

Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Notice Agenda – Tuesday, March 1, 2022 at 7:00 p.m.

Instructions for call in option: at or before 7:00 p.m., call the phone number below and when prompted enter the Meeting ID number. The platform is Zoom Meetings.

Join online: <https://us02web.zoom.us/j/7846041861> (the online option will require a download).

Meeting ID: 784 604 1861

Passcode: 01082

Phone: 929-205-6099

Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda

- Approval of January 18, 2022, and February 1, 2022 Meeting Minutes
- Approval of One-Day Liquor License: Workshop 13- Friday, February 18, 2022, 6:30-10:30PM
- Approval of One-Day Liquor License: Workshop 13- Sunday, February 27, 2022, 2:00-4:00PM
- Approval of One-Day Liquor License: Workshop 13- Sunday, March 13, 2022, 7:00-10:30PM
- Approval of One-Day Liquor License: Workshop 13- Friday, March 18, 2022, 6:30-10:30PM
- Approval of One-Day Liquor License: Workshop 13- Friday, April 15, 2022, 6:30-10:30PM
- Special Event Permit Application: St. Aloysius Catholic School 5k- Saturday, May 14, 2022, 9:00AM-12:00PM @ Grenville Park

Scheduled Appearances

- 7:10 PM- Public Hearing for National Grid Pole Petition (#30513595- Church Street)
- Ware Public Schools- Update on Masking/COVID Protocols
- Board of Health- Update on Harm Reduction Programs & COVID-19 Test Kits

Old Business

- Discussion on Hardwick Ambulance Agreement

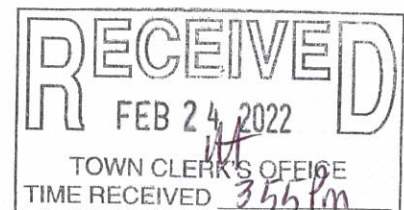
New Business

- Approval of Appointment to Housing Authority: SK Robinson
- Approval of Appointments to Youth/Community Center Committee: Briana Anair, Katlyn McGuigan
- Opening of Town Meeting Warrant
- Approval of Easement Release
- Set Public Hearing for Tuesday, March 15, 2022 at 7:05 PM for Application for Transfer of Liquor License #00012-RS-1326, CV License #5 (formerly held by GNK, Inc. d/b/a Astronaut Pizza House) to Yostina Farag d/b/a Adam's Pizza

Comments and Concerns of Citizens

Town Manager Report

Adjournment





Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, January 18, 2022, at 7:00 p.m.

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Join online: <https://us02web.zoom.us/j/7846041861> (the online option will require a download).

Meeting ID: 784 604 1861

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Present: Selectman Thomas H. Barnes, Vice-Chairman John J. Morrin, Selectman Caitlin M. McCarthy, Town Manager Stuart B. Beckley, Executive Assistant Christopher J. Nolan, Police Chief Shawn Crevier, Fire Chief/EMS Director Christopher Gagnon, DPW Director Chuck Niedzweicki, Lynn Nenni, Ken Willette, Terrance Smith, Devin Peterson, Catherine Cascio, Jennifer McMartin, Jack Cascio

Absent: Chairman Keith J. Kruckas, Selectman Nancy J. Talbot

Present via Zoom: Human Resource Director Justine Caggiano, Planning & Community Development Director Rob Watchilla, Eileen Kennedy from Ware River News, Stanley Ciukaj from Ware Community Television, Maxwell Williams

Meeting Opened by Vice-Chairman Morrin at 7:00 pm.

Opening Remarks, Announcements, and Agenda review by Chair

Selectman Barnes thanked the Fire Department for their response to several recent calls.

Selectman McCarthy recommended that residents visit Memorial Field off South Street for ice skating, which was recently opened.

Vice-Chairman Morrin wished good health to the two absent Board members.

Consent Agenda

- Approval of January 4, 2022 Meeting Minutes

Selectman Barnes made the motion to approve the Consent Agenda. Selectman McCarthy seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

Scheduled Appearances

- Approval of Appointment of HR Director, Justine Caggiano

- Mr. Beckley introduced Ms. Caggiano to the Board, stating that she had a very successful interview and was chosen as the best candidate for the job. If her appointment was approved, she would be set to begin working the next day.

Selectman Barnes made the motion to approve the appointment of Ms. Justine Caggiano to the position of HR Director. Selectman McCarthy seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

Old Business

- **Discussion on ARPA Funds, COVID-19 Rapid Test Kits, Essential Worker Bonuses**
 - Selectman McCarthy began by presenting her case that recent decisions by the Board had been made too hastily, and without public input.
 - Selectman McCarthy argued that the Board too willingly gave handouts to well-compensated employees from a small number of Departments, despite federal guidance on ARPA recommending that hazard pay, if approved, should be reserved for lower-income essential workers.
 - Chief Crevier argued that the Board had already approved the hazard pay to be applied retroactively, and therefore it needed no further consideration.

Selectman McCarthy made the motion for the Board to re-consider its previous vote on approving hazard pay stipends for Police, Fire, and Custodial workers in order to seek further public input. The motion was not seconded.

- Selectman McCarthy remarked that she stands alone on wanting to gather public input.
- Mr. Beckley directed the Board to a memo written by Mr. Nolan, encouraging the Board to approve spending \$16,000 in ARPA funds to purchase 864 COVID-19 Rapid Test Kits from the state as part of its new program.
- Vice-Chairman Morrin interjected that the federal government had launched a free program delivering these tests to citizens, and these could be requested for delivery from the Postal Service through the website; special.usps.com/testkits.
- Mr. Nolan noted that the memo had been written before the federal government's announcement, and that he would be comfortable with the Board tabling this discussion to be revisited at a future meeting as needed.

Selectman Barnes made the motion to table the discussion on ordering COVID-19 rapid test kits from the state with ARPA money. Selectman Morrin seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

- Vice-Chairman Morrin expressed displeasure with the issue at hand being framed as 'bonuses,' on the agenda, preferring them to be referred to as 'hazard pay.'
- He explained that hazard pay is meant to reward employees who put themselves at risk each day throughout the pandemic to serve the community, including Police, Fire, EMTs, Quaboag Connector drivers, and more.
- He also emphasized the importance of distinguishing which employees faced the most risk, versus which ones were at the least risk.
- Mr. Peterson noted that all Town personnel who were employed throughout the pandemic were expected to do their jobs at the same standard as usual.
 - Vice-Chairman Morrin interjected that not all jobs involve direct interaction with the public.
- Mr. Peterson stated that individuals do not live in bubbles, and that the mere act of entering a public building during the pandemic should be considered hazardous.

- Vice-Chairman Morrin retorted that hazard pay is only meant to compensate for the COVID-related risks that they faced at work as part of the expectations of their job.
- Ms. McMartin expressed that all personnel who were expected to work on-site at all throughout the duration of the pandemic should be entitled to hazard pay.
 - Mr. Peterson agreed, accusing the Board of giving preferential treatment toward some departments over others, which is potentially disastrous for the morale of those departments which do not receive special treatment.
- Chief Crevier argued that while the pandemic was challenging for everyone, the daily risk faced by members of the Police and Fire Departments was unmatched anywhere else.
- Ms. McMartin added that COVID transmission rates so far in 2022 are still reaching all time highs not seen at any point during 2020 or 2021.
- Mr. Smith noted that the Board voted in accordance with the State's Fiscal Recovery Fund, which also details that a very substantial portion of the Town's personnel could be considered eligible for such premium pay. He accused the Board of 'opening Pandora's box,' in the previous meeting by approving the first round of hazard pay for a small number of departments.
- Mr. Smith openly inquired whether the hazard pay risked affecting the retirements and pensions of awarded workers.
 - Vice-Chairman Morrin responded that he did not believe there would be any impact on employee pensions or retirement from the premium pay stipends.
- He also made the argument that the Finance Committee had specifically advised the Board of Selectmen against using ARPA funds toward hazard pay for Town employees.
 - Selectman McCarthy expressed agreement, stating that the Board had rushed its decision at the previous meeting without seeking adequate public input.
- Chief Crevier disputed this, arguing that the decision was not rushed when he has been arguing for it on behalf of his Department since July 2021.
- Ms. Cascio expressed her confusion over why Chairman Kruckas and Vice-Chairman Morrin were so vocally hesitant about approving ARPA spending on infrastructure at the Wastewater Treatment Plant in a previous meeting, but were more than willing to approve this controversial allotment toward hazard pay.
 - Vice-Chairman Morrin argued that his hesitation around approving large sums toward the WWTP project comes from his belief that there are other sources of funding which should be used for capital improvements before contributing ARPA money toward them.
- Ms. Cascio recognized that the Town's personnel were essential in sustaining the community through the pandemic, but that the Town's numerous infrastructure needs should be a higher priority. She additionally argued that it was unfair to grant one department hazard pay but not others who also had essential workers.
- Mr. Smith brought up a 150-page document released by the federal government which analyzes the definition of an 'essential' worker, and pointed out that the document states that municipalities using ARPA money to fund premium pay for such workers must seek public input.
- Mr. Smith noted that employees who earn above a certain salary level will need approval from the US Treasury before their hazard pay can be lawfully approved.
 - Vice-Chairman Morrin countered that the aforementioned document stated that approval from the Treasury for the premium pay of frontline workers in specific occupations would be justifiable and straightforward.
- Mr. Smith accused the Board of glazing over these numerous intricate details of federal policy concerning ARPA spending before they made their decision.
- Selectman McCarthy argued that the risks associated with an individual's job are accounted for in their regular pay, and that Town employees who work in hazardous situations are already compensated accordingly.
- She also expressed the wish to prioritize using ARPA funds in ways that will benefit the community's struggling residents and small businesses.
- Chief Gagnon reiterated that COVID posed a risk for a wide variety of workers, but that its effect

on Police, Fire, and EMTs was high to an unprecedented level.

