

## **MINUTES OF MEETING OF THE BOARD OF SELECTMEN**

Date of Meeting: October 16, 2018  
Date of Transcription: October 29, 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, absent  
Richard P. Bowen, Town Counsel

### **3. PLEDGE OF ALLEGIANCE**

### **4. ANNOUNCEMENTS**

Town Meeting will take place at 7pm on October 22<sup>nd</sup> at the Wareham High School Auditorium.

### **5. CITIZENS COMMENTS**

Present before the board: Lisa Morales

Ms. Morales was before the board with questions regarding the lease of the bathhouse in Onset, Chairman Slavin asked for her to write down her questions in the book provided. She also asked if it would be required to have a demo permit in which Selectman Tropeano explained that would be something the building department would have to answer. Ms. Morales also asked who would own the new building in which Selectman Tropeano stated that the town would still own the building. She also had additional questions, in which she was referred to speak with the Buzzards Bay Coalition.

Present before the board: Donna Ryan

Ms. Ryan was before the board saying that she is dismayed the way the board operates and went on to say that the Conservation Commission didn't let anyone speak about the bathhouse project because it wasn't on the agenda. She also stated that the Buzzards Bay Coalition will end up owning everything around the water in Onset and it will all be private, she also commented that the town has been successful

## SELECTMEN MEETING MINUTES-10-16-18 (CONT'D)

in stopping people from entering Onset due to the parking program. Ms. Ryan felt that the town went behind the peoples back at town meeting. Selectman Tropeano asked for her to put any further questions in the book

### **6. BOARDS COMMENTS**

Selectman Teitelbaum said that the Honor Society will be watching children in the auditorium during Town meeting.

Chairman Slavin explained that the article on the Town Meeting for the school is only to allow the town to borrow the money and it will then go before the voters in November.

### **7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS**

### **8. LICENSES AND PERMITS**

- a. Application for a transfer of an existing Year Round Common Victualer All Alcoholic Beverages License and a Pledge of License from the Fan Club, Inc., 2859 Cranberry Highway, E. Wareham, MA Glenn Justice Manager to FC II, Inc., d/b/a Fan Club, Stephen Brescia, Manager, 2859 Cranberry Highway, E. Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws for the year 2018.

Present before the board: John Churchill and Steve Brescia

**MOTION:** Selectman Tropeano moved to approve the transfer of an existing Year Round Common Victualer All Alcoholic Beverages License and a Pledge of License to FC II, Inc., d/b/a Fan Club. Selectman Scarsciotti seconded.

**VOTE: 5-0-0 (unanimous)**

- b. Application for a name change on the Class II application from Buzzards Way Garage, Inc., 3067 Cranberry Highway, E. Wareham.

Selectman Tropeano explained that Mr. DeJesus was before the board previously for a name change however, the board had some concerns and it's all be taken care of since he was last before the board. Mr. DeJesus is renting out space in his garage to do service on the vehicles and that he was going to provide a letter of agreement for the file. All the issues have been resolved.

**MOTION:** Selectman Tropeano moved to approve the application for a name change on the Class II application from Buzzards Way Garage, Inc., 3067 Cranberry Highway, E. Wareham. Selectman Bruce seconded.

**VOTE: 5-0-0 (unanimous)**

SELECTMEN MEETING MINUTES-10-16-18 (CONT'D)

**9. TOWN BUSINESS**

a. Certificate of appreciation.

The board presented Officer James White with a certificate of appreciation for his heroic response on October 8, 2018 when he jumped into the waters of Buzzards Bay to save the lives of two individuals.

b. Update from the School Building Committee

Present before the board: Chad Crittenden & Joyce Bacchiocchi

Mr. Crittenden stated that the application will be hand delivered to the state tomorrow and the MSBA has 3 weeks to get back to them. He spoke about the pros and cons of the sites that were being looked into. The Minot Forest site was selected since it has the least amount of cons. He touched on the building layout and test fit. Mr. Crittenden went over the cost for the school and that the total cost of the project cannot exceed what is being submitted and this would be a debt exclusion and not proposition 2 ½ override. A calculator has been added to the town website for anyone who would like to see how much the cost of the new school would cost you extra on your tax bill.

c. Vote on State Election Warrant.

**MOTION:** Selectman Teitelbaum moved and read into record (as attached) to State Election Warrant. Selectman Tropeano seconded.

