

Town of Auburn, Massachusetts
Board of Selectmen Meeting
Remote Participation Only
March 8, 2021 – 6:00 P.M.

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

Chairman Doreen Goodrich called the meeting to order at 6:00 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, which suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely as long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law.

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 <https://global.gotomeeting.com/join/235235861>.

All supporting materials that have been provided to the members of this body are available on the Town’s website. The public is encouraged to follow along using the posted agenda.

As a preliminary matter, she identified herself as Doreen Goodrich the Chair of the Board and confirmed that all members and persons anticipated on the agenda were present and could hear her:

- Lionel Berthiaume - Yes
- Daniel Carpenter - Yes
- Tristan Laliberte - Yes
- Scott Wrenn - Yes

Also,

- Town Manager Julie Jacobson - Yes
- CFO/Assistant Town Manager Ed Kazanovicz - Yes
- Administrative Assistant Sharon Kwiatkowski - Yes

The Chair also noted that the meeting was being recorded by Cable Access Television and she stated that all votes to be taken in this meeting will be conducted by roll call vote.

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

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

The Board came out of executive session and reconvened in open session at 6:50 P.M.

Chair Doreen Goodrich stated that, as it was not yet 7:00 P.M. and there was a public hearing scheduled for that time, the Board would move to the next agenda item.

Proposed Zoning Bylaw Changes for May 4, 2021 Annual Town Meeting- Vote to Transmit Proposed Zoning Bylaw Amendments to the Planning Board for Public Hearings in accordance with Chapter 40 Section 5.

Town Planner explained the two zoning bylaw amendments that are being submitted for the Annual Town Meeting Warrant:

1. Modernizes the language in Section 1 Authority and Purpose and corrects a numbering error in Section 7.6
2. Removes Duplicate Chapters - XIV, XV, XVI, XVII, XVIII

The Board of Selectmen voted to transmit the articles to the Planning Board to hold the required public hearings in accordance with MGL Chapter 40A Section 5 (Motion made by Mr. Berthiaume; motion seconded by Mr. Laliberte) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0.

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

The Board of Selectmen voted to approve a gift acceptance with gratitude to the Fire/Rescue Department in the amount of \$200.00 from Ray and Dee Rieder for the Fire Department Gift Account (Motion made by Mr. Laliberte; motion seconded by Mr. Wrenn) Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0.

The Board of Selectmen voted to ratify the proclamation for Phyllis Gallant on the occasion of her presentation of the Boston Post Cane Award on Sunday March 7, 2021 as the oldest long-time resident of Auburn who meets the criteria (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0.

Mr. Berthiaume wished Phyllis Gallant Happy Birthday as today, March 8th, is her 100th birthday.

Town Manager Items

2021 Open Space and Recreation Plan Survey.

The Town Planner Adam Menard was participating remotely and discussed the creation of an Open Space and Recreation Plan Survey to obtain community input and assess the recreational desires of the town. He explained that the survey is available on the Town of Auburn webpage and it has been posted to the Town's social media.

Request approval of a one-year extension to the five-year Intermunicipal Agreement (IMA) between the Town of Oxford and the Town of Auburn for the Transportation of Wastewater which expires March 14, 2021.

DPW Director William Coyle was participating remotely and addressed the agenda item for the one-year extension of the Intermunicipal Agreement with the Town of Oxford. He explained that the current agreement allows Oxford to transport wastewater to the Upper Blackstone Water Pollution Abatement District (UBWPAD) through Auburn's sewer infrastructure of up to 100,000 gallons per day according to the current agreement. Oxford currently is permitted by DEP for up to 80,000 gallons per day. Mr. Coyle said that the DPW is requesting to extend the agreement for a period of up to one year with the same terms and conditions as the previous agreement. This would allow Auburn and Oxford to negotiate a new agreement with updated terms and conditions based on future anticipated conditions and needs.

