

Minutes of the Meeting  
Of the Board of Selectmen  
Auburn Town Hall, Selectmen's Meeting Room  
104 Central Street, Auburn, Massachusetts  
June 10, 2019 – 7:00 P.M.

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

The Chairman Kenneth Holstrom called the meeting to order at 7:00 P.M. In accordance with the open meeting law he 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

There were no public comments.

Public Hearings/Presentations

There were no public hearings or presentations.

Communications

Chairman Holstrom read a card of appreciation and thanks to the Board of Selectmen from the family of recently deceased long-time town resident and volunteer, Ann Weston

Board of Selectmen General Items

Sheldon's Harley Davidson One Day Outdoor Entertainment Licenses and One Day Beer and Wine Licenses per the Event Calendar Remaining Dates. The Board had the recommendations of the Development Coordinating Group (DCG) from April 3<sup>rd</sup>.

Chad Raymond, Director of Operations for Sheldon's, was present.

Chairman Kenneth Holstrom stated that the applicant is before the Board tonight concerning the rest of the event dates on the calendar. The Board had previously approved licenses for April 26<sup>th</sup>, May 17<sup>th</sup> and June 16<sup>th</sup> (One Day Beer & Wine only).

Mr. Raymond said that the reason the business is having these events is to drive foot traffic to the store. He said that the last event went well, although there could have been more people.

Mr. Holstrom noted that an email was received from a resident at 60 Hill Street that complained of the loud music.

Mr. Raymond addressed the issue of decibel monitoring that Mr. Norwood raised last time and he said that the music was turned down when Mr. Norwood complained.

Mr. Holstrom read the complaint from David Norwood and showed photos portraying people drinking outside the tent area. Mrs. Goodrich noted that these were from Sheldon's Facebook page.

Doreen Goodrich played the music coming from Sheldon's that she recorded on her phone from inside her home and said it was loud and she received complaints.

Marc McCrillis of 12 Sunnyside Road stated that every event disturbs the peace in his neighborhood. He said that he can still hear music inside his home with the windows closed and the air conditioner on. Mr. McCrillis referred to the incident last October 2018.

Mr. Raymond said that there was no outside event in October.

Mr. McCrillis replied that the meeting of the Board was in October when Sheldon's was discussed.

Mr. Raymond pointed out that the Board approved licenses last year and there were no complaints until the end. He said that Sheldon's has tried to comply with all stipulations and has reduced the number of events and changed the times for music to be played. Mr. Raymond spoke about the benefits the business has given to the Town's Police and Fire Departments.

The Chairman noted calls to the Auburn Police Department on May 11, 2018, September 7, 2018 and May 17, 2019.

Mr. Raymond said that they were not made aware of last year's complaints.

Mr. Berthiaume said that he was disappointed with Chad and the ongoing complaints about the music. He said that he had asked the representative last time that, if someone complained, Sheldon's would see that the music was turned down to where the resident saw the difference. Mr. Berthiaume stated that he does understand that it's an echo chamber in the area.

Mr. Raymond said that he and the directors have discussed moving out of town because he can't be competitive in the market.

Mrs. Goodrich said that the Board has tried to work with Sheldon's on the issue and she was disappointed with their attitude to the Board of Selectmen.

Mr. Laliberte echoed Mr. Berthiaume's comments and he pointed out that he too has supported Sheldon's in the past. He noted that there were no decibel requirements in the bylaws.

Mrs. Goodrich said that the photos were sent to her and she had asked for them to be included in the Board's packets.

Chad Raymond advised that last year Sheldon's considered asking for an Indoor Entertainment License but found out that hiring an architect would be a condition of the DCG and he would have had to expend a great deal of money for the architectural services.

Mr. Carpenter talked about the ongoing issues with events and he pointed out that Sunnyside Drive is way over by Prospect Hill. He stated that he was not in support of additional approvals.

Mr. Berthiaume questioned why the music needed to be so loud; couldn't it just be background music so that people can talk to each other.

Samantha Raphael of 8 Sunnyside Road said that she could hear the music and lyrics perfectly with all the windows closed and she had difficulty putting her kids to bed on Friday at 7:30 P.M.

Town Manager Jacobson stated her concern about Sheldon's promoting events online for which they do not yet have permits.

Mr. Berthiaume said that he would like Sheldon's to be able to do events of three hours' length one time per month. He said that maybe they could change the time to 4:00 PM to 7:00 PM. He said that he would like to see an agreement on a happy medium.

Mr. Berthiaume further said that he appreciated the residents' concerns and he also recognized what Sheldon's was trying to do for their business.