**VOTE: 5-0-0 (unanimous)**

d. Discussion of Town Meeting Warrant Articles. (none discussed)

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

**10. TOWN ADMINISTRATOR'S REPORT**

Mr. Sullivan wasn't in attendance.

**11. LIAISON REPORTS/INITIATIVE REPORTS**

Selectman Bruce said that she did meet with the clergy the other day and explained not to place any signs on town property without seeking permission first.

Selectman Tropeano attended a meeting with the Church of the Good Shepherd and stated that the Tobey hospital is setting up a mutual program similar to the one that was just instituted at St. Luke's.

Selectman Tropeano wanted to make mention that the two women who were in during citizens comments didn't write any of their questions in the book for the board to respond.

SELECTMEN MEETING MINUTES-10-16-18 (CONT'D)

Selectman Slavin stated that the Buzzards Bay Coalition held a grand opening for a property in the Town of Marion today.

**12. CONSENT AGENDA**

- a. Authorization to sign bills and documents, etc.
- b. Authorize payment to the Law Office of Richard P. Bowen.

**MOTION:** Selectman Tropeano moved to approve payment to the Law Office of Richard P. Bowen for services through October 20, 2018. Selectman Scarsciotti seconded.

**VOTE: 5-0-0 (unanimous)**

- c. Approval of meeting minutes: September 18, 2018

**MOTION:** Selectman Tropeano moved to approve the meeting minutes of September 18, 2018. Selectman Bruce seconded.

**VOTE: 4-0-1 (Selectman Slavin abstained)**

**13. ADJOURNMENT**

**MOTION:** Selectman Slavin moved to adjourn. Selectman Bruce seconded.

**VOTE: 5-0-0 (Unanimous)**

**14. 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: \_\_\_\_\_

***Patrick G. Tropeano, Clerk***

Date Signed: 11-6-18

Date sent to the Town Clerk: 11-7-18



*Attachment 10.16.18 meeting minutes*

COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH  
COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

To the Constables of the Town of Wareham:

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town of Wareham who are qualified to vote in Primaries to vote at:

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

on TUESDAY, THE SIXTH DAY OF NOVEMBER, 2018, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following office:

SENATOR IN CONGRESS.....	FOR THIS COMMONWEALTH
GOVERNOR.....	FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR.....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....	FOR THIS COMMONWEALTH
SECRETARY OF STATE.....	FOR THIS COMMONWEALTH
TREASURER.....	FOR THIS COMMONWEALTH
AUDITOR.....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....	NINTH DISTRICT
COUNCILLOR.....	FIRST DISTRICT
SENATOR IN GENERAL COURT.....	FIRST PLYMOUTH & BRISTOL DISTRICT
REPRESENTATIVE IN GENERAL COURT.....	SECOND PLYMOUTH DISTRICT
DISTRICT ATTORNEY.....	PLYMOUTH DISTRICT
CLERK OF COURTS.....	PLYMOUTH COUNTY
REGISTER OF DEEDS.....	PLYMOUTH DISTRICT
COUNTY COMMISSIONER.....	PLYMOUTH COUNTY
REGIONAL SCHOOL COMMITTEE/BOURNE.....	UPPER CAPE
REGIONAL SCHOOL COMMITTEE/FALMOUTH....	UPPER CAPE
REGIONAL SCHOOL COMMITTEE/SANDWICH....	UPPER CAPE
REGIONAL SCHOOL COMMITTEE/WAREHAM....	UPPER CAPE

**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 before May 2, 2018?

**SUMMARY**

This proposed law would limit how many patients could be assigned to each registered nurse in Massachusetts hospitals and certain other health care facilities. The maximum number of patients per registered nurse would vary by type of unit and level of care, as follows:

- In units with step-down/intermediate care patients: 3 patients per nurse;
- In unites with post-anesthesia care or operating room patients: 1 patient under anesthesia per nurse: 2

patients post-anesthesia per nurse:

- In the emergency services department: 1 critical or intensive care patient per nurse (or 2 if the nurse has assessed each patient's condition as stable); 2 urgent non-stable patients per nurse; 3 urgent stable patients per nurse; or 5 non-urgent stable patients per nurse;
- In units with maternity patients; (a) active labor patients; 1 patient per nurse; (b) during birth and for up to two hours immediately postpartum; 1 mother per nurse and 1 baby per nurse; (c) when the condition of the mother and baby are determined to be stable; 1 mother and her baby or babies per nurse; (d) postpartum: 6 patients per nurse; (e) intermediate care or continuing care babies: 2 babies per nurse; (f) well-babies: 6 babies per nurse;
- In units with pediatric, medical, surgical, telemetry, or observational/outpatient treatment patients, or any other unit: 4 patients per nurse; and
- In units with psychiatric or rehabilitation patients: 5 patients per nurse.

