the construction of private streets, sidewalks, or storm drains to span two full construction seasons. The current practice is for assessments to be calculated within six (6) months following the completion of all work associated with the particular street being converted. This six month allowance is in conformance with the statute. Therefore, abutters can expect to receive their assessments for street conversion within six months of completion of street construction.

§ 25-3 Public water supply; **sewers**.

A. Water main **or sewer** improvement betterments will be assessed using the "Uniform Unit" method.

- (1) The Town of North Reading, based on the availability of funds, will provide 50% of the necessary funds for water **or sewer** betterments.
- (2) At a public hearing the abutters and property owners must vote on whether they want water mains constructed in the street. If a majority of the property owners residing on a street and representing the majority of the estimated usage vote in favor of the construction of the water **or sewer** improvement and the acceptance of costs for construction, the Public Works Department recommends to the Select Board, the placement of the street on a list for construction as funds become available. At the public hearing the abutters will be given a NOT TO-EXCEED assessment cost estimate based on estimated usage as defined in Title 5 of the State Environmental Code 300 CMR Section 15.203.
- (3) The final assessment is the LOWER of either the actual cost based on the total construction costs divided by the assessable usage, or the estimated assessment quoted at the public hearing. The date between acceptance on the list by the Select Board and the date funded maybe and is typically several years. After funding, the Department of Public Works prepares engineering and construction documents so that the construction may be put out to bid and constructed. A notice of assessment and a layout plan is filed at the Registry of Deeds. The filing allows for title companies to recognize that

assessments are to be rendered at a future unknown date. However the notice of assessment will not show on a certificate of municipal liens because the work has not yet been undertaken and no costs have been assessed for the construction or report of the sidewalks/drains. [Amended 6-4-2018 ATM by Art. 28, approved 9-21-2018)

- (4) The construction contract is awarded and construction takes place. It is not uncommon for the construction of water or sewer improvements to span multiple construction seasons. The current practice is for assessments to be calculated within six months following the completion of all work associated with the particular water main being constructed. This six month allowance is in conformance with the statute. Therefore, abutters can expect to receive their assessments within six months of completion.

~~§25.4 — Public sewers.~~

~~A. Sewer betterments.~~

~~(1) The Select Board, acting as sewer commissioners, may assess up to 100% of the cost of laying out and constructing main drains or of a system or systems of sewerage and sewage disposal upon the properties benefitting from each facility, provided that Town Meeting may vote a certain percentage with respect to particular projects.~~

~~(2) The Select Board may assess the cost of sewer projects by means of betterment assessments utilizing the so-called "Uniform Unit method" under MGL c. 83, § 15, and by means of privilege fees under MGL c. 83, §§ 17 and 20, also by the Uniform Unit method, and may determine what portion of the cost to be assessed for each project shall be assessed as a betterment or as a privilege fee.~~

~~(3) In making assessments, the Select Board may, as it deems appropriate, separate the costs of general benefit facilities, including but not limited to pumping stations, trunk and force mains, from that of special benefit facilities, including but not limited to the sewer mains, serving adjacent properties. A portion of the costs of the general benefit facilities may be apportioned by the Uniform Unit method on all areas to receive benefits within the pumping district or combination of districts. The proportional cost of the special benefit and general benefit facilities may be assessed against all properties abutting a sewer street.~~

or what it will do in relation thereto.

Sponsor: Adam Austin and others

Description...

This article seeks to amend the general by-law relative to assessments (betterments).

Recommendations...

Select Board: Recommendation to be made at Town Meeting

Finance Committee: Recommendation to be made at Town Meeting

And you are directed to serve this Warrant by posting up attested copies, fourteen days at least before the time of holding said meeting, in accordance with the Code of the Town of North Reading.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this thirteenth day of February in the year of our Lord two thousand and twenty-three.

SELECT BOARD

Kathryn M. Manupelli, Chair
Vincenzo Stuto, Vice Chair
Richard Wallner, Clerk
Stephen J. O'Leary
Liane R. Gonzalez

A True Copy:
Attest: Susan Duplin, Town Clerk



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Town of North Reading
Special Town Meeting
March 6, 2023
North Reading, MA 01864

R E S I D E N T

N O R T H R E A D I N G , M A 0 1 8 6 4