

Board of Selectmen Meeting Agenda  
Auburn Town Hall, Selectmen’s Meeting Room  
104 Central Street, Auburn, MA. 01501  
March 9, 2020 - 6:00 P.M.

Present: Kenneth A. Holstrom, Daniel S. Carpenter, Doreen M. Goodrich, Lionel R. Berthiaume, Tristan J. Laliberte and Town Manager Julie A. Jacobson

The meeting was called to order at 6:00 P.M.

The Board of Selectmen voted to go into executive session, in accordance with MGL Chapter 30A Section 21 (a) (3), to deliberate upon matters, which if done in an open meeting could detrimentally affect the position of the town, regarding strategy with respect to litigation to come out of executive session and reconvene in an open meeting (Motion made by Mrs. Goodrich; motion seconded by Mr. Berthiaume) roll call vote: Mrs. Goodrich, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Holstrom, Yes – passed 4 to 0.

The Chairman then declared that an open meeting might have a detrimental effect on the negotiating position of the public body relative to litigation and that the Board would come out of executive session and reconvene in open session.

The meeting was reconvened in open session at 7:08 P.M. Mr. Laliberte was in attendance.

The Chairman announced that the meeting was being recorded and asked if anyone else was recording the meeting. No one so indicated.

The Board led the Pledge of Allegiance.

Public Comments

Wayne Page of 90 Old Common Road encouraged all residents to vote in the annual town election.

DDIS Director Darlene Coyle advised the Board about steps that the Board of Health has taken to raise awareness about the coronavirus and precautions to be taken to protect oneself from the illness. She said that they were the normal precautions people should be taking during the flu season. Ms. Coyle said that information will also be provided on the town’s website.

Public Hearings/Presentations

Change of Manager Bentley Pub LLC 602 Southbridge Street, Auburn, MA. 7:00 P.M.

The Board voted to open the public hearing at 7:18 P.M. (Motion made by Mrs. Goodrich; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

The proposed new manager Stephen Bingham was present, explained the application, and informed the Board about his professional background and experience. He said that there would be no change in the nature of the operations.

The Police Chief provided his statement that he did not oppose the change of manager as requested.

At 7:20 P.M. the Board voted to close the hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board of Selectmen voted to approve the change of manager to Stephen Bingham (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Troy's, Inc. Retail Liquor License Amendment – Alteration of Premises 125 Oxford Street North, Auburn, MA. – 7:00 P.M.

At 7:21 P.M. the Board of Selectmen voted to open the public hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

David Troy was present and explained plans for the alteration of premises.

Town Manager Julie Jacobson explained the state requirements to serve alcohol outside of the indoor establishment.

Mr. Berthiaume asked whether there would be entertainment or a change in the hours.

Mr. Troy replied that there would be no change in the hours of operation and no entertainment.

Mrs. Goodrich asked the Board to establish a specific closing time as a condition of the license. She also inquired about buffers for noise.

Mr. Troy responded that there were many trees and other natural buffers. He said that there was also noise because of the number of cars travelling on Oxford Street North.

Mr. Berthiaume asked if there were residences above Troy's and he pointed out that there were a small market and a barber shop next door. He expressed agreement with Mrs. Goodrich that there should be specific hours of operation on the deck to be placed on the license.

Mr. Troy said that there was one residence about his business.

Mr. Berthiaume asked about plans for underneath the deck. Mr. Troy advised that an outdoor cooler would be located there and that he planned to enclose the underneath part of the deck.

Mr. Holstrom asked if there would be any more employees. Mr. Troy responded in the affirmative and they would be certified.

There was no one from the public wishing to speak on the application.

At 7:32 P.M. the Board voted to close the public hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Mrs. Goodrich made a motion to approve the alteration of premises with the condition that the outdoor patio is closed at 10:00 P.M. and that the Board of Selectmen is told of any noise that come in to the town offices or departments. Mr. Laliberte seconded the motion.

In discussion, Mrs. Goodrich proposed the amendment that the outdoor patio is closed at 11:00 P.M. with the last call and service being at 10:00 P.M. Mr. Carpenter proposed the amendment to add that the approval is provided that all applicable requirements of the state and town and any of its departments, boards and commissions have been fulfilled. Said license is subject to all the conditions stated upon it. Failure to comply with any and all the conditions shall invalidate the license and render it null and void and with the conditions of the Board of Selectmen to be placed on the license.

Mrs. Goodrich accepted the amendments to her main motion and Mr. Laliberte seconded.

The amended motion stated as follows:

To approve the alteration of premises with the condition that the outdoor patio is closed at 11:00 P.M. with the last call and service being at 10:00 P.M. and that the Board of Selectmen is told of any noise complaints that come in to the town offices or departments, and provided that all applicable requirements of the state and town and any of its departments, boards and commissions have been fulfilled. Said license is subject to all the conditions stated upon it. Failure to comply with any and all the conditions shall invalidate the license and render it null and void and with the conditions of the Board of Selectmen to be placed on the license.