The additional time is needed for the following reasons:

- The COVID-19 pandemic and State of Emergency have resulted in delays of the negotiations.
- Both Auburn and Oxford have experienced changes in key personnel in the past year.
- The Town of Oxford is anticipating several large-scale developments that would increase wastewater flows through Auburn's infrastructure, and further analysis is required to determine their effects on the agreement.

The Town of Oxford Board of Selectmen has approved this extension at their meeting on March 2, 2021.

Mr. Berthiaume asked about the 80,000 gallons per day in the agreement with Oxford.

Mr. Coyle clarified that the amount is actually up to 100,000 gallons per day in the agreement. Oxford's approval from DEP is only 80,000 gallons per day. He said that the Town of Oxford may be looking to increase that amount due to additional demand.

Mr. Berthiaume questioned what would happen if Oxford started using more than 100,000 gallons per day, say 150,000 gallons, and what recourse Auburn would have. He said that you can't just shut off the flow and he expressed concern about damage to Auburn's infrastructure.

Asst. DPW Director and Sewer Superintendent Joanna Paquin, also participating remotely, said that the agreement calls for renegotiating the rates we are charging Oxford if that circumstance were to happen. Mr. Coyle said that he did not anticipate any harm to our infrastructure.

Mr. Carpenter noted that this agreement was originally developed for the new high school and he asked if any other businesses were included now. Mr. Coyle replied that yes, it is not just the high school currently.

Mr. Carpenter asked if there was anything in the agreement to set fees or any shared costs for repairs. Mr. Coyle answered that right now it is a set fee per gallon, but they want to insert language in a new agreement to include Oxford's cost sharing for sewer line breaks or any other major expenses, based on the ratio of their flow to Auburn's flow.

Mr. Carpenter asked about Auburn's capacity and if it was sufficient to take on the increased flow from Oxford, or if we were jeopardizing our own limits based on development in our own community. Mr. Coyle said that at this point our capability is sufficient, but it is something to look at in a new agreement like modifications to pump stations and evaluating the system for other possible deficiencies going forward.

Mr. Carpenter asked if there were any concerns about liability exposure for outfalls or contamination from the Oxford side re: the MS4 Permit. Mr. Coyle said that there were no concerns because that would be the responsibility of the Town of Oxford.

The Board of Selectmen then voted to grant a one-year extension to the five-year Intermunicipal Agreement between the Town of Oxford and the Town of Auburn for the Transportation of Wastewater which expires on March 14, 2021 (Motion made by Mr. Carpenter; motion seconded by Mr. Laliberte) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0.

Proposed General Bylaw Amendment for May 4, 2021 Annual Town Meeting – Stormwater Management

DPW Senior Civil Engineer Eilish Corey gave a presentation on the Auburn Stormwater Management Bylaw. The presentation provided an update on Auburn's on-going stormwater management program and the proposed changes to the existing Stormwater Management Bylaw for the May 4, 2021 Annual Town Meeting.

The DPW Director and the Civil Engineer addressed questions from the board members.

Mr. Carpenter asked how this amendment will affect the other land use boards and commissions and any fees paid to those boards like the Conservation Commission and Planning Board.

Ms. Corey said that this bylaw covers fees for any kind of development beyond the fees paid now to the Conservation Commission for permits that impact wetlands. She described potential costs to developers. Ms. Corey also said that applicants will be encouraged to go to the Stormwater Committee first as they have more stringent requirements.

Mrs. Goodrich asked how we are getting information out to Town Meeting Members about the Storm Management Bylaw in advance of the town meeting because of the complexity of information.

Mr. Coyle replied that Ms. Corey will be presenting the information to various boards and commissions as well as to the Board of Selectmen. He added that they can look at public informational sessions as well as mailings to the town meeting members.

Mr. Carpenter expressed appreciation that the matter will be brought to other related town boards and commissions prior to the town meeting and he recommended presenting the proposed changes to the Chamber of Commerce. Ms. Corey agreed with Mr. Carpenter's suggestion.

