

MINUTES OF MEETING OF THE SELECT BOARD

Date of Meeting: March 28, 2023
Date of Transcription: May 24, 2023
Transcribed by: Karen Wilfert

1. CALL MEETING TO ORDER BY CHAIR

Remote meeting due to COVID 19

2. ROLL CALL

Select Board Members Present: Judith Whiteside, Chair
Patricia A. Wurts, Clerk
Alan H. Slavin
Jared S. Chadwick
Ronald S. Besse

Also Present: Derek Sullivan, Town Administrator
Rich Bowen, Town Counsel

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

The Mary B. Rose Scholarship Committee is offering two \$500 scholarships for local students accepted into or who are currently enrolled in an accredited or post-secondary school program.

Mr. Slavin thanked Natural Resources' Garry Buckminster for his work on the Minot Forest trails and signage.

Mr. Slavin thanked Wareham Community Associates for giving out two \$1,000 scholarships and four \$500 scholarships.

Mr. Besse congratulated the Wareham Vikings Boys Basketball team for winning the State championship.

Mr. Besse announced an invitation to a Showcase Wareham event on Thursday, March 30th at the Wareham Town Hall Auditorium from 9-3 PM. Locals can meet with business owners and can find out about upcoming events that Wareham has to offer.

Ms. Whiteside, Chief Correia and the Chair of the Police Study Committee, Claire Smith, toured the Westport Police Station. Ms. Whiteside obtained a copy of the 2016 Westport Police Station presentation for their new station.

Ms. Whiteside announced that instead of creating a new committee for Alternate Energy, the individuals who are very interested and have already done an extensive amount of work on it will continue to work on it and report back to the Planning Board.

Ms. Whiteside thanked the Swifts Beach individuals who have worked on the playground that is going open soon. Ms. Whiteside thanked Christie Patalano, summer resident, for being the moving force and thanked all volunteers in Wareham for their effort.

Ms. Whiteside announced that she is seeking reelection for the Select Board. Mr. Munise, who is seeking appointment as a COA Associate member, is running against her at the same time for Select Board. Ms. Whiteside will not participate in this vote out of concern for a transparent process. After Ms. LeMoine's appointment, Ms. Whiteside will remove herself and will have Mr. Slavin take over the Chair.

5. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

a. Council on Aging-term to expire on June 30, 2025

i. Elaine LeMoine

Present before the Board: Elaine LeMoine

MOTION: Ms. Wurts moved to appoint Ms. LeMoine as a Member of the Council on Aging to a term to expire no later than June 30, 2025, Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Wurts-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

b. Council on Aging, Associate Member-term to expire on June 30, 2023

i. James Munise

Present before the Board: James Munise

Ms. Whiteside removed herself from the meeting.

MOTION: Mr. Slavin moved to hold the vote until after the Select Board election. Mr. Chadwick seconded. Roll Call: Mr. Besse-yes, Ms. Wurts-abstain.

VOTE: 3-0-1 (Wurts)

Ms. Whiteside returned to the meeting.

c. Conservation Commission-term to expire June 30, 2025

i. Jessica Parr

Present before the Board: Jessica Parr

MOTION: Ms. Wurts moved to appoint Jessica Parr to the Conservation Commission. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Wurts-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

6. LICENSES AND PERMITS

a. Renewal of Seasonal Liquor Licenses under the provisions of Chapter 138 of MGL for the year 2023.

i. Common Victualler Wine & Malts Beverages License issued to Melissa Clement d/b/a CAPE COD LOBSTER ROLLS, 239 Onset Ave., Onset.

MOTION: Ms. Wurts moved to approve the renewal of Common Victualler Wine & Malts Beverages License under the provisions of Chapter 138 of MGL for the year 2023 issued to Melissa Clement d/b/a **CAPE COD LOBSTER ROLLS**, 239 Onset Ave., Onset. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Wurts-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

- ii. Common Victualler Wine & Malts Beverages License issued to Main Street Deli, LLC d/b/a **ONSET BEACH PATIO & GRILLE**, 182 Onset Ave., Onset.

Present before the Board: Frank Evangelista

MOTION: Ms. Wurts moved to approve the renewal of the for Common Victualler Wine & Malts Beverages License under the provisions of Chapter 138 of MGL for the year 2023 issued to Main Street Deli, LLC d/b/a **ONSET BEACH PATIO & GRILLE**, 182 Onset Ave., Onset. Mr. Slavin seconded.

Ms. Whiteside informed the Board that she asked Mr. Evangelista to attend the meeting to answer questions if he chose to do so. Mr. Evangelista acknowledged he would do so and identified himself for the record.

