

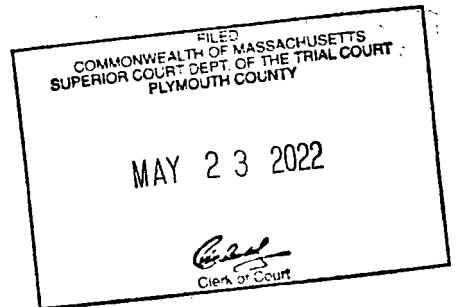
5/23/22

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT DOCKET NO. 2233CV00372

BRENDA ECKSTROM, MARY JANE DRISCOLL, MARILYN JORDAN, LESLIE EDWARDS-DAVIS, JODY SANTAGATE, DEBORAH PFNISTER, KENNETH D. ECKSTROM, JR., RICHARD F. SHUMSKI, W. FREDERICK GUIGAS, SCOTT A. SCHAFER II WILLIAM J. SMITH Plaintiffs v. TOWN OF WAREHAM BOARD OF SELECTMEN JUDITH WHITESIDE, ALAN SLAVIN JARED CHADWICK, RONALD BESSIE, AND PATRICIA WURTS



COMPLAINT RESTRAINT OF ILLEGAL APPROPRIATIONS; 10 TAXPAYER ACTIONS M.G.L. c. 40A, § 53 FOR USE OF FUNDS ACQUIRED UNDER COMMUNITY PRESERVATION M.G.L. c. 44B ALLEGE VIOLATION OF M.G.L. c 44B, §12(b) SEEKING DECLARATORY JUDGMENT IN ACCORDANCE WITH M.G.L. c. 231A, § 1

BACKGROUND

1. The plaintiffs are all taxpayers who reside in the Town of Wareham, MA.
2. The Defendants are the chief elected officers in the Town of Wareham.
3. Judith Whiteside is the Chairman of the Board of Selectmen.
4. Three of the Board of Selectmen members: Jared Chadwick, Ronald Bessie and Patricia Wurts are new members of the Board, having recently been elected on May 3, 2022. They are named because of the position they hold and not for being involved in the actions the plaintiffs allege are in violation of law.
5. The Town of Wareham held a Special Town Meeting on February 22, 2022 at 7 PM where the body overwhelmingly approved using \$2 Million in Community Preservation Funds, \$1 Million from undesignated Community Preservation Act funds, and \$1 Million from borrowing (10 year bond) on which the Community Preservation Committee committed to paying the debt service, and up to \$600,000 of certified free cash to buy a private golf course and associated buildings and equipment, at which the Town stated it intends to hire a private manager to operate the golf course as a money-making endeavor for the town. [Exhibit 1]
6. The Defendants began meeting on or about September 7, 2021 in Executive Session to discuss purchasing Little Harbor Golf Course / Country Club (M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body). [Exhibit 2]
7. According to public records, the Defendants also met in Executive Sessions on Sept. 14, 2021, Sept. 28, 2021, Oct. 5, 2021, Oct. 12, 2021, Oct. 19, 2021, Nov. 2, 2021, Nov. 9, 2021, Nov. 16, 2021, Nov. 23, 2021, Nov. 30, 2021, Dec. 7, 2021, Dec. 14, 2021, Dec. 28, 2021, Jan. 4, 2022, and Feb. 8, 2022, for the same reason: M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.[Exhibit 2]
8. At the December 8, 2021 meeting of the Community Preservation Committee (CPC), Sandy Slavin, the CPC Conservation Commission representative and the wife of Selectman Alan Slavin, motioned to extend the application deadlines. She moved the Spring Town Meeting be extended until the fourth Tuesday in January and the Fall Town Meeting to be extended until the fourth Tuesday in July; it was seconded and

- approved. Under the previous deadline, any applications would have had to have been submitted by the second Tuesday in December. [Exhibit 3]
9. At the January 11, 2022 Board of Selectmen meeting, the Board of Selectmen first publicly announced their intention to purchase Little Harbor Golf Course and provided a written statement. [Exhibit 4]
 10. Sometime between September 2021 and February 2022, Richard Swenson, a Wareham Redevelopment Authority member and Planning Board member resigned from both positions. It was also somewhere within this timeframe that he started working on / creating / disseminating information supporting the purchase of the purchase of the golf course without attribution. Mr. Swenson is a direct abutter to the golf course.
 11. The Board of Selectmen / Town Administrator were NOT on the Community Preservation Committee's January 12, 2022 agenda for this, but Chairman Whiteside presented the proposal to buy the Little Harbor using Community Preservation funds.[Exhibit 5]
 12. According to the January 12, 2022 minutes of the Community Preservation meeting, Selectman Chairman Whiteside said that the "Town would write an RFP for a professional management company to run the Golf Course. The management Company's goal will be to make money." [Exhibit 6]
 13. Approximately 8 hours prior to the Community Preservation Committee's meeting where the initial discussion of the golf course acquisition was to take place, the Town Clerk posted a Notice for the Special Town Meeting, at which the Town was seeking to use CPC money to buy the golf course before even discussing it with the Community Preservation Committee.[Exhibit 7]
 14. At the Board of Selectmen's January 25, 2022 meeting, while the Board was discussing the warrant articles for the Special Town Meeting, Selectman Teitelbaum who has since resigned) stated, "My concern is, we're effectively mixing preservation with profit, and I understand that CPC has something like \$6Million in the coffers, and it's certainly money that we probably need to start spending...I..I just don't...I..I ...we're trying to serve two different masters in doing that, and I just think that's gonna lead to potential problems down the road."
He Subsequently voted against using CPC funds for this purpose.
[<https://www.youtube.com/watch?v=BbODn0W8pZA> at 40:00 in video] [Exhibit 8]
 15. An unattributed promotional flyer was produced to tout the benefits of buying Little Harbor Golf Course by the town. The handout's by-line stated "a social, health, environmental and economic investment in our community." [Exhibit 9]

16. Under "Economic," it stated that most towns on Cape Cod own golf courses. It also stated, "...towns also profit from these business ventures. Successful municipal golf courses are managed by outside professional companies that have proven records of making the businesses profitable through course management...." [Exhibit 9]
17. In the presentation to Town Meeting voters, it was stated that:
 - "the Town will outsource the day-to-day management to professional golf course managers"
 - "The Town has no desire to manage a golf course"
 - "A 'golf course committee' will be appointed"
 - "The Town Administrator is ultimately responsible for the relationship between the town and a golf course management company"
 - "A Request for Proposals (RFP) will be issued for the management contract by the Town Administrator's office"
[<https://www.youtube.com/watch?v=dJtfzh6MBoI> at 19:07 in video][Exhibit 10]
18. The Finance Committee was insistent that this purchase was allowed because it was "open space being bought with a golf course on it."
[<https://www.youtube.com/watch?v=dJtfzh6MBoI> at 23:40 in video] [Exhibit 11]
19. A promotional PowerPoint was produced. The last slide provided several statements, including "The town will outsource the day-to-day management to professional golf course managers," "The town has no desire to manage a golf course," "The Town Administrator is ultimately responsible for the relationship between the town and a golf course management company," "RFPs will be issued for the management contract by the Town Administrator's office," "Contract will be structured to eliminate any possible operational costs to the town," "Typical management contracts put responsibility of profitability completely upon the management company, guaranteeing that the town is not exposed." [Exhibit 12]
20. For some reason, the day after the Special Town Meeting, February 23, 2022, according to the meeting minutes, the Community Preservation Committee voted at their meeting to change their application deadlines back to what they were before the change made in December 2021. This was not on the agenda, and appears to have been brought up under "Any Other Business (unanticipated items)." [Exhibit 13 & Exhibit 14]
21. At the March 29, 2022 Board of Selectmen meeting, 5 men in town were appointed to the Golf Advisory Committee with a term to expire December 31, 2022. They were: George Barrett, Peter Hasenfuss, Brett Labonte, Thomas Hannon, James Giberti.

22. The Golf Advisory Committee's charge is: "To ensure that the transition of Little Harbor Country Club, from a privately owned golf course, to a Town owned facility goes smoothly. The committee shall consist of 5 members, appointed by the Board of Selectmen. The committee shall be advisory in nature, and have no authority."
[Exhibit 15]
23. No Executive Minutes have been released by the Board of Selectmen regarding the Golf Course "negotiations."
24. With the exception of the April 4, 2022 minutes that are posted as the April 4, 2022 agenda, for which there is no agenda, there are no Golf Advisory Committee meeting minutes posted on the Town's website.
25. A Public Records Request (under M.G.L. c. 66, §10) has been made several times for a copy of the P & S (Purchase and Sale) for the golf course, and it has been ignored by the Town.[Exhibit 16]
26. The "Community Preservation" Act (M.G.L. c. 44B) was signed into law in by Governor Paul Cellucci in September of 2000.
27. According to the Community Preservation Coalition's website, "The Community Preservation Act (CPA) is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities." [<https://www.communitypreservation.org/about-community-preservation-coalition/pages/cpa-overview>]
28. The Community Preservation Coalition website identifies Land For Recreational Use as outdoor passive or active recreation, such as (but not limited to) the use of land for: Community gardens, Trails, **Noncommercial youth and adult sports**, Parks, playgrounds or athletic fields. (emphasis added).
[<https://www.communitypreservation.org/allowable-uses>]
29. Under the Community Preservation Act (M.G.L. c. 44B), §12 entitled: Real Property Interest; Permanent Restriction; Management, §12 (b) states, "Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203."

30. In the application to Community Preservation, the Town identified their intent to “split” the profits with the company. [Exhibit 17]
31. At the Special Town Meeting on February 22, 2022, one of the plaintiffs stated that she was not opposed to the idea of owning a golf course, but she believed the use of Community Preservation funds for a for-profit business, managed by a private, for-profit company that was contracted with the town was a violation of the law, and she cited §12(b) of the Community Preservation Law (44B).
[<https://www.youtube.com/watch?v=dJtfzh6MBoI> at 1:03:35] [Exhibit 18]
32. Town Counsel, Attorney Richard Bowen, replied, “The Town may put out a management contract for the operation of a golf course; it’s frequently done, and Chapter 44B does not prohibit it.” [<https://www.youtube.com/watch?v=dJtfzh6MBoI> at 1:04:30] [Exhibit 19]
33. While several municipalities have put out RFPs for golf course management, there is no record of a municipal, for-profit golf course being bought with Community Preservation funds with whom a management company was contracted to run.
34. From the results of a Public Records Request, it was discovered that on April 1, 2021, the Chairman of the Community Preservation Committee notified the Town that there was an issue with their intent of running a for-profit golf course and its conflict with M.G.L. c. 44B, § 12 (b). Town Counsel rebuffed her concerns by stating that “per Section 4-2(k) of the Charter, the Town Administrator will have management authority and control over the property.” [Exhibit 20]
35. However, what he stated was misleading. Section 4-2(k) of the Charter states, “He shall have full jurisdiction over the rental and use of all town facilities, except schools. He shall be responsible for all capital improvement work on any existing town facility, or new facility, except schools. He shall be responsible for the supervision of all capital improvement work on existing facilities, and new facilities, except schools.” [Exhibit 21]
36. Regardless of what Section 4-2 (k) of the Charter states, the Charter cannot supersede State Law, if State law is not silent on an issue. It is clear that not only is M.G.L. 44B not silent, but it specifically states who can manage it. M.G.L. c. 44B, § 12(b) is clear: Real property acquired under M.G.L. 44B, must be owned and managed by the town, unless Town Meeting delegates a town board, town authority, water or fire district or a non-profit to manage it. If the intent of the State was to allow municipalities to contract with for-profit companies to run for-profit businesses bought with Community Preservation Funds, and split the profits with the Town, it would clearly state that, instead of clearly identifying what entities may manage property bought with CPA funds.

