

MINUTES OF MEETING OF THE SELECT BOARD

Date of Meeting: June 27, 2023
Date of Transcription: July 17, 2023
Transcribed by: Samantha Monast

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Select Board Present: Judith Whiteside, Chair
Patricia A. Wurts, Clerk
Alan H. Slavin
Jared S. Chadwick

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

Not Present: Ronald S. Besse

3. PLEDGE OF ALLEGIANCE

4. RESIDENT'S COMMENTS

Ms. Tanaglia, a Swifts Beach summer resident, explained to the Board that her father would like to install a 5 ft granite bench at Swift's Beach in memory of his wife who died.

5. ANNOUNCEMENTS

Mr. Slavin announced CPA grants for the Fall Town Meeting are due the second Tuesday in July. Also, there were no July 4th fireworks this year, they will be held on September 23rd in conjunction with the Harvest Festival which will also include a car show, vendors, and food trucks.

Ms. Wurts announced the Wareham Historical Society is holding its 45th Annual Antique Fair on July 4th at the Town Green from 8am-2pm.

6. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

a. Wareham Cultural Council- term to expire June 30, 2024

- i. **MOTION:** Ms. Wurts made a motion to appoint Wendy St. Julien to the Wareham Cultural Council, term to expire June 30, 2024. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- ii. **MOTION:** Ms. Wurts made a motion to appoint Amariet Karahalas to the Wareham Cultural Council, term to expire June 30, 2024. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

b. Wareham Cultural Council- term to expire June 30, 2026

- i. **MOTION:** Ms. Wurts made a motion to appoint Jackson Gillman to the Wareham Cultural Council, term to expire June 30, 2026. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside.

VOTE: 4-0-0 (Unanimous)

c. Carver, Wareham Regional Refuse Disposal District

- i. **MOTION:** Ms. Wurts made a motion to appoint Judith Whiteside to the Carver, Wareham Regional Refuse Disposal District, term to expire June 30, 2025. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

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VOTE: 4-0-0 (Unanimous)

- ii. **MOTION:** Ms. Wurts made a motion to appoint David Menard to the Carver, Wareham Regional Refuse Disposal District, term to expire June 30, 2026. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

d. Wareham Council on Aging Board

- i. **MOTION:** Ms. Wurts made a motion to appoint Melissa Kauranen to the Wareham Council on Aging Board, term to expire June 30, 2026. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- ii. **MOTION:** Ms. Wurts made a motion to appoint Marie Riley to the Wareham Council on Aging Board, term to expire June 30, 2024. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

7. 7:15 DOG HEARING- HERRON

MOTION: Ms. Wurts made a motion to open the dog hearing for Herron. Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Ms. Wurts made a motion to recess the dog hearing for 5 minutes because of technical difficulties. Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Ms. Wurts made a motion to re-open the dog hearing. Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

Mr. Bowen explained the notice letter that the Herron family had received prior to this 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 attached, which included her recommendations.

Ms. Emily Nash, a neighbor, gave her testimony. She explained that she and her boyfriend were walking their dog by the Herron house and Clancy, the large puppy, came off of the property and attacked their dog. Ms. Nash explained that her dog needed life-saving surgery resulting from that attack and she had vet notes and pictures with her. Mr. Chadwick questioned what breed of dog, to which she replied that it is a 23 lb. Chihuahua mix.

Ms. Wurts questioned if any people have been bitten in any of the multiple reports that have been filed against the Herron dogs and Ms. Cloutier replied with not that she is aware of.

Ms. Lisa Russell, a neighbor, gave her testimony. She explained that she has walked by the Herron house and their dogs broke free from a run and charged at her dog, which she picked up to avoid an attack.

Mr. Tommy Long, Ms. Nash's boyfriend, gave his testimony. He explained that during the incident with Ms. Nash, he tried to restrain Clancy (the dog) and then the second Herron dog came running out and that is when the attack happened. Ms. Whiteside asked if he had gotten

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injured and Mr. Long said he only got pinched from a collar. Ms. Nash then explained she did get substantial bruising but did not see a doctor.