Mr. Wrenn thanked Ms. Corey for the presentation. He asked about penalties for the Town's not getting in line with Environmental Protection Agency (EPA) mandates. Eilish Corey said that the EPA will be doing an audit on how the Town is doing on this permit. The EPA could exercise the option to levy fines and penalties if the Town fails to meet permit requirements by the deadline (June 30, 2021). Penalties could range from \$2,500 – \$100,000 per day.

Police Department Request to Declare Surplus Property

The Board reviewed the letter from the Police Department requesting that the Board votes to declare Auburn Police Cruiser (57) as surplus for disposal purposes.

The Board of Selectmen voted to declare Auburn Police Cruiser (57) as surplus for disposal purposes (Motion made by Mr. Wrenn; motion seconded by Mr. Carpenter) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0.

Public Hearings/Presentations

Outback Steakhouse 452 Southbridge Street, Auburn, MA. All Alcoholic Beverages License - New Officer/Director – 7 P.M.

At 7:42 P.M. the Board of Selectmen voted to open the public hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0.

The Board had been provided the application documents. Since the new officer/director involves several locations, the State Alcoholic Beverages Control Commission (ABCC) reviewed and investigated the applications internally and only requires the local licensing authorities of each location to have a public hearing to approve the change. There is no change to the operation or staffing at the Auburn location.

The Chair Doreen Goodrich noted that there were no members of the public participating remotely to speak on the application.

At 7:44 P.M. the Board voted to close the hearing (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0..

The Board of Selectmen voted to approve the All Alcoholic Beverages License New Officer/Director for Outback Steakhouse (Motion made by Mr. Wrenn; motion seconded by Mr. Berthiaume) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0..

Communications

There were no items.

Tabled Items

There were no items.

Board of Selectmen Member Items

There were no items.

The Chair Doreen Goodrich asked if there were any corrections or omissions to the minutes of January 25, 2021. There being none, the Chair accepted the minutes of January 25, 2021 as written.

The meeting was adjourned at 7:45 P.M. (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) roll call vote: Mr. Berthiaume, Yes; Mr. Carpenter, Yes; Mr. Laliberte, Yes; Mr. Wrenn, Yes; and Mrs. Goodrich, Yes – passed 5 to 0.

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

The following documents were part of the Board of Selectmen’s Meeting of March 8, 2021 and are retained in the Executive Office of the Town Manager:

- March 8, 2021 Agenda.
- Application Documents –Outback Steakhouse All Alcoholic Beverages License New Officer/Director at 452 Southbridge Street, Auburn, MA; Letter (dated January 11, 2021) from State Alcoholic Beverages Control Commission (ABCC) setting forth the recommended procedure for the processing of the applications.
- Proposed Zoning Bylaw Amendments for May 4, 2021 Annual Town Meeting for Board vote to Transmit the Proposed Zoning Bylaw Amendments to the Planning Board for Public Hearings in accordance with MGL Chapter 40, Section 5 - Section 1 Authority and Purpose and renumbering of Section 7.6 and Duplicate Chapters - XIV, XV, XVI, XVII, XVIII
- Gift Acceptance Form – Fire/Rescue Department \$200.00 from Ray & Dee Rieder for the Fire Department Gift Account

- Letter from Town Planner Adam Menard regarding 2021 Open Space and Recreation Plan and Survey
- Request by Assistant DPW Director and Sewer Superintendent Joanna Paquin for Board Vote to Approve a One-Year Extension to the Five-Year Intermunicipal Agreement between the Town of Oxford and the Town of Auburn for the Transportation of Wastewater that expires March 14, 2021
- Presentation on General Bylaw Amendment for May 4, 2021 Annual Town Meeting – Stormwater Management
- Request by Police Department to Declare Auburn Police Cruiser (57) as Surplus for Disposal Purposes
- Minutes of January 25, 2021