



## **Board of Selectmen**

**Ware Town Hall, Meeting Room, 126 Main Street  
Regular Meeting Minutes – Tuesday, September 7 at 7:00 p.m.**

**Meeting ID: 784 604 1861  
Passcode: 01082**

**Phone: 929-205-6099**

**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).**

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**Present: Selectman Thomas H. Barnes, Chairman Keith J. Kruckas, Selectman Caitlin M. McCarthy, Vice-Chairman John J. Morrin, Town Manager Stuart Beckley, Executive Assistant Chris Nolan, Fire Chief and Director of Emergency Management Chris Gagnon, Planning & Community Development Director Rob Watchilla, Planning Board Vice-Chairman Richard Starodoj, Ryan O'Hara (of Bacon Wilson, P.C.), Michael Harris and Mark Jarvis of Green Adventure LLC, Rene P Cote, Robert Bruso, Philip Hamel, Dennis Craig, Gail Craig**

**Absent: Selectman Nancy J. Talbot**

**Present via Zoom: Ted Harvey of the Pioneer Valley Planning Commission**

**Meeting Opened by Chairman Kruckas at 7:00 pm.**

**Opening Remarks, Announcements, and Agenda review by Chair**

Selectman Barnes thanked America's veterans and all who were involved in the planning of the prior Tuesday's vigil, which honored those 13 US service members who recently lost their lives in Afghanistan. He also went on to applaud Deanna Lavigne of the Town Assessor's Office for her outstanding customer service skills, which he recently witnessed while at Town Hall.

Selectman McCarthy thanked the community for their support of Shiloh's Walk and Rock the Park, which were both a success.

Vice-Chairman Morrin thanked AMVETS and the Brookfield Institute for their large role in the success of Tuesday night's vigil, as well as HR Director Trish Barnes for updating the town website with current town policies. He also noted the upcoming 9/11 Memorial Ceremony which will be held at the Fire Station on Saturday the 11<sup>th</sup> at 10AM.

### **Consent Agenda**

- **Approval of August 17, 2021 Meeting Minutes**
- **Special Event Permit Application: Proprietors of the Ware Center Meeting House Present Ware Fair & Flea @ 295 Belchertown Road, September 18, 2021 from 10AM-3PM**

**Selectman Barnes made the motion to approve the Consent Agenda. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

## **Scheduled Appearances**

### **Old Business**

- **Review and Approval- Hardwick Ambulance Agreement**
  - Mr. Beckley noted that one major change has occurred to the agreement since it was last reviewed by the Board, at the discretion of the Hardwick Board of Selectmen, who added an amendment stating that should Hardwick leave the agreement, Ware will prorate and return unused portions of their \$77,000 payment.
  - He noted that Hardwick has additionally been in talks with West Brookfield and Barre emergency responders, with a plan to divide their town into segments based on location in proximity to these three neighbors.
  - Should the agreement be approved, Hardwick would be billed on October 1<sup>st</sup>.
  - Director of Emergency Management Chris Gagnon expressed desire to see Hardwick move more swiftly toward developing their own ambulance service.
  - Vice-Chairman Morrin noted his concern that the amendment would lead to Hardwick expecting to be prorated for only using Ware's ambulance service for part of their town, rather than the entire community. Chairman Kruckas agreed with this concern.
  - Selectman Barnes expressed his continued concern over how the upcoming Three Mile Bridge Replacement Project's Road closure will affect ambulance service.
    - Chief Gagnon responded that Emergency Services are planning on minimizing the project's disruption by utilizing well-planned detours.
  - Mr. Beckley expressed that the Ambulance Agreement spells out clearly to Hardwick officials that they will not be prorated for any charges until they establish their own emergency services.

**Selectman Barnes made the motion to approve the Hardwick Ambulance Agreement with Chief Gagnon's consent. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Complaint Process and Form**

- Mr. Beckley thanked HR Director Trish Barnes for her excellent work in developing the streamlined new complaint procedure for complaints regarding Town employees.
- Chairman Kruckas stated that he appreciated the work Ms. Barnes put into the new form, but he also inquired about why the Town puts so much energy into complaints, while there is no procedure for accepting positive comments about Town employees.
- Mr. Beckley described how the procedure allows comments and complaints about employees to go to the Town Manager's Office first, then to be dealt with by HR appropriately. He acknowledged that the specifics still need some tweaking, which is an ongoing project of Ms. Barnes.

**Selectman Barnes made the motion to table the topic of the Complaint Form to the 9/21 meeting. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Signature for 2021 CDBG Application**

- Mr. Beckley introduced Ted Harvey of the Pioneer Valley Planning Commission, there to discuss Ware's application for the Department of Housing and Urban Development's Community Development Block Grant.

