

A motion by Anthony seconded by Tafoya that the Board of Selectmen, having reviewed the issue of the ownership of the parcel of land initially intended as a continuation of Tower Road east of Bancroft Avenue, have determined that the Town of Reading has no interest in constructing a continuation of Tower Road and, therefore, has no objection to the abutting property owners going through the necessary legal process and securing title to those lands so described was approved by a vote of 3-0-0.

Review Request to Vacate a Portion of Robert Road – The Town Manager noted that the property is off Lowell Street. The abutting property owners share and maintain. He needs to get staff recommendations.

John Sousa of 20 Parkman Road noted that he and his neighbor keep their boats on this land. He also noted that paper roads were more popular a few years ago when there were no sidewalks on Lowell Street.

Selectman Camille Anthony indicated that she would like a response from the Fire Department.

Selectman Ben Tafoya suggested noticing everyone in the neighborhood and then hold a hearing.

The Board took no action at this time.

MWRA Sewer Debt Authorization – The Assistant Town Manager noted that there were forms for the Board to sign to authorize sewer debt.

A motion by Anthony seconded by Tafoya to approve entering into and executing a Financial Assistance Agreement and a Loan Agreement with the Massachusetts Water Resources Authority (the “MWRA”) and any other agreements as may be deemed necessary in connection with the issue and sale of an interest free loan in the aggregate principal amount of \$44,330 Sewer Bond (the “Bond”) to MWRA;

That the Bond is authorized pursuant to Chapter 44, Section 7(1), of the General Laws, as amended and supplemented, and being a portion of the \$380,000 Sewer Bonds authorized by a vote of the Town duly adopted under Article 17 at the 2007 Annual Town Meeting, shall be an interest free loan in the aggregate principal amount of \$44,330 dated as of its date of issue and shall be payable \$8,866 on August 15<sup>th</sup> in each of the years 2008 to 2012, inclusive, was approved by a vote of 3-0-0.

Discuss Number of Constables – The Town Manager noted that the Town has five Constables and the Selectmen can appoint up to five. He suggests reducing to two or three. Constables post the Warrant for Town Meeting and occasionally deliver unsigned Certified Mail for the Town.

A motion by Anthony seconded by Tafoya to change the number of Constables to three through attrition was approved by a vote of 3-0-0.

5h1

**CONSTABLE**

<b><u>Term</u></b>	Three years
<b><u>Appointing Authority</u></b>	Board of Selectmen
<b><u>Number of Members</u></b>	Three current – Selectmen may appoint up to five per Charter.
<b><u>Meetings</u></b>	Not applicable
<b><u>Authority</u></b>	Reading Home Rule Charter – Section 3-2 Massachusetts General Laws, Chapter 41, Sections 91A – 95
<b><u>Purpose</u></b>	A Constable who has given bond of not less than \$5,000 may service any writ or other process in a personal action in which the damages are laid at a sum not exceeding \$1,500 and any process in replevin in which the subject matter does not exceed in value \$2,500. In addition, Constables shall serve warrants and processes in criminal cases. They shall serve all warrants and processes directed to them by the Board of Selectmen for notifying Town Meetings or for other purposes. They may serve by copy, attested by them, demands, notices and citations. A Constable, in the execution of a warrant or writ directed to him/her, convey prisoners and property in his/her custody under such process beyond the limits of his/her town, the justice who issued it or to the jail or house of correction in his/her county. If a warrant is issued against a person for an alleged crime committed within any town, any Constable thereof to whom the warrant is directed may apprehend him in any place in the Commonwealth.

May 31, 1991

5h2

<u>Title</u>	<u>#Positions</u>	<u>Term</u>	<u>Orig</u> <u>Date</u>	<u>Term</u> <u>Exp</u>	<u>Appt'g</u> <u>Auth</u>
--------------	-------------------	-------------	----------------------------	---------------------------	------------------------------

<b>Constables</b>	<b>Up to 4</b>	<b>3 years</b>		<b>BOS</b>
Thomas H. Freeman	P.O. Box 825		(93)	2015
Sally M. Hoyt	221 West Street		(72)	2014

<b>Contributory Retirement Board</b>	<b>5</b>	<b>3 years</b>		
Frank Driscoll	7 Ordway Terrace			2014 <b>E. by E.</b>
Joe Veno, Chairman	11 Rock Street North Reading			2016 <b>E. by E.</b>
Sharon Angstrom, Town Acct.	16 Lowell Street			Indef. <b>B.V. of O.</b>
Richard Foley	68 Tennyson Road			12/15 <b>BOS</b>
Thomas A. Clough	172 Summer Avenue			2015 <b>Board</b>

<b>Council on Aging</b>	<b>10</b>	<b>3 years</b>		<b>BOS</b>
Margaret Havey	23 Van Norden Road		(06)	2015
Steve Oston	68 Sturges Road		(07)	2016
Sally M. Hoyt	221 West Street		(04)	2016
Thomas Procopio	424 South Street		(12)	2015
Erica Lynne Deane, V. Chr.	124 Franklin Street		(09)	2015
Carol Oniskey, Chairman	7 Strawberry Hill Ln.		(08)	2014
Carole N. Scrima	709 Gazebo Circle		(04)	2016
Christine Hansen	30 Haven Street #2008		(13)	2015
Kevin Walsh	44 Roma Lane		(11)	2014
Dorothy Derosa	1005 Gazebo Circle		(10)	2014

<b>Cultural Council</b>	<b>7</b>	<b>3 years (6 max)</b>		<b>BOS</b>
Jacalyn Wallace	75 Hopkins Street		(12)	2016
Nancy Snow	369 Lowell Street		(12)	2015
Margaret E. Caouette, Treas.	11 Field Pond Drive		(08)	2014
Colleen O'Shaughnessy	56 Walnut Street		(11)	2014
Lynne A. Cassinari, Co-Chair	78 Hartshorn Street		(08)	2015
Eileen Collins	8 B Carnation Circle		(12)	2014
Catherine Folan	93A Hardnen Street		(12)	2015

<b>Custodian of Soldier's And Sailor's Graves</b>	<b>1</b>	<b>up to 5 years</b>		
Francis P. Driscoll	7 Ordway Terrace		(92)	2014 <b>BOS</b>

BOS – Board of Selectmen; T. Mgr. – Town Manager; Mod. – Town Moderator; B.V. of O. – By virtue of office; Sch. Com. – School Committee; FChr. – Finance Committee Chairman; E. by E. – Elected by Employees. \*All terms expire June 30 of year noted, unless indicated otherwise.

5h 3



EDWARDS WILDMAN PALMER LLP  
111 HUNTINGTON AVENUE  
BOSTON, MA 02199  
+1 617 239 0100 main +1 617 227 4420 fax  
edwardswildman.com

Cecelia H. Abraham  
+1 617 239 0386  
fax +1 800 432 5298  
cabraham@edwardswildman.com

July 23, 2013

Nancy J. Heffernan, Treasurer  
Town of Reading  
Town Hall  
16 Lowell Street  
Reading, Massachusetts 01867-2685

Re: Town of Reading, Massachusetts  
\$4,012,000 Water Bond (MWRA)

Dear Nancy:

The Massachusetts Water Resources Authority (the "MWRA") has planned a closing for Water Bonds, including the above bonds, to take place on August 12, 2013, with the distribution of funds to take place on August 15, 2013.

We understand that the Selectmen are planning to meet on Tuesday, July 30, 2013, and may wish take up these votes at their July 30, Meeting, in order to meet the MWRA schedules.

Enclosed, please find Certificate Relating to Certain Minutes of the Meeting of the Board of Selectmen, the Certificate and the Water Bond in the amount of \$4,012,000 representing the loan by the MWRA expected to be made to the Town on or about August 12 with funds to be distributed on August 15, 2013:

- (a) The Certificate Relating to Certain Minutes of a Meeting of the Board of Selectmen should be signed by the Clerk of the Board of Selectmen;
- (b) The Certificate should be signed by at least a majority of the Selectmen, by the Town Manager, by you as the Town Treasurer, and by the Town Clerk, and should have the Town seal affixed; and
- (c) The Bond should be signed by at least a majority of the Selectmen and by you as the Town Treasurer. The Bonds should also have the Town seal affixed.

Each executed and sealed Bond and all four (4) copies of each Certificate and each Selectmen's Vote, should be returned to me in order that I may have them by August 5, 2013 in time to

Nancy J. Hefferman, Treasurer

July 23, 2013

Page 2

deliver them to MWRA no later than August 12, 2013, to be prepared if distributions should take place on August 12, 2013, all in accordance with MWRA's time schedules.

Upon receipt of the papers requested in my letter dated July 17, 2013 and the above Bond and Certificates, all in good order, we shall then be in a position to deliver and settle the above Water Bonds with MWRA.

Sincerely,



Cecelia H. Abraham

Senior Paralegal

CHA:mjc

Enclosures

AM 22560571.1

\$4,012,000\*\*

\$4,012,000\*\*

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF READING  
WATER BOND

The Town of Reading (hereinafter called the "Municipality") in the County of Middlesex and in The Commonwealth of Massachusetts promises to pay to the Massachusetts Water Resources Authority (hereinafter called the "Authority"), or registered assigns, the sum of Four Million Twelve Thousand Dollars (\$4,012,000) in installments on August 15 of each year as set forth below, without interest:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2014	\$401,200	2019	\$401,200
2015	401,200	2020	401,200
2016	401,200	2021	401,200
2017	401,200	2022	401,200
2018	401,200	2023	401,200

Principal payments on this bond are payable at the offices of the Authority at 100 First Avenue, Charlestown Navy Yard, Boston, Massachusetts 02129. Upon final payment of the principal of this bond the Authority shall cancel this bond and return it to the Municipality.

This bond is the only instrument representing a borrowing of \$4,012,000 issued by the Municipality pursuant to Chapter 44 of the General Laws, as amended, and a vote of the Municipality duly passed on the 22nd day of April, 2013. This bond is issued for the purpose of defraying the cost of improvements to the Municipality's water system as described in said vote.

This bond is transferable only upon presentation to the Treasurer of the Municipality with a written assignment duly acknowledged or proved. No transfer hereof shall be effectual unless made on the books of the Municipality kept by the Treasurer as transfer agent and noted thereon by the Treasurer with a record of payments.

In Witness Whereof the Municipality has caused this bond to be signed by its Treasurer and countersigned by its Selectmen and the seal of the Municipality to be affixed hereto as of the 12th day of August, 2013.

Countersigned:

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Selectmen

(Town Seal)

AM 22560578.1

574

TOWN OF READING, MASSACHUSETTS  
CERTIFICATE RELATING TO CERTAIN MINUTES OF A  
MEETING OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Reading, Massachusetts, certify that at a meeting of the board held July 30, 2013, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$4,012,000 Water Bond of the Town dated August 12, 2013 to the Massachusetts Water Resources Authority (the "Authority"), is hereby approved and the Town Manager is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on August 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2014	\$401,200	2019	\$401,200
2015	401,200	2020	401,200
2016	401,200	2021	401,200
2017	401,200	2022	401,200
2018	401,200	2023	401,200

Further Voted: that each member of the Board of Selectmen, the Town Manager, the Town Clerk, and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the bond were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: July 30, 2013

\_\_\_\_\_  
Clerk of the Board of Selectmen

(Please Note: The following statements are an essential part of the permanent bond record. Read them carefully before signing this certificate. Advise Edwards Wildman Palmer LLP of any inaccuracy.)