The Board of Selectmen then voted unanimously in favor of the amended motion 5 to 0.

Petition by Massachusetts Electric Co. d/b/a National Grid for Pole and Wire Locations Hearing – Brook Street

The petition by National Grid is to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Brook Street - National grid to install 1 SO Pole on Brook Street beginning at a point Approximately 265' feet southeast of the centerline of the intersection of Whitetail Run And Brook Street and continuing approximately 42 feet in a northeast direction. National Grid to install new pole 8-3 approximately 42 feet in a northeast direction from existing pole 8, in order to provide service to a new home at 23 Brook Street.

At 7:35 P.M. the Board voted to open the hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Steve Soucy, a designer for National Grid, was present and explained the petition.

There were no abutters wishing to speak on the petition.

At 7:37 P.M. the Board voted to close the hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board of Selectmen then voted to approve the petition (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Mrs. Goodrich disclosed that she is a long-time member of the Elks and she has no financial interest in the two matters before the Board tonight for the Elks and she can make fair and objective decisions

Auburn Webster Elks 2118 Retail Liquor License Amendment Alteration of Premises - 754 Southbridge Street, Auburn, MA. – 7:00 P.M.

At 7:39 P.M. the Board voted to open the public hearing on the application for the retail liquor license amendment alteration of premises (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Bill Coakley was present for the application. He explained the applications and explained the steps he has taken for the enclosed porch and only in and out through the main building.

Mr. Coakley advised that several club members are TIPs certified and all the bartenders are also certified.

The Development Coordinating Group (DCG) provided the following recommendations:

- The applicant shall obtain all necessary permits and inspections from Town Departments, Boards, or Commissions;
- The applicant shall supply the Planning Board an engineered parking plan for the site and receive all necessary approvals;
- The applicant shall ensure that there is a physical boundary around the area approved by the ABCC for extension of premise;
- The applicant shall ensure that there is no alcohol consumed or served outside of the approved area;
- The applicant shall have signs stating “No Beverages Beyond this Point” around the approved area for consumption of alcohol;
- The applicant shall notify the Board of Health about any events with outdoor cooking and comply with any permits and inspections necessary.

There was no one in attendance wishing to speak on the application.

At 7:48 P.M. the Board voted to close the hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

Mrs. Goodrich made a motion to approve the license amendment alteration of premises with the condition that the Board of Selectmen is advised of any noise complaints that come into the town offices or departments. Mr. Berthiaume seconded the motion and the Board voted in favor 5 to 0.

Mrs. Goodrich then made a motion for an amendment to include the same conditions as those voted for Troy’s., so that the amended motion was: to approve the license amendment alteration of premises with the condition that the outdoor patio is closed at 11:00 P.M. with the last call and

service being at 10:00 P.M. and that the Board of Selectmen is advised of any noise complaints that come in to the town offices or departments, and provided that all applicable requirements of the state and town and any of its departments, boards and commissions have been fulfilled. Said license is subject to all the conditions stated upon it. Failure to comply with any and all the conditions shall invalidate the license and render it null and void and with the conditions of the Board of Selectmen to be placed on the license.

Berthiaume seconded the motion and the Board of Selectmen voted in favor 5 to 0.

Auburn Webster Elks 2118 Outdoor Entertainment License

At 7:51 P.M. the Board voted to open the public hearing on the application by the Auburn Webster Elks 2118 for an Outdoor Entertainment License (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Bill Coakley discussed the application for an Outdoor Entertainment License. He said that the car shows have been held for many years and he confirmed that he wasn't aware that additional licenses were required because they have had these shows for several years. Mr. Coakley went on to say that once he became aware of the requirement he complied with the direction to apply for the licenses.

Mr. Coakley described plans to contain the alcohol service and consumption with a corral that was doubled banded the same as at the airports and there will be 25 volunteers so there will be many eyes to observe the activity.

Mr. Coakley explained plans for DJs and bands to play. The events would be until dusk and not past that time. There would not be music every time, but sporadically in the good weather. Mr. Coakley acknowledged that there were buffers in the forms of a natural tree area on two sides of the property and seven acres before getting to the Hampton Inn property. The DJ would be playing towards the back of the building.

The DCG provided the following recommended conditions:

- The applicant shall obtain all necessary permits and inspections from Town Departments, Boards, or Commissions;
- The applicant shall supply the Planning Board an engineered parking plan for the site and receive all necessary approvals;
- The applicant shall ensure that there is a physical boundary around the area approved by the ABCC for extension of premise;
- The applicant shall ensure that there is no alcohol consumed or served outside of the approved area;
- The applicant shall have signs stating “No Beverages Beyond this Point” around the approved area for consumption of area;
- The applicant shall notify the Board of Health about any events with outdoor cooking and comply with any permits and inspections necessary.

