

MINUTES OF THE SELECT BOARD

Date of Meeting: March 5, 2024
Date of Transcription: March 6, 2024
Transcribed by: Karen Wilfert

1. CALL TO ORDER BY CHAIR

2. ROLL CALL

Select Board members present: Ms. Judith Whiteside, Chair
Mr. Jared Chadwick, Clerk
Mr. Alan Slavin (remote)
Mr. Ronald Besse

Also Present: Mr. Derek Sullivan, Town Administrator
(remote - 7:25)
Attorney Richard Bowen, Town Counsel

3. PLEDGE OF ALLEGIANCE

4. RESIDENT'S COMMENTS ; NONE.

5. ANNOUNCEMENTS

Mr. Chadwick reminded people Senator Pacheco is not running for re-election.
Ms. Whiteside reminded people that Damiens Pantry had recently opened, and that it is a great community resource, that the COA has increased their programs by 600% in the last 18 months or so, and the lights at the intersection of Rt. 6 and Swifts Beach will hopefully be installed in 2025.

6. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

- a. Little Harbor Golf Course Advisory Committee
 - i. William McCoy – Member – term to expire December 31, 2024.
MOTION: Mr. Chadwick moved to appoint William McCoy as a Member to the Little Harbor Golf Course Advisory Committee – term to expire December 31, 2024. Seconded. Roll Call: Ms. Whiteside-yes, Mr. Besse-yes, Mr. Chadwick-yes. **VOTE: 3-0-0 (unanimous)(Mr. Slavin not present for the vote)**

7. HEARING – BARNACLE BILL'S

- a. Discussion and possible vote regarding the cancellation of Barnacle Bill's Annual Liquor License and Common Victualler Licenses.

Before the Board: Mr. Andrew Mattos. Mr. Bowen ran the information hearing. Discussion with the owner about his difficulties in making timely payments to 'keep' his licenses. **MOTION:** Mr. Chadwick moved to allow Mr. Mattos to bring a certified or bank check for payment for the liquor license, as well as the TIPS certification, liquor liability insurance, as well as general insurance, to the Select Board office by noon, March 6, 2024, at which time he may pick up his licenses. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-no, Ms. Whiteside-abstain. **VOTE: 2-1-1.**

8. INFORMATIONAL MEETINGS

- a. Discussion on the noise complaints received regarding **SHENANIGAN'S BAR & GRILL**, 2691 Cranberry Highway, Wareham.

Before the Board: Mr. Steven Hurlburt Owner of Shenanigan's and Mr. Patrick Tropeano. Also, Ms. Karen Ricardo, Ms. Jodi Baptiste and Ms. Kathy Boileau, all residents of Greyfields Condominiums. The three abutters spoke about the ongoing noise problems with loud music, clearly audible in their homes, during night hours. Mr. Hurlburt agreed that the noise was an issue, particularly in the summertime. He stated he does not have a license for outdoor entertainment. Mr. Hurlburt and Mr. Tropeano both spoke to the plans for the business to mitigate the noise issue.

Mr. Hurlburt was reminded Wareham has a noise ordinance. Bylaw Division III, Article II that states:

Section 1:..."It shall be unlawful for any person or persons present or having charge of any building, premises, motor vehicle, boat or conveyance or any part thereof in the town, other than that section of any establishment licensed under Chapter 138 of the General Laws, to cause or suffer or allow, between the hours of 11:00 P.M. and 7:00 A.M., any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise. The fact that the noise occurs between 11:00 P.M. and 7:00 A.M. shall constitute prima facie evidence of a violation of this By-Law.