Ms. Raphael said that she thought that a time until 7:00 P.M. would be satisfactory.

Mr. McCrillis said that music until 7:00 P.M. would help, but he's not sure if he can believe that Sheldon's would comply with that.

Mr. Raymond suggested that the business could change the day from Friday to Saturday and hold the events in the afternoons, although he is concerned with starting the process over again. Mr. Raymond further said that the drinks shown in the photos were all behind the fenced area for the alcohol service and consumption. He spoke about activities that are being set up in the area like Jenga and Corn Hole and he talked about the money he has already spent on the corn-hole games for the HOG Chapter, which is supposed to be having a competition as they have done at other clubs in the Town of Auburn.

Ken Holstrom berated Mr. Raymond and Sheldon's for the complaints about the noise and advertised events that have not been licensed and he said he would not vote for additional licenses.

Mrs. Goodrich clarified that the reason for limiting alcohol service and consumption to a particular area was so that the area could be monitored by the TIPS servers. Mrs. Goodrich stated that the residents are just not able to trust that the music would be kept reasonable.

Mr. Berthiaume clarified the term HOG as "Harley Owners Group".

Mr. Raymond said that the "HOG" group does many charity events to benefit the town.

At 8:09 P.M. the Board took a brief recess (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

The meeting was reconvened at 8:13 P.M.

The new General Manager of Sheldon's, Robert Thompson, was present and spoke about the decibel level issue. He stated his commitment to the Board to be available at the office or by cell phone for any complaints of excessive noise during the events.

Mr. Thompson addressed the manager's comments about their event ads online and said it is a tool to advertise and move their bikes. He said that if they couldn't get a license in Auburn for the event then they would move it to another town, but they would still have the event. Mr. Thompson said that he has been a general manager for 14 years all over the country and since Monday in Auburn. He asked the Board for another chance.

Mr. Carpenter said that he wants to meet with the Town Manager and Development Coordinating Group (DCG) to come up with a plan for decibel levels and he is not prepared to do anything tonight.

Mrs. Goodrich volunteered to be the Board's liaison to DCG to relay the Board's position on what they are looking for.

Mr. Carpenter made a motion to deny the licenses as provided for the One Day Outdoor Entertainment Licenses for Sheldon's. Mrs. Goodrich seconded for discussion.

The Town Manager advised that the DCG was an internal meeting of departments relating to issues on license approvals like safety and public health, etc. and is not a public meeting. She said that the next DCG meeting was June 19<sup>th</sup>.

Mr. Berthiaume suggested a sub-committee that included residents to determine decibel levels.

Ms. Jacobson stated that she wasn't comfortable to advise the Board on the appropriate decibel level tonight. She stated that she would have to do research on that question. Ms. Jacobson added that the Board has the ability as the licensing authority to establish a sub-committee.

Mr. Carpenter said that he didn't want to rush on this and the Board should allow the committees to do their work on the decibel level.

Mr. Raymond said that they have tried to work with the Town by changing the days and times and maybe Sheldon's will have to take the events out of Auburn if they are going to wait for the process to determine decibel level and have to resubmit the applications and repeat the entire process.

Mr. Carpenter then withdrew his motion and Mrs. Goodrich withdrew the second.

Mr. Laliberte made a motion to approve the One Day Outdoor Entertainment License for June 21, 2019 only, 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 music does not go above the decibel level of 50. Mr. Berthiaume seconded for discussion. There was an amendment by Mr. Berthiaume that the time is 4:00 P.M. to 7:00 P.M. on Friday June 21<sup>st</sup> instead of 5:00 P.M. to 8:00 P.M. to accommodate the residents and their children's bedtimes. Mr. Laliberte accepted the change.

Mrs. Goodrich stated that she would not support the motion but would be willing to consider a Saturday afternoon event.

Ms. Raphael said that she would like to see how a decibel of fifty sounds and go from there.

Mr. McCrillis was concerned about how the decibel level would be calibrated and he said the Board was moving too quickly.

Mr. Thompson said that they have to move quickly as this is a seasonal business and Sheldon's will abide by whatever decibel level the Board wants.

The vote on the motion was 2 to 3. Mrs. Goodrich, Mr. Carpenter and Mr. Holstrom opposed. The motion failed.

Mr. Berthiaume then made a motion to approve a One Day Outdoor Entertainment License for Saturday June 22, 2019 from 1:00 P.M. to 4:00 P.M., 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 music does not go above 50 decibels max. Mr. Laliberte seconded the motion and the Board voted in favor 3 to 2. Mr. Carpenter and Mr. Holstrom opposed. The motion passed.

