



## Town of Reading Meeting Minutes

### Board - Committee - Commission - Council:

RMLD Board of Commissioners

Date: 2022-04-08

Time: 1:30 PM

Building:

Location:

Address:

Session: Open Session

Purpose:

Version: Final

### Attendees: **Members - Present:**

Marlena Bitz, Chair; Philip Pacino, Vice Chair; John Stempeck, Commissioner; David Talbot, Commissioner; Robert Coulter, Commissioner.

### **Members - Not Present:**

### **Others Present:**

RMLD Staff: Coleen O'Brien, General Manager; Erica Morse, Executive Assistant.

**Minutes Respectfully Submitted By:** Philip Pacino, Secretary Pro Tem

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### Topics of Discussion:

#### 1. Call Meeting to Order

Chair Coulter called the meeting to order at 1:30 PM and announced that the meeting would be held on Zoom and streamed live on RCTV and YouTube.

#### **Opening Remarks and Introductions**

Chair Coulter read the RMLD Board of Commissioner's code of conduct and asked all remote attendees to identify themselves.

Vice Chair Pacino served as Secretary at the meeting.

#### 2. Determination of Uniqueness for Property

Coleen O'Brien, General Manager, reported on the Determination of Uniqueness.

Due to the uniqueness of the property, RMLD did not go out looking for land. According to the law, the Determination of Uniqueness must be signed and advertised for 30 days.

The General Manager noted the importance of timing in the land purchase process. The LOI has been signed; RMLD is waiting on the draft purchase and sale agreement. Once received, the Department has ten days to negotiate the purchase and sale, then 90 days to complete the due diligence. The 30 days for advertising must be completed prior to signing the purchase and sale.

The General Manager spoke with the Town Manager and attorney, who noted that the RMLD may not have to go to Town Hall to approve the land purchase. The General Manager noted that Chris Pollart, KP Law, advised that in the Charter there is no exemption for RMLD; other MLPs may have exemptions.

One benefit of bringing the purchase to Town Meeting is that if RMLD were to dissolve, the property would become town land. In that situation, bringing this to Town Meeting would be an important step to have record of.

The General Manager would not be asking the town for approval to use the \$4 M to purchase the land. However, a memo will be sent to the Town, outlining the justifications for the land purchase, in preparation for the Special Town Meeting in May.

Chair Coulter stated that there is a risk going to Special Town Meeting because of the chance that there will be no quorum.

Chair Coulter asked about the legal opinion which recommends going to Town Meeting regarding a land purchase. Commissioners Coulter, Stempeck, and Talbot agreed that going to Town Meeting for approval may not be necessary and requested to look further into the requirements. It was suggested that RMLD inform the town rather than request approval.

It was decided that the General Manager would get a second legal opinion from Nick Scobbo on the matter.

Commissioner Talbot asked for a recap of the history of RMLD's efforts to secure the land and what the budgetary impacts have been over the years, comparatively. The General Manager agreed to this request and noted that when the search for land began, the cost was \$100 K per acre; now, the cost is \$1M per acre based on market value.

Chair Coulter asked a question about the substation; The General Manager presented Attachment 2 and responded that the substation has 6 feeders. Commissioner Coulter stated that the piece of land is of adequate size.

Vice Chair Pacino made a **motion**, seconded by Commissioner Stempeck, move that the RMLD Board of Commissioners approve the Determination of Uniqueness of property and waive the publication requirements of M.G.L. Chapter 30B § 16, with respect to the acquisition of land located at 326 BALLARDVALE STREET, WILMINGTON, MA 01887.

**Motion Carried:** 5:0:0 (5 in favor; 0 opposed)

Roll Call: Chair Coulter, Aye; Vice Chair Pacino, Aye; Commissioner Stempeck, Aye; Commissioner Talbot, Aye; Commissioner Bitá, Aye.

### 3. Adjournment

Vice Chair Pacino made a **motion**, seconded by Commissioner Stempeck, move that the RMLD Board of Commissioners adjourn Regular Session.

**Motion Carried:** 5:0:0 (5 in favor; 0 opposed)

Roll Call: Chair Coulter, Aye; Vice Chair Pacino, Aye; Commissioner Stempeck, Aye; Commissioner Talbot, Aye; Commissioner Bitá, Aye.

### *Documents Used*

2022-04-08 RMLD Board of Commissioners Regular Session Packet  
Board Packet Attachment 1 "Determination of Uniqueness" (Item 2)

### *Documents Presented During the Meeting*

PDF, Attachment 2 "326 Ballardvale street, Wilmington, MA Map" (Item 2)

A true copy of the RMLD Board of Commissioners minutes as approved by a majority of the Commission.

*Philip B. Pacino*

Philip B. Pacino, Secretary Pro Tem RMLD Board of Commissioners