

Select Board Minutes
Monday, April 25, 2022 -6:30 PM

Meeting to be held as hybrid with both an in-person and with a remote participation option in accordance with Chapter 22 of the Acts of 2022.

Present: Tristan J. Laliberte, Scott C. Wrenn, Lionel R. Berthiaume, Daniel S. Carpenter, Sara K. Rufli

Also Present: Town Manager Julie A. Jacobson

Chair Tristan Laliberte called the meeting to order at 6:30 P.M.

He announced that this Open Meeting of the Town of Select Board is being operated as a hybrid model under Chapter 22 of the Acts of 2022 with in-person and remote participation options. For the public to join the meeting by telephone, 1-408-650-3123 and Access Code 235-235-861. Or, the public can join via computer at <https://global.gotomeeting.com/join/235-235-861>.

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

Chair Tristan Laliberte confirmed that all members that were present were in-person at the meeting and there would be no roll call for votes.

The Chair noted that the meeting was being recorded by Auburn Cable Television.

The Select Board led the Pledge of Allegiance.

Public Comments

There was no one wishing to speak under this item.

Public Hearings/Presentations

License to Store Flammable Fluids at 190 Washington Street, Auburn, MA. – Application by Ross Real Estate LLC - 6:30 P.M.

The Select Board voted to open the hearing at 6:32 P.M. (Motion made by Mr. Carpenter; motion seconded by Mr. Wrenn) voted in favor 5 to 0.

Jay Smith of Osterman Gas in Northbridge, MA. was present and explained the application for 190 Washington Street, Auburn, MA.

There were no questions from the public or Select Board members.

The Select Board voted to close the hearing (Motion made by Mr. Wrenn; motion seconded by Mr. Rufli) voted in favor 5 to 0.

The Select Board 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. (Motion made by Mr. Berthiaume; motion seconded by Ms. Rufli) voted in favor 5 to 0.

Chester P. Tuttle Post 279 American Legion – Retail Liquor License Amendment Alteration of Licensed Premises 88 Bancroft Street, Auburn, MA 6:30 PM.

At 6:34 P.M. the Board voted to open the hearing (Motion made by Mr. Berthiaume; motion seconded by Mr. Wrenn) voted in favor 5 to 0.

William MacLean of the Tuttle Post was present and explained the application and plans for the alteration of licensed premises at 88 Bancroft Street, Auburn, MA.

The Development Coordinating Group (DCG) submitted recommended conditions to be placed on the license:

- The applicant shall receive all necessary permits and inspections from Town Departments, Boards, or Commissions;
- The applicant shall obtain any necessary approvals of State agencies;
- The applicant shall work with the Board of Health on specific event dates and Board of Health requirements.

Dan Carpenter discussed with the applicant the layout of alcohol service on the decks and the tent to prevent alcohol service to underage patrons.

The Board voted to close the hearing (Motion made by Ms. Rufli; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Select Board then 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 (Motion made by Mr. Wrenn; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board voted to move forward agenda items 5a) and 5b) – motion made by Mr. Berthiaume; motion seconded by Ms. Rufli and voted in favor 5 to 0.

Select Board General Items

Chester P. Tuttle Post 279 American Legion 88 Bancroft Street, Auburn, MA – Indoor Entertainment License.

The Board reviewed the application documents for the Indoor Entertainment License and comments from the DCG.

- The applicant shall receive all necessary permits and inspections from Town Departments, Boards, or Commissions;
- The applicant shall obtain any necessary approvals of State agencies;

- The applicant shall work with the Board of Health on specific event dates and Board of Health requirements.

The Select Board voted to approve, 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 (Motion made by Mr. Berthiaume; motion seconded by Ms. Rufli) voted in favor 5 to 0.

Chester P. Tuttle Post 279 American Legion 88 Bancroft Street, Auburn, MA – Outdoor Entertainment License

The Select Board reviewed the application documents for the Outdoor Entertainment License and comments from the DCG.

