

5-0-0

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

Date of Meeting: November 6, 2018  
Date of Transcription: November 28, 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 arrived at 7:41 p.m.  
Mary Bruce

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

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

### **4. ANNOUNCEMENTS**

Plymouth Redevelopment Authority will be holding a first time home buyer seminar on November 13<sup>th</sup> and 14<sup>th</sup> from 5pm-9:30pm at the Plymouth Community Intermediate School on Long Pond Road in Plymouth.

Route 6 Corridor Study meeting will be held on Thursday, November 8<sup>th</sup> at the Wareham Town Hall from 6:30pm-8:30 p.m.

There is still time to get out at vote the polls close at 8pm.

The School Committee will be having a joint meeting with the Board of Selectmen and the Finance Committee on November 29<sup>th</sup> at 7pm in room 320.

### **5. CITIZENS COMMENTS**

Present before the board: Sandy Slavin  
The WPCF has gallon jugs of root kill available for free. She also shared with the board some of the trash she collected on Minot Ave. Ms. Slavin also had comments about the Town meeting warrant.

### **6. BOARDS COMMENTS**

## SELECTMEN MEETING MINUTES-11-6-18 (CONT'D)

Selectman Tropeano expressed how disappointed he was that the 40b project has been approved and stated that it will house approximately 110 children which will cost the town approximately \$1 million dollars. He asked if anyone had any ideas on where the town was going to come up with the money. Selectman Tropeano asked that Attorney Bowen file a lawsuit to stop this project and that the town not issue any permits for construction. Chairman Slavin stated that he would put this on to discuss under executive session on the November 20<sup>th</sup> agenda.

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

#### **a. Library Board of Trustees**

Present before the board: Mallory Callinan

Ms. Callinan was before the board seeking appointment to the Library Board of Trustees.

**MOTION:** Selectman Tropeano moved to appoint Mallory Callinan as a member to the Library Board of Trustees to a term to expire no later than June 30, 2021.

Selectman Teitelbaum seconded.

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

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

### **9. TAX LEVY HEARING at 7:15 p.m.**

**MOTION:** Selectman Tropeano moved to open the tax levy hearing. Selectman Teitelbaum seconded. Poll vote: Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

Present before the board: Jacqui Nichols, Director of Assessment & Steve Curry  
Ms. Nichols explained that it would be best to keep the tax rate the same and explained that the shift in the tax rate would impact summer residents as well as businesses. The commercial property tax would increase by about \$1480 and the residential tax bill would decrease about \$126 by changing the tax rate and recommend keeping it the same. Selectman Tropeano disagrees and stated that with the debt exclusion being voted on this would increase the residential properties by about the same which would end up helping the residents and said that for a business an increase of \$1480 really isn't that much.

**MOTION:** Selectman Tropeano moved to set the tax rate as a single for commercial and residential. Selectman Teitelbaum seconded.

**VOTE: 4-0-0 (unanimous)**

**MOTION:** Selectman Teitelbaum moved to continue the hearing to a time date and place posted on the town website. Selectman Bruce seconded. Poll vote: Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

SELECTMEN MEETING MINUTES-11-6-18 (CONT'D)

**10. TOWN BUSINESS**

a. Discussion with Cheryl Bartlett CEO/President of the Greater New Bedford Community Health Center's Wareham Satellite Office. (not discussed)

b. Hearing at 7:30 p.m. on the acceptance and layout of Candle Paper Lane.

Present before the board: Bob Rogers, GAF Engineering

Mr. Rogers was present on behalf of William Konish who is seeking to have the town accept Candle Paper Lane as a town accepted road.

**MOTION:** Selectman Tropeano moved to approve the acceptance and layout of Candle Paper Lane. Selectman Teitelbaum seconded.

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

c. Dog Hearings at 7:40 p.m.

1. Rone Ferguson

This hearing was postponed due to the fact that the certified mailing never came back.