- Mr. Barnes inquired about whether the grant money would be lost if the town was unable to spend it, to which Mr. Beckley answered yes, but also claimed that finding ways to use it typically is not difficult.
- Mr. Harvey spoke about the CDBG's Housing Rehabilitation program, for which there are currently 6 applicants on the waitlist.
- Selectman McCarthy inquired how the Town would work with the individual applicants if we were to receive the grant money. Mr. Beckley answered that the Town would maintain consistent communication with the applicants and bring them in to discuss their applications and options.
- Vice-Chairman Morrin stated that the Downtown Improvement Committee would also be heavily involved in working with the applicants for CDBG programs if the Town is awarded the grant.
- Selectman Barnes motioned to approve signature of the 2021 CDBG Application. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

### **New Business**

- **Fire Department Appointments**
  - Chief Gagnon addressed the board seeking their vote of support for the appointment of three current members of the Department to the position of Lieutenant; Jason McNeaney, David Gambino, and Laura Fandrey. These three individuals have all served faithfully on the department for lengths of time ranging from 14-17 years, and Chief Gagnon spoke highly of their character and professionalism.

**Selectman Barnes made the motion to support the promotion of Firefighters McNeaney, Gambino, and Fandrey to Lieutenant. Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- Chief Gagnon made an acknowledgement of the Fire Department's hectic recent past, with the prior week including a Swift River rescue, and he thanked the Ware Police Department for their cooperation on this challenging day.
- Chief Gagnon also encouraged all to attend the 9/11 Remembrance Ceremony on the morning of the 11<sup>th</sup>, which will include free COVID-19 vaccines and testing on-site.

- **Approval of Palmer Road Bridge Land Use**
  - Mr. Beckley noted that the involved property is a swampy meadow across from Old Belchertown Road on Palmer Road.
  - He mentioned that one goal of this project is to alleviate the currently dangerous intersection where these two roads meet. While this is not certain yet, there is a chance that the project may need to involve the private property of one resident.
  - Selectman Barnes recognized the need for improvements at this intersection, noting a recent three-car collision there.

**Selectman McCarthy made the motion to approve Land Use for the Palmer Road Bridge Project. Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **National Grid Pole Hearing**
  - Mr. Beckley introduced the petition from National Grid/Verizon to shift over a pole on Belmont Street 13 feet.
  - Selectman Barnes noted this pole's tendency of being hit by large trucks.

**Selectman McCarthy made the motion to set the Public Hearing date for September 21, 2021, at 7:10 PM.**

**Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Host Community Agreement (Green Adventure LLC)**
  - Ryan O'Hara was present to represent Michael Harris, owner of Green Adventure LLC.
  - Mr. O'Hara recognized the local controversy around the idea of moving his client's proposed cannabis store from its initially approved location at 15 West Street, to a different building at 95 Main Street.
  - Mr. O'Hara cited the Main Street site as being a better location for his client from a business perspective and noted Mr. Harris' reputation as a well-established businessman in the community.
  - Mr. O'Hara noted the backlash over the site being in apparent violation of a Bylaw, as the Main Street store would be within 300 feet of a park (Veterans Park).
  - However, he claimed that this is not a 'park,' in the traditional sense of a location where children gather to socialize and play, which was agreed upon by the Department of Planning & Community Development.
  - Chairman Kruckas interjected to state that children do very frequently gather in Veterans Park, and the three other selectmen present agreed.
  - Mr. Harris reiterated that estimated revenue from a location on Main Street was slated to far outmatch that of his previously approved location on West Street.
  - Mr. Harris also wished to recognize his own experience as a Veteran, whose son also served in the Armed Forces and tragically took his own life after suffering from PTSD.
  - Chairman Kruckas expressed condolences for the suffering of Mr. Harris and his son, but noted the numerous complaints he received from other Veterans in the town who felt that establishing a cannabis retail store so close to a site dedicated to Veterans was disrespectful. He also accused Mr. Harris of secretly planning on switching locations before the Board had even approved his initial one.
  - Mr. Harris denied this allegation.
  - Chairman Kruckas expressed frustration over the location change, after all the help Mr. Harris received from the Town in getting the West Street site approved and expressed belief that the Department of Planning & Community Development has allowed him to move too swiftly through the various stages of approval, while other businesses in the Town are left to deal with bureaucratic red tape on their own.
  - Selectman McCarthy agreed with this point, also adding that the 95 Main Street site is prominently located in a spot that should be used to represent the community in a positive way.
  - Selectman Barnes expressed support for Mr. Harris as a respected local business-owner but urged him to abandon the plan for the new location and re-focus his efforts back on the West Street store.
  - Mr. Brusco mentioned that in addition to 95 Main Street's proximity to Veterans Park, it is also very close to a private center that holds CCD classes for youth, which he believes should meet the town Bylaws' criteria for definition as a "school."
  - Mr. Harris noted that if his new site was not approved, this prominent storefront may sit vacant, or potentially be purchased by an irresponsible owner who may fail to maintain the property.
  - Chairman Kruckas described the numerous complaints he has received from Town residents about the proposal to allow a cannabis store at this site, most notably from veterans and parents.
  - Mr. Harris attempted to claim that local children will not know or understand what the store is. Selectman McCarthy interjected to state that many children are highly observant and would know exactly what the shop sells, to which Chairman Kruckas agreed.
  - Selectman Barnes again mentioned the already-approved West Street location, and how even if its business prospects currently appear to be modest, they will likely improve after the new traffic light is installed nearby.
  - One local veteran present argued against allowing cannabis retail in the town altogether, referring to marijuana as a gateway drug.