Section 2. It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment

licensed under Chapter 138 of the General laws, who shall cause or suffer or countenance any loud, unnecessary, excessive or unusual noises, including any loud, unnecessary, -23- excessive or unusual noises in the operation of any radio, phonograph, or other mechanical sound making device, or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noises, where the aforesaid noise is plainly audible at a distance of one hundred and fifty feet from the building, dwelling, premises, shelter, boat, or conveyance in which it is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from the building, dwelling, premises, from which it originates shall constitute prima facie evidence of a violation of this By-Law. Any person shall be deemed in violation of this By-Law, who shall make, or aid, or cause or suffer, or countenance, or assist in the making of the aforesaid and described improper noises, disturbance, breach of peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat, or conveyance or part thereof during a violation of this By-Law shall constitute prima facie evidence that they are countenancer to such violation."

He was also reminded of his capacity limit of 99 people, which includes the outdoor seating areas. The Select Board was informed by Town Counsel that limiting the hours of entertainment, or limiting the hours for liquor service, were also tools the Select Board might use to ensure his business is not causing harm to the health and safety of the neighborhood.

A further informational hearing will be held April 16th, to ascertain what progress Mr. Hurlburt has made regarding building improvements. **MOTION:** Mr. Chadwick moved for a further informational hearing to be held April 9th (actual meeting will be held on April 16th), to ascertain what progress Mr. Hurlburt has made regarding building improvements. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**

9. LICENSES AND PERMITS

- a. Discussion and possible vote to approve an application for The Church in the Pines Easter Egg Hunt at Decas School Field on March 23, 2024, pending signed Attestation form and all department approvals. **MOTION:** Mr. Chadwick moved to approve an application for The Church in the Pines Easter Egg Hunt at Decas School Field on March 23, 2024, pending signed Attestation form and all department approvals, including Town Administrator Sullivan. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**

- b. Discussion and possible vote to approve temporary signs for The First Spiritualist Church of Onset, Holistic Psychic Fair, April 13, 2024. **MOTION:** Mr. Chadwick moved to approve temporary signs for The First Spiritualist Church of Onset, Holistic Psychic Fair, April 13, 2024. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- c. Discussion and possible vote to approve temporary signs for the Onset Bay Association Easter Egg Hunt, March 30, 2024. **MOTION:** Mr. Chadwick moved to approve temporary signs for the Onset Bay Association Easter Egg Hunt, March 30, 2024, noting NO banners or signs are placed on any trees. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- d. Discussion and possible vote to approve temporary signs for Church of the Good Shepherd Rummage Sale, April 27 or May 11, 2024 (rain date May 27, 2024). **MOTION:** Mr. Chadwick moved to approve temporary signs for Church of the Good Shepherd Rummage Sale, April 27 or May 11, 2024 (rain date May 27, 2024). Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- e. Discussion and possible vote to approve temporary signs for Church of the Good Shepherd Rummage Sale, September 28, 2024 (rain date October 5, 2024). **MOTION:** Mr. Chadwick moved to approve temporary signs for Church of the Good Shepherd Rummage Sale, September 28, 2024 (rain date October 5, 2024). Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- f. Discussion and possible vote to approve temporary signs for Church of the Good Shepherd Christmas Fair, December 7, 2024 (rain date December 14, 2024). **MOTION:** Mr. Chadwick moved to approve temporary signs for Church of the Good Shepherd Christmas Fair, December 7, 2024 (rain date December 14, 2024). Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- g. Discussion and possible vote to approve an Easter Egg Hunt at Prospect Park/Bandshell (NO Gazebo), for the Onset Bay Association on March 30, 2024, pending all department approvals. **MOTION:** Mr. Chadwick moved to approve an Easter Egg Hunt at Prospect Park/Bandshell (NO Gazebo), for the Onset Bay Association on March 30, 2024, pending all department approvals. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- h. Discussion and possible vote to approve the temporary sign request list for the Onset Bay Association events for 2024. **MOTION:** Mr. Chadwick moved to approve the temporary sign request list for the Onset Bay Association events for 2024, noting NO banners or signs are placed on any trees. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- i. Discussion and possible vote to approve the annual Harvest Triathlon for Max Performance, road use/cycling portion only, on June 9, 2024, pending all department approvals. **MOTION:** Mr. Chadwick moved to approve the annual Harvest Triathlon for Max Performance, road use/cycling portion only, on June 9,