2. Pam Mavilla

**MOTION:** Selectman Tropeano moved to open the public hearing. Selectman Teitelbaum seconded.

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

Attorney Bowen swore everyone in who was going to testify.

Selectman Teitelbaum read into record the complaint from Animal Control Officer Cheryl Gorgeatt-Dill (as attached). Mr. Kimball read the restrictions that Ms. Gorgeatt-Dill would like set in place for the dog.

Present before the board was Ms. McCarthy, the owner of the dog who was attacked by Ms. Mavilia's dog. She said that she was walking with both her dogs and her 7 year old Chihuahua was in her arms when Ms. Mavilia's dog Berri approached her and grabbed her dog out of her hands. Also before the board was Lauren McCarthy the owner's daughter who stated that Ms. Mavilia's dog has also shown aggression towards her dog according to her boyfriend who was dog sitting. A letter was read into record from a Cheryl DiCapprio who resides at 36 Kingwood Street also saying that her dog was attacked by Berri. Mike Dowd who was a witness to the attack said that it was horrific incident. Present before the board was Mr. & Mrs. Mavilia who admitted that her dog did attack the Chihuahua however, they stated that the result of the broken leg wasn't because their dog attacked the dog, it was because the dog hit the ground when it was knocked out of Mr. McCarthy's arms causing it to hit the ground and that is when the leg was broken in 3 places. Lauren McCarthy was back before the board indicating that they had another incident in August with her dog, she

SELECTMEN MEETING MINUTES-11-6-18 (CONT'D)

was walking two of her dogs and Berri snapped the cable runner and was running after her and the dogs.

**MOTION:** Selectman Bruce moved to close the hearing. Selectman Scarsciotti seconded. Selectman Bruce seconded. Poll vote: Selectman Bruce=yes, Selectman Tropeano=abstained (he was out of the room during the first part of the meeting. Selectman Slavin=yes, Selectman Teitelbaum=yes.

**MOTION:** Selectman Teitelbaum moved that the dog be confined outdoors in a securely enclosed pen and when the dog is removed from 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, the dog only be walked by an adult of 18 years or older, that the owner provides proof of insurance coverage for the dog, that the owner provides animal control with information by which the dog may be identified throughout its lifetime. Selectman Scarsciotti seconded. Poll vote: Selectman Bruce=yes, Selectman Tropeano=abstained (he was out of the room during the first part of the meeting. Selectman Slavin=yes, Selectman Teitelbaum=yes.

- d. Host Community Agreement for Retail Marijuana by Globe Street Management, LLC (Xiphias Wellness) located at 3119 Cranberry Highway.

Present before the board were representatives from Xiphias Wellness

The board was in agreement that payments should be done quarterly not yearly as presented. Mr. Sullivan would like to add that the yearly \$50,000 donation be given on July 1<sup>st</sup>.

**MOTION:** Selectman Tropeano moved to approve in principle the agreement pending changes made by the Town Administrator. Selectman Bruce seconded.

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

- e. Discussion on Articles for Spring Town Meeting 2019.

Chairman Slavin stated that they would like to start getting a grip on any articles the board would like to put forward on the spring warrant.

- f. Discussion and possible vote on The Jug Shop suspension.

The Jug Shop has appealed the suspension with the ABCC and a hearing date is scheduled for December 6<sup>th</sup> and also they are in the process of selling their package store. The board will discuss next week on suspending their suspension so that the sale of the package store can move forward.

- g. Discussion and on Route 6 Corridor Study.

Chairman Slavin stated that SRPEDD will be looking for input at their meeting scheduled for November 8<sup>th</sup> at 6:30pm at the Wareham Town Hall.

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

## SELECTMEN MEETING MINUTES-11-6-18 (CONT'D)

Mr. Sullivan has been contacted by the Wareham Tigers Cheerleaders to approve the request to can in front of the Fire Station on Main Street to collect money for their trip to Disney.

**MOTION:** Selectman Tropeano moved to grant approval to can on Main Street from November 7, 2018 – November 18, 2018 from 10am-5pm and that no children be allowed on the street. Selectman Teitelbaum seconded.