- Chairman Kruckas noted that the Board does not oppose all cannabis retail proposals, but it opposes this one on the grounds of location.
- Selectman McCarthy agreed, recalling how the Board and community are working very hard on cleaning up Downtown, and allowing this store would be a step in the wrong direction.
- A friend of Mr. Harris' was present and defended him, noting that he is the most responsible business owner the town could ever wish to run this type of shop, and that society's changing ideas around marijuana are making cannabis shops more akin to liquor stores, which rarely garner controversy. He used the example of the lack of objection around Veterans Park being built across from Bruso's Liquor Mart.
- Mr. Bruso questioned if Mr. Harris' store would be selling marijuana edibles, to which Mr. Harris responded yes.
- Mr. Bruso expressed fear that if any edibles were left outside, they may be mistaken for candy by young children, especially during events such as parades where candy is ordinarily thrown.
- Planning Board Vice-Chairman Starodoj noted that the referenced Town bylaw concerning distance of cannabis stores from parks has essentially been thrown out on the precedent that a consensus definition has not been reached on what defines a 'park.'
- Chairman Kruckas argued this indicates the Planning Board needs to set much clearer bylaws with strict definitions of terms such as 'school' and 'park.'
- Vice-Chairman Starodoj noted the need for additional guidance before being able to adjust these bylaws. He recognized that many of the bylaws around cannabis sites in the Town are written from precedent of working with existing operations including B'leaf Wellness and the Lotus Growing Facility. He claimed that cannabis operations are similar to solar projects in the complexity of necessary bylaws surrounding them.

**Selectman Morrin made the motion to approve the Host Community Agreement for Green Adventure LLC. Selectman Kruckas seconded the motion for discussion. The motion failed on a vote of 0 Yes, 4 No, 1 Absent (Selectman Talbot).**

#### **Comments and Concerns of Citizens**

- **Mary Lane Committee**
  - Vice-Chairman Morrin asked for an update from Mr. Beckley regarding this committee.
  - Mr. Beckley answered that the hospital closure process is still ongoing, and a great deal of variables are unknown.
- **COVID Grant Money**
  - Vice-Chairman Morrin inquired about the Town's progress on spending the first round of CARES Act grant money.
  - Mr. Beckley answered that proposals include paying for technological upgrades for WareTV, in addition to the purchase of a small number of drones to be used by various Town departments.
  - Still, Mr. Beckley answered that about half of the total CARES Act grant money is unaccounted for, meaning as much as \$400,000 may need to be returned to the state. Vice-Chairman Morrin expressed displeasure with this.
  - Mr. Beckley noted he will be attending a Small-Town Administrators Meeting this coming Thursday where this topic will be discussed.
  - Chairman Kruckas inquired about the DPW's request for a Sewer Filter meant to block objects from clogging the Town's sewer system.
  - Mr. Beckley answered that this would be covered by the second round of CARES Act grant money.
- **Solar Projects**

- Vice-Chairman Morrin asked if the two withdrawn solar projects (Banas Farm, Landfill), should be removed from the official list since they are no longer slated to be developed.
- Mr. Beckley answered yes since they are no longer pending products.
- **Town Department Policies**
  - Vice-Chairman Morrin inquired whether Town policies apply to employees of the Ware Schools.
  - Mr. Beckley responded that the School District has its own rules for employees.
  - Vice-Chairman Morrin questioned why this was the case when other Town departments, such as the Parks Department, lack this type of autonomy.
  - Mr. Beckley stated that these are further details which need to be reviewed by Ms. Barnes in the coming weeks.
- **Dangerous Dog Complaint**
  - Vice-Chairman Morrin asked for an update on the Dangerous Dog situation reported on Howard Road earlier this year.
  - Mr. Beckley reported that he has continued working with the dog's new owner on the insurance details, and that the owner has expressed interest in starting the process to remove the dog's 'Dangerous' legal status.
- **Water Resources Committee**
  - Vice-Chairman Morrin requested an update on the Town's clean water situation, stating that he feels this is a more pressing issue than the sewer system.
  - Chairman Kruckas, Selectman McCarthy, and Selectman Barnes all noted to him the importance of a healthy sewer system to support the community's well-being.
  - Selectman Barnes argued to Vice-Chairman Morrin that all matters in municipal government take time.
  - Vice-Chairman Morrin claimed that other members of the Board have repeatedly failed to provide straightforward answers on the question of water quality issues.
  - Selectman Barnes invited Vice-Chairman Morrin to attend the meeting of the Water Resources Committee the following Tuesday to answer his questions on the water.
- **2020 U.S. Census Update**
  - Selectman Barnes asked about the newly-released Census data.
  - Mr. Beckley noted that the latest census data has confirmed that Ware surpassed 10,000 residents. He revealed that this means the town is no longer considered 'rural' by the USDA. While unfortunately, this erases the Town's eligibility for certain benefits, a positive note is that the Town is growing.
- **Assessor's Map**
  - Selectman Barnes asked about the status of this ongoing project.
  - Mr. Beckley thanked Ms. Lavigne in the Assessor's Office for her work at compiling a large quantity of data to create the Assessor's Map, which sets up 3 districts
    1. S&B District
    2. Central 'Target' District (for Block Grant)
    3. Remainder of the Town
  - Mr. Beckley has stated that an ongoing project is to calculate the average cost per square foot in each district.
  - Selectman Barnes recalled a complaint from his neighbor that he pays more in taxes than a business that was purchased for \$1 million in the Town. He asked if there was a way of adjusting the tax code to avoid such drastic differences between residential and commercial tax rates.
  - Mr. Beckley answered that Ware does not yet have enough businesses to support a commercial tax base strong enough for this to happen. He argued that hiking taxes for businesses right now would stifle potential growth.
- **Fiber-optic Service/Internet Speed**
  - One resident recognized the extremely successful project recently undertaken by the Town of Wendell that brought fiber-optic internet connectivity to their town, recommending that Ware

consider doing the same to boost internet speeds for residents and businesses.

- Chairman Kruckas agreed this was a promising idea, and suggested Mr. Beckley begin looking into possibilities.

### **Town Manager Report**

- **Water Department Flushing Program**
  - One week from today, the Water Department will be starting its Flushing Program to rid municipal water pipes of corroded particles and other materials.
- **Pool Situation**
  - Mr. Beckley has been working with Selectman McCarthy and the Parks Manager to finalize proposals for repairing or replacing the town pool.
  - An official estimate for repairing the Reed Pool facility was \$60,000.
  - The other option being considered is to combine the ongoing Youth Center project with a pool at the same facility, where it could be located indoors and part of an athletic complex.
  - Chairman Kruckas expressed his support for the idea of an indoor pool at this facility, which could be open year-round.
  - Mr. Beckley noted that the second round of grant money from the CARES Act could be used to help fund this project, which adjacent to the Senior Center, could promote health for both youth and seniors, benefitting the entire community.
- **East Street Underpass**
  - Mr. Beckley will be meeting on-site with the Highway Director soon to discuss details.
  - Sidewalk reconstruction will be relatively straightforward on the Mechanic Street side of the underpass, but more complicated on the Knox Ave side.
  - Winter snow represents a hard deadline before which this sidewalk project must be completed.
- **Upcoming Events**
  - Permits for the Knights of Columbus Halloween and Fall events will be coming soon.
  - Mr. Beckley inquired with the Board whether they would prefer to set the Town's trick-or-treat night as Saturday the 30<sup>th</sup> or Sunday the 31<sup>st</sup> of October.

**Selectman Barnes motioned to set Saturday, October 30 for the town's annual trick-or-treat night, with Sunday the 31<sup>st</sup> serving as the rain date. Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- Saturday, October 2, the DPW will be hosting Bulky Waste Disposal Day at Robbins Road.
- **Mr. Beckley requested everyone to wish good health to Mr. Gibby Sorel, the Town DPW Director who is currently unwell.**

### **Adjournment**

**Selectman Kruckas made the motion at 8:29 p.m. to Adjourn the Regular Meeting. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

Attest:



**Christopher J. Nolan**  
Executive Assistant to Town Manager