

MINUTES OF MEETING OF THE SELECT BOARD

Date of Meeting: June 13, 2023
Date of Transcription: July 11, 2023
Transcribed by: Samantha Monast

1. CALL MEETING TO ORDER BY CHAIRMAN

Remote meeting due to COVID 19

2. ROLL CALL

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

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

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

Mr. Slavin announced that the Community Preservation Grant deadline is July 11th and the form is on the Town website. Also, he will be attending a virtual meeting on June 21st at 6pm to talk about the Route 6/Marion Road converting to two lanes.

Ms. Whiteside announced again as a reminder that they will not be meeting next week but will be meeting on the 27th of June and then the meetings will switch to every second and fourth Tuesday of the month.

5. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

a. Wareham Historical Commission- term to expire June 30, 2026

- i. **MOTION:** Ms. Wurts made a motion to appoint Pamela Foley as the Wareham Historical Commission, term to expire June 30, 2026. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

b. Conservation Commission

- i. **MOTION:** Ms. Wurts made a motion to appoint Michael Mercier as Conservation Commission, term to expire June 30, 2026. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

- ii. **MOTION:** Ms. Wurts made a motion to appoint Paulajean O'Neill as Conservation Commission, term to expire June 30, 2024. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

c. Constables- term to expire June 30, 2026

- i. **MOTION:** Ms. Wurts made a motion to appoint Gregory Kamon as a Constable, term to expire June 30, 2026. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

SELECT BOARD MEETING MINUTES-6/13/2023 (CONT'D)

6. 7:15 DOG HEARING-KREIHN

Mr. Chadwick excused himself from the meeting during this portion of the meeting

MOTION: Ms. Wurts made a motion to open the dog hearing for Kreihn, to determine if the dogs, owned by the Kreihn's, are deemed dangerous, under the M.G.L C.140 § 136A by reason of; without justification, attacks a person or domestic animal causing physical injury or death and behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. Mr. Besse seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

Mr. Bowen explained the notice letter that the Kreihn family had received prior to the meeting and had everyone who intended to testify to raise their right hand and affirm the oath.

Ms. Devin Cloutier, Animal Control Officer, gave her testimony and read the report that is attached. Mrs. Kreihn then explained how neither dog has bitten anyone who wasn't on their property. Ms. Cloutier explained that the issue is the dogs not being restrained properly.

David Francis, a neighbor, gave his testimony. He explained there have been many more than the two incidents in this hearing involving these dogs and estimated about 15-20 others. Mrs. Kreihn asked David how many times he has called the police, if there has been that many incidents and he replied with 15-20 times.

Kayla Hendricks, family tutor, gave her testimony. She explained how she was attacked by Buoy when trying to pick up her niece from the Kreihn's house which resulted in stitches and nerve damage. Mrs. Kreihn questioned Ms. Hendricks how long she had been tutoring their kids, with only one incident occurring and Ms. Hendricks replied she was tutoring for two months, five days a week for five hours a day with no other problems with the dogs. Mr. Besse then questioned the date of this incident which Ms. Hendricks replied April 27, 2021 which proved this has been ongoing.

Keri Hendricks, a neighbor, was sworn in and gave her testimony. She stated how one of their dogs bit her two children who did not come to the house unannounced and she then showed pictures of their wounds.

Erin McClure, a neighbor, gave her testimony. She explained how her dogs are the ones involved in the two incidents that are discussed in this hearing. She stated not only have the Kreihn dogs attacked her dogs multiple times but they went after her seven year old son as well.

Mr. and Mrs. Kreihn gave their testimony. Mr. Bowen questioned them if either dog has ever bitten anyone which they replied yes, only on their property. Mrs. Kreihn explained that their dog Bushido is the biggest problem. Buoy has never escaped or bit anyone off of the property.

Mr. Slavin questioned how far back the reports go concerning these dogs and Ms. Cloutier explained that there is a report from 2021 from a past Animal Control Officer which concerned these dogs. Mr. Slavin stated that there has not been a prior hearing about this.

Ms. Cloutier read recommendations, see attached. The Kreihn family explained that they agree with these recommendations being in place and do not object.