- Chief Gagnon expressed his support for funding premium pay for all Town personnel who faced the risks associated with working on-site every day.
- Chief Gagnon also expressed support for broadening the dates of eligibility for receiving such pay, reminding the room that the pandemic is still ongoing.
- He stated that the Town has the obligation to financially appreciate its public servants, arguing that they are just as important to the community's wellbeing as any physical infrastructure.
 - Selectman McCarthy interjected that she was not opposed to providing hazard pay for essential personnel, but felt that the Board had approved too much, too quickly at the previous meeting. She expressed displeasure with other Board members' refusal to reconsider the decision.
- Chief Gagnon disagreed that the Board's decision had been made too hastily, describing the events leading up to the decision's approval.
 - Selectman McCarthy retorted that though hazard pay had been a topic of discussion for some time, the amount (\$7,500/employee), had been arrived at hastily as an impromptu compromise at the previous meeting between Chief Crevier's request (\$10,000/employee), and Chairman Kruckas' suggestion (\$5,000/employee).
- Vice-Chairman Morrin noted that the Board's previous decision had already been made, and that its best path forward was to work with the model set by it to equitably distribute hazard pay to remaining essential personnel.
- Selectman Barnes argued that the Board needed Mr. Beckley to provide a more comprehensive matrix outlining Town employees categorized by risk level to viral exposure.
 - Mr. Beckley interjected that he had already provided the Board with the matrix they had requested, and that he was not sure what the Board would like to see changed from his current version.
 - Vice-Chairman Morrin questioned why the Quaboag Connector's van drivers were grouped with the 'Moderate' risk category instead of 'High' risk.
 - Mr. Beckley answered that he thought the Board had restricted the 'High' risk category to those groups who had been awarded premium pay at the previous meeting.
 - Vice-Chairman Morrin replied that this was not the case.
- Vice-Chairman Morrin emphasized that hazard pay should be awarded to all personnel who worked on-site at any point during the months legally defined as the 'pandemic,' with allotment size based on the level of risk involved and the amount of time spent working on-site.
- Vice-Chairman Morrin also argued that as soon as the federal government's mask mandate ended in the Spring of 2021 in response to the availability of vaccines, the pandemic should be officially considered over, regardless of current transmission rates.
 - Mr. Peterson remarked that Vice-Chairman Morrin's model for determining who is entitled to hazard pay was illogical, referring to it as simultaneously 'stratified,' while also 'overly black and white.'
- Mr. Smith asserted that the Finance Committee's recommendations were completely ignored.
 - Vice-Chairman Morrin threatened to have Mr. Smith removed from the meeting if he continued speaking.
- Mr. Niedzweicki cited the work of the DPW, which has continually involved its employees needing to work in spaces together where social distancing is not possible. He argued that his workers deserve compensation for this risk.
 - Vice-Chairman Morrin emphasized the importance of evaluating the risk level of all employees in question by determining how much close exposure to others their occupation gave them.
- Mr. Smith continued to criticize the Board of Selectmen for making their decision regarding hazard pay hastily and without proper care.
 - Mr. Peterson encouraged Mr. Smith to calm down.

- Mr. Beckley cited 'Lost Revenue,' as the most flexible category of potential ARPA spending, stating that it could be considered applicable to almost any government service.
- Vice-Chairman Morrin argued in favor of using some of the money for covering the payroll for employees who called out using 'COVID Sick' time.
- Vice-Chairman Morrin also noted the possibility of funding COVID Sick time, even for periods of time after the mask mandate (and eligibility for hazard pay) ended.
 - Mr. Beckley emphasized the importance of ensuring that no 'post-COVID' employees would be included in this scenario.
- Chief Gagnon inquired about the possibility of using ARPA funding for the cost of ambulance calls that were directly related to COVID.
 - Vice-Chairman Morrin responded that this was an idea worth exploring.
- **Finance Committee, ARPA, Request for Community Meeting**
- Ms. Nenni noted that the Board of Selectmen held the authority to spend the Town's ARPA money as it saw fit, but that due to the size and scope of the money at hand, the Finance Committee would like to see them consider public input through scheduling a hearing.
- Mr. Peterson agreed, stating that the Board's decision at the previous meeting had proven to be highly unpopular with residents.
- Vice-Chairman Morrin expressed the wish for Mr. Beckley to provide an improved list of personnel based on risk exposure.
 - Selectman McCarthy retorted that Mr. Beckley had already provided the Board with all they needed from him, and that what they needed instead was to hear public input.
- Mr. Peterson reminded the Board of the Finance Committee's list of recommendations made to them regarding ARPA spending, and that hazard pay was explored as an option under the 'Still Looking' category, but not as a priority.
- Vice-Chairman Morrin insisted that Mr. Beckley provide the Board with a refined version of his list at the following meeting.
- Ms. McMartin asked if this list could be made public at the next meeting.
 - Mr. Beckley stated that he would ensure this happened.
- Selectman McCarthy argued that the public hearing needed to take place in a separate meeting, not part of a regular Board meeting.
- Vice-Chairman Morrin responded that he may support scheduling a public hearing by the next meeting if he felt he had received a better list from Mr. Beckley.
- Mr. Beckley pointed the Board to a spreadsheet provided to them designed by Mr. Nolan which outlined the approved ARPA spending so far. He noted that a major change since last time is its inclusion (in red) of a placeholder representing the ~\$1.5 million for the construction of the WWTP Influent Screen, which though not yet approved, is anticipated for approval.
- Vice-Chairman Morrin emphasized to Mr. Beckley that he would like to find and utilize alternative funding sources for the WWTP screen.
- Mr. Beckley reminded the Board that with what has been approved so far, the Town has \$2.2 million remaining in ARPA funds.
- He added that so far, three items had been approved for funding from ARPA.
 - The design phase of the Influent Screen Project at the WWTP (\$265,000)
 - The hiring of a Grants Coordinator (\$150,000)
 - The awarding of hazard pay to Police, Fire/EMS, and Custodial Staff who worked through the pandemic (\$296,250)

Selectman Barnes made the motion to table the discussion on ARPA, the Finance Committee, and the possibility of scheduling a Public Hearing to the February 1st meeting. Selectman McCarthy seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

New Business

• Review of Dumpster Fees (527 CMR Section 34)

- Chief Gagnon appeared before the Board to give a brief description of the Town's current policies regarding dumpsters.
- He noted that legally, dumpsters over 6 yards require a permit if they are placed for over 14 days.
- Chief Gagnon stated that in most cases, the commercial properties that utilize these larger dumpsters simply pay the \$50 annual fee and have no issues.
- However, the Town has suffered some disasters resulting from overutilized dumpsters igniting fires which then spread to other structures.
- Chief Gagnon informed the Board that the Fire Department annually brings in anywhere from \$1500-\$3500 from its Dumpster Permit fees.
- Chief Gagnon remarked on the importance of the Town keeping its regulations in line with the State and other municipalities.
- He also noted that most permanently-placed dumpsters are problem-free, but temporary placements performed by contractors tend to be more troublesome and violate codes.
- Mr. Beckley stated that the reason this item was on the agenda was because of a request from Chairman Kruckas to waive the \$50 annual fee, while keeping the remainder of the permitting process the same.
- Vice-Chairman Morrin stated that this request did not make much sense, as the current fee charged seems to be working fine.

Selectman Barnes made the motion to keep the current Dumpster fee and permitting process in place. Selectman McCarthy seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

• PCD Director Recommendations on Plowing and Sanding Unfinished Subdivision Roads- Winter 2021/22

- Mr. Beckley noted that Mr. Watchilla was present via Zoom, and Mr. Niedzweicki was in the meeting room, both of whom could answer any questions the Board had on this subject.
- Selectman Barnes asked Mr. Watchilla why he advised that Bel Air Drive be sanded this winter, but not plowed.
 - Mr. Watchilla answered that this road appears to have not had repairs in quite some time.
- Mr. Beckley emphasized that these recommendations help ensure that emergency vehicles can safely access all residents during winter weather, even if they live on private streets.

Selectman Barnes made the motion to approve the PCD Director's Recommendations on Plowing and Sanding Unfinished Subdivision Roads. Selectman McCarthy seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

Comments and Concerns of Citizens

- Ms. Cascio expressed to the Board her support for the Police and Fire Departments, but argued that their personnel are already well-compensated and did not need the hazard pay approved by the Board.
- Ms. Cascio asked if the allocation of ARPA funds for providing hazard pay to essential workers was in any way mandated.
 - Mr. Beckley replied that this spending was not in any way mandated or required.
- Ms. Cascio asked if it was possible to use the Town's ARPA money on the projects and needs of the school system.
 - Mr. Beckley answered that it was theoretically possible, but seen as unnecessary since the Schools received their own large pool of ARPA money.

- Ms. Cascio asked when the deadlines for allocating and spending the Town's ARPA money were.
 - Mr. Beckley responded that the money needs to be allocated by 2024, and spent by 2026.
- Ms. Cascio asked what the Finance Committee's statement had expressed regarding hazard pay.
 - Selectman McCarthy answered that the Finance Committee had advised against issuing hazard pay.
- Ms. Cascio asked if the decisions of the Board of Selectmen and the Finance Committee conflicted with one another.
 - Mr. Beckley replied that this was not the case, as the Board was still using the recommendations of the Finance Committee for guidance, and that the Finance Committee recognized the Board as having the final authority.
- Ms. Nenni expressed that the Finance Committee wished to prioritize using ARPA money to support the Town's infrastructure needs.
- Ms. Cascio asked if approving hazard pay for Town personnel meant that the Town risks having insufficient funds for other priorities expected to be funded by ARPA.
 - Vice-Chairman Morrin argued that this would not be the case, as the Town would responsibly allocate the \$2.9 million provided by ARPA.
 - Selectman McCarthy retorted that \$2.9 million was the initial amount, and that the Town no longer had this much money to allocate.
- Ms. Cascio expressed general discontentment with the Board for approving hazard pay at the previous meeting.
- Selectman Barnes announced that due to notification from State Senator Gobi and State Representative Smola that the Town could expect federal infrastructure money in the near future, the decision had been made to dissolve the Water Resources Committee.

Selectman Barnes made the motion to dissolve the Water Resources Committee until further funding becomes available. Selectman Morrin seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

- Mr. Smith interjected to protest this vote, arguing that it is counter-productive to dissolve this committee when a large incoming grant is expected involving the topic.
- Mr. Smith expressed general frustration and dissatisfaction with the leadership of the Board of Selectmen, and removed himself from the meeting.
- Selectman Barnes commented on the book he recently received from the Assessor's Office detailing the assessed values of each residential property in the Town.
 - Mr. Beckley added that in the case of a fire, the Town has well-established procedures for dealing with the finances and insurance.
- Selectman Barnes asked about the status of upgrading the East Street underpass sidewalk to meet ADA compliance guidelines.
- Mr. Beckley responded that the Town received one quote on this project for \$30,000, and that the project was anticipated, though not in winter.
- Selectman Barnes remarked that he continued to feel as though too much of Mr. Beckley's schedule was spent handling the operations of the Quaboag Connector transportation system.
 - Mr. Beckley responded that the hiring of Transportation Operations Supervisor Michael Dambrosio had significantly helped to shift the daily operations of this system out of the Town Manager's office, and that Mr. Dambrosio would continue to take on more and more of the tasks previously handled by that office.

