

**Select Board**

**Ware Town Hall, Meeting Room, 126 Main Street**

**Regular Meeting Notice Agenda – Tuesday, June 21, 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 June 7, 2022 Meeting Minutes**

**Scheduled Appearances**

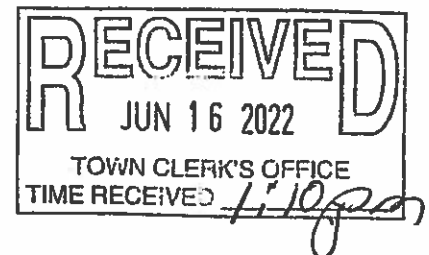
- **7:05 PM- Continue Public Hearing for National Grid/Verizon Pole Petition #30365815 (Coffey Hill Road, Sherman Hill Road, Sczygiel Road, Webster Road)**
- **West Street Corridor Study Presentation**

**Old Business**

- **Review and Approval of Override Process**
- **Discussion on Town Policy Involving Private Sales of Buildings with Extensive Fire Damage**
- **Update on Whistleblower Line Status**
- **Discussion on Status of Vacant/Unkempt Property Bylaw**
- **Update on East Street Underpass Construction**
- **Request for ARPA Expenditures**

**New Business**

- **Approval of Reappointments: Terms to Expire June 30, 2025**
  - **Daniel O'Connor, Capital Planning Committee**
  - **John Carroll, Community Development Authority**
  - **Lorrie Willette, Historical Commission**
  - **Wanda Mysona, Historical Commission**
  - **Jodi Chartier, Zoning Board of Appeals**
- **Approval of Departmental Transfers**
- **Explanation of Town's Delinquent Tax Payment Policy**
- **Recommendation for Quaboag Connector to Provide Free Transportation to Veterans**
- **Discussion on Procedure for Implementing Water Restrictions**
- **Set Public Hearing for National Grid/Verizon Pole Petition #30567321 (Old Gilbertville Road) for Tuesday, July 5, 2022 at 7:05 PM**
- **Set Public Hearing for Status of Class II Auto Dealer License #2 (Gillespie Car Care 1) for Tuesday, July 5, 2022 at 7:15 PM**
- **Update on Town Manager Evaluation & Performance Review**



**Comments and Concerns of Citizens**

**Town Manager Report**

**Adjournment**



## Select Board

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**Present:** Chairman John J. Morrin, Vice-Chairman Caitlin M. McCarthy, Board Member Thomas H. Barnes, Board Member Keith J. Kruckas, Board Member Joshua A. Kusnierz, Town Manager Stuart B. Beckley, Executive Assistant Christopher J. Nolan, Police Chief Shawn Crevier, Council on Aging Executive Director John Zienowicz, Drug Free Communities Coordinator Naomi Ward, Julie Cappe, Ruth McGrath, Melissa Stevens, Kaily Hepburn, Becky Basch, Cathy Cascio, Jack Cascio, Antonio Porter, Carol Zins, Shelly Lane, Nathan Lane, Gregory Maxwell Giles, Alex Bergeron

**Absent:** None

**Present via Zoom:** Stanley Ciukaj from Ware Community Television, Eileen Kennedy from Ware River News, Drew Starkweather

**Meeting Opened by Chairman Morrin at 7:00 PM.**

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

Board Member Barnes thanked Mr. Dan Flynn from the Ware Business & Civic Association for the success of this year's 'Ware Remembers' Memorial Day ceremony and parade. He also thanked the Police and Fire Departments for their consistent good work.

Chairman Morrin thanked the American Legion for its involvement with the Memorial Day events.

Board Member Barnes thanked Mr. Beckley for successfully coordinating youth swim lessons for the Summer.

### Consent Agenda

- Approval of May 3, 2022 and May 17, 2022 Meeting Minutes
- Approval of One-Day Liquor License: Workshop 13, Sunday, June 12, 2022 from 6:00-9:00PM @ 13 Church Street
- Approval of One-Day Liquor License: Hardwick Winery, Saturday, June 18, 2022 from 10:00AM-9:00PM @ Grenville Park
- Approval of One-Day Liquor License: Stevens Strong LLC, Saturday, June 18, 2022 from 10:00AM-9:00PM @ Grenville Park
- Approval of One-Day Liquor License: Workshop 13, Saturday, June 18, 2022 from 1:00-9:00PM @

#### **Grenville Park**

- **Approval of One-Day Liquor License: Progression Brewing Company, Thursday, June 23, 2022 from 5:00-10:00 PM @ Memorial Field**
- **Approval of One-Day Liquor License: Progression Brewing Company, Friday, June 24, 2022 from 5:00-10:00 PM @ Memorial Field**
- **Approval of One-Day Liquor License: Progression Brewing Company, Saturday, June 25, 2022 from 5:00-10:00 PM @ Memorial Field**
- **Special Event Permit Application: Carnival at Memorial Field, Thursday, June 23, 2022 – Saturday, June 25, 2022 from 5:00-10:00 PM all three days**

**Board Member Barnes made the motion to approve the Consent Agenda. Board Member McCarthy seconded the motion. The motion passed unanimously (5-0).**

#### **Scheduled Appearances**

- **Continue Public Hearing for National Grid/Verizon Pole Petition #30365815 (Coffey Hill Road, Sherman Hill Road, Sczygiel Road, Webster Road) (recommended to be tabled to June 21, 2022 Meeting)**

**Board Member Kusnierz made the motion to continue the public hearing for Pole Petition #30365815 to June 21, 2022 at 7:10 PM. Board Member Morrin suggested setting it for 7:05 PM instead on the same date. Board Member McCarthy seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstain (Board Member Morrin).**

- **Police Chief Shawn Crevier: Request for New Sergeant Position**
  - Chief Crevier noted that the new Sergeant position had already been approved by the voters at Town Meeting in the FY23 budget, but required Board approval as a formality. He added that the timeline for the starting of a new Sergeant would likely be some point in September.

**Board Member Barnes made the motion to approve the Chief's request for the establishment of a new Sergeant position. Board Member McCarthy seconded the motion. The motion passed unanimously (5-0).**

- **Presentation of Age & Dementia-Friendly Ware Report**
  - Ms. Becky Basch, Senior Planner with the Pioneer Valley Planning Commission, appeared before the Board to present on creating an age and dementia-friendly Ware.
  - Ms. Basch explained that this report was compiled with a high amount of community engagement.
  - She explained that Ware has a higher percentage of residents aged 60 years and over than the state average, while its various health metrics are lower than the state at large.
  - She explained that the PVPC had assembled a Livable Community Survey, which was distributed to community members. Ninety percent of respondents were Ware residents over the age of 60, and the vast majority reported that continuing to live in Ware was a high priority for them.
  - Areas of highest concern for respondents were healthcare-related services, housing, transportation, and finances.
  - Areas recommended for the Town to emphasize include dementia-awareness trainings for Town personnel, cataloguing resources available to seniors, supporting programs offered by Baystate Wing convenient care, the Quaboag Connector, the Ware Senior Center, the Pioneer Valley Transit Authority, and the Quaboag Valley Community Development Corporation, house modification loan and grant programs, sidewalk connectivity and maintenance, accommodations for individuals with auditory, visual, and/or mobility issues to access services, and creating a registry of individuals reported to be at-risk.

- Ms. Basch added that after a signature from Chairman Morrin, Ware's Dementia-Friendly Pledge would be sent to both the AARP and the State, officially designating Ware as a 'Dementia-Friendly Community.'
- Vice-Chairman McCarthy noted the potential life-saving benefits of an app containing a risk of at-risk individuals, citing a tragic recent example of an elderly man who disappeared and was later found deceased after hiking alone near the Quabbin Reservoir.
  - Ms. Basch voiced support for this technology, but noted that an individual's right to privacy is a concern with it.
  - Chief Crevier noted that the Police Department keeps a registry of at-risk individuals at their station, and any residents with family members they felt to be at-risk were more than welcome to have them added.
- Ms. Cascio stated that she worked with a similar group at Cedarbrook Village, and asked if the PVPC had worked with other towns on this issue.
  - Ms. Basch responded that the PVPC had already worked with Palmer, Monson, and Belchertown on this topic, and had the goal of eventually earning the designation of a 'Dementia-Friendly Region.'
- Mr. Zienowicz noted that the Town's signing onto the AARP initiative opened up several grant opportunities, and an eventual regional initiative could create even more possibilities for these. He added that Governor Baker had already designated Massachusetts as an Age-Friendly State, and that proactively moving the community forward on this process would benefit it from a grants perspective.
  - Chairman Morrin expressed agreement, noting that the Town's Grants Coordinator should be notified of any possible grants related to this designation.

