

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: June 15, 2021
Date of Transcription: June 21, 2021
Transcribed by: Cassandra Slaney

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Selectmen Present: Judith Whiteside, Chairman
Patrick G. Tropeano, Clerk
James M. Munise
Alan H. Slavin
Peter W. Teitelbaum, Esq.

Also Present: Richard Bowen, Town Counsel (7:01 p.m.)
Derek Sullivan, Town Administrator

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

The American Legion Post members of Wareham Post 220 are planning to conduct their annual Poppy Drive for this Independence Day from July 1st through July 5th. The funds received will be used to support local Legion programs.

The Summer of Love Concert Series will be held at the Onset VFW Pavilion every Wednesday from 6:30 pm – 9:00 pm beginning June 23rd through August 25th. Reserve a table up to eight or bring your own chair. All shows will feature comedian Tom Stewart.

There are several openings on boards and committees. Applicants are asked to review the Committee Handbook which contains a description of what the committee does which can be viewed online. Those interested should also try to attend at least three meetings of the board or committee. Contact either the chair or any member of the committee with any questions.

There are also openings on the Capital Planning Committee, the Planning Board, and the Finance Committee. Those appointments are not made by the BOS, but by a specific appointing authority chaired by the Town Moderator.

The Wareham High School class of 2021 was an extraordinary class for many reasons....not the least of which is the impressive schools the top ten students are attending:

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

Wheaton College MA
St John's University NY
Worcester Polytechnic Institute MA
Fairfield University CT
The College of the Holy Cross MA
Smith College MA
Harvard College MA
University of Vermont
Rochester Institute of Technology NY
University of Massachusetts

A very impressive list. The entire class was awarded more than \$229,000.00 in scholarship money.

Chairman Whiteside wanted to recognize one very special graduate of the class of 2021: a gentleman who left school at the age of 17 to serve his country during WW II by joining the United States Navy. John F. Fearing was awarded his diploma on June 5th, at age 94. When asked what his plans are he quipped he might go to college. Chairman Whiteside also thanked him for his service to the country, and congratulated him on receiving his Wareham High School diploma.

Valedictorian, Adreanna Dillen, who ran track for ORR because Wareham could not field a team, said the following in her speech, "Spending time on another school's team made me appreciate where I come from. I've spent a lot of time trying to figure out what makes Wareham so different from other communities. I just can't think of any other words to describe it besides HOME or FAMILY. "

5. CITIZEN'S COMMENTS

Present Before the Board: Don Jepson

Mr. Jepson asked that the Board address why a significant amount of funds were assigned to the Littleton Drive 40b project when 40b projects have been discouraged in the past. He also suggested that citizens in Town be provided a summary of what the Town has received concerning solar plans.

6. BOARD'S COMMENTS

Selectman Munise suggested formalizing a Solar Bylaw Committee and have it as either a Board appointed committee or part of the Zoning Review Committee that involves regular meetings and meeting minutes. He also suggested the Solar Bylaw be completed by the Fall or Spring.

Selectman Slavin talked about the issues with trash being left on the side of roads as well as issues with signs on Town Property. He reminded citizens that signs should

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

not be nailed to trees or utility poles and any yard sale signs that are displayed must be taken down after the sale is over.

7. 7:15 P.M. – DOG HEARING

MOTION: Selectman Tropeano moved to open the hearing. Selectman Whiteside seconded. Roll Call: Selectman Whiteside-yes, Selectman Tropeano-yes, Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

Present before the Board: Cheryl Gorveatt-Dill/Animal Control Officer; Mr. Thomas Worthen; Mr. Lawrence Edwards; Mrs. Nancy Edwards. Not present: Mr. John Reidy

Ms. Gorveatt-Dill read the complaint letter into record. (See attached)

Selectman Teitelbaum swore in all participants testifying.

Ms. Gorveatt-Dill stated that the dog owners have been very reasonable and considerate and making efforts to improve the situation. Their efforts have been unsuccessful and problems with the dogs continue. They are not dangerous or vicious and the complaints have involved the dogs being loose and found on the beach, on properties, on the golf course, and now on a federally protected area with piping plover. Mr. Worthen stated that his brother in law, Mr. Reidy has Alzheimer's and at times will open the door to let the dogs out. He also stated that in the last five weeks, to the best of his knowledge, the dogs have only been loose once. Mr. Lawrence was before the Board and stated that he filed a complaint the week prior to the meeting and the dogs were on his property the day before the meeting. Mrs. Lawrence stated that this has been an ongoing problem for more than three years. Ms. Gorveatt-Dill requested that the dogs be deemed a nuisance and requested that the Board order Mr. Worthen and Mr. Reidy to take remedial action to ameliorate the cause of the nuisance behavior per M.G.L. Chapter 140 sec. 157.

MOTION: Selectman Tropeano moved to deem the dogs a nuisance and to continue the dog hearing in sixty days. If there are no complaints or citations issued within the sixty days, the Animal Control Officer has the authority to cancel the hearing at her discretion. Selectman Whiteside seconded. Roll Call: Selectman Whiteside-yes, Selectman Tropeano-yes, Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

8. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

- a. Discussion and possible vote to appoint Luiz Gonzaga as Constable for the Town of Wareham.