- The applicant shall receive all necessary permits and inspections from Town Departments, Boards, or Commissions;
- The applicant shall obtain any necessary approvals of State agencies;
- The applicant shall work with the Board of Health on specific event dates and Board of Health requirements.

There were no abutters or members of the public wishing to speak on the application.

The Select Board 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 - Motion made by Ms. Rufli; motion seconded by Mr. Carpenter for discussion.

In discussion, Mr. Carpenter asked about some events listed on the calendar without specific dates and voiced that it has been the Board's past practice not to allow this. He said that the abutters should be notified of all the events and their specific dates.

There were no further comments from Board members.

Mr. Carpenter then withdrew his second of the motion. Mr. Berthiaume seconded and the Board voted in favor of the license approval 4 to 1. Mr. Carpenter opposed.

Communications

Letters from Planning Board on Recommendations after Public Hearings for Zoning Bylaw Amendments on the Annual Town Meeting Warrant - Articles 34, 35 and 36.

Town Manager Julie Jacobson noted the receipt of letters from the Town Planner regarding the public hearings held by the Planning Board on zoning bylaw amendments in Articles 34, 35 and 36 on the May 3, 2022 Annual Town Meeting Warrant.

The Planning Board had voted to recommend approval of the three proposed zoning bylaw amendments.

Drainlayer License – Despres Landscape & Excavation of Westminster, MA.

The Board reviewed the application documents and recommendation by the Sewer Commission.

The Select Board 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. Carpenter; motion seconded by Mr. Wrenn) voted in favor 5 to 0.

Drainlayer License - East Street Excavation, Inc. of North Grafton, MA

The Board reviewed the application documents and recommendation of the Sewer Commission.

The Select Board 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. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board voted to move forward agenda 6a) Town Manager Notice of Retirement at the end of this Contract Term (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Town Manager Julie Jacobson presented to the Select Board a formal notice of her retirement at the expiration of this contract term on January 30, 2023.

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Members offered comments congratulating Ms. Jacobson on her retirement and her successful tenure and many accomplishments as Auburn's first Town Manager.

There was discussion about the successor to the Town Manager. Ms. Jacobson spoke of the current Assistant Town Manager Ed Kazanovicz, who had indicated that he would be honored to be the next manager.

Mr. Wrenn asked if the Board was required to go through a search process. Ms. Jacobson said that it was up to the Board, that the Board could promote effective on her date of retirement if that was the decision.

Mr. Berthiaume spoke in support of the promotion of Mr. Kazanovicz and said that he would like to be part of the vote and show his confidence in Mr. Kazanovicz. He requested to put it on the next agenda for discussion.

Ms. Rufli asked if the Board was required to advertise the position. Ms. Jacobson said that the Board was allowed to fill the position by promotion of an employee. She doesn't believe that the Board is required to advertise, that it's up to the Board, but she could double check with Labor Counsel.

Mr. Carpenter spoke that the position should be advertised and that the new member of the Select Board should have a vote on the appointment.

Vote to reduce Flag Committee to 3 Members, if 5 Members cannot be identified

Tristan Laliberte explained that this would allow the Flag Committee to continue with its work if we can't get five members.

The Select Board voted to reduce the Flag Committee to 3 members if 5 members cannot be identified (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Vote to appoint Steve Consiglio to the Flag Committee

The Select Board voted to appoint Steve Consiglio to the Flag Committee (Motion made by Mr. Carpenter; motion seconded by Ms. Ruffli) voted in favor 5 to 0.

Vote to appoint Ken Ethier to the Flag Committee

The Select Board voted to appoint Ken Ethier to the Flag Committee (Motion made by Mr. Carpenter; motion seconded by Ms. Ruffli) voted in favor 5 to 0.

The Board voted to move to agenda item 5i) Gift Acceptances (Motion made by Mr. Berthiaume; motion seconded by Ms. Ruffli) voted in favor 5 to 0.

Deputy Fire Chief Glenn Johnson was present and explained the gift from the Department of Fire Services.