**TOWN OF READING, MASSACHUSETTS**

**\$4,012,000 WATER BOND**

CERTIFICATE

We, the Selectmen and the Treasurer of the Town of Reading, Massachusetts, certify that we have signed the \$4,012,000 Water Bond (the "Bond") of the Town dated August 12, 2013, and payable, without interest, in installments on August 15 of each year as set forth below:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2014	\$401,200	2019	\$401,200
2015	401,200	2020	401,200
2016	401,200	2021	401,200
2017	401,200	2022	401,200
2018	401,200	2023	401,200

The Bond bears the Town seal, which is also affixed to this certificate.

We further certify that the Financial Assistance Agreement with the Massachusetts Water Resources Authority (the "Authority") dated August 12, 2013 providing for the sale of the Bond has been signed by the Town Manager, and that the Loan Agreement dated August 12, 2013 relating to the Project financed by the Bond has been signed by the Town Manager and we hereby confirm those Agreements. The Financial Assistance Agreement and the Loan Agreement are sometimes referred to collectively in this certificate as the "Agreements". Capitalized terms used in this certificate and not otherwise defined shall have the same meanings given those terms in the Agreements.

We, the Selectmen and the Treasurer, also certify as follows:

1. Authority. The Bond is issued pursuant to Chapter 44 of the General Laws and the following vote of the Town:

\$4,012,000 Water Bonds being a portion of the \$6,125,000 Water Bonds authorized under Article 16 at the 2013 Annual Town Meeting called for April 22, 2013.

After this issue there remains \$2,113,000 authorized unissued debt under that authorization.

556

Execution of the Agreements was further authorized by a vote of the Selectmen passed July 30, 2013 (the "Selectmen's Vote").

2. Other Debt. No other debt has been incurred under that vote of the Town.

3. Use of Project and Loan Proceeds.

(a) No Reimbursement. None of the proceeds of the Loan and the Bond are being used by the Town to reimburse the Town for expenditures previously made from funds other than proceeds of a borrowing.

(b) Prior Notes or Bonds. No proceeds of the Loan or the Bond will be used to pay or retire any notes, bonds or other evidence of indebtedness previously issued by the Town.

(c) No Sale of Project. The Town does not expect to sell any Project prior to repayment of the Loan and the Bond.

(d) Use in Trade or Business. Not more than 5% of the gross proceeds of the Loan or the Bond are to be used (directly or indirectly) in any trade or business carried on by any person other than a state or local governmental unit. (Use in a trade or business includes all activities carried on by the federal government (including its agencies and instrumentalities), by so-called Section 501(c)(3) organizations and by all other nongovernmental entities other than natural persons, but does not include use as a member of or on the same basis as the general public.) The Town does not have or plan to have any contract or other arrangement not applicable to the general public under which a party, other than the Commonwealth or a local governmental unit is to have the use of the Project or is to make payments based on costs of the Project rather than water costs.

(e) Private Loans. None of the gross proceeds of the Loan or the Bond are to be used by the Town directly or indirectly to make or finance loans to others. (The foregoing representation does not preclude the financing of a Project whose costs are to be paid by betterment assessments over a period of years.)

We, the Selectmen, the Town Manager, the Town Treasurer and the Town Clerk, further certify as follows:

(a) Authorization, Execution and Delivery of Documents. The Loan Agreement, the Financial Assistance Agreement and the Bond have been duly authorized, executed and delivered. None of those instruments has been amended or supplemented since its date (except such amendments or supplements which have been approved by the Authority) or repealed and each such instrument remains in full force and effect as of this date.

(b) Signatures and Incumbency. The signatures of the Town Manager, the Town Treasurer, and the Selectmen as appearing below are the genuine signatures of the persons who held those offices when the Agreements and the Bond were signed and when they were delivered.

(c) Proceedings. No proceeding essential to the execution, delivery or issue of the Agreements and the Bond has been repealed or amended except as stated in paragraph (1) above, and no proceedings have been taken relating to the Agreements and the Bond other than those certified to Edwards Wildman Palmer LLP.

(d) Bylaws. The bylaws or votes described below are the only bylaws or standing votes of the Town affecting the authorization, sale or issue of the Bond, or the authorization, execution or delivery of the Agreements, and since April 20, 2011 there has been no change therein affecting those matters in any way except as may be indicated below:

Town of Reading General By-Laws, as certified on April 20, 2011.

(e) Home Rule. Since April 20, 2011 the Town has not adopted any amendments or additions to changes in the Town Charter.

(f) Selectmen's Vote. Attached hereto is a true copy of the Selectmen's Vote, which has not been amended or repealed and remains in full force and effect on this date.

(g) Open Meeting Law. All proceedings essential to the issue of the Bond and the authorization, execution and delivery of the Agreements and deliberations of a quorum relating thereto have been taken at a meeting or meetings open to the public; notice of each such meeting was filed in the office of the Town Clerk and publicly posted in the time and manner set forth in G.L. C. 30A, §§18-25; no deliberations, decisions or vote in connection with the Bond or the Agreements were taken in executive session and no vote was taken by secret ballot; and the official record of each such meeting was made available to the public promptly and remains available to the public and, excepting any such meeting held within the last 22 days was made so available more than 21 days prior to the date hereof.

(h) No Referendum. No petition for a referendum has been filed with respect to any of the proceedings essential to the authorization, sale or issue of the Bond or the authorization, execution or delivery of the Agreements.

(i) Development Districts. The Town ~~has~~*has not*\* established any development districts pursuant to G.L. c.40Q.

(j) Debt Limit. At the time of their authorization the Bonds were, and on the date hereof the Bond is, within every debt and other limit prescribed by law or otherwise.

---

\* delete that which is inappropriate

(k) Receipt of Purchase Price. I, the Town Treasurer hereby certify that the Bond was delivered on the date hereof and the full purchase price of \$4,012,000 is expected to be received from the Authority on August 12, 2013.

Dated: August 15, 2013

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Town Treasurer

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Selectmen

AM 22560594.1

(TOWN SEAL)

**Board of Selectmen Meeting  
June 18, 2013**

*For ease of archiving, the order that items appear in these minutes reflects the order in which the items appeared on the agenda for that meeting, and are not necessarily the order in which any item was taken up by the Board.*

The meeting convened at 7:02 p.m. in the Conference Room, 16 Lowell Street, Reading, Massachusetts. Present were **Chairman James Bonazoli, Vice Chairman John Arena, Secretary Ben Tafoya, Selectmen Daniel Ensminger and Marsie West**, Town Manager Bob LeLacheur, Office Manager Paula Schena, and the following list of interested persons: Steven Ryan, Susan Bowe, Jamie Maughan, Linda Blomerth, Mark Rumizen, Jennifer Driscoll, Steve Dennen, Susan Melanson, Dave Melanson, Pat Foley, Mike Foley, Kerry and Sean Mcauley, Jessie Wilson, Nancy Docker, Roberta and Anthony Guarciariello, Dorothy Marshall, Marilyn Simmons, Keith Driscoll, Kurt Habel, Farrukh Najmi, Tom Gardiner, Jean Delios and Will Finch.

**Reports and Comments**

Selectmen's Liaison Reports and Comments – John Arena noted that he and Daniel Ensminger interviewed applicants for Boards, Committees and Commissions. He indicated it is nice to see the interest in the positions. He also noted that he met with a professional regarding developing a brochure of Reading and he would like to have a meeting to discuss this.

Ben Tafoya thanked the Town Manager, John Feudo and the Lions Club for Friends and Family Day.

Daniel Ensminger noted that he attended a Rotary meeting and Peter Hechenbleikner was awarded.

Marsie West noted that she attended the MMA new Selectman orientation. She spoke with the Finance Committee regarding their concerns re: potential state aid cuts. She also mentioned that in regards to the brochure that Mr. Arena was talking about she has actually seen Town strategic plans on websites.

James Bonazoli noted that he attended a meeting of the Recreation Committee on Tuesday and the Girls Softball wants to stay at the field by RMHS and make improvements. They will bring their proposal to the Board of Selectmen. Jeff Harding requests the Board to revisit the second water meter issue. Bill Brown requests an update on the status of Oakland Road and he is requesting that CPDC look at that. Bill Brown also asks about the flag display and he noted that James forgot to thank the Cemetery Department for the Memorial Day work. Mr. Bonazoli also noted that dog owners need to step it up and be responsible by cleaning up after their dogs.

Public Comment –Susan Shields, 89 Woburn Street, noted that the tree roots from the Town tree is crushing her pipes and coming up through her basement floor. She wants

the tree taken down but the Tree Warden refuses to take it down. She feels her 211 year old house is more important than a tree.

The Town Manager noted that the contractor who did sewer work for her has been banned from the Town due to poor quality of work. Ms. Shields indicated she feels the contractor did a good job.

James Bonazoli indicated that the Board will hold a hearing on July 9<sup>th</sup> and for the Tree Warden to be present.

Town Manager's Report – The Town Manager gave the following report:

Administrative matters

- ◆ Sale of Real Estate - proceeds go into Sale of Real Estate fund for use for debt service, capital improvements, or funding unfunded pension liability.
  - The Town has closed on the sales of land at 50 Lothrop (\$305,000) and two small parcels at Pearl & Audubon (\$14,800 total). Proceeds will be added to the Sale of Real Estate Fund.
  - House lot on Pearl/Audubon – three bids opened today, all exceeded the \$200,000 minimum. The bid packets will be evaluated early next week with Town Counsel. Award scheduled for July 9<sup>th</sup> BOS meeting.
- ◆ Town Departments – given three tasks in preparation for BOS longer-term goal setting process:
  - June 2013: Comment on and prioritize existing CY13 goals set by BOS last winter (attached);
  - August 1<sup>st</sup> 2013: Submit organizational changes desired to Town Manager for review with BOS and then November Town Meeting as needed;
  - January 1<sup>st</sup> 2014: Create task lists & ways to measure key tasks. Begin measuring in CY14 in order to be able to feed into the Selectman's next goal-setting process.

Community Services

- ◆ Pleasant Street Center – dedication of Great Room is scheduled for the COA's lobster roll dinner on July 18<sup>th</sup> at 5pm. Please contact Jane Burns before June 26<sup>th</sup> (942-6658 or [jburns@ci.reading.ma.us](mailto:jburns@ci.reading.ma.us)) if you wish to attend.
- ◆ Medical Marijuana Treatment Centers – CPDC has reviewed and voted to pass along a request for a Moratorium to be voted on by TM at STM 2013 to the Selectmen. If the BOS agrees and refers the matter back to CPDC, a Public Hearing notice will be published (6/24) which starts the moratorium. Further details in tonight's agenda item.
- ◆ Comprehensive Update of the Zoning By-Law – reviewed by CPDC, further details in tonight's agenda item.
- ◆ Portland Pie – open for business on Monday June 17<sup>th</sup>. Applicant was very complimentary on Town's well-organized approach to planning and permitting process.
- ◆ Pamplemousse – ABC has approved their liquor license.

6a2

- ◆ Bunratty Tavern is requesting an extension on the deadline to be fully operational due to construction delays.

