

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: July 10, 2018
Date of Transcription: July 30, 2018
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Selectmen Present: Alan H. Slavin , Chairman
Patrick G. Tropeano, Clerk
Peter W. Teitelbaum
Anthony Scarsciotti
Mary Bruce

Also Present: Derek Sullivan, Town Administrator
Richard P. Bowen, Town Counsel

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

An Art Sale will be held on Saturday at the Methodist Meeting Hall.
The Swan Festival will be held on Saturday.

5. BOARDS COMMENTS

Chairman Slavin wanted to thank the staff at Municipal Maintenance for helping clean up before the Car Show at Tremont Nail.

Selectman Teitelbaum wanted to commend the Police Department really cracking down and making a lot of arrests on warrants. He said that this is making a real difference especially on Main Street.

6. CITIZENS COMMENTS

Present before the board: Don Jepson
Mr. Jepson wanted to publicly thank Garry Buckminster and Antonio Maietta for his efforts to save a man who recently drowned.

Present before the board: Ann Higgins
Ms. Higgins was before the board with questions about the disrepair at the Tremont Pond. She stated that the pond levels are below normal and was told by Administration that the gate is in need of repair and it's unsafe to fill the pond back to

3-00

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its normal level. Chairman Slavin explained that this is out of control of the Board of Selectmen and would be between the Town Administrator and Municipal Maintenance Department. Mr. Sullivan explained that it would cost \$1 million to repair and the town doesn't have the funds at this time to repair the Tremont Dam.

7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

MOTION: Selectman Tropeano moved to appoint Linda Scharf as a member to the Wareham Cultural Council to a term to expire no later than June 30, 2020. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Judy Caporiccio as a member to the Beach & Tourism Committee to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Melissa Dyer as a member to the Library Board of Trustees to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Johanna Rowley as a member to the Historical Commission to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Barbara Smith as a member to the Historical Commission to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to Michael Langford Smith as a member to the Bike Path Committee to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Joseph J. Cardoza as a member to the Board of Road Commissioners to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Betty Jean Lepore as a member to the Recycling Committee to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Glenn Monteiro as a member to the Board of Health to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

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MOTION: Selectman Tropeano moved to appoint Barbara Smith as a member to the Community Preservation Committee to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Robert Blair as a member to the Historic District Commission to a term to expire no later than June 30, 2020. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Paul Ciccotelli as a member to the Historic District Commission to a term to expire no later than June 30, 2020. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint George Barrett as a member to the Community Preservation Committee to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint Brian Litchfield as a member to the Community Preservation Committee to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to appoint James Bruce as a member to the Wareham Veterans' Council to a term to expire no later than June 30, 2021. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

8. LICENSES AND PERMITS

- a. Hearing at 7: 15 p.m. on the application from Sienna Café, LLC, d/b/a Americana Café, Karen Moore, manager, 208R Main Street, Wareham, for an alteration of premises of a Seasonal Common Victualer Wine & Malt beverages license, under the provisions of Chapter 138 of the Massachusetts General Laws for the year 2018.

(This was not addressed due to proper notice not being mailed out by the licensee)

- b. Request from the Cape Verdean Festival Association for the use of Town property for the Cape Verdean Festival to be held on Saturday, August 11, 2018 (rain date: August 12, 2018).

Present before the board: Michael Roderick

Mr. Roderick was before the board seeking approval of the use of Town property for Their annual Cape Verdean Festival.

MOTION: Selectman Tropeano moved to approve the request from the Cape Verdean Festival Association for the use of Town property for the Cape Verdean Festival to be held on Saturday, August 11, 2018 (rain date: August 12, 2018).

VOTE: 5-0-0 (Unanimous)

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c. Request from Paul Rose for (4) one day liquor licenses.

MOTION: Selectman Tropeano moved to approve the (4) one day liquor license For July 14, 2018 from noon-7pm, July 15, 2018 from noon 7pm, July 21, 2018 from 6pm-10pm and July 29, 2018 from noon-6pm. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

d. Request from Steven Curry for (1) one day liquor license.

MOTION: Selectman Tropeano moved to approve the one day liquor license for Steven Curry for August 5, 2018 from 11am-4pm at the Redmen Hall Grove. Selectman Scarsciotti seconded.

VOTE: 5-0-0 (Unanimous)

9. DOG HEARING AT 7:30 P.M.

MOTION: Selectman Tropeano moved to open the hearing of Sandra Crossman. Selectman Scarsciotti seconded. Poll vote: Selectman Scarsciotti=yes, Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

Selectman Tropeano read the record the dog complaint from Cheryl Gorveatt-Dill, Animal Control Officer (attached).