Selectman Tropeano stated that there is a sufficient amount of Constables for the Town at present. Selectman Munise asked if the application could be discussed at the next meeting after approval from the Police Department has been received.

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

MOTION: Selectman Munise moved to postpone discussion and vote on the application from Luiz Gonzaga for Constable for the Town of Wareham. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

b. Constables-terms to expire June 30, 2022

- i. Karen A. Blair
- ii. Steven P. Coughlin
- iii. Ian Daley
- iv. Charles T. Devlin
- v. David DiCenso
- vi. Gregory S. Kamon
- vii. George W. Morse
- viii. Robert Short
- ix. Joel C. Thomas
- x. Robert A. Tirrell
- xi. Herve W. Vandal, Jr.

Discussion ensued pertaining to the fees collected for services. Selectman Slavin requested these fees be read into record from each Constable to determine the vote for reappointments. Those who did not pay \$30.00 or more for their services would not be reappointed. The updated list will be sent to the Police Department for review to verify that the amount of Constables is sufficient. (*See attachment*)

MOTION: Selectman Slavin moved to reappoint Karen Blair, Stephen Coughlin, David DiCenso, George W. Morse, Robert Short and Robert Tirrell as Constables for the Town of Wareham for a term to expire June 30, 2022. Selectman Teitelbaum seconded.

VOTE: 4-1-0 (Selectman Tropeano opposed)

c. Old Colony Elder Services-Board of Directors-term to expire June 30, 2022

- i. Missy Dziczek

MOTION: Selectman Tropeano moved to appoint Missy Dziczek to the Old Colony Elder Services-Board of Directors to a term to expire June 30, 2022. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

d. Board of Health-Associate members terms to expire June 30, 2022

- i. Kathleen Waldron-Associate
- ii. Lawrence Perry-Associate

MOTION: Selectman Tropeano moved to appoint Kathleen Waldron and Lawrence Perry as Associate Members to the Board of Health for a term to expire June 30, 2022. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

e. Community Events Committee-terms to expire June 30, 2024

- i. Linda Gay
- ii. Kevin Costa

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

MOTION: Selectman Tropeano moved to appoint Linda Gay and Kevin Costa to the Community Events Committee for a term to expire June 30, 2024. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

- f. Conservation Commission-term to expire June 30, 2024
 - i. Sandra Slavin

MOTION: Selectman Tropeano moved to not reappoint Sandra Slavin to the Conservation Commission for a term to expire June 30, 2024. Selectman Teitelbaum seconded.

VOTE: 2-3-0

(Selectman Whiteside, Selectman Slavin, Selectman Munise opposed)

Discussion ensued regarding concerns of the overabundance of responsibilities with being a member of six committees and an elected official of the Sewer Commission.

MOTION: Selectman Slavin moved to reappoint Sandra Slavin to the Conservation Commission for a term to expire June 30, 2024. Selectman Munise seconded.

VOTE: 3-2-0 (Selectman Tropeano, Selectman Teitelbaum opposed)

- g. Council on Aging-terms to expire June 30, 2025
 - i. Carolyn Hynes
 - ii. Melissa Plourde

This item will be voted on at the next meeting.

- h. Wareham Historical Commission-terms to expire June 30, 2024
 - i. Barbara Smith
 - ii. Cheryl Knapp

MOTION: Selectman Tropeano moved to appoint Barbara Smith and Cheryl Knapp to the Wareham Historical Commission for a term to expire June 30, 2024. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

- iii. Angela M. Dunham

MOTION: Selectman Tropeano moved to appoint Angela Dunham to the Wareham Historical Commission for a term to expire June 30, 2024. Selectman Teitelbaum seconded.

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

- i. Open Space Committee-term to expire June 30, 2024
 - i. Carol Malonson

MOTION: Selectman Tropeano moved to appoint Carol Malonson to the Open Space Committee for a term to expire June 30, 2024. Selectman Munise seconded.

VOTE: 5-0-0 (Unanimous)

8. LICENSES AND PERMITS

- a. Discussion and possible vote on the renewal of the Earth Removal permit for Highland, Inc.

MOTION: Selectman Tropeano moved to extend the permit expiration for thirty days and return on June 29, 2021 with additional information requested by members of the Board. Selectman Munise seconded.

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

VOTE: 5-0-0 (Unanimous)

- b. Application for a Change of Manager from BPOE Wareham-New Bedford Lodge of Elks 73, Inc., 2855 Cranberry Hwy, Wareham MA.

MOTION: Selectman Tropeano moved to approve the application for a Change of Manager to Steven Hunt from BPOE Wareham-New Bedford Lodge of Elks 73, Inc., 2855 Cranberry Hwy, Wareham, MA. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

- c. Application from Paul Rose, 4 Gibbs Ball Park Road, Onset, MA for seven One Day Liquor Licenses to take place at the Onset VFW Pavilion on the following dates and times:

June 20, 2021 12:00 pm – 7:00 pm
June 23, 2021 6:30 pm – 9:00 pm
June 30, 2021 6:30 pm – 9:00 pm
July 7, 2021 6:30 pm - 9:00 pm
July 14, 2021 6:30 pm – 9:00 pm
July 21, 2021 6:30 pm - 9:00 pm
July 28, 2021 6:30 pm - 9:00 pm

MOTION: Selectman Tropeano moved to approve the application from Paul Rose, 4 Gibbs Ball Park Road, Onset, MA. for seven One Day Liquor Licenses to take place at the Onset VFW Pavilion on the dates listed above. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

9. TOWN BUSINESS

- a. Proclamation-Pride Month.