**A motion by Tafoya seconded by West that the Board of Selectmen extend the deadline for RKR Corp. d/b/a Bunratty Tavern at 622 Main Street to be fully operational to September 14, 2013 was approved by a vote of 5-0-0.**

- ◆ Artis Senior Living – Applicant has filed for Site Plan Review, and then will be before the CPDC (6/24). Permitting has been expedited including coordination with ZBA and ConsCom.
- ◆ Perfecto's- Pre-Construction Meeting on 5/30/13 (demolition), applicant submittals are pending. A violation notice will be going out from the Health Director as the applicant did not file for a permit as required under Title V for Septic Abandonment. This was addressed previously with the General Contractor, however, the applicant and the demolition sub-contractor took their own course of action. Ben Tafoya noted that Town Meeting voted the bylaw to take action against Perfecto's. Marsie West noted that the Town should institute the fines and move forward with demolition.

Jean Delios noted that multiple violation letters have been sent out. The first violation fine was \$50 and they balked at it and management decided not to enforce. Jamie Maughan noted that the wetland permit required preconstruction permitting and he has heard nothing from them. Jean Delios noted that it has been a revolving door of contractors and what they really need is a project manager.

John Arena noted that the clock has run out on this so the Town should change its posture immediately. James Bonazoli requested that a letter be sent out requesting a DRT meeting.

- ◆ S. Main Street Roadway DIET – Grant funds awarded, CTPS site visit last month, scope of work received last week.
- ◆ Retail Visioning and Façade Improvement Program – next phase by BFSI Committee and EDC.
- ◆ MF Charles progressing with construction (Building Permit issued last month).
- ◆ Reading Housing Production Plan - approved by DHCD.

#### Library

- ◆ Library Building Committee – OPM contract signed; LBC met last night with STV's Jim Kolb and staff to begin preparation for two next steps (hire a designer/architect and find temporary space). The key date is May 2014 from a State Grant perspective, process designed backwards to achieve that goal.
  - For the architect search, ad will be submitted today for publication in the Central Register on June 26<sup>th</sup> with the expectation to have all proposals in by July 18<sup>th</sup> and a final selection by mid-August.
  - Search for temporary office space will be lagged one week, town must follow procurement law and also request proposals that meet certain criteria. A

reminder that the Library Trustees approved a search for temporary space outside of Reading.

Public Safety

- ◆ Franklin & Main Street- MA DOT immediately responded with two site visits, further news pending.
- ◆ Ipswich River Rte. 28 bridge repairs – shorter time frame solution possible, decision by late June.
- ◆ Our consultant has completed counts on Main and Salem, Woburn, Pleasant, and Haven. Report about two weeks away to see if we can adjust signal timing to move traffic through better.

Public Works

- ◆ West Street – draft TIP is in 30 day comment period, MPO committee to take final vote at their June 27<sup>th</sup> meeting (Town Engineer will be in attendance). Affirmative vote funds the project in FFY 2014 – October 1, 2013. In preparation, FINCOM Reserve Fund transfer request on June 26<sup>th</sup> to begin some paper work on land-takings. This should allow construction to begin in the spring 2014.

Road Improvements - Completed

- ◆ Charles Street (Haverhill St. to Dana Rd.) – Traffic markings to be installed this week
- ◆ Haverhill Street (Wakefield St. to N. Reading Town Line) – Traffic markings to be installed this week

Roads - In Progress: *Due to recent rains, installation of the final layer of pavement will probably not resume until next week.*

- ◆ Batchelder Road – Roadway reclaimed and binder installed, castings raised
- ◆ Boswell Road – Roadway reclaimed and binder installed, castings raised
- ◆ Irving Street – Roadway reclaimed and binder installed, castings raised
- ◆ Poets Corner: Tennyson Circle, Wadsworth Road, Whittier Road, Tennyson Road, Browning Terrace – Roadway reclaimed, binder installed and driveway aprons adjusted. Completion is pending the curb and/or sidewalk betterment question, results so far close to 50/50
- ◆ Hanscom Ave. (Weston to Hartshorn) - Roadway reclaimed and binder installed, castings being raised/adjusted this week
- ◆ Hartshorn Street – Roadway milled, castings being adjusted this week
- ◆ Longfellow Road – Roadway milled, castings being adjusted this week
- ◆ Tower Road (Winthrop to Bancroft) – Roadway milled, castings being adjusted this week
- ◆ Weston Road (Parkview to Bancroft) - Roadway reclaimed and binder installed, castings raised
- ◆ Winthrop Ave. - partially milled and reclaimed, binder installed, castings being raised/adjusted this week
- ◆ Howard Street (Summer Ave. to Sigsbee Ave.) – Roadway reclaimed and binder installed; castings raised

6a4

- ◆ Springvale Road (Overlook Rd. to 300' on Springvale Rd.) – Roadway reclaimed and binder installed; castings raised
- ◆ Overlook Road – Roadway milled, castings being adjusted this week

Roads - To be scheduled

- ◆ Oakland Rd. (after school closes)

Water projects

- ◆ Belmont to Ivy cross country – borings this week
- ◆ Main St. improvements – apply for required state permits by mid-July

Sewer projects

- ◆ Howard Street replacement – plan to advertise for bids in July
- ◆ Charles-Lewis Streets - plan to advertise for bids in August

**Discussion/Action Items**

Review Medical Marijuana Moratorium – Town Planner Jean Delios, Staff Planner Jessie Wilson and CPDC member Charlie Adams were present. Mrs. Delios noted that CPDC voted to approve a draft amendment and the Selectmen need to vote to submit it to CPDC. She will advertise tomorrow and that way the zoning will be frozen. There will be a public hearing on July 8, 2013 and the moratorium will be for one year from when Town Meeting approves it. Also, the Attorney General wants us to update the Bylaws so we will need to hire a consultant for updating them.

Charlie Adams noted that CPDC agreed on the proposed timeline.

Daniel Ensminger asked who else has voted a moratorium and Jean Delios noted Wakefield and a couple of other towns.

**A motion by Ensminger seconded by Tafoya to refer back the zoning amendment to CPDC was approved by a vote of 5-0-0.**

Review Zoning Bylaw Project - Jean Delios noted that the Zoning Bylaw is the rule book on where things can happen and it needs to be updated. Phase 1 will include looking at the existing bylaw and simplify the language. Staff will do the formatting. Phase 2 will be a whole new bylaw and there will be a public process. It will take 18 to get through phase 2. She is drafting an RFP to get a consultant on board in September.

Daniel Ensminger noted we need a good clean sign bylaw.

Charlie Adams noted it will be key to keep to the schedule and yet get everyone to respond. They also want to look at the Dover amendment regarding schools, churches, etc. being exempt from zoning issues.

Daniel Ensminger suggested they also look at the PUD because it was drafted with other things in mind. He suggested perhaps removing it.

Jamie Maughan noted that the Conservation Commission revised the wetland bylaws and they heard from over 1000 residents and it took them one year.

625

Marsie West asked if we can change the mandate for ZBA to give feedback and Daniel Ensminger noted that the ZBA is chartered under state law.

Appointment of Boards, Committees and Commissions – The Town Manager noted that there are some changes to the motion of the Volunteer Appointment Subcommittee. He noted that under Conservation Commission, Jamie Maughan should be a three year term; and the Custodian of Soldiers and Sailor’s Graves was omitted. Also, we have received three more applications for the Town Forest Committee since the VASC met on Monday night. Each applicant asked to be considered in this round of appointments because no deadline was posted for applying. The Town Manager noted that the VASC filled two 3 year terms and one 1 year term on the Town Forest Committee when they met on Monday night.

The Board interviewed Susan Bowe, Jennifer Driscoll, Kurt Habel and Farrukh Najmi for positions on the Town Forest Committee. With some of the applicants representing dog walkers and some of the applicants representing the boy scouts, the Selectmen noted that they are not interested in appointing anyone with special interests because then once the issues are resolved they are no longer interested in serving.

Town Forest Committee member Tom Gardiner noted that the Committee is addressing all of the issues and if anyone comes to the meetings they will see the progress.

Jamie Maughan noted that the Conservation Commission worked with the Town Forest Committee and he’s never seen the Town Forest so well run. He noted that Patrice Todisco did a lot of work. The Town Manager noted that Patrice Todisco withdrew her renewal application.

**A motion by Ensminger seconded by Bonazoli to place the following names into nomination for two positions on the Town Forest Committee with terms expiring June 30, 2016: Thomas Gardiner and William Sullivan. Each received five votes and were appointed.**

**A motion by Ensminger seconded by Tafoya to place the following names into nomination for four Associate positions on the Town Forest Committee with a term expiring June 30, 2014: Louis DeBrigard, Jennifer Driscoll, Kurt Habel and Farrukh Najmi. Each received five votes and were appointed.**

**A motion by Ensminger seconded by West that the Board of Selectmen confirm the Volunteer Appointment Subcommittee’s recommendations to the Board of Selectmen for the appointment and/or reappointment of the following members to various Boards, Committees and Commissions for terms beginning July 1, 2013 as listed below:**

<u>Position</u>	<u>Appointment</u>	<u>Term ending</u>
Animal Control Appeals Com.	John Miles	6-30-16

<b>Board of Appeals</b>	<b>John A. Jarema</b>	<b>6-30-16</b>
<b>Board of Cemetery Trustees</b>	<b>Ronald Stortz</b> <b>Elise M. Ciregna</b>	<b>6-30-16</b> <b>6-30-16</b>
<b>Board of Health</b>	<b>David Singer</b>	<b>6-30-16</b>
<b>Board of Registrars</b>	<b>Krissandra Holmes</b>	<b>6-30-16</b>
<b>Climate Advisory Committee</b>	<b>Michele Benson</b>	<b>6-30-16</b>
<b>Climate Adv. Com. (Associates)</b>	<b>Laurie Ann Sylvia</b> <b>Gina Snyder</b>	<b>6-30-14</b> <b>6-30-14</b>
<b>Commissioners of Trust Funds</b>	<b>John Daly</b>	<b>6-30-16</b>
<b>Conservation Commission</b>	<b>Annika Scanlon</b> <b>Terrence Selle</b> <b>Jamie Maughan</b>	<b>6-30-16</b> <b>6-30-14</b> <b>6-30-16</b>
<b>CPDC</b>	<b>Nicholas Safina</b> <b>John Weston</b>	<b>6-30-16</b> <b>6-30-16</b>
<b>CPDC (Associate)</b>	<b>George Katsoufis</b>	<b>6-30-14</b>
<b>Council on Aging</b>	<b>Sally Hoyt</b> <b>Steven Oston</b> <b>Carole Scrima</b>	<b>6-30-16</b> <b>6-30-16</b> <b>6-30-16</b>
<b>Cultural Council</b>	<b>Jacalyn Wallace</b>	<b>6-30-16</b>
<b>Custodian of Soldier and Sailor Graves</b>	<b>Francis Driscoll</b>	<b>6-30-14</b>
<b>Economic Development Comm.</b>	<b>Meghan Young</b> <b>Karl Weld</b>	<b>6-30-16</b> <b>6-30-16</b>
<b>EDC (Associates)</b>	<b>Camille Anthony</b> <b>John Russell</b> <b>Maria Higgins</b>	<b>6-30-14</b> <b>6-30-14</b> <b>6-30-14</b>

<b>Fall Street Faire Committee</b>	<b>Leslie Leahy</b>	<b>6-30-16</b>
	<b>Sheila Mulroy</b>	<b>6-30-16</b>
	<b>Denise Benard</b>	<b>6-30-14</b>
<b>Historical Commission</b>	<b>Robyn Parker</b>	<b>6-30-16</b>
<b>Historical Commission (Associate)</b>	<b>Nancy Kohl</b>	<b>6-30-14</b>
	<b>Virginia Adams</b>	<b>6-30-14</b>
<b>Housing Authority</b>	<b>Kevin Mulvey</b>	<b>6-30-18</b>
<b>Human Relation Adv. Com</b>	<b>James Cormier</b>	<b>6-30-16</b>
	<b>Lori Hodin</b>	<b>6-30-16</b>
	<b>Jacalyn Wallace</b>	<b>6-30-16</b>
<b>HRAC (Associate)</b>	<b>Camille Anthony</b>	<b>6-30-14</b>
<b>North Suburban Planning Council</b>	<b>Ben Tafoya</b>	<b>6-30-16</b>
<b>Recreation Committee</b>	<b>Francis Driscoll</b>	<b>6-30-16</b>
	<b>Michael Dipietro</b>	<b>6-30-16</b>
	<b>Catherine Kaminer</b>	<b>6-30-16</b>
<b>Recreation Committee (Associate)</b>	<b>Sean Whalen</b>	<b>6-30-14</b>
<b>Trails Committee</b>	<b>Terrence Selle</b>	<b>6-30-16</b>
	<b>David Williams</b>	<b>6-30-16</b>
<b>Trails Committee (Associate)</b>	<b>John Parsons</b>	<b>6-30-14</b>
<b>West Street Historic District Commission</b>	<b>Everett Blodgett</b>	<b>6-30-16</b>

**The motion was approved by a vote of 5-0-0.**

Appointment of Town Counsel – The Town Manager noted that he asked the frequent users of Town Counsel for their opinion. Ellen Doucette left the firm and has not been effectively replaced. Timeliness is an issue. He recommends reappointing until December 31, 2013 so he can talk to Town Counsel regarding the coverage.