Ken Holstrom asked if there was anyone in attendance that wished to speak on the application. No one so indicated.

At 7:55 P.M. the Board voted to close the public hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board of Selectmen voted to approve the license, provided that all applicable requirements of the state and town and any of its departments, boards and commissions have been fulfilled. Said license is subject to all the conditions stated upon it. Failure to comply with any and all the conditions shall invalidate the license and render it null and void, and with the conditions of the DCG to be placed on the license, and that the hours of operation will be 10:00 A.M. to 9:00 P.M. and that the Board of Selectmen are notified if any noise complaints come in to the town departments or offices (Motion made by Mr. Berthiaume; motion seconded by Mr. Carpenter) voted in favor 5 to 0.

#### Communications

There were no items.

#### Board of Selectmen General Items

##### Seasonal Open Air License on Town Property – Boy Scout Troop 101 Annual Yard Sale at Auburn Public Library on Saturday May 23, 2020 7:00 A.M. to 3:00 P.M.

A representative of Troop 101 was present on behalf of the application and explained plans for the annual yard sale at the Public Library.

The Library Director had provided approval for the event to be held in the library parking lot.

The Board of Selectmen voted to approve the license application as presented (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board of Selectmen voted to approve the waiver of the application fee (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

##### Seasonal Open Air License on Town Property – Boy Scout Troop 101 Annual Bottle and Can Drive at Auburn Fire Station 47 Auburn Street on Saturday April 25, 2020 8:00 A.M. to 2:00 P.M.

A representative of Troop 101 was present on behalf of the license application and he explained the event.

Fire Chief Stephen Coleman had provided approval for the use of the location at the Fire Station for the bottle and can drive.

The Board of Selectmen voted to approve the license application (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board of Selectmen voted to approve the waiver of the application fee (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Board of Registrars Certification of Request by Petition for Ballot Question to be placed on the May 19, 2020 Annual Town Election Ballot.

The Board of Selectmen reviewed and discussed the certification by the Board of Registrars for petitions requesting the following question to be placed on the May 19, 2020 Annual Town Election Ballot:

Shall the town vote to accept the provisions of section nineteen B of chapter forty-one of the General Laws and thereby provide permanent tenure for Debra A. Gremo, the present incumbent in the office of the town clerk?

Yes \_\_\_\_\_

No \_\_\_\_\_

The Board of Selectmen voted to place the question, as stated in the agenda item, on the May 19, 2020 Annual Town Election Ballot (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Zoning Bylaw Amendments for May 5, 2020 Annual Town Meeting Warrant

The Board reviewed a letter from the Town Planner Adam Menard that described the following zoning bylaw amendments proposed for the May 5, 2020 Annual Town Meeting Warrant.

- Section 3.2 & 3.3, Table of Uses and Description of Uses
- Section 5.4 Dimensional Regulations Table
- Section 1 Authority and Purpose and renumbering of Section 7.6
- Duplicate Chapters XIV, XV, XVI, XVII, XVIII
- Section 3.9.1.4 and new Section 14 – Animal bylaw
- Zoning Map Change

The Board of Selectmen voted to transmit the proposed zoning bylaw amendments back to the Planning Board for the required public hearings per MGL Chapter 40A Section 5 (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

Request by School Department to Utilize the Special Education Stabilization Fund in the amount of \$81,700.36.

The Board reviewed a letter from School Superintendent Dr. Maryellen Brunelle that requested that the Board of Selectmen votes approval to utilize the funding from the Special Education Stabilization Fund in the amount of \$81,700.36.

The School Committee has voted in support of utilizing funding from the Special Education Stabilization Fund in the amount of \$81,700.36.

School Business Manager Cecelia Wirzbicki was present and explained the need to utilize the funding because of the unexpected costs for special needs students coming into the district that will impact the FY2020 school budget.

The Board of Selectmen voted approval to utilize the funding from the Special Education Stabilization Fund in the amount of \$81,700.36 (Motion made by Mr. Berthiaume; motion seconded by Mr. Carpenter) voted in favor 5 to 0.

Vote on Acceptance of Housing and Urban Development (HUD) 2020 Capital Fund Program Formula Grant to Carry out Work Activities Identified in the Public Housing Authority's 5 Year Capital Action Plan.

Auburn Housing Authority (AHA) Chairman Wayne Page and AHA employee Betty Bacinskas were present and explained the item.

The Board of Selectmen was first asked to sign this document in 2018. Last year the Board expressed concerns because they have no oversight or management of the funds, yet they are required to sign off on the CIP for Housing Authorities to receive HUD grants.

