

Minutes of the Meeting  
Of the Board of Selectmen  
Auburn Town Hall, Selectmen's Meeting Room  
104 Central Street, Auburn, Massachusetts  
July 15, 2019 – 7:00 P.M.

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

The Chairman Kenneth Holstrom called the meeting to order at 7:01 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 was no one wishing to speak under Public Comments.

Public Hearings/Presentations

DMB Services LLC Application for MV Class II and Auto Repair License at 496 Washington Street, Auburn, MA. – 7:00 PM.

The Board voted to open the public hearing at 7:03 P.M. (Motion made by Mr. Berthiaume; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

Mr. Dana Berger was present for the application and explained his business plans for the Motor Vehicle Class II operation at 496 Washington Street. He said that they will primarily be doing cosmetic detailing work on cars under the Auto Repair License.

The Development Coordinating Group (DCG) provided the following recommended conditions for the license:

- The applicant shall obtain all necessary permits and inspections from Town Departments, Boards or Commissions;
- The applicant shall ensure that all permits are up to date with the Fire Department;
- The applicant shall obtain any necessary sign permits from the Building Department;
- The applicant shall follow up with the Sewer Department regarding the floor drain;
- The applicant shall comply with all storm water rules, regulations and Requirements.

There was discussion about the DCG requirement to follow up with the Sewer Department regarding the floor drain.

Abutters had been notified, but there were no abutters in attendance.

The Board voted to close the hearing at 7:07 P.M. (Motion made by Mrs. Goodrich; motion seconded by Mr. Carpenter) voted in favor 5 to 0.

The Board of Selectmen voted to approve the Motor Vehicle Class II and Auto Repair Licenses, provided that all applicable requirements of the state and town and any of its departments, boards and commissions have been fulfilled. Said licenses are subject to all the conditions stated upon them. Failure to comply with any and all the conditions shall invalidate the licenses and render them null and void and with the conditions of the DCG to be placed on the licenses, with the following sentence to be added to bullet #4: The applicant shall follow up with the Sewer Department regarding the floor drain and comply with any of their requirements (Motion made by Mrs. Goodrich; motion seconded by Mr. Carpenter) voted in favor 5 to 0.

#### Proposed Solar Project At Bay Path.

John Lafleche was in attendance and discussed the proposed solar project at Bay Path and the process they followed to RFP the project. He said that during the process Bay Path discovered that it could only lease its property for purposes outlined in Chapter 71 as the result of a lawsuit from 1991. They have filed for legislation to allow them to do so. The proposal legislation is now in the Senate Rules Committee and so Bay Path is in a holding pattern. Mr. Lafleche said that they are also waiting for the Town of Charlton to pass an amended solar bylaw. He said that the bylaw approved by the town meeting in May had proposed 40 projects of which 21 were already built. On Town Meeting floor there was an amendment from 40 to 30 so 9 would be available and for which there are pending projects at the Planning Board. Bay Path's is not one of them because of the special legislation needed before they can act. Solar projects built on asphalt are exempt from the bylaw.

Mr. Lafleche mentioned that National Grid would have to upgrade the grids to accept more solar projects. He said that their goal is to mitigate the cost to the member towns of providing energy to the school buildings.

Mr. Lafleche updated the Board on new programs at Bay Path: a fire services club developed under the leadership of Auburn's Fire Chief Stephen Coleman and a potential veterinary program at the school. Mr. Lafleche informed the Board that the 10-year NEASC accreditation review will be held next spring.

#### Communications

There were no items.

#### Board of Selectmen General Items

##### Board and Committee Appointments/ Re-Appointments

Zoning Board of Appeals – The Board of Selectmen interviewed the third candidate, Jeff Bailey of 149 Malvern Road, for the one (1) Associate Member seat on the Zoning Board of Appeals. Chairman Robert Tatro was also in attendance. Following the interview, Mr. Holstrom asked board members to consider the three prospective candidates for a vote at the August 12<sup>th</sup> meeting.

##### Sheldon's Harley Davidson One Day Outdoor Entertainment Licenses and One Day Beer and Wine Licenses for Revised Dates.