Selectman Whiteside read into record the Proclamation declaring the month of June, 2021 as Pride Month. *(See attached)*

- b. Informational discussion with Ranchod, Inc. d/b/a Liquor Locker, 3021 Cranberry Hwy., Wareham.

Discussion ensued regarding the Liquor Locker reopening their establishment after being closed due to a fire without the Certificate of Occupancy being filed. Attorney Bowen recommended the Building Official handle this in the ordinary course of business and suggested inviting Liquor Locker to the next meeting. Should there not be a good explanation for delay or non-compliance, disciplinary proceedings can be considered. *Ranchod, Inc. did not attend the meeting as requested.*

- c. Informational discussion with Scarlet Rose, LLC, 196 Main Street, Wareham.

Present before the Board: Michael Kjelgaard

Mr. Kjelgaard explained that Scarlet Rose is a wine bar with a very limited food menu. Craft beers, soda, coffee and tea will be offered as well. There will not be a full kitchen or grill and there will be some entertainment. Concerns from the Board included limited space for deliveries and the use of Center Street because of the high volume of traffic. The application will be amended to reflect a new business plan.

- d. Appoint MBTA Advisory Board Member.

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

MOTION: Selectman Tropeano moved to appoint Alan Slavin as the MBTA Advisory Board Member. Selectman Teitelbaum seconded.

Selectman Slavin explained that any community that has MBTA service has a member of their community on the board which discusses services, future plans, and budgets.

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

e. Appoint GATRA Advisory Board Member.

MOTION: Selectman Tropeano moved to appoint Alan Slavin as a member to the GATRA Advisory Board. Selectman Teitelbaum seconded.

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

f. Discussion and possible vote to approve Marijuana Courier Host Community Agreement with Trade Winds, LLC, 6 Thatcher Lane, Wareham.

Present before the Board: Jessie Pitts, Owner; Ilya Ross, Attorney

Mr. Ross stated that Trade Winds, LLC would be delivering on behalf of retailers directly to consumers and collecting a fee for every transaction included in the delivery. Trade Winds is going to have an exclusive arrangement with Trade Routes which is a cannabis product manufacturer, cultivator and soon to be retailer.

MOTION: Selectman Teitelbaum moved to approve the Marijuana Courier Host Community Agreement with Trade Winds, LLC, 6 Thatcher Lane, Wareham. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

g. Discussion and possible vote of assignments/reassignments of Liaisons. This item will be discussed at a future meeting.

h. Ratify hiring of:

- i. Theresa Brophy-PT Seasonal Community Enforcement Officer with DNR
- ii. Philip Miceli-Laborer at WPCF
- iii. Robert Akins-PT Transfer Station Laborer
- iv. Peter Hasenfuss-PT Transfer Station Laborer
- v. Caleb Hart-Paramedic

MOTION: Selectman Tropeano moved to ratify the hiring of Theresa Brophy-PT Seasonal Community Enforcement Officer with DNR, Philip Akins-PT Transfer Station Laborer, Peter Hasenfuss-PT Transfer Station Laborer and Caleb Hart-Paramedic. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

i. Application from Dog Park Affiliation of Wareham to place temporary signs on Town property.

MOTION: Selectman Tropeano moved to approve the application from the Dog Park Affiliation of Wareham to place temporary signs on Town Property excluding Besse Park. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

j. Discussion and possible vote to allow Lucky Goat Brewing, LLC, 379 Main Street, Wareham to hand out free samples.

Present before the Board: Kendall Peabody, Co-owner; Aaron Perry, Co-owner

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

Mr. Peabody was seeking approval to give out free samples of beer from Lucky Goat Brewing.

Attorney Bowen stated in the ABCC guidance, free samples may be given out if the Board makes a finding that the giving of free samples does not constitute retail activity. In addition, the Board would send a letter to the ABCC advising them of the finding and what the vote was. Selectman Teitelbaum asked to see the tips certification. Selectman Munise requested more information pertaining to the amount of ounces given in the samples and what the maximum amount of samples would be given to each patron.

MOTION: Selectman Teitelbaum moved that the issuance of free beer samples would promote business and is not a retail activity that would interfere with other retail licenses subject to a Tips Certificate, a business outline explaining the detailed plan of samples given and the maximum amount. Selectman Slavin seconded.

VOTE: 2-2-1 (Selectman Whiteside and Selectman Tropeano opposed, Selectman Munise present)

Selectman Teitelbaum suggested a memorandum from Town Counsel that explains what the rights and responsibilities are for the Town, the ABCC, and the applicant. Selectman Whiteside stated that Mr. Peabody will be invited to a meeting once all requested documentation is completed.

- k. Request confirmatory vote for action taken June 1, 2021 under 48 hour business.....To authorize the Chair to respond to the OML violation complaint filed by Meg Sheehan on May 24, 2021, which action was taken on June 1, 2021 during the regularly scheduled Board of Selectmen Meeting.

