

Select Board Minutes

Monday, September 26, 2022 -6:00 PM

*Meeting to be held as hybrid with both an in-person and with a remote participation option in accordance with Chapter 107 of the Acts of 2022*

Present: Scott C. Wrenn, Sara K. Rufli and Steven Chambers

Absent: Daniel S. Carpenter

Also Present: Town Manager Julie A. Jacobson and CFO/Asst. Town Manager Ed Kazanovicz

Chair Scott Wrenn called the meeting to order at 6:00 P.M.

Mr. Wrenn announced that this Open Meeting of the Town of Auburn Select Board was being operated as a hybrid model under Chapter 107 of the Acts of 2022 with in-person and remote participation options. For the public to join the meeting remotely 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.

Mr. Wrenn noted that the meeting was being recorded by Auburn Cable Television. He asked if anyone else was recording the meeting. No one so indicated.

The Chair confirmed that all members that would be participating were present in person for the meeting.

The Board led the Pledge of Allegiance.

The Chair announced that the public meeting for the Whitney Street Home Builders, LLC for a Local Initiative Project (LIP) for Housing Development at 16 Perry Place has been continued until the October 11<sup>th</sup> Select Board meeting on request of the developer. He advised that there would not be discussion on the matter tonight.

The Select Board voted, in accordance with MGL Chapter 30A, Section 21 (a) (2) strategy with respect to non-union contract negotiations, to go into executive session to deliberate on matters, which if done in an open meeting could detrimentally affect the position of the town, regarding strategy with respect to non-union contract negotiations, to come out of executive session and reconvene in an open meeting (Motion made by Ms. Rufli; motion seconded by Mr. Chambers ) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 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 strategy with respect to non-union contract negotiations (next Town Manager) 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.

Mr. Wrenn stated that there would be no public meeting tonight on the proposed Perry Place development and that it was continued to the October 11<sup>th</sup> meeting.

The Board voted to move forward agenda item 7a) Potential Vote on Contract for next Town Manager, Ed Kazanovicz (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Chair Scott Wrenn stated that the Town and the next Town Manager have entered into a contract that needs to be ratified in open session.

The Select Board voted to ratify the contract for the next Town Manager, Edward J. Kazanovicz (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

#### Public Comments

Darlene Coyle announced that DEP has made changes to the waste ban regulations on mattresses and textiles to be effective November 1<sup>st</sup>. She provided some information for options and costs to discard mattresses in compliance with the ban either by having the town hauler pick them up or dropping them off at the facility at 15 Hardscrabble Road now through October 31<sup>st</sup>.

#### Public Hearings/Presentations

Motor Vehicle Class I License - Patrick Automotive Inc. dba Patrick Volvo, 519 Washington Street Auburn, MA. – 6:30 P.M.

The Board voted to open the public hearing at 6:56 P.M. (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Mr. Neil Patrick was present. The Chair told the applicant that, with only three board members present, any votes would need to be unanimous and he asked Mr. Patrick if he wanted to proceed. Mr. Patrick answered in the affirmative.

Mr. Patrick explained the Motor Vehicle Class I License application for the business at 519 Washington Street, Auburn, MA.

The Board received the following recommended conditions from the Development Coordinating Group (DCG):

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

There were no questions posed by the Board members.

Mr. Patrick replied to the following issues raised by an abutter, Linda Boisselle at 122 South Street, Auburn, MA:

1. Resident asked about how many more cars would be in the lot. Mr. Patrick replied that there would be no change in the number of cars.

2. Resident asked if there would be outdoor speakers. Mr. Patrick replied no.
3. Resident asked about changing the hours of operation. Mr. Patrick said that the hours would be exactly the same as at the other locations.
4. Resident asked about loading and unloading of vehicles on the state highway. Mr. Patrick said that vehicle loading and unloading would never be done on Route 20 and would be done only on the lot.
5. Resident expressed concerns about the lighting. Mr. Patrick said that he would be making changes to the lighting and it would be less than before.
6. Resident asked if the business could change the direction of test drives down Route 20 to avoid South Street, which is a narrow street. Mr. Patrick said that Route 20 is a dangerous direction for the test drives so they turn off Route 20 as soon as possible.