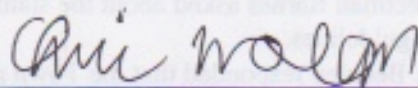
Town Manager Report

- Mr. Beckley stated that the Town had received a highly favorable bid of \$30,000 from Regional Resource Group Inc. to continue assisting in the Assessor's Office, as the Principal Assessor position has been vacant for several months.
- COVID-19 transmission rates in the community continue to be extremely high, as the outbreak fueled by the emergence of the Omicron variant has still not peaked. Mr. Beckley recommended that residents log on to www.covidtest.gov, where they can sign up to have free COVID rapid-test kits delivered to their homes by the US Postal Service.
- Mr. Beckley reminded residents that the increased water and sewer rates approved by the Board of Selectmen at their November 16, 2021 meeting, will take effect for the February bill.
- The East Street bridge/underpass is a challenge for winter maintenance, but the DPW is focused on pedestrian safety at this site.
- A structural inspection recently found the North Street bridge over Muddy Brook to be in a state of disrepair. A replacement of the bridge is planned for construction in the same fashion that the bridge on Old Belchertown Road recently was.
- Budget season is fast approaching, and Town Departments will be responsible for submitting their budget proposals in the near future.
- The Parks Commission would like to attend the February 1st meeting of the Board of Selectmen to discuss pool options, including the location of the site and whether an indoor or outdoor facility is preferred.
- Town Hall had repairs performed on its heating system the previous day, which would greatly improve its performance.
- Selectman Barnes asked for an update on the investigation regarding whether the Mary Lane Hospital facility will become taxable as Baystate continues to close down its on-site medical operations.
 - Mr. Beckley responded that the consultant working in the Assessor's Office had been set back due to an illness, but that he was working to explore this question with the Board of Assessors.
- Selectman McCarthy asked about the hours of operation for the skating rink at Memorial Field.
 - Mr. Beckley responded that free skate is open all day, while pickup hockey games generally take place from 7-10 PM.

Adjournment

Selectman Barnes made the motion at 8:22 p.m. to Adjourn the Regular Meeting. Selectman McCarthy seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Kruckas, Selectman Talbot).

Attest:



Christopher J. Nolan
Executive Assistant to Town Manager



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

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Present: Selectman Nancy J. Talbot, Chairman Keith J. Kruckas, Selectman Caitlin M. McCarthy, Vice-Chairman John J. Morrin, Town Manager Stuart B. Beckley, Executive Assistant Christopher J. Nolan, Fire Chief/Emergency Management Director Chris Gagnon, Parks Director John Piechota, William Imbier, Lynn Nenni, Ken Willette, Devin Peterson, Shaun Robinson, Antonio Porter, Kimberly Swarts, Bill Jackson, Alex Bergeron, Jennifer McMartin, Catherine Cascio, Jack Cascio

Absent: None

Present via Zoom: Selectman Thomas H. Barnes, Stanley Ciukaj from Ware Community Television, Eileen Kennedy from Ware River News, Hardwick Town Administrator Nicole Parker, Hardwick Selectman Julie Quink, Terrance Smith

Meeting Opened by Chairman Kruckas at 7:00 PM.

Opening Remarks, Announcements, and Agenda review by Chair

- Chairman Kruckas remarked that Selectman Barnes would be present via Zoom momentarily, but was experiencing technical difficulties.
- Chairman Kruckas apologized for his absence at the previous meeting, citing health issues.
- Chairman Kruckas expressed disapproval with the disorder of the previous meeting, and stated that all would be required to speak in the order of which they are called.

Consent Agenda

- Approval of January 18, 2022 Meeting Minutes

Selectman Talbot made the motion to approve the Consent Agenda. Selectman Barnes expressed his dissatisfaction with the January 18 Meeting Minutes, and stated he would like numerous items to be corrected before approval. Chairman Kruckas stated that the Board would be tabling this Consent Agenda to the following meeting.

Scheduled Appearances

- Town of Hardwick Board of Selectmen- Ambulance Agreement Update & Discussion

- Chairman Kruckas asked for the officials from the Town of Hardwick to provide the 6-month update listed in the agreement.
- Ms. Parker recognized the progress made by Hardwick's Ambulance Committee, and stated the their Town was considering a wide variety of options.
- She acknowledged the challenges associated with building an ambulance service from scratch in a small town, and thanked the Town of Ware for its agreement to serve residents of their town as well.
- Ms. Parker recognized that Ware's ambulances are currently experiencing an extremely high call volume, and while she could not make any guarantees on a timeline, she recognized that the Ambulance Agreement was a strain on Ware's emergency resources.
- Chairman Kruckas expressed that the situation was not the fault of Ms. Parker, but accused members of the Hardwick Board of Selectmen of being complacent with the current model.
- He argued that the strain being placed on Ware's emergency management services was having an adverse effect on the Town, and that the current setup was unsustainable.
- He expressed that the time Ware's ambulances were spending in Hardwick was causing Ware residents to have longer wait times during emergencies, and that the Agreement was not in the best interest of his community.
- He stated that Ware was experiencing more harm than benefits from this Agreement, and he recommended terminating it.
- Ms. Parker retorted that Hardwick had heavily compensated Ware at the beginning of the Agreement for the service that it was receiving, and that she was determined to see this be the final contract made with Ware for ambulance service.
- Chairman Kruckas responded that this made the Board's decision much easier.
- Chief Gagnon expressed agreement that health resources were very strained in Ware as a result of both the Mary Lane Hospital closure and record-high call volumes.
- He added that between serving Hardwick and transporting to Baystate Wing in Palmer, Ware ambulances were currently spending a great deal of time outside of Town.
- Chief Gagnon expressed his belief that at the start of the Agreement, Hardwick had good intentions to cultivate its own ambulance service. He also emphasized his department's determination to not suddenly leave its neighboring community without service but agreed with Chairman Kruckas about the unsustainability of the current Agreement.
- Chairman Kruckas noted the Board's obligation to vote on this matter before April 1st, which is the 90-day mark before the current Agreement expires.
- He emphasized Ware's flexibility and willingness to assist Hardwick in cultivating its own ambulance service, especially given their determination to not seek renewal this year.
- Hardwick Selectman Quink expressed that the current Agreement provides for five more months of service and expressed her belief that remaining issues could be resolved at the level of the Ambulance Committee, rather than the Board of Selectmen.
- Chairman Kruckas interjected with dissatisfaction, accusing Hardwick of making no progress on this issue.
- Selectman Quink continued that while Ware has the advantage of a full-time Fire Department and Emergency Management staff, Hardwick is a much smaller community with fewer resources.
- Chairman Kruckas interrupted that he felt Hardwick was failing to take action, which could have deadly consequences if delays in service resulting from the Agreement continue.
- Selectman Quink added that the current health-related struggles facing Ware were mutual to both towns and reiterated that Hardwick was making progress with the Ambulance Committee, which she implored to reconvene.
- Chairman Kruckas asked how many meetings the Ambulance Committee had held.

- Selectman Quink estimated that the answer was five or six, but that the Chair would need to be consulted for an exact number.
- Selectman Quink emphasized her openness about her positions on the Hardwick Board of Selectmen, the Ambulance Committee, and her relation to the Baystate Health organization.
- Ms. Parker noted her initial reluctance to enter into the Agreement 6 months prior, but that she had been persuaded by Mr. Beckley and Chief Gagnon to accept it. She recognized Hardwick's progress as slow but steady in finding a solution that does not force them to rely on a neighboring town so heavily.
 - Chairman Kruckas retorted with frustration that more progress had not been made, added that Ware residents pay more in taxes than those in Hardwick, and stated the Board's obligation to make decisions based on what is best for their own community.
- Chairman Kruckas asked Chief Gagnon for an update on staffing within his department.
 - Chief Gagnon responded that staffing has been a continuous challenge, and that with the current high call volume, he regularly has to call in off-duty workers.
 - He added that this poses a safety risk when undersized crews are left to extinguish active structure fires.
 - He also noted that his department is set to hit 3,000 calls by the end of the year if the current volume continues.
- Chairman Kruckas argued that these statistics exemplify the Town's need for mutual aid agreements, rather than service contracts such as the current one with Hardwick.
- Chief Gagnon added that his department continues to break records for high call volume, and that this uptick must be supplemented by adequate staffing.
 - Chairman Kruckas agreed, emphasizing the importance of resolving this issue.
- Chief Gagnon noted that the current call volume of his department for Hardwick specifically was about 200-220 calls per year. He also added that even if the current agreement was terminated, Ware firefighters and paramedics would continue to receive calls for assistance in Hardwick.
- Ms. McMartin asked if Hardwick would continue to rely on Ware for ALS, even if it were able to cultivate its own BLS system.
 - Chief Gagnon responded that this would be the case, and the call volume would still be strenuously high without the current agreement in place.
- Chairman Kruckas remarked that Ware was being forced to keep extra staff on its EMS shifts as a result of the agreement with Hardwick.
 - Chief Gagnon interjected that this was not actually the case.
- Vice-Chairman Morrin remarked on the constant nature of current ambulance calls.
- Ms. McMartin asked if the high call volume was a result of COVID.
 - Chief Gagnon responded that they play a large role in it, with high current levels of COVID-related calls.
- Ms. McMartin remarked on the cyclical nature of the pandemic.
- Vice-Chairman Morrin disputed that a variety of calls involve patients reporting COVID symptoms, even if that is not the medical issue at hand.
- Chief Gagnon added that several residents who formerly would have driven themselves to Mary Lane Hospital are now forced to call for ambulance services, as they lack alternative transportation to Baystate Wing.
 - Vice-Chairman Morrin argued that people are aware that transport in an ambulance allows them to bypass the waiting period when they arrive at the hospital.
 - Ms. McMartin disputed this claim, arguing that this was not the case.
- Chairman Kruckas urged residents not to call an ambulance unless dealing with a true medical emergency.
- Mr. Peterson asked about the feasibility of finding a private BLS service.
 - Chief Gagnon responded that Baystate offers some of these services, but that the cost of

contracting BLS from an external organization would be immense, and that this money would be better spent on building up the Town's existing department.

- Ms. Cascio recognized the aforementioned program from Baystate, noting that it is known as Dispatch Health. She also recommended increasing public awareness on the topic of when to call an ambulance versus when to seek alternative options.
- Chief Gagnon agreed, noting the difficulty of changing people's behavior when public awareness campaigns have been encouraging people to call 9-1-1 for decades.