Mr. Besse noted that there are two floor plans – one that is clearly defined and one that is handwritten. Mr. Besse asked which floor plan was correct.

Mr. Chadwick questioned Mr. Evangelista how many businesses are being run out of the establishment. Mr. Evangelista responded only one business and explained that he has several ghost kitchens set ups for online delivery services such as Door Dash, Grub Hub, etc.

Mr. Slavin questioned if there is a Common Victualler license on file that shows the capacity of the establishment.

Ms. Whiteside explained that the new licenses will reflect the capacity of each establishment.

Mr. Slavin requested that the gate for the outside seating be locked at all times, with a safety lock in case of emergencies. The license shall so indicate

Roll Call: - Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

- b. Application from DJP Liquor Corp. d/b/a East Wareham Liquors, 2899-3015 Cranberry Hwy, E. Wareham for a Change of Manager.

Present before the Board: Mr. Sejalben Patel

MOTION: Ms. Wurts moved to approve the application from DJP Liquor Corp. d/b/a East Wareham Liquors, 2899-3015 Cranberry Hwy, E. Wareham for a Change of Manager. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

7. TOWN BUSINESS

- a. Discussion and possible vote regarding the report from Tecton, prepared for the Police Building Study Committee, possibly including future steps to be taken. No discussion was held not taken up.
- b. Discussion and possible vote regarding Tremont Dam FERC License.

Ms. Sherry Quirk, attorney, and Planning Board Associate Member, explained that the Town of Wareham has had a hydro-electric license associated with the Tremont Dam since 1981. The dam has been inoperative since 1999. FERC pointed this out and asked the Town of Wareham about a plan on how it will return back to commercial operation. Mr. Buckland, Town Planner, responded to FERC with a proposed plan to meet FERC's requirements seeking money through Town Meeting or the WRA to hire engineers to survey the dam and find out what it will take to bring the dam back to electric production in conjunction with a business opportunity for the Town.

Ms. Whiteside explained that it would take \$20,000 to do the safety update and the hydrology update and that a policy decision needs to be made. Ms. Whiteside recommended that the project be put on the agenda next week for a vote. Then the Board would recommend back to the WRA to provide from their funds, if appropriate to do the studies for the two steps that might be taken-for either decertification or continuation.

No vote was taken.

- c. Discussion and possible vote regarding \$25,000.00 state grant for marketing for the Town of Wareham. No discussion was held, no action taken.
- d. Accept funds for the COA in the amount of \$2,500.00 for partial funding of a temporary part-time volunteer coordinator.

MOTION: Ms. Wurts moved to accept funds for the COA in the amount of \$2,500.00 for partial funding of a temporary part-time volunteer coordinator. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

- e. Discussion and possible vote to include articles in the **2023 Special Spring Town Meeting Warrant.**

MOTION: Ms. Wurts moved to include Article S-1 Budget Transfers in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-2 Fund Parking Program in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-3 Spring 2023 Capital in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-4 the Transfer of Available Funds in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-5 FY24 Revolving Funds in the 2023 Special Spring Town Meeting Warrant. Ms. Whiteside seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-6 Peg Access Receipts to Wareham Community TV in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-7 Union Contracts in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-abstained, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 4-0-1 (Chadwick)

MOTION: Ms. Wurts moved to include Article S-8 Opioid Stabilization Fund in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-9 Earth Removal Engineering Study in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-10 Bayview Park in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-no, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 4-1-0 (Besse)

MOTION: Ms. Wurts moved to include Article S-11 Wareham, Littleton Drive in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-12 Harbor Services Permit Receipts Reserve for Appropriations Account in the 2023 Special Spring Town Meeting Warrant. Mr. Chadwick seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-13 Article 6 of the Zoning Bylaws Density and Dimensional Regulations in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-14 Change of Funding Source for the 2022 Fall Town Meeting Water Pollution Control Facility in the 2023 Special Spring Town Meeting Warrant. Mr. Chadwick seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to include Article S-15 Wareham Village Reinvestment Subdistrict WV-1R in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

f. Close 2023 Special Spring Town Meeting Warrant.

Ms. Whiteside explained that Article S-16 is an "on by right" properly petitioned Citizens Petition and no vote required.