Mr. Mike Schillinger of 12 Diane Avenue expressed that he had the same concerns as Ms. Boisselle and he specifically asked about the lighting. He said that he hopes that the changes in the lighting that Mr. Patrick spoke about would be an improvement.

There were no further public comments.

At 7:05 P.M. the Board voted to close the hearing (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 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. 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. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Continued Public Meeting on Whitney Street Home Builders, LLC for a Local Initiative Project (LIP) for Housing Development at 16 Perry Place.

The Chair reiterated that this item would not be taken up tonight and that the public meeting would be continued on request of the applicant to the October 11<sup>th</sup> meeting. Mr. Chambers asked if there was a deadline for the developer to request to continue the meeting.

Town Manager Julie Jacobson said that there was no such requirement by law and that the meeting was not a public hearing. She said that the developer needed more time to respond to the many questions that had been emailed to the office over the weekend.

Communications

There were no items.

Select Board General Items

Century Sportsman's Club - Outdoor Entertainment License for Haunted Hayride 531 Rochdale Street, Auburn, MA.

The Board received the application documents for the Outdoor Entertainment License and comments from the Development Coordinating Group (DCG):

- The applicant shall obtain all necessary permits and inspections from Town Departments, Boards, or Commissions;
- The applicant shall obtain any necessary approvals of State agencies;
- Each food vendor must obtain a food permit from the Board of Health to offer food at the event;
- If the extended patio is to be utilized for alcohol, a TIPS certified employee must be on the patio at all times during the event to monitor this activity.

Mr. Alfred Aubin of Century Sportsman's Club was in attendance. He said that the annual event would be the same as in past years, with a small change as to the flow of the hayrides.

There were no questions from Board members or the public.

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 Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Vote on Acceptance of 2022 Capital Fund Program Amendment, Housing and Urban Development (HUD) Formula Grant to Carry out Work Activities Identified in the Public Housing Authority's 5 Year Capital Action Plan.

Ms. Betty Bacinskas was participating remotely on behalf of the Auburn Housing Authority. The Town Manager explained that this was a standard form that the Housing Authority sends each year to HUD, following a vote by the Select Board, and HUD reviews and makes any needed changes.

The Select Board voted to approve for the local Public Housing Authority (PHA) to accept HUD's 2022 Capital Fund Program formula grant to carry out work activities identified in the PHA's 5 Year Capital Action Plan (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

October 18, 2022 Special Town Meeting Warrant

The Select Board voted to approve the October 18, 2022 Special Town Meeting Warrant, pending final review by Town Counsel (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Potential Vote on October 18, 2022 Special Town Meeting Warrant Articles

CFO Ed Kazanovicz gave an overview of the warrant articles. He noted that Article 11 requests to appropriate \$300,000.00 from Free Cash as part of the \$500,000.00 appropriation to the Town Stabilization Fund. Mr. Kazanovicz advised that he received a preliminary Free Cash certification today of 18.7 million.

In addition, Mr. Kazanovicz advised that Article 19 in this warrant will be removed because the cost of the infrared camera to monitor roadway temperatures will not be known for some time. He said that if the warrant articles are approved as presented by the town meeting the final budget will utilize 1.23% out of the possible 2.5% allowed under Prop 2½, leaving \$600,000.00 in Excess Levy Capacity. He said that many of the articles are addressing inflationary costs.

Article 2 - Amends Article 3 of the May 3, 2022 Annual Town Meeting, (Operating Budget for FY2023).

Mr. Chambers said that he was not ready to vote on a recommendation for the financial Article 2 tonight he needed more information. Mr. Kazanovicz advised him that the Finance Committee would be reviewing the warrant at their meeting this Wednesday September 28<sup>th</sup> and he and the other members might get more information by viewing the meeting. Further a pre-town meeting will be held on Monday October 3<sup>rd</sup> at the Town Hall.

The Board took no action.

The Town Manager suggested that the Board considers voting recommendations for the warrant articles with no tax levy impact. Mr. Kazanovicz enumerated that those articles would be Articles 4, 5, 6, 7, 13, 14, 16, 17 18 and 25 on the October 18, 2022 Town Meeting Warrant before the Board this evening.

The Board voted to recommend approval of those articles (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Article 3 - Amends Article 12 of the May 3, 2022 Annual Town Meeting so as to increase Medicaid Reimbursement from \$100,000.00 to \$125,000.00.