37. The Golf Advisory Committee meeting met on April 23, 2022. It was noted that the next meeting was to be on Wednesday, June 4, 2022 at the golf course (LHCC). However, a meeting was posted on the Town's website under "events" rather than on the Golf Advisory Committee webpage, which was held April 27, 2022. [Exhibits 19 & 20]
38. The April 27, 2022 meeting was for the Golf Advisory Committee to attend the Capital Planning Committee meeting. There was no Capital Planning Committee meeting posted.
39. The April 27, 2022 agenda called for a discussion which was stated more like it was trying to convince or persuade. It said, "Discussion re: funding concerns for LHCC that was overwhelmingly approved at Town Meeting and declared legal by R. Bowen the Town of Wareham's legal consul" [Exhibit 21]
40. Upon further investigation, it was discovered the Golf Advisory Committee agenda wrote the wrong committee – they were meeting at the Community Preservation Committee meeting that was being held on April 27, 2022. The Chairman of the Board of Selectmen, the Chairman of the Finance Committee, among others, attended. Minutes are not available for the CPC meeting.
41. While it has been stated that if the golf course is not successful, the Town will have the property as a piece of Open Space. The Phase I Environmental Site Assessment states in the Executive Summary: "If a change of use or residential redevelopment occurs, a soil management plan may be necessary in consideration of the history of pesticide, herbicide, and fertilizer use at the subject property." [Exhibit 22]
42. If the purchase of this property ends up as Open Space / passive recreation with walking trails and a picnic area, which has been suggested if the golf course fails, it could open up the Town to liability, as the Environmental Site Assessment does not identify specific chemicals that are present in / on the property, and what risks, if any, exists.

Declaratory Judgment Requested under M.G.L. c. 21

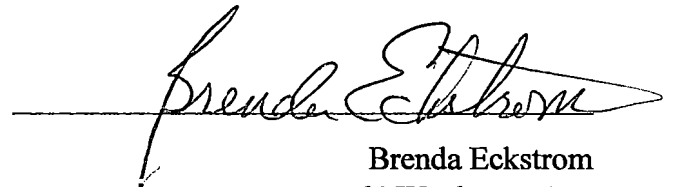
43. The plaintiff restates and incorporates herein by reference thereto and makes a part hereof the preceding paragraphs 1 through 42.
44. The plaintiffs have relied on M.G.L. c. 4, § 6, Rules for Construction of the Statutes, that "words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have

acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.”

WHEREFORE, Plaintiffs demands judgment and pray the Court:

1. Finds the Town is unable to use Community Preservation funds to purchase the golf course with the intention to hire a for-profit management group to run the golf course, as it would be a violation of M.G.L. c. 44B, § 12(b);
2. Declares the February 22, 2022 Special Town Meeting vote legally nullity, as the question should never had been presented to the body, as it violated State law;
3. Annuls any agreements that have been made by the Town based on the lack of understanding or comprehension by members of the Board of Selectmen, the Finance Committee, members of the Community Preservation Committee based on the plain language of the law;
4. Recommends to the Community Preservation Committee that it use a portion of its Administrative funds it receives annually, to hire an Attorney who specializes in Community Preservation issues, to review and approve the legality of any requests for funding for at least the next five years, and to complete all restrictions that have not been completed, as required by law;
5. Requires the Town, through its Board of Selectmen, make a public acknowledgement that the Town failed to do their due diligence;
6. Demands the Town reimburse Court fees to the plaintiffs;
7. Such other relief which this honorable Court deems just and mete.

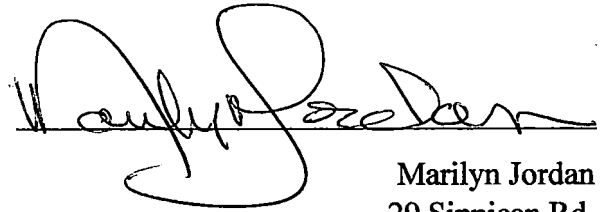
Respectfully Submitted,

A handwritten signature in cursive script, reading "Brenda Eckstrom", written over a horizontal line.

Brenda Eckstrom
64 Wychunas Ave
Buzzards Bay, MA 02532



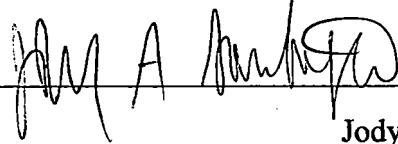
Mary Jane Driscoll
1023 Main St.
W. Wareham, MA 02576



Marilyn Jordan
29 Sippican Rd.
Wareham, MA 02571



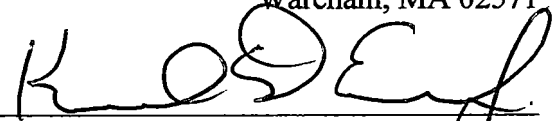
Leslie Edwards-Davis
8 Trinity Lane
Wareham, MA 02571



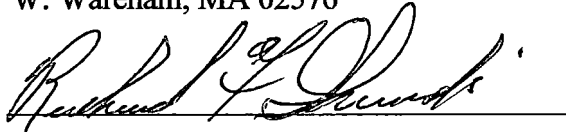
Jody Santagate
9 Oakdale Street
Wareham, MA 02571



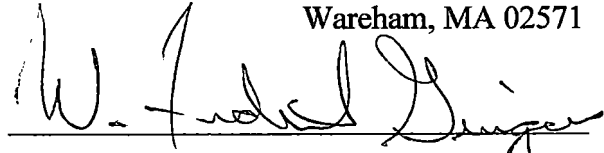
Deborah Pfister
2 Thomas Ave.
W. Wareham, MA 02576



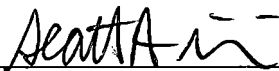
Kenneth D. Eckstrom, Jr.
64 Wychunas Ave.
Wareham, MA 02571



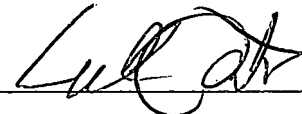
Richard F. Shumski
6 Hiawatha Rd.
Buzzards Bay, MA 02532



W. Frederick Guigas
PO BOX 1389
Onset, MA 02558



Scott A. Schaffer II
19 Highland Bay Drive
Wareham MA 02571



William J. Smith
PO BOX 1363
Onset, MA 02558

- Exhibit 1: certified copy of the vote
- Exhibit 2: Copies of agendas
- Exhibit 3: Copy of Community Preservation 12/8/21 Minutes
- Exhibit 4: Statement from Selectmen's 1/11/22 meeting
- Exhibit 5: Copy of Community Preservation 1/12/22 Agenda
- Exhibit 6: Copy of Community Preservation 1/12/22 Minutes
- Exhibit 7: Copy of Posting of Special Town Meeting Notice
- Exhibit 8: You Tube video: <https://www.youtube.com/watch?v=BbODn0W8pZA> at 40:00
- Exhibit 9: Color Flyer Promoting Golf Course
- Exhibit 10: YouTube video: <https://www.youtube.com/watch?v=dJtfzh6MBoI> at 19:07
- Exhibit 11: YouTube video: <https://www.youtube.com/watch?v=dJtfzh6MBoI> at 23:40
- Exhibit 12: Page 14 (final page) of PowerPoint Presentation
https://www.wareham.ma.us/sites/g/files/vyhlf5146/f/uploads/fincomm_preso_2022-02-03_v2.pdf
- Exhibit 13: Copy of Community Preservation 2/23/22 Minutes
- Exhibit 14: Copy of Community Preservation 2/23/22 Agenda
- Exhibit 15: Copy of Golf Committee webpage <https://www.wareham.ma.us/little-harbor-golf-course-advisory-committee>
- Exhibit 16: Emails requesting P & S
- Exhibit 17: SUMMARY OF PROPOSED LITTLE HARBOR COUNTRY CLUB, as submitted to CPC with Application
- Exhibit 18: YouTube video: <https://www.youtube.com/watch?v=dJtfzh6MBoI> at 1:03:35
- Exhibit 19: YouTube video: <https://www.youtube.com/watch?v=dJtfzh6MBoI> 1:04:30
- Exhibit 20: Emails from Public Records Request
- Exhibit 21: Copy of Golf Advisory Committee meeting 4/23/22 agenda
- Exhibit 22: Copy of Golf Advisory Committee meeting 4/27/22 agenda



Exhibit 1

**TOWN OF WAREHAM
OFFICE OF THE TOWN CLERK**

54 Marlon Road
Wareham, Massachusetts 02571
(508) 291-3100, Ext. 3140
Fax: (508) 291-6511

February 23, 2022

The following is a true copy attest of the vote on Article 1 of the Special Town meeting held on February 22, 2022

ARTICLE 1:

I move that the Town appropriate \$2,600,000 to acquire all land, buildings and personal property of the Little Harbor Country Club, so called, as more particularly described in a filing titled "Golf Course Purchase" in the office of the Town Clerk, by (1) transferring \$1,000,000 (one million) from undesignated Community Preservation Act funds, under the category of Open Space; and borrowing \$1,000,000 (one million) pursuant to GL Chapter 44 or any lawful authority and to acknowledge the Community Preservation Committee's commitment to pay the debt service on the \$1,000,000 (one million) borrowing in order to pay costs of acquiring all land, and (2) transferring \$600,000 from Certified Free Cash In order to pay costs of acquiring all buildings and personal property including all costs, including necessary improvements, incidental and related thereto. And further, that no Community Preservation Act funds be released until the following contingencies are met: the Town receives the appraisal in the Town's name, completes an Environmental Site Assessment, completes a perimeter survey, and has an executed Memorandum of Understanding for a conservation restriction with a qualified organization.

Motion made to move the question: Required 2/3 vote Yes 402 No 29

Main motion voted: required 2/3 vote Yes 423 No 34

Main motion Passed by 2/3 required vote

Respectfully submitted by:
Michele Bissonnette
Town Clerk

September 7, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

Please click this URL to join.

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmZlZzBlTG1teEJmakoZb2lsZr09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158992 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. **CALL TO ORDER BY CHAIRMAN**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ANNOUNCEMENTS**
5. **CITIZEN'S COMMENTS**
6. **BOARD'S COMMENTS**
7. **7:15 P.M. - DOG HEARING-GILBERT**
8. **7:30 P.M. - DOG HEARING-CARNES**
9. **7:45 P.M. – CONTINUED DOG HEARING-ROBERY**
10. **APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS**
 - a. Zoning Board of Appeals-term to expire June 30, 2026
 - i. Veronica Debonise
11. **LICENSES AND PERMITS**
12. **TOWN BUSINESS**
 - a. Proclamation-Suicide Prevention.
 - b. Disband the group known as 'Beach and Tourism.'
 - c. Discussion and possible vote to approve the opt-out and reduction fee applications for Curbside Billing FY21 (Abatement Recommendation 6).
 - d. Discussion and possible vote to support House Bill: H.2509 - An Act relative to construction and rehabilitation of public safety facilities and Senate Bill: S.1594 - an Act relative to construction and rehabilitation of public safety facilities.
 - e. Discussion regarding formulating the bylaw review committee.

- f. Ratify the hiring of James Luch-part-time laborer at the Transfer Station and Justin Corley-laborer for the WPCF.
- g. Review Policy Statement No. 91-1 Town Policy for the Registration and Regulation of Sales Agents and Sales Supervisors.