**Board Member Morrin made the motion to sign the pledge to continue to take action to improve the community's dementia-friendly capabilities, thereby optimizing the health, well-being, and community engagement of people living with dementia and their care partners, agreeing that every part of the community plays a role, and together we can work to take steps to create a dementia-friendly culture, and facilitate adoption of dementia-friendly practices in all parts of Ware. Board Member McCarthy seconded the motion. The motion passed unanimously (5-0).**

#### **Old Business**

- **Update on Quarry Street Flood Mitigation**

- Mr. Beckley directed the Board to a document from Tighe & Bond concerning this matter. He added that State Representative Todd Smola had successfully earmarked funding to mitigate this issue.
- Board Member Barnes asked how recent developments related to a 2006 study that was done on this same section of land.
  - Mr. Beckley responded that the most recent development was an update on this previous study, in addition to funding for the design of the mitigation project.
- Ms. Cascio expressed concern to the Board, arguing that if the Town did not act quickly, all of Quarry Street could be devastated.
- Ms. Cascio argued that lots of silt has been deposited along this section of brook over the past several years, and that the DPW made matters worse by clearing out the dirt that had once raised the riverbed. She stated that the water was now almost level with the land, and sat at dangerous heights even without stormy weather. She also argued that adjacent property owners were losing land they were paying taxes on as the brook encroached on them. She added that herself and other property owners in the neighborhood would be addressing the Conservation Commission the following evening, and that her property was not even the worst affected.
- Board Member Barnes noted that he personally drives up Quarry Street after heavy rainfall to check the status of the brook out of concern for flooding.
- Ms. Cascio argued that the section of brook in question badly needed to be cleared of all debris

which was causing the water to collect there.

- Board Member Barnes added that when culvert improvements are made, the engineers must be mindful of the water's velocity, otherwise the water could divert and pose a flood risk to Morse Ave.
  - Ms. Lane stated that her Quarry Street property contained much more land prior to the Summer 2021 flooding, but it has largely been overtaken by the brook.
  - Board Member Barnes noted he was aware that State Senator Anne Gobi was also working on this issue, adding that the upstream towns in Worcester County needed to work more actively with Ware to resolve it.
  - Board Member Kruckas argued against moving forward too aggressively on this issue, stating that if the issue was fixed once but presented itself again, the Town would be financially liable for fixing it a second time.
  - Ms. Lane argued that the Town needed to act, as the property owners lacked the power to resolve the issue.
    - Board Member Kruckas responded that the property owners knowingly purchased homes directly adjacent to a brook, which is accompanied by certain risks.
    - Ms. Lane argued that she could not even obtain flood insurance for her property, as it is not situated in a designated floodplain.
  - Chairman Morrin asked if the Board could have the opinion of the newly hired DPW Director for resolving this matter.
  - Board Member Barnes noted a proposal to place a beaver deceiver upstream near Prendville Road. He also added that recent solar farm development in Warren was causing more runoff to flow downstream into Ware, worsening the situation.
  - Mr. Beckley stated that he would consult with the new DPW Director for his opinion on this matter. He also explained that clearing out debris on any individual property would not resolve the overall issue of flood susceptibility, and that this project would require significant permitting from the Department of Conservation and the Army Corps of Engineers. He added that a 3-4 month timeline for the project could be expected from Tighe & Bond.
- **Update on Main Street Construction**
    - Board Member Kruckas asked for an update on the sidewalk phase of the Main Street construction project.
      - Mr. Beckley responded that finishing touches were expected in the near future, and that the Town's contract expires on July 9<sup>th</sup> with this project's contractor.
    - Board Member Kruckas remarked on the previous week's press conference given in front of the former Country Bank Headquarters building on Main Street, which is being offered to the Town, and expressed frustration with the blighted property directly across the street. He added that he felt this building should have been demolished years ago as part of the same project as a nearby building that was torn down, and argued that the Town should not be forced to pay the bills of negligent property owners. He further claimed that the \$161,000 estimate to demolish the building should be taken from the salary of any Town employee responsible for the situation. He stated that the situation overall was completely unacceptable.
    - Chairman Morrin asked for clarification that the plan for the property was to demolish the buildings, then lien the owner.
      - Mr. Beckley explained that he would be contacting the Town Attorney in an attempt to have the cost of building demolition covered by the owner.

**Board Member Kruckas made the motion to have the Town Attorney immediately address this issue, arguing that it had been neglected by Town personnel for the past four years. Board Member Morrin seconded the motion. The motion passed unanimously (5-0).**

- **Update on Solar PILOT vs. Real Value**

- Mr. Beckley stated that he had consulted with the Assessors Office to ensure that only the solar equipment and no other property was counted in the real value determinations for the four sites in question. He noted the possibility of contacting the Town Attorney to resolve the large difference between the PILOT and real value tax assessment from one specific project.
  - Board Member Kruckas argued that the Town had been shorted \$7,000 from the one solar project whose PILOT agreement had them pay substantially less than they would have in property taxes. He also expressed disapproval with adding to the Town's legal fees by having the Attorney resolve the matter.
  - Mr. Beckley offered to begin creating an agreement with the owners of the project in question to reimburse the Town for the difference in funds.
- Chairman Morrin emphasized that determinations of accepting PILOTs versus real-value tax payments should be made based on whichever generates more revenue for the Town.
  - Mr. Beckley emphasized the importance of ensuring that regulations set by the Department of Revenue are met.
- **Update on Board/Committee Raise Calculations**
  - Mr. Beckley stated that based on a comparison of the Town with several other similar-sized communities in the region, the pay received by members of Ware boards and committees is fairly average.
  - Chairman Morrin asked if any boards appeared to be underpaid in comparison to other communities.
    - Mr. Beckley responded that Ware's Board of Health was paid less than average.
  - Chairman Morrin expressed that Board stipends should be reviewed annually and compared with other Towns, while also raising Board salaries by the same percentage as other Town personnel each year.

**Board Member Morrin made the motion to raise the rate of pay for the Board of Health to the average of comparable communities, and to have the salaries of board and committee members raised each year at the same rate as other Town personnel. Mr. Beckley reminded the Board that this would need to be passed by Town Meeting as part of the next Fiscal Year's budget. Board Member Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstain (Board Member Kusnierz).**

- **Discussion on Effect of Solar Battery Moratorium on Existing Solar Projects**
  - Chairman Morrin asked for clarification that due to the battery storage moratorium, former regulations concerning construction of these sites were voided.
    - Mr. Beckley responded that the previous regulations continued to apply to sites that have already been permitted.
  - Chairman Morrin asked whether a developer who were to express interest would currently be able to receive opinions from Town personnel regarding new projects.
    - Mr. Beckley responded that if a project already exists with a permit, it may still be constructed under the old bylaw.
  - Board Member McCarthy clarified that the moratorium would not affect sites that already have permits for solar battery storage.
    - Mr. Beckley confirmed that this was the case, and that while special permits are granted for two year intervals, they are regularly given extensions.
- **Update on East Street Underpass, Discussion on Grate Change versus Relocation of Stormwater Beehive**
  - Mr. Beckley noted that himself and Board Member Barnes had met with the Highway and DPW Directors on-site at the underpass to discuss plans to alter a curb, improving access by plows during the Winter. He added that the underpass project was moving along, and that this phase of it would be starting soon.

- **Update on Kiosks for Rail Trail**

- Board Member Barnes stated that he had been sent photos of the progress on kiosk construction at the Gibbs Crossing end of the trail, and questioned why it was taking so long, noting that he had seen kiosks constructed in a single day before.
  - Mr. Beckley responded that two different groups were working on the two kiosks in question, and that they should be finished by the official start of Summer.

**New Business**

- **Approval of Appointment to ADA Commission: Ruth McGrath**

**Board Member Barnes made the motion to appoint Ruth McGrath to the ADA Commission. Board Member Kusnierz seconded the motion. The motion passed unanimously (5-0).**

- Board Member Barnes thanked Mr. Beckley for generously agreeing to serve as the Commission's fourth member, noting that himself and another Commission member could now deliberate without violating the Open Meeting Law. He added that the Commission was working to schedule a meeting within the next month.

- **Approval of Re-appointment to Historical Commission: Claudia Kadra**

**Board Member Barnes made the motion to re-appoint Claudia Kadra to the Historical Commission. Board Member McCarthy seconded the motion. The motion passed unanimously (5-0).**

- **Presentation of Host Community Agreement: Pineapple Express, LLC**

- Mr. Beckley introduced Attorney Kaily Hepburn to speak on behalf of the HCA created with Pineapple Express, LLC, which he stated was fairly basic and was set for immediate action by the Board.
- Attorney Hepburn noted that the HCA was very straightforward, and that the only change being requested was to adjust the requirement to provide the Town with 3% of its revenue as a Marijuana Impact Fee, and instead agree to pay 3% of its net revenue (top line minus expenditures).
- Attorney Hepburn clarified that the HCA was being made exclusively between the company and the Town of Ware, although they would provide delivery to any nearby communities that allow cannabis retail.
- Attorney Hepburn stated that research had been conducted in the differences between a Courier license versus a Delivery-Operator license, and the latter was ultimately decided to be the best fit.
- Board Member McCarthy emphasized the importance of providing assistance to community members who have been negatively impacted by the criminalization of marijuana prior to its legalization.
- Attorney Hepburn explained that she held 51% ownership of the company, while other shareholders included a realty group based in New Bedford.
- Mr. Beckley noted that the adjustment from 3% on gross earnings to 3% of net earnings had not been afforded to any other cannabis retail operation in the Town.
- Chairman Morrin explained that he was not overly concerned with this change, adding that he predicted deliveries to other Towns would make up for the revenue lost from only taking a percentage of net, rather than gross revenue.