- **Parks Commission- Discussion of Pool Options**

- Mr. Imbier appeared before the Board to ask for an update and discussion on options regarding the town pool. Options among these include replacing the current Reed Pool at the same site, or pursuing a new indoor pool to be constructed with the proposed youth/community center.
- Selectman McCarthy responded that the youth center project was still being started from scratch, and that the most feasible option appeared to be utilization of the existing pool site.
- Mr. Piechota answered that the Parks Department had considered its full suite of options.
 - One option would involve eliminating the current pool's deep end to avoid the risk of contact with groundwater.
 - An indoor pool facility would have many benefits, but would also be very expensive to build and maintain, meaning it is not within the Town's budget.
- Selectman Talbot responded that the Board's hesitation with the indoor pool idea comes from the cost. She asked how communities with indoor pool facilities pay for their maintenance.
 - Selectman Barnes noted that he has spoken with the former operator of the indoor pool at Palmer High School, stating that it came with a high cost of \$1,000 per week for maintenance, which does not include the additional cost of staffing.
 - Selectman Barnes recognized the importance of youth having access to swim lessons, and suggested a program where the Town could partner with Belchertown to transport local youth to their town beach for lessons via the Quaboag Connector.
- Chairman Kruckas asked if a regional site could be considered, allowing Ware to share access and funding for a pool facility with neighboring communities.
 - Mr. Piechota stated that this option was worth considering.
 - Chairman Kruckas confirmed his support for the idea of an indoor pool, arguing the impracticality of spending millions on a site that can only be used for a few months each year.
- Selectman McCarthy noted the proposal to place an insulated dome over the existing Reed Pool, allowing it to be used year-round.
- Mr. Bergeron asked about the possibility of partnering with organizations like the YMCA, the Boys & Girls Club, or Eagle Hill School to bring an indoor pool to the Town, or allow community members access to one nearby.
 - Selectman McCarthy answered that these organizations did not express interest in working with the Town when asked.
- Mr. Jackson asked why simpler solutions were not being considered, such as the use of less water and thicker concrete materials at the current Reed Pool.
 - Mr. Piechota answered that these solutions would be evaluated after the thorough assessment of the Reed Pool is complete. He argued that the site's issues have been 'band-aided' for several years, and that the pool is now more than 80 years old and structurally unsound.
- Vice-Chairman Morrin recognized the impressive construction of the Reed Pool to have lasted so long, and emphasized the importance of emulating this success with any new construction.
- Mr. Piechota stated that the Parks Commission concluded its obligation was to prioritize the Reed Pool over any new proposed sites, but that a smaller pool within another facility could be considered in the long-term.
- Vice-Chairman Morrin emphasized the importance of finding a way to ensure the Town's youth

have access to swim lessons this Summer.

- Chairman Kruckas expressed the priority of ensuring the pool is available to the public, not just youth and seniors.

Selectman Talbot made the motion to support the Parks Commission's proposal for an assessment of the current Reed Pool site. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).

Old Business

- **Discussion on ARPA Funds and Hazard Pay with Finance Committee**

- Mr. Beckley directed the Board to the updated list of essential Town personnel he had provided, and stated that the Finance Committee was calling for a public forum on future allocations of ARPA funds.
- Chairman Kruckas argued that this topic had been over-discussed, and was no longer yielding productive conversation. He expressed support for ending the allocation of hazard pay with those personnel for whom it had already been approved.
- Selectman Talbot recognized that the Finance Committee was in attendance for an in-depth discussion on this topic.
 - Chairman Kruckas objected that the agenda item listed was the same as at the previous meeting, where an agreement had been reached.
- Vice-Chairman Morrin expressed concerns with the Finance Committee's list of recommendations to the Board concerning ARPA funds, arguing that it was not up-to-date and required several deletions.
- Selectman Barnes pointed to the list item concerning upgrades to the East Street underpass, clarifying that these would be paid for with Chapter 90 funds, rather than ARPA.
 - Mr. Beckley responded that the project was eligible for funding from either, but Vice-Chairman Morrin strongly recommended using alternative funding sources to ARPA wherever available.
- Mr. Peterson stated that the Finance Committee was present to determine the Board's openness to holding a public hearing regarding ARPA funds.
 - Chairman Kruckas argued against this, stating that meeting of the Board of Selectmen are already open to the public.
 - Mr. Peterson responded that the community would benefit from better advertising and local promotion of meetings where consequential decisions regarding ARPA money are set to be made.
 - Selectman Talbot agreed, arguing that the Board has failed to narrow down the recommendations on the Finance Committee's list, and that more public input could help with this process.
 - Ms. Nenni noted the Committee's desire to set a more streamlined approval process for the allocation of large sums of grant money, of which there are slated to be several in the near future.
 - Selectman Barnes argued that the Board has several years to decide how to spend these funds, and that it should not rush into rash decisions.
 - Chairman Kruckas stated that the Board had approved the funding for the design phase of the filtration project at the Wastewater Treatment Plant, despite not knowing if an alternative grant for its construction may be received.
 - Mr. Jackson expressed support for the Board's prior decision to award hazard pay to members of its Police and Fire Departments.
 - Ms. McMartin responded that this topic was no longer open for debate.
 - Mr. Smith asked the Board about the possibility of using ARPA funds to help cover the costs associated with transitioning into the WestComm regional dispatch system.
 - Chairman Kruckas noted that WestComm was a grant-funded project, meaning ARPA funding was irrelevant for covering its costs.

- Vice-Chairman Morrin asked about the possibility of using ARPA funds for the cost of COVID-related ambulance calls.
 - Ms. McMartin responded that it would be highly difficult to sift through several months of data and determine which calls specifically were COVID-related.
- Mr. Peterson stated that the Finance Committee was willing to refine its list of recommendations, and that it seemed prudent for the Board of Selectmen not to approve any more allocation of ARPA money until a better approval structure is developed.
- Mr. Beckley stated that interviews for the Grants Coordinator position would begin the following week.
 - Chairman Kruckas reiterated the Board's request to hire an experienced grant-writer with a proven track record.
- Ms. Nenni asked about the possibility of adding ARPA to the discussion at Town Meeting.
 - Chairman Kruckas recognized that ARPA funds are under the legal discretion of the Board of Selectmen, not Town Meeting.
- Ms. Nenni stated that Town Meeting could still be a helpful venue for gathering public input on the matter.
 - Vice-Chairman Morrin disagreed, stating that he felt meetings of the Board of Selectmen were a space that was more conducive to this discussion.
- Vice-Chairman Morrin recommended the Finance Committee to return to its list of recommendations, analyzing inaccuracies on an item-by-item basis.
 - Mr. Beckley answered that it would be possible to have the column of items with other potential funding sources removed if the Board wished.
- Ms. McMartin concurred with the Finance Committee that a more streamlined process for approving allocations of this money would be beneficial.
- Chairman Kruckas stated that the major determinant of future plans for ARPA spending was whether or not the Town qualified for a grant to cover the cost of the WWTP screen project.
- Chairman Kruckas requested that the Board received updated lists from Mr. Beckley and the Finance Committee as future relevant developments occurred.

New Business

- **Certification for Replacement of Voting Equipment**
 - Selectman Talbot presented her recommendation that the Board approve the replacement of the Town's current voting equipment.
 - She recognized that its current equipment was outdated and in need of an upgrade.
 - The replacement equipment would be purchased from a new company, which had a dependable reputation, and would bring the Town more in line with what several other communities use.
 - She added that there would be little to no noticeable change to voters or to the balloting process, and that this was a fairly simple and straightforward update.

Selectman Morrin made the motion for the Town of Ware to authorize the use of the ImageCast voting system, and discontinue the use of the AccuVote system, effective with the April 11, 2022 Annual Town Election. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).

- **Set Public Hearing Date for National Grid Pole Petition #30513595 (Church Street)**
 - Chairman Kruckas noted that the following scheduled meeting on February 15 would need to be cancelled, as three Board members would not be available to reach quorum. He suggested the hearing be held at the first meeting in March instead.

Selectman Talbot made the motion to set the public hearing regarding National Grid Pole Petition #30513595 for March 1, 2022 at 7:10 PM. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).

- **Notice of Intent to Sell Land Assessed for Agricultural Use (Parcel ID# 43-0-2, Campbell Road)**
 - Mr. Beckley noted that under 61A, the Town was being offered a portion of the parcel, with the offered portion consisting of a house lot, and that the letter from the Planning Board described the lot as being too small for any relevant use relating to conservation or agriculture.

Selectman Talbot made the motion for the Board to waive the right of first refusal regarding Parcel 43-0-2 on Campbell Road. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).

Comments and Concerns of Citizens

- Selectman Barnes asked for an update on the investigation regarding the taxable status of the Mary Lane Hospital facility.
 - Mr. Beckley responded that this was still being worked out by the Board of Assessors, who had not yet come to a conclusion.
- Selectman Barnes noted that a majority of the Town's budget goes to the School system, and asked about the possibility of regionalization with surrounding towns.
 - Mr. Beckley responded that prior research on this matter had not found the benefits of regionalization to outweigh the costs, but that it could be reinvestigated.
- Selectman Barnes expressed displeasure with the operations of the Quaboag Connector, forwarding a verbal statement he had heard from a driver that the Transportation Operations Supervisor is not reachable during the day, and that Mr. Beckley was still spending too much time devoted to the day-to-day activities of the operation.
 - Chairman Kruckas interjected that these were matters that should be handled outside of the meeting.
- Ms. Cascio stated her wish to express a concern.
 - Chairman Kruckas interrupted that he felt her comments and concerns were already broadcast to the community via her program 'Meeting After the Meeting' on Ware Community Television.
 - Ms. Cascio interjected that she felt the manner in which she was being treated by the Board was unacceptable, and that her concern was in regard to the cancellation of the Water Resources Committee, which she felt the Board had not gone about properly.
 - Mr. Cascio pointedly blamed Chairman Kruckas for embodying an attitude that was not conducive to community engagement, arguing that this is why the Town has had a difficult time with reaching quorum at recent Town Meetings.
 - Chairman Kruckas responded by blaming Mr. and Mrs. Cascio for negative local attitudes, claiming that their show ruins morale by bashing Town officials.
 - Selectman McCarthy called for everyone to calm down and remain professional in the meeting.
 - Mr. Cascio argued that the Board had silenced them by not allowing their comments and concerns to be heard in the meeting.

Town Manager Report

- Departmental Budgets have been submitted, and will be negotiated between the Town Manager and Department Heads over the course of the next month before being sent to the Finance Committee.
- The Governor's Budget was released and was fairly conservative in terms of spending.

- Mr. Beckley thanked Mr. David Fox from the Ware Housing Authority and Aspen Street Rod & Gun Club for the donation of several boxes of PPE to the Town.
- Electrical crews are finishing up work for the project that brought new streetlights to Main Street. The old lights are being considered for removal due to redundancy with the new ones.
- Unfortunately, the Town did not receive the Green Communities grant for which it applied.
- Fortunately, the Town did receive a \$1 million Block Grant as the lead community.
- Mr. Beckley thanked the Fire Department and B.E.C. Plumbing & Heating for their response on a recent morning when the boiler at Town Hall stopped functioning, and the repair process created a smoke leak.
- Mr. Beckley thanked Officer Lu-Ann Czapla for her years of service with the Police Department, and congratulated her on her upcoming retirement.
- Chairman Kruckas asked about the status of the empty building that previously hosted Otto Florist, stating that he had asked for an update from the Building Department which was never received. He argued that this same building has been a problem for several years, and threatened to take serious action if the Town found itself in the same situation as it has with other vacant Downtown buildings.

