

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: February 18, 2020
Date of Transcription: February 19, 2020
Transcribed by: Cassandra Slaney

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Selectmen Present: Patrick G. Tropeano, Chairman
Mary Bruce, Clerk
Alan H. Slavin
Peter W. Teitelbaum
James M. Munise

Also Present: Richard Bowen, Town Counsel
Dorene Allen-England, Assistant Town Administrator

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

Early voting will be taking place February 24 through February 28 for the 2020 Presidential Primaries.

There will be a CMW sub-committee meeting on February 19th at 9:00 a.m. at 13 Atlantis Ave., Marion, MA.

The Drop-in Center at the Church of the Good Shepherd will be open February 19th at 5:00 p.m. The drop in center is open to individuals and/or family members facing issues dealing with substance abuse.

5. CITIZENS COMMENTS

6. BOARDS COMMENTS

Selectman Slavin wanted to reaffirm that Swifts Beach Road is part of the Route 6 corridor study which has been taken up by Mass DOT region 5 as a separate item.

Selectman Slavin also stated that even though the intersection of Tihonet Road and Route 28 qualifies for a traffic light, Mass DOT does not consider this a high risk area and therefore will not be approved for a traffic light.

7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

a. Zoning Board of Appeals – Russell Motto

Selectman Munise stated that Russell Motto has not attended a ZBA meeting and was not in attendance at the Selectmen's meeting to be appointed. He would like to make sure he is still interested in serving as a member before appointing him. Selectman Tropeano agreed.

8. LICENSES AND PERMITS

9. DOG HEARING 7:15 P.M.

MOTION: Selectman Slavin moved to open the hearing. Selectman Bruce seconded. Poll Vote: Selectman Slavin=yes, Selectman Munise=yes, Selectman Bruce=yes, Selectman Teitelbaum=yes, Selectman Tropeano=yes.

Selectman Teitelbaum read into record the complaint (as attached) from the Animal Control Officer.

Animal Control Officer, Cheryl Gorgeatt-Dill stated that there were three separate incidents and all three victims were notified of the hearing by her and opted not to attend. She was not a witness to any of the situations, she was made aware of them after the fact. The first attack was on a Fed-Ex driver who was making a delivery, he saw the dog leashed, approached the dog, put his hand out and the dog bit his hand causing lacerations. The second incident happened at the owner's house where kids were playing together and the dog bit one of the children's feet. A day later, the third victim who was a couple of doors down, was getting out of her car while the owner of the dog's son was walking the dog on a leash. She put her hand out to the dog and was attacked causing serious injury and resulting in broken bones.

Selectman Teitelbaum asked the owner of the dog if she agreed with the facts as they have been presented by the animal control officer which is on separate occasions, the dog did bite people. The owner of the dog agreed with what was presented.

Ms. Finni, the owner of the dog stated that the dog has been in training classes since he was nine months old and she purchased a muzzle after the first incident. She was not home to make sure the dog had the muzzle on at the time of the third incident. She also said that she will continue to do everything she needs to do to keep the dog safe as well other people. She stated that the dog is a year old and isn't malicious. She is currently working with a canine trainer and she is willing to get a pen for the dog.

Ms. Gorgeatt-Dill stated that she spent a lot of time on this specific situation. The dog is a very large dog and she is concerned about the safety of everyone in the

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neighborhood. She also feels that the owner is concerned too. As soon as the investigation started, Ms. Gorveatt-Dill stated that Ms. Finni posted Beware of Dog signs along her property, she had purchased a muzzle, and arranged dog training classes. In addition, the dog is licensed and never received any past complaints. She feels the dog's owner will comply with her recommendations.

MOTION: Selectman Slavin moved to close the hearing. Selectman Bruce seconded. Poll Vote: Selectman Slavin=yes, Selectman Munise=yes, Selectman Bruce=yes, Selectman Teitelbaum=yes, Selectman Tropeano=yes.

MOTION: Selectman Bruce moved that the following conditions be placed on the dog recommended by the Animal Control Officer. 1) That the dog be humanely restrained. 2) That the dog(s) be confined outdoors in a securely enclosed and locked pen. 3) When the dog is removed from the premises of the owner, the dog shall be securely and humanely muzzled and restrained with a chain or tethering device not to exceed 3 feet in length. That the dog only be walked by an adult of 18 years or older. 4) That the owner provides proof of insurance coverage for the dog. 5) That the owner provides animal control with information by which the dog may be identified throughout its lifetime. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

10. TOWN BUSINESS

a. Buzzards Bay Coalition-Onset Beach Bathhouse.