Present before the board: Angela Didier

Ms. Didier stated that Ms. Crossman's dog is extremely aggressive and it's a huge problem. She stated that she walks past the home with her dogs and feels like the dog is going to get loose. Ms. Didier stated that the owner of the dog has a problem controlling the dog and that the dog does get out of the yard and has been loose on a number of occasions.

Present before the board: Christine DeCourcy

Ms. DeCourcy stated that her dog had two puncture wounds in her neck from Ms. Crossman's dog and her dog didn't do anything to provoke the attack. Ms. DeCourcy said that Ms. Crossman walks her dog all the time and she cannot control the dog and stated that it's a very large and aggressive dog. Ms. Decourcy's dog was treated at Marion Animal Hospital and put on an antibiotic. Ms. Crossman never offered to pay for dogs vet bill.

Present before the board: Joseph Warshauer

Mr. Warshauer saw Ms. Crossman's dog chew on the dog of Ms. DeCourcy's dog Bruin. He stated that the owner of the dog showed up in her vehicle to get her dog and she was having difficulty controlling her dog.

Present before the board: Dan DeCourcy

Mr. DeCourcy stated that the dog is very aggressive and that Ms. Crossman does have trouble controlling the dog on a leash when she walks it.

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At this time the board noticed that Ms. Crossman wasn't sent out her letter certified mail so Attorney Bowen suggested that the board re-notice the hearing and not to adjourn at this time. He also said that a copy of the tape should be provided to Ms. Crossman so that she has an opportunity to cross exam if she wishes. Attorney Bowen did indicate that the Animal Control Officer should order the dog confined and tethered until the hearing. Ms. Gorveatt-Dill stated that she did inform Ms. Crossman's adult daughter of the hearing verbally.

MOTION: Selectman Tropeano moved to continue the hearing until a date not specific. Selectman Scarsciotti seconded. Selectman Scarsciotti seconded. Poll vote: Selectman Scarsciotti=yes, Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

MOTION: Selectman Teitelbaum moved that the Animal Control Officer order that the dog be tethered until the board can achieve a disposition. Selectman Bruce seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to open the hearing of Barbara Brant/Roderick Martin. Selectman Scarsciotti seconded. Poll vote: Selectman Scarsciotti=yes, Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

Selectman Tropeano read into record the complaint from the Animal Control Officer (as attached). Attorney Bowen swore everyone in.

Present before the board: Danielle McCarthy

Ms. McCarthy stated that she was walking her dog in the Parkwood Beach area and saw Mr. Martin lying in the sand with his hands spread out. She said that the dog did have a leash however, he wasn't holding onto it. She said that her dog which is a corgi was attacked; she said that he then started to yell at her that her dog wasn't on a leash. She said that after her dog was attacked it went running into the beach parking lot because she was afraid.

Present before the board: Deborah Svirtunas

Ms. Svirtunas said that she has a small Maltese mix rescue dog and walks him twice a day and on one particular day she walked past Mr. Martin's home and his 2 dogs were running around playing with another dog and she made a decision to let her dog off the leash as not to bark when he saw the other dogs. She said that Mr. Martin had his back turned and didn't see his 2 dogs charge up the street and jump over her dog and grabbed him by the mouth and shook the dog. She said that she picked up her dog and went home and never looked back. She said the neighbor he was talking with did ask if her dog Jake was ok. She did have her neighbor who is a vet look at the dog and it he did require stitches.

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Present before the board: Cheryl Pietra

Ms. Pietra stated that she doesn't own a dog however, she did witness Mr. Martin's dog attack another dog named "Oliver" who's owner didn't want to attend because she didn't want to cause any problem.

Present before the board: William Pelican

Mr. Pelican stated that Mr. Martin cannot control his 2 dogs when he walks them; he said that he loses control of the dogs even though he has them with a choker. He said that it's very obvious that the owner doesn't care and has no consideration for the neighbors or the children in the neighborhood.

Present before the board: Mr. Martin

Mr. Martin asked Ms. McCarthy if her dog was on a leash, she responded that she did have a collar and leash on however, after being attacked it slipped out and ran into the parking lot. Mr. Martin asked Ms. Svirtunas if her dog was on a leash, she responded it was until she reached Bayside Avenue and she saw 3 dogs running around playing and made the choice to unhook her dog. Mr. Martin asked Mr. Pelican if the collars he was holding were the same as the night he was talking about. Mr. Pelican stated that it was definitely not the same collars in his hand that Mr. Martin was holding.