13. TOWN ADMINISTRATOR'S REPORT

14. LIAISON/INITIATIVE REPORTS

15. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Authorize payment to the Law Office of Richard P. Bowen.
- c. Approval of meeting minutes:

16. ADJOURNMENT

17. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

18. EXECUTIVE SESSION

M.G.L. 30A §20 (3) Re: Litigation-Habitat for Humanity vs Town of Wareham

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.



September 14, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmlzTzBlbG1teEJmakoZb2lsZz09>

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1. CALL TO ORDER BY CHAIRMAN
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. ANNOUNCEMENTS
5. CITIZEN'S COMMENTS
6. BOARD'S COMMENTS
7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS
 - a. Board of Health-term to expire June 30, 2022
 - i. Jean Connaughton-Associate Member
8. LICENSES AND PERMITS
9. TOWN BUSINESS
 - a. Discussion and possible vote to amend the address and the business entity name of the existing HCA with Verilife to PharmaCann, 106 Main Street, Wareham, MA.
 - b. Disband the group known as 'Beach and Tourism.'
 - c. Discussion regarding formulating the bylaw review committee.
 - d. Review Policy and possible vote on Statement No. 91-1 Town Policy for the Registration and Regulation of Sales Agents and Sales Supervisors.
 - e. Discussion and possible vote to include articles in the 2021 Annual Spring Town Meeting.
10. TOWN ADMINISTRATOR'S REPORT
11. LIAISON/INITIATIVE REPORTS
12. CONSENT AGENDA

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

13. ADJOURNMENT

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

15. EXECUTIVE SESSION

M.G.L. 30A §21 (3) Re: Litigation-Habitat for Humanity vs Town of Wareham
To discuss strategy with respect to collective bargaining or litigation if an order may have a detrimental effect on the bargaining or litigating position of the union and the chair so declares.

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property
To consider the purchase, exchange, lease or value of real property if there is a possibility that an open meeting may have a detrimental effect on the negotiating position of a public body.



September 28, 2021



7:00 p.m. - Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3Sm1zTzBlag1teElmako2bzksZr09>

Passcode: 962288

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1. CALL TO ORDER BY CHAIRMAN
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. ANNOUNCEMENTS
5. CITIZEN'S COMMENTS
6. BOARD'S COMMENTS
7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS
 - a. Library Board of Trustees-term to expire June 30, 2024
 - i. Hollie Van Nest
 - b. Zoning Board of Appeals-appointment of one associate member-term to expire June 30, 2022
 - i. Christopher Conti
 - ii. Richard Semple
8. LICENSES AND PERMITS
 - a. Application from 99 West, LLC d/b/a 99 Restaurant & Pub, 40 Rosebrook Place, Wareham, MA. for a Change of Officers/Directors under the provisions of M.G.L. 138.
9. TOWN BUSINESS
 - b. Discussion and vote to name Claire Smith as Goodwill Ambassador for the Town of Wareham, England and approve signing of the Proclamation.
 - c. Discussion and possible vote to approve the opt-out and reduction fee applications for Curbside Billing FY21 in the amount of \$638.75 (Abatement Recommendation 7).
 - d. Discussion and possible vote to accept FY@@ Curbside Revenue in the amount of \$1,273,760.00.
 - e. Discussion and possible vote on Borrego Solar PILOTS.

- f. Discussion and vote regarding two HCA amendments between Town of Wareham and Doobie Inc. to reflect change of location from 3 Tow Road to 10 Little Brook Road for cultivating and manufacturing.
- g. Ratify hiring of Morgan Mattoli-Natural Resources Officer-DNR.
- h. Discussion and vote to recommend articles for the 2021 Fall Town Meeting Warrant.

9. TOWN ADMINISTRATOR'S REPORT

10. LIAISON/INITIATIVE REPORTS

11. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: September 14, 2021.

12. ADJOURNMENT

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

15. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.



October 5, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. - Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmIzTzBlLaG1teEjmak0ZnZlc2Z09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. ANNOUNCEMENTS
5. CITIZEN'S COMMENTS
6. BOARD'S COMMENTS
7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS
 - a. Zoning Board of Appeals-term to expire June 30, 2026
 - i. Richard Semple
8. LICENSES AND PERMITS
 - a. **HEARING 7:15 P.M.**- Application for a transfer of an existing Year Round Common Victualler All Alcoholic Beverages License from Nachos, Inc. d/b/a Casa Cancun to Sai y Limon, LLC d/b/a Casa Cancun, 2421 Cranberry Hwy, Suite 426, Wareham.
9. TOWN BUSINESS
 - a. Discussion and possible vote to establish fee for Beano license.
 - b. Discussion and possible vote to approve the application from Dudley L. Brown VFW Post 2846, 4 Gibbs Ball Park Road, Onset, MA. for a Beano license.
 - c. Discussion and possible vote regarding the new proposed GATRA routes.
 - d. Ratify hiring of Katherine Gagne - part-time Library Assistant.
 - e. Discussion and vote to recommend articles for the 2021 Annual Fall Town Meeting Warrant.
10. TOWN ADMINISTRATOR'S REPORT
11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

- a. Authorize payment to the Law Office of Richard P. Bowen.
- b. Authorization to sign bills and documents, etc.
- c. Approval of meeting minutes: September 7, 2021.
- d. Approval of executive session minutes: September 14, 2021.

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.



15. ADJOURNMENT

October 12, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmlzTzBlLaG1teE1makoZb2lsZz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

6. BOARD'S COMMENTS

7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

- a. Solar Bylaw Study Committee-term to expire at the completion of the 2022 Annual Spring Town Meeting.
 - 1. Wendy O'Brien- non-partisan citizen member

8. LICENSES AND PERMITS

9. TOWN BUSINESS

- a. Discussion and possible vote for the Re-Precincting Plan for the Town of Wareham.
- b. Discussion and possible vote on Besse Park Rain garden.
- c. Accept donation to the Wareham Free Library in the amount of \$5,000 from Trade Winds LLC for the Library Gift Account.
- d. Ratify hiring of Michael Buckley - Operator Grade 3 at WPCF and Catherine Farrington - PT Dept. Assistant for BOS.
- e. Discussion and vote to recommend articles for the 2021 Annual Fall Town Meeting Warrant.

10. TOWN ADMINISTRATOR'S REPORT

11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: September 21, 2021.
- c. Approval of executive session meeting minutes: October 5, 2021.

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

15. ADJOURNMENT



October 19, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmZlZzBlLaG1teEjmak0ZnZlczZkdz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. **CALL TO ORDER BY CHAIRMAN**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ANNOUNCEMENTS**
5. **CITIZEN'S COMMENTS**
6. **BOARD'S COMMENTS**
7. **APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS**
8. **LICENSES AND PERMITS**
9. **TOWN BUSINESS**
 - a. Superintendent Shaver-Hood, School Department news.
 - b. Discussion and possible vote to declare Everett School surplus and to dispose of it.
 - c. Continued discussion and possible vote regarding the new proposed GATRA routes.
 - d. Discussion and possible vote for Amended and Restated Agreement Carver Marion and Wareham Regional Refuse Disposal District.
 - e. Request to place signs on Town property.
 - f. Discussion and vote to recommend articles for the 2021 Annual Fall Town Meeting Warrant.
10. **TOWN ADMINISTRATOR'S REPORT**
11. **LIAISON/INITIATIVE REPORTS**
12. **CONSENT AGENDA**
 - a. Authorization to sign bills and documents, etc.
 - b. Approval of meeting minutes: September 21, 2021; September 28, 2021.

c. Approval of executive session meeting minutes: October 5, 2021.

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

M.G.L. 30A §21 (3) Re: Litigation-K Shaver-Hood vs Town of Wareham

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

15. ADJOURNMENT

November 2, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmIzTzBlTG1teEJmakpZb2lsZz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

6. BOARD'S COMMENTS

7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

- a. Wareham Veterans Council
 - i. Ryan Langlois
- b. Wareham Cultural Council
 - i. Amanié Karahalls

8. LICENSES AND PERMITS

- a. **HEARING 7:15 PM** – Application from ACAP, Inc. d/b/a Wines & More, 2421 Cranberry Hwy, Ste 460, Wareham MA for a Transfer of Stock, Change of Manager and Change of Directors/Officers of an existing Year Round Common Victualler All Alcoholic Beverages license under the provisions of Chapter 138 of the Massachusetts General Laws.
- b. Application for a Change of Manager from Pepper Dining, Inc. d/b/a Chill's Grill & Bar, 2885 Cranberry Hwy, E. Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws.

9. TOWN BUSINESS

- a. Continued discussion and possible vote on Besse Park rain garden.
- b. Discussion and possible vote regarding the temporary closing of Stevie Bs, 270 Onset Ave., Onset, MA. The Board of Selectmen, as the local licensing authority must make a determination of what time frame is considered temporary closure.

- c. Discussion and possible vote to authorize the placement of signs for Southcoast Health, Tobey Emergency Center and other signage on public ways.
- d. Discussion and possible vote to establish a Bylaw Review Committee.
- e. Vote to Authorize Veterans Day Proclamation.
- f. Confirmatory vote for approval of the application for a One Day Liquor License from Steven Curry, 745 Main Street, Wareham for October 24, 2021.
- g. Confirmatory vote authorizing the Chair to provide a letter of support to Damien's Family Food Pantry for a grant to purchase equipment.
- h. Accept donation of \$1,000 from Nouria Energy Corporation to the Wareham Free Library for the Wareham Free Library Gift Fund.
- i. Ratify hiring of Elena Jimenez for the full-time Principal Department Assistant for DNR.
- j. Discussion and possible vote to approve the opt-out and reduction fee applications for Curbside Billing FY22 in the amount of \$22,158.88.

10. TOWN ADMINISTRATOR'S REPORT

11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Authorize payment to the Law Office of Richard P. Bowen.
- c. Approval of meeting minutes: October 5, 2021; October 12, 2021.

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

M.G.L. 30A §21 (3) Re: Morales-Notice of Claim (Sic)

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

15. ADJOURNMENT

November 9, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmZTzBlLaG1teEJmakpZb2lsZz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: October 25, 2021.

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

15. ADJOURNMENT

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

6. BOARD'S COMMENTS

7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

- a. Wareham Veterans Council
- i. Jesse Walsh

8. LICENSES AND PERMITS

- a. Application from Wareham Village Association for use of Town roads for the Christmas Parade taking place on Saturday, December 4, 2021.

9. TOWN BUSINESS

- a. Proclamation-Austin Tripp.
- b. Discussion and possible vote to authorize the placement of signs for Southcoast Health, Tobey Emergency Center and other signage on public ways.
- c. Quarterly review of Constable Remittance.
- d. Discussion and possible vote regarding policy 03-3, class II license holders.
Discussion will include but not be limited to a new license format, and requirements to be printed on license.

10. TOWN ADMINISTRATOR'S REPORT

11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

November 16, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmIzTz8LaG1teEJmakpZb2lsZz09>

Passcode: 962288

One tap mobile:

+19292056699 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

6. BOARD'S COMMENTS

7. TAX LEVY HEARING 7:15 PM

8. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

9. LICENSES AND PERMITS

- a. Application from Onset Bay Association, PO Box 799 Onset, MA for use of Town property for Christmas in the Village event taking place Sat. Dec 11, 2021 from 12-3pm.

10. TOWN BUSINESS

- a. Certificate of recognition-Raymond Cardoza and Alfreida Cardoza.
- b. Certificate of appreciation-Steven Beranger and Theresa Beranger.
- c. Wareham Village Association-Christmas Parade.
- d. Discussion and vote on the boundary re-predincting changes.
- e. Discussion and possible vote to reconfirm OPEB Funding Policy #21-01.
- f. Discussion and vote to appoint custodian for upcoming auctions.
- g. Review and update on 173 Main Street, Wareham.
- h. Discussion and possible vote to establish Decas School study group.
- i. Ratify hiring of Jennifer McCaffrey - Library Assistant (part-time) and Robert Mershimer – Paramedic.