MOTION: Selectman Tropeano moved to approved the confirmatory vote for action taken June 1, 2021 under 48 hour business.....To authorize the Chair to respond to the OML violation complaint filed by Meg Sheehan on May 24, 2021, which action was taken on June 1, 2021 during the regularly scheduled Board of Selectman Meeting. Selectman Teitelbaum seconded. *(See attached)*

VOTE: 5-0-0 (Unanimous)

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

MOTION: Selectman Tropeano moved to approve the application from Oniset Wigwam to place signs on Main Street in front of Tobey Hospital June 19th and June 20th. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

10. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan read into record a letter received regarding Nature's Medicines, Inc., 3119 Cranberry Hwy, Wareham. *(See attached)*

Wareham Town Hall will be closed to observe the Juneteenth holiday.

SELECTMEN MEETING MINUTES-6/15/2021 (CONT'D)

The Oakgrove Cape Verdean Cultural Center Inc. has been awarded the contract for the lease of the Oakgrove School.

11. LIAISON REPORTS/INITIATIVE REPORTS

Selectman Slavin attended a meeting with the Cape Cod Commission. The commuter rail and future plans were discussed.

Selectman Tropeano stated that the new elementary school may be finished ahead of schedule. This will be announced in the near future by the School Committee.

Attorney Bowen stated that there was a contempt trial regarding the Wareham Ave. properties. The Justice of the Housing Court found Mr. McMullen in contempt. He was issued fines and issued an order not to be on or within the four corners of the property boundary. There is a return date in mid-July to address the remediation of the property. The 11th Avenue extension which is across from the property is owned by the Town. Mr. McMullen and neighbors have been advised who have vehicles, boats and other items on the property to remove them within thirty days.

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: May 26, 2021; June 1, 2021.
- c. Approval of Executive Session meeting minutes: June 2, 2021.

Minutes will be approved at the next meeting.

13. ADJOURNMENT

MOTION: Selectman Slavin moved to adjourn at 9:38 pm. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted

Cassandra Slaney

Department Assistant

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

Attest:


Patrick G. Tropeano, Clerk

Date Signed:

7-13-21

Date sent to the Town Clerk:

7-14-21

Commonwealth of Massachusetts

Complaint of Nuisance or dangerous Dogs

Section 157, Chapter 140, General Laws

May 24, 2021

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

John Reidy
4 Sherburne Way PO box 368
Wareham MA 02571

Thomas Worthen
39 Green Gate PO box 368
Wareham MA 02571

Is nuisance by reason of continuously being loose in the area:

The Wareham Department of Natural resources has had countless complaints on the two dogs owned or cared for by the above named parties. We have given warning, written citations, and had endless conversations with the dog owners to no avail. The two dogs in question, Coco, described as a standard poodle and Rocky, described as a golden retriever, have wreaked havoc on the surrounding neighbors and often people located at Little Harbor Beach. We have even received complaints that these dogs have been seen in the location of the protected Piping Plover. Our Department has attempted to work with the dog owners, offering numerous suggestions on how to contain the dogs and resolve the matter without success.

This complaint is made under the penalties of perjury.

Complainant's signature:

Cheryl Gorveatt-Dill

Cheryl Gorveatt-Dill

Wareham Animal Control Officer

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Postmark
Here

Postage

Total Postage and Fees

Sent To THOMAS WORTHEN
39 Green Gate Box 368
WAREHAM MA 02571

PS Form 3800, April 2013 PSN 7530-02-000-9047 See Reverse for Instructions

Town of Wareham

54 Marion Road
Wareham, MA 02571

Judith Whiteside, Chairman
Patrick G. Tropea, Clerk
James M. Munise
Alan H. Slavin
Peter W. Teitelbaum, Esq.

Certified Mail 7020 1810 0000 2256 0536

Thomas Worthen
39 Green Gate
PO Box 368
Wareham, MA. 02571

Re: Hearing

Dear Mr. Worthen:

In accordance with the provisions of Chapter 140, Section 157 of the Massachusetts General Laws, you are hereby notified that a public hearing via Zoom will be held before the Board of Selectmen on **Tuesday, June 15, 2021** at 7:15 p.m. regarding a dog owned or kept by you. Please find attached a complaint letter from the Wareham Animal Control Officer. If you require more information, please let me know at your earliest convenience. The meeting information is as follows:

Join Zoom Meeting
<https://us02web.zoom.us/j/85712410789?pwd=bWV1Y241N1A1bTNDaW1UU1hiN0ltUT09>
Meeting ID: 857 1241 0789
Passcode: 815383

One tap mobile
Dial by your location
+1 929 205 6099 US (New York)
+1 312 626 6799 US (Chicago)

Your attendance is requested at this hearing in order that your interest is properly protected.

Sincerely,

Judith Whiteside
Chairman

cc: Board of Selectmen
Animal Control Officer Cheryl Gorgeatt-Dill
Director of Natural Resources/Harbormaster
Police Chief Walter Correia
Town Counsel



Town of Wareham

54 Marion Road
Wareham, MA 02571

SELECTMEN'S OFFICE
Phone: 508.291.3100
Fax: 508.291.3116
E-mail: selectmen@wareham.ma.us

Judith Whiteside, Chairman
Patrick G. Tropeano, Clerk
James M. Munise
Alan H. Slavin
Peter W. Teitelbaum, Esq.

June 10, 2021

Thomas Worthen
39 Green Gate
PO Box 368
Wareham, MA. 02571

Re: Hearing

Dear Mr. Worthen:

**PLEASE BE ADVISED THE BOARD OF SELECTMEN ARE NO LONGER MEETING VIA ZOOM.
PLEASE SEE THE UPDATED MEETING INFORMATION BELOW.**

In accordance with the provisions of Chapter 140, Section 157 of the Massachusetts General Laws, you are hereby notified that a public hearing will be held before the Board of Selectmen on **Tuesday, June 15, 2021** at 7:15 p.m. regarding a dog owned or kept by you. Please find attached a complaint letter from the Wareham Animal Control Officer. If you require more information, please let me know at your earliest convenience. **The hearing will be held in the Multi-Service Center, Room 320, 48 Marion Road, Wareham, MA.**

Your attendance is requested at this hearing in order that your interest is properly protected.

Sincerely,

Judith Whiteside
Chairman

cc: Board of Selectmen
Animal Control Officer Cheryl Gorgeatt-Dill
Director of Natural Resources/Harbormaster
Police Chief Walter Correia
Town Counsel

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

Postmark
Here

Sent To: John Reidy
Street and Apt. No. for PO Box No.
4 Sherburne Way Box 368
City, State, ZIP+4®
Wareham MA 02571
PS Form 3800, April 2015 PSN 7530-02-000-9047-9 See Reverse for Instructions

Town of Wareham
54 Marion Road
Wareham, MA 02571

Judith Whiteside, Chairman
Patrick G. Tropeano, Clerk
James M. Munise
Alan H. Slavin
Peter W. Teitelbaum, Esq.

Certified Mail 7020 1810 0000 2256 0529

John Reidy
4 Sherburne Way
PO Box 368
Wareham, MA. 02571

Re: Hearing

Dear Mr. Reidy:

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Join Zoom Meeting
<https://us02web.zoom.us/j/85712410789?pwd=bWV1Y241N1A1bTNDaW1UU1hiN0ltUT09>
Meeting ID: 857 1241 0789
Passcode: 815383

One tap mobile
Dial by your location
+1 929 205 6099 US (New York)
+1 312 626 6799 US (Chicago)

Your attendance is requested at this hearing in order that your interest is properly protected.

Sincerely,

Judith Whiteside
Chairman

cc: Board of Selectmen
Animal Control Officer Cheryl Gorgeatt-Dill
Director of Natural Resources/Harbormaster
Police Chief Walter Correia
Town Counsel



Town of Wareham

54 Marion Road
Wareham, MA 02571

SELECTMEN'S OFFICE
Phone: 508.291.3100
Fax: 508.291.3116
E-mail: selectmen@wareham.ma.us

Judith Whiteside, Chairman
Patrick G. Tropeano, Clerk
James M. Munise
Alan H. Slavin
Peter W. Teitelbaum, Esq.

June 10, 2021

John Reidy
4 Sherburne Way
PO Box 368
Wareham, MA. 02571

Re: Hearing

Dear Mr. Reidy:

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PLEASE SEE THE UPDATED MEETING INFORMATION BELOW.**

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Your attendance is requested at this hearing in order that your interest is properly protected.

Sincerely,

Judith Whiteside
Chairman

cc: Board of Selectmen
Animal Control Officer Cheryl Gorgeatt-Dill
Director of Natural Resources/Harbormaster
Police Chief Walter Correia
Town Counsel

CONSTABLE REMITTANCE FORM

This report includes process served from Jan. 2020 to Oct. 2020
month/year month/year

[illegible]

**Grand
Total**

TOWN OF WAREHAM
BOARD OF SELECTMEN

Date 9.30.2020

CC#
1251
Vec'd 10/5/20
MT6

IAN 04 2021

TOWN OF WAREHAM
BOARD OF SELECTMEN

Jan. 2, 2021

CONSTABLE REMITTANCE FORM

This report includes process served from January 1 to March 31, 2021
month/year month/year

[illegible]

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Name (print) _____

Karen A Blair

Signature _____

Blair

Date _____

April 1, 2021

CONSTABLE REMITTANCE FORM

This report includes process served from 1-1-20 to 9-25-28
month/year month/year

Attach additional pages if necessary.

Date 9-28-20

CONSTABLE REMITTANCE FORM

DOWN & WATER
BOARD OF DIRECTORS

Date 1-12-21

RECEIVED

2005-2006

TO: [redacted]
FROM: [redacted]

This report includes process served from JAN 1, 2021 to MARCH
month/year month/year

Date _____

CONSTABLE REMITTANCE FORM

This report includes process served from 10/1/20 to 12/31/20
month/year month/year

Date	Type of process	Service Fee	Amount Due Town (25% of fee)
12/5	Summons & Cpt.	20.00	5.00
12/10	↓	↓	↓
12/20	↓	↓	↓
12/25			
Grand Total			25.00

RECEIVED
JAN 4 1963
TOWN OF WAREHAM
OFFICE OF THE TOWN CLERK

• Attach additional pages if necessary.

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Name (print)

Signature _____

Date _____

CONSTABLE REMITTANCE FORM

This report includes process served from 1/1/2021 to 3/31/21
month/year . month/year

Date 4/10/21

OCT 20 2020

TOWN OF WAREHAM
BOARD OF SELECTMEN

This form is submitted in compliance with MGL c 41, s 95A to the Office of Selectmen on or before January 15; April 15, July 15th and October 15th. Please note, all fees must be paid by October 15th. *Please make checks payable to Town of Wareham.*

2nd quarter: April 1-June 30th due on July 15th

4th quarter: Oct 1st- Dec 31st due on Jan 15th

This report includes process served from July 1, 2020 to Sept 30, 2020
month/year month/year

NO WORK - Courts closed - due to Covid

[illegible]

Attach additional pages if necessary.

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Name (print) George W. Morse Signature 

Date 10-21-20

JAN 04 2021

CONSTABLE REMITTANCE FORM

TOWN OF WARREN
BOARD OF SELECTMEN

still on Unemployment
courts say maybe End of
January Happy New Year 😊

TOWN OF WAREHAM

OFFICE OF THE SELECTMEN

CONSTABLE REMITTANCE FORM

This form is submitted in compliance with MGL c 41, s 95A to the Wareham Board of Selectmen on or before January 15, April 15, July 15th and October 15th. Please note, all fees must be paid by October 15th. *Please make checks payable to Town of Wareham.*

1st quarter: Jan 1-- March 31 due on April 15

2nd quarter: April 1-June 30th due on July 15th

3rd quarter: July 1st -Sept 30th due on Oct 15

4th quarter: Oct 1st - Dec 31st due on Jan 15th

This report includes process served from Jan 1/2021 to March 31/2021

month/year

month/year

Date	Type of process	Service Fee	Amount Due Town (25% of fee)
4/1/21	Eviction	\$ 75. ⁰⁰	\$ 18.75
3/31/21	Summons : complaint	\$ 75. ⁰⁰	\$ 18.75
3/18/21	Notice to terminate	\$ 75. ⁰⁰	\$ 18.75
Grand Total			\$ 56.25

PAID
#96342120
3
4-22-21

Attach additional pages if necessary.

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Name (print) George W Morse Signature [Signature]

Date 4/17/21

CONSTABLE REMITTANCE FORM

NO SERVICES for 2020

Date 4/10/20

TOWN OF WAREHAM
CONSTABLE REMITTANCE FORM

This form is submitted in compliance with MGL c 41, s 95A to the Office of Selectmen on or before January 15, April 15, July 15th and October 15th. Please note, all fees must be paid by October 15th. *Please make checks payable to Town of Wareham.*

1st quarter: Jan 1-- March 31 due on April 15

2nd quarter: April 1-June 30th due on July 15th

3rd quarter: July 1st -Sept 30th due on Oct 15

4th quarter: Oct 1st - Dec 31st due on Jan 15th

This report includes process served from Oct 5 to JANUARY 1
month/year month/year

Date	Type of process	Service Fee	Amount Due Town (25% of fee)
NOV	NO TRESPASSING	50	12.50
DEC	NO TRESPASSING	50	12.50
Grand Total			25.00

Attach additional pages if necessary.

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Name (print) Robert E. Sauer Signature [Signature]

Date 1-19-21

TOWN OF WAREHAM

Department BOS
 Received From: Robert Short

637084
 # 74842066
☒ Check ☐ Cash

\$ 50⁻
 Amount Received

Purpose Constable Renewal

Employee Signature Cslaney

Date 4-6-21

PAYEE'S COPY

Date	Type of process	Service Fee	Amount Due Town (25%) of fee)
FEB 29 TH	ANNOUNCEMENT	40 ⁰⁰	10 ⁰⁰
MARCH 30	" POSTING @	50 ⁰⁰	12.50
JAN 16	POSTING	40	10 ⁻
Grand Total			32 ⁵⁰

Attach additional pages if necessary.

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Name (print) Robert E. Short Signature Robert E. Short

Date 4/9/21

CONSTABLE REMITTANCE FORM

1st quarter: Jan 1—March 31 due on April 15

2nd quarter: April 1-June 30th due on July 15th

3rd quarter: July 1st –Sept 30th due on Oct 15

4th quarter: Oct 1st- Dec 31st due on Jan 15th

month/year

month/year

**Grand
Total**

5.00

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Name (print)

Robert Turner

Signature

curate to the best of my knowledge.

Date _____

12/31/2020



TOWN OF WAREHAM
54 Marion Road
Wareham, Massachusetts 02571

PROCLAMATION

WHEREAS, Martin Luther King, Jr. wrote "In the end, we will remember not the words of our enemies, but the silence of our friends" and it is only right and moral that we identify, condemn, and stand against all forms of racism, discrimination, and hatred; and;

WHEREAS, the month of June was chosen to commemorate the riots that took place in Manhattan in June of 1969 at the Stonewall Inn;

WHEREAS, the United States Supreme Court ruled in June 2015 that same-sex couples can marry nationwide, as a civil right;

WHEREAS, gay, lesbian, and bisexual Americans can serve their country openly, honestly, and without fear of losing their jobs because of whom they love;

WHEREAS, the Town of Wareham recognizes that our Nation was founded upon the principles that all people are created equal and that each person has the right to life, liberty and the pursuit of happiness; and;

WHEREAS, the Town of Wareham understands that LGBT rights are human rights;

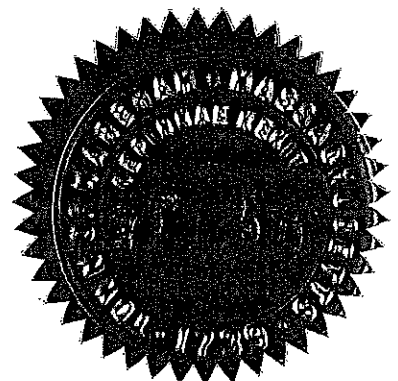
WHEREAS, the Town of Wareham is strengthened by and thrives upon the rich diversity of ethnic, cultural, racial, gender and sexual identities of its residents; all of which contribute to the vibrant character of our Town;

THEREFORE, the Town of Wareham proclaims that June of 2021 shall be known as Pride Month.

SO PROCLAIMED this 15th day of June 2021, Anno Domini

BOARD OF SELECTMEN

Judith Whiteside, Chair
Patrick G. Tropeano, Clerk
James M. Munise
Alan H. Slavin
Peter W. Teitelbaum





Wareham
54 Marion Road
Wareham, MA 02571

SELECTMEN'S OFFICE
Phone: 508.291.3100
Fax: 508.291.3116
E-mail: selectmen@wareham.ma.us

Board of Selectmen
Judith Whiteside, Chairman
Patrick G. Tropeano, Clerk
James M. Munise
Alan H. Slavin
Peter W. Teitelbaum

June 2, 2021

Margaret Sheehan
158 Center Hill Road
Plymouth, MA. 02360

Dear Attorney Sheehan,

I have been authorized by a vote of the Board of Selectmen to respond to your Open Meeting Law complaint dated May 24, 2021.

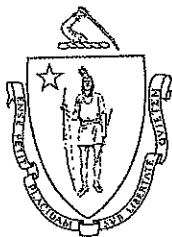
In your complaint you assert that it is a violation of the Open Meeting Law for the Selectmen Chairperson to regulate the "Public Comments" section of the Board agenda by not recognizing litigants actual or threatened. I note, parenthetically, that you are an attorney representing actual litigants who are suing Wareham, and that you have threatened other litigation against the town.

Your complaint is unfounded. The question of whether we may choose whom to recognize at our meetings is well settled, and the Attorney General has over the years rejected similar complaints against municipalities. More recently, the Attorney General rejected the exact same complaint that you now make in a determination dated May 21, 2021, a copy of which is attached hereto for your review. It supplies the particulars of the legal precedents and in it the Attorney General explains why your complaint fails to state a claim.

Very Truly Yours,

Judith Whiteside
Chairman, Wareham Board of Selectmen

cc: Richard P. Bowen, Town Counsel
Attorney General (Open Government Division)



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

May 21, 2021

OML 2021 – 71

VIA EMAIL ONLY

Peter Teitelbaum
Wareham Board of Selectmen
pteitelbaum@wareham.ma.us

RE: Open Meeting Law Complaint

Dear Mr. Teitelbaum:

This office received a complaint from Lisa Morales on April 21, 2021¹, alleging that the Wareham Board of Selectmen (the “Board”), and specifically you, violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on March 23, and you responded by email on April 5.² The Complainant alleges that she was not permitted to participate during the public comment portion of the Board’s March 23 meeting.³

Following our review, we resolve this matter by **informal action** in accordance with 940 CMR 29.07(2)(a), and find that the Board did not violate the Open Meeting Law. In reaching this determination, we reviewed the Open Meeting Law complaint, the response, the request for

¹ All dates are in 2021, unless otherwise stated.

² It is unclear from the response whether the Board met to review the complaint and formulate a response or delegate authority to respond. We remind the Board of its obligation to comply with all requirements of the Open Meeting Law, including the requirement to meet to review a complaint before responding or delegating authority to respond. See 940 CMR 29.05(5); OML 2020-164.

³ The complaint also alleges that on February 16 the Board “banned” the Complainant from public comment. We decline to review this allegation as it was not timely filed with the Board. To be considered timely, a written Open Meeting Law complaint setting forth the circumstances which constitute the alleged violation must be filed with the public body within 30 days of the date of the alleged violation, or if the alleged violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. G.L. c. 30A, § 23(b); 940 CMR 29:05(4). Because the Complainant was aware on February 16 that she was not permitted to participate in public comment on that day, any complaint regarding this allegation should have been filed no later than March 18.

further review, and a video recording of the Board's March 23 meeting.⁴ During the "Citizen's Comments" portion of the Board's March 23 meeting, the Chair⁵ refused to allow the Complainant to speak while allowing other members of the public to speak. The Open Meeting Law states that "no person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent." G.L. c. 30A, § 20(f). The Open Meeting Law therefore gives discretion to the chair of a public body to determine who may speak or otherwise participate at a meeting. See OML 2017-154; OML 2014-23; OML 2013-64; OML 2012-59.⁶ Because the Open Meeting Law gives the chair of a public body discretion over who may speak or otherwise participate at a meeting, we find no violation with respect to this allegation. Although public comment is within the chair's discretion, we encourage public bodies to allow for as much public participation as time and circumstances permit. See OML 2015-12; OML 2014-129; OML 2012-59.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

cc: Wareham Board of Selectmen (via e-mail: bos@wareham.ma.us)
Lisa Morales (via e-mail: onsetalltogether@gmail.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

⁴ A recording of the Board's March 23 meeting may be found at <https://www.youtube.com/watch?v=Ri3qoR50E24>.