SELECT BOARD MEETING MINUTES-6/13/2023 (CONT'D)

MOTION: Ms. Wurts made a motion to close the dog hearing for Kreihn. Mr. Besse seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Ms. Wurts made a motion to deem both dogs as dangerous under the M.G.L C.140 § 136A by reason of; without justification, attacks a person or domestic animal causing physical injury or death and behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. Mr. Besse seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Ms. Wurts made a motion to adopt the recommendations of Ms. Cloutier regarding Buoy to include points 1-6 within 30 days. Mr. Slavin seconded. Roll call: Mr. Besse-no, Mr. Slavin-yes, Ms. Wurts-yes, Ms. Whiteside-yes.

VOTE: 3-1-0 (Besse opposed)

MOTION: Ms. Wurts made a motion to adopt the recommendations of Ms. Cloutier regarding Bushido to include points 1-6 within 30 days. Mr. Slavin seconded. Roll call: Mr. Besse-no, Mr. Slavin-yes, Ms. Wurts-yes, Ms. Whiteside-yes.

VOTE: 3-1-0 (Besse opposed)

Mr. Chadwick rejoined the meeting.

7. LICENSES AND PERMITS

- a. **MOTION:** Ms. Wurts made a motion to approve the two applications from the Dog Park Affiliation of Wareham (DPAW) c/o Sally Morrison to place signs on Town property from June 26th-July 26th and then from July 26th-August 7th. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

- b. **MOTION:** Ms. Wurts made a motion to approve the application from Turning Point, care of Marcine Fernandes, to place signs on Town property from July 15th to August 8th. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

- c. **MOTION:** Ms. Wurts made a motion to approve the application from Onset Cape Verdean Festival Association for use of Town property for the Onset Cape Verdean Festival to take place on August 12, 2023 from 7am-6pm and rain date of August 13, 2023 from 7am-6pm. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

8. TOWN BUSINESS

- a. **MOTION:** Ms. Wurts made a motion to approve the opt-out and reduction fees application for Curbside Billing FY23 in the amount of \$2,767.92. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

- b. **MOTION:** Ms. Wurts made a motion to appoint the Town Administrator as the Public Pole Hearing Officer. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

- c. **MOTION:** Ms. Wurts made a motion to designate agents for Liquor Licensing Authority, those agents can include; Building Inspectors, Board of Health Members,

SELECT BOARD MEETING MINUTES-6/13/2023 (CONT'D)

d. Ms. Wurts read the vote to hold a 2023 Special Town Meeting

MOTION: Ms. Wurts made a motion to hold a 2023 Special Town Meeting and to post notice of intent. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

e. No other Town business not reasonably anticipated 48 prior to the posting of this meeting.

9. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan explained the information regarding the COLA from the Plymouth County Retirement Board. The Board must vote to adopt the recommendation.

Mr. Sullivan requested that a vote be confirmed on the agenda for June 27th regarding the Plymouth County Retirement COLA adjustment.

MOTION: Mr. Slavin made a motion to adopt the request by the Plymouth County Retirement Board. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

10. LIAISON/INITIATIVE REPORTS/BOARD'S COMMENTS

Mr. Chadwick reminds everyone to check up on their family and friends mental health.

11. CONSENT AGENDA

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

12. EXECUTIVE SESSION

- a. **MOTION:** Ms. Wurts made a motion to enter an executive session for M.G.L. c.30A § 21 (3) regarding possible litigation. Town of Wareham vs. A.D. Makepeace Inc. Mr. Besse seconded. Roll call: Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Wurts-yes, Mr. Besse-yes, Ms. Whiteside-yes.

VOTE: 5-0-0 (Unanimous)

13. ADJOURNMENT TO EXECUTIVE SESSION

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted

Samantha Monast

Department Assistant

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

Attest:


Patricia A. Wurts, Clerk

Date Signed:

7/19/23

DOCUMENTS REVIEWED AND/OR USED IN MEETING.

- 1. Application from Pamela Foley
- 2. Application from Michael Mercier
- 3. Application from Paulajean O'Neill
- 4. Application from Gregory Kamon
- 5. Applications from Dog Park Affiliation of Wareham
- 6. Application from Turning Point

SELECT BOARD MEETING MINUTES-6/13/2023 (CONT'D)

7. Application from Onset Cape Verdean Festival Association
8. Vote to hold 2023 Special Town meeting, Notice of Intent
9. Complaint of Dangerous Dogs letter
10. Recommendation report from Animal Control Officer
11. Letter from the Plymouth County Retirement Board.