



Town of Reading Meeting Minutes

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Board - Committee - Commission - Council:

Select Board

Date: 2022-03-01

Time: 7:00 PM

Building: Reading Town Hall

Location: Select Board Meeting Room

Address: 16 Lowell Street

Session: Open Session

Purpose: General Business

Version: Final

Attendees: **Members - Present:**

Chair Karen Herrick, Vice Chair Anne Landry, Secretary Mark Dockser, Carlo Bacci, Chris Haley

Members - Not Present:

Others Present:

Town Manager Fidel Maltez, Recreation Administrator Genevieve Fiorente, Nancy Tawadros, Angela Binda, Patrick Silva, Robert Silva, Ed Ross (remote), Rick Houle (remote), Matt (remote), Christopher Messing (remote), Mike Sheedy (remote), Alan & Ace Foulds (remote), Jeff Mullen (remote), Karen DeAngelis (remote), Kendra Cooper (remote), Jackie McCarthy (remote), Kate DePalma (remote), Eileen Litterio (remote), Town Engineer Ryan Percival (remote), Joe DiGiovanni (remote), Administrative Specialist Jacquelyn LaVerde (remote), Town Counsel Ivria Fried (remote), Sasha Gill LCCP Law (remote), Louise Saunders MIIA (remote)

Minutes Respectfully Submitted By: Jacquelyn LaVerde

Topics of Discussion:

Documents used:

34 Deborah Drive Driveway – SB

34 Deborah Drive HydroCAD Report

34 Deborah Drive Plot Plan

Email from Joseph DiGiovanni: Feedback about 34 Deborah Drive Accessory Apartment

Water and Sewer Improvements update - SB 2-22-2022

Copy of 20220131 FY23 Capital Plan

Copy of SB priorities survey -updated

21-1223 Rare Hospitality International Letter to local boards

2022-01-24 Longhorn Steakhouse Change of Officer – Redacted

Portable Lights at Coolidge

emails of support

2022 TM Annual Warrant DRAFT-6

2018-10-30 Select Board Minutes

2022-02-01 Select Board Minutes DRAFT - Simple- ajl & kh & md & if

2022-02-15 SB Minutes DRAFT - Simple- ajl MD KH edits

This meeting was held in-person and remotely via Zoom.

SB Liaison & Town Manager Reports:

Mark Dockser stated that ReCalc meets every two weeks and is making progress. They would like to come to the Select Board on March 22nd to present where they are in the process.

Chris Haley shared highlights from the School Committee meeting: the mask mandate was rescinded, though it is still recommended that unvaccinated children wear them; a GoFundMe page was setup to help bring the



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Vietnam Vet Memorial to the High School; and sixth grade students from Coolidge presented their illustrative math.

Anne Landry stated that the new Director of Equity and Social Justice has been hired and it would be nice to invite her to introduce herself at the next meeting.

Karen Herrick noted that the School Committee approval was not necessary for the Community Garden. MA DOER will be holding public hearings on the stretch code for the public to provide feedback.

Town Manager Fidel Maltez thanked former Town Manager Bob LeLacheur for welcoming him and completing a balanced budget for FY23. The Town Moderator confirmed that Town Meeting will be in-person at the Performing Arts Center at the High School. The FY23 budget has been completed and submitted to the Finance Committee.

Karen Herrick announced that Mr. Maltez will be attending a meet and greet at the Burbank YMCA on March 16th from 8:00 am to 11:00 am.

Public Comment:

There was no comment from the public.

Consent Agenda:

Vote to dissolve the Ad Hoc Town Manager Screening Committee

Anne Landry stated that the Board is in good position to dissolve the ad hoc Town Manager Screening Committee. New Town Manager Fidel Maltez is now fully on board.

Approve Deborah Drive Driveway Request

Town Engineer Ryan Percival presented the proposed plan to add a secondary driveway to serve as ADA access to an addition on the left-hand side of the existing house being built for aging parents. The Select Board policy requires 125 feet between driveways. However, this request was only 43 feet and was therefore denied by Engineering on January 11th. The applicant requested that the request be brought before the Select Board for a waiver. Engineering and Conservation had concerns about drainage, which were addressed by the addition of drip trenches and a rain garden to capture the entirety of the driveway, which meets the capacity of a 100-year storm. The matter was brought before the Parking Traffic Transportation Task Force (PTTTF) and there was no reason for concern that a second driveway would affect safety or traffic.

Applicant Patrick Silva of 34 Deborah Drive was present and explained that the project was already approved by the Zoning Board of Appeals with the condition that the Conservation Commission and Select Board approved. Conservation approved with the condition that the Select Board approved. The accessory apartment is for Mr. Silva's parents, and his mother needs wheelchair access. He stated that though he did not want to add a second driveway, they designed the smallest one they could.

Vote to extend sunset date for Parking Advisory & Recommendations Committee (PARC) to April 30, 2022

Chris Haley explained that the PARC is reaching the end of its work. There are only two meetings left and the only topic they are still working on is the two-hour scenario. He stated that he does not anticipate needing more time beyond April 30th.

Mark Dockser moved to accept the consent agenda as proposed. The motion was seconded by Karen Herrick and approved 5-0 by unanimous vote.

Water Sewer Capital Projects Overview:

Town Engineer Ryan Percival presented status and cost updates on approved water and sewer projects including: Sturges Pump Station, downtown water and sewer improvements, Gazebo Circle improvements, Auburn Street water tank, and Emerson Street and Walkers Brook Drive water main replacements. All projects total almost \$19 million. There may be potential for MassWorks grants where economic development is involved. All of these projects are eligible for ARPA. Other possible ways to offset costs include chapter 90 program and the small bridge program. Following discussion, Mr. Percival also noted that there are supply chain delays that may affect project costs in the future.