Present before the Board: Katherine Garofoli, Onset Bay Center Director
Ms. Garofoli stated that the Onset Beach Bathhouse is about 85% complete and anticipating opening by mid-June. There will be many programs offered to youths such as sailing, marine exploration, swimming, kayaking, and paddle boarding. There will also be adult programs offered as well.

b. Proposal and authorization of the Town Administrator to negotiate a Host Community Agreement.

Present before the Board: Ken Buckland, Town Planner, Michele Hanson, Co-Owner of YouCanBeCo, LLC, Steven Sapir, Co-Owner of YouCanBeCo, LLC.

Ms. Hanson and Mr. Sapir are asking to consider their request to get a cannabis extraction and processing license located at 3065 Cranberry Hwy, Wareham, MA. The company will extract and manufacture a variety of marijuana infused products which will be sold directly to other manufacturers and the retail market. This company will not be open to the public.

MOTION: Selectman Slavin moved to authorize to enter into negotiation for a host community agreement with YouCanBeCo LLC. Selectman Bruce seconded.

VOTE: 5-0-0 (Unanimous)

c. Community Rating System presentation.

Present before the Board: Ken Buckland, Town Planner

Mr. Buckland is seeking authorization to process the application for the Community Rating System program. Mr. Buckland explained that the National Flood Insurance

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Program offers the Community Rating System which allows the Town, if it shows proof of its active attempt to manage and protect people in the floodplain, a discount to homeowners. The discount on flood insurance premiums range from 5% to 45% depending on the total number of points the Town earns which would be determined during the application process. *(See attachment)*

MOTION: Selectman Teitelbaum moved to authorize the Town Planner to pursue applying for the Community Rating System program. Selectman Bruce seconded.

VOTE: 5-0-0 (Unanimous)

d. Vote on performance bond.

MOTION: Selectman Bruce moved to accept the performance bond in the amount of \$1,899,033.00. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

e. Discussion and vote on Smelt Regulation.

Present before the Board: Garry Buckminster, Harbormaster

Mr. Buckminster is looking for approval to postpone smelt fishing within the Weweantic River indefinitely in order to provide protection to the smelt spawning area. The Division of Marine Fisheries determined that this is a species of concern due to increased predation, nutrient loading, dams, watershed development, climate change, and over-fishing.

Selectman Slavin suggested postponing smelt fishing one year in order to discuss other matters along the river way.

MOTION: Selectman Slavin moved to approve postponing smelt fishing for one year. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

f. Discussion of trash disposal for Town after CMW contract.

Not discussed.

g. Discussion of warrant articles for Special Town Meeting within the Annual Town Meeting.

MOTION: Selectman Slavin moved to include the Harbor Services Permit Receipts Reserved for Appropriations Account article in the Special Spring Town warrant. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Slavin moved to include the Westfield Girls Softball Field Upgrades article in the Special Spring Town warrant. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

Selectman Teitelbaum stated that Stone Path Malt, in addition to having a pouring license, would like to sell the beers clients brew. He asked the Board about coming up with a request for Special Legislation to do this.

Atty. Bowen stated that under Chapter 138 section 15, there is a category for beer and wine retail licenses and theoretically it is possible.

h. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

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11. TOWN ADMINISTRATOR'S REPORT

None.

12. LIAISON REPORTS/INITIATIVE REPORTS

CMW voted to approve an amended agreement which will be coming up at the Special Town Meeting.

Selectman Munise attended the Affordable Housing Trust meeting and stated that they are making progress on certain qualified guidelines.

The Bike Path is scheduled for 2024 at \$5,313,588.00.

The traffic light intersection changes on Route 6 and Swifts Beach Road that the Mass DOT has taken on as a separate project will be approximately \$3, 248,704.00. This cost also includes reconfiguring the roads.

Selectman Slavin has provided the Route 6 Corridor Study draft. It will be in the Selectmen's office for anyone to read and provide comments.

Selectman Slavin attended a meeting at Glen Cove regarding the horse track and casino. He said it was a good presentation on the facility itself.

13. CONSENT AGENDA

- a. Authorize payment to the Law Office of Richard P. Bowen.

MOTION: Selectman Bruce moved to authorize payment to the Law Office of Richard P. Bowen in the amount of \$15,650.00. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: February 4, 2020.

MOTION: Selectman Munise moved to approve the meeting minutes for February 4, 2020. Selectman Slavin seconded.

VOTE: 3-0-2 (Selectman Teitelbaum and Selectman Bruce abstained)

14. ADJOURNMENT

MOTION: Selectman Slavin moved to adjourn. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

15. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted

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Cassandra Slaney
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen on:

Attest: 
Mary Bruce, Clerk

Date Signed: 3-3-20

Date sent to the Town Clerk: 3-4-20