The Board had been provided with the site map and DCG recommendations from June 19<sup>th</sup> for events on July 20<sup>th</sup>, August 17<sup>th</sup> and a tentative date of September 21<sup>st</sup>. The times would be 1 to 4 PM.

DDIS Director Darlene Coyle and Police Chief Andrew Sluckis reported on the readings they took before and during the last Sheldon’s event on June 29, 2019, which was a benefit ride and event. They used equipment borrowed from DEP and took decibel readings before and during the event at six locations in the area of Prospect hill. Ms. Coyle said that mostly the levels were in the 40’s and 50’s, except for an isolated incident during the event when there was a police helicopter flyover and the reading was in the 70’s. She said that weather wasn’t a factor that affected the readings.

Intersection Sunnyside Road - And Prospect Street	45 before the event 46 during the event
Cul-de-sac at end of Sunnyside -	44 before 49 during
Bottom of Hill Street near Rte. 20 -	56 before 76 during event and with brief period of helicopter flyover
Hill Street (#60) -	46 before 49 during
Intersection Hill Street at Prospect Street	56 before (Someone was mowing grass on a riding mower.) 52 during
Across the street from Sheldon’s -	56 prior 56-62 during

The Department of Environmental Protection (DEP) noise regulation and policy say that anything over 10 decibels above the determined ambient noise level is in violation of the rules. Ms. Coyle said that no readings exceeded 10 that day.

Chief Sluckis spoke about the history of live music in the area that was formerly from Periwinkle’s years ago. He said that in no way does Sheldon’s compare with that situation. He said that Sheldon’s has tried to work with the Town and he expressed the opinion that Saturday afternoons were a good happy medium solution. The Chief said that he spoke to some neighbors that were there and that had complained and they also thought that Saturday afternoon was a good compromise.

Mr. Carpenter expressed concern with the Town’s inability to address complaints of exceeding the 10 decibels above ambient if that was placed on the license as a requirement regarding noise.

The Chair stated acceptance of the report presented by the Police Chief and DDIS Director and Town Administration.

Mrs. Goodrich asked the Chief if complaints came in that the officers would go to the address of the complaint and not Sheldon's only. Chief Sluckis agreed.

Robert Townsend the General Manager and Jerelyn were present for Sheldon's applications for Saturdays July 20<sup>th</sup>, August 17<sup>th</sup> and September 21<sup>st</sup>.

Mr. Berthiaume made a motion to approve the One Day Outdoor Entertainment Licenses for Saturdays July 20<sup>th</sup>, August 17<sup>th</sup> and September 21<sup>st</sup> 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 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. Mr. Laliberte seconded the motion.

Mrs. Goodrich offered an amendment to change the hours to be from 12:30 P.M. to 4:30 P.M. so that Sheldon's wouldn't be in violation during the music setting up and breaking down and to remove the bullet regarding the noise level not exceeding 10 decibels to be determined above noise ambient level. Mr. Berthiaume agreed to the amendments and Mr. Laliberte seconded the amended motion. The vote on the amended motion was in favor 5 to 0.

Mr. Laliberte made a motion to approve One Day Beer and Wine Licenses for Saturdays July 20<sup>th</sup>, August 17<sup>th</sup> and September 21<sup>st</sup>, 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. Mrs. Goodrich seconded the motion for discussion.

Mrs. Goodrich raised the question of hours of operation for the license. Mr. Berthiaume said that the Board should leave the motion as it was made as a one-day license, that Sheldon's should not be treated differently.

Mrs. Goodrich said that other establishments had stipulations on the One Day Beer and Wine Licenses for their events. There was a lengthy deliberation by the Board about the hours to be placed on the One Day Beer and Wine Licenses.

Mr. Townsend said that the event hours will be 11:00 A.M. to 5:00 P.M., but the hours of operation are 9:00 A.M. to 5:00 P.M.

Mr. Laliberte said he was agreeable to place 11:00 A.M. to 5:00 P.M. in his motion.

Mrs. Goodrich said the hours listed on the application are 10:00 A.M. to 7:00 P.M. She said there should be more consistency with the application to know what the hours of the event actually were.