**Board Member Kruckas made the motion to approve the Host Community Agreement with Pineapple Express, LLC. Board Member McCarthy seconded the motion. The motion passed unanimously (5-0).**

- Mr. Giles asked what the Town would be doing with the extra revenue from the operation.
  - Board Member Kruckas responded that there is no 'extra revenue,' and that the additional

funds would be needed to cover Town expenses.

- Mr. Beckley added that Town Meeting voted to devote half of the revenue from marijuana impact fees to a Road Repair Fund.
- Ms. Ward noted that Pineapple Express' marijuana delivery operation would be similar to Drizly, a company that provides delivery for alcoholic beverages.
- **Signing of East Quabbin Land Trust Conservation Restriction**
  - Mr. Beckley noted that East Quabbin Land Trust had received a grant for the parcel in question, and that the Conservation Commission would be signing off on this restriction.
  - Board Member Barnes recommended that the Board wait to sign off until after the Conservation Commission had approved.

**Board Member McCarthy made the motion to table the signing of the East Quabbin Land Trust Conservation Restriction to the June 21<sup>st</sup> meeting. Board Member Morrin seconded the motion. The motion passed unanimously (5-0).**

- **Discussion on Concerns Involving Culvert at Lamcotec Warehouse (247 West Street)**
  - Board Member Barnes discussed how the culvert at the site of this warehouse had fallen into disrepair, which was causing the road around it to cave.
  - Board Member Kruckas stated that he felt this was an issue for the Conservation Commission, rather than the Select Board.
  - Mr. Beckley noted that the Massachusetts Department of Transportation had been contacted regarding this problem but had yet to provide a design for a solution. He affirmed that he would continue contacting MassDOT and Lamcotek urging them to resolve this issue.
- **Update on Drone Training**
  - Mr. Nolan stated that he had been in contact with multiple departments to discuss the selection of a small number of Town personnel to be trained and licensed in drone operations, for the purpose of utilizing the DJI Mavic Air that was donated to the Town. He added that after specific pilots were selected, they would be enrolled as a group in a virtual course mandated by the Federal Aviation Administration which would prepare them for the exam to receive a drone pilot's license, which can be taken in three locations nearby.
  - Vice-Chairman McCarthy emphasized the importance of ensuring that the chosen personnel are responsible and educated in the proper handling and operations of the drone.
- **Discussion on Country Bank Building Donation, Possible Uses, Process, and Timetable**
  - Mr. Beckley stated that before the Town can accept the donation of the former Country Bank headquarters, it must be approved by a Special Town Meeting, which would also need to vote to fund the design and transition studies for the new space.
  - Chief Crevier added that he was communicating with State Representative Smola, State Representative Berthiaume, and State Senator Gobi concerning what was needed from the State in relation to this donation.
  - Board Member Kruckas reiterated his gratitude to Country Bank for their generosity, and expressed support for consolidating Town offices into the same building as the Police Department in the new building.
  - Board Member Barnes also expressed gratitude, noting that \$150,000-\$250,000 had been spent by Country Bank on that building for improvements alone.
  - Board Member Kruckas noted that if the Police Station and Town offices were consolidated into one building, the current Town Hall could be used as a center for recreation and the arts or as a community center. He added that he was grateful to Paul Scully, Shelly Regin, and the rest of Country Bank.
  - Chairman Morrin requested regular updates on this matter from Mr. Beckley so that the Board was



fully prepared for Special Town Meeting.

- o Board Member Kruckas noted the importance of meeting with the Town's entire legislative delegation to ensure that all involved parties are on the same page.
- o Mr. Beckley asked if the Board was aiming for a Summer or Fall Town Meeting.
  - Chairman Morrin responded that a Fall Town Meeting would be more beneficial.

#### **Comments and Concerns of Citizens- none**

#### **Town Manager Report**

Mr. Beckley noted that the Town's Bulky Waste Disposal Day would be held on June 18<sup>th</sup> from 10AM-2PM. This year, the Town had partnered with ReSource Waste, who would be hosting the event at their facility at 198 East Street. Most items would be free of charge, however, tires, appliances with freon, TVs, and computer monitors would include a fee. Mr. Beckley thanked Mr. Nolan for his work with organizing the event. Mr. Nolan thanked Plant Manager Mike Janci for facilitating smooth organization for the event.

The Bank Street construction project was moving forward quickly, and Caracas Construction was installing catch basins to keep runoff from flowing into residents' driveways.

H.M. Nunes & Sons Construction was moving forward with the grading of the Rail Trail, funded through a generous grant from the Urban Foundation. The same contractor was also wrapping up an improvement project at Grenville Park. Lastly, a new grant was expected to fund Memorial Field improvements in the near future.

Chairman Morrin urged any business owners in Town who had questions regarding grants to contact Jay Mooney, the Town's Grants Coordinator, directly.

Mr. Beckley provided more updates on grants, including for the pool project, Millyard, and brownfields.

The best option for youth swim lessons appeared to be renting pool space from the Town of Belchertown, however the most significant challenge was finding enough lifeguards to operate within the legal limit. He added that Belchertown's pool is indoors, which would allow swim lessons to go year-round. Board Member Barnes asked if the Quaboag Connector could provide transportation to Belchertown for youth who needed it for these lessons. Mr. Beckley answered that this was a possibility if the Connector had enough drivers. Board Member Kusnierz expressed concern over how the rental of the space for swim lessons would be funded.

The Town-Wide Tag Sale would be held this Saturday, June 11<sup>th</sup>. Residents interested in having their individual tag sales added to the event map could contact Carol Zins, or add their items to the large tag sale happening at the Ware Center Meeting House on Belchertown Road.

The Annual cards displaying a list of Summer activities happening in Town would be coming out this week.

The small pumping station at the end of Buckley Court had recently suffered a roof collapse, and the Town was working on getting a quote for its repair. Chairman Morrin asked how conditions at the station were able to deteriorate unchecked to the point of a roof collapse. Board Member Kruckas argued that the site was maintained poorly by the Town. Mr. Beckley noted that no equipment was lost from the collapse.

The vote for an override could go on the ballot for a referendum either for a Special Election in November, or for the Annual Election in April. Chairman Morrin applauded this Select Board's fiscal conservatism, stating that they had saved the taxpayers \$400,000 which they would get to vote on whether they wanted back. He argued that residents deserved to see their hard-earned tax dollars returned to them. Chief Crevier asked if the override would apply to both property and excise taxes. Mr. Beckley answered that it would only pertain to property tax payments. Mr. Bergeron asked how much individual taxpayers could realistically expect to have returned to them. Mr. Beckley

responded that while \$400,000 sounded like a large pot of money, it would appear insignificant after being distributed among the thousands of taxpayers in the Town. Chairman Morrin requested that a discussion on the override be added to the agenda for the next Board meeting.

## **Adjournment**

**Board Member Kruckas made the motion at 8:32 p.m. to Adjourn the Regular Meeting. Board Member Barnes seconded the motion. The motion passed unanimously (5-0).**

Attest: \_\_\_\_\_



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



June 6, 2022

The Board of Selectmen of Ware, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

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

Robert Swift 508-889-1455

Please notify National Grid's Lisa Ayres of the hearing date / time to [lisa.ayres@nationalgrid.com](mailto:lisa.ayres@nationalgrid.com)

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

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 - Robert Swift 508-889-1455  
**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Ware, Massachusetts

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

Coffey Hill Rd. - National Grid to install (6) JO poles 1/2, 1-84, 1-50, 2-50, 11-75 and 12-50 and relocate (3) JO poles on Coffey Hill Rd. beginning at a point approximately 95 feet east of the centerline of the intersection of Sherman Hill Rd. and continuing approximately 2700 feet in an easterly and southerly direction. Existing Pole 1 relocating 28 feet +/- west, existing Pole 4 relocating 31 feet +/- east (across road), and existing Pole 6 relocating 33 feet +/- east (across road).

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 – Coffey Hill Rd. - Ware, Massachusetts.

30365815

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 Kehner/lla*

BY \_\_\_\_\_  
Engineering Department

VERIZON NEW ENGLAND, INC.  
BY *Albert C. Bessette*  
Manager / Right of Way

Dated: March 23, 2022

Coffey Hill Rd. Petition

Ware

Questions contact – Robert Swift 508-889-1455

## ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - 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 VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 23rd day of March 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 – Coffey Hill Rd. - Ware, Massachusetts.

30365815 Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. 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:

Coffey Hill Rd. - National Grid to install (6) JO poles 1/2, 1-84, 1-50, 2-50, 11-75 and 12-50 and relocate (3) JO poles on Coffey Hill Rd. beginning at a point approximately 95 feet east of the centerline of the intersection of Sherman Hill Rd. and continuing approximately 2700 feet in an easterly and southerly direction. Existing Pole 1 relocating 28 feet +/- west, existing Pole 4 relocating 31 feet +/- east (across road), and existing Pole 6 relocating 33 feet +/- east (across road).