**A motion by Tafoya seconded by Ensminger that the Board of Selectmen reappoint the firm of Brackett and Lucas as Town Counsel for a term expiring December 31, 2013 was approved by a vote of 5-0-0.**

Discuss Goals – The Town Manager reviewed the current Selectmen & Town Manager Goals as approved last winter for the calendar year 2013. He suggested that the process change to be based on a fiscal year, since that is how all other employees are reviewed each year, and this would put the two evaluation processes in step with each other going forward. He outlined his prioritization of the current Goals as well as that of the Department Heads. In general there was strong correlation, although some differences remained. He also listed a series of additional Goals as discussed with the Department Heads during the past several weeks. These would replace some the low-priority Goals.

Mr. Arena stated that he liked the new calendar of fiscal year, and Mr. Tafoya agreed that this would make the evaluation of the Town Manager more easily accomplished. In the early fall the Selectmen could gauge the relative success and performance in time for the December 31<sup>st</sup> six-months contract renewal notice for the Town Manager.

Mr. Arena said he looked forward to a proposed workshop joint meeting with EDC as proposed by the new Goals. He handed out some material from a Jupiter, FLA website which described a five-year Strategic Plan. He said that it is important to think beyond the single year in terms of Goals, and to note which ones that are proposed are multi-step and multi-year ones.

Mr. LeLacheur stated that there needed to be an improvement in communication between the Boards, Committees and Commissions. He said that the BOS liaison assignments were a good place to start, and that many BCCs understand that Selectmen cannot attend every meeting, but they are interested in more feedback. Ms. West agreed and added that there was some overlap among the current BCCs. She encouraged better BCC/BCC communication, for example CPDC and CONSCOM.

**Approval of Minutes**

**A motion by Bonazoli seconded by West to approve the Executive Session minutes of May 7, 2013 as written was approved on a roll call vote with all five members voting in the affirmative.**

**A motion by Tafoya seconded by Ensminger to adjourn the meeting at 10:30 p.m. was approved by a 5-0-0 vote.**

Respectfully submitted,

Secretary

629

**Board of Selectmen Meeting  
June 19, 2013**

*For ease of archiving, the order that items appear in these minutes reflects the order in which the items appeared on the agenda for that meeting, and are not necessarily the order in which any item was taken up by the Board.*

The meeting convened at 7:00 p.m. in the Conference Room, 16 Lowell Street, Reading, Massachusetts. Present were **Chairman James Bonazoli, Vice Chairman John Arena, Secretary Ben Tafoya, Selectmen Daniel Ensminger and Marsie West** and Town Manager Bob LeLacheur.

**Reports and Comments**

The Town Manager reviewed a map of the poll results for curb and sidewalk construction in the Poet's corner area. After a discussion, the Selectmen agreed that there was not a strong consensus to do that work, so the Town should proceed to finish the street paving project as originally intended. They thanked the Town staff for being flexible and listening to the neighborhood during this whole process.

Discuss Goals – The Town Manager handed out two revised draft sets of FY14 Goals, based on the discussion from the previous night's meeting. The first set included all 'old' Goals that he proposed to be deleted – shown in cross-out formatting. It also showed all 'old' Goals he proposed to keep, and added in the 'new' Goals discussed the prior night. The sections were re-arranged so that logical items were together. The second handout contained only those proposed Goals that would be carried forward for FY14.

The Town Manager and Selectmen had a detailed discussion about each of the 30 Goals that would go forward. These included six goals in Administration; two in Policy Development; three in Services; three in Operations; six in Community Development; one in Health and Safety; four in Infrastructure and five in Finance.

The only suggested change by the Board was to remove the Veteran's District from a broad regionalization goal, and place it by itself. The Town Manager explained that Melrose had requested a delay in implementing the District to include Reading because of extra work required in adding Saugus to the Melrose-Wakefield District. Mr. Bonazoli stated that as a stand-alone goal, solving the Veteran's issue was to allow for any flexible solution that was agreeable to the state. The Town Manager reminded the Board that the state complimented the efforts of and results from the work of Frank Driscoll, Reading's current Veteran's Service Officer.

**Approval of Minutes**

**A motion by Tafoya seconded by West to approve the minutes of May 7, 2013 as amended was approved 4-0-1 (Arena abstaining).**

**At 9:35pm a motion to adjourn by Ensminger seconded by West was approved by a 5-0-0 vote.**

Respectfully submitted,

Secretary

6B

**Board of Selectmen Meeting  
July 9, 2013**

*For ease of archiving, the order that items appear in these minutes reflects the order in which the items appeared on the agenda for that meeting, and are not necessarily the order in which any item was taken up by the Board.*

The meeting convened at 7:00 p.m. in the Selectmen's Meeting Room, 16 Lowell Street, Reading, Massachusetts. Present were **Chairman James Bonazoli, Vice Chairman John Arena, Secretary Ben Tafoya, Selectmen Daniel Ensminger and Marsie West**, Town Manager Bob LeLacheur, Office Manager Paula Schena, Town Accountant Sharon Angstrom, Police Chief James Cormier, Police Sgt. Detective Mark Segalla and the following list of interested persons: Rusty Harris, Mark Cardono, Sharlene Reynolds Santo, Stephen Crook, Phil Pacino, Harold Torman, George Katsoufis, Kevin Sullivan, Bob Morelli.

**Reports and Comments**

Selectmen's Liaison Reports and Comments – Daniel Ensminger noted that he is happy to see the street paving in town.

John Arena noted he enjoyed the 4<sup>th</sup> of July.

Ben Tafoya thanked staff and the Town Clerk for working the special election in the heat in late June. He also noted that it would be nice to look at keeping Town Hall open for absentee voting on the Friday before an election.

Town Manager's Report – The Town Manager gave the following report:

**Administrative matters**

- ◆ With tonight's approval for the sale of the house lot on Pearl/Audubon, the Town will have added \$630,800 to the Sale of Real Estate Fund. In addition, two new single-family homes will generate annual property taxes when they are completed. This leaves only the Oakland Road property as previously identified parcels the Town should consider selling if it had no other uses in mind. (Ben Tafoya suggested including CPDC in this discussion)
- ◆ Fiscal 2013 has been completed, but there are another couple of weeks to pay 2013 bills.
- ◆ We have joined 16 other area communities and teamed up with the U.S. Geological Survey to participate in a project which will be managed by the USGS National Geospatial Technical Operations Center and produce high-resolution elevation products for our GIS needs. This flyover will occur during the Fall of 2013 (after the leaves have come down). The cost to Reading is only \$2,286 and details are in tonight's packet.

Community Services

- ◆ Pleasant Street Center – dedication of Great Room is scheduled for July 18<sup>th</sup> at 5pm. Please contact Jane Burns (942-6658 or [jburns@ci.reading.ma.us](mailto:jburns@ci.reading.ma.us) ) if you wish to attend.
- ◆ Medical Marijuana Treatment Centers – CPDC last night at a public hearing approved (5-0-0) to request for a one-year Moratorium to be voted on by the Subsequent Town Meeting in November 2013.
- ◆ Comprehensive Update of the Zoning By-Law – reviewed again last night by CPDC. An RFP for consulting services is nearly finalized. What role does the Board wish to take – more details in tonight's packet.
- ◆ Perfecto's- Applicant is waiting for the National Grid to come in and cap the service so it is safe for demolition. They made the request a few weeks ago, and were told there was a 6-8 week waiting period for service from the gas company. Also see tonight's packet for an email exchange with Conservation. Note they have paid the fine levied by the Board of Health for failing to pull a permit for their septic work.

Library

- ◆ Library Building Committee – OPM contract signed; RFP issued for architectural services – over 20 firms were expect to attend a site walk through this morning. See tonight's packet for more details.
  - All architect proposals due by July 18<sup>th</sup> and a final selection by mid-August.
  - Search for temporary office space - town must follow procurement law and also request proposals that meet certain criteria. A reminder that the Library Trustees approved a search for temporary space outside of Reading.

Schools

- ◆ Woburn Street School – several staff preparation meetings, the most recent one included Father Rock and other representatives from St. Agnes, the Chair of the ZBA, Town Counsel and Town staff. As stipulated in the LOI, staff has filed a Special Permit application with the ZBA on behalf of St. Agnes to seek relief from parking. On Thursday July 11<sup>th</sup> the ZBA will hear the St. Agnes case to determine if a Special Permit is needed for extending a non-conformity related to parking. The Town will be presenting the case on behalf of St. Agnes, the applicant.

Public Safety

- ◆ Franklin & Main Streets - MA DOT immediately responded with two site visits. Late in June Representative Jones met with a MA DOT engineer and Town staff on site. Expect both short and long-term solutions to be discussed briefly at your next Selectman's meeting on July 30<sup>th</sup>.

Public Works

- ◆ West Street – draft TIP is again in the 30 day comment period, MPO committee to take final vote at their July meeting instead. FINCOM approved a Reserve Fund transfer on June 26<sup>th</sup> to begin some paper work on land-takings. This should allow construction to begin in the spring 2014 if the project is funded.