Mr. Townsend addressed Mrs. Goodrich and said that they have come to the Board on multiple occasions and every time she brings up his Facebook page and web page and he said that the hours of operation are stated there: Monday-Friday 10:00 A.M. to 7:00 P.M., Saturdays 9:00 A.M. to 5:00 P.M. and Sundays 10:00 A.M. to 3:00 P.M. and it would be great if the hours could be on the license.

The Town Manager discussed potential issues regarding the hours for alcohol service and being in compliance with the State Alcoholic Beverages Control Commission (ABCC) requirements.

Mrs. Goodrich said that she did not appreciate the manager's comments swiping at her when she has been trying to work with them week after week to address the issues surrounding their events and had just made a motion to increase the hours. She said she finds the comments very disrespectful.

Mr. Berthiaume suggested a motion to state that the hours are to be within the ABCC limits. The Police Chief advised that ABCC stipulations are 8:00 A.M. to 2:00 A.M.

Mr. Laliberte then accepted a change to his motion to include the hours of operation for the event to be 9:00 A.M. to 5:00 P.M. in accordance with ABCC limits. Mr. Berthiaume seconded the motion to add the hours of 9:00 A.M. to 5:00 P.M. The Board of Selectmen voted in favor of the amended motion 3 to 2. Mrs. Goodrich and Mr. Carpenter opposed.

Vote on Acceptance of Housing and Urban Development (HUD) 2019 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 Executive Director Lori Brennan was present and explained the process for the grant to come to the Board of Selectmen now to sign off to the Consolidated Annual Contributions Contract. She said that it was for transparency purposes.

In her letter to the Board of Selectmen the Town Manager summarized her findings subsequent to the Board's request that she look into the requirement under MGL Chapter 121B, Section 11(k) obligating the Board of Selectmen to sign-off any time a housing authority receives funds from the federal government.

“To receive the funding awarded on April 19, 2019 from the Department of Housing and Community Development (DHCD) Capital Funding Grant in the amount of \$184,014.00, the Housing Authority needs the Board of Selectmen to sign the Capital Fund Program Amendment – MA PHA mayor/selectmen sign off to the Consolidated Annual Contributions Contract, which is due by July 18, 2019.

Historically, the Auburn Town Clerk signed the DHCD Capital Funding Grant. In 2018, the U.S. Department of Housing and Urban Development (HUD) regulations changed to fulfill Massachusetts General Law, Chapter 121B, Section 11(k), requiring the Board of Selectmen (or mayor) sign-off any time a housing authority receives funds from the federal government. Thus, 2018 was the first year that the Board of Selectmen was asked to sign the document.

MGL Chapter 121B, Section 11 (k) states:

*Chapter 121B: HOUSING AND URBAN RENEWAL*

*Section 11: Powers of operating agencies*

*(k) To enter, with the approval of the mayor or board of selectmen and the department, into agreements with the federal government relative to the acceptance or borrowing of funds for any project it is authorized to undertake and containing such covenants, terms and conditions as the operating agency, with like approval, may deem desirable; provided, however, that nothing herein shall be construed to require approval by the mayor or selectmen or the department of requisition agreements and similar contracts between an agency and the federal government which are entered into pursuant to an agreement approved by them;*

As a separate entity from the Auburn municipality and legislatively established, the Auburn Housing Authority has its own elected Board of Commissioners. As such, the Board of Selectmen does not oversee or administer any of the Housing Authority's finances, operations, or grants. When contacted because the Board had expressed concern about liability at the last meeting, HUD's Program Management Specialist Jewell Burke explained "There is no liability on the Auburn Board of Selectmen. The laws call for the signatory authorization because this entity was originally created and approved by the local government'."

Ms. Brennan also discussed the items identified in the 5 Year Capital Action Plan.

The Board of Selectmen then voted to accept, approve and authorize the Housing and Urban Development (HUD) 2019 Capital Fund Program Formula Grant to Carry Out Work Activities identified in the Public Housing Authority's 5 Year Capital Action Plan and authorize the Chairman to sign the approval form (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board of Selectmen voted to move forward agenda items 6b) and 6c) – motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume and voted in favor 5 to 0.

Fire Chief Stephen Coleman and Communications Director Penny Ryan were present and explained the grant applications for the Massachusetts PSAP Leadership Scholarship Program for FY2020 and the 3CPR Emergency Medical Services (EMS) Travel Grant sponsored by the Council on Cardiopulmonary Critical Care, Perioperative and Resuscitation.