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

### **11. TOWN ADMINISTRATOR'S REPORT**

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**MOTION:** Selectman Tropeano moved to grant approval to can on Main Street from November 7, 2018 – November 18, 2018 from 10am-5pm and that no children be allowed on the street. Selectman Teitelbaum seconded.

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

### **12. LIAISON REPORTS/INITIATIVE REPORTS**

### **13. CONSENT AGENDA**

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes of: Regular session minutes of 9/19/17; 7/31/18; 10/9/18; 10/16/18; Executive session minutes of 10/9/18.

**MOTION:** Selectman Teitelbaum moved to approve the meeting minutes of September 19, 2017. Selectman Scarsciotti seconded.

**VOTE: 3-0-2 (Selectman Tropeano & Bruce abstained)**

**MOTION:** Selectman Tropeano moved to approve the meeting minutes of July 31, 2018. Selectman Teitelbaum seconded.

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

**MOTION:** Selectman Tropeano moved to approve the meeting minutes of October 9, 2018. Selectman Teitelbaum seconded.

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

**MOTION:** Selectman Tropeano moved to approve the meeting minutes of October 16, 2018. Selectman Teitelbaum seconded.

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

**MOTION:** Selectman Tropeano moved to approve and hold the executive session minutes of October 9, 2018. Selectman Teitelbaum seconded.

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

### **14. ADJOURNMENT**

SELECTMEN MEETING MINUTES-11-6-18 (CONT'D)

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

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

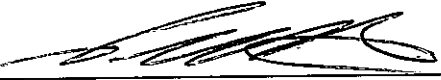
**15. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

Respectfully submitted

***Janet Wilson***

Department Assistant

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

Attest: 

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

Date Signed: 12-11-18

Date sent to the Town Clerk: 12/12/18

Attachment 11/6/18  
Meeting minutes

RECEIVED

OCT 22 2018

*Commonwealth of Massachusetts*

**Complaint of Vicious or Barking Dogs**  
Section 157, Chapter 140, General Laws

TOWN OF WAREHAM  
BOARD OF SELECTMEN

October 1, 2018

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I hereby make complaint hereon, that dogs owned or harbored by:

Pam Mavilia  
21 Redskin trail  
Groton, MA 01450

Pam Mavilia  
10 Cape Ave  
Wareham MA 02571

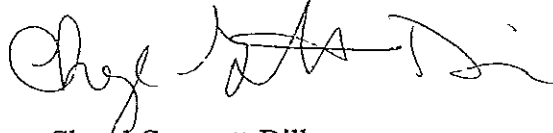
Is a nuisance by reason of:

1. Vicious, disposition

On September 30, 2018 the dog, described as a two year old male bully blue pitbull, named Berri, owned or cared for by Pam Mavilia, attacked a small dog, described as a 7 year old long haired Chihuahua named captain Jack, inflicting serious injury. The owner of Captain Jack, reported that while she was walking her dog on Sunday (Sept 30) the other dog owner began approaching her her. The dog, Berri, was being walked on leash by Ms. McCarthy. Jacks owner then picked her dog up in her arms to protect it from the oncoming dog. The other dog approached and at first did not appear to display aggression, then without warning, it grabbed Jack out of her arms by the hind quarter, pinning the small dog to the ground. Ms. McCarthy reported that when she was able to free her dog from the mouth of the dog she saw the severity of its injuries. She immediately transported her dog to the CCVS hospital in Bourne where it was treated for a series of injuries described as multiple fractures to the right shoulder, ribs and a deep puncture to the hind quarters. The medical staff at CCVS has recommended amputation of the right front leg.

This complaint is made under the penalties of perjury.

Complainant's signature and address:

A handwritten signature in black ink, appearing to read 'Cheryl Gorgeatt-Dill', with a stylized flourish at the end.

Cheryl Gorgeatt-Dill

Wareham Animal Control Officer

54 Marion Rd, Wareham

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