

Minutes of the Meeting
Of the Board of Selectmen
Remote Participation Only
September 14, 2020 – 5:00 P.M.

Members Present: Doreen M. Goodrich, Tristan J. Laliberte, Daniel S. Carpenter, Lionel R. Berthiaume, Scott C. Wrenn
Also: Town Manager Julie A. Jacobson, CFO/Assistant Town Manager Ed Kazanovicz

The Chairman Doreen Goodrich called the meeting to order at 5:00 P.M.

The Chair stated that this Open Meeting of the Town of Auburn Board of Selectmen is being conducted remotely, consistent with Governor Baker’s Executive Order of March 12, 2020 due to the current state of emergency in the Commonwealth due to the outbreak of COVID-19 virus.

For the public to join the meeting remotely by telephone, call 1-408-650-3123 and enter Access Code 235-235-861. Or, the public can join via computer at gotomeeting.com/join/235235861.

The Chair of the Board confirmed that all members of the Board of Selectmen were present:

- o Doreen Goodrich , Chair
- o Tristan Laliberte, Vice Chair
- o Lionel Berthiaume
- o Dan Carpenter
- o Scott Wrenn

Also,

- o Town Manager Julie Jacobson
- o Assistant Town Manager Ed Kazanovicz
- o Administrative Assistant Sharon Kwiatkowski

The Chair also noted that all votes to be taken in this meeting will be conducted by roll call vote.

Public Hearings/Presentations

There were no items.

Communications

There were no items.

Board of Selectmen General Items

Discussion and Potential Vote on Auburn Housing Authority Vote not to Allow Remote Participation Meetings and the Board of Selectmen’s Appointee to the Authority.

Mrs. Goodrich gave the background of the Housing Authority’s recent vote not to allow remote participation at Housing Authority Commission meetings. The new Auburn Housing Authority member, recently appointed by the Board of Selectmen, had requested to attend the Auburn

Housing Authority meetings remotely, as she could not attend in-person because of COVID-19 restrictions and the possibility of exposing a health-compromised family member.

When she learned that the Auburn Housing Authority had been having in-person meetings, she inquired if she could participate remotely. The Town Manager contacted the Housing Authority Commission Chair regarding the matter and offered her assistance and that of the Town's IT Department to help the commissioners set up a remote meeting, including providing the remote participation script and a sample meeting posting. Mr. Page agreed to bring the matter before the commissioners. Following their meeting on Sept. 2nd Mr. Page advised the new member that the Auburn Housing Authority had voted not to allow remote participation at meetings.

In addition, Ms. Jacobson said that when she tried to view the meeting to learn the discussion that resulted in the vote, she found that the meeting had not been broadcast. On further review, she learned that the Authority had failed to provide a signed meeting posting. When notified of the oversight, the employee had said that they would send up a signed posting to the Town Clerk, but never did. Therefore, the September 2nd meeting was not posted and any votes taken at that meeting would have to be taken again at a duly posted meeting.

Members of the Board of Selectmen held discussion on the matter.

Mr. Berthiaume stated his disappointment in the Housing Authority's decision not to allow remote participation at meetings. He suggested sending a letter from the Board of Selectmen expressing disappointment with their vote not to allow remote participation and to mention that the Town Manager can provide, and had offered, the Town's assistance to accomplish remote participation.

Mr. Wrenn agreed and expressed disappointment with the action that discouraged public participation and that of their new member he said that vote was not done in good faith. He voiced his support for sending the letter that Mr. Berthiaume suggested.

At that point Mr. Laliberte could not be heard, so the Board took a brief pause, while he logged off to call in to participate.

Mr. Laliberte came on the phone and he could be heard by the Board members.

Mr. Carpenter said that he was disappointed too and hoped that they would reconsider their decision, but he cautioned that the Auburn Housing Authority is an independently elected body that doesn't answer to the Board of Selectmen.

Mr. Laliberte said that he was disappointed and frustrated with the decision and that the Housing Authority was not being open, and he would support sending the letter to voice the Board of Selectmen's concerns about their decision.

Mr. Carpenter then asked that the Board doesn't use the word disappointment in the letter, but to ask them to reconsider because of the reasons he previously stated. Mr. Berthiaume stated that he didn't want to change the language he had stated when he suggested the letter.

The Board of Selectmen then voted to authorize the Town Manager to draft a letter from the Board of Selectmen to the Board of Commissioners at the Housing Authority expressing their disappointment in their position on not allowing remote participation, particularly by the new member that the Board of Selectmen just appointed, and to ask the Auburn Housing Authority for reconsideration of its position (Motion made by Mr. Berthiaume; motion seconded by Mr. Laliberte) roll call vote: Mr. Berthiaume, Yes; Mr. Wrenn, Yes; Mr. Carpenter, Abstained because of the wording of the motion; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 4-0-1.

Drainlayer License Application – Stormy Construction, Inc. of Millbury, MA.

The Board of Selectmen reviewed the application documents and recommendation of the Board of Sewer Commissioners.