Road Improvements - Completed

- ◆ Charles Street (Haverhill Street to Dana Road.) – Traffic markings to be installed (wet weather delays)
- ◆ Haverhill Street (Wakefield Street to North Reading Town Line) – Traffic markings to be installed (wet weather delays)
- ◆ Batchelder Road, Boswell Road, Irving Street
- ◆ Weston Road (Parkview to Bancroft) - completion of some driveway aprons remain
- ◆ Longfellow Road - completion of some driveway aprons remain
- ◆ Hanscom Avenue (Weston to Hartshorn) - completion of some driveway aprons remain
- ◆ Tower Road (Winthrop to Bancroft) - completion of some driveway aprons remain

Roadwork Performed by DPW

- ◆ Priscilla Road – Overlay roadway was completed this week

Roads - In Progress:

- ◆ Winthrop Avenue - partially milled and reclaimed, binder installed, castings adjusted, paving in progress – what is not finished today will be completed paving tomorrow
- ◆ Hartshorn Street – Roadway milled, castings adjusted, to be paved tomorrow
- ◆ Howard Street (Summer Avenue to Sigsbee Avenue) – Roadway reclaimed and binder installed; castings raised, to be paved tomorrow
- ◆ Springvale Road (Overlook Road to 300' on Springvale Road) – Roadway reclaimed and binder installed; castings raised, anticipated to be paved next week
- ◆ Overlook Road – Roadway bindered, castings raised, anticipated to be paved next week
- ◆ Oakland Road – roadway has been bindered, casting being adjusted, island to be installed within a week – final paving TBD
- ◆ Poets Corner: Tennyson Circle, Wadsworth Road, Whittier Road, Tennyson Road, Browning Terrace – Roadway reclaimed, binder installed and driveway aprons adjusted. Castings being raised, curbing being adjusted, some curbing being installed privately (4 to 5 houses) - final paving TBD

Roadwork Performed by DPW

- ◆ Waverly Road – Reclaimed by contractor – bindered by DPW today, casting to be adjusted tomorrow

Water projects

MWRA loan assistance has been applied for and approved

- ◆ Belmont to Ivy cross country – borings completed
- ◆ Main Street improvements – apply for required state permits by mid-July

Sewer projects

- ◆ Howard Street replacement – plan to advertise for bids in July/Aug
- ◆ Charles-Lewis Streets - plan to advertise for bids in August

**Proclamations/Certificates of Appreciation**

Retiring Volunteers Who Served 5+ Years – Phil Pacino, Harold Torman, Mark Cardono and George Katsoufis were present to receive their certificates.

**A motion by Tafoya seconded by Arena that the Board of Selectmen approve the Certificate of Appreciation for Philip Pacino for serving 27 years on the Bylaw Committee was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by Arena that the Board of Selectmen approve the Certificate of Appreciation for Dolores Carroll for serving 26 years on the Bylaw Committee was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by Ensminger that the Board of Selectmen approve the Certificate of Appreciation for Alan Ulrich for serving 9 years as a Constable was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by West that the Board of Selectmen approve the Certificate of Appreciation for Michelle R. Williams for serving 6 years on the Economic Development Committee was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by Ensminger that the Board of Selectmen approve the Certificate of Appreciation for Harold Torman for serving 9 years on the Finance Committee was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by Arena that the Board of Selectmen approve the Certificate of Appreciation for Mark Cardono for serving 15 years on the Historical Commission was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by West that the Board of Selectmen approve the Certificate of Appreciation for George Katsoufis for serving 5 years on the North Suburban Planning Council was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by West that the Board of Selectmen approve the Certificate of Appreciation for Patrice A. Todisco for serving 5 years on the Town Forest Committee was approved by a vote of 5-0-0.**

**Eagle Scouts – A motion by Tafoya seconded by Arena that the Board of Selectmen approve the Certificate of Recognition for Jacob H. Westerman in achieving the rank of Eagle Scout was approved by a vote of 5-0-0.**

**A motion by Tafoya seconded by Ensminger that the Board of Selectmen approve the Certificate of Recognition for Michael R. DeMild in achieving the rank of Eagle Scout was approved by a vote of 5-0-0.**

**Personnel and Appointments**

**Audit Committee – Tafoya moved and Arena seconded that the Board of Selectmen place the following name into nomination as the Selectmen’s representative on the Audit Committee with a term expiring June 30, 2016: Marsie West. Ms. West received five votes and was appointed.**

**Climate Advisory Committee – A motion by Tafoya seconded by West that the Board of Selectmen approve the appointment of Michelle Benson to the Climate Advisory Committee as an Associate member with a term expiring June 30, 2014 was approved by a vote of 5-0-0.**

**Discussion/Action Items**

**Town Accountant Quarterly Report** – Town Accountant Sharon Angstrom noted that she has been with the Town for one year. She is conducting training on Munis Dashboard tomorrow. The fiscal year has ended and there are still three warrants to process in July. From July to November she will be working on free cash, the audit, and the end of the year report for the schools. Her baby is due on November 6<sup>th</sup> so she will be working Fridays before hand to speed things up.

**RMLD Tree Trimming** – RMLD Interim Manager Kevin Sullivan and professional arborist Guy Shepard were present. Mr. Sullivan noted that they would like to get on a three year cycle tree trimming cycle so they will need to cut back 5 feet around the conductor in order to accomplish that. Mr. Sullivan noted that 50% of outages are due to trees. They will use all forms of media to inform the public of the tree trimming.

John Arena asked if this gives them the ability to remove diseased branches and Mr. Sullivan noted they can remove branches within 10 feet. Tree Warden Bob Keating noted that his department asks the professional crews to point out anything that they can take care of.

Bob LeLacheur and Marsie West thanked Kevin Sullivan for stepping in as interim General Manager of the Light Department.

**Hearing – Tree Removal at 89 Woburn Street** – The Secretary read the hearing notice. The Town Manager noted that Susan Shields called him and mentioned the difficulty she was having with the tree root in her basement. She is selling her home and the buyer requested that the tree be removed first. The government has to respect private property and he doesn’t believe this is the Town’s responsibility.

Susan Shields, 89 Woburn Street, noted that she does a lot of gardening and she brought in specimens of the roots. She noted that in 2007 she was out of Town and came back to a sewer back up. She noted her home is 211 years old and a historical architect explained

605

how the foundation was built and she was told not to excavate around the foundation. She used a high power drill and poured bleach on the root. She feels the tree root came from the tree on the tree lawn. She noted the elm tree is one foot from the sewer line at the sidewalk.

Tree Warden Bob Keating noted that he never had anyone approach him regarding tree roots in their basement. He noted that tree roots look for water and air. Private property is the home owner's problem. Mr. Keating also noted that there are larger trees on the property closer to her home.

Dan Ensminger asked how many feet it is from the trunk of the elm tree to the roots in the basement. Mr. Keating indicated at least 75 feet. John Arena asked if there are any trees closer and Susan Shields noted the other tree is an offshoot of the elm tree.

Ben Tafoya asked Mr. Keating if the elm tree is growing in the basement and Mr. Keating noted he doesn't believe so, if it was there are ways to correct the problem. If Ms. Shields had a solid foundation there would be no problems. Mr. Keating noted that there are plants and vegetation all over that property.

**A motion by Tafoya seconded by Arena to close the hearing on removal of a tree at 89 Woburn Street was approved by a vote of 5-0-0.**

**A motion by Ensminger seconded by Arena that the Board of Selectmen take no action on removal of the tree at 89 Woburn Street was approved by a vote of 5-0-0.**

Hearing – Liquor License Violation – Meadow Brook Golf Club – The Secretary read the hearing notice. Sgt. Segalla noted that on June 20<sup>th</sup> the Police conducted alcohol compliance checks at all establishments. They instructed an 18 year old undercover operative to attempt to purchase a bottle of beer. He ordered the beer and purchased it at Meadow Brook from Rita Sarafian.

Bob Morelli and Bob Finigan from Meadow Brook Golf Club were present. Mr. Morelli noted that all of the servers have been TIP certified and they have been retrained since the incident. This was a one day member guest event and there were a lot of unfamiliar faces. He noted that Ms. Sarafian is extremely remorseful.

Daniel Ensminger asked what steps they will take to make sure it doesn't happen again and Mr. Morelli noted that they will card anyone who looks 30 or under.

John Arena asked how many compliance checks they have passed and Sgt. Segalla noted at least six or seven.

Ben Tafoya noted that past practice is a two day suspension. John Arena noted that the Selectmen's Policy list the first offense as a warning to three day suspension. He asked if a warning has ever been issued and it was noted that a warning has never been issued.

A motion by Tafoya seconded by Ensminger that the Board of Selectmen close the hearing on the possible modification, suspension or revocation of the Club License to Expose, Keep for Sale and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises for Meadow Brook Golf Corp. of Reading Mass d/b/a Meadow Brook Golf Club, 292 Grove Street, for violating GL Chapter 138, Section 34 for the sale or delivery of alcoholic beverages to a person under 21 years of age was approved by a vote of 5-0-0.

A motion by Tafoya seconded by Arena that the Board of Selectmen find Meadow Brook Golf Corp. of Reading Mass d/b/a Meadow Brook Golf Club, 292 Grove Street, in violation of MGL Chapter 138, Section 34 for the sale or delivery of alcoholic beverages to a person under 21 years of age on June 20, 2013 was approved by a vote of 5-0-0.

A motion by Tafoya seconded by West that Meadow Brook Golf Corp. of Reading Mass d/b/a Meadow Brook Golf Club, 292 Grove Street, be penalized with a two day suspension for violation of MGL Chapter 138, Section 34 for the sale or delivery of alcoholic beverages to a person under 21 years of age on June 20, 2013 was approved by a vote of 5-0-0.

A motion by Tafoya seconded by Ensminger that the two day suspension for Meadow Brook Golf Corp. of Reading Mass d/b/a Meadow Brook Golf Club, 292 Grove Street take place on July 17 and 18, 2013; that the license be surrendered to the office of the Town Manager not later than 9 AM the first day of the suspension, to be returned to the licensee by 9 AM the day following the suspension; and that a placard be placed on the premises during the period of suspension indicating the business is “unable to sell liquor due to a suspension of the liquor license for sale of liquor to an underage person”, and that Meadow Brook Golf Corp. of Reading Mass reimburse the Town of Reading for Constable and advertising fees and this decision, including the designation of the dates of suspension, was rendered on the basis of Dario Morelli’s waiver of appeal. The motion was approved by a vote of 5-0-0.

Review Customer Service Survey Results – The Town Manager noted that the Town is consistently receiving high ratings, but the number of responses has dropped off. He suggests revisiting what we are asking and how we are asking. Negative responses are unusual and staff usually remembers the situation.

John Arena noted that there is no need to process the comments on transaction based comments.

Ben Tafoya suggested that once a year the survey is mailed to everyone who pulled a building permit or another busy department. He also suggested entering phone calls.

Marsie West suggested sending the link to the survey and asking for their response.

Award bids for Purchase of 2 Audubon Road – The Town Manager noted that the high bid was \$311,000 and the closing will probably be on July 26<sup>th</sup>.

**A motion by Tafoya seconded by Ensminger that the Board of Selectmen award the bid for the sale of the property at 2 Audubon Road to James Lordan d/b/a Sage Development Corp., for a sum of \$311,000 and subject to all of the conditions of sale as detailed in the RFP; and authorize the Town Manager to sign all additional documents on the Town's behalf was approved by a vote of 5-0-0.**

Finalize Goals – The Town Manager noted that the goals are slightly revised. He made the Veterans Agent a separate goal which increases the goals from 30 to 31. He is leaning towards goals that can be accomplished.

Marsie West asked if the progress report is something new and the Town Manager indicated he will set up a shared folder so departments can edit their progress.

John Arena and Marsie West both requested a meeting to discuss operation costs for the Woburn Street project. James Bonazoli noted that we can have the discussion but it's the School Department's budget. Marsie West noted that the Board needs to talk about a large jump in the budget so we can do an override otherwise the municipal end of the budget will be cut.