The Board of Selectmen voted to accept, approve and authorize the Housing and Urban Development (HUD) 2020 Capital Fund Program Formula Grant to carry out work activities identified in the Public Housing Authority's 5 Year Capital Action Plan (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

The Board of Selectmen then voted to send a letter to our state delegation to review the section and file legislation to amend the law to remove the Board of Selectmen as the signature authority on grants and replace it with the Local Housing Authority (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Gift Acceptances in Accordance with MGL Chapter 44, Section 53A

The Board voted to approve with gratitude a gift acceptance to the Auburn Public Library from Joanne Johnson in the amount of \$30.00 to purchase pizza for library staff in appreciation of their efforts for children during school vacation week (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Proclamations and Recognitions

There were no items.

Review and Vote on Updated Board of Selectmen Policies per Recommendation of the Policy Sub-committee.

Board members went through each amendment proposed by the sub-committee. Following the discussion there was a sense of the Board to make the changes as discussed and come back to the Board.

Town Manager Items

Vote to Authorize the Town Manager to Apply for, Accept and Expend Funds under the 2019 State Homeland Security Program (SHSP) Citizens Corp Program (CCP) Grant in an Amount up to \$3,500.00.

The Town Manager Julie Jacobson explained the grant program.

The Board of Selectmen voted to authorize the Town Manager to apply for, accept and expend funds under the 2019 State Homeland Security Program (SHSP) Citizens Corp Program (CCP) Grant in an amount up to \$3,500.00 (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

Tabled Items

There were no items.

Board of Selectmen Member Items

There were no items.

Public Comments

There were no public comments.

Chairman Kenneth Holstrom asked if there were any errors or omissions to the minutes of February 10, 2020. There being none, the Chairman accepted the minutes of February 10, 2020 as written.

The meeting was adjourned at 9:05 P.M. (Motion made by Mrs. Goodrich; motions seconded by Mr. Berthiaume) voted in favor 5 to 0.

Submitted: Sharon A. Kwiatkowski  
Assistant to the Town Manager, Admin.

The following documents were part of the Board of Selectmen's Meeting of April 13, 2020 and are retained in the Executive Office of the Town Manager:

- March 9, 2020 Agenda
- Application Documents – Change of Manager Bentley Pub LLC 602 Southbridge Street, Auburn, MA.; Notice of No Objection from the Auburn Police Chief via email dated February 24, 2020
- Application Documents – Troy's, Inc. Retail Liquor License Amendment – Alteration of Premises 125 Oxford Street North, Auburn, MA.; Notice to Abutters; Comments from the Members of the Development Coordinating Group (DCG); Notice of No Objection from the Auburn Police Chief via email, provided No Outdoor Music or Audio is Allowed
- Petition by Massachusetts Electric Co. d/b/a National Grid for Pole and Wire Locations on Brook Street; Location Map: Copy of Notice to Abutters
- Application Documents – Auburn Webster Elks 2118 Retail Liquor License Amendment Alteration of Premises 754 Southbridge Street, Auburn, MA.; Notice to Abutters; Comments from Development Coordinating Group (DCG) dated February 5, 2020
- Application Documents – Auburn Webster Elks 2118 Outdoor Entertainment License, 754 Southbridge Street, Auburn, MA.; Comments from Development Coordinating Group (DCG) dated February 5, 2020

- Application Documents – Seasonal Open Air License on Town Property Boy Scout Troop 101 Annual Yard Sale at Auburn Public Library 369 Southbridge Street on Saturday May 23, 2020 7:00 A.M. to 3:00 P.M.; Approval of Property Availability from Library Director dated February 12, 2020
- Application Documents – Seasonal Open Air License on Town Property Boy Scout Troop 101 Annual Can and Bottle Drive at Auburn Fire Station 47 Auburn Street on Saturday April 25, 2020 from 8:00 A.M. to 2:00 P.M.; Approval to Use Fire Station Property from Fire Chief email dated February 26, 2020
- Board of Registrars Certification of Request by Petition for Ballot Question to be placed on the May 19, 2020 Annual Election Ballot to Accept the Provisions of section nineteen B of chapter forty-one of the General Laws and thereby provide tenure for Debra A. Gremo, the present incumbent in the office of the town clerk
- Letter from Town Planner Adam Menard regarding Zoning Bylaw Amendments for the May 5, 2020 Annual Town Meeting Warrant as submitted by the Planning Board and Request that the Board of Selectmen transmit them back to the Planning Board for the required public hearings
- Request by School Department to Utilize the Special Education Stabilization Fund in the amount of \$81,700.36
- Gift Acceptance Forms – Auburn Public Library
- Proposed, Updated Board of Selectmen Policies Recommended by the Policy Subcommittee
- Minutes of February 10, 2020