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 (Motion made by Mr. Laliberte; motion seconded by Mr. Berthiaume) roll call vote: Mr. Wrenn, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 5 to 0.

Reconstitution of Open Space Committee

Town Manager Jacobson discussed her letter to the Board and explained that the Open Space Committee is being reconstituted to assist in the update to Auburn's current Open Space and Recreation Plan (OSRP). She described the work of the committee and the composition of members. She is requesting that the Board of Selectmen vote to consider designating a Board member representative.

Town Planner Adam Menard discussed the process to develop the Open Space and Recreation Plan.

Doreen Goodrich asked about time commitments. The Town Manager said that it would be up to the Open Space Committee to determine their meeting schedule. Adam Menard said that he thought the meetings might initially be held once per month.

Selectmen Scott Wrenn volunteered to serve on the committee. There were no other volunteers.

The Board of Selectmen then voted to appoint Mr. Wrenn to the Open Space Committee as the Board's representative (Motion made by Mr. Berthiaume; motion seconded by Mr. Laliberte) roll call vote: Mr. Wrenn, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 5 to 0.

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

There were no items.

Proclamations and Recognitions

There were no items.

Town Manager Items

Discussion on Ability to Hold Remote Participation at Town Meeting per Chapter 92 of the Acts of 2020

Town Manager Julie Jacobson discussed information provided by Town Counsel on Section 8 of c. 92 of the Acts of 2020 that set forth the procedures to be followed by a town if it intends to conduct a Town Meeting by remote participation of Town Meeting Members. She pointed out that there was a lot of complexity to the remote town meeting process and she advised that this option was not being recommended by Town Administration.

The Town Manager described the plans under consideration for holding the fall town meeting at the high school while adhering to social-distancing requirements.

Mr. Carpenter asked for input from the Town Moderator prior to the Board's vote.

Ms. Jacobson advised that the administration has held discussions with the Town Moderator regarding the two options and he didn't think that remote participation would work.

Mr. Berthiaume asked about the number of Town Meeting Members. Town Manager Jacobson replied that there are 120 Town Meeting Members and the quorum would be 80 (two-thirds per Charter).

Discussion on Ability to Reduce Quorum for Town Meeting per Chapter 92 of the Acts of 2020.

The Town Manager discussed information from Town Counsel per Section 7 of c. 92 of the Acts of 2020 that sets forth the procedure in relation of a quorum from Representative Town Meetings.

Section 7 of c. 92 of the Acts of 2020 states that:

- A Town may act by vote of the Board of Selectmen;
- In consultation and approval of the Town Moderator;
- To prescribe the number of votes necessary to constitute a quorum at any Town Meeting held during COVID-19 state of emergency;
- At a number less than the number otherwise required; and
- Provided that the new quorum number shall not be less than 10% of the number otherwise required. The Town Manager stated that in Auburn's case 10% would be 8 town meeting members and that number would be too low.

Ms. Jacobson said that in the Town Administration's discussions with the Town Moderator he indicated that he would support a quorum reduction from 80 to 40. The Town Clerk was also in agreement. The Town Manager added that if more than 40 Town Meeting Members came to the meeting they would still be able to participate.

Mrs. Goodrich said that she would like something in writing from the Town Moderator for the record that he would support reducing the quorum to 40.

Members Mr. Berthiaume and Mr. Wrenn stated their full support for the reduction of the Town Meeting Quorum.

Town Manager Jacobson emphasized that the reduction of the quorum would only be in effect during the COVID-19 state of emergency.

The Board of Selectmen then voted to publish a notice of its intention to consider an adjustment of Town Meeting Quorum requirements under the governor's guidelines for COVID-19 (Motion made by Mr. Wrenn; motion seconded by Mr. Berthiaume) roll call vote: Mr. Wrenn, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 5 to 0.

The Town Manager stated that she would get a letter from the Town Moderator in advance of the September 28th meeting that he would support reducing the quorum for Town Meeting to 40.

Americans with Disabilities Act (ADA) Transition Plan Draft and Update

The Town Manager gave an overview of the draft ADA Transition Plan. She advised that the Self-Evaluation documents have been posted to the municipal website in order to allow the public to read the draft plan and to submit any comments to Town Administration.

Vote to Authorize the Town Manager to Apply for, Accept and Expend Grant Funds under the FY21 Cycle of the Municipal ADA Improvement Grant Program.

Julie Jacobson addressed the application for grant funds under the FY21 Cycle of the Municipal ADA Improvement Grant Program. The grant funds if awarded would pay for ADA improvements to the town playgrounds. The award would be up to \$250,000.00. There is no match required.

The Board of Selectmen voted to authorize the Town Manager to apply for, accept and expend grant funds under the FY21 Cycle of the Municipal ADA Improvement Grant Program, which funds if awarded, would pay for ADA improvements to the town playgrounds, up to \$250,000.00 (Motion made by Mr. Berthiaume; motion seconded by Mr. Laliberte) roll call vote: Mr. Wrenn, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 5 to 0.