CFO Ed Kazanovicz explained the article that increases the Medicaid Reimbursement within the General Fund Revenues to the Auburn School Department Operating Budget for FY23. He said that the article was needed because the revenue that was received for FY22 was higher than expected at the time of the FY23 budget preparation.

The Select Board voted to recommend approval of Article 3 (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Article 8 - Appropriates \$10,000.00 from General Fund Revenues for the installation of water backflow valves in Auburn's Municipal building as mandated by the Federal Government.

Article 9 - Appropriates \$7,500.00 from General Fund Revenues for the repair of a section of rusted pipe for the Town Hall Sprinkler System.

CFO Ed Kazanovicz presented the details for Articles 8 and 9.

Mr. Chambers raised the possibility of allocating ARPA funds for the items instead of using general fund revenues.

Scott Wrenn said he was unsure about ARPA eligibility, but he would agree to hear the information.

The Board agreed to hold these articles until the next meeting for the administration to review the potential to use ARPA funds.

Article 10 – Appropriates \$500,000.00 from Overlay Surplus to the Town OPEB (Other Post-Employment Benefits) Liability Trust Fund.

Mr. Kazanovicz explained the Overlay Surplus Account. The Select Board voted to recommend approval (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Article 11 - Appropriates \$500,000.00, of which \$200,000.00 will come from Overlay Surplus and \$300,000.00 will come from Free Cash, to the Town Stabilization Fund.

Ed Kazanovicz explained status of Free Cash and that he received verbal certification today of \$18.7 million. Mr. Kazanovicz described the Town's Financial Policy with respect to Stabilization.

Mr. Chambers said that he wanted to hold voting on this recommendation until after the Finance Committee recommends.

The Board held action on the recommendation for Article 11.

Article 12 - To see if the Town Meeting will vote to appropriate \$300,000.00 from Free Cash for the installation of communication equipment for West Auburn.

Town Manager Jacobson advised the Board that this article will be removed. The administration has decided to do a cost study first and then potentially request an allocation from ARPA funds.

Article 14 - Appropriates \$9,000.00 from General Fund Revenues for a proof of concept relative to a proposal for a new radio tower/communications system and for an AVTEC Firmware upgrade for radio dispatch.

Police Chief Todd Lemon and Deputy Police Chief Scott Mills were present. Chief Lemon explained the AVTEC Firmware and software upgrades that were needed for dispatch.

The Select Board voted to recommend approval of the article (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Article 20 - Appropriates \$20,000.00 from Free Cash to purchase a new air compressor and associated electrical equipment and electrical connections the DPW Highway Garage.

Asst. DPW Director/Sewer Superintendent Nick Swartz was present and explained the warrant article.

The Select Board voted to recommend approval (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Article 21 - Appropriates \$60,000.00 from the Pakachoag Golf Course retained earnings for the design of drainage improvements and irrigation system upgrades.

DPW Director Joanna Paquin was present and explained the article requesting an appropriation from Pakachoag Golf Course Retained Earnings for the design of drainage improvements and irrigation system upgrades.

The Select Board voted to recommend approval of the article (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

DPW Director Joanna Paquin explained the following three articles, two of which request appropriations from the Cemetery Perpetual Care Account and one requesting \$155,000.00 from Sewer Retained Earnings.

Article 22 - Appropriates \$3,000.00 from the Cemetery Perpetual Care Account for the replacement of trees and other landscaping at Hillside Cemetery.

The Select Board voted to recommend approval (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Article 23 - Appropriates \$8,500.00 from the Cemetery Perpetual Care Account for the rental of equipment to screen loam at Hillside Cemetery.

The Select Board voted to recommend approval (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Article 24 - Appropriates \$155,000.00 from Sewer Retained Earnings to purchase equipment and services to conduct a Sewer System Evaluation Survey.

The Select Board voted to recommend approval (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 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

Vote to accept and expend a grant from the Municipal Americans with Disabilities Act Improvement Grant Program through the Massachusetts Office on Disability for ADA improvements to the Boyce Street Tot Lot and the Franklin Street Playground.

Town Manager Julie Jacobson explained the grant program. The application was prepared based on the findings from the Town's ADA Self-Evaluation and Transition Plan.