**Approval of Minutes**

**A motion by Tafoya seconded by Ensminger to approve the minutes of May 21, 2013 was approved by a vote of 4-0-1 with Arena abstaining.**

**A motion by Tafoya seconded by Ensminger to approve the minutes of June 4, 2013 was approved by a vote of 4-0-1 with Arena abstaining.**

**A motion by Ensminger seconded by West to adjourn the meeting at 9:35 p.m. was approved by a vote of 5-0-0.**

Respectfully submitted,

Secretary

4c BOS

**Schena, Paula**

**From:** LeLacheur, Bob  
**Sent:** Monday, July 08, 2013 4:17 PM  
**To:** Schena, Paula  
**Subject:** FW: Prices for New Subscribers to Premium FiOS Channels

For BOS

**From:** Frere, Mary Louise [<mailto:mary.l.frere@verizon.com>]  
**Sent:** Monday, July 08, 2013 4:17 PM  
**Subject:** Prices for New Subscribers to Premium FiOS Channels

Dear Municipal Official,

This is to inform you that due to the rising cost of providing quality premium programming, on or after August 1, 2013, the rates for several FiOS TV premium channels and packages will increase as identified in the below chart. **These increases will only apply to new subscriptions to Premium Channels.**

Premium Channels	Current Price	New price	Increase
Fully Loaded Entertainment Pack	\$ 41.99	\$ 48.99	\$ 7.00
HBO & Cinemax	\$ 26.99	\$ 29.99	\$ 3.00
SHOWTIME STARS Entertainment Pack	\$ 18.99	\$ 19.99	\$ 1.00
HBO	\$ 18.99	\$ 19.99	\$ 1.00
SHOWTIME	\$ 13.99	\$ 15.99	\$ 2.00
STARZ ENCORE	\$ 13.99	\$ 15.99	\$ 2.00
Cinemax	\$ 13.99	\$ 15.99	\$ 2.00
EPIX	\$ 11.99	\$ 15.99	\$ 4.00
SHOWTIME STARS Entertainment Pack with EPIX	\$ 26.99	\$ 28.99	\$ 2.00

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me.

Thank you

Mary L. Frere  
Senior Consultant – FiOS Video

9a1

Verizon Communications  
125 High Street Oliver Tower  
Boston, MA. 02110  
617-743-4119

902

4/C B05

July 1, 2013

Dear Selectmen,

I'm writing in regards of the use of the Town Forest for "off-leash" dog walking. We are relatively new dog owners - we've had our dog for just a year. I would say one of the biggest highlights of having a dog has been taking him to the TF. Since we started going at the first of September I have probably only missed 5 days in the forest. We're in there everyday whether rain, snow, freezing temperatures or swelteringly hot weather! From what I can tell at least 90% if not even closer to 99% of people in the TF are dog walkers!

Before we had a dog I had been in the TF exactly twice. The first time was with a friend who had a dog. The second time I brought my family. Nobody had any interest in going back until we got our dog. Now it's become such a magical place for them. It's the one place they can really run free with the dog and in the process they've come to love the TF as I have.

Sometimes I feel like this issue has been boiled down to dogs vs. people, but behind every dog there is a person who's going to the forest to enjoy the beauty and just a lovely time of walking unhindered with their dog. I see families, senior citizens, joggers, individuals and groups that meet specifically, all there to walk their dogs. Of the few times I have seen people without dogs there has never once been an issue. Most people seem to want to interact with the dogs even if they don't have one.

Sadly, if the TF required the dogs to be leashed I just wouldn't go there much. I go to the forest BECAUSE I can let my dog go free. I know there are a few who go in without dogs, but from what I've experienced this year it's the dog walkers that care for the forest everyday of the year. I've seen dog walkers in there clearing the paths, picking up trash, finding lost things (one dog walker found my lost iphone and returned it to me) and looking after the wild life.

I hope this gives you an idea of what a vital part of my life the TF has come to mean for me and my family - and my dog too!

Best Regards,

Susan McFarland  
457 Franklin St.  
Reading, MA 01867  
(781) 315-7209

L/C BOS

**Schena, Paula**

---

**From:** LeLacheur, Bob  
**Sent:** Wednesday, July 10, 2013 10:39 AM  
**To:** Schena, Paula; Zager, Jeff  
**Subject:** FW: Dogs and the town forest

Paula - for next BOS packet.

Jeff - please gather these and send to the TFC.

Robert W. LeLacheur, Jr. CFA  
Town Manager  
Town of Reading  
16 Lowell Street  
Reading, MA 01867  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
(P) 781-942-9043  
(F) 781-942-9037  
[www.readingma.gov](http://www.readingma.gov)

Please fill out our brief customer service survey at: <http://readingma-survey.virtualtownhall.net/survey/sid/8cebfd833a88cd3d/>

Town Hall Hours:  
Monday, Wednesday and Thursday: 7:30 a.m - 5:30 p.m.  
Tuesday: 7:30 a.m. - 7:00 p.m.  
Friday: CLOSED

-----Original Message-----

**From:** Richard Salz [<mailto:richard.salz@readingma.gov>]  
**Sent:** Wednesday, July 03, 2013 2:34 PM  
**To:** Reading - Selectmen  
**Subject:** Dogs and the town forest

As a responsible pet owner and father of an active scout, the Town Forest is an important part of Reading's appeal to me.

I have often taken my dog on weekends to the forest and, once we get past the compost area, he is off-leash. By far, the most of the people I have seen are fellow dog owners. Almost exclusively so.

I understand that some people do not like dogs, or are scared by them; some, unfortunately, have had bad experiences with dogs in the Forest.

This last group is particularly troublesome as it gives most owners a bad name.

Before taking any action that would limit the only open space to which we and our pets have access, I encourage you to do the following:

1. Channel all Forest-related communications through the established TF Committee. It is important to have standard communication channels so that all voices are equally heard and considered.

901

2. Do not take action without having measurements. Anecdotes can be powerful, particularly "your dog scared my baby" But it is important to have a true representation of the frequency of these situations. To mangle a common phrase, don't throw the puppy out with the bath water.

Thank you for your consideration.

Rich Salz  
5 California Road  
Reading  
[rich.salz@gmail.com](mailto:rich.salz@gmail.com)

4 C BOS

**Schena, Paula**

---

**From:** LeLacheur, Bob  
**Sent:** Wednesday, July 10, 2013 10:39 AM  
**To:** Schena, Paula; Zager, Jeff  
**Subject:** FW: Town Forest Vote

Paula - for next BOS packet.

Jeff - please gather these and send to the TFC.

Robert W. LeLacheur, Jr. CFA  
Town Manager  
Town of Reading  
16 Lowell Street  
Reading, MA 01867  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
(P) 781-942-9043  
(F) 781-942-9037  
[www.readingma.gov](http://www.readingma.gov)

Please fill out our brief customer service survey at: <http://readingma-survey.virtualtownhall.net/survey/sid/8cebfd833a88cd3d/>

Town Hall Hours:  
Monday, Wednesday and Thursday: 7:30 a.m - 5:30 p.m.  
Tuesday: 7:30 a.m. - 7:00 p.m.  
Friday: CLOSED

-----Original Message-----

**From:** Lisa Treacy [<mailto:lisa@townforest.perserve.com>]  
**Sent:** Thursday, July 04, 2013 5:28 PM  
**To:** Reading - Selectmen  
**Cc:** [townforest.perserve@gmail.com](mailto:townforest.perserve@gmail.com)  
**Subject:** Town Forest Vote

Dear Sir,

As a taxpayer and resident of Reading for 25 years, I have just heard about a movement to prohibit dog walking in the Town Forest.. For most of my years in Reading, I have been walking, running, and cross country skiing in the Town Forest with my children (now adults) and dogs. It is a beautiful place to explore and enjoy with the many other dog owners and families (with or without dogs). I have been going to the forest at least 1-2 times per week and sometimes more. It is very rare and almost unheard of to have an unpleasant encounter with other dogs or hikers. Most of the families that I see have dogs off leash with them, or are excited to visit with my dog. I have always felt safe in the forest with other dogs off leash and safe because I am with my dog off leash. I am not sure why we would want to change the off leash policy, and I would like to know where this important policy change is coming from. The Town Forest is a amazing resource for the residents, and one that I hope to enjoy with my dog "off leash" for many years. Thank you and please keep me informed.

Sincerely,  
Lisa Treacy

9d

**Schena, Paula**

---

**From:** LeLacheur, Bob  
**Sent:** Wednesday, July 10, 2013 10:39 AM  
**To:** Schena, Paula; Zager, Jeff  
**Subject:** FW: Reading Town Forest

Paula - for next BOS packet.

Jeff - please gather these and send to the TFC.

**Robert W. LeLacheur, Jr. CFA**

*Town Manager*

*Town of Reading*

*16 Lowell Street*

*Reading, MA 01867*

[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)

*(P) 781-942-9043*

*(F) 781-942-9037*

[www.readingma.gov](http://www.readingma.gov)

*Please fill out our brief customer service survey at:*

<http://readingma-survey.virtualtownhall.net/survey/sid/8cebfd833a88cd3d/>

**Town Hall Hours:**

**Monday, Wednesday and Thursday: 7:30 a.m - 5:30 p.m.**

**Tuesday: 7:30 a.m. - 7:00 p.m.**

**Friday: CLOSED**

**From:** Chris Ritondo [[mailto:](#)]

**Sent:** Wednesday, July 10, 2013 8:38 AM

**To:** Reading - Selectmen

**Cc:** Alyson Ritondo;

**Subject:** Reading Town Forest

Good morning Selectmen,

I am writing to you in regards to a flyer that I was given by a member of the Reading Dog Walkers Group recently. The flyer makes numerous suggestions regarding what I should be writing to you about since I own a dog and do utilize the Town Forest daily in order to give the needed exercise and care to keep her happy and healthy.

I don't profess to know much about this group. I also am not aware of any specific actions being considered for the Town Forest (or otherwise). For those reasons, I am simply writing you this morning with two observations for your consideration should this, in fact, be a topic of discussion or for the Town in the future.

Dog Walking

The reality of our Town Forest is this: nobody effectively uses the Town Forest except for people who own dogs. I would encourage you to not take my word for this but to head over to the field at the TF for yourselves numerous times for some due diligence. What you will observe is that, for every 20 people you see enter with dogs, you might see one person without a dog. That is a generous ratio because more realistically it is 30 or 40 to 1. This holds true any day of the week, any time of the day and any season of the year. So, essentially, my point would be that before making changes or restrictions to how people are utilizing dogs in the forest...please consider that they are the only ones effectively using it currently.

### Use of the Forest

Once you have the chance to observe the above fact for yourselves, we must ask "why is this the case?" Perhaps there are a very small handful of people that will come to you and say "I can't use the TF because there are vicious dogs running unleashed and unattended in the forest" but that is simply untrue.

In addition to being a dog owner, I also have a wife and three children and we love to be outdoors. But when it comes time for us to go for a family hike, unfortunately we head to numerous places other than our own Town Forest. Places like Breakheart, Harold Parker and Blue Hills offer amenities that we simply just don't have at this point in time. Consider things like proper trail maintenance, trail marking, water, bathroom facilities, picnic tables, etc. There is nothing to draw people to our Town Forest and that is the reason that the current utilization is 95+% dog walking.

Please consider addressing how to get non-dog walkers engaged in utilizing the Town Forest before you ever consider placing restrictions on the only people that do use it. As both a dog walker and father of a family of five, I would be much more open to time restrictions for having my dog off leash if I knew people were actually there using one of the most beautiful resources in our town.

I appreciate your time in reading this and your consideration. Should you have any questions of me, please don't hesitate to let me know.

