

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: October 11, 2016
Date of Transcription: October 12, 2016
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN AT 5:00 P.M.

2. ROLL CALL

Selectmen Present: Judith Whiteside, Chairman
Peter W. Teitelbaum, Clerk
Patrick G. Tropeano
Alan H. Slavin
Anthony Scarsciotti, arrived at 5:00 p.m.

Also present: Derek Sullivan, Town Administrator
Attorney Richard Bowen, Town Counsel

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

Veterans Day Celebration will take place on Friday, November 11, 2016. The parade will begin at 10:30 am. starting at Besse Park and ending at the Wareham Town Hall.

The Wareham Village Association presents the first annual Octoberfest Train Ride on Saturday, October 29, 2016. Boarding at 4 p.m. sharp.

The Wareham Free Library book sales will take place on Tuesday, October 18th from 5pm-6:45pm, Thursday, October 20th from 10am-6:45pm, Friday, October 21st from 10am-4pm and Saturday, October 22nd from 9am-noon.

A Quilt has been donated by the Busy Bee Quilters to the Friends of the Library. Tickets are \$54 and are available at both the Main and Spinney Libraries.

The Mad Tea Party will take place on Friday, October 21st at 7pm at the Redmen Hall. The cost for the tickets is \$25 and is on sale at both Spinney and the Main libraries.

Jewelry and Accessory Sale will take place on Thursday, November 17th from 4pm-6:45pm and Friday, November 18th from noon-5pm and Saturday November 19th from 9am-1pm.

5. CITIZENS PARTICIPATION

SELECTMEN MEETING MINUTES-10-11-16 (CONT'D)

Chairman Whiteside presented Angela Dunham with challenge coins to bring with her on her Trip to Japan to present to the leaders. Ms. Dunham stated that she will present the gifts as a spirit of friendship.

6. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

7. LICENSES & PERMITS

- a. Request from Veterans Day Celebration Committee, c/o Sharon Boyer for the use of Town roads for their Annual Veterans Day Parade to be held on Friday, November 11, 2016.

Present before the board: John McGonnell, Sharon Boyer and Eileen Klaver
Highlights of the Parade and events for the day were discussed.

MOTION: Selectman Teitelbaum moved to approve the application by Veterans Day Celebration Committee, c/o Sharon Boyer for the use of Town roads for their Annual Veterans Day Parade to be held on Friday, November 11, 2016. Selectman Tropeano seconded.

VOTE: 4-0-0 (UNANIMOUS)

- b. Request from Wareham Fire Department for the use of Town roads for their Annual Fire Truck Parade to be held on Sunday, October 16, 2016.

c.

MOTION: Selectman Teitelbaum moved to approve the application by the Wareham Fire Department for the use of Town roads for their Annual Fire Truck Parade to be held on Sunday, October 16, 2016.

VOTE: 4-0-0 (UNANIMOUS)

8. TOWN BUSINESS

- a. Vote on annual election warrant

MOTION: Selectman Teitelbaum moved and read into the record the Election Town Warrant (as attached). Selectman Tropeano seconded.

VOTE: 4-0-0 (UNANIMOUS)

- b. Discussion and possible vote re: Beverage Carts

The board spoke about a request to allow beverage carts on golf courses. Many towns allow for this and it would require for the license holder to submit an alteration of premises.

MOTION: Selectman Tropeano moved to allow the use of Beverage Carts on the golf course after submitting an alteration of premises application. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (UNANIMOUS)

SELECTMEN MEETING MINUTES-10-11-16 (CONT'D)

- c. Selectman Slavin to report on the Mobile Homes as Affordable Housing article.

Selectman Slavin spoke about his meeting with Senator Pacheco last week. He stated that Mr. Hallahan, owner of Garden Homes Mobile Home Parks also attended. He stated that the Park owners are in support of this article. He read (as attached) Chapter 218 of 2016 *Municipal Finance Bill*. He went on to say that we need to have a review process every 5 years to ensure the people qualify for 40B. Senator Pacheco's district has the largest population of Mobile Homes. Chairman Whiteside thanked Selectman Slavin for all his time and energy that he has put into this. Selectman Teitelbaum spoke with Mr. Hallahan in lengths last week and stated that he supports the article. He said that they see the benefits long term and it would allow additional assistance to his tenants.

- d. Discussion and possible vote on Town Meeting Warrant articles.

MOTION: Selectman Teitelbaum moved to vote in favor of Union contracts article #5 - c,d,e,f,g. Selectman Tropeano seconded.

VOTE: 4-0-0 (UNANIMOUS)

MOTION: Selectman Teitelbaum moved to vote in favor of article #3. Selectman Tropeano seconded.

VOTE: 4-0-0 (UNANIMOUS)

MOTION: Selectman Tropeano moved to vote in favor of article #4. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (UNANIMOUS)

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

9. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan stated that the Capital Planning will be meeting on Thursday. Mr. Sullivan spoke about the transfer of \$500,000 from free cash to the stabilization fund along with putting back the \$120,000 from the grant which would equal \$3.2 million. Also transfer \$25,000 to fund MS4 assessment as well as \$100,000 to fund the Master Plan. Mr. Sullivan stated that they have closed the posting for the Human Resources Director. They had 60 applicants apply for the position and a committee has been formed and he hopes they will narrow it down to 3 candidates.