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.

I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Massachusetts City/Town Clerk. 20\_\_.

Coffey Hill Rd. Petition

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 \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. 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.

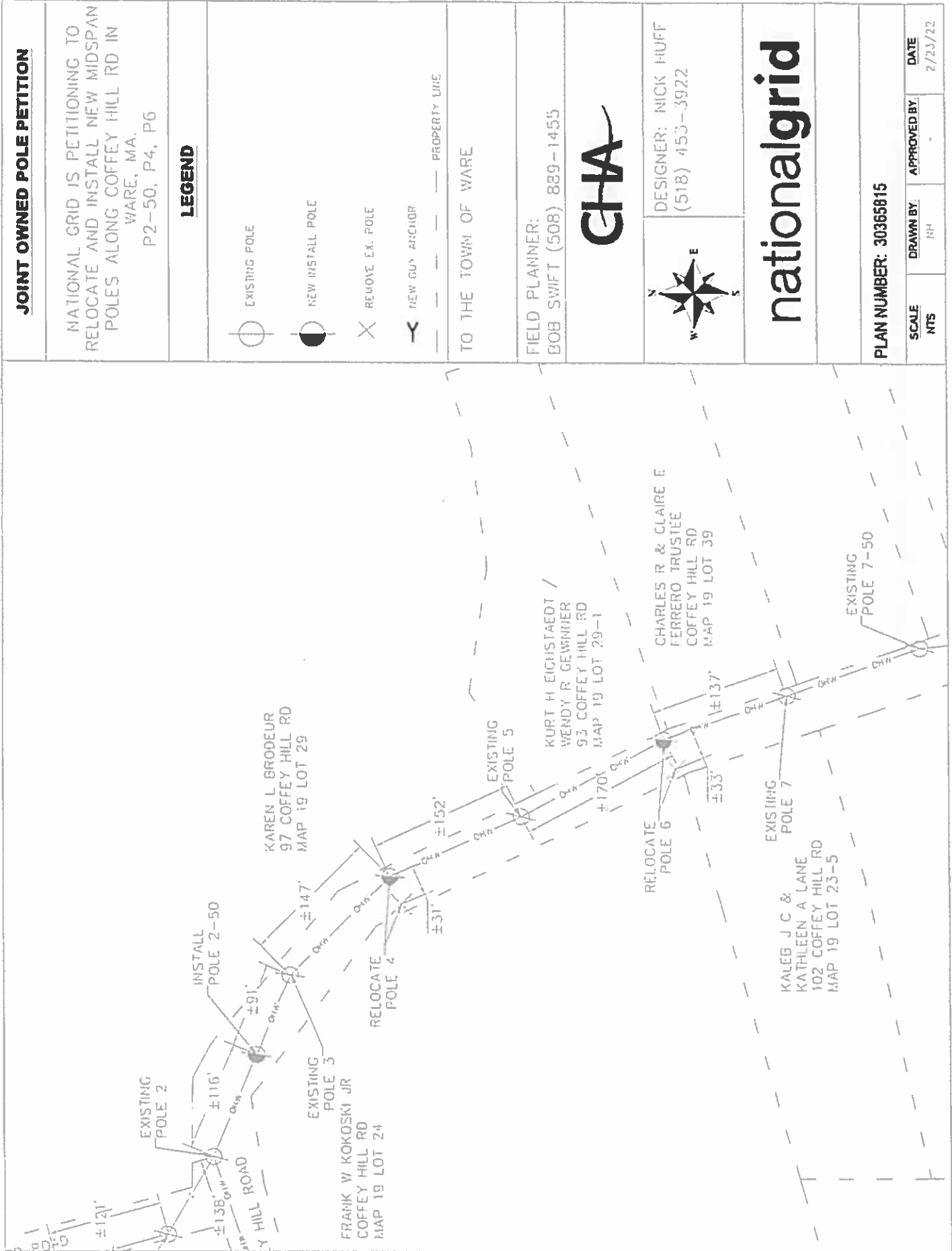
.....  
.....  
.....  
.....

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 \_\_\_\_\_ of the City of  
Massachusetts, on the \_\_\_\_\_ day of 20\_\_\_\_ 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



**JOINT OWNED POLE PETITION**

NATIONAL GRID IS PETITIONING TO RELOCATE AND INSTALL NEW MIDSPAN POLES ALONG COFFEY HILL RD IN WARE, MA.  
P2-50, P4, P6

**LEGEND**



EXISTING POLE



NEW INSTALL POLE



REMOVE EX. POLE



NEW GUY ANCHOR

PROPERTY LINE

TO THE TOWN OF WARE

FIELD PLANNER:

BOB SWIFT (508) 889-1455



DESIGNER: NICK HUFF  
(518) 453-3922

**nationalgrid**

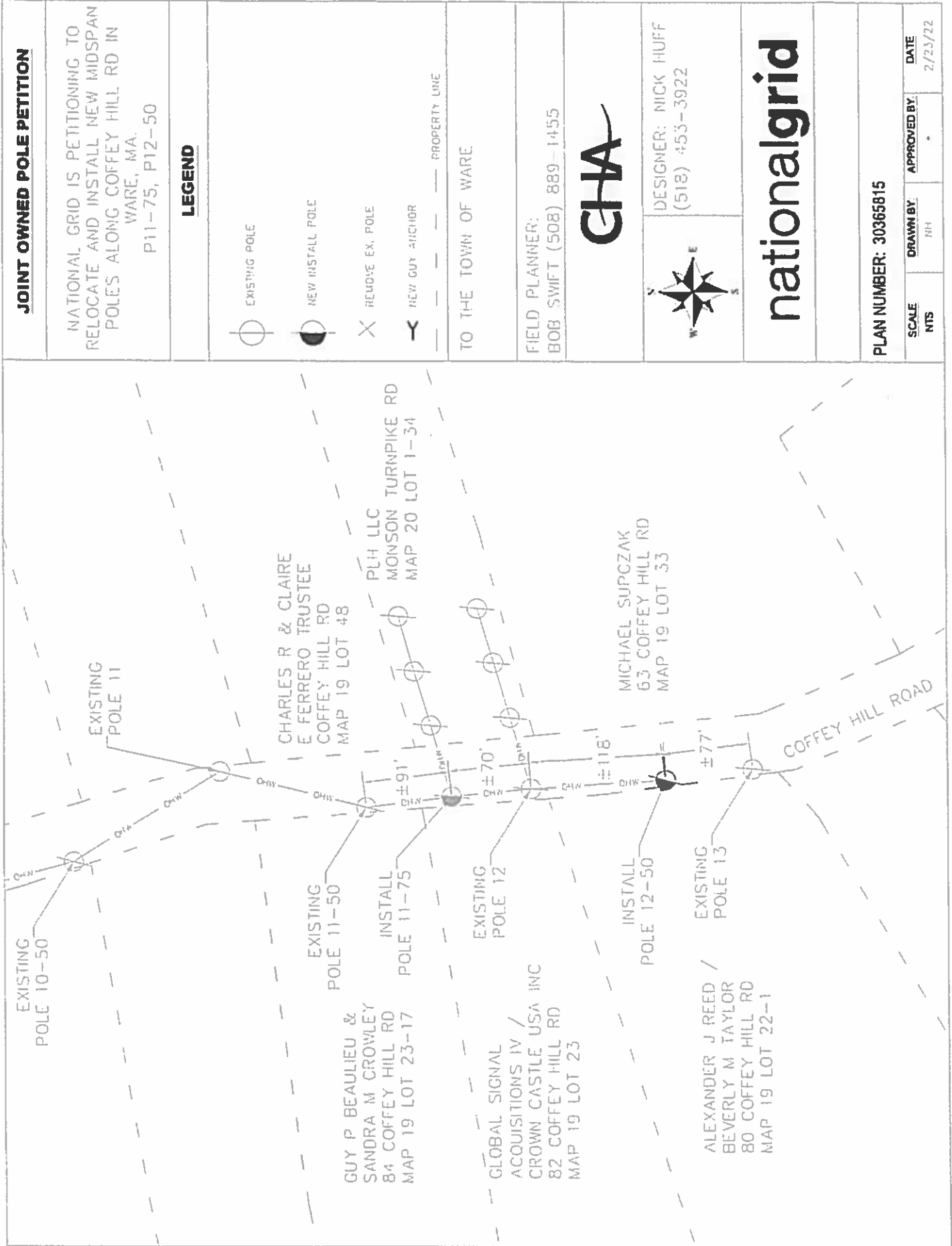
PLAN NUMBER: 30365815

SCALE  
NTS

DRAWN BY:  
NH

APPROVED BY:

DATE  
2/23/22



**JOINT OWNED POLE PETITION**

NATIONAL GRID IS PETITIONING TO  
RELOCATE AND INSTALL NEW MIDSPAN  
POLES ALONG COFFEY HILL RD IN  
WARE, MA.  
P11-75, P12-50