Ms. Goodrich emphasized the point that if there is a single complaint, even if it goes to Mr. Thompson, the Board wants to hear about it.

Mrs. Goodrich asked for clarification as to the area for the service of alcohol. Mr. Raymond showed on the site plan where that would be in the tent and a roped off area of the lot outside it.

Mrs. Goodrich said that she still wanted to proceed with another meeting with DCG. Chad Raymond maintained that all the photos shown tonight were inside the tent service area.

Mr. Berthiaume then made a motion to approve a One Day Beer and Wine License for Saturday June 22, 2019 from 1:00 P.M. to 4:00 P.M., 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 an additional condition that allows the fenced-in area as proposed in the map in the Board's packets for the service and consumption of alcohol. Mr. Laliberte seconded the motion and the Board voted in favor 3 to 2. Mr. Carpenter and Mr. Holstrom opposed.

Mrs. Goodrich noted to the applicants that the DCG meeting will be June 19, 2019.

The Board voted to appoint Doreen Goodrich as DCG liaison for the Board of Selectmen (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board voted to move forward agenda item 5c) Application for Seasonal Open Air License on Town Property Boy Scout Troop 121 Bottle and Can Drive at Auburn Fire Station (Motion made by Mr. Laliberte; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Mr. Kevin Seaman of Troop 121 was present and explained the event. The Fire Chief had provided his approval to locate the bottle and can drive at the Fire Station on Saturday July 6, 2019 from 9:00 A.M. to 1:00 P.M.

The Board of Selectmen voted to approve the license application for Saturday July 6, 2019 from 9:00 A.M. to 1:00 P.M. (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

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

Mrs. Goodrich requested a future agenda item to vote that repeat applicants for Seasonal Open Air Licenses on Town Property are not required to attend the Board's meeting.

Application for One Day Beer and Wine Licenses (30) -Town of Auburn Pakachoag Golf Course.

DPW Director Bill Coyle and Recreation Director Kristen Pappas were in attendance. Mr. Coyle explained the license application for the 30 One-Day Beer and Wine Licenses.

Town Manager Julie Jacobson discussed the one-day licenses versus the year-round license in terms of liability to the Town because it is a public golf course.

The application was reviewed by the Development Coordinating Group and the Police Chief.

The DCG recommended the following conditions:

- The applicant shall obtain all necessary permits and inspections from Town Departments, Boards and Commissions.
- Applicable staff must be TIPS certified.
- The hours for serving alcohol to be from 10:00 A.M. to 9:00 P.M.

The Police Chief stated no problems with the issuance of the licenses.

The Board of Selectmen voted to approve the 30 license(s), 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 them. 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 (Motion made by Mr. Berthiaume; motion seconded by Mr. Carpenter) voted in favor 5 to 0.

The Board voted to move forward agenda item 6a) Roadway Improvement Update (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted unanimously in favor.

DPW Director Bill Coyle and Civil Engineer Joanna Paquin were in attendance to present the FY2020 Road Reconstruction and Resurfacing Project list.

Mr. Coyle discussed the coming year's projects and the program summary for FY2011 – FY2019.

He pointed out that the total miles of roadway worked on for that period with town projects was 36.61. State and other projects were 40 miles of roads.

Mr. Coyle said that the DPW would be working on line painting, street sweeping, berms and sidewalks over the summer and doing crack sealing in September.

Discussion on Summer Meeting Schedule – Recommend vote to set summer meetings on Monday July 15, 2019 and Monday August 12, 2019

The Board of Selectmen voted to approve the summer meeting schedule recommended as Monday July 15, 2019 and Monday August 12, 2019, pending the need for further meetings on call of the Chairman (Motion made by Mr. Carpenter; motion seconded by Mrs. Goodrich) voted in favor 5 to 0.

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

The Board of Selectmen voted to approve a gift acceptance to the Town of Auburn Recreation Department from Polar Beverages in the amount of \$2,500.00 for the 2019 Summer Concert Series, with a letter of gratitude signed by the Chairman (Motion made by Mr. Carpenter; motion seconded by Mrs. Goodrich) voted in favor 5 to 0.

The Board of Selectmen voted to approve with gratitude a gift acceptance from James and Patricia Finnegan to Fire/Rescue Department in the amount of \$100.00 for the Fire Department Gift Account in memory of Carolyn Donahue (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Proclamations/Recognitions

There were no items.