Mr. Martin gave his statement and said that he has never had a complaint in the past 8 years and that his dogs always wear their electric fence collars. He walks them every day and has never had an issue. He said that Ms. McCarthy's dog was the attacker and that his dogs were leashed at the time. He said that he did ask if her dog was ok and she said yes it was alright. Mr. Martin also stated that he does have full control of his dogs.

Present before the board: Barbara Brant

Ms. Brant said that many people have dogs in the Parkwood area and she said that her dogs are well behaved and other kids in the community would help walk the dogs. She said she has never had a complaint at their other home in Middleboro. She said that she has had other dogs over the house and never had a problem. She also stated that the dogs have been trained. Ms. Brant stated that they have 9 grandchildren and would never allow a dog in their home that was a threat to her family.

Present before the board: Meghan Brant (Ms. Brant's daughter)

Ms. Brant said that her nieces and nephews come to her parents' home all the time and they have never had a problem.

Present before the board: James Campbell

Mr. Campbell stated that he resides next door to Mr. Martin and Ms. Brant and stated that he does let his dog loose to go over and play with his dogs and he also has a 12

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year old daughter who goes over and plays with their dog and if he felt that she would be in any kind of danger he wouldn't allow it.

Selectman Teitelbaum examined the leashes and stated that there are signs of significant wear and were definitely being used.

At this time the Animal Control Officer stated that she did respond to the first incident and Mr. Martin's dogs were leashed however, he lost control of them. She said that when she arrived Mr. Martin's hand was bleeding and she asked him why he was bleeding and he responded that his dog bite him when he was trying to get control of him. She did not respond to the 2nd incident, she has met the dog and it didn't show any signs of human aggression and feels with the statements she has heard today she feels that the dog should be deemed "at risk" and put some safety precautions since she has three documented incidents.

The Animal Control Officer stated that she would like to have the following restrictions on the dogs, she feels that the electric fence isn't secure enough and would like to see the yard enclosed, the dogs humanely muzzled when out walking and only be walked by someone 18 years of age or older on a 4 foot leash, she has also requested that the dogs be microchipped. Ms. Brant stated that the dogs are microchipped.

MOTION: Selectman Tropeano moved to close the public hearing. Selectman Scarsciotti seconded. Selectman Scarsciotti seconded. Poll vote: Selectman Scarsciotti=yes, Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

MOTION: Selectman Tropeano moved to deem the dogs "at risk" and not under direct control of a person and the dogs shall be contained in building, vehicle or enclosure fence at least 4 feet, which does not count an electric fence. The dogs may only leave the property with an adult age person 18 years of age or older, the leash may not be longer than 4 feet in length and a minimal strength of 300 lbs. The dogs must also be muzzled in comfortable manner with consideration of recommendations from the animal control officer and the fact that they are already microchipped. Selectman Bruce seconded.

VOTE: 5-0-0 (Unanimous)

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10. TOWN BUSINESS

- A. Vote on Hose Agreement on 3rd and final license. (not discussed)
- B. Discussion and possible vote to hold special Town meeting for re-zoning purposes.

Present before the board: Kenneth Buckland

Mr. Buckland was before the board to discuss the potential of re-zoning the area the Tremont Nail property is located to allow for a Marijuana facility to move in from Colorado. Mr. Buckland explained that it would bring in \$85,000 per year in rent and \$100,000 per year in licensing along with some donations. He went on to say that they were looking to create 70 jobs with the lowest starting salary of \$63,000. Some discussion about the property being a historical building however, they are looking to rent out the steel building which isn't historic. This re-zoning would require a special Town meeting and this is something that they will want the potential business to pay for and there are no guarantees since this needs to be brought before town meeting.

MOTION: Selectman Teitelbaum moved to have a Special Town Meeting with the provision the applicant pays for the cost. Selectman Tropeano seconded.

VOTE: 5-0-0 (Unanimous)

- C. Any other Town business no reasonably anticipated 48 hours prior to the posting of this meeting.

11. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan stated that the rebuild of the Lopes Playground in Onset is stirring up some controversy. The park is looking to have a surface installed at a cost of \$250,000 and since it's in a major flood zone he suggested that they move it to a higher ground next to the Hammond School.

12. LIAISON REPORTS/INITIATIVE REPORTS

13. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.

14. ADJOURNMENT

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

VOTE: 3-0-0 (Unanimous)

15. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted

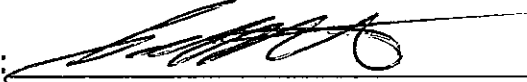
SELECTMEN MEETING MINUTES-7-10-18 (CONT'D)

Janet Wilson

Department Assistant

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

Attest:



Patrick G. Tropeano, Clerk

Date Signed: 8/14/18

Date sent to the Town Clerk: 8/16/18