Leadership Grant PSAP \$10,000

Penny Ryan advised that the grant would fund her travel and expenses to attend the Certified Public Safety Executive (CPE) Course in January 2020.

The Board of Selectmen voted to accept and expend the FY20 Massachusetts PSAP Leadership Scholarship grant in the amount of \$10,000.00 from the Massachusetts 911 Department administered by the Massachusetts Communications Supervisors Association (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Cardiopulmonary Critical Care and Resuscitation Emergency Medical Services Travel Grant for \$1,000.

Chief Coleman discussed the grant application that would pay for a member of the Auburn Fire Rescue Department to attend the 2019 Resuscitation Science Symposium in Philadelphia.

The Board of Selectmen voted to apply, accept and expend funds from the Council on Cardiopulmonary Critical Care, Perioperative and Resuscitation's "Emergency Medical Services Travel Grant" in the amount of \$1,000 to cover registration and other travel expenses for a member of the Auburn Fire Rescue Department to attend the 2019 Resuscitation Science Symposium in Philadelphia (Motion made by Mr. Berthiaume; motion seconded by Mr. Carpenter) voted in favor 5 to 0.

The Board voted to move forward agenda item 6e) Partnership with Business Community for Emergency Messaging (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Chief Coleman discussed public/private partnerships with respect to electronic sign boards for getting emergency type information out to the public. Some of the businesses involved are Pools & Cues, Elks Club, Airgas, Mass. Discount Liquors and Motorsports International.

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

The Board of Selectmen voted to approve gift acceptances to the Fire/Rescue Department from the following donors:

- Steven and Josee Tremblay in the amount of \$200.00 to the Fire Department Gift Account in memory of Carolyn Donahue;
- Carol J. Loomis in the amount of \$25.00 to the Fire Department Gift Account in memory of Carolyn Donahue;
- Anonymous in the amount of \$20.00 to the Fire Department EMS Motor Unit Account;
- Michael and Kathleen Gaebel in the amount of \$100.00 to the Fire Department Gift Account in memory of Carolyn Donahue.

Mr. Carpenter made a motion to accept with gratitude and an acknowledgement of the donations all the gifts to the Fire/Rescue Department. Mr. Berthiaume seconded the motion and the Board voted in favor 5 to 0.

The Board of Selectmen voted to approve with gratitude and a letter signed by the Chairman a gift in the amount of \$600.00 from Erika Eucker to the DPW Recreation Division for the boys' basketball team in the Auburn Recreation and Culture Boys' Basketball Summer League (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Proclamations/Recognitions

There were no items.

Elections Workers List 2019-2020

The Board received the list of Elections Workers for 2019 – 2020 provided by the Town Clerk. The Board of Selectmen voted to appoint the individuals per the list provided by the Town Clerk

for the 2019-2020 year (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Town Manager Items

Board Vote to submit draft legislation to the Legislature to amend Chapter 708 of the Acts of 1963 per the vote Town Meeting on May 7, 2019.

Town Manager Julie Jacobson explained the request and the vote needed by the Board of Selectmen.

The Board of Selectmen then voted to submit the draft legislation to the Legislature to amend Chapter 708 of the Acts of 1963 per the vote of the Town Meeting on May 7, 2019 as follows:

**Proposed Draft Legislation For**

**Amending Chapter 708 of the Acts of 1963**

Chapter 708 of the Acts of 1963 is hereby amended by deleting in its entirety Section 10 and inserting in place thereof the following new Section 10:

**Section 10.** The board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with sewers, and for the inspection of the materials, the construction, alteration and use of all connections entering into such sewers, and any person violating any such rule or regulation shall be punished by a fine of not less than twenty dollars nor more than five hundred dollars for each violation. Such rules and regulations shall not take effect until such Rules and Regulations have been filed with the Town Clerk and in the Office of the Town Sewer Division for a period of twenty-one (21) days and posted in their entirety on the Town’s website.

(Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

Update on Ongoing Public Safety Facilities Feasibility Study

Town Manager Julie Jacobson gave an update on the feasibility study. She said that the consultants were finalizing their findings. Ms. Jacobson also discussed the next steps in the process.