11. TOWN ADMINISTRATOR'S REPORT

12. LIAISON/INITIATIVE REPORTS

13. CONSENT AGENDA

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

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

15. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property
To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

16. ADJOURNMENT



November 23, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmIzTzBLaG1teEJmakoZb2IsZz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

6. BOARD'S COMMENTS

7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

- a. Solar Bylaw Study Committee- term to expire no later than the completion of the 2022 Annual Spring Town Meeting.
 - i. Denise Wolk
- b. Zoning Board of Appeals Committee – Associate member - term to expire June 30, 2022
 - i. Troy Larson
- c. Council on Aging - term to expire June 30, 2022
 - i. Marie Riley
- d. Constables – Term to expire June 30, 2022
 - i. Joseph Latimer - Reappointment
 - ii. Adam Loomis – New Applicant

8. LICENSES AND PERMITS

9. TOWN BUSINESS

- a. Discussion and possible vote to approve Land Disposition Agreement with the Bentley Companies for Tremont Nail Factory, 8 Elm Street.
- b. Discussion and possible vote on Audit Committee.
- c. Discussion and possible vote to approve the issuance and details of notes and bonds to be issued to the Mass Clean Water Trust for loan No. CWP-20-09 and sign related note closing papers.

- d. Discussion and possible vote to approve the Trash Program for calendar year 2022.
- e. Discussion and possible vote to authorize Patrick MacDonald, Board of Health Director to act as the Town's Authorized Representative for ARPA applications and disbursements. Also, Judith Lauzon, Town Accountant, to act as the Town's Authorized Reporter/Preparer for ARPA funds.

10. TOWN ADMINISTRATOR'S REPORT

11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: October 19, 2021

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (3) Litigation with regards to Kimberly B. Shaver-Hood v. Town of Wareham To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.



M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

15. ADJOURNMENT

November 30, 2021



TOWN of WAREHAM
Board of Selectmen
Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmIzTzBLaG1teElmakoZb2lsZz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)
+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

6. BOARD'S COMMENTS

7. 7:15 P.M. – DOG HEARING - BRUNEAU

8. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

a. Cable Advisory Committee-term to expire upon the completion of contract Signing

- i. Dan Butler
- ii. Matthew Underhill – reconfirm appointment

9. LICENSES AND PERMITS

10. TOWN BUSINESS

- a. Community Youth Empowerment-Jowaun Gamble
- b. Accept donation from the Stop and Shop Community Bag Program in the amount of \$69.00 to the Wareham Free Library Gift Fund.
- c. Discussion and possible vote to renew animal shelter agreement with Town of Lakeville.

11. TOWN ADMINISTRATOR'S REPORT

12. LIAISON/INITIATIVE REPORTS

13. CONSENT AGENDA

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

14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

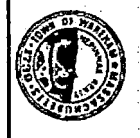
15. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

16. ADJOURNMENT





TOWN OF WAREHAM
Board of Selectmen
Meeting Agenda

December 14, 2021

7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:
<https://us02web.zoom.us/j/83258925070?pwd=OHh3Smh1ZklnaG1lbnhkaGZkZjZkZ09k>

One tap mobile:
+19922056099 (New York)
+13017158592 (Washington DC)
Webinar ID: 832 5892 5070
Passcode: 9622188

1. CALL TO ORDER BY CHAIRMAN
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. ANNOUNCEMENTS
5. RESIDENTS COMMENTS
6. BOARD'S COMMENTS
7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS
 - a. Wareham Recycling Committee-term to expire June 30, 2022
 - i. Brett Glory, High School Representative – Non Voting Member
 - b. Discussion and possible vote to appoint members to the Decas School Steering Committee – term to expire at the 2022 Annual Fall Town Meeting.
 - i. Diane Kenney - Petitioner
 - ii. Leslie Edwards-Davis - Petitioner
 - iii. Jonathan Dallmeyer - Petitioner
 - iv. Jody Santagate - COA
 - v. Joan Kimburgh – CPC recommendation received 12/9/21
 - vi. Charles Kluber – Capital Planning recommendation received 12/9/21
8. LICENSES AND PERMITS
 - a. Application from Red Robin International Inc d/b/a Red Robin Gourmet Burgers & Spirits, 2421 Cranberry Hwy, Wareham for a Change of Manager.
 - b. Application from the Blue Foot Café LLC d/b/a The Blue Foot Café, 379 Main St. Unit B Wareham for a new Common Victualer's License.
 - c. Application from the Nutrition House d/b/a Embodied Nutrition, 3147 Cranberry HWY, E. Wareham for a new Common Victualer's License.
 - d. Request from Lindsey's Inc. d/b/a Lindsey's Family Restaurant, 3138 Cranberry Hwy, Wareham for temporary change of hours.

- e. Renewal of the following Year Round Retail Package Goods Store All Alcoholic Beverages Licenses for the year 2022, under the provisions of Chapter 138 of the Massachusetts General Laws:
 - i. ACAP, Inc. d/b/a Wines & More, 2421 Cranberry Hwy, Wareham.
 - ii. A1 Food Corp. d/b/a Anchor Liquors, 2360 Cranberry Hwy, Wareham.
 - iii. DJ Sullivan d/b/a Sullivan Wine & Spirits, 260 Marion Road, Wareham.
 - iv. DSKRAI, Inc. d/b/a Brownies Package Store, 189 Marion Road, Wareham.
 - v. Heather Hill Holdings d/b/a Depot Liquors, 47 Depot Street, E. Wareham.
 - vi. Onset Village Market Inc. d/b/a Onset Village Market, 231 Onset Ave, Onset.
 - vii. Patriot Spirits, Inc. d/b/a Liquor N More, 16-18 Seth Tobey Road, Wareham.
 - viii. Pepin Inc. d/b/a Pepin's Liquors, 2259 Cranberry Hwy, W. Wareham.
- f. Renewal of the following Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2022, under the provisions of Chapter 138 of the Massachusetts General Laws:
 - i. Barnacle Bills Seafood LLC d/b/a Barnacle Bill's Seafood, 3126 Cranberry Hwy, E. Wareham.
 - ii. Cranberry Hospitality LLC d/b/a Townplace Suites & Rosebrook Event Center, 50 Rosebrook Way, Wareham.
 - iii. Cantol, Inc. d/b/a Narrows Crossing Restaurant, 1 Narrows Road, Wareham.
 - iv. Sage Steakhouse, Inc. d/b/a Soga Steakhouse, 20 Rosebrook Way, Wareham.
 - v. Sal y Limon LLC d/b/a Casa Cancun, 2421 Cranberry Hwy, Wareham.
 - vi. Ying Dynasty Wareham LLC d/b/a Ying Dynasty, 265 Marion Road, Wareham.
- g. Renewal of the following Year Round Common Victualers Licenses for the year 2022, under the provisions of Chapter 140 of the Massachusetts General Laws:
 - i. Chianiti's Kitchen – Womhip Nyomian d/b/a Krua Thai 2, 3043 Cranberry Hwy, E. Wareham.
 - ii. Cranberry Cottage II, Inc. d/b/a Cranberry Cottage II, 246 Marion Rd., Wareham.
 - iii. Cupcake Charlie's LLC/Penny Lessa d/b/a Cupcake Charlie's, 2421 Cranberry Hwy #414, Wareham.
 - iv. D.E. Foods, Inc. d/b/a Kentucky Fried Chicken, 3015 Cranberry HWY, Wareham.
 - v. F&J Restaurant d/b/a Wareham House of Pizza, 127 Marion Road, Wareham.
 - vi. Golden Bamboo LLC d/b/a Golden Bamboo, 3103 Cranberry Hwy, E. Wareham.
 - vii. Hyde Park Burgers, LLC. d/b/a Five Guys 70 Rosebrook Place #3, Wareham.
 - viii. Julie Phillips d/b/a Riverside Café, 15 Seth F Tobey Rd., Wareham.

- ix. Katt Inc. d/b/a D'Angelo Sandwich Shop, 3020 Cranberry HWY, Wareham.
- x. Kool Kone d/b/a Kool Kone, 374 Marion Rd., Wareham.
- xi. Mary Good d/b/a Good Life Nutrition Corp, 172 Main St., Wareham.
- xii. Mass Subs 2 LLC. d/b/a Jersey Mike's Subs, 12 Seth F Tobey Rd, Wareham.
- xiii. Mamma Marys d/b/a Mamma Marys, 219 Main St., Wareham.
- xiv. New England Authentic Eats LLC d/b/a Papa Gino's, 2899 Cranberry HWY, E. Wareham.
- xv. Pings, Inc. d/b/a Woh Lun Chinese Restaurant, 172 Main St., Wareham.
- xvi. Pizza Boy LLC. d/b/a Pizza Boy, 3095 Cranberry HWY, E. Wareham.
- xvii. Qdoba Restaurant Corporation d/b/a Qdoba Restaurant, 2421 Cranberry HWY, Wareham.
- xviii. Sienna Café, LLC d/b/a Americana Café, 208 R Main St., Wareham.
- xix. Starbucks Corporation d/b/a Starbucks Coffee, 1 Seth F Tobey Rd., Wareham.
- xx. Target Corporation d/b/a Target Store T-2292, 2421 Cranberry HWY, Wareham.
- xxi. Tremont Hill Pond Inc. d/b/a Tremont Hill Pond, 2571 Cranberry HWY, Wareham.
- xxii. Wareham Subway, Inc. d/b/a Subway of Walmart, 15 Seth F Tobey Rd, Wareham.
- xxiii. Wendy's Properties LLC d/b/a Wendy's, 2419 Cranberry HWY, Wareham.
- xxiv. Wu and Wong Corp. d/b/a China Chef Restaurant, 1 Depot St., E. Wareham.
- h. Renewal of the following Class 1 licenses for the year 2022, under the provisions of Chapter 140 of the Massachusetts General Laws:
 - i. Factory Five Racing, Inc. d/b/a Factory Five Racing, 9 Tow Road, Wareham.
- i. Renewal of the following Class 2 licenses for the year 2022, under the provisions of Chapter 140 of the Massachusetts General Laws:
 - i. Afif Elhaba d/b/a U First Auto Sales LLC, 3070 Cranberry Hwy, Wareham.
 - ii. Anibal Baroco d/b/a AB Auto Sales, 3251 Cranberry Hwy, Wareham.
 - iii. Collision Tech, Inc. d/b/a Robert's Auto Body, 2777 Cranberry Hwy, Wareham.
 - iv. Discount Auto, Inc., 2648 Cranberry Hwy, Wareham.
 - v. Gatevay Enterprises Auto Sales, Inc. d/b/a Marion Auto Sales, 370 Marion Road, Wareham.
 - vi. Galusway Motors of Wareham, LLC, 379 Main Street, Wareham.
 - vii. Osamco Enterprises, Inc. d/b/a Sam's Gas, 274 Marion Road, Wareham.
 - viii. Route 6 Auto Sales LLC d/b/a Route 6 Auto Sales, 59 Sandwich Rd, Wareham.
 - ix. Supreme Motors Corp. d/b/a Supreme Motors, 2371 Cranberry Hwy, Wareham.

j. Renewal of the following Year Round Common Victualer Wines and Malt Beverages License for the year 2022, under the provisions of chapter 138 of the Massachusetts General Laws:

- i. Marc Anthony's La Pizzeria d/b/a Marc Anthony's Lapizzeria, 190 Onset Ave., Onset.
- ii. Stone Path Malt LLC d/b/a Stone Path Malt, 11 Kendrick Road, Wareham.

k. Renewal of the following Year Round Club all Alcoholic Beverages License for the year 2022, under the provisions of chapter 138 of the Massachusetts General Laws:

- i. BPOE Wareham-New Bedford Lodge 1548, 2855 Cranberry Highway, East Wareham.
- ii. Cromesett Tribe #156 Improved Order of Redmen, Inc., 745 Main Street Wareham.

l. Renewal of the following Year Round Veterans Club all Alcoholic Beverages License for the year 2022, under the provisions of chapter 138 of the Massachusetts General Laws:

- i. American Legion, Inc., d/b/a American Legion Post #220, 777 Main Street, Wareham.
- ii. Dudley L. Brown Post #2846 VFW of US, Inc., 4 Gibbs Ball Park Road, Onset.

m. Renewal of the following Year Round Inn holder all Alcoholic Beverages License for the year 2022, under the provisions of chapter 138 of the Massachusetts General Laws:

- i. Glen Cove Hotel, LLC d/b/a Glen Cove Hotel, 167 Onset, Ave, Onset.

n. Renewal of the following Year Round Farmer Series Pouring Permit for the year 2022, under the provisions of chapter 138 of the Massachusetts General Laws:

- i. Lucky Goat Brewing LLC d/b/a Lucky Goat Brewing, 379 Main Street, Wareham.