Regards,

Chris Ritondo  
781-779-1126

**Schena, Paula**

---

**From:** LeLacheur, Bob  
**Sent:** Wednesday, July 10, 2013 10:38 AM  
**To:** Schena, Paula; Zager, Jeff  
**Subject:** FW: Town Forest Rules

Paula - for next BOS packet.

Jeff - please gather these and send to the TFC.

**Robert W. LeLacheur, Jr. CFA**

Town Manager  
Town of Reading  
16 Lowell Street  
Reading, MA 01867  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
(P) 781-942-9043  
(F) 781-942-9037  
[www.readingma.gov](http://www.readingma.gov)

Please fill out our brief customer service survey at:  
<http://readingma-survey.virtualtownhall.net/survey/sid/8cebfd833a88cd3d/>

Town Hall Hours:  
Monday, Wednesday and Thursday: 7:30 a.m - 5:30 p.m.  
Tuesday: 7:30 a.m. - 7:00 p.m.  
Friday: CLOSED

**From:** Tony & Bert G. [<mailto:>]  
**Sent:** Wednesday, July 10, 2013 10:33 AM  
**To:** Reading - Selectmen  
**Subject:** Town Forest Rules

We are Tony and Roberta Guarciariello from 84 Willow St.; residents of Reading since 1976. The reason for our correspondence today is to file our displeasure with proposed rules changes for the Town Forest, and perhaps all conservation areas in Reading, regarding dog walking.

These proposed changes would allow dog walkers on selected trails or at selected times only and/or prevent dog walkers from unleashing their dogs in all public parks and conservation areas altogether.

We have been walking our dog in the town forest and other conservation areas nearly every day for 12 years. We seldom see anyone without a dog.

Now we have been to a meeting where the boy scouts have complained that some dogs have run in to their campsites searching for food scraps but I think that can be remedied by having them post a sign by the entrance gate at Strout Ave. the couple of times a year that they hold

overnights and the dog walkers will be sure to leash their dogs when they get close to the Boy Scout "Ring".

We have also heard that one or two residents of Reading have complained that they have been scared off walking in the forest by the unleashed dogs. Most dog walkers, that I have seen will leash their dogs when approaching walkers or bikers without dogs.

Frankly, we believe that all of these complaints can be handled by simply posting some rules at the entrance to the forest as most towns do in parks and conservation areas where dogs are allowed. Most towns also provide trash bins for dog waste, as well.

L/C BOS

**Schena, Paula**

---

**From:** LeLacheur, Bob  
**Sent:** Friday, July 12, 2013 3:08 PM  
**To:** Schena, Paula  
**Subject:** FW: Demolition Delay Bylaw Question

For next BOS packet

**From:** Gary S. Brackett, Esquire [mailto:[gary@brackett-lucas.com](mailto:gary@brackett-lucas.com)]  
**Sent:** Friday, July 12, 2013 2:50 PM  
**To:** LeLacheur, Bob  
**Subject:** Demolition Delay Bylaw Question

Bob -

You have requested that I respond to a question Selectman Dan Ensminger has presented regarding whether the types of conditions and/or mitigation cited in the demolition delay bylaw must be attendant to the demolition itself.

One of the four conditions in Section 7.2.6.3 that may allow the Commission to lift a delay which has been imposed is:

"The Owner has agreed in writing to accept a demolition permit on specified conditions, including mitigation measures approved by the Commission. Such mitigation could include a demolition of only a portion of the structure."

We would recommend that the Commission only attach conditions that relate to the core values of the bylaw or to matters of public safety and health. A recent U.S. Supreme Court decision in the Koontz case has reinforced the standard that conditions cannot be attached to a land-use permit unless there is a "nexus" and "rough proportionality" between the government's demand and the effects of the proposed land-use.

Please advise if we may be of further assistance to you and the Selectmen in this matter.

Regards,

Gary

Gary S. Brackett, Esquire  
Brackett & Lucas  
19 Cedar Street  
Worcester, MA 01609  
(t) 508-799-9739  
(f) 508-799-9799

---

This message is intended only for designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply email and delete this email. Thank you.

TO: Gary S. Brackett, Esq.  
FROM: Steven C. Fletcher, Esq.  
SUBJECT: Town of Reading Demolition Delay Bylaw  
DATE: July 10, 2013

We have received an inquiry from the Town asking “if conditions that are cited on the demolition delay bylaw may only be items that are attendant to the demolition itself, ie what is the purview on mitigation”?

The “demolition delay bylaw” is General Bylaw 7.2, entitled “Historic Demolition Delay”. It establishes a procedure by which owners of buildings placed on a List of Historic Structures through a process described in the Bylaw are subject to a 6-month delay if they wish to engage in “[a]ny act of pulling down, destroying, removing or razing a structure or commencing the work of total destruction, with the intent of completing the same ....” Bylaw § 7.2.2.2. It is only demolition as so defined that triggers application of the Bylaw; remodeling and additions to historical structures are not covered. The list is compiled and maintained by the Reading Historical Commission.

An owner whose building is on the List and who wants to demolish the building must submit a completed Demolition Permit Application to the Building Inspector. Bylaw § 7.2.4. A public hearing is held by the Historical Commission on the Application. Bylaw § 7.2.5. After close of the public hearing, “a motion shall be made to determine if the loss of the structure would be detrimental to the Town when considering the purpose of” the Bylaw. Bylaw § 7.2.6. If 4 or more members of the Commission vote in the affirmative, then the structure is declared to be protected by the Bylaw and a demolition delay of 6 months from the date of the vote is imposed. Id. If less than 4 members of the Commission vote in the affirmative, then the structure is declared not to be protected by the Bylaw and the Building Inspector may issue a permit to demolish the structure. If the Commission does not notify the Building Inspector within 7 days after close of the hearing, the Building Inspector may act on the Application “with no further restrictions” of the Bylaw. Id.

Note that this approval process makes no mention of a third option: issuance of a permit with conditions. It is, in essence, yea or nay. But see the discussion on the next page concerning an owner’s appeal rights.

If the Commission votes to impose the 6-month delay, the Bylaw contemplates, even encourages, the parties to attempt to come to a mutually agreeable resolution during the delay period short of demolition of the structure. The Commission “shall offer to the Owner information about options other than demolition”. Bylaw § 7.2.6.1. The Owner “shall be responsible for participating in the investigation of options to demolition”. Bylaw § 7.2.6.2.

If a mutually agreeable resolution is reached during the 6-month delay period, the Commission may notify the Building Inspector in writing “to the effect that the Commission is satisfied” that one of four enumerated conditions has been met, in which event the Building Inspector may then issue a Demolition Permit. Bylaw § 7.2.6.3. One of the four conditions that may prompt the Commission to lift the delay is:

“The Owner has agreed in writing to accept a demolition permit on specified conditions, including mitigation measures approved by the Commission. Such mitigation could include a demolition of only a portion of the structure.”

Id. The owner of a structure subject to a 6-month demolition delay may appeal the delay to the Board of Selectmen, who must hold a hearing prior to rendering a decision. Bylaw § 7.2.6.4.

Curiously, the Bylaw provides that the owner may also appeal from “conditions of the imposition of the delay” to the Board of Selectmen. Bylaw § 7.2.6.4. As noted above, the Bylaw does not expressly give the Historical Commission the option of approving, with conditions, a Demolition Permit Application. This right of appeal, however, suggests that the Commission in fact implicitly possesses such authority when passing upon the Application. The conditions that may be attached after imposition of the delay are only those reached by agreement, and so owners would presumably not be appealing conditions they agreed to.

It is conceivable that an owner might make the argument that the Commission extorted unreasonable conditions in exchange for lifting the delay, and that in fact the Commission game plan all along was to impose the delay as bargaining leverage in order to exact concessions from the owner. In such case, the owner could maintain on appeal to the Board of Selectmen (and beyond) that its agreement to accept the conditions was illusory. Negating this potential construction of the Bylaw is the fact that the right of appeal is from “conditions of the imposition of the delay”, not from conditions imposed or agreed upon after imposition of the delay.

Regardless of when conditions are imposed, at the time of the Commission vote or during the 6-month delay period, the Supreme Court has recently made it even clearer that a governmental unit may not attach conditions to the approval of a land-use permit unless there is a “nexus” and “rough proportionality” between the government’s demand and the effects of the proposed land use. See *Koontz v. St. Johns River Water Management District*, \_\_\_ U.S. \_\_\_ (June 25, 2013). The Court in recent years has been increasingly sympathetic to the claims of landowners that regulation of use of their land is unreasonable and unconstitutional, and absence a change in Court composition, that trajectory can be expected to continue.

Thus the Commission would be wise to attach only conditions that relate to the core values of the Bylaw or to matters of public safety and health. The mitigation measure expressly permitted in Bylaw § 7.2.6.3 (demolition of only a portion of the structure) is a good example of a condition that may be reasonably related to the purpose of the Bylaw so long as the Commission, or the Board of Selectmen on appeal, have taken into account the factors the Bylaw requires them to consider, including financial hardship on the owner, uniqueness of the structure, etc. Another example of a reasonable condition would be safety measures to be followed during the demolition. An example of a condition that would likely run afoul of the “reasonably related” standard would be a requirement that the owner contribute a sum of money to the Commission.

Hopefully, this satisfactorily responds to the Town’s inquiry. I will be glad to address any specific mitigation measure that may be proposed.

4C B05

2013 JUL -9 AM 9: 31

Robert K Ahern, Member,  
RKACO LLC  
1501 Main St, Unit # 47  
Tewksbury, Ma. 01876

978-851-3048 (office)  
978-858-3851 (fax)

To: Mr. Robert LeLacheur, Town Mgr., Reading, Ma  
From: Robert K. Ahern, Member  
RKACO LLC  
Re: 1194, 1198, and 1204 Main St, Reading.

7/3/13

Dear Mr. LeLacheur,

My name is Rob Ahern. I am a local homebuilder, and I have constructed new homes in various towns north of Boston, over the past few decades. We have recently built and sold the above three properties during this past year. We had to do quite a bit of blasting there due to some extensive ledge conditions. We had swamp and wetlands surrounding the backside of all three (3) of these properties. Thusly, we worked under an Order of Conditions promulgated by the Reading Conservation Commission, and the State of Ma. DEP.

Mr. Chuck Tirone is, of course, your Conservation director. We met with him prior to the start of any work, as is required under the Order of Conditions. Mr. Tirone was kind and patient enough to take the time to go over all of the sections of the Order, and to point out various points of emphasis, such that we fully understood what was expected of us by the Reading Com Comm. This got us off to a good start on the project. During the year- long construction period, we noticed that Mr. Tirone would come by our site, from time to time, and go out of his way to make sure that everything was up to snuff. Then, during the conclusion of our work there, we needed our final inspections, etc. so as to be able to gain a Certificate of Compliance. We requested that Mr. Tirone meet with us, on site, to thoroughly inspect our required now lawn growth, and our haybale line, etc. such that he could do his report to the Commission. Mr. Tirone came out in a timely fashion, gave us his input as to some extra touch-ups, and helped us recognize the final TLC we would need to complete in order to satisfy the Commission. We found that Mr. Tirone seemed to give us that little extra help and advice that was needed to finish up everything in the right way, and we feel that we have completed our work there to the Reading Con Comm's satisfaction.

We thank Mr. Tirone for his guidance, as this was our first experience, in Reading, in dealing with a wetlands area. We feel very good about our experience in building in Reading, and wish to give special thanks to Mr. Tirone for all of his help.

