

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: November 19, 2019
Date of Transcription: November 20, 2019
Transcribed by: Cassandra Slaney

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

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

Absent: Mary Bruce, Clerk

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

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

Selectman Slavin asked for a moment of silence for Luis Contreras, the coowner of El Mariachi who was hit by a car and killed on November 15th while trying to help a family stranded on the highway.

Selectman Munise announced that there will be a refuse meeting held in Room 320 on November 20th if anyone wants to attend.

Selectman Tropeano announced that Wareham Fighting Addiction will mark their second anniversary on the 20th at 6:00 p.m. at the Church of the Good Shepherd, 74 High Street where they will service a remembrance and hope.

Selectman Teitelbaum announced that the Wareham Garden Club will be presenting the "Jingle All the Way" Christmas Faire on Saturday, December 7, 2019, from 9:00 a.m. to 1:00 p.m. at St. Patrick's Hall.

Selectman Teitelbaum also stated that the robo-call pertaining to the invitation to the "town hall event" to discuss the casino some people received had nothing to do with the Town of Wareham or WCTV.

5. CITIZENS COMMENTS

Present before the Board: Sandy Slavin

Ms. Slavin stated that CPA grants for Spring town meeting are due the second week in December and anyone in the Town entity who wants to submit a CPA grant must get approval from the Board of Selectmen before they submit the request to CPC.

6. BOARDS COMMENTS

Selectman Slavin attended the Veteran's Day Celebration and said it was a nice turn out.

Selectman Tropeano also attended the Veteran's Day Celebration and said it was a great time. He also said the committee needs help and would like to see a younger group join the Veterans' Council.

7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

a. Appointment of Election Poll Workers

MOTION: Selectman Teitelbaum moved to appoint Linda Jean Nelson-Bollinger, Charlene MacKiewicz, and Kristi Kuklinski as Election Poll Workers for a term to expire no later than June 30, 2020. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

b. Affordable Housing Trust

Present before the Board: Missy Dziczek

Ms. Dziczek said she recently moved to Onset full time. She has always been involved with the Town and is currently acting director for Council on Aging. Affordable Housing is something she has always been interested in.

MOTION: Selectman Teitelbaum moved to appoint Missy Dziczek to the Affordable Housing Trust for a term to expire June 30, 2021. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

c. Police Building Study Committee

i. Charles Klueber

ii. John Kelly

Present before the Board: Charles Klueber

Mr. Klueber has been a resident of Onset for fifty years and has spent most of his adult life in public service. He worked for the Bourne Fire Department for thirty-seven years and was involved with the construction of the Sagamore Fire Station in 2007. He was also a member to the Planning Board, Capital Planning, and By-Law Review Committee in Wareham. At present, he serves on the Onset Prudential Committee. Mr. Klueber feels the facility the police are operating in is a disgrace and in need of a new modern facility with tools to excel.

SELECTMEN MEETING MINUTES-11-19-19 (CONT'D)

MOTION: Selectman Slavin moved to appoint Charles Klueber, Clair Smith, and Paul Girard to the Police Building Study Committee with a term ending when the work is complete.

Selectman Tropeano does not want a term expiration date on this committee.

VOTE: 4-0-0 (Unanimous)

8. LICENSES AND PERMITS

- a. HEARING AT 7:15 P.M.-Inflammable Fluids License application submitted by Sam's Gas, 307 Main Street, Wareham, MA. 02571.

Selectman Teitelbaum moved to open the hearing. Selectman Slavin seconded. Poll Vote: Selectmen Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Tropeano-yes.

Present before the Board: Sheila Tierney, Attorney and Ossama Mohammed, owner of Sam's Gas.

Mr. Mohammed is seeking approval for an Inflammable Fluids license that contain three underground gasoline tanks with a maximum of 5,000 gallons each. Mr. Mohammed indicated there is no fuel in the tanks at the present time and everything has been inspected and updated. Mr. Mohammed thought he had the permit for the tanks but it was on hold until it was approved from the Board of Selectmen. Selectman Tropeano said there was a by law proposed and passed in 2003 that doesn't allow additional gas stations on Cranberry Hwy. This was questioned by Atty Teirney. Selectman Tropeano requested to continue the hearing until December 3, 2019. He would like to have Chris Smith from the Fire Department be present to provide more input on this matter as well as providing information regarding the by law.

MOTION: Selectman Slavin moved to continue the hearing for December 3, 2019 at 7:15 p.m. for more input. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

- b. Application for a Change of Officers/Directors and Change of Ownership Interest from 99 West LLC, d/b/a 99 Restaurant.