10. LIAISON REPORTS/INITIATIVE REPORTS

Selectman Slavin attended a meeting at the Silver City Galleria held by Senator Pacheco. Former Governor Dukakis was also in attendance and they spoke about the South Coast Rail Project.

SELECTMEN MEETING MINUTES-10-11-16 (CONT'D)

Selectman Slavin also attended a meeting in Fairhaven regarding the MS4.

Selectman Tropeano attended the Board of Health meeting last Wednesday; they discussed denitrosation on Onset Island. He suggested they use a central pumping station on the Island. They also talked about the cost to bringing sewer to the Island. Also discussed was Title 5 maximum feasible compliance.

Chairman Whiteside stated the Coastal Sweep went well the past three weekends. She also attended a seminar along with Mary Bruce on designs for recreation on open space.

Chairman Whiteside asked the board if they would like to have a future meeting someplace in Onset.

11. ADJOURNMENT

- a. Authorization to sign bills and documents, etc.
- b. Approval of regular session meeting minutes of October 4, 2016 (*this item was skipped over*)
- c. Approval of payment to the Law Office of Richard Bowen.

MOTION: Selectman Teitelbaum moved to approve payment to the Law Office of Richard Bowen for services dated July 21, 2016 through August 20, 2016. Selectman Tropeano seconded.

VOTE: 5-0-0 (UNANIMOUS)

12. ADJOURNMENT

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

VOTE: 5-0-0 (UNANIMOUS)

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted
Janet Wilson
Department Assistant

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

Attest: *Peter W. Teitelbaum*
Peter W. Teitelbaum, Clerk

Date Signed:
Date sent to the Town Clerk:

OCT 20 2016

Attachment to
10/11/16 meeting
minutes!

Chapter 218 of 2016

Municipal Finance Bill

SECTION 245. For the purposes of this section, "manufactured home" shall mean a structure that: (i) is built in conformance with the manufactured home construction and safety standards under 24 CFR Part 3280; (ii) is transportable in 1 or more sections; (iii) is 8 body feet or more in width or 40 body feet or more in length in traveling mode or 320 or more square feet when erected on site; (iv) is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities; and (v) includes plumbing, heating, air conditioning and electrical systems in the manufactured home.

The department of revenue shall conduct a study evaluating each manufactured housing community in the commonwealth to determine what percentage of resident households at each manufactured housing community would qualify for low or moderate income housing under chapter 40B of the General Laws.

The department of revenue shall submit a written report detailing the results of its study with the clerks of the house and senate not more than 180 days after the effective date of this act.

Rec'd from Selectman Skerin
and read into record 10-11-2016
JWT: Clerk

Skerin —



Attachment 10/11/16 meeting minutes

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
WAREHAM TOWN CLERK

54 MARION ROAD, WAREHAM, MASSACHUSETTS 02571

PLYMOUTH, SS.

To the Constables of the Town of Wareham:

GREETINGS:

In the name of the Commonwealth you are required to notify and warn inhabitants of said town who are qualified to vote in the State Election to vote at:

Precinct 1	Memorial Town Hall, 54 Marion Road	Precinct 4, Decas School, 760 Main Street
Precinct 2	Hammond School, 13 Highland Ave.	Precinct 5, Decas School, 760 Main Street
Precinct 3	Minot Forest School, 63 Minot Ave.	Precinct 6, Minot Forest School, 63 Minot Ave.

on **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2016**, from 7:00 A.M. TO 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates of political parties for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.	FOR THIS COMMONWEALTH
COUNCILLOR.	FIRST DISTRICT
SENATOR IN GENERAL COURT	1 ST PLYMOUTH/BRISTOL DISTRICT
REPRESENTATIVE IN GENERAL COURT.	2 ND PLYMOUTH DISTRICT
SHERIFF.	PLYMOUTH COUNTY
COUNTY COMMISSIONER.	PLYMOUTH COUNTY
REGIONAL SCHOOL COMMITTEE	UCCR WAREHAM DISTRICT

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines. The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A **YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A **NO VOTE** would make no change in current laws regarding gaming.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews, according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A **YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A **NO VOTE** would make no change in current laws relative to charter schools.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A **YES VOTE** would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A **NO VOTE** would make no change in current laws relative to the keeping of farm animals.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

This proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises of commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

A **YES VOTE** would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A **NO VOTE** would make no change in current laws relative to marijuana

Given under our hands this **ELEVENTH** day of **OCTOBER, 2016**

Judith Whiteside, Chairman

Peter W. Teitelbaum, Clerk

Alan H. Slavin

Patrick G. Tropeano

Anthony R. Scarsciotti

Board of Selectmen in the Town of Wareham

Indicate method of service of warrant

Constable of Wareham

DATE

Warrant must be posted by November 1, 2016, (at least *seven days prior* to the November 8, 2016, Presidential Election)