- c. Approval of meeting minutes: December 2, 2021 (Special Joint meeting of Board of Selectmen, School Committee and Finance Committee)
- d. Approval of executive session meeting minutes: December 7, 2021.

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property
To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
M.G.L. 30A §21 (2) Re: Town Administrator's employment contract
To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

15. ADJOURNMENT

9. TOWN BUSINESS

- a. Discussion of Article 18 from Fall Town meeting, Earth Removal.
- b. Discussion and possible vote to authorize Wareham Redevelopment Authority to issue RFP for lease of Tremont Nail Factory Property.
- c. Accept donation to the Wareham Free Library in the amount of \$1,500.00 from Friends of the Wareham Free Library for operating expenses at the Spinney Memorial Branch.
- d. Discussion and possible vote to approve the opt-out and reduction fee applications for Curbside Billing FY22 in the amount of \$806.05.

10. TOWN ADMINISTRATOR'S REPORT

11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: November 16, 2021.

January 4, 2022



7:00 p.m. – Meeting taking place remotely due to COVID-19

To join meeting:

<https://us02web.zoom.us/j/83258925070?pwd=dzh3SmIzTzBlTG1teEJmakoZb2lsZz09>

Passcode: 962288

One tap mobile:

+19292056099 (New York)

+13017158592 (Washington DC)

Webinar ID: 832 5892 5070

Passcode: 962288

1. CALL TO ORDER BY CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. TOWN RESIDENT'S COMMENTS

6. BOARD'S COMMENTS

7. APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS

- a. Interview candidates for the petitioners appointment to the Decas School Steering Committee and possible vote for appointment.
 - i. Jared Fredrickson
 - ii. Tracie Williams
 - iii. MaryJane Driscoll
- b. Interview candidates for the BOS appointment to the Decas School Steering Committee and possible vote for appointment.
 - i. Damon Solomon
 - ii. Jared Chadwick

8. LICENSES AND PERMITS

- a. **Renewal of the following Year Round Common Victuallers Licenses for the year 2022, under the provisions of Chapter 140 of the Massachusetts General Laws:**
 - i. Chankait Suksanit – Wonthip Niyomsin d/b/a Krua Thai 2, 3043 Cranberry HWY, E. Wareham.
- b. **Renewal of the following Year Round Common Victualler All Alcoholic Beverages Licenses for the year 2022, under the provisions of Chapter 138 of the Massachusetts General Laws:**
 - i. Stevie B's Inc. d/b/a Onset Sports Resort, 270 Onset Ave, Onset.

9. TOWN BUSINESS

- a. Discussion and possible vote to hire outside counsel for the Verizon contract negotiations: Mr. William Solomon-fee to be paid by WCTV, as in past.
- b. Confirmatory vote directing and authorizing Town Administrator Derek Sullivan to fund hiring of an independent engineer to study earth removal issues raised from Article 18 in the 2021 Annual Town Meeting, original vote taken 12/14/2021.
- c. Explanation of MGL ch 268A section 19, as it may apply to members of the Decas School Steering Committee.
- d. Review and vote to sign 2022 ABCC Renewal Certification.
- e. Review and vote to sign 2022 ABCC Seasonal Population Increase Estimation Form.
- f. Accept donation to the Wareham Council on Aging in the amount of \$100.00 for the COA Gift Account.
- g. Accept donation to the Wareham Council on Aging in the amount of \$1000.00 from the Wareham Police Association, Inc. for the COA Gift Account.
- h. Accept donation to the Wareham Free Library in the amount of \$75.00 for the WFL Gift Fund Account.
- i. Discussion and possible vote to approve the opt-out fee applications for Curbside Billing FY22 in the amount of \$30,203.75.
- j. Ratify hiring of Ryan Vanderstaay-Heavy Equipment Operator for MM.
- k. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

10. TOWN ADMINISTRATOR'S REPORT

11. LIAISON/INITIATIVE REPORTS

12. CONSENT AGENDA

- a. Authorize payment to the Law Office of Richard P. Bowen
- b. Authorization to sign bills and documents, etc.
- c. Approval of meeting minutes: November 30, 2021

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

14. EXECUTIVE SESSION

M.G.L. 30A §21 (6) Re: Little Harbor-purchase of property.

To consider the purchase, exchange, lease of value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

M.G.L. 30A §21 (2) Re: Town Administrator's employment contract

To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

M.G.L. 30A §21 (3) Re: Discussion and vote re Bruneau dog case



Community Preservation Committee

Minutes, 12-8-21

Rm 24, Town Hall

Present: Joan Kinniburgh, Chair, Sam Corbitt, Linda Scharf, Sandy Slavin, Treasurer, Barbara Smith, Sherbie Worthen, Clerk

Absent: Jean Connaughton

Guest: Nancy McHale, Wareham Land Trust

Call to Order: Joan Kinniburgh opened meeting at 6:01pm.

Public Hearing: Sandy Slavin made a motion to open the Public Hearing. Sam Corbitt seconded. Seeing no one present, Slavin moved to close the Public Hearing. Corbitt seconded. Vote 6-0-0.

Re-sending Minutes: Meeting Minutes for 6/23, 7/28, 8/11, 9/8 were submitted and stamped at Town Clerk's office but not forwarded for posting on the website. Kinniburgh will re-send Minutes to Matt Underhill for posting.

Financial Review: Bills for advertising Public Hearing have been received. Little League needs to submit a W-9 form for current invoices.

CPA Local Surcharge and State Match: Wareham allocation from the State increased by \$92,000. This year's match is \$475,101.

2021 Update on Open Projects and Web Page Updates: Kinniburgh distributed report showing 18 Open Projects since 2010. Of these, 11 have completed some portion of their project. Swifts Beach is in early tracking stage. Lopes Field Play area is complete. Kinniburgh is in contact with all unfinished project sponsors for updates on their remaining components. She will be discussing a CPA Project Contract with Derek Sullivan.

Tremont Nail: Slavin reported that environmental clean-up is nearly complete. Suggestions were made re. storing Tremont Nail historic signs in a safe place. Erin Kelly, recent visitor to Tremont Nail, will be the next Executive Director of Preservation MASS.

CPC Grant Application Review: Committee members submitted recommendations for improving and clarifying the current Application. Barbara Smith submitted a page of comments including adding Project Address, additional details on Project Name. Other suggestions: add In-Kind funds to the Budget Sheet, more information re. current by-laws and how they might impact proposed project. Linda Scharf recommended, where possible, linking information to the State CPA website. Preservation Restrictions are usually complicated.

Not all proposed projects require a restriction. Nancy McHale stated that the Land Trust had worked on open space restrictions for many years. A year of local preparation followed by a lengthy approval process from the State is not unusual. The challenge is when to require a completed restriction process and how this can vary from project to project.

Slavin made a motion to change current application deadlines to:

- 
- 4th Tuesday in January for Spring Town Meeting in April
 - 4th Tuesday in July for Fall Town Meeting in October

Corbitt seconded. **Vote: 6-0-0.**

Decas Steering Committee: Per order of the Select board, a member of CPC will be asked to serve on the Decas Steering Committee. They are seeking individuals knowledgeable in a number of areas, grant writing, financial management, etc. After a brief discussion, members nominated Joan Kinniburgh to the Decas Steering Committee.

2019 Community Preservation Plan: Kinniburgh asked members to review the current on line CPC plan for updates, to be discussed at the next meeting.

Next Meeting: January 12, 2022, 6pm, Rm 24, Town Hall.

Adjournment: Slavin moved to adjourn meeting at 7:59 pm, Corbitt seconded. **Vote: 6-0-0**

Respectfully submitted by Sherbie Worthen, Clerk

Sherbie Worthen, Jan. 12, 2022

Exhibit 4

The BOS has held a series of executive sessions to strategize about negotiations and price regarding the real property and the equipment owned by Little Harbor Country Club.

The Board voted to authorize three individuals to meet with the owners of LHCC to engage in negotiations. Those individuals are Chair Whiteside, Town Administrator Sullivan and Town Counsel Bowen. The BOS also authorized, during an executive session, an upper limit purchase price.

During several conversations with the owners of LHCC one or more of those individuals was able to gather an enormous amount of information on the course. It was not until January 4th, 2022 that the owners gave, in writing, the parameters of what they would accept from the town in order to enter a purchase and sale agreement. That information was discussed during the executive session of January 4th 2022. And during that meeting the BOS voted unanimously to accept the parameters and 'get the deal done.'

The reason we are planning to call a special town meeting is to ask the voters to approve the purchase of the LHCC, at the price of 2.3 K. The owners also stipulated a return date of February 28th 2022 to commit to the offer.

The purchase of real property by a municipality is governed by law, and it includes that town meeting must approve such purchase. So the deal is not 'done' until the Town meeting approves it.

There are several details of the offer that need to be ironed out, including how to finance the purchase, as well as finding a professional management team to manage the course, among other things.

Toward that end the Community Preservation Committee has graciously agreed to hear a preliminary, but detailed request at its meeting tomorrow night to finance the purchase. That, of course, is not the only option available to the town because of our excellent bond rating and stable financial position. Bond counsel has been given the details of the proposed purchase and that would also be an acceptable method of providing the funds for the purchase.

After tonight we will release a 2 page PR color document which gives a brief overview of the benefits of purchasing the course, and holding it as recreational land, which is also open space. That will be posted on the town website.

We plan on having an informational meeting for the townspeople to learn about the proposed purchase and its benefit to the Town.