Adjournment

Selectman Talbot made the motion at 8:47 p.m. to Adjourn the Regular Meeting. Selectman Morrin seconded the motion. The motion passed unanimously.

Attest: Christopher J. Nolan
Executive Assistant to Town Manager



January 13, 2022

Town of Ware, Massachusetts

To whom it may Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit, please contact:

Jill Wilson 413-267-6019

Please notify National Grid's Lisa Ayres of the hearing date / time.

If this petition meets with your approval, please return an executed copy, including hearing date.

National Grid: Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

A handwritten signature in blue ink that reads "Jim Kehrer/lla".

Jim Kehrer
Supervisor, Distribution Design

Enclosures

Questions contact – Jill Wilson 413-267-6019
PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Ware, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Church St. - National Grid to install (1) SO pole on Church St. beginning at a point approximately 75 feet northeast of the centerline of the intersection Main St.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Church St. - Ware, Massachusetts.

30513595

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

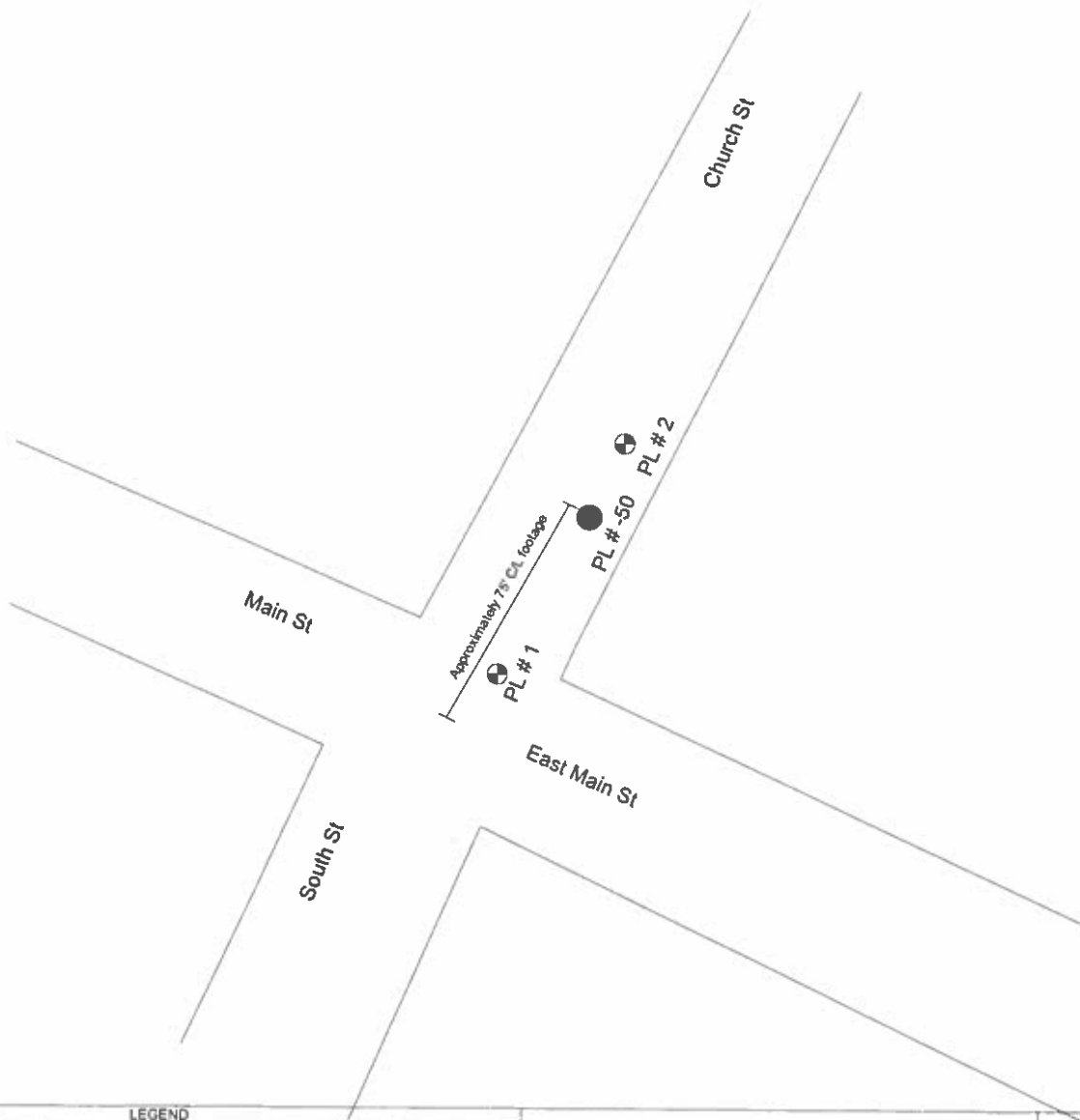
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Jim Kehrer/lla*
BY _____
Engineering Department

January 13, 2022

EXHIBIT 'A' NOT TO SCALE

The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof



LEGEND

- PROPOSED SO POLE
- PROPOSED JO POLE
- ⊗ REMOVED POLE
- ⊕ EXISTING POLE
- △ ANCHOR

Address: Church St
Town: Ware
State: MA
Zip: 01082

DATE: 12/15/2021

Designer: Jill Wilson

Work Request: 30513595

Electric Distribution Construction Petition sketch

Petition sketch for proposed PL # -50 to be installed approximately 75' NE of C/L of Main St

nationalgrid

Ware

ORDER FOR POLE AND WIRE LOCATIONS

In the Town of Ware, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 13th day of January 2022.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Church St. - Ware, Massachusetts.

30513595 Filed with this order:

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Church St. - National Grid to install (1) SO pole on Church St. beginning at a point approximately 75 feet northeast of the centerline of the intersection Main St.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the City/Town of Ware, Massachusetts held on the 1st day of March 2022.

Massachusetts

City/Town Clerk.
20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:

City/Town Clerk

I hereby certify that on Tuesday, March 1st 2022, at 7:10 o'clock, PM
at Ware Town Hall, 126 Main St, Ware, MA a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID for permission to erect the poles, wires,
and fixtures described in the order herewith recorded, and that we mailed at least seven days before
said hearing a written notice of the time and place of said hearing to each of the owners of real
estate (as determined by the last preceding assessment for taxation) along the ways or parts of
ways upon which the Company is permitted to erect Poles, wires, and fixtures under said order.
And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the Board of selectmen of the City/Town of Ware
Massachusetts, on the 1st MARCH day of 2022 and recorded with the records of location orders
of the said City, Book _____, and Page _____. This certified copy is made under the
provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk

Beckley, Stuart

From: Bell, Stephen
Sent: Thursday, February 24, 2022 1:58 PM
To: Beckley, Stuart; Nolan, Christopher
Subject: RE: Select Board Meeting 3/1

Hi Stuart,

Here's the background for the Board of Health's presentation:

The pandemic has had a distinct negative impact on substance abuse all across the country, and we are seeing the same issues here in Ware. The town has experienced an uptick in hepatitis C, which is strongly correlated with people who use injection drugs. Tapestry is an organization that, among other things, provides harm reduction services in towns with that need. Some of the services they provide are overdose prevention education, STI and HIV testing, hepatitis C testing, and syringe services. The Ware Board of Health, in partnership with the Quaboag Hills Substance Use Alliance, have approached Tapestry about bringing their services into Ware to help the at-risk populations.

Is that enough, or do you need more? Also, Liz Whynott is curious whether she is able to do her presentation remotely, like she did at our BoH meeting. If so, does she need to share the presentation with you, or can she just bring it up on her screen and share it?

Another thing is that John Desmond was in this morning and reminded me that he wants to address the Select Board about test kits, so we are hoping that discussion can also be added to the agenda so that the BoH can have a conversation with the BoS about a feasible compromise surrounding test kits.

Lastly, who do I talk to about the robo-calls for the town? I've come to realize that Sai and I don't get the calls to our work phones. The numbers are (413) 687-1387 and (413) 687-1389. Is there someone I can send those numbers to so I can be added in?

Thanks,

Stephen

From: Beckley, Stuart
Sent: Wednesday, February 23, 2022 7:54 AM
To: Bell, Stephen <sbell@townofware.com>; Nolan, Christopher <cnolan@townofware.com>
Subject: RE: Select Board Meeting 3/1

If there is some background to the presentations that could go in the Board's packet (by Friday) , that would help with the discussion.

From: Bell, Stephen <sbell@townofware.com>
Sent: Tuesday, February 22, 2022 6:32 PM
To: Beckley, Stuart <sbeckley@townofware.com>; Nolan, Christopher <cnolan@townofware.com>
Subject: Select Board Meeting 3/1

Hi Stuart and Chris,

I am just emailing to see if I can get the Board of Health onto the Select Board's agenda next week. We want to talk to the Select Board about Tapestry and the services they are looking to provide to the town. Gail Gramarossa is also going to talk a bit about QHSUA and the work they've been doing, as well as how Tapestry could help them in their work. Is there anything special I need to do or provide to get added to the agenda?

Thanks,

Stephen

**AGREEMENT BETWEEN
TOWN OF WARE AND TOWN OF HARDWICK
FOR ADVANCED LIFE SUPPORT (ALS) SERVICE**

This Agreement is entered into this 7th day of Sept 2021 by and between the Town of Ware with a principal place of business at 126 Main Street, Ware, MA 01082 ("Ware"), and Town of Hardwick with a principal place of business at 307 Main Street, Gilbertville, MA 01031 ("Hardwick"), each acting by and through their Boards of Selectmen. Ware and Hardwick are sometimes referred to herein individually as a "party," and collectively as the "parties."

WHEREAS, Ware is licensed as an Advanced Life Support (ALS) ambulance service provider in Massachusetts;

WHEREAS, Hardwick seeks to make available and utilize for its residents all potentially life saving resources, including ALS assistance; and

WHEREAS, M.G.L. c. 48 §59A enables a town, by vote of its board of selectmen, to authorize its fire department to go to aid another city or town or to render any other emergency aid or perform any detail, as may be ordered by the head of the town's fire department, and Ware has so authorized such services.

NOW THEREFORE, in accordance with the provisions of M.G.L. c. 48 §59A and M.G.L. c. 40, § 4A, and consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Ware agrees to respond to requests from Hardwick for EMS calls within the border of Hardwick as shown on the map and list of roads appearing in Exhibit A hereto to provide EMS services when Ware has available EMS services to include ALS resources, such availability to be determined at the sole and absolute discretion of Ware's Fire Chief (or his designee).
2. Any Ware employees operating within the territorial limits of Hardwick in accordance with this Agreement shall not cause said employee to be considered for any purpose to be an employee of Hardwick. All employment rights, compensation, and benefits, including but not limited to the provisions of M.G.L. c. 41, § 111F and/or M.G.L. c. 32 § 94, shall remain the responsibility of Ware. Notwithstanding the foregoing, to the extent permitted by law, any party hereto may be reimbursed in accordance with this Agreement and shall be entitled to the liability and indemnification protections as outlined herein.
3. When providing such EMS services, employees of Ware shall provide assessment, treatment and transportation consistent with all pertinent state regulations, regional guidelines and clinical protocols. Ware employee(s) shall accompany the patient and provide appropriate care until the patient is delivered to the hospital and patient care responsibilities are transferred to hospital personnel.