Approve Longhorn Change of Officer:

Elizabeth Pisano of Upton, Connell, and Devlin was present on behalf of Longhorn and explained that the application was just for an officer change. There will be no operational changes to the restaurant. Mr. Dockser



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emphasized that it is important to make sure there are no violations and commended the restaurant for having no violations in Reading.

Mark Dockser moved to approve the change of officer request for Long Horn Steakhouse. The motion was seconded by Chris Haley and approved 5-0 by unanimous vote.

Discuss/Approve Temporary Lights at Coolidge:

Recreation Administrator Jenna Fiorente reviewed the plan to place four portable lights at the Coolidge Middle School soccer field from April 15th to June 15th for practices while Turf 1 at the High School is offline for replacement. The total cost is a little over \$5,000, which will be shared by the Recreation Division, Soccer, and Lacrosse.

Mark Dockser moved to approve the placement of temporary lights at Coolidge. The motion was seconded by Carlo Bacci and approved 5-0 by unanimous vote.

Vote to Close Warrant for Annual Town Meeting:

The Board reviewed the Annual Town Meeting warrant. Mr. Maltez noted there were no changes to the 19 articles presented at the last meeting. Ms. Fried noted that after the draft warrant was circulated, formatting was adjusted, and typos corrected, but no change was made to any content.

Mark Dockser moved to close the Annual Town Meeting warrant consisting of 19 Articles to take place on April 25, 2022, as amended. The motion was seconded by Chris Haley and approved 5-0 by unanimous vote.

Discuss Town Charter Section 5.1: Town Manager termination pay:

Karen Herrick reviewed the matter, which was brought to the Board's attention by the Town Accountant. Town Counsel had given her opinion on the Town Charter language allowing termination pay, which was put in while the first Town Manager was in place. Board members discussed their opinions on the matter.

Anne Landry proposed to provide one month salary and reasoned that Peter Hechenbleikner was Town Manager for almost 30 years and received three months of termination pay. Mr. LeLacheur was Town Manager for 9 years, or about one-third the time. With the recent budget, some requests of Department Heads and residents were left out to fund other priorities, which is another reason to only offer one month. Also, Mr. LeLacheur provided six months' notice, and she would like to incentivize that kind of advanced notice for future Town Managers.

Carlo Bacci echoed Ms. Landry's sentiments, but advocated for a minimum of three months, as Mr. LeLacheur was a leader in this Town and went above and beyond anyone else, and it sends a message to future Town Managers.

Karen Herrick stated that she has fielded calls from residents saying the Charter provision is too vaguely worded and proposed that it be considered for our next Charter review. She noted that she reviewed prior Select Board meeting minutes where the discussion of Town Manager severance pay was awarded and they referenced the employment contract. She shared that Community Paradigm reconfirmed that termination pay is not a common provision of town manager employment contracts. She also noted that Mr.

LeLacheur has not requested compensation under this clause, and because of his employment contract was not allowed to forego his pay increase while other staff did prior to the 2018 override. She noted Mr. LeLacheur is entitled to all of the post-employment benefits, pension, \$39,000 in vacation pay and has taken a paid position with the Town of Concord. She is not in favor of awarding termination pay.

Mark Dockser noted that the Town is not a private company, rather a Town Government talking about taxpayer money. If the provision was in the contract, it would be clear, but it is not. It is a provision in the Charter only used once. He stated that he felt it is not appropriate for the Board to make a termination payment.

Anne Landry moved to offer one month salary, subject to the availability of funds and approval of Town Meeting. The motion was seconded by Chris Haley. Following discussion, the motion was approved 4-1 with Carlo Bacci, Chris Haley, Mark Dockser, and Anne Landry in favor, and Karen Herrick opposed.

Discuss Future Agendas:

Mr. Maltez noted that land use and Symonds Way update, an update on Town website, and an introduction of the new Director of Equity and Social Justice were added to the next agenda.

Karen Herrick added a hearing to remove a Trails Committee member who has not been attending meetings and has not responded to efforts made to contact her.



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Mark Dockser requested a discussion on categories for ARPA.

Anne Landry suggested a discussion on which earmarks to request through the state budget, and a discussion on the process for volunteer boards and committees to request funds from the Select Board reserve account.

Approve Meeting Minutes: February 1, 2022, February 15, 2022:

Mark Dockser moved to approve the meeting minutes of February 1, 2022, and February 15, 2022, as amended. The motion was seconded by Anne Landry. Chris Haley stated that he disagreed with changing the minutes from what was accurately said at the time. Ms. Landry noted that she assumed any edits from Town Counsel would reflect accuracy in terms of what was actually said as well as what is in the Charter. **The motion was approved 5-0 by unanimous vote.**

Executive Session: Purpose 3: Discuss litigation strategy with respect to Toussaint v. Reading:

At 9:25 pm, Mark Dockser moved that the Board go into Executive Session, including staff members Fidel Maltez and Jackie LaVerde, Town Counsel Ivria Fried, Special Counsel Alexandra Gill, and MIIA representative Louise Saunders, under Purpose 3, to discuss litigation strategy with respect to Toussaint v. Reading, and further the Chair declares that an open meeting could have a detrimental effect on the litigation position of the body; and that the Board will NOT reconvene in open session. The motion was seconded by Karen Herrick and approved 5-0 by unanimous roll call vote.