The Select Board voted to accept and expend a grant for \$102,500.00 from the Municipal Americans with Disabilities Act Improvement Grant Program through the Massachusetts Office on Disability for ADA improvements to the Boyce Street Tot Lot and the Franklin Street Playground (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Request for ARPA funds in the amount of \$25,000.00 to conduct an engineering study of existing Heating Ventilation and Air Conditioning (HVAC) systems in various town buildings.

The Town Manager presented the request to allocate ARPA funds in the amount of \$25,000.00 for an engineering study of existing HVAC systems in various town buildings as described in her report.

The Select Board voted to approve the request for ARPA funds in the amount of \$25,000.00 to conduct an engineering study of existing Heating Ventilation and Air Conditioning (HVAC) systems in various town buildings (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

The Board voted to move forward agenda item 8e) Recommendation of Police Chief Todd Lemon for Halloween 'Trick or Treating' Hours on October 31, 2022 (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

The Town Manager discussed the Police Chief's recommendation for the 'Trick or Treating' date and hours this year.

The Select Board voted to accept the Police Chief's recommendation that 'Trick or Treating' this year is on Monday October 31, 2022 from 5:00 PM until 7:00 PM (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

The Select Board voted to move forward agenda item 8d) Vote to apply for up to \$19,000.00 from the 2023 Firefighter Safety Equipment Grant Program through EOPSS (Motion made by Mr. Chambers; motion seconded by Ms. Rufli) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Fire Chief Stephen Coleman was present and explained the grant program. The Select Board then voted to apply for up to \$19,000.00 from the 2023 Firefighter Safety Equipment Grant Program through EOPSS, the Executive Office of Public Safety and Security (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Discussion on Fire/Rescue Staffing Report

Fire Chief Coleman and Deputy Fire Chief Johnson were in attendance.

Chief Coleman stated that the Fire/Rescue Department is at a critical point in minimum shift staffing levels as a result of the increased call volume. He said that something has to be done because firefighters will start to get hurt. He discussed the Safer Grant and that hopefully the grant application for additional officers will get approved. If not, he described an alternate plan that is being prepared in coordination with the town administration that would include an amendment to the budget article to address the crisis

The Select Board voted to amend the Article 2 line item for Acct. #012211-511113 Firefighters by \$161,051.00 to \$3,017,410.00 support an increase of 4 firefighters - Motion made by Ms. Rufli; motion seconded by Mr. Chambers and voted by roll call: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

Tabled Items

There were no items.

Select Board Member Items

There were no items.

The meeting was adjourned at 8:47 P.M. (Motion made by Ms. Rufli; motion seconded by Mr. Chambers) roll call vote: Mr. Chambers, Yes; Ms. Rufli, Yes; Mr. Wrenn, Yes – passed 3 to 0.

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

The following documents were part of the Select Board's Meeting of September 26, 2022 and are retained in the Executive Office of the Town Manager:

- September 26, 2022 Agenda
- License Application Documents - Motor Vehicle Class I License Patrick Automotive Inc. dba Patrick Volvo, 519 Washington Street Auburn, MA.
- Century Sportsman's Club - Outdoor Entertainment License for Haunted Hayride 531 Rochdale Street, Auburn, MA.
- Vote on Acceptance of 2022 Capital Fund Program Amendment, Housing and Urban Development (HUD) Formula Grant to Carry out Work Activities Identified in the Public Housing Authority's 5 Year Capital Action Plan
- October 18, 2022 Special Town Meeting Warrant
- Letter from DPW Director dated September 22, 2022 – Request for Authorization to Apply for, Accept and Expend a Grant from the Municipal Americans with Disabilities Act Improvement Grant Program through the Massachusetts Office on Disability for ADA improvements to the Boyce Street Tot Lot and the Franklin Street Playground
- Letter from Town Manager dated September 26, 2022 – Request for ARPA Funds in the amount of \$25,000.00 to conduct an Engineering Study of existing Heating Ventilation and Air Conditioning (HVAC) Systems in Various Town Buildings
- Letter from Police Chief dated September 21, 2022 - Recommendation of Police Chief Todd Lemon for Halloween 'Trick or Treating' Hours on October 31, 2022