MOTION: Selectman Teitelbaum moved to approve the Change of Officers/Directors and Change of Ownership Interest from 99 West LLC, d/b/a 99 Restaurant as presented in the application. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

SELECTMEN MEETING MINUTES-11-19-19 (CONT'D)

9. CONTINUATION OF TAX LEVY HEARING

Present before the Board: Jacqui Nichols, Assessors Director

Ms. Nichols received certification from the Massachusetts Department of Revenue on November 6, 2019.

MOTION: Selectman Teitelbaum moved to approve maintaining the residential factor of 1.0. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

10. TOWN BUSINESS

- a. Accept donation in the amount of \$10,000.00 from The Wareham Library Foundation to be used for books and materials.

MOTION: Selectman Teitelbaum moved to accept the donation in the amount of \$10,000.00 from the Wareham Library Foundation to be used for books and materials. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

- b. Application from Wareham Garden Club to place signs on Town property.

MOTION: Selectman Teitelbaum moved to approve the Wareham Garden Club to place signs on Town property. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

- c. Discussion and adoption of new posting procedure.

Present before the Board: Michele Bissonnette, Town Clerk

Ms. Bissonnette explained that the postings outside would become obsolete and instead, the official 24/7 posting will be online in the 24/7 site of the town's website. Implementing this would be much easier because all agendas, meetings, and minutes would be in one place. Each committee/board would use uniform title and email the agenda or minutes to one designated email and from there it would be sent to the appropriate place. Selectman Tropeano said he would like to fix the by-law regarding this adoption.

MOTION: Selectman Munise moved to approve the adoption of the new posting policy procedure to be implemented on February 1, 2020 and fix the by-law. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

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

11. TOWN ADMINISTRATOR'S REPORT

None.

12. LIAISON REPORTS/INITIATIVE REPORTS

Selectman Slavin said CEC is taking applications for the upcoming year for their different programs.

SELECTMEN MEETING MINUTES-11-19-19 (CONT'D)

Selectman Slavin will be attending a meeting at the New Bedford Council on Aging to discuss the process to start Age Friendly Community.

Selectman Slavin is working on having a sign placed in the Wareham Industrial Park to advertise businesses in the park. He is finding out whether Wareham owns the land or the state.

Selectman Slavin said MMA had their monthly meeting and have asked for support for house bill 3507 which would allow the zoning articles the come before town meeting to go to simple majority instead of 2/3 majority.

He also said there were discussions about solid waste and there is a ten year master plan in place and that EMS service is going into the network which will have an effect on the town's revenue.

Selectman Tropeano said the constructing of the Water Pollution Control Facility is moving forward and he feels this may have a better control on the odor issues.

13. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: November 5, 2019.

MOTION: Selectman Teitelbaum moved to approve the meeting minutes dated November 5, 2019. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

14. ADJOURNMENT

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

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: 

Peter W. Teitelbaum

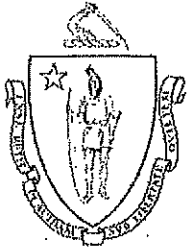
Clerk Pro-Tem

SELECTMEN MEETING MINUTES-11-19-19 (CONT'D)

Date Signed: 12-17-19

Date sent to the Town Clerk: 12-18-19

Attach to 11-19-19 meeting minutes



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

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

October 30, 2019

VIA EMAIL ONLY

Michele Bissonnette
Wareham Town Clerk
MBissonnte@wareham.ma.us

Dear Ms. Bissonnette:

We are in receipt of your correspondence dated October 28, 2019, in which the Town of Wareham notifies our office of the adoption of an alternative meeting notice posting method. The Attorney General's regulations allow for a public body to adopt an alternative posting method as set forth in 940 CMR 29.03(2), upon notification of the Attorney General of the adoption of such method.

Thank you for contacting our office. If you have any further questions regarding the Open Meeting Law, please do not hesitate to let us know.

Sincerely,

A handwritten signature in cursive script that reads "Mira Netsky".

Mira Netsky
Paralegal
Division of Open Government

WAREHAM TOWN CLERK
2019 OCT 31 PM 1:57

Guide to Posting Meetings, Agendas & Minutes

This is intended to be a guide for chairs of multiple-member bodies, and their associated members, responsible for posting meetings and filing minutes.