Exhibit 5

**TOWN OF WAREHAM
NOTICE OF MEETING
WAREHAM COMMUNITY PRESERVATION COMMITTEE AGENDA**

DAY & DATE: Wednesday, January 12, 2022
TIME: 6:00 PM
PLACE: Room 24, Town Hall

AGENDA

- I. CALL THE MEETING TO ORDER**
- II. ROLL CALL**
- III. CPC MATTERS:**
 - 1. CPC Meeting Minutes to approve:**
 - i. October 13, 2021 (Recorded by Sandy Slavin)**
 - ii. December 8, 2021 (Recorded by Sherbie Worthen)**
 - iii. Approved Minutes missing from Webpage for Signature and Posting**
 - 2. Financial: Review / Approve pending Invoices**
 - 3. CPC Webpage Updates**
 - 4. Project Tracking Update – requested changes and timing**
 - 5. CPC Requests Update (to Derek Sullivan):**
 - i. CPA Agreement Update**
 - ii. Software availability**
 - iii. Tremont Nail Factory Historic Sign Storing and Restoration Update**
 - 6. CPA Grant Application Revision Updates**
 - 7. 2019 Community Preservation Plan Updates**
 - 8. Outstanding Restrictions for CPA Funded Projects – CP-3 Report**
 - 9. Begin discussion on CPA Grant Applications received for Spring TM**
- IV. ANY OTHER BUSINESS (Unanticipated Items)**
- V. NEXT MEETING DATE AND TIME**
- VI. ADJOURNMENT**

Exhibit 6

Community Preservation Committee
January 12, 2022
Rm 23, Town Hall

Present: Joan Kinniburgh, Chair, Sam Corbitt, Linda Scharf, Sandy Slavin, Treasurer, Barbara Smith, Sherbie Worthen, Clerk

Absent: Jean Connaughton

Guests: Judith Whiteside, Alan Slavin, Bernie Pigeon, Jim Ghiberti, George Barrett, Chloe Shelford, Wareham Week

Call to Order: Joan Kinniburgh opened the meeting at 6:00pm.

Minutes:

- **10/13/21-** Barbara Smith moved to approve. Sam Corbitt seconded. **Vote: 5-0-1.**
- **12/8/21 -** Sandy Slavin moved to approve. Corbitt seconded. **Vote: 6-0-0.** Approved Minutes will be re-signed and posted on Webpage.

Invoices Approved:

1. Youth Soccer Goal Posts: \$1,838.36. Wareham Youth Soccer Fields at Westfield (Fall TM 2019)
2. TAKEOFFS INC: \$2,125.00. Wareham Housing Authority, New Housing Units at Agawam Village (Spring TM 2019)

Web Updates: Have been posted. Financials reported. New Application due dates approved and posted. Project Tracking: Sponsor organization updates have been added.

CPC Requests:

- Dave Menard has been assigned by Derek Sullivan to work on CPA agreements, one for Town projects, one for non-Town projects. To be reviewed at next meeting.
- There are no discounts on software for volunteer committees.
- Tremont Nail signs may be removed by Town or by a third party. Question raised if CPC Administration funds may be used to cover removal costs.

Select Board Request for \$2,300,000 under *Open Space/Recreation* to purchase Little Harbor Country Club (LHCC) from current owners before February 28, 2022. A special Town Meeting will be held on February 22nd to determine the fate of LHCC. Judith Whiteside, Select Board Chair, presented for Derek Sullivan. Ms. Whiteside, Mr. Sullivan and Atty Bowen researched necessary information. The Town would write an RFP for a professional management company to run the Golf Course. The management company's goal will be to make money. They will run a marketing campaign and hopefully will continue to support charitable events for Town nonprofits and businesses. Ms. Whiteside touted the many

social and health benefits to the community. If the Town does not purchase the golf course it could fall to a housing developer.

Keeping open space will help protect the area's wild life and green and wooded spaces. The Buzzards Bay Coalition would be a partner in preserving and migrating the salt marsh as a buffer to storm surge. Ms. Whiteside said there were no issues with soil samples tested semi-annually. She mentioned the school system restarting a golf program and opportunities for cross country skiing. A municipal course could offer special rates to expand resident participation.

Committee Members Concerns:

A wide range of issues was expressed by CPC Board members. In summary, these included:

- Costs to maintain and repair old equipment such as Irrigation and sprinkler systems
- Will LHCC become a money pit for the town?
- Town's bad reputation for running programs i.e., history in running golf course previously (now Bay Pointe) and bankruptcy, ongoing expenses for Tremont Nail.
- Many residents lack resources to participate
- No appraisal of land - required for municipalities as per CPA Legislation
- No budget page
- No financial information from owners. No financial goals for Town.
- No Financial Proforma Projections for Income and Expense to determine level of profitability and possibility of taxpayers absorbing ongoing maintenance costs.
- No research into Conservation Restriction; what it entails, who would be the holder.
- Exorbitant funding request will drastically deplete CPC resources
- What happens to LHCC if it fails, flooding is strong possibility.

Ms. Whiteside and other attendees admitted town's past mistakes but claimed this was a new day and lessons had been learned. Regarding CPC funds, Ms. Slavin said bonding could cover some of the costs with a smaller up-front payment. Ms. Kinniburgh recommended that Ms. Whiteside contact Stuart Saginor, Executive Director of the Community Preservation Coalition if doubts remained about the requirement for the appraisal, and that Mr. Saginor can provide a list of appropriate Appraisal Firms. Ms. Whiteside will answer committee's questions before the January 26th CPC meeting.

2019 Community Preservation Plan Updates: to be discussed later.

CPC Task List: Kinniburgh distributed a detailed Task List, noting opportunities for committee members such as: Updating CPC webpage; Project Tracking; Maintaining Open Project files. One-time projects include; obtaining Restriction Information on Closed Projects; working on CPA Grant Agreement; working with Matt Underhill on online Fillable Grant Application. A Wish List includes; Marketing; Expanding Web Page Information; CPC members "adopting" a project for monitoring; Holding multiple public hearings and hiring a CPC administrator (with available Admin funds) to perform many of the above listed tasks.

Next Meeting: Wednesday, January 26, probably on Zoom if Matt Underhill can assist, either at 5 or 6pm. Jean Connaughton could participate. Scharf will be telephone only.

Adjournment: Slavin moved to adjourn at 8:30pm. Scharf seconded. Vote: 6-0-0.

Respectfully submitted by Sherbie Worthen, Clerk

Sherbie Worthen, 3/10/22

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 03/10/22 BY 60322 UCBAW



**TOWN OF WAREHAM
BOARD OF SELECTMEN**

54 Marlon Road
Wareham, MA 02571

WAREHAM TOWN CLERK
2022 JAN 12 10:47



NOTICE OF FEBRUARY 22, 2022 SPECIAL TOWN MEETING

Commonwealth of Massachusetts
Plymouth, s.s.

To either of the Constables of the Town of Wareham

Greetings:

In the name of the Commonwealth of Massachusetts and in accordance with the provisions of Division I, Article I, Section 2, of the By-Laws of the Town of Wareham, amended, you are hereby directed to notify and warn the legal voters of the Town of Wareham that a Special Town Meeting has been called by the Board of Selectmen to be held at 7:00 P.M. on Tuesday, February 22, 2022 at which time the business of the Town Meeting shall be transacted. The Warrant for said Special Town Meeting shall open on January 14, 2022. The last day for submission of articles to the Office of the Board of Selectmen at the above address to be inserted in the Warrant is Tuesday, January 25, 2022.

The Warrant for this meeting will close on Tuesday, January 25, 2022.

And you are hereby directed to post this notice upon the Town's principal bulletin board on or before Friday, January 14, 2022.


Hereof fail not and make due return of this posting with your doings thereon to the Town Clerk.

Given under our hands at Wareham this 11th day of January in the year 2022.

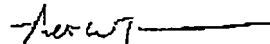
A True Copy
Attest.

WAREHAM BOARD OF SELECTMEN

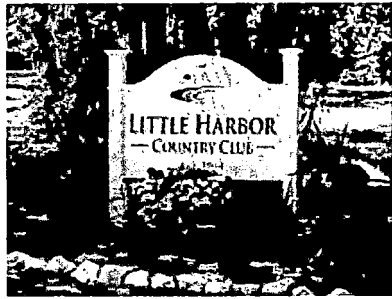

Judith Whiteside, Chairman


Patrick G. Tropeano, Clerk

Alan H. Slavin


Peter W. Teitelbaum, Esq.

James M. Munise



LITTLE HARBOR GOLF COURSE

***A SOCIAL, HEALTH, ENVIRONMENTAL,
AND ECONOMIC INVESTMENT
IN OUR COMMUNITY***

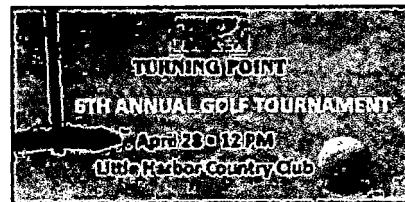
THE COURSE: Little Harbor Golf Course has been a part of the Wareham community since 1964. It is an 18 hole Executive Golf Course with a Par 56 and a 79 slope rating. The holes range in distance from 100 yards to 291 yards with a total yardage of 3038. The average round takes about 3 and 1/4 hours. The



course has consistently gotten rave reviews for

its excellent conditions. The Golf Pro offers lessons at all skill levels. Located inside the clubhouse is a Pro Shop and Snack Bar. There is a putting green near the clubhouse available for practice. The Little Harbor Country Club accommodates family and corporate outings, other events, and tournaments.

SOCIAL: A municipal golf course will provide more affordable recreation to residents of Wareham. For some, Little Harbor will be where golfers play for the first time, and it will be accessible to our citizens of all ages, backgrounds, and demographics. Friends can meet to play rounds, and the course and clubhouse are great locations to meet new people. Little Harbor Golf Course is family-friendly and offers individual and group lessons to golfers. As a Town course, it will provide a location for school golf teams to practice and play competitively. Playing team golf can develop sportsmanship, integrity, self-control, and confidence in our students. A variety of leagues play regularly at municipal golf courses, and many non-profits hold tournaments for fundraisers and recruit new members there. Town-owned golf courses offer residents special memberships and often preferred tee times.



HEALTH: Golf provides a variety of health benefits, both physical and mental, for players in all age categories.



Playing 18 holes of golf can take three or more hours. Walking just 30 minutes a day is recommended by most physicians. An average golf course includes a 3 to 6 mile walk depending on the layout of the course and amount of walking from the clubhouse to the tee, walking around at each green and tee, and of course in possibly searching for lost balls! Exercise overall strengthens the core, muscles and bones, and improves blood pressure and cardiovascular health. Depending on how much you walk and how often you swing, the course is a good, and relatively slower-paced form of exercise. Golfing has also been reported to reduce stress and provide relaxation through the enjoyment of nature and friendships. Little Harbor Golf Course is good for your health!



ENVIRONMENTAL: Because of its location, the course at Little Harbor is a natural ecosystem and a sanctuary for local wildlife. Much of the course is considered out of bounds and non-play areas encompassing water features, natural grasses, trees and shrubs, including pitch pines. Ospreys, hawks, and owls live close by and deer are often seen roaming the fairways. The open space is beautifully preserved. The turf that covers the open space prevents



erosion of the topsoil in the sensitive areas close to water bodies and close to the marsh and harbor. Turf also absorbs and filters rainwater which prevents runoff and helps to clarify groundwater. The surrounding woodland conservation areas enhance the golf course as well. The Town will ensure that the course groundskeepers will follow the best management practices and guidelines for environmental sustainability to maintain and even improve the current ecosystem.



ECONOMIC: Most towns on Cape Cod own golf courses. While the main purpose of ownership is to provide affordable recreation facilities to its citizens, towns also profit from these business ventures. Successful municipal golf courses are managed by outside professional companies that have proven records of making the businesses profitable through course management, use of the venue for special events, and a strong public relations program. Such public relations programs, including one in Wareham, would incorporate tourism as a vital component to attract revenue. While Wareham residents will benefit the most from using the course, tourists will be welcome. The courses will also provide a source of employment for residents. Municipal courses make the sport affordable to all of its citizens first and foremost. The purchase of Little Harbor Country Club is clearly in the best interest of every citizen of Wareham.