**LEGEND**

- EXISTING POLE
- NEW INSTALL POLE
- REMOVE EX. POLE
- NEW GUY ANCHOR
- PROPERTY LINE

TO THE TOWN OF WARE

FIELD PLANNER:  
BOB SWIFT (508) 889-1455



DESIGNER: NICK HUFF  
(518) 453-3922

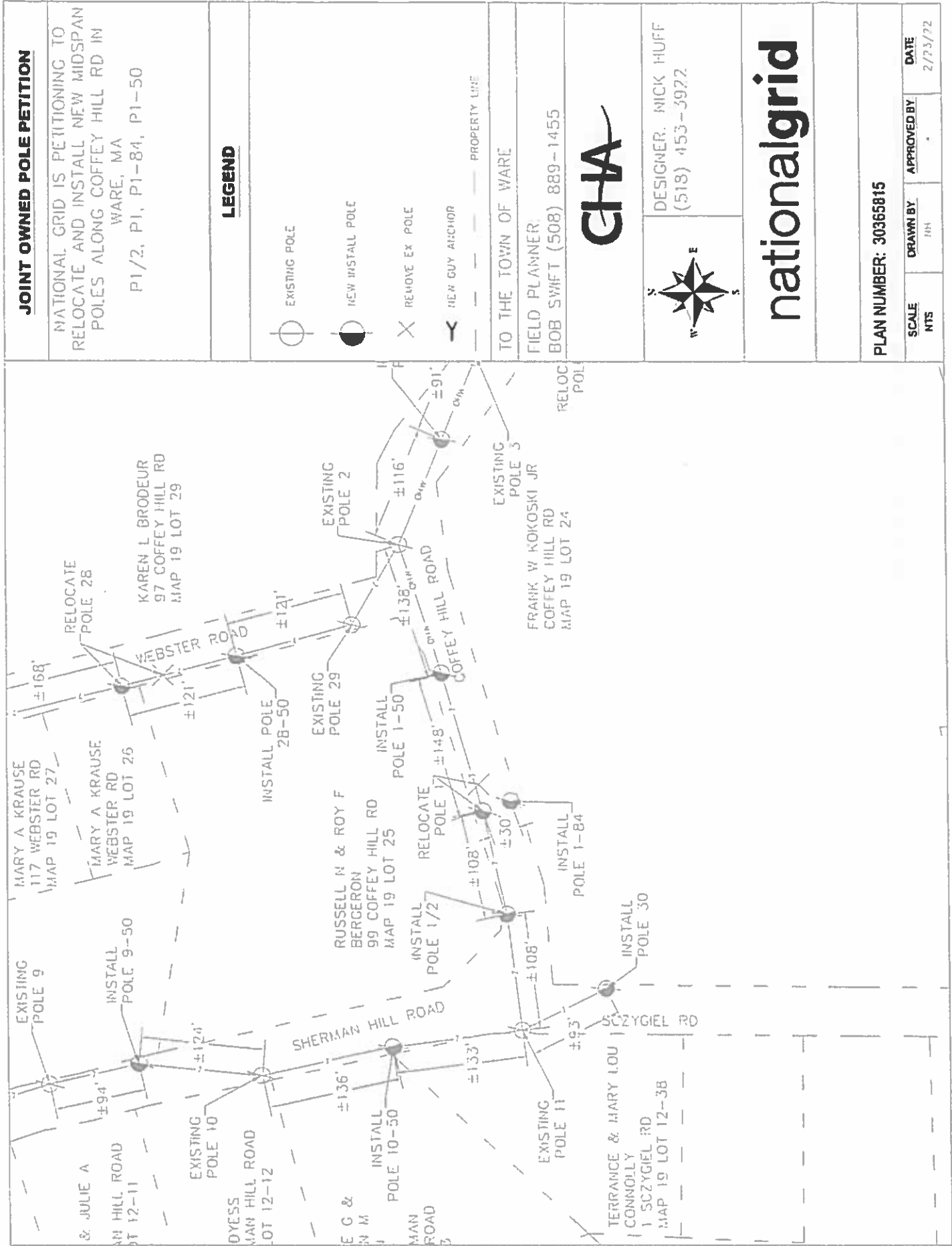


**nationalgrid**

PLAN NUMBER: 30365815

SCALE	DRAWN BY	APPROVED BY	DATE
NTS	NH	*	2/25/22





**JOINT OWNED POLE PETITION**

NATIONAL GRID IS PETITIONING TO  
RELOCATE AND INSTALL NEW MIDSPAN  
POLES ALONG COFFEY HILL RD IN  
WARE, MA  
P1/2, P1, P1-84, P1-50

**LEGEND**

- EXISTING POLE
- NEW INSTALL POLE
- REMOVE EX POLE
- NEW GUY ANCHOR
- PROPERTY LINE

TO THE TOWN OF WARE

FIELD PLANNER  
BOB SWIFT (508) 889-1455



DESIGNER, NICK HUFF  
(518) 453-3972



**nationalgrid**

PLAN NUMBER: 30365815

SCALE	DRAWN BY	APPROVED BY	DATE
NTS	JH		2/23/22

Questions contact - Robert Swift 508-889-1455  
**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Ware, Massachusetts

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

Sherman Hill Rd. - National Grid to install (7) JO poles 1-50, 1-58, 5-50, 6-50, 7-50, 9-50 and 10-50 and relocate (2) JO poles 1 and 2 on Sherman Hill Rd. beginning at a point approximately 163 feet southeast of the centerline of the intersection of River Rd. and continuing approximately 2500 feet in a southeasterly direction. Existing Pole 1 relocating 52 feet +/- northwest and existing Pole 2 relocating 59 feet +/- southeast.

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 – Sherman Hill Rd. - Ware, Massachusetts.

**30365815**

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

VERIZON NEW ENGLAND, INC.

BY \_\_\_\_\_  
Manager / Right of Way

Dated: June 6, 2022

Sherman Hill Rd. Petition

Questions contact – Robert Swift 508-889-1455

## ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - 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 VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 6th day of June 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 – Sherman Hill Rd. - Ware, Massachusetts.

**30365815** Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. 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:

Sherman Hill Rd. - National Grid to install (7) JO poles 1-50, 1-58, 5-50, 6-50, 7-50, 9-50 and 10-50 and relocate (2) JO poles 1 and 2 on Sherman Hill Rd. beginning at a point approximately 163 feet southeast of the centerline of the intersection of River Rd. and continuing approximately 2500 feet in a southeasterly direction. Existing Pole 1 relocating 52 feet +/- northwest and existing Pole 2 relocating 59 feet +/- southeast.

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.

I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Massachusetts

City/Town Clerk.  
20\_\_.

Sherman Hill Rd. Petition

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 \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. 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.

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

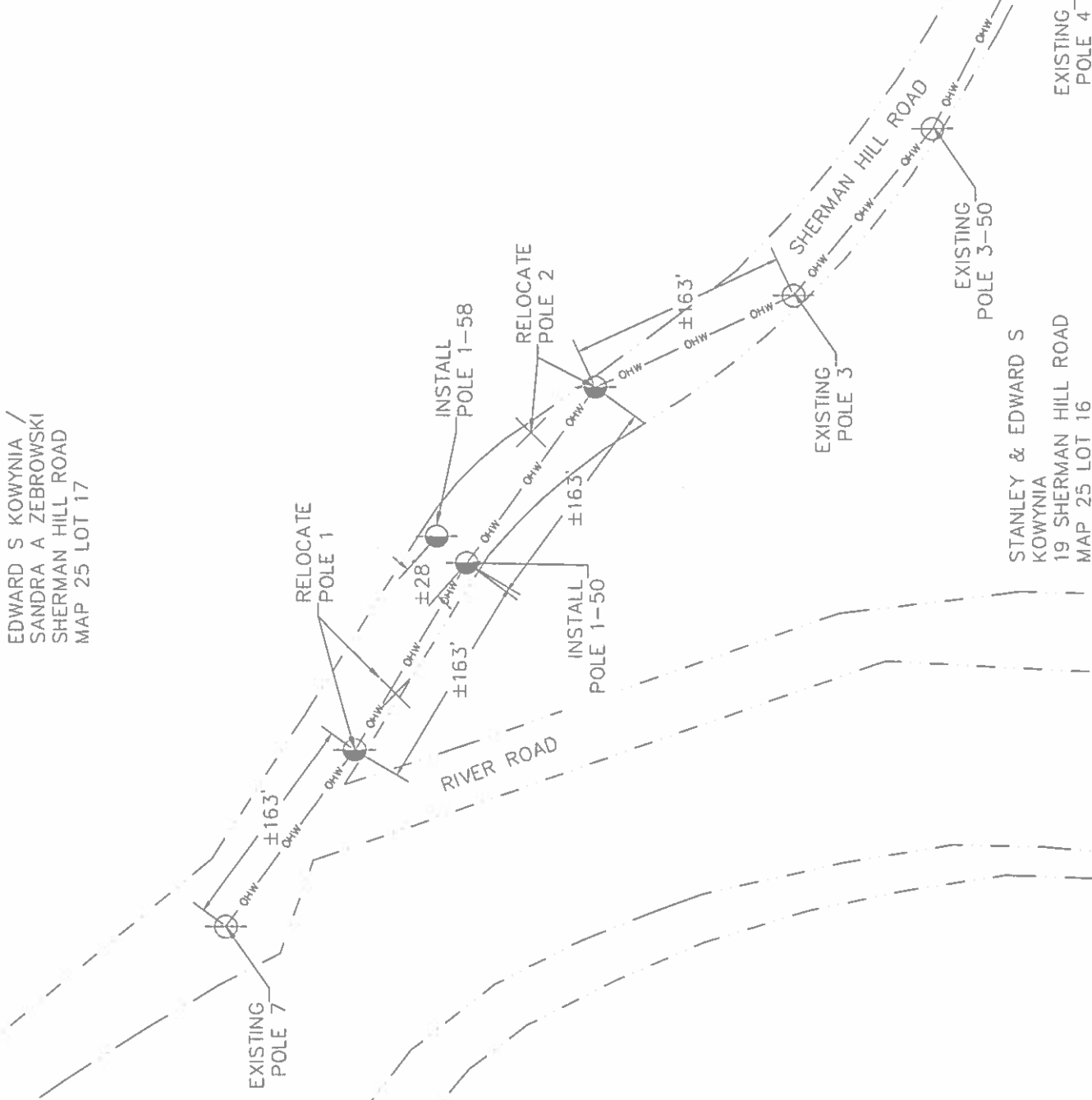
Board or Council of Town or City, Massachusetts

#### CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of  
hearing with notice adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_  
Massachusetts, on the \_\_\_\_\_ day of 20\_\_\_\_ 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

EDWARD S KOWYNIA /  
SANDRA A ZEBROWSKI  
SHERMAN HILL ROAD  
MAP 25 LOT 17



STANLEY & EDWARD S  
KOWYNIA  
19 SHERMAN HILL ROAD  
MAP 25 LOT 16

EXISTING  
POLE 4

# JOINT OWNED POLE PETITION

NATIONAL GRID IS PETITIONING TO  
RELOCATE AND INSTALL NEW MIDSPAN  
POLES ALONG SHERMAN HILL RD IN  
WARE, MA.  
P1, P1-50, P1-58, P2

## LEGEND



PROPERTY LINE

TO THE TOWN OF WARE

FIELD PLANNER:  
BOB SWIFT (508) 889-1455



DESIGNER: NICK HUFF  
(518) 453-3922



**nationalgrid**

PLAN NUMBER: 30365815

SCALE	DRAWN BY:	APPROVED BY:	DATE
NTS	NH	-	2/23/22

**JOINT OWNED POLE PETITION**

NATIONAL GRID IS PETITIONING TO  
RELOCATE AND INSTALL NEW MIDSPAN  
POLES ALONG SHERMAN HILL RD IN  
WARE, MA.  
P5-50, P6-50, P7-50, P9-50,  
P10-50

**LEGEND**



EXISTING POLE



NEW INSTALL POLE



REMOVE EX. POLE



NEW GUY ANCHOR

PROPERTY LINE

TO THE TOWN OF WARE

FIELD PLANNER:

BOB SWIFT (508) 889-1455



DESIGNER: NICK HUFF  
(518) 453-3922



**nationalgrid**

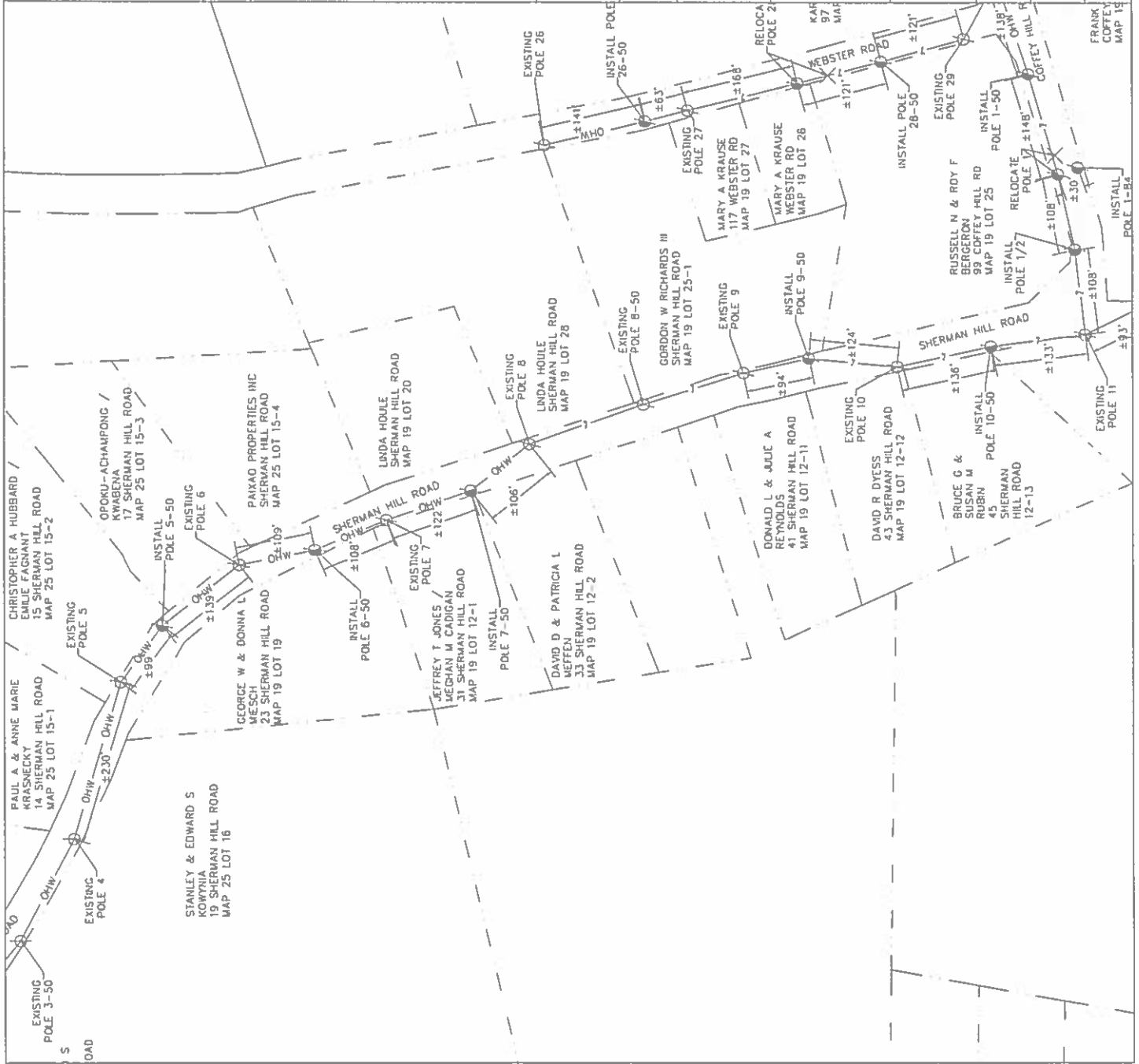
PLAN NUMBER: 30365815

DATE  
6/3/22

APPROVED BY:

DRAWN BY:  
NH

SCALE  
NTS



Questions contact - Robert Swift 508-889-1455  
**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Ware, Massachusetts

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

Sczygiel Rd. - National Grid to install (1) JO pole 30 on Sczygiel Rd. beginning at a point approximately 80 feet south of the centerline of the intersection of Coffey Hill Rd.

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 – Sczygiel Rd. - Ware, Massachusetts.

**30365815**

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

VERIZON NEW ENGLAND, INC.  
BY *Albert C. Bessette* \_\_\_\_\_  
Manager / Right of Way

Dated: March 23, 2022

Sczygiel Rd. Petition

Ware

Questions contact – Robert Swift 508-889-1455

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the Board of Selectmen - 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 VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 23rd day of March 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 – Sczygiel Rd. - Ware, Massachusetts.

30365815      Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. 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:

Sczygiel Rd. - National Grid to install (1) JO pole 30 on Sczygiel Rd. beginning at a point approximately 80 feet south of the centerline of the intersection of Coffey Hill Rd.

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.

I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
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 \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. 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 \_\_\_\_\_ of the City of \_\_\_\_\_  
Massachusetts, on the \_\_\_\_\_ day of 20\_\_\_\_ 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

# JOINT OWNED POLE PETITION

NATIONAL GRID IS PETITIONING TO  
RELOCATE AND INSTALL NEW MIDSPAN  
POLES ALONG COFFEY HILL RD IN  
WARE, MA.