⁵ For the sake of clarity, we refer to you in the third person.

⁶ Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Margaret Last Name: Sheehan

Address: 158 Center Hill Road

City: Plymouth State: MA Zip Code: 02360

Phone Number: 508-259 9154 Ext.

Email: environmentwatchesoutheastemma@gmail.com

Organization or Media Affiliation (if any): Save the Pine Barrens, Inc.

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectmen, Town of Wareham

Specific person(s), if any, you allege committed the violation: Chair, Judith Whiteside; Town Counsel Richard Bowen

Date of alleged violation: May 17, 2021

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

At the May 18, 2021 regularly scheduled meeting of the Wareham Board of Selectmen, the Chair denied a member of the public the opportunity to speak during the "Citizen's Comments" section of the Board's agenda. "Citizen's Comments" appears on the May 18, 2021 agenda as Item 5 and is a regular part of the Board's weekly agenda for members of the public to address the Board on any topic. The meeting was held by Zoom. Town Counsel was present. On May 12, 2021, a group of Wareham residents filed an administrative appeal to the Massachusetts Department of Environmental Protection (MassDEP) seeking a "Request for Denial-Superseding Order of Conditions" under the Massachusetts Wetland Protection Act ("Wetlands Act"). (DEP File No. SE76-2611) (DEP Appeal). The right to appeal is provided by the Wetlands Act to persons aggrieved by a conservation commission order of conditions. A group of ten or more residents may appeal as a "Ten Residents Group." The DEP Appeal was brought by thirteen residents of the Town of Wareham (soon to be fourteen with the addition of a member of the Mashpee Wampanoag community) ("Ten Residents Group"). At the May 18, 2021 meeting, a member of the Ten Residents Group raised a hand on Zoom seeking to speak during the Citizen's Comments portion of the agenda. The member did not identify the topic they intended to raise.

Without knowing the topic, Board Chair Whiteside denied the member the opportunity to speak. She cited an alleged Town "policy" preventing anyone "who threatens to sue the Town" or who "is suing the Town" from addressing the Board during public comment. A discussion among the Board and Town Counsel followed at the meeting. A majority of the Board and Town Counsel confirmed and agreed with this alleged Town "policy" refusing the Ten Resident Group member the opportunity to address the Board. The Town has thus adopted (or confirmed an alleged existing policy) that anyone with a controversy involving the Town or who is challenging any decision of any Town official, board or committee is banned from addressing the Board on any topic whatsoever during "Citizen Comment."

The Board's May 18, 2021 action and its alleged "policy" barring any member of the Ten Residents Group and any member of the public involved in a controversy with the Town from speaking during public comment topic is an egregious abuse of the Board's discretion. It is a clear Open Meeting Law violation. The May 18, 2021 violation was intentional. The alleged "policy" is intentional as it was allegedly adopted by the Board. This is particularly egregious because the Board Chair, the former Chair attorney Teitelbaum and Town Counsel knew or should have known that such a blanket prohibition contravenes First Amendment rights. It is obvious retaliation against member of the Ten Residents Group and is intended to silence them and anyone else who may challenge any Town decision, permit, or position. Worse, neither the Board nor any Board member is a party to the DEP Appeal. The alleged "policy" does not protect the Town or the Board from any risk involving litigation with a resident since the "citizen comment" period is for citizens to comment: the Board is not required to respond to any comment about a controversy or litigation. The policy, written or as adopted by the Board on May 18, 2021 is an egregious abuse of the discretion afforded the Board chair regarding public comment.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Relief requested:

1. Require the Board to disclose a written copy of the alleged policy and any documents relating to the alleged policy.
2. Order the Board to revoke the alleged policy.
3. Prohibit the Board from refusing to allow any member of the Ten Resident Group from addressing the Board.
4. Require the Board to attend and complete Open Meeting Law training.
5. Impose sanctions on the Board Chair, Mr. Teitelbaum and Town Counsel for violating the Open Meeting Law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Margaret E. Shellen

Date: _____

May 24, 2021

For Use By Public Body:

Date Received by Public Body:

For Use By AGO:

Date Received by AGO:



800 Boylston Street, 26th Floor
Boston, MA 02199
Tel: 617-934-2121

Austin | Boston | Denver | Jacksonville | Los Angeles | New York

June 11, 2021

Chair Judith Whiteside
Town of Wareham Board of Selectmen
54 Marion Road
Wareham, MA 02571

RE: Nature's Medicines, Inc. – Update re: 3119 Cranberry Highway, Wareham

Dear Chair Whiteside:

Please accept this correspondence on behalf of Nature's Medicines, Inc. ("Nature's Medicines") as a formal status update relative to their proposed Retail Marijuana Establishment located at 3119 Cranberry Highway in Wareham.

Nature's Medicines received a building permit from the Town of Wareham within the last month and has commenced construction. The company anticipates finishing construction by August 1, 2021 and immediately seeking a Certificate of Occupancy.

Once a Certificate of Occupancy is granted, Nature's Medicines will immediately seek a Post Provisional License Inspection from the Cannabis Control Commission and to be placed on the next available agenda for final licensure. This would allow the company to open to the public in October 2021.

Please advise if we can provide further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Phil Silverman".

Phil Silverman, Esq.