Objectives

- Primary goal is for the Town protect the existing open space in perpetuity, preventing any development
- Secondary goal is to continue the operation of the golf course, as long as it is self sufficient and not a financial burden on the Town
- Third goal is to have flexibility for other recreational activities on the property, if the golf course is abandoned

"We are proposing to buy a wonderful piece of property in the town of Wareham, to ensure that it remains open space, that happens to have a golf course on it at this time..."

Managing the Golf Course

- The town will outsource the day-to-day management to professional golf course managers
 - The town has no desire to manage a golf course
 - A 'golf course committee' will likely be recommended at the April Town Meeting.
 - The Town Administrator is ultimately responsible for the relationship between the town and a golf course management company
- RFPs will be issued for the management contract by the Town Administrator's office
 - The Board of Selectman will have final approval authority
- Contract will be structured to eliminate any possible operational costs to the town
 - Typical management contracts put responsibility of profitability completely upon the management company, guaranteeing that the town is not exposed

Exhibit 13:

Community Preservation Committee

Town Hall Rm 24

Minutes

February 23, 2022

Present: Joan Kinniburgh, Chair, Sam Corbitt, Linda Scharf, Sandy Slavin, Treasurer, Barbara Smith, Sherbie Worthen, Clerk

Absent: Jean Connaugh **Guest:** Nanette Perkins, The 801 Village

Call to Order: Joan Kinniburgh opened meeting at 6:00pm:

Roll Call: See above

CPA Grant Applications for Spring Town Meeting:

- 1. 801 Village (Affordable Housing) Request for \$300,000 for 801 Village, ties into 815 Main St. \$300,000 request is 11% of \$2.8million total. DHCD does not like to limit recipients to local presence. Ms. Perkins is working closely with Jacqui Hickey at the Wareham Housing Authority to explore a lower 30% AMI threshold. The 801 buildings include a barn with 3 bedrooms, a house that is already rented and 5 other units to be built with one-year leases that will renew automatically. All families, single individuals and seniors are eligible. There will be one or two one-bedroom units that are first floor accessible and ADA compliant. Sandy Slavin moved we accept the project and submit it for Spring Town Meeting using Affordable Housing Reserve funds. Barbara Smith seconded. **Vote: 6-0-0****
- 2. Removal of Tremont Nail Factory Signs: Received for Special Spring Town Meeting:** Request from Derek Sullivan for \$20,000 to remove and store 4 Factory Roof Top and Office signs and the bell tower. Project will go out to bid. Storage will be required. Erin Kelley, Director of PRESERVATION MASS can recommend restorers. Slavin moved to approve \$20,000 funds from Historic Preservation Reserve at the Special Spring Town Meeting. Sam Corbitt seconded. **Vote: 6-0-0.**

Reserve Funds for FY '23

The 3% local surcharge is estimated at \$910,000. Anticipated State match is \$530,000, and interest is estimated at \$10,000, for a Total Estimated FY '23 Income of \$1,450,000. Reserves: 10% reserves estimated at \$145,000 each for Open Space/Recreation, Historic Preservation and Affordable Housing, and 5% reserve estimated at \$72,500 for Administration. Total of \$507,500 in reserves. Slavin moved to submit warrant article for \$507,500 for Reserves for Spring Town Meeting. Smith seconded. **Vote: 6-0-0.**

Return Unused Funds:

Lopes Field Engineering, a closed project, funded at 2016 Fall Town Meeting, Article #17, is returning unused funds of \$56,325 to Open Space Reserves. Slavin moved to return \$56,325 at the Special Spring Town Meeting. Corbitt seconded. **Vote: 6-0-0.**

March 1st is deadline for submitting Warrant Articles. The Mobi Mats Application was approved at the February 9th Meeting for Special Spring Town Meeting.

Minutes, 2-9-22 Slavin moved approval of minutes with modified date. Corbitt seconded. **Vote: 6-0-0.**

Financial Report:

1. Request for \$397.91 invoice for Kiosks at Minot Forest
2. Request for \$80 invoice for ad from Gatehouse Media

SureCran Proposal for Solar installation. Town received request to purchase 1.25 acres from 61A to Solar. The piece of property appears landlocked, without viable parking or public access. CPC expressed no interest in purchase. Kinniburgh will notify town.

Historical Site Signs Replacements: A packet was received from the Onset Bay Association with a request to replace the worn historical site signs and for brochure printing. The current signs denote a letter that corresponds to a historic description in the brochure. Suggestions that the signs include a description to enhance ease of use for residents and tourists who won't have the brochure, or reference an App for more information. Since the signs are on Town property, an application must come from TA, Derek Sullivan for his support. Kinniburgh to send link to Application to Kat Jones if she chooses to fill out the application to send to Mr. Sullivan to speed up the process.

CPC Project Submission Dates: Suggestion and Agreement to return to former Application Due Dates of the Second Tuesday in June and Second Tuesday in December.

Next Meeting: March 23, 2022, 6pm, Town Hall, Rm 24.

Adjournment: Slavin moved to adjourn at 7:20pm. Corbitt seconded. **Vote: 6-0-0.**

Respectfully submitted by Sherbie Worthen, Clerk

Sherbie Worthen, 3/30/22

Exhibit 14:

**TOWN OF WAREHAM
NOTICE OF MEETING
WAREHAM COMMUNITY PRESERVATION COMMITTEE AGENDA**

DAY & DATE: Wednesday, February 23, 2022

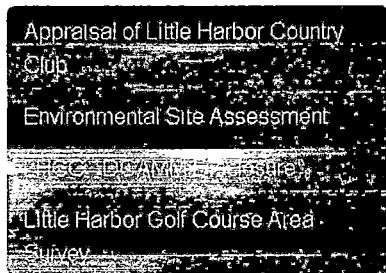
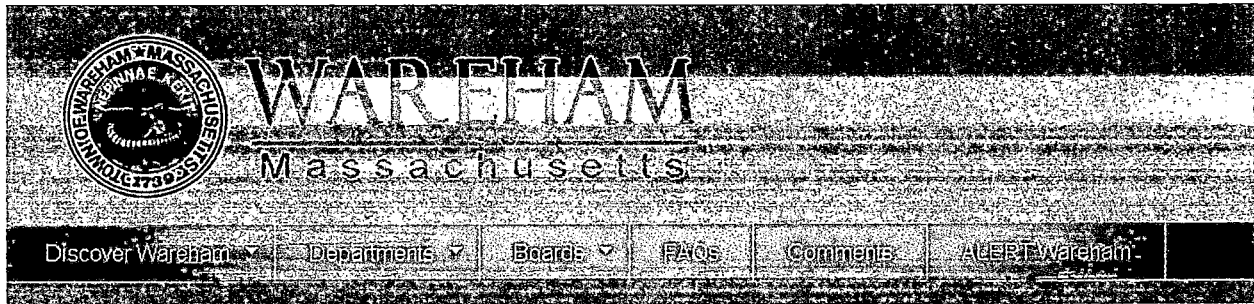
TIME: 6:00 PM

PLACE: Room 24, Town Hall, 54 Marion Road, Wareham, MA 02571

AGENDA

- I. CALL THE MEETING TO ORDER
- II. ROLL CALL
- III. CPC MATTERS:
 1. CPA Grant Applications:
 - 1) Received for Spring TM:
 - i. The 801 Village (Affordable Housing) – Discuss & Vote
 - 2) Received for Special Spring TM:
 - i. Removal of Tremont Nail Factory Signs – Discuss & Vote
 - Warrant Articles:
 - b. For Spring TM:
 - i. The 801 Village – Discuss & Vote (if Grant Application is approved)
 - ii. FY23 Reserves – Discuss & Vote
 - c. For Special Spring TM:
 - i. Public Beach Mobility Access Mats – Discuss & Vote
 - ii. Removal of Tremont Nail Factory Signs – Discuss & Vote (if Grant application is approved)
 - iii. Return Unused Funds – Discuss & Vote
 3. Minutes: Review/Approve 2/9/2022 Meeting Minutes
 4. Financial: Review / Approve pending Invoices
- IV. ANY OTHER BUSINESS (Unanticipated Items)
- V. NEXT MEETING DATE AND TIME
- VI. ADJOURNMENT

Exhibit 15:



Home » Boards



Little Harbor Golf Course Advisory Committee

Contact Info

Hours of Operation:
email:
LittleHarborGolf@wareham.ma.us

Little Harbor

To ensure that the transition of Little Harbor Country Club, from a privately owned golf course, to a Town owned facility goes smoothly. The committee shall consist of 5 members, appointed by the Board of Selectmen. The committee shall be advisory in nature, and have no authority.

Member	Position	Term
James R. Giberti	Chairman	12/31/2022
Peter Hasenfuss	Clerk	12/31/2022
Thomas Hannon		12/31/2022
George Barrett		12/31/2022
Brett Labonte		12/31/2022

Exhibit 16:

From: eckstromkenbren@aol.com,
To: clerk@wareham.ma.us, mbissonnette@wareham.ma.us, dsullivan@wareham.ma.us, jwhiteside@wareham.ma.us,
Subject: Golf Course Purchase
Date: Thu, Mar 31, 2022 4:25 pm

Please accept this as a Public Records Request in accordance with MGL, Ch. 66, ss 10.

I would appreciate copies in electronic format if available of the following:

- The appraisal the Town Received in the Town's name;
- The completed Environmental Site Assessment
- The completed perimeter survey of Little Harbor

A copy of the executed Memorandum of Understanding for a conservation restriction with a qualified organization and

A copy of the RFP that has been put out for a management company for Little Harbor.

Any correspondence between the Chairman of the Board of Selectmen and / or the Town Administrator and the Chairman of the Community Preservation Committee regarding this purchase.

Thank you for your prompt attention to this matter.

Brenda Eckstrom

From: eckstromkenbren@aol.com,

To: clerk@wareham.ma.us, mbissonnette@wareham.ma.us, dsullivan@wareham.ma.us, jwhiteside@wareham.ma.us,

Subject: Golf Course Purchase - Con't

Date: Thu, Mar 31, 2022 8:52 pm

I'm sorry, but I would also like the copy of the Purchase and sale agreement that I believe was signed at some point after Town Meeting.

Thank you

-----Original Message-----

From: eckstromkenbren@aol.com

To: clerk@wareham.ma.us <clerk@wareham.ma.us>; mbissonnette@wareham.ma.us <mbissonnette@wareham.ma.us>; dsullivan@wareham.ma.us <dsullivan@wareham.ma.us>; jwhiteside@wareham.ma.us <jwhiteside@wareham.ma.us> **Sent:** Thu, Mar 31, 2022 4:25 pm **Subject:** Golf Course Purchase

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Any correspondence between the Chairman of the Board of Selectmen and / or the Town Administrator and the Chairman of the Community Preservation Committee regarding this purchase.

Thank you for your prompt attention to this matter.

Brenda Eckstrom

From: eckstromkenbren@aol.com,
To: dsullivan@wareham.ma.us, clerk@wareham.ma.us,
Subject: Fwd: Follow-up on a Public Records
Request **Date:** Thu, May 12, 2022 11:20
am

Hellooooo? Purchase & Sale? Can you please send it? Also, have you executed the sale? If so, may I please have a copy of the executed contract?

Thank you!

Brenda

-----Original Message-----

From: eckstromkenbren@aol.com
To: dsullivan@wareham.ma.us <dsullivan@wareham.ma.us>; clerk@wareham.ma.us
<clerk@wareham.ma.us> **Sent:** Wed, May 4, 2022 9:59 am
Subject: Follow-up on a Public Records Request

Derek,

I put in a request over a month ago regarding golf course information. I received no response. Subsequently, I found most of what I requested on the Town's website, EXCEPT the Purchase & Sale agreement. I would appreciate a copy of that, and I may as well add a copy of the executed Sales contract, as you have probably got that done by now. Thanks,

Brenda

Exhibit: 17

SUMMARY OF PROPOSED LITTLE HARBOR COUNTRY CLUB

The Town of Wareham wishes to Purchase Little Harbor Country Club and have it remain as a golf course and **open space**. It is a proposed purchase which addresses the quality of life for our residents, as it preserves open space. In the Wareham Master Plan of 2020 retaining and expanding open space is a critical objective. In the last several years the Town has been able to add minimally to open space, as the result of the growth of solar fields. The Town voted to accept the Community Preservation Act in 2002, with one of the goals of providing funds for open space/recreation.