The proposed law would require a covered facility to comply with the patient assignment limits without reducing its level of nursing, service, maintenance, clerical, professional, and other staff.

The proposed law would also require every covered facility to develop a written patient acuity tool for each unit to evaluate the condition of each patient. This tool would be used by nurses in deciding whether patient limits should be lower than the limits of the proposed law at any given time.

The proposed law would not override any contract in effect on January 1, 2019 that set higher patient limits. The proposed law's limits would take effect after any such contract expired.

The state Health Policy Commission would be required to promulgate regulations to implement the proposed law. The Commission could conduct inspections to ensure compliance with the law. Any facility receiving written notice from the Commission of a complaint or a violation would be required to submit a written compliance plan to the Commission. The Commission could report violations to the state Attorney General, who could file suit to obtain a civil penalty of up to \$25,000 per violation as well as up to \$25,000 for each day a violation continued after the Commission notified the covered facility of the violation. The Health Policy Commission would be required to establish a toll-free telephone number for complaints and a website where complaints, compliance plans, and violations would appear.

The proposed law would prohibit discipline or retaliation against any employee for complying with the patient assignment limits of the law. The proposed law would require every covered facility to post within each unit, patient room, and waiting area a notice explaining the patient limits and how to report violations. Each day a facility's non-compliance with the posting requirement would be punishable by a civil penalty between \$250 and \$2,500.

The proposed law's requirements would be suspended during a state or nationally declared public health emergency.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

*A YES VOTE* would limit the number of patients that could be assigned to one registered nurse in hospitals and certain other health care facilities.

*A NO VOTE* would make no change in current laws relative to patient-to-nurse limits.

## 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 before May 2, 2018?

#### SUMMARY

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney general, the Speaker of the state House of representatives, and the

President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.

The commission would be subject to the state Open Meeting Law and Public records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

*A YES VOTE* would create a citizens commission to advance an amendment to the United States Constitution to limit the influence of money in elections and establish that corporations do not have the same rights as human beings.

*A NO VOTE* would not create this commission.

### QUESTION 3 REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate or before July 7, 2016?

#### SUMMARY

This law adds gender identity to the list of prohibited grounds for discrimination in places of public accommodation, resort, or amusement. Such grounds also include race, color, religious creed, national origin, sex, disability, and ancestry. A "place of public accommodation, resort or amusement" is defined in existing law as any place that is open to and accepts or solicits the patronage of the general public, such as hotels, stores, restaurants, theaters, sports facilities, and hospitals. "Gender identity" is defined as a person's sincerely held gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth.

This law prohibits discrimination based on gender identity in a person's admission to or treatment in any place of public accommodation. The law requires any such place that has separate areas for males and females (such as restrooms) to allow access to and full use of those areas consistent with a person's gender identity. The law also prohibits the owner or manager of a place of public accommodation from using advertising or signage that discriminates on the basis of gender identity.

This law directs the state Commission Against Discrimination to adopt rules or policies and make recommendations to carry out this law. The law also directs the state Attorney General to issue regulations or guidance on referring for legal action any person who asserts gender identity for an improper purpose.

The provisions of this law governing access to places of public accommodation are effective as of October 1, 2016. The remaining provisions are effective as of July 8, 2016.

*A YES VOTE* would keep in place the current law, which prohibits discrimination on the basis of gender identity in places of public accommodation.

*A NO VOTE* would repeal this provision of the public accommodation law.

### QUESTION 4

Shall the Town of Wareham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to construct a new Pre-K through 4<sup>th</sup> Grade Elementary School on the existing Minot Forest school site, including the payment of all costs incidental or related thereto?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 16<sup>TH</sup> day of OCTOBER, 2018

\_\_\_\_\_  
Alan H. Slavin, Chairman

\_\_\_\_\_  
Patrick G. Tropeano, Clerk

\_\_\_\_\_  
Peter W. Teitelbaum

\_\_\_\_\_  
Anthony R. Scarsciotti, Jr.

\_\_\_\_\_  
Mary Bruce  
Selectmen of the Town of Wareham

\_\_\_\_\_, 2018.  
Constable (month and day)

Warrant must be posted by October 30, 2018, (at least *seven days prior* to the November 6, 2018, State Election).