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

The Select Board voted to approve a gift acceptance with gratitude and a letter signed by the Chair to the Fire/Rescue Department from the Department of Fire Services of a used flash over trailer (approximate market value \$20,000.00) for use by the Fire/Rescue Department (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

The Board voted to move to agenda item 6b) MassDEP Grant - Sustainable Materials Recovery Program (SMRP) Municipal Grant (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

DDIS Director Darlene Coyle described the grant from the annual Sustainable Materials Recovery Program (SMRP). She said that she was requesting \$16,500.00 in funds this year to help the Town reduce solid waste and improve recycling.

Following discussion, the Select Board voted to authorize, accept and expend funds from the annual Sustainable Materials Recovery Program (SMRP) – motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

Discussion and Potential Vote on Wage Theft and Tax Fraud Strategy

The Select Board discussed the item. The Board voted to pursue a Wage Theft Bylaw for the Town to adopt (Motion made by Mr. Wrenn; motion seconded by Mr. Berthiaume) voted in favor 4 to 1. Mr. Carpenter opposed.

Proclamations and Recognitions

There were no items.

Tabled Items

There were no items.

Select Board Member Items

Discussion on Rank-Choice Voting in Municipal Elections (Tristan Laliberte)

The Select Board discussed the Chair's proposal for Rank-Choice Voting in municipal elections.

Mr. Berthiaume stated that he was not in favor of the proposal.

Mr. Carpenter said that he was not in favor and that it was too costly for towns of Auburn's size to create the voting system.

Ms. Ruffli said that she liked the proposal to be able to vote for a second-choice candidate.

Mr. Wrenn said that he agreed with Mr. Berthiaume and Mr. Carpenter and he was not in favor.

Chair commented that the consensus of the Board was not to pursue the rank-choice voting system.

Chair Tristan Laliberte asked if there were any corrections or omissions to the minutes of January 24, 2022, February 14, 2022, and February 28, 2022. He noted one change to the February 28, 2022 minutes to correct the omission of a vote.

There being no further changes, the Chair accepted the minutes January 24, 2022, February 14, 2022, and the minutes of February 28, 2022 with the correction.

The meeting was adjourned at 7:32 P.M. (Motion made by Mr. Carpenter; motion seconded by Mr. Berthiaume) voted in favor 5 to 0.

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

The following documents were part of the Select Board's Meeting of April 25, 2022 and are retained in the Executive Office of the Town Manager:

- April 25, 2022 Agenda
- Application Documents - License to Store Flammable Fluids at 190 Washington Street, Auburn, MA. – Application by Ross Real Estate LLC
- Application Documents - Chester P. Tuttle Post 279 American Legion – Retail Liquor License Amendment Alteration of Licensed Premises 88 Bancroft Street, Auburn, MA; Letter of Recommendation from Development Coordinating Group (DCG) dated April 20, 2022
- Application Documents - Chester P. Tuttle Post 279 American Legion 88 Bancroft Street, Auburn, MA – Indoor Entertainment License; Letter of Recommendation from DCG dated April 20, 2022
- Application Documents - Chester P. Tuttle Post 279 American Legion 88 Bancroft Street, Auburn, MA – Outdoor Entertainment License; Letter of Recommendation from DCG dated April 20, 2022
- Letters from Planning Board on Recommendations after Public Hearings for Zoning Bylaw Amendments on the Annual Town Meeting Warrant - Articles 34, 35 and 36
- Application Documents - Drainlayer License Despres Landscape & Excavation of Westminster, MA; Letter of Recommendation from Board of Sewer Commissioners dated April 19, 2022
- Application Documents - Drainlayer License East Street Excavation, Inc. of North Grafton, MA; Letter of Recommendation from Board of Sewer Commissioners dated April 19, 2022
- Gift Acceptance – Fire/Rescue Department from Department of Fire Services (used flash over trailer)
- Letter from Town Manager – Notice of Retirement at the end of this Contract Term
- Minutes – January 24, 2022, February 14, 2022 and February 28, 2022