Dog Park Update

Town Manager Jacobson gave an update on the Dog Park project. She described the bid process recently completed.

A Memorandum of Understanding (MOU) with the Stanton Foundation has been put in place for the grant award of \$222,969.00 for the dog park construction. Following the grant funds being in place, the bid for the project was awarded and a contract will now be negotiated with the successful bidder and reviewed by Town Counsel.

Ms. Jacobson advised that the Fur Friends donated match was \$24,774.00, and therefore no tax levy funds are being used for the project that is expected to be completed by June 30th.

Tabled Items

There were no items.

Board of Selectmen Member Items

Request to ask town management for options regarding a pause or reduction of town fees for businesses affected by COVID-19 – By Mr. Carpenter

Mr. Carpenter presented his request to ask town management for options regarding a pause or reduction of town fees for businesses affected by COVID-19.

Ms. Goodrich asked for a report from Town Administration on the financial impact of the request and if it could be provided for the next meeting.

The Town Manager said that the licensing fee schedules are set every October. The administration would have to research the licensing fees, if that is what Mr. Carpenter is considering, that are tied into the fee schedule that the Board approves annually and would have to determine which of them were established per a State law that may have limitations. She said that the research would take some time to complete.

Mr. Carpenter made a motion to ask the Town Management for a report on options regarding a pause or reduction of the town annual licensing fees for businesses affected by COVID-19. Mr. Berthiaume seconded for discussion.

Mr. Wrenn asked if we have ability to put qualifiers on it to show proof of hardship before granting relief or does it have to be an across the Board vote.

Ms. Goodrich stated that she believes that the Board could amend any motion to place qualifiers on it.

The Board of Selectmen voted on the motion by roll call: Mr. Wrenn, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 5 to 0.

Request to ask town management for options regarding a pause or reduction of interest on tax payment plans for those experiencing economic hardship due to COVID-19 – By Mr. Carpenter.

Mr. Carpenter presented his request to ask town management for options regarding a pause or reduction of interest on tax payment plans for those experiencing economic hardship due to COVID-19.

Ms. Jacobson spoke about the law passed in April and signed by the governor that allowed the extension of the due date for applications for exemptions and the waiver of penalty and late fees to payments made after the due date but paid before June 30th. She said that unless another law was passed, the Town couldn't waive interest and penalties. Ms. Jacobson said that she has checked recently, but nothing is pending yet at the state legislative level.

Asst. Town Manager Ed Kazanovicz advised that there is a hardship law that allows for deferment of property taxes, but the law is very specific and the resident has to meet certain criteria and to prove hardship. He said that the administration can provide information to the

Board on those specifics for the mechanism to provide relief to the residents on real estate tax bills.

Mr. Carpenter made a motion to ask town management for a report on options regarding a pause or reduction of interest on tax payment plans for those experiencing economic hardship due to COVID-19. Mr. Berthiaume seconded the motion for discussion.

Mr. Berthiaume asked for information on forgiveness of municipal penalties or late fees. Ms. Jacobson replied that without another law being passed, the Town has no authority to waive late fees or penalties. She said that the administration can provide information on the deferral program and she suggested an amendment to the motion to ask for a report on mechanisms for providing relief to residents on their real estate tax bills.

Mr. Carpenter accepted the amendment to his motion and Mr. Berthiaume seconded the amended motion.

Mr. Carpenter and Mr. Laliberte talked about future action by the Board to ask our state delegation to put forward another law allowing local options to extend the due date for exemption applications and the waiver of interest and other penalties for late payments.

The motion as amended and seconded was- To ask town management for a report on mechanisms for providing relief to residents on their real estate tax bills – vote by roll call: Mr. Wrenn, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 5 to 0.

The Chair asked if there were any corrections or omissions to the minutes of August 10, 2020. There being none, the Chair accepted the August 10, 2020 minutes.

The meeting was adjourned at 6:50 P.M. (Motion made by Mr. Berthiaume; motion seconded by Mr. Carpenter) roll call vote: Mr. Wrenn, Yes; Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mrs. Goodrich, Yes – passed 5 to 0.

Submitted: Sharon A. Kwiatkowski
Adm. Assistant to Town Manager

The following documents were part of the Board of Selectmen's Meeting of September 14, 2020 and are retained in the Executive Office of the Town Manager:

- September 14, 2020 Agenda
- Application Documents – Drainlayer License for Stormy Construction, Inc. of Millbury, MA.; Recommendation of Board of Sewer Commissioners dated August 28, 2020
- Letter from Town Manager dated September 10, 2020 on Reconstitution of the Open Space Committee and Request for Board of Selectmen Representative

- Information from Town Counsel on Town Meeting – Reduction of Quorum and Remote Participation; Copy of Session Law - Acts of 2020, Chapter 92
- Letter from Town Manager dated September 4, 2020 on Draft ADA Transition Plan and Self-Evaluation Documents
- Minutes of August 10, 2020