4. Ware shall issue an invoice to appropriate payers for services rendered to recipients transported in Ware's ambulance under the care of Ware employees. Such claims shall include all charges normally billed to payers for ambulance service.

5. Term. This Agreement shall be in effect from July 1, 2021 through June 30, 2022. At the end of this term, this Agreement shall automatically renew for successive one (1) year terms, for an aggregate period not to exceed twenty-five (25) years from the effective date or such longer period as may be permitted by applicable law. Either party may terminate this Agreement at any time for any reason by giving written notice of ninety (90) days to the other party. The provisions of paragraphs 4, 6 and 7 shall survive the termination of the Agreement with respect to EMS services performed during the contract period. The Agreement shall be reviewed annually.

6. Payment. Hardwick agrees to compensate Ware in the amount of \$77,000.00 for the fiscal year 2022 for EMS services provided by Ware. Payment shall be due to the Town of Ware by October 1st each year. This annual payment shall be reviewed each year by the coordinating committee and may be adjusted by the Towns. The obligations of each of the Parties shall be subject to appropriation and the availability of funds. In the event that Hardwick no longer requires Ware to provide services as contemplated by this Agreement, then Hardwick shall promptly notify Ware in writing. In such event, any annual payment payable to Ware hereunder shall be prorated in accordance with the number of days in such year in which Ware provided such services up to the date of receipt of the above-referenced written notice.

7. Each party's relationship to the other shall be that of an independent contractor and nothing herein shall be construed as making either party an employee, partner or joint venture of the other. It is expressly understood that Ware shall be responsible for their own employees and shall make no claims for work and vacation pay, sick leave or employee benefits of any kind. By entering into this Agreement, the parties have not waived any governmental immunity or limitation of damages that may be extended to them by operation of law. The parties are the sole and exclusive beneficiaries of this Agreement. No third party rights, express or implied, are created. .

8. Each Town shall maintain accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received in the same or similar manner by which it maintains its own records of its own ALS services, and shall arrange for the performance of annual audits of such records, which audits can be part of each Town's annual, independent audit of its financial statements.

9. To the extent permitted by law, each party shall, up to the limitations pursuant to M.G.L. c. 258 and irrespective of the cause of action, indemnify and hold the other party harmless from and against any and all third party claims for damages caused by the such party's negligence or willful misconduct, including the negligence or willful misconduct of that party's agents or employees.

10. Neither party will assign or transfer this Agreement, or any interest in this Agreement, without the prior written consent of the other party.

11. At all times during the terms of this Agreement each party shall maintain insurance coverage of the kind and amounts the parties deem appropriate. Ware will provide documentation of its legal authority to provide basic and advanced life support ambulance service.

12. Hardwick and Ware, through their respective Boards of Selectmen, shall maintain a "Ware/Hardwick Ambulance Oversight Committee" comprised of representatives of both towns that shall develop protocol and oversee an annual review of costs and evaluation of quality of service. The Committee would also address residents' concerns and questions. The Committee will meet quarterly. A member of the Board of Selectmen from each community and the Town Manager/Administrator for each shall be included on the Committee along with a resident from each town. The provider of ambulance service to the eastern area of Hardwick may be invited to the meetings as needed for operational updates.

13. The Town of Hardwick agrees to initiate the planning, process, funding and implementation of a local or regional EMS system to serve Hardwick residents. Progress on the establishment of a Hardwick system will be reviewed by the coordinating committee and the Select Boards after six months and quarterly thereafter.

14. The provider(s) will not discriminate against any client/patient for services because of race, color, religion, sex, sexual orientation, disability family status or national origin.

15. The parties hereto agree to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts and the United States of America. In the event of a dispute arising out of or in relation to the terms of this Agreement, representatives of the parties shall meet and endeavor to settle the dispute in an amicable manner through mutual consultation. If such persons are unable to resolve the dispute in a satisfactory manner within thirty (30) calendar days, the parties may seek assistance of an independent third party, mutually agreeable to the parties. Nothing in this Paragraph 15 shall be deemed a waiver of either party's right to seek enforcement or damages in a court of competent jurisdiction.

16. Pursuant to this Agreement, Hardwick and Ware shall comply with the Health Insurance Portability and Accountability Act ("HIPAA") Privacy and Security Rules and hereby agree to abide by all applicable requirements under Massachusetts General Laws and the Health Insurance Portability and Accountability Act ("HIPAA"), its Regulations, and the HIPAA Business Associate Agreement, attached hereto and incorporated herein as an Addendum.

17. All notices hereunder shall be in writing and shall be deemed to be given when mailed by and addressed to the party at the address stated below, or such other address as such party may specify by written notice to the other party.

Town of Ware Fire Department
200 West Street

Town of Hardwick
307 Main Street

Ware, MA 01082
Attn: Christopher Gagnon
Chief, Ware Fire Department

Gilbertville, MA 01031
Attn: Town Administrator

18. This Agreement constitutes the sole and entire understanding between the parties relating to the subject matter hereof, and supersedes all prior understanding, agreements and documentation relating to the subject hereof. This Agreement may be amended only by written instrument executed by the authorized representatives of both parties.

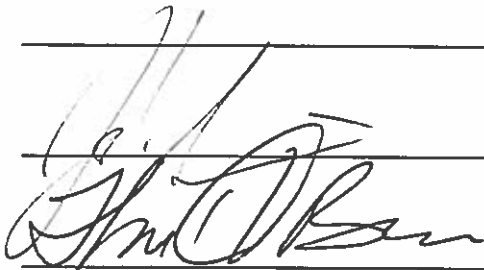
19. If any provision of this Agreement is determined to be illegal, unenforceable, or void, then the parties shall be relieved of their obligations under that provision; provided, however, that the remainder of this Agreement shall remain in full effect.

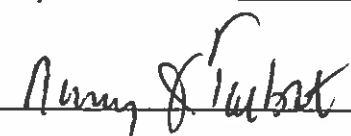
20. This Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original, but all of which shall be deemed the same instrument. Facsimile and portable document format (PDF) copies of signatures shall be deemed original signatures.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.

TOWN OF WARE

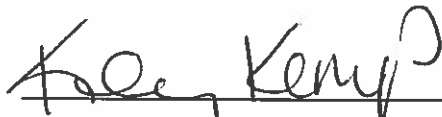
By its Board of Selectmen

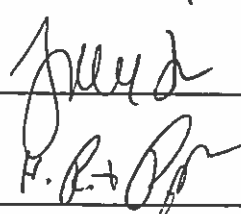




TOWN OF HARDWICK

By its Board of Selectmen





Town of Ware Ambulance Service

Hardwick Transports

Activity Report by Date of Service

Date of Service	Total Charges	Total Adjustments	Total Payments	Total Credits	Percent Collected
Jul-21	14,654	8,937	3,903	12,840	88%
Aug-21	21,595	11,876	5,886	17,761	82%
Sep-21	21,269	17,190	3,857	21,047	99%
Oct-21	18,235	9,827	1,874	11,701	64%
Nov-21	6,951	5,090	1,246	6,335	91%
Dec-21	21,634	3,355	737	4,092	19%
Jan-22				0	0%
Feb-22				0	0%
Mar-22				0	0%
Apr-22				0	0%
May-22				0	0%
Jun-22				0	0%
	104,337	56,274	17,502	73,776	

Town of Ware Ambulance
Hardwick Pickup Transports

FY 2022		Billable Charges	# trips	Payments	averg payment per trip
Jul-21		\$13,213	9	\$4,785	\$532
Aug-21		\$20,294	14	\$8,206	\$586
Sep-21		\$24,011	12	\$6,318	\$527
Oct-21		\$18,235	8	\$4,307	\$538
Nov-21		\$6,951	3	\$1,989	\$663
Dec-21		\$21,634	10	\$1,521	\$152
Jan-22					\$0
Feb-22					\$0
Mar-22					\$0
Apr-22					\$0
May-22					\$0
Jun-22					\$0
Total		\$104,337	56	\$27,127	\$484



TOWN OF WARE

Town Manager

126 Main Street
Ware, MA 01082
413-967-9648 x100

February 24, 2022

To : Select Board

From : Stuart Beckley, Town Manager

Subject: Warrant for Town Meeting

Would the Board please open the warrants for Annual and Special Town Meetings (scheduled for May 9)? I suggest the Board have the warrants open from March 2 through March 31st. The Board could then approve and set the warrant on April 5 and review articles and make recommendations in late April or early May.

Thank you.

Beckley, Stuart

From: Katharine L. Klein <KKlein@k-plaw.com>
Sent: Saturday, January 29, 2022 8:01 AM
To: Nicole J. Costanzo; Beckley, Stuart
Subject: RE: Easement Termination
Attachments: KP-#797922-v1-WARE_Termination_of_Easement_(127_Church_Street).RTF

CAUTION: This email originated from outside of the Town of Ware organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Stuart:

Attached please find Termination of Easement for the property at 127 Church Street. The Town Meeting vote states that the termination shall be subject to an indemnification and release by the owners, so I have added that language. I do not have the Article number, so that needs to be inserted. A certified copy of the Town Meeting vote would need to be attached to the document when it is recorded with the Registry of Deeds, which I assume would be Attorney Maynard's responsibility.

Please let me know if you have any questions.

Thanks.

Katie

Katharine Lord Klein
KP | LAW
101 Arch Street, 12TH Floor
Boston, MA 02110
O: (617) 654 1834
F: (617) 654 1735
Cell: (617) 275 6742
kklein@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.

From: Nicole J. Costanzo <NCostanzo@k-plaw.com>
Sent: Friday, January 28, 2022 5:59 PM
To: 'Beckley, Stuart' <sbeckley@townofware.com>
Cc: Katharine L. Klein <KKlein@k-plaw.com>
Subject: RE: Easement Termination

Stuart:

I am copying my colleague Attorney Katie Klein to this response. Katie is our real estate guru and will be helping the Town with this matter!

ARTICLE 2.

I move to authorize the Select Board to abandon the drainage easement at 127 Church Street described in the deed recorded in the Hampshire County Registry of Deeds at Book 936 p.311 on condition that the current property owners of 127 Church Street, their successors and assigns, release the Town from all claims related to or arising out of the drainage easement including but not limited to the pipes, culverts or other materials or condition of such easement and agree to indemnify and hold the Town harmless from all claims, suits or actions related to or arising out of said drainage easement or its use or condition. All documents subject to review and approval by Town Counsel.