The **purchase price is \$2,300,000** which includes the **54-acre** course as well as all the maintenance equipment and the golf carts.

The course has been a **community amenity** since its opening in 1960. It is a well-maintained, Wareham family operated course adjacent to Little Harbor Beach, the only 'residents only' beach in Wareham. It has served our younger generation as a learning experience, an older generation being able to get a round in for relaxation, and our 'older' generation enjoying a leisurely round with friends.

The reason for the sale is that the owners (second and third generations of the founder's family) wish to retire (second generation) and have no interest in continuing to run the course (3rd generation). The owners have had many offers, including offers to from those who would build several units of housing. The owners really want the land to remain a golf course (**recreational land**), as well as **open space**.

The Town must hold a Town Meeting (a Special Town Meeting scheduled for Tuesday February 22, 2022) to vote to purchase the course. The Town has several options available to provide funding for the purchase, which include Community Preservation Funds, issuing a bond, and using some free cash. (Examples below)

The Town will own the course and equipment. The Town will issue an RFP (request for proposal) to engage a **professional management company** to operate the course. (We have researched several companies, but it must be put out to bid.) The contract will likely be for between 3-5 years and will have a profit sharing component. In using a private, professional management company the Town is minimizing any potential mismanagement, such as that experienced in the Wareham/Bay Pointe course. Having a private management company incentivizes them to be proactive in advertising and promoting Little Harbor Golf Course. This course is the only one on the Southcoast that has the longest open season, April 1 to December.

Funds to operate the course will come primarily from income from rounds played and cart rental. The management company will get that income up to a certain amount, (the contract amount) and then split the 'overage' with the Town on a profit-sharing basis.

The Town will be responsible for the purchase and replacement of carts and any turf equipment that needs to be purchased on a replacement basis, and those funds will come from the 'overage' income, from profit sharing proceeds. An equipment replacement plan will be developed with the professional management company.

Using Community Preservation Funds requires a conservation restriction be placed on the real property. That will ensure the **property be recreation and/or open space in perpetuity**. It is a requirement that a third party (neutral) hold that Conservation Restriction. The Town is exploring which entity would serve as CR holder.

THE COST OF THE ACQUISITION, AND SOURCES OF FUNDING.

Possible financing scenario one

Cost	\$2,300,000	(54 acres, plus approximately \$150,000 to 200,000 of carts and equipment)
	50,000 (?)	to replace failed septic system (best estimate)
	<u>10,000 (?)</u>	to have land surveyed. (best estimate)
	\$2,360,000	

Funds available from CPA (Community Preservation Act, using these funds will not add any cost to the taxpayer, as these funds have already been collected in taxes and are on deposit, recorded with the CPC. **NO ADDITIONAL COST TO THE TAXPAYER.**

Funds from borrowing (BOND rates are increasing, approximately 4%, best guesstimate)

Possible financing scenario two

\$1,300,000	CPA Funds (no cost to town, as funds are available)
1,000,000	Bond (with the possibility of CPA funds paying principal and interest)
<u>300,000</u>	Free Cash (for unexpected costs related to acquisition)
2,600,000	

Example of Management company set-up

Contract with ABC professional management \$50,000

Income from golf activities 100,000

Town and company will split (not yet determined the percentages.) the \$50,000 net profit (example only)

What if the course does **NOT** generate \$50,000 in income?

The town loses nothing, because the ABC company has agreed to the amount they bid, and the risk is all theirs. Obviously, it makes sense that ABC company will want to advertise, generate new business, and generate **MORE** than the \$50,000.

The management company is on a contract basis.....and it will hire all employees. There will be NO town employees, therefore no payroll, benefits etc. charged to the Town.

Exhibit 20:

Richard Bowen <richbowen1@hotmail.com>

4/1/2022 8:22 PM

Re: MGLs and CPA Funding for LHCC

To JOAN KINNIBURGH <shellpoint1@comcast.net> Copy Judith Whiteside <jwhiteside@wareham.ma.us> • BOS <bos@wareham.ma.us> • Derek Sullivan <dsullivan@wareham.ma.us> • Sandra Slavin <asslavin@aim.com> • Sherbie Worthen <sherbiworthen@gmail.com> • Sam Corbitt <scorbitt10@gmail.com> • Barbara Smith <barbara_smith01@hotmail.com> • Linda Scharf <stoneleafmoon@gmail.com> • Jean Connaughton <rec369@icloud.com>

Ah. Solo member effort. Thanks. When the CPC discusses and votes, please keep me posted! I leave this in the hands of all of you political officials until otherwise directed. Best wishes to all...

Sent from my iPhone

On Apr 1, 2022, at 7:42 PM, JOAN KINNIBURGH <shellpoint1@comcast.net> wrote:

An incorrect assumption. No one has voted to withhold funds, but MGL c.44 § 12(b) has been brought up and has not been addressed. This is the appropriate due diligence that should have been done by the CPC but could not be accomplished in the expedited timetable pushed through, and which is now coming to light and should be discussed. Following MA CPA law requires a vote?

On 04/01/2022 7:00 PM Richard Bowen <richbowen1@hotmail.com> wrote:

Gentlepersons,
I gather from Ms. Kinniburgh's response that the CPC has already voted to authorize her to withhold funds. I would appreciate receiving the minutes so I that I may review the specific concerns discussed and voted. Thanks.
Rich

On Apr 1, 2022, at 6:24 PM, JOAN KINNIBURGH <shellpoint1@comcast.net> wrote:

I don't believe that neither I nor the CPC misunderstand the appropriate use of CPA funding. The response does not address the requirements listed in MGL c.44 § 12(b) but, in order to be in compliance with OML, if you are still interested in using CPA funds, please set up a meeting with CPC to discuss. There may be some options.

Thank you

On 04/01/2022 1:26 PM Judith Whiteside <jwhiteside@wareham.ma.us> wrote:

PLEASE DO NOT RESPOND. THIS IS FOR INFORMATIONAL PURPOSES ONLY.

I am forwarding this email from our Town Counsel, who is our authority on the law.

I believe the contents should clear up any misunderstanding you or your committee have about the appropriate use of CPA funding.

Thank you

*Judith Whiteside
Selectmen, Chair
Town of Wareham*

From: Richard Bowen <richbowen1@hotmail.com>
Sent: Friday, April 1, 2022 12:33:21 PM
To: BOS; Derek Sullivan
Subject: Re: MGLs and CPA Funding for LHCC

Gentlepersons,

The Town will both own and manage the LHCC property. As as per Section 4-2(k) of the Charter, the Town Administrator will have management authority and control over the property.

Since no one expects the Town Administrator to mow the fairways, tend greens, schedule tee times, rent carts and personally attend to other such tasks, he may retain an agent or agents to assist him in the property's operation to the extent that he, as the manager in fact and law, deems appropriate.

Rich

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: JOAN KINNIBURGH <shellpoint1@comcast.net>
Date: 4/1/22 11:59 AM (GMT-05:00)
To: Jim Munise <JMunise@wareham.ma.us>, Alan Slavin <aslavin@wareham.ma.us>, Peter Teitelbaum <pteitelbaum@wareham.ma.us>, Patrick Tropeano <ptropeano@wareham.ma.us>, Judith Whiteside <JWhiteside@wareham.ma.us>
Cc: Jean Connaughton <rec369@icloud.com>, Sam Corbitt <scorbitt10@gmail.com>, Joan Kinniburgh <shellpoint1@comcast.net>, Linda Scharf <stoneleafmoon@gmail.com>, Sandra Slavin <asslavin@aim.com>, Barbara Smith <barbara_smith01@hotmail.com>, Sherbie Worthen <sherbieworthen@gmail.com>
Subject: MGLs and CPA Funding for LHCC

Wareham Board of Selectmen,

It has come to my attention via a telephone call late yesterday from Stuart Saginor, Executive Director of the Community Preservation Coalition, and I am notifying you immediately, that there is an issue, based on MGL c.44 § 12(b), as it relates to management of the LHCC, and perhaps to other Town-owned property, purchased with CPA funds.

MGL c.44 § 12(b) reads as follows:

(b) Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.

Included in the 2022 Special Town Meeting Warrant & Finance Committee Report (February 22, 2022) are several references in 'Unique Open Space Conservation Opportunity – Little Harbor Golf Course Property' and in an attached slide presentation that specifically state that the Town will not manage the property but will delegate the management to a professional golf management company.

It appears that Massachusetts General Laws require that property purchased by the Town with CPA funds must be managed by the Town or the Town may delegate management to the Conservation Commission, the Historical Commission, the Board of Park Commissioners or the Housing Authority or to a qualified nonprofit organization, but may not delegate management to a professional management company as the formulation of the Community Preservation Act did not envision purchasing land containing an ongoing commercial business and is not written to allow for such.

A further complication for the Town in requesting the use of CPA funds to a purchase land that contains a commercial sports business, rather than land for playgrounds, parks and athletic fields, is in the definition of 'Recreational Use' in MGL c.44 § 2. You will note that the definition for 'Open Space' includes the protection of land for recreational use. 'Recreational Use', however, is defined as 'non-commercial youth and adult sports.'

MGL c.44 § 2 reads as follows:

"Open space", shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

"Recreational use", active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.

Apologies for bringing these issues to light now but, as you will recall in my response of 1/6/2022 to Ms. Whiteside as the first notification that plans had been solidified by the Board of Selectmen to purchase LHCC using CPA funds, I cautioned about the complexity of this project, the fact that the CPC was not involved in formulating the funding and restriction aspects of the project plan that began in August 2021, and the insufficient time allotted to the CPC to perform the appropriate due diligence actions regarding the use of CPA funding for the LHCC project.

As I was notified last evening about the conflict with CPA MGLs and this project, I am notifying you immediately.

Best regards,
Joan

Joan Kinniburgh
Chair, CPC

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Exhibit 21:

GOLF ADVISORY COMMITTEE

LITTLE HARBOR GOLF

JIM GIBERTI – CHAIRMAN
PETER HASENFUSS – CLERK
GEORGE BARRETT
BRETT LABONTE
TOM HANNON

AGENDA

23 April 2022 @ 4:00
LITTLE HARBOR COUNTRY CLUB

1. Call Meeting to Order
2. Roll Call
3. Approve Minutes - 4/9 4/16
4. Old Business –
Course Name, Update on potential CR holder -BBC
5. New Business –
Management Company review – possibly have name
6. Old Business
Update on third green.
7. Next Meeting 4 Jun – Wed. 5:00 LHCC
8. Adjourn

Exhibit 22:

GOLF ADVISORY COMMITTEE

LITTLE HARBOR GOLF

JIM GIBERTI – CHAIRMAN
PETER HASENFUSS – CLERK
GEORGE BARRETT
BRETT LABONTE
TOM HANNON

AGENDA

27 April 2022 @ 6:00
ROOM 24

1. ATTEND CAPITAL PLANNING COMMITTEE MEETING.
2. Discussion re: funding concerns for LHCC that was overwhelmingly approved at Town Meeting and declared legal by R. Bowen the Town of Wareham's legal consul.
3. Adjourn