Update on Eastland Partners

Town Manager Jacobson provided an update. She said that Eastland Partners would be coming to the Board’s meeting on August 12<sup>th</sup>. Ms. Jacobson advised that the developers were not here tonight because they needed time to do an analysis reflecting the increase from 250 to 320 units in the development.

Tabled Items

There were no items.

Board of Selectmen Member Items

Discussion and potential vote to form a sub-committee to investigate ways to increase awareness and participation in our local elections by Dan Carpenter.

Dan Carpenter explained his proposal. Mr. Holstrom expressed the opinion that the issue should come under the purview of the Town Clerk. Mrs. Goodrich suggested asking the Town Clerk to come to the next meeting and to make the Board of Registrars aware of the agenda item.

The Board voted to invite the Town Clerk and the Board of Registrars to the next meeting on August 12, 2019 (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) voted in favor 5 to 0.

Discussion and potential vote on a letter to be included with liquor license renewals (Doreen Goodrich).

Doreen Goodrich explained her request for a Board vote supporting a letter to be sent to all liquor license holders with their renewal applications with similar language as below:

“If you, as a holder of an alcoholic beverage license has any type of entertainment indoors or outdoors, or if there is any circumstance that alcohol is brought outdoors, you may be required to have an additional license. This may include an indoor entertainment license, outdoor entertainment license or an extension of premise license. Please contact Rachel Pressey, Board of Selectmen’s Office, and she will review you specific needs.”

The Board discussed her suggestion and was in agreement to leave the final language up to the Town Manager.

Mr. Carpenter made a motion to include the letter as suggested by Mrs. Goodrich with the renewals of liquor licenses this year. Mr. Berthiaume seconded the motion and the Board of Selectmen voted in favor 5 to 0.

Public Comments

Town Manager Jacobson noted the following items:

1. The Master Plan survey is available on-line.
2. The 4<sup>th</sup> of July celebration was a success again this year.
3. The license applications will be revised to avoid confusion between the business hours of operation and hours for special events.
4. There will be a cooling center at the Lorraine Gleick Nordgren Senior Center this week/weekend.

The Board of Selectmen voted to adjourn at 9:14 P.M. (Motion made by Mr. Carpenter; motion 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 July 15, 2019 and are retained in the Executive Office of the Town Manager:

- July 15, 2019 Agenda

- Application Documents DMB Services LLC – Motor Vehicle Class II License and Auto Repair License at 496 Washington Street, Auburn, MA.; Development Coordinating Group (DCG) Recommendations dated June 19, 2019
- Application for Third Candidate for Associate Member on Zoning Board of Appeals
- Sheldon’s Harley Davidson 914 Southbridge Street, Auburn, MA. License Applications One Day Outdoor Entertainment Licenses and One Day Beer and Wine Licenses for Revised Dates – Saturdays, June 29<sup>th</sup>, July 20<sup>th</sup>, August 17<sup>th</sup> and September 21, 2019; Development Coordinating Group (DCG) Recommendations dated June 19, 2019
- Sign Off Sheet of Approval from the Local Governing Body for the local Public Housing Authority (PHA) to Accept HUD’s 2019 Capital Fund Program Formula Grant to Carry Out Work Activities identified in the PHA’s 5 Year Capital Action Plan, in the Amount Specified in the Funding Announcement Published on HUD’s Website; Letter of Approval from Department of Housing and Community Development regarding Annual Contributions Contracts Fiscal Year 2019
- Gift Acceptance Forms – Fire/Rescue Department Multiple Donors totaling \$345.00 for the Fire Department Gift Account; DPW Recreation from Erika Eucker in the amount of \$600.00 for boys basketball team in the Auburn Recreation and Culture Boys Basketball Summer League
- List of Elections Officers for Appointment for the 2019 – 2020 Year; Request from Town Clerk dated July 9, 2019
- Proposed Draft Legislation for Amending Chapter 708 of the Acts of 1963
- Information on Grant Programs: Massachusetts PSAP Leadership Scholarship Program Fiscal Year 2020 and 3CPR Emergency Medical Services (EMS) Travel Grant Sponsored by the Council on Cardiopulmonary, Critical Care, Perioperative and Resuscitation