MOTION: Ms. Whiteside moved to close the warrant which shall consist of 16 articles. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

g. Discussion and possible vote to **recommend action on articles for the 2023 Special Spring Town Meeting Warrant.**

MOTION: Ms. Wurts moved to recommend favorable action on Article S-2 Fund Parking Program in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-4 the Transfer of Available Funds in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-5 FY24 Revolving Funds in the 2023 Special Spring Town Meeting Warrant. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-6 Peg access receipts to Wareham Community TV in the 2023 Special Spring Town Meeting Warrant. Mr. Chadwick seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-7 Union Contracts in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-abstained, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 4-0-1

MOTION: Ms. Wurts moved to recommend favorable action on Article S-8 Opioid Stabilization Fundr in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-9 Earth Removal Engineering Study in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-10 Bayview Park in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-11 Wareham, Littleton Drive in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-abstained, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 4-0-1 (Slavin)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-12 Harbor Services Permit Receipts Reserve for Appropriations Account in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-13 Article 6 of the Zoning Bylaws Density and Dimensional Regulations in the 2023 Special Spring Town Meeting Warrant. Mr. Slavin seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-14 Change of Funding Source in the 2022 Fall Town Meeting Water Pollution Control Facility in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article S-15 Wareham Village Reinvestment Subdistrict WV-1R in the 2023 Special Spring Town Meeting Warrant. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

h. Discussion and possible vote to recommend action on articles for the 2023 Annual Spring Town Meeting Warrant.

MOTION: Ms. Wurts moved to recommend favorable action on Article 4 FY24 Revolving Funds in the 2023 Annual Town Meeting Warrant. Chadwick seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article 2 Recurring Business in the 2023 Annual Town Meeting Warrant. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

MOTION: Ms. Wurts moved to recommend favorable action on Article 17 to Amend Zoning Bylaw/Parking in the 2023 Annual Town Meeting Warrant. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE: 5-0-0 (Unanimous)

Ms. Whiteside discussed a Citizen's Petition asking to terminate a Town (Swifts Beach) contract. Mr. Slavin asked what the consequences are for terminating this "binding" contract. Mr. Bowen responded that there would be consequences and to minimize liability, he recommended to either take no action or not to vote on the petition.

MOTION: Mr. Slavin moved for a motion of no action on the Citizen's Petition. Mr. Chadwick seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-abstained, Ms. Whiteside-yes

VOTE:

NO ACTION, 4-0-1

- i. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.
None.

8. TOWN ADMINISTRATOR'S REPORT

None

9. LIAISON/INITIATIVE REPORTS/BOARD'S COMMENTS

Mr. Slavin discussed attending a meeting with the DOT and two Fire departments regarding Rt. 6 and Rt. 28 road construction. The agenda lists areas with problems and the Landers contractor will be attending.

Mr. Slavin discussed a NE boating magazine which did an article for the Town a few years ago will be doing a 30 minute TV program covering different areas of Wareham. A CEC grant will pay for it. The Town can use it for future marketing.

Mr. Slavin discussed attending a meeting with the MA DOT about the Weweantic bridge project.

Mr. Slavin discussed an article giving the State authority to assist municipal construction having to do with public safety when cities and towns might repair any infrastructures. A bill was signed by State Rep. Susan Gifford. Mr. Slavin is working on getting backing from other Senators and other Reps for the bill

Mr. Chadwick wished the 8th grade good luck on their Washington, D.C. trip.

10. CONSENT AGENDA

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

11. ADJOURNMENT

MOTION: Mr. Slavin moved to adjourn at 8:54 p.m. Mr. Besse seconded. Roll Call: Mr. Slavin-yes, Mr. Besse-yes, Mr. Chadwick-yes, Ms. Wurts-yes, Ms. Whiteside-yes

VOTE:

5-0-0 (Unanimous)

Respectfully submitted,
Karen Wilfert
Department Assistant

The foregoing minutes were submitted to the Select Board on: June 27, 2023

Attest:  Date Signed: 6/27/23
Patricia A. Wurts, Clerk

Documents used or reviewed in the meeting.

1. Application from Elaine LeMoine
2. Application from James Munise
3. Application from Jessica Parr.
4. Application documents from Mellissa Clement d/b/a Cape Cod Lobster Rolls
5. Application documents from Main Street Deli, LLC d/b/a Onset Beach Patio and Grille
6. Application documents from DJP Liquor Corp d/b/a East Wareham Liquors
7. Copy of letter for COA funds
8. Copy of all documents, labeled S-1 through S-16, to be included in the 2023 Special Town Meeting
9. Voting grid for the Special Town Meeting
10. Voting grid for the 2023 Annual Town Meeting
11. Town meeting warrant (including all articles) for the 2023 Annual Town Meeting