Recommended by:	Board of Selectmen	Yes 5
	Finance Committee	Yes 3 - 0
	Town Manager	Yes

Explanation: Per the attached drawing, the Town holds an easement across the property at 127 Church Street to Grenville Park. The Town does not use this easement and does not have plans to. The owners of the property have asked for a release of the drainage easement.

Articles 3 through 6 are related to the funding of the proposed Water Filtration Plant.

ARTICLE 3:

I move that the Town create a Water Filtration Plant Stabilization Fund for the purpose of providing funds for the debt service and operation of the Water Filtration Plant.

Recommended by:	Board of Selectmen	Yes – Selectmen Kruckas, Talbot, Barnes
	No – Selectmen Morrin, McCarthy	
	Finance Committee	Yes 3 - 0
	Town Manager	Yes

Explanation: This article would establish a new Stabilization Fund for the purpose of creating an account to place funds and appropriations to pay the borrowing cost for the Water Filtration plant.



N
6

127 Church Street

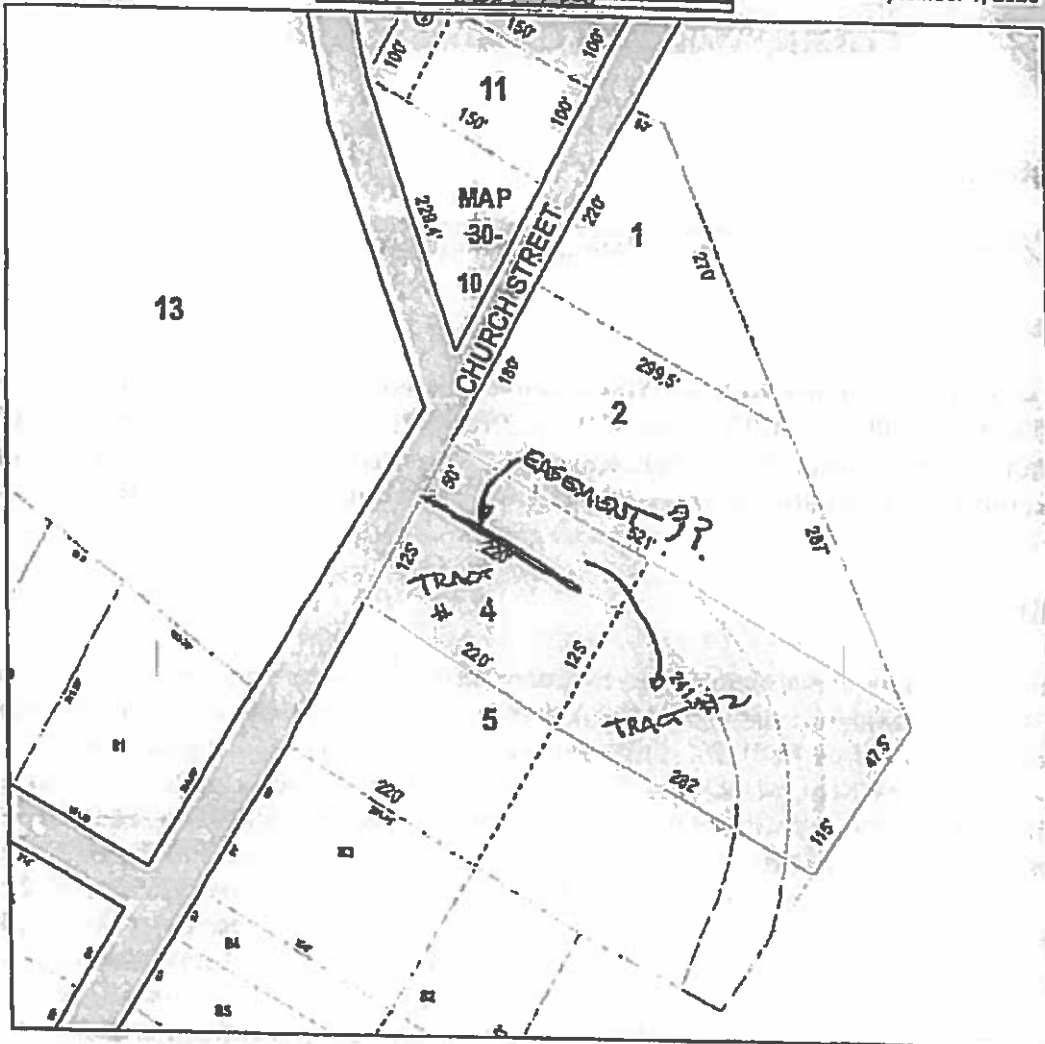
Ware, MA



1 inch = 139 Feet

0 139 278 418

September 1, 2020



Common Line	-----	Tract Line
Property Line	-----	Right of Ways
Public Road	-----	
Right of Way	-----	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

ARTICLE #2

Special Town Meeting

April 24, 2021

Article #2

I move to authorize the Select Board to abandon the drainage easement at 127 Church Street described in the deed recorded in the Hampshire County Registry of Deeds at Book 936 p.311 on condition that the current property owners of 127 Church Street, their successors and assigns, release the Town from all claims related to or arising out of the drainage easement including but not limited to the pipes, culverts or other materials or condition of such easement and agree to indemnify and hold the Town harmless from all claims, suits or actions related to or arising out of said drainage easement or its use or condition. All documents subject to review and approval by Town Counsel.

Motion made by _____

Second by _____

TERMINATION OF EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that the TOWN OF WARE, acting by and through its Board of Selectman (the "Town"), being duly established under the Laws of the Commonwealth of Massachusetts, and having its usual place of business at 126 Main Street, Ware, MA 01082, for consideration paid of One Dollar (\$1.00), pursuant to a vote under Article 2 of the April, 2021 Special Town Meeting, a certified copy of which is attached hereto, holder of a certain easement described in an Easement Deed from EARL T. MacCANN and FRANCES A. MacCANN dated July 20, 1938, recorded with the Hampshire County Registry of Deeds in Book 936, Page 311, releases to NICOLE A. DURAND and ZACHARY J. CLOUTIER (the "Owners"), both of Church Street, Ware, MA, all of its rights under said easement and hereby terminates its entire interest as dominant estate holder under said easement.

The Owners, for themselves and their successors and assigns shall defend, indemnify and hold harmless the Town from and against any and all claims, demands, suits, actions, costs, expenses, judgments and/or liabilities (including without limitation reasonable attorneys' fees) which may be imposed upon, incurred by, or asserted against the Town by reason of, or in consequence of any personal injury, death, or property damage or other liability caused by, related to, or in connection with the termination of said easement.

The Owners, for themselves and their successors and assigns, releases the Town, its agents, employees, contractors, consultants, board members, officers and those acting by or through the Town, from any and all loss, damage, harm, expense, and/or liability caused or related to the termination of the easement. The Owners, their successors and assigns, shall not assert or bring, nor cause any third party to assert or bring, any claim, demand, lawsuit or cause of action against the Town caused by, related to, or in connection with the termination of the easement.

For title reference purposes see deed to Nicole A. Durand and Zachary J. Cloutier dated May 13, 2019, recorded with said Deeds in Book 13261, Page 247.

[Remainder of Page Intentionally Blank]

Witness the execution hereof under seal the ____ day of February, 2022.

TOWN OF WARE,
By Its Board of Selectmen

Keith J. Kruckas, Chairman

John J. Morrin, Vice-Chairman

Thomas H. Barnes, Clerk

Nancy J. Talbot, Member

Caitlin M. McCarthy, Member

COMMONWEALTH OF MASSACHUSETTS

Hampshire, ss

On this _____ day of _____, 2022, before me, the undersigned notary public
personally appeared _____

_____,
proved to me through satisfactory evidence of identification, which was MA State Driver's
License, to be the person whose name is signed on the preceding or attached document, and
acknowledged to me that he/she/they signed it voluntarily for its stated purposes on behalf of the
Town of Ware.

_____, Notary Public
My Commission Expires:



TOWN OF WARE

Town Manager

126 Main Street
Ware, MA 01082
413-967-9648 x100

Town Manager Updates March 1, 2022

COVID Update: The Board of Health and School Committee are removing the youth indoor mask mandate on February 28.

Budget: The first budget will be completed over the weekend and copies presented to the Board and Finance Committee. A key unknown remains the increase in health insurance costs. The original proposal by the carrier, Blue Cross, was higher than the town feels is justified. The Blue Cross underwriter will re-evaluate and hopefully return with a more reasonable increase. For those who are interested Pathfinder's budget presentation (live or zoom) will be March 9.

The Main Street traffic signals are fully in place. The former lights at Church Street have been removed. Next week all sets of lights will be synchronized. The former taller streetlights on Main Street were de-energized this week to determine if they are needed. It appears there is adequate lighting from the decorative lights and that the older lights and poles may be removed. We have discussed with Mass DOT the possibility of adding one or two additional decorative lights where there appears to be a need (sidewalk at front of Town Hall)

Grants: The new Grants Manager, Jay Mooney, will actively begin work on March 7. He has already collected a list of desired capital projects and equipment as well as the list of ongoing and upcoming grants (list attached). On March 2 at 5:30, the Town Planner will hold a preliminary training for businesses who are interested in grant funds for improvements. He will go over the sign-up process and how to complete the first step of the application.

Infrastructure: MassDOT provided an update regarding the Route 32 Three Mile Bridge. It is now scheduled for advertisement (bidding) on August 13, so the previously given timeframe starting this Spring is no longer accurate. With respect to the East Street bridge, the indication is that MassDOT has not started designing a fix yet. The DPW and Conservation Agent worked to clear a backed up stormwater pipe that was flooding property along Charles Street and South Street. Water levels are already dropping.

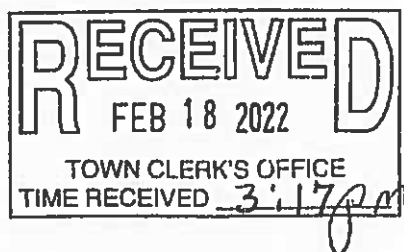
Coordinating with Hardwick, an ambulance committee meeting to review operations should be set for next week.

The Assessors consultant, RRG, has collected information regarding the Mary Lane closing timeline and is working on the amount of tax exemption to be discounted for BayState.

The Town received a letter of Non-Compliance from DEP regarding operations at the Wastewater Treatment Plant. With Dave Comeau and Chuck Niedzwiecki, Tighe and Bond is already proceeding to provide the solution to meet DEPs timeline. The plan had been to update the operations manual once the required changes from the screen and from the coming new General permit are known. Now, those will just be amendments in the future.