Sincerely,   
Robert K. Ahern, Member,  
RKACO LLC

9h

4/C BOS

**TOWN OF WAREHAM**

54 Marlon Road  
Wareham, Massachusetts, MA 02571

**BOARD OF SELECTMEN**

Peter W. Tettelbaum, Chairman  
Alan H. Slavin, Clerk  
Stephen M. Holmes  
Patrick G. Tropeano  
Judith Whiteside

Dear Chairman Bonazoli:

I am writing to ask that you join the Town of Wareham Board of Selectmen in supporting House Bill 1115, an Act relative to the definition of low and moderate income housing. This bill is sponsored by Representative Susan Williams Gifford, and seeks to amend Massachusetts General Laws Chapter 40B, § 20 by adding the following sentence:

*Low and moderate income housing shall also include mobile homes and group homes, manufactured homes, in-law apartments and any first-time home buyers participating in any state or federal assistance program.*

The bill's legislative webpage may be found at the following link where you can view its current status in committee: <https://malegislature.gov/Bills/188/House/H1115>

Our town, and others similarly situated across the Commonwealth, currently possesses hundreds of housing units in the form of mobile homes and other types of very affordable property that presently do not count towards the ten percent affordable housing quota required by Chapter 40B. Accordingly, we remain subject to the provisions of Chapter 40B that allow developers of affordable housing to avoid much of our local zoning controls.

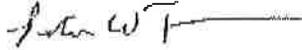
Such development has often proven burdensome to abutters, added traffic flow on Town roads, and has increased strain upon police, fire and emergency medical services. At the same time, the minimal requirement that an affordable housing project pursuant to Chapter 40B contain only twenty percent affordable housing creates a situation where municipalities such as ours end up chasing their tails, by adding non-affordable housing to our overall housing stock at four times the rate of affordable units.

The proposed amendment will have negligible effect upon urban communities where affordable housing remains desperately needed, as cities typically do not have large mobile home parks; nor will the proposed amendment stigmatize or economically harm the property values of the proposed subject properties to be included in the definition of affordable housing. Rather, the proposed amendment seeks merely to appropriately classify what is indeed already very affordable housing as such, under the law.

911

The Wareham Board of Selectmen voted unanimously to authorize me to submit correspondence to you on this issue, as we realize that it will take the effort and support of many to bring the bill into law. Accordingly, we ask that you join us in reaching out to our legislators, particularly those serving on the Joint Committee on Housing, to urge their positive action on H. 1115. To discuss this issue with me, please contact me at the above address and phone number, or my town email at [pteitelbaum@wareham.ma.us](mailto:pteitelbaum@wareham.ma.us) I look forward to hearing from you.

Very truly yours,



Peter W. Teitelbaum, Esq.  
Chairman, Wareham Board of Selectmen

LC BOS  
copy Zambouras

Lori Renn Parker \* 42 Winthrop Avenue \* Reading, MA 01867-2058

2013 JUL 17 AM 10:34

15 July 2013

Mr. Robert W. LeLacheur, Jr.  
Town Manager  
Town Hall  
16 Lowell Street  
Reading, MA 01867

Dear Mr. LeLacheur:

I am writing regarding the recent road milling, reclaiming, and paving of Winthrop Avenue and adjoining neighborhood near the high school.

Bravo, and thank you for a job well done! We really appreciated the initial letter with advice and contact information. Furthermore, members of the staff in the engineering department who answered the phone when we did find a need to contact them were so professional, courteous, friendly, and informative every time I called, which was at least three times. I believe the person I spoke most often with was Ryan, though I may have also conversed with Christopher and Peter as well.

Once we witnessed the actual paving process we were astounded at what a well-timed intricate operation it was, with so many steps, equipment, and specialists involved. As we are all aware, the unpredictable June weather threw everyone more than a few curve balls.

We have lived in our house over twenty years. Suddenly, with the fresh, smooth road surface and lack of potholes, patches, and ragged edges, it feels almost like living in a new subdivision!

I have also written to Mr. Zager to let him know how pleased we are both with the paving results and with the quality of our interactions with the Town of Reading's engineering department.

Sincerely,



Lori Renn Parker

cc: Mr. George J. Zambouras, P.E., Town Engineer

4/c BOS

**Schena, Paula**

---

**From:** LeLacheur, Bob  
**Sent:** Thursday, July 18, 2013 8:03 AM  
**To:** Schena, Paula  
**Subject:** FW: Ash St Carpenter Ants issue

For next BOS packet (& thanks!):

-----Original Message-----

**From:** KATHLEEN KENNEY [mailto:[kathleen.kenney@readingma.gov](#)]  
**Sent:** Wednesday, July 17, 2013 2:26 PM  
**To:** Schena, Paula  
**Cc:** Keating, Bob  
**Subject:** Ash St Carpenter Ants issue

Paula, Hello!

I had barely received your very quick response when Mike from DPW visited my property to look at the two trees in question. While I did see many ants this morning around both trees there were none when Mike visited, he did not see any visible evidence. but he did identify low lying branches that may be part of the problem and will go on a list by the Town to be cut. He also encouraged me to contact DPW office directly in the future if I needed assistance.

I want to commend the quick response I received from both you and Mike as well as Mike's approach and recommendations to my situation. This is the first time I met Mike and clearly he is an asset to the department and The Town of Reading. It is all too quick that complaints are sent so I wanted to take the time to thank both Mike and you.

I am very pleased and hopefully this will be a good start to my resolution.

Thank you again!

Best,  
Kathleen P Kenney  
307 Ash St

On Jul 17, 2013, at 12:29 PM, Schena, Paula wrote:

- > Kathleen,
- > I am sending this email along to our Tree Warden Bob Keating.
- >
- > Paula Schena
- > Office Manager
- > Town of Reading
- > 16 Lowell Street
- > Reading, MA 01867
- >
- > Phone: 781-942-6643
- > Fax: 781-942-9071
- > [pschena@ci.reading.ma.us](mailto:pschena@ci.reading.ma.us)
- > [www.readingma.gov](http://www.readingma.gov)
- > Town Hall Hours:
- > Monday, Wednesday and Thursday - 7:30 a.m. - 5:30 p.m.

9KI

> Tuesday - 7:30 a.m. to 7:00 p.m.

> Friday - CLOSED

> Please let us know how we are doing - fill out our brief customer service survey at <http://readingma-survey.virtualtownhall.net/survey/sid/8cebfd833a88cd3d/>

>

> -----Original Message-----

> From: KATHLEEN KENNEY [[mailto:](#)

> Sent: Wednesday, July 17, 2013 12:12 PM

> To: Schena, Paula

> Subject: Carpenter Ants

>

> Paula, Hello!

> I am not sure who I should direct my request for help to but based on the website info, I am hoping if it is not you, you would be so kind as redirect my email to the correct department/person.

>

> I am owner and resident of 307 Ash St. My home is having a major issue with carpenter ants. doing all the typical things a home owner would do, nothing has helped until I contacted a pest control expert to visit. He obviously knew much more than I did and knew where to look. He indicted his major findings to be the two town trees located in front of my home. His findings are that these two trees are the cause of the major problems with carpenter ants I am having. They are clearly obvious around the trees.

>

> Please advise how the town can assist with this problem. asap. Please advise.

>

> Thanks so much!

> Kathleen P Kenney

> 307 Ash St

> Reading,

> email: [kenneyk@me.com](mailto:kenneyk@me.com)

9K2

L/C BOS

**Schena, Paula**

---

**From:** LeLacheur, Bob  
**Sent:** Sunday, July 21, 2013 1:14 PM  
**To:** Schena, Paula  
**Subject:** FW: Reading's water costs

for next BOS packet

---

**From:** LeLacheur, Bob  
**Sent:** Sunday, July 21, 2013 1:13 PM  
**To:** Gina DiRocco; Zager, Jeff  
**Cc:** jbonazoli@ci.reading.ma.us  
**Subject:** RE: Reading's water costs

Hi Gina and Carl,

Thanks for the inquiry and your interest. Unfortunately the Globe chose to simplify the water issue, leading to confusion and some very misleading conclusions.

As an illustration, think about a gas guzzling big, old automobile that uses cheaper regular gas, and compare it to a fuel-efficient vehicle that must use more expensive high-test gas. The important fact to the consumer is how much money they spend on gas in total, not the average price per gallon, right? The Globe article pretends the fuel-efficient vehicle uses the same amount of fuel as the gas-guzzler, and therefore if you own one you must spend more money on buying gas.

If you look at the first and seventh page of today's Globe North section, you will see their simplifying assumption that every household across the state uses 90,000 gallons/year. I spoke to author Matt Carroll several times for this story, but do not know exactly all the math he used in the article. Let's say the average household has 2.5 people - which is about right for Reading. Thus 90,000 gallons per household per year works out to 36,000 gallons/person/year - or about 99 gallons/person/day.

Look at the table on page 7 and you'll see Reading's usage is VERY low. Our neighbors include Woburn (87), Lynnfield (81 & 68), North Reading (75), Stoneham (64) and Wakefield (61); at **47 gallons/day/person in Reading** we are MUCH lower than that 99 gallon average that the Globe assumes. I discussed this with Matt, but he chose to simplify the story - the column "typical homeowners cost" in that table on page 7 simply has no basis in fact. The typical homeowner in Reading sees a water bill less than half of what the Globe reports!

As the article states, we are paying the MWRA about 20% of every water bill for the privilege of joining their system, and will continue to do that for several more years. In addition, we pay about 25% of each water bill to purchase water from the MWRA. The rest of the water bill is to pay for system repairs and personnel.

In Reading we do spend a lot of money keeping our water/sewer infrastructure in good shape, and have 25 year forward-looking capital plans that propose to keep doing that. This significantly reduces system water leakage, which along with residential conservation efforts help us use less water than most communities. Thus our water rates are high (we buy the expensive gas) - but our actual water bills are not (we get good mileage).

I have copied Board of Selectmen Chair James Bonazoli so he is aware of your concerns. I look forward to any follow up questions you might have.

Thanks,  
Bob

**Robert W. LeLacheur, Jr. CFA**  
Town Manager  
Town of Reading

961

16 Lowell Street  
Reading, MA 01867  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
(P) 781-942-9043  
(F) 781-942-9037  
[www.readingma.gov](http://www.readingma.gov)

Please fill out our brief customer service survey at:  
<http://readingma-survey.virtualtownhall.net/survey/sid/8cebfd833a88cd3d/>

Town Hall Hours:  
Monday, Wednesday and Thursday: 7:30 a.m - 5:30 p.m.  
Tuesday: 7:30 a.m. - 7:00 p.m.  
Friday: CLOSED

---

**From:** Gina DiRocco [mailto:[GinaDiRocco@ci.reading.ma.us](mailto:GinaDiRocco@ci.reading.ma.us)] ]  
**Sent:** Sunday, July 21, 2013 11:59 AM  
**To:** Zager, Jeff; LeLacheur, Bob  
**Subject:** Reading's water costs

Good Morning Mr. Zager and Mr. LeLacheur,

We wanted to express our dismay that Reading has the 2nd highest water bill of all towns covered in the Boston Globe article from 7/21. I always knew that getting a water bill meant that we had to tighten up on other expenses for a few weeks, but we just dealt with it. Now we see surrounding towns paying less than half of what we pay and are annoyed and angered. This situation naturally begs the question as to why this is so, and what is our leadership doing wrong.

Are there any plans to bring our water expense more in line that of surrounding towns?

Sincerely,

Gina and Carl DiRocco  
33 Knollwood Road