2024, pending all department approvals. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**

10. TOWN BUSINESS

- a. Discussion and possible vote to appoint Town Counsel (Town Bylaws, Division I, Article III, section 1). **MOTION:** Mr. Chadwick moved to appoint Richard Bowen Town Counsel (Town Bylaws, Division I, Article III, section 1). Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- b. Discussion and possible vote to accept a \$44.00 check donation to the Library Gift Fund from the Shaw's Give Back Where It Counts program. **MOTION:** Mr. Chadwick moved to to accept a \$44.00 check donation to the Library Gift Fund from the Shaw's Give Back Where It Counts program. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- c. Discussion and possible vote to approve the opt-out and reduction fees applications for Curbside Billing FY24 in the amount of \$182.50. **MOTION:** Mr. Chadwick moved to approve the opt-out and reduction fees applications for Curbside Billing FY24 in the amount of \$182.50. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- d. Discussion and possible vote to recommend favorable action on annual Town Meeting Warrant Articles. **MOTION:** Mr. Chadwick moved to recommend favorable Action on annual Town Meeting Warrant Articles, items 1-5 on the grid as follows:
 1. Election of Officers
 2. Recurring Business
 3. Compensation of Certain Elected and Appointed Officials
 4. FY25 Revolving Funds
 5. Occasional Reports

Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**

- e. Discussion and possible vote to hold a Special Town Meeting with the Annual Spring Town Meeting and to post the Notice of Intent. **MOTION:** Mr. Chadwick moved to Notice the Special Town Meeting with the Annual Spring Town Meeting and to post the Notice of Intent. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0 (unanimous).**
- f. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting. **NONE**

11. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan reported that the catch basin cleaning has restarted.

Mr. Sullivan reported that the Town Hall auditorium will be painted
Mr. Sullivan reported that the police department now has a 'comfort dog' to be used in the school system.

12. LIAISON/INITIATIVE REPORTS/BOARD'S COMMENTS

Mr. Besse reminded people of daylight savings time this upcoming weekend.
Mr. Slavin reported on the new state law pending, referring to Chapter 40A, taking the authority of all cities and Towns away as regards to sighting of commercial solar arrays.

13. CONSENT AGENDA

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

14. ADJOURNMENT

MOTION: Mr. Slavin moved to adjourn the meeting. Seconded. Roll Call: Mr. Slavin-yes, Mr. Chadwick-yes, Mr. Besse-yes, Ms. Whiteside-yes. **VOTE: 4-0-0(unanimous).**

Meeting was adjourned at 8:49 p.m.

15. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted,
Karen Wilfert
Department Assistant

The foregoing minutes were submitted to the Select Board:

Attest:


Jared Chadwick, Clerk

Date Signed: 3/27/24

The foregoing minutes were submitted to the Select Board on: 3/29/24

DOCUMENTS REVIEWED AND/OR USED IN MEETING

- 1. William McCoy Little Harbor Golf Course Advisory Committee appointment application packet
- 2. Barnacle Bill's LL, Common Vic, and complaint packet
- 3. Shenanigans petition and complaint packet
- 4. Church in the Pines Easter Egg Hunt/Special Event application
- 5. First Spiritualist Church of Onset Temporary sign application

6. Church of the Good Shepherd temporary sign applications (3)
7. OBA Easter Egg Hung/Special Event application
8. OBA temporary sign list 2024
9. Max Performance Special Event application package
10. \$44 donation from Shaw Gives Back Where it Counts program to the Library Gift fund
11. Opt-out and reduction fees applications for Curbside Billing FY24 in the amount of \$182.50
12. 2024 Annual Spring Town Meeting Warrant Vote Grid for Fincom/Select Board
13. Annual Town Meeting Warrant
14. Notice of April 22, 2024 Special Town Meeting
15. Select Board Meeting Minutes 2/20/24
16. Select Board Meeting Minutes 2/27/24