NOTICE

Pursuant to Section 4.8.2(F)(7)(b) of the Town of Ware Zoning Bylaw, Verizon Wireless will perform a balloon float at the height of 130-feet on Tuesday March 1, 2022 between 9AM and 2PM, with an alternate bad weather date (only if needed) on Thursday March 3, 2022 between 9AM and 2PM, behind the Big Y Foods Market at 148 West Street, Ware, Assessor's Parcel 56-0-102, for the purpose of demonstrating the height of a proposed new wireless communications facility. Visibility is expected in the vicinity of the Big Y Market and surrounding properties and also across the River in the vicinity of the Baystate Mary Lane Hospital and nearby surrounding neighborhoods.



Ongoing Grants	Purpose	Amount
2019 CDBG	Design, Spring Street, Social Services	
2020 CDBG	Bank Street, Housing Rehab , Domestic Violence	\$643,000
2021 CDBG	Facades, Housing, Social Services	\$1,000,000
MassWorks	Decorative Lighting on Main Street	178,000
Commonwealth Compact	Regional Animal Shelter	\$160,000
Commonwealth Compact IT	MUNIS	\$140,000
Recreational Trails	Bike path	50,000
PARC	Grenville Park Drainage	\$50,000
Elder Affairs	Annual Grant	
SAMSHA Drug Free Communities	5 year youth drug prevention	\$125,000 per year
SAMSHA Prevention	5 year youth prevention	
Sexual Harassment for Public Safety		
New England Rural Association	Rural Vaccine Equity	\$125,000
HRIA CHIP	Community Health Plan	\$150,000
Mass Historical Preservation Works	Town Hall Pointing	\$75,000
Police	Body Cameras	\$72,000
MA DOT	Quaboag Connector Operations	\$50,000
MA DOT	Quaboag Connector Vehicle	\$140,000
Brownfields	Monroe Street Site Testing and Cleanup	\$55,000
Earmark	Pool Assessment	75,000
Earmark	Quarry Street Engineering	60,000
Earmark	North Street Muddy Brook Repair	50,000
		300,000
In Process or Coming		
Baystate Better Together	Milkyard Infrastructure	
Shared Streets	Monroe Street Brownfield	
Green Communities Spring	Main-West Street connection	
One Stop Applications	Business application assistance	
	SAFER (personnel)	
Fire	Gear	
fIRE	Lighting, heating	
Green Communities	Muddy Brook Watershed Plan	
MVP Climate	Old Poor Farm, Cummings, Palmer Road	
Small Bridge/Culvert Program	Infrastructure	
ARPA		reapply in Spring, \$200,000



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Rec'd 2/23/2022

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

February 15, 2022

Director of Public Works
Charles Niedzwiecki
4 1/2 Church Street
Ware, MA 01082

VIA ELECTRONIC MAIL: CNiedzwiecki@townofware.com

Re: **NOTICE OF NONCOMPLIANCE:** 00012598

Noncompliance with M.G.L. Chapter(s) 21, §§ 26-53, 314 CMR 3.00 and 314 CMR 12.00

At: Town of Ware
Wastewater Treatment Plant
30 Robbins Road
Ware, MA 01082

FMF/Program ID # 309-001/076
NPDES Permit# MA0100889
Status: Expired/Administratively
Continued

Issuing Bureau: BWR
Issuing Region/Office: WERO
Issuing Program: WPC
Primary Program Cited: WPC
Subpgm(s) Cited: NPDES

Dear Mr. Niedzwiecki:

Department of Environmental Protection ("MassDEP" or the "Department") personnel have observed or determined that on January 12, 2022, activity occurred at the Ware Wastewater Treatment Plant (WWTP) in noncompliance with one or more laws, regulations, orders, licenses permits or approvals enforced by MassDEP.

Enclosed please find a Notice of Noncompliance (NON), an important legal document describing the activities that are in noncompliance.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Questions regarding this NON should be directed to the undersigned Matthew.Sokop@mass.gov or John.Bourcier@mass.gov, at this office.

Sincerely,



Matthew J. Sokop, P.E.
Section Chief, Wastewater Management
Bureau of Water Resources

MJS/jsb/mjs/djk/bdh

[https://mass.gov/sharepoint.com/sites/DEP-WERO/WERO/BWR/WPC/wpdocs/Enforcement Docs/NPDES/Ware Municipal/Ware WWTP NON-WE-22-00012598 Final 20220214.docx](https://mass.gov/sharepoint.com/sites/DEP-WERO/WERO/BWR/WPC/wpdocs/Enforcement%20Docs/NPDES/Ware%20Municipal/Ware%20WWTP/NON-WE-22-00012598%20Final%2020220214.docx)

Enclosure: NON Form

By Certified Mail: 7019 2280 0002 1993 3859
By First Class Mail

ecc: WERO Electronic Archive WPC, JJG

Town of Ware Chief Operator
dcomeau@townofware.com

NOTICE OF NONCOMPLIANCE

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Based on the Department of Environmental Protection's ("MassDEP") review of its records on or about January 12, 2022, and follow up investigation, noncompliance occurred or was observed at the Ware WWTP in violation of one or more laws, regulations, orders, licenses, permits, or approvals enforced by MassDEP.

This Notice of Noncompliance describes (1) the requirement violated, (2) the date and place on which MassDEP asserts the requirement was violated, (3) either the specific actions which must be taken in order to return to compliance or direction to submit a written proposal describing how and when you plan to return to compliance, and (4) the deadline for taking such actions or submitting such a proposal.

If the required actions are not completed by the deadlines specified below, an administrative penalty may be assessed for every day after the date of receipt of this Notice that the noncompliance occurs or continues. MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative action, including administrative penalties imposed by MassDEP.

NAME OF ENTITY IN NONCOMPLIANCE:

Town of Ware Wastewater Treatment Plant (WWTP)
MassDEP Project ID 309-001/076
(hereinafter "Ware, Municipality or "Respondent")

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

Ware Wastewater Treatment Plant and sewer system
30 Robbins Road,
Ware, Massachusetts 01082

DATE WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

January 12, 2022

DESCRIPTION OF NONCOMPLIANCE:

MassDEP's review of its records indicates that the Ware Treatment Works had the following violations:

A. **OPERATION, MAINTENANCE AND PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT WORKS AND INDIRECT DISCHARGERS**

1. MassDEP regulations at 314 CMR 12.03(4) state in part: *"All persons operating wastewater treatment facilities shall prepare, adopt and keep current an operation and maintenance manual.....The operation and maintenance manual shall contain all information needed by the operator of the treatment works to properly operate and maintain said treatment works in accordance with the requirements of 314 CMR 12.00 and shall include at a minimum the following items....."*
2. On or about May 2, 2018, Ware provided this office with a response to MassDEP's March 6, 2018, Infiltration and Inflow Conditional Approval Letter. In its response, Ware's consulting engineer indicated *"The Town intends to retain professional engineering services this year to update the WPCP O&M plan/manual. The Town requests the approval of the I/I Control Plan not be contingent on the completion of MassDEP Comment 8."* As of the date of issuance of this Notice of Noncompliance (NON) MassDEP has not received information concerning the updated O&M Manual.
3. MassDEP Regulations at 314 CMR 12.03(4) state in part: *"Any person operating a wastewater treatment facility shall comply with 257 CMR 2.00: Certification of Operators of Wastewater Treatment Facilities."*
4. MassDEP Regulations at 314 CMR 12.04(3) state: *"All wastewater treatment facilities shall be provided with adequate operating personnel to ensure proper operation and the required degree of treatment at all times."*
5. MassDEP's review of its records indicates that the Ware Wastewater Treatment Works is no longer being staffed appropriately. Ware's Treatment Works are graded under MassDEP Regulations at 257 CMR 2.00 as a Grade 5C Facility. As required in the above-referenced regulations, Ware must maintain at a minimum, a Chief Operator with at least a Grade 5C (Full Operator) AND an Identified Assistant Chief Operator with at least a Grade 5C (Full or OIT). As of this NON, Ware's most recent staffing plan does not list an Assistant Chief Operator.

B. SURFACE WATER DISCHARGE PERMIT PROGRAM

6. MassDEP Regulations at 314 CMR 3.19(8) state: *"Duty to Provide Information. The permittee shall furnish to the Department within a reasonable time any information which the Department may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine whether the permittee is complying with the terms and conditions of the permit."*
7. Concerning Ware's May 2, 2018 response to MassDEP's Inflow and Infiltration approval; Ware's consultant indicated in many of MassDEP's requests *"The Town intends to retain professional engineering services this year (2018) to [Complete required task requested by MassDEP including completing the self-assessment checklist, clarify differentiations between the sewer system O&M Manual and the I&I Control Plan, information as to the update of the WPCP O&M Manual, detailing former combined outfalls/relief points on the sewer system*

map]. Further, Ware's consultant also provided in its response *"Similar to our response to DEP Comment 1, the schedule for the report submissions by January 31, 2021, is contingent on funding being allocated for the various investigation work necessary through Annual Town Meeting vote"*.

As of the date of this NON, MassDEP has not received any follow-up information pertaining to the requirements of the March 6, 2018, I/I Approval Letter.

ACTION(S) TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTION(S):

C. OPERATION, MAINTENANCE AND PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT WORKS AND INDIRECT DISCHARGERS

1. All deliverables required per this Notice of Non-Compliance shall be submitted electronically by e-mail, Microsoft One-Drive or other method approved by MassDEP in writing.
2. Within fifteen (15) days from the date of this NON, Ware shall retain a Massachusetts Registered Professional Engineer. Information pertaining to the Engineer shall be provided to this office within the same time frame. Should Ware decide to retain another Engineer other than the one submitted, Ware shall notify this office within five (5) days from the date of retention of the new Engineer.
3. Within sixty (60) days from the date of this NON, Ware's Engineer shall submit a schedule to this office to update its O&M Manual for its Treatment Works. The revised O&M Manual shall be fully compliant with MassDEP Regulations at 314 CMR 12.00, TR-16 and good engineering judgement. The manual, including the required staffing plan, shall not be presumptively approved; MassDEP will approve the document under a separate cover letter.

D. SURFACE WATER DISCHARGE PERMIT PROGRAM

4. Within (60) days from the date of this NON, MassDEP requires that Ware's Engineer provide this office with an update on the requirements of the March 6, 2018, MassDEP I/I Approval Letter and Ware's May 2, 2018, Response to the document. Ware is advised that although MassDEP is amenable to extending the deadlines for compliance with its Regulations through an enforceable order (i.e., ACO), it cannot make compliance with the regulatory requirement contingent upon Town authorization of funding for the work required to meet the regulations.

Please address your reply to this Notice of Noncompliance to the undersigned at this office.

Date: February 15, 2022



Matthew J. Sokop, P.E.
Section Chief, Wastewater Management
Bureau of Water Resources