Mrs. Herron gave her testimony. She explained that since this incident she and her husband have taken extra precaution with their dogs by putting up fences, horse cable for a run, boarding up the windows, and started dog training. Mr. Chadwick explained to Mrs. Herron that this situation could have been way different with a worse outcome. Ms. Whiteside questioned what kind of training arrangements they have in place for their dogs and Mrs. Herron replied they are working on it themselves.

Ms. Cloutier restated the recommendations and Mrs. Herron agreed and stated she has no problem following them and understands the possible consequences if another incident occurs.

Ms. Whiteside stated that she would like to add on to the recommendations, which are attached. Mrs. Herron explained that they seem impossible but she would like to talk in private because it is embarrassing. Mr. Bowen denied that request because it is a public hearing.

Mr. Herron was sworn in and gave his testimony. He explained that these recommendations are not affordable and questioned which dog is deemed more dangerous, Ms. Cloutier replied with both of the dogs are dangerous. Mr. Herron stated that it was an accident and all of the complaints are coming from one family.

Ms. Whiteside asked Ms. Cloutier if she would object to her additional suggested recommendations and Ms. Cloutier replied that she did not.

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

VOTE: 4-0-0 (Unanimous)

MOTION: Mr. Slavin made a motion to deem both of the dogs as dangerous. Ms. Wurts seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Mr. Slavin made a motion to take Ms. Cloutier's three recommendations as well as the additional four that Ms. Whiteside read into the record and that when they are completed, proven, and documented to Ms. Cloutier or the Select Board Office within 30 days. Mr. Chadwick seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

8. LICENSES AND PERMITS

a. **MOTION:** Ms. Wurts made a motion to approve the application from Rare Hospitality International, Inc. d/b/a Longhorn Steakhouse for the Change of Manager. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

9. TOWN BUSINESS

a. Ms. Jackie Jones and Mr. Jon Gray, SRPEDD representatives, gave a very thorough presentation with a slideshow which is attached. In that presentation they explained the Minot Ave/Narrows Road shared use path TIP project that they have been working on for years. In 2023 the Town was awarded \$177,000 towards the design and engineer for the

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path, Mr. Gray explained that the reason this project is getting such a substantial amount of Federal funds is because it's a national priority across the East Coast.

Ms. Whiteside took a poll of the Board to see how they felt about this project because they were not voting on it at that meeting. Mr. Chadwick stated that he would pursue this project but feels as though a bike path would be more beneficial in a different spot in Wareham. Ms. Wurts explained that she would be very hesitant on approving it because it would narrow the roads. Mr. Slavin said that he would approve of this project but suggests they hold the discussion until the full Board is here. Ms. Whiteside explained that she does not support this grant because it didn't go through Mr. Sullivan first.

b. Postponed to a later date

- c. **MOTION:** Ms. Wurts made a motion to confirm the vote taken on June 13, 2023 regarding the Plymouth County Retirement COLA adjustment. Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- d. Ms. Nancy McHale and Ms. Elise Leduc-Fleming, Wareham Land Trust members, explained the 3.5 acres of land, which the WLT would like to purchase on Cromesett Road right on Marks Cove which will give the residents a beautiful view and trails. The request from the WLT was that would the Town be willing to be the Conservation Restriction holder if WLT can acquire the land and if they could write a letter of commitment to help the grant application from the State.

Mr. Slavin questioned if the members know what the annual cost to maintain will be and if all of the organizations will be able to work together to make this accessible to the Town and Ms. McHale explained that the only cost should be the Conservation Administrator's review of the monitoring report and the trails are already accessible through each organization's property.

MOTION: Mr. Slavin moved to be the holder of the proposed Conservation Restriction subject to the approval of Town Meeting of the purchase of the land. Mr. Chadwick seconded. Roll call: Ms. Wurts-yes, Mr. Chadwick-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- e. **MOTION:** Ms. Wurts made a motion to accept the funds from the Friends of Wareham Free Library to the Spinney Memorial Branch of the Wareham Free Library in the amount of \$4,000.00 for operating expenses. Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- f. **MOTION:** Ms. Wurts made a motion to include Article 1-Construction Cost for WCPF in the July 24, 2023 Special Town Meeting.

Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Ms. Wurts made a motion to include Article 15-2022 Spring Town Meeting, in the July 24, 2023 Special Town Meeting.

Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Ms. Wurts made a motion to include Article 3-Engineering plans Swifts Beach into Ruggle's pump station. In the July 24th 2023 Special Town Meeting.

Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

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MOTION: Ms. Wurts made a motion to include Article 4-Transfer of Retained Earnings in the July 24th 2023 Special Town Meeting.

Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

MOTION: Ms. Wurts made a motion to include Article 5-Amend Article 15, 2022 Spring Town Meeting in the July 24th, 2023 Special Town Meeting.

Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- g. **MOTION:** Ms. Wurts made a motion to close the July 24th, 2023 Special Town Meeting warrant. Mr. Chadwick seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- h. Postponed to a later date

- i. Ms. Whiteside stated they had received a request from Mr. Buckland, Town Planner, that the Board authorizes the Chair to sign a letter in support of a grant to remove the Parker Mill Dam.

MOTION: Mr. Chadwick made a motion to authorize the Chair to sign a letter in support of a grant to remove the Parker Mill Dam. Ms. Wurts seconded. Roll call: Mr. Slavin-yes, Ms. Wurts-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

10. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan explained that the Christopher Donovan School won the bid that was out for the Hammond school. He stated the school is a great asset to the community. He also wished everyone a happy and safe 4th of July.

11. LIAISON /INITIATIVE REPORTS/ BOARD'S COMMENTS

Ms. Wurts stated that the Planning Board had an interesting and information meeting the night prior that went in depth about Solar.

Mr. Slavin explained that they are looking to put a good-sized convention center in Plymouth for the South Coast area for events. He then explained that he talked to a Marion Select Board member to get an update on the Route 6 project and they had no issues with it being raised for the Harbormaster/boats, Mr. Sullivan will be writing a letter requesting this raise of the bridge.

Ms. Whiteside reminded everyone that the first Tuesday meeting of the month is always zoom and the fourth Tuesday meeting is always hybrid, the next meeting will be July 11th.

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.

- b. **MOTION:** Ms. Wurts made a motion to approve the meeting minutes: March 28, 2023; April 4, 2023; April 11, 2023; April 18, 2023. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

- c. **MOTION:** Ms. Wurts made a motion to approve the meeting minutes: March 26, 2023 for Special Joint Meeting with Police Study Committee. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

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d. **MOTION:** Ms. Wurts made a motion to approve and hold the executive session meeting minutes: June 6, 2023 and June 13, 2023. Mr. Slavin seconded. Roll call: Mr. Chadwick-yes, Ms. Wurts-yes, Mr. Slavin-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

13. ADJOURNMENT

MOTION: Mr. Slavin made a motion to adjourn the meeting. Mr. Chadwick seconded. Roll call: Ms. Wurts-yes, Mr. Slavin-yes, Mr. Chadwick-yes, Ms. Whiteside-yes.

VOTE: 4-0-0 (Unanimous)

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted
Samantha Monast
Department Assistant

The foregoing minutes were submitted to the Select Board on:

Attest:  Date Signed: 8/2/23
Patricia A. Wurts, Clerk

DOCUMENTS REVIEWED AND/OR USED IN MEETING.

1. Application from Wendy St. Julien
2. Application from Amariet Karahalís
3. Application from Jackson Gillman
4. Application from Judith Whiteside
5. Application from David Menard
6. Application from Melissa Kauranen
7. Application from Marie Riley
8. Application from Rare Hospitality International, Inc. d/b/a Longhorn Steakhouse
9. SRPEDD Presentation
10. Complaint of Dangerous Dogs letter
11. Recommendation letter from Animal Control Officer
12. Articles tentatively numbered 1 through 5 , submitted by the Sewer Commissioners, for the Special Town Meeting.
13. Recommendation letter from Ms. Whiteside
14. Request letter from Mr. Buckland
15. Meeting minutes March 28, 2023
16. Meeting minutes April 4, 2023
17. Meeting minutes April 11, 2023
18. Meeting minutes April 18, 2023
19. Meeting minutes March 16, 2023
20. Executive session meeting minutes June 6, 2023
21. Executive session meeting minutes June 13, 2023