Board and Committee Re-Appointments

Board of Registrars of Voters – Mr. Michael L. McNamara has agreed to be re-appointed to the Board of Registrars. The Board of Selectmen voted to re-appoint Michael L. McNamara for a

term expiring June 30, 2022 (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Zoning Board of Appeals – Mr. J. Laurence Ciccolo has advised that he would like to be re-appointed to the Zoning Board of Appeals. The Board of Selectmen voted to re-appoint J. Laurence Ciccolo to the Zoning Board of Appeals for a term expiring June 30, 2022 (Motion made by Mr. Carpenter; motion seconded by Mrs. Goodrich) voted in favor 5 to 0.

#### Town Manager Items

##### Annual Independence Day Celebration Event July 1, 2019, rain date July 2, 2019

The Town Manager gave an update to the Board. The celebration will be held on Monday July 1, 2019, with a rain date of Tuesday July 2, 2019. There would again be free shuttle service from the Auburn Mall to the Dr. Arthur and Dr. Martha Pappas Recreation Complex. Ms. Jacobson thanked the event sponsors, Hometown Bank, Worcester Regional Transit Authority and Auburn Mall for providing the shuttle service.

##### Emergency Management Performance Grant (EMPG) Application

The Town Manager explained the EMPG Grant, which is formula-based and would pay towards the CodeRED emergency notification system.

The Board of Selectmen voted to authorize, accept and expend funds in an amount up to \$4,500.00 towards the CodeRED emergency notification system (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

##### Update – New Town of Auburn Web Site Launched

The Town Manager discussed the new Town web site that was launched recently. She thanked the Director of Information Technology and the staff that worked to get the site up and running.

#### Tabled Items

##### Discussion on House and Senate Bill regarding Voting Age for Municipal Elections

The Board reviewed the letter from AHS Principal Casey Handfield in response to the Board's request for input regarding the proposed legislation (H720 and S389) on lowering the voting age in local elections. In summary the high school social studies teachers discussed the pending legislation with focus groups of students across grades 9 – 11. Most students were opposed to these bills, giving primary reasons that 16 year olds would not have the depth of understanding to make informed decisions on complex issues facing the community and the fact that the executive functioning skills of the adolescent brain are not fully developed by age 16.

Mr. Laliberte commented that it was not the result he expected but, in light of the students' comments, he was not going to ask the Board for further action. He did express the hope that the bills proceed at the state level.

#### Board of Selectmen Member Items

##### Discussion on Proposed Plastic Bag Ban Bylaw – by Mr. Laliberte

Mr. Laliberte discussed next steps in the process. Following the discussion, the Board of Selectmen voted to forward the draft Single-Use Plastic Bag Reduction Bylaw to the Zoning Bylaw Review Committee and the Solid Waste Advisory Committee to review and make suggestions for revisions if appropriate (Motion made by Mr. Laliberte; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Mr. Carpenter mentioned a future member item he is considering to propose a sub-committee to work with the Town Clerk and community groups to reach out and encourage wider voter participation.

#### Public Comments

There were no public comments.

Chairman Holstrom asked if there were any corrections to the minutes of April 10, 2019 and May 13, 2019.

The Chairman noted a minor correction in the heading of the April 10<sup>th</sup> minutes. The Chairman then accepted the minutes of April 10, 2019 with the correction he noted and the May 13, 2019 minutes as written.

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

The following documents were part of the Board of Selectmen's Meeting of June 10, 2019 and are retained in the Executive Office of the Town Manager:

- June 10, 2019 Agenda
- Sheldon's Harley Davidson 914 Southbridge Street, Auburn, MA. License Applications One Day Outdoor Entertainment Licenses and One Day Beer and Wine Licenses per remaining Events on Calendar 2019; Development Coordinating Group (DCG) Recommendations dated April 3, 2019
- Application Documents Seasonal Open Air License on Town Property – Boy Scout Troop 121 Bottle and Can Drive at Auburn Fire Station on Saturday July 6, 2019; Approval from Fire Chief Coleman via email dated June 5, 2019
- Application Documents One Day Beer and Wine Licenses (30) – Town of Auburn at Pakachoag Golf Course 15 Upland Street; Recommendation by Development Coordinating Group dated June 5, 2019
- Gift Acceptances – Polar Beverages \$2,500.00 for Summer Concerts 2019 and to Fire/Rescue Department \$100.00 from James and Patricia Finnegan
- FY2020 Road Reconstruction and Resurfacing Project List and Roadway Reconstruction and Resurfacing Program Summary 2011 to 2019 submitted by DPW Director

- Letter from AHS Principal Casey J. Handfield in response to Board's request for Comments on Pending Legislation H720 and S389 regarding lowering the voting age to 16 for local elections
- Draft General Bylaw Amendment Single – Use Plastic Bag Reduction
- Minutes of April 10, 2019 and May 13, 2019