PLEASE NOTE: A new email is in affect starting immediately; Meetings@wareham.ma.us

****Please designate in the Subject line either: AGENDA or MINUTES****

The Massachusetts Open Meeting Law (MGL Ch. 30A, §18-25)

Meeting Agenda Requirements

Meeting Agendas must contain the following information:

Name of the Committee

Date, Day of Week and Starting Time of Meeting

Location of Meeting

 Name of Town Building & Room

 Street address & Town for non-Town Buildings

Body of Agenda:

List of Topics the Chair reasonably anticipates will be discussed - **MUST BE SPECIFIC** itemized list so the public will understand what will be discussed AND which items a vote is anticipated to be taken at the meeting.

Old Business and New Business may be listed on the agenda. This is NOT for items to be voted on or may be controversial. It simply allows for conversation on old or new items not specifically listed on the agenda.

Agendas may include items to inform the public that certain matters may be discussed that arise after the meeting notice was posted. Such an item may be listed as: "Other -Topics not reasonably anticipated 48 hours in advance of meeting." Again, this is NOT for items to be voted on or may be controversial.

If the chair anticipates an executive session might be needed, that should be included on the agenda.

Posting a Meeting & Agendas

Meeting Postings & Agendas must be posted with Town Clerk **AT LEAST 48 hours PRIOR** to meeting, excluding Saturdays, Sundays and Legal Holidays.

The Open Meeting law requires 24 hour / 7 days a week access to meeting schedules and agendas. We must process & post each meeting in BOTH of the following locations to be in compliance.

Town Hall Bulletin Board

Town website*

* In order to provide as much convenience & transparency to the public we will be utilizing the Home page calendar.

***Reminders for Emailing Postings & Agendas:**

The ownership of making sure the Town Clerk's Office has received a posting falls on the person posting the meeting, not the Town Clerk's Office. The Town Clerk's Office will check the email mailbox every morning and 1 hour before closing time

- DO NOT send postings to an email of a specific staff person in the Town Clerk's office....instead please use the dedicated account **Meetings@wareham.ma.us**

****Please designate in the Subject line either: AGENDA or MINUTES****

Everyone in the office as well as IT has access to this email account and your posting can be processed despite individual work schedules, illness or vacations.

- If you are down to the wire to comply with the 48 hour notice, please call the Town Clerk's Office to inform us that you have emailed the posting so we can help assist you with compliance. This should happen ONLY in EMERGENCY situations.

- Should you want to verify that we have received your email and the meeting has been posted you can do so by going to the town's website and checking the calendar on the home page to see if the meeting is listed on that date.

When hand delivering your postings, please provide the Town Clerk's office with 3 copies of the Agenda. One is for our files, one for your records and one that will be posted on the bulletin board. An electronic copy of the document is also required for posting to the town website.

Meeting Postings & Agendas must be received at the Town Clerk's office within 60 minutes of Office closing on that day.

In order to be posted on the day received the Clerk's Office must receive the request by 5 PM on Mondays, 5:30 PM on Tuesdays, Wednesdays and Thursdays by 5 PM. Town Hall is closed on Fridays.

Town Hall Office Hours:

Monday, Wednesday & Thursday

8:15 to 6

Tuesday 8:15 to 6:30

***Fridays and any HOLIDAY which Town Hall is closed is NOT included in the 48 hours REQUIRED!**

NOTE: Any meetings not posted within these guidelines will NOT be in compliance with the Open Meeting Law and the committee should NOT meet. The Town Clerk's Office will post the meeting but the posting will clearly be marked as NOT in compliance with Open Meeting Laws on it.

Editing an Agenda

If something else comes to the attention of the chair after the posting deadline but before the meeting AND that matter was not something the chair should have reasonably anticipated the chair is required to update the meeting notice as soon as possible.

The new agenda should be clearly marked as REVISED and the old agenda should continue to be available on all posting areas (website calendars I agendas I bulletin board).

The same steps to post the meeting need to be followed to post the revised agenda.

Meeting Cancellations

Cancelling a meeting before the meeting is scheduled to start:

Should it be necessary to cancel a meeting before the meeting is scheduled to start (due to inclement weather or any other reason), the Chair of the public body or assigned member should notify the Town Clerk's Office as soon as possible so the postings (bulletin board & website) can be updated. We need to have a written notification of cancellation. You can cancel a meeting by simply sending an email to us stating what meeting you are cancelling.

Cancelling a meeting after the meeting when a quorum is not present:

It is necessary to inform the Town Clerk's Office when a posted meeting was not held, either due to lack of a quorum or any other unforeseen reason.

It is strongly recommended that a minority of members of a public body not "meet" in the absence of a quorum, and further, that such a group avoid discussion about any business within the jurisdiction of the public body, or any other matter.

Deliberations

A public body cannot discuss a matter that should have been reasonably anticipated unless the matter appears on the agenda.