

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: October 11, 2022
Date of Transcription: October 17, 2022
Transcribed by: Cassandra Slaney

Remote meeting due to Covid-19

1. CALL MEETING TO ORDER BY CHAIRMAN

MOTION: Selectman Wurts moved to appoint Selectman Slavin as Chair pro tem. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

2. ROLL CALL

Selectmen Present: Patricia A. Wurts, Clerk
Jared S. Chadwick
Ronald S. Besse
Alan H. Slavin

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

Not Present: Judith Whiteside, Chairman

3. PLEDGE OF ALLEGIANCE

4. CERTIFICATE OF RECOGNITION-INDIANA TROUPE

Selectman Chadwick read the certificate of recognition for Indiana Troupe for being the first Wareham student to be elected Governor of Massachusetts for a day as part of the Boys State Program.

5. ANNOUNCEMENTS

Wareham Land Trust and Walk for Wareham are offering nature walks to anyone who is interested.

Conservation Commission is holding a public hearing on Monday, October 17, 2022 at 4:30 p.m. in Room 320 at the Multi-Service Center. The hearing will be about the fee changes.

6. BOARD'S COMMENTS

Selectman Chadwick commented on the new parking lot in Onset and stated that it was a job well done.

7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

8. LICENSES AND PERMITS

9. HEARING AT APPROXIMATELY 7:15 P.M. – Amendment to the Town's General Bylaws by deleting, in its entirety, Division IV, Article 1, Sections 2, 2A and 2B; and further to insert a new Division XIII, Article 1, Titled Waterways Rules.

MOTION: Selectman Wurts moved to open the hearing. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

Present before the Board: Garry Buckminster, Harbormaster

Mr. Buckminster explained that the current rules and regulations were adopted twenty-four years ago and portions of the bylaws are no longer applicable. The amended rules and regulations reflect the dynamic changes.

MOTION: Selectman Chadwick moved to close the hearing. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectman Wurts moved to recommend the Waterways Rules article for the 2022 Annual Fall Town meeting. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

10. TOWN BUSINESS

- a. **Discussion and possible vote regarding the following articles for the 2022 Annual Fall Town Meeting. (Presented by Garry Buckminster, Harbormaster)**

Article 12 - Harbor Services Permit Receipts Reserved for Appropriations
Account-Patrol Board Outboard Motors

Article 13 - Harbor Services Permit Receipts Reserved for Appropriations
Account-Onset Pier Floating Docks

Article 14 - Harbor Services Permit Receipts Reserved for appropriations
Account-Patrol Boat UHF Communication & Other Repairs, Replacements and Maintenance

MOTION: Selectman Wurts moved to recommend the articles listed above for the 2022 Annual Fall Town Meeting. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

- b. **Discussion and possible vote regarding the following articles for the 2022 Annual Fall Town Meeting. (Presented by School Department)**

Article 26 - Boiler Replacement Project, Wareham High School

Article 27 - Roof Replacement Project, Wareham Middle School

Present before the Board: Matthew D'Andrea, Superintendent; Kevin Brogioli, School Committee; Kristen Flynn, Director of Finance; Eric Trahan, Facilities Supervisor

Mr. D'Andrea stated that the boiler replacement project will involve getting four new water heaters, new mixing valves expansion tanks and pumps. The high school currently has six boilers which will be removed and replaced with five new more efficient and effective boilers.

MOTION: Selectman Wurts moved to recommend Article 26-Boiler Replacement Project, Wareham High School for the 2022 Annual Fall Town Meeting. Selectman Besse seconded.

SELECTMEN MEETING MINUTES-10/11/2022 (CONT'D)

Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

Mr. D'Andrea explained that there are twenty-two sections of the roof at the Middle School. Of the twenty-two sections, only seven are old enough to be eligible for the MSBA program. Mr. D'Andrea stated this article for town meeting will address the roof leakage which has resulted in school closure in the past.

MOTION: Selectman Wurts moved to recommend Article 27-Roof Replacement, Wareham Middle School for the 2022 Annual Fall Town Meeting. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

- c. **Discussion and possible vote regarding the following article for the 2022 Annual Fall Town Meeting. (Presented by Sam Corbitt-Proponent)**

Article 28 – Citizens Petition - Rescind Article 17, 2021 Fall Town Meeting

This article involves rescinding Article 17 of the 2021 Fall Town Meeting and making no changes to the Wareham Redevelopment Authority. Mr. Corbitt stated that the Wareham Redevelopment Authority has been successful and a huge asset to the Town.

MOTION: Selectman Wurts moved to recommend Article 28-Citizens Petition-Rescind Article 17, 2021 Fall Town Meeting for the 2022 Annual Fall Town Meeting. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

- d. **Discussion and possible vote to approve the abatement recommendation in the amount of \$1,788.40 due to approved opt out and reduction fee applications.**

MOTION: Selectman Wurts moved to approve the abatement recommendation in the amount of \$1,788.40 due to approved opt out and reduction fee applications. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

- e. **Vote on warrant for 2022 State Elections.**

Selectman Besse read the warrant into record for the 2022 State Elections.
(See attachment)

MOTION: Selectman Wurts moved to approve the warrant for the 2022 State Elections. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

- f. **Discussion and possible vote to approve the Host Community Agreement for Smokie Greene Acres, LLC as a Marijuana Cultivation Operator.**
g. **Discussion and possible vote to approve the Host Community Agreement for The Terpfactory, LLC as a Marijuana Manufacturer.**
h. **Discussion and possible vote to approve the Host Community Agreement for Canna Factory, LLC as a Marijuana Manufacturer.**
i. **Discussion and possible vote to approve the Host Community Agreement for Dank Delivery, LLC as a Marijuana Delivery Operator.**

SELECTMEN MEETING MINUTES-10/11/2022 (CONT'D)

Present before the Board: Attorney Robert Perry, Attorney Charles Reed, John Carlson, Principal and Christina Parris

Atty. Reed stated that all establishments would be three different businesses located at 3 Tow Road, Wareham. The plans have been reviewed by the Commission and Mr. Carlson would make any adjustments asked by the Town. Discussion ensued and the Board asked that a business plan and security plan be provided for a future meeting.