P1/2, P1, P1-84, P1-50

## LEGEND



EXISTING POLE



NEW INSTALL POLE



REMOVE EX. POLE



NEW GUY ANCHOR

PROPERTY LINE

TO THE TOWN OF WARE

FIELD PLANNER:

BOB SWIFT (508) 889-1455



DESIGNER: NICK HUFF  
(516) 453-3922

**nationalgrid**

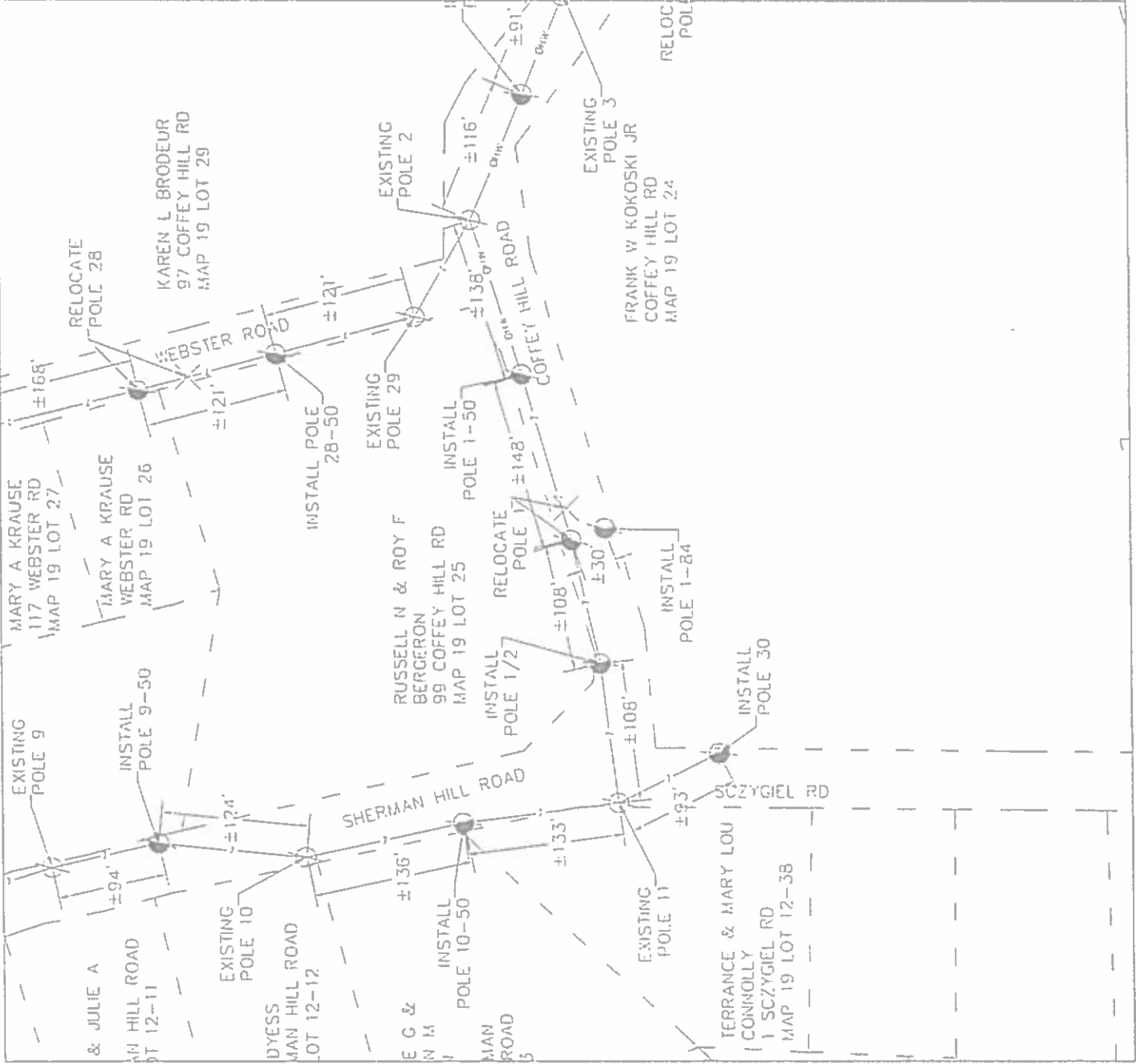
PLAN NUMBER: 30365815

SCALE  
NTS

DRAWN BY:  
NH

APPROVED BY:

DATE  
2/23/22



Questions contact - Robert Swift 508-889-1455  
**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Ware, Massachusetts

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

Webster Rd. - National Grid to install (2) JO poles 26-50 and 28-50 and relocate (1) JO pole 28 on Webster Rd. beginning at a point approximately 210 feet north of the centerline of the intersection of Coffey Hill Rd. and continuing approximately 475 feet in a northerly direction. Existing Pole 28 relocating 44 feet +/- north.

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 - Webster Rd. - Ware, Massachusetts.

30365815

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

VERIZON NEW ENGLAND, INC.  
BY *Albert C. Bessette*  
Manager / Right of Way

Dated: March 23, 2022

Webster Rd. Petition

Questions contact – Robert Swift 508-889-1455

## ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - 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 VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 23rd day of March 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 – Webster Rd. - Ware, Massachusetts.

30365815 Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. 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:

Webster Rd. - National Grid to install (2) JO poles 26-50 and 28-50 and relocate (1) JO pole 28 on Webster Rd. beginning at a point approximately 210 feet north of the centerline of the intersection of Coffey Hill Rd. and continuing approximately 475 feet in a northerly direction. Existing Pole 28 relocating 44 feet +/- north.

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.

I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Massachusetts City/Town Clerk.  
20\_\_.

Webster Rd. Petition

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 20 , at o'clock, M  
At a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. 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.

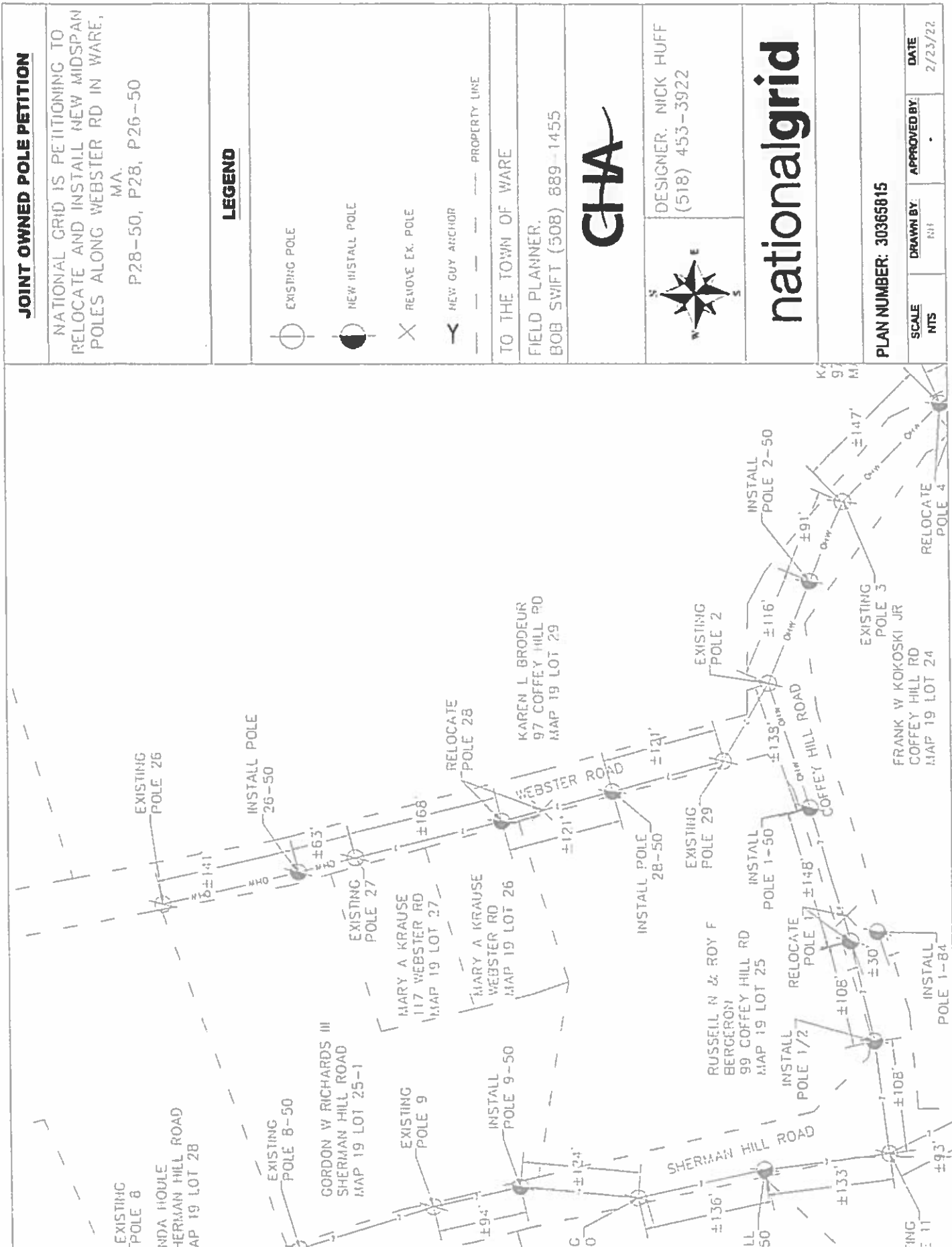
.....  
.....  
.....  
.....