NO ACTION TAKEN: No action taken on the discussion and possible vote to approve the Host Community Agreements for Smokie Greene Acres, LLC as a Marijuana Cultivation Operator, The Terpfactory, LLC as a Marijuana Manufacturer, Canna Factory, LLC as a Marijuana Manufacturer and Dank Delivery, LLC as a Marijuana Delivery Operator.

j. **Discussion and possible vote to recommend approval of fall town meeting warrant articles.**

MOTION: Selectman Wurts moved to recommend Article 1-Approve and Fund FY23 Capital Plan for the 2022 Annual Fall Town Meeting. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectman Wurts moved to recommend Article 2-Transfer of Free Cash for the 2022 Annual Fall Town Meeting. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectman Wurts moved to recommend Article 4-PEG Access Receipts to Wareham Community TV for the 2022 Annual Fall Town Meeting. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

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

Mr. Sullivan received a request for signs for the 988 suicide and crisis hotline. This is to raise awareness. The request was to put up three signs in Town for a maximum of thirty days.

MOTION: Selectman Wurts moved to approve the request for ten 988 suicide and crisis hotline signs to be placed in Town until January 1, 2023. Selectman Besse seconded. Roll Call: Selectman Slavin-yes, Selectman Chadwick-yes, Selectman Besse-yes, Selectman Wurts-yes.

VOTE: 4-0-0 (Unanimous)

11. TOWN ADMINISTRATOR'S REPORT

Nothing to report.

12. LIAISON/INITIATIVE REPORTS

Nothing to report.

13. CONSENT AGENDA

- a. **Authorization to sign bills and documents, etc.**
- b. **Approval of meeting minutes:**

14. ADJOURNMENT

SELECTMEN MEETING MINUTES-10/11/2022 (CONT'D)

MOTION: Selectman Chadwick moved to adjourn at 8:47 pm. Selectman Besse seconded.
Roll Call: Selectman Slavin-yes, Selectman Wurts-yes, Selectman Chadwick-yes, Selectman Besse-yes.

VOTE: 4-0-0 (Unanimous)

15. 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: 
Patricia A. Wurts, Clerk

Date Signed: 10/18/22

DOCUMENTS REVIEWED AND/OR USED IN MEETING.

1. Waterways Rules proposal.
2. Article 12, 13, 14, 26, 27 and 28 for 2022 Annual Fall Town Meeting.
3. Abatement recommendation.
4. Warrant for 2022 State Elections.
5. Host Community Agreements for Smokie Greene Acres, LLC, The Terpfactory, LLC, Dank Delivery, LLC and Canna Factory, LLC.

Date sent to Town Clerk: 10-25-22

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

WARRANT FOR 2022 STATE ELECTION

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 city or town who are qualified to vote in Elections to vote at:

Precincts 1 - 6
(insert ward/precinct numbers)

P 1 & 6, TOWN HALL AUDITORIUM, 54 MARION RD
P 2 & 3, HAMMOND SCHOOL, 13 HIGHLAND AVE
P 4 & 5, REDMAN HALL, 745 MAIN ST
(insert polling locations)

On **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2022**, 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 for the following offices:

GOVERNOR and 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	THIRD BRISTOL & PLYMOUTH DISTRICT
REPRESENTATIVE IN GENERAL COURT	SECOND PLYMOUTH DISTRICT
DISTRICT ATTORNEY	PLYMOUTH DISTRICT
SHERIFF	PLYMOUTH COUNTY
COUNTY COMMISSIONER	PLYMOUTH COUNTY
REGIONAL SCHOOL COMMITTEE	UPPER CAPE COD DISTRICT

QUESTION 1: PROPOSED AMENDMENT TO THE CONSTITUTION

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yea 159 – nays 41)?

SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

A YES VOTE would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

A NO VOTE would make no change in the state Constitution relative to income tax.

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, 2022?

SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or

unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

A YES VOTE would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by mailing other changes to dental insurance regulations.

A NO VOTE would make no change in the law relative to the regulations that apply to dental insurance companies.

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, 2022?

SUMMARY

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for "all alcoholic beverages" and for "wines and malt beverages") that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of "all alcoholic beverages" licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person's identity and age.

A YES VOTE would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

A NO VOTE would make no change in the laws governing the retail sale of alcoholic beverages.

QUESTION 4: REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

A YES VOTE would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver’s license or permit if they meet the other requirements for doing so.

A NO VOTE would repeal this law.

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 _____ day of _____, 2022.
(month)

Selectmen of: WAREHAM

(Indicate method of service of warrant)

_____, 2022.
Constable (month and day)
(Indicate method of service of warrant)

Warrant must be posted by **November 1, 2022** (at least *seven days prior* to the **November 8, 2022** State Election).