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 of the City of  
Massachusetts, on the day of 20 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



**JOINT OWNED POLE PETITION**

NATIONAL GRID IS PETITIONING TO  
RELOCATE AND INSTALL NEW MIDSPAN  
POLES ALONG WEBSTER RD IN WARE,  
MA.  
P28-50, P28, P26-50

**LEGEND**

- EXISTING POLE
- NEW INSTALL POLE
- REMOVE EX. POLE
- NEW GUY ANCHOR
- PROPERTY LINE

TO THE TOWN OF WARE  
FIELD PLANNER,  
BOB SWIFT (508) 889-1455



DESIGNER, NICK HUFF  
(518) 453-3922



**nationalgrid**

PLAN NUMBER: 30365815

SCALE	DRAWN BY:	APPROVED BY:	DATE
NTS	RH	.	2/23/22

**REPORT**

**Pare Project No. 22072.000**

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**STUDY REPORT  
FOR THE  
TRAFFIC OPERATIONS  
WEST STREET (ROUTE 32)**

**Ware, MA**

**SUBMITTED JUNE 16, 2022**

**DRAFT**

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## TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Project Description	1
2	Existing Conditions	2
3	Traffic Capacity Analysis	8
4	Recommended Improvements	9





The West Street (Route 32) corridor in Ware is currently seen by most of the general public as a means of accessing other destinations beyond Ware and by many members of the Town as an under producer with regard to real estate taxes and contribution to the availability of local jobs. Fortunately, this means that the corridor has immense potential. With a recurring desire from the Town to enhance the corridor, they have been enabled with a Planning Assistance Grant to commission this study aimed at evaluating the traffic operations and developing a buildout analysis for the West Street corridor in Ware. The traffic operations will be reviewed by Pare Corporation and a buildout analysis for economic development will be provided by McCabe Enterprises

**FIGURE 1**



Along with parcel development/redevelopment, the transportation corridor needs to support and be capable of handling the traffic trips that will be associated with the expanded and added uses. In



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addition to accommodating vehicular traffic, revisions to the West Street roadway can help address existing safety concerns, improve safe mobility into the future and allot space appropriately for multi-modal use, meeting local and statewide initiatives.

## **2. EXISTING CONDITIONS**

### **2.1. DATA COLLECTION**

A field inventory of the existing conditions within the study area was conducted in May 2022. The study area is defined as the significant roadways and intersections that may be impacted by traffic generated by the construction of the proposed build-out. Included within the study limits is the West Street roadway from the Ware Schools campus (School Road/Town Street intersection) to Main Street (Route 9) as well as the primary intersections along West Street in this stretch. This inventory included measurements and photo documentation of the roadway and intersection geometrics, sight distance observations, utility location, pedestrian and bicycle facilities, accessibility compliance, and the physical condition for the corridor.

To better our understanding of the existing conditions further from a transportation perspective, efforts were made to obtain and analyze various types of data including crash data for the latest three-year period and existing count data along the corridor. Additionally, GIS data was reviewed to assess the existing conditions from a topographic and resource perspective inclusive of terrain limitations, wetland locations, and flood zones. We also reviewed historic documentation provided by the Town including the following:

Technical Memo on Recommended Improvements  
Traffic Operations Study West Street, Main Street East Main Street, Ware, MA  
Fuss & O'Neill, Inc., June 1997

Complete Streets Prioritization Plan, Ware Massachusetts  
Howard Stein Hudson, May 2020

Visioning, Branding, Wayfinding, & Business Development Plan  
Town of Ware, Massachusetts  
Prepared by Arnett Muldrow & Associates, 2015

West Traffic Operations Study, Final Report  
Pioneer Valley Planning Commission, March 2005

West Street Corridor SWOT Analysis 2021  
Ware Planning & Community Development Department, 2021

Sewer Master Plan, Ware Department of Public Works  
Wright-Pierce, October 2016

Water Master Plan, Ware Department of Public Works  
Wright-Pierce, October 2016

Route 32 Corridor Study  
UMASS LARP, 1992

## 2.2. Transportation Condition

In its existing condition, the Route 32 corridor within Ware has infrequent pedestrian activity on a general day-to-day basis. However, there is increased pedestrian use near the intersection of West Street and Vernon Street and also near the post office/Big Y Plaza. It should be noted that the corridor is currently lit with pole mounted streetlamps. Additionally, while shoulder widths vary and no bicycle striping or signing exists along the corridor, bicyclists make up approximately one percent of roadway users.

Ware is served by a community shuttle route. This is one of three community shuttle routes operated by Hulmes Transportation. These three routes combine to offer transit service to PVTA's easternmost communities. Belchertown, Ware, and Palmer all have this type of route. During the week it is possible to travel between the three towns utilizing these shuttle buses. It is also possible to connect with PVTA's main bus service at the Eastfield Mall in Springfield using the Palmer shuttle.

The Ware Shuttle runs approximately every hour in the morning and every hour and a half in the afternoon during the week. Limited service is offered on Saturdays with 3 trips in the morning running approximately hourly until 11:00 AM. Weekday service begins at 9:00 AM and ends at 4:00 PM. This route serves the downtown sections of Ware and also serves the Wal-Mart on Route 32 where it connects with the Palmer Village and Belchertown shuttles.

In addition to the fixed route service PVTA provides Paratransit (van) service in Ware. PVTA has two types of van service; dial-a-ride service and Americans with Disabilities Act (ADA) service. The dial-a-ride service is available to persons over 60 years of age on a space available basis Monday through Friday from 9:00 AM to 4:30 PM. The ADA service, which is mandated under the American with Disabilities Act, is available for people with disabilities that limit them from being able to use the fixed route bus service. The hours that ADA service is offered mirrors the fixed route service hours of operation

## 2.3. Physical and Environmental Condition

As noted previously, the study area consists of West Street (Route 32) from the Ware Schools Campus (School Road/Town Street intersection) to Main Street (Route 9) as well as the major intersections along West Street within this stretch. Below is an account of the existing physical conditions and related characteristics of the roadway network.

The existing geometric conditions of the roadway are as follows:

**TABLE 1**  
Roadway Characteristics

METRIC	DIMENSION
Number of Lanes	1 Each Direction
Pavement Width	35' – 40'
Travel Lanes	13' – 12'
Center Turn Lane	11' – 13'
Usable Shoulders:	0.0' – 1.5'
Right-of-Way:	50' (Town/MassDOT)
Bridge Length	14' (Bridge by Citgo)
Bridge Pavement Width	45'



West Street (Route 32) within the Town of Ware is classified as an Urban Principal Arterial. The section from the Ware Schools campus north to Robbins Road is under MassDOT jurisdiction and the section from Robbins Road north to Main Street (Route 9) is under the jurisdiction of the Town of Ware. The posted speed limit within the study area is 25 miles per hour. The West Street corridor is part of a major north-south connection to the Massachusetts Turnpike interchange in Palmer.

The existing corridor carries two 12-foot lanes of vehicular traffic in both the northbound and southbound directions. Though there are shoulders present along the corridor they are not a consistent width and do not accommodate bicycle travel. There are sparse sidewalks present within the corridor, but they do not connect the length of the corridor, nor do they connect uses along the corridor to neighborhoods adjacent to the corridor. The existing traffic along the West Street corridor within the limits of study area is approximately 11,000 vehicles per day.

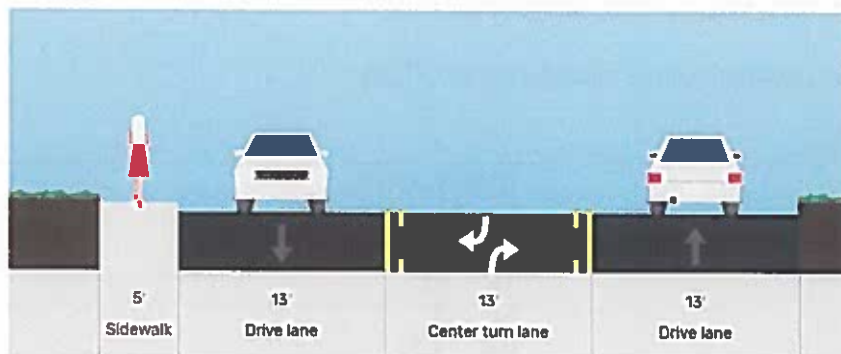
The roadway in the study area consists of hot mix asphalt that is in fair condition. It should be noted that in the areas of the high school to Robbins Road and from the town hall to Muddy Brook there is an unknown amount of concrete under the roadway. This should be considered during any reconstruction or utility work within the roadway. As noted above the roadway (curb to curb or paved surface) varies from 35' and 40' in width. West Street from Robbins Road to Main Street is a town road and is posted at 25MPH. West Street from Robbins Road to the southern extents of the study area is a MADOT roadway and is posted at 35MPH.

West Street is defined by a number of major driveways providing access to commercial, residential, and retail land uses between Gould Road and Vernon Street. In the vicinity of this commercial area, West Street provides one lane of traffic in each direction with a center lane for left turns in both directions. Site driveways in this area vary in width and alignment. Stop lines are not provided on any of the driveways in the study area and the only "STOP" sign at the time of the field inventory was located on the exit from the Ware Post Office. The speed limit on West Street is posted at 25 mph in this area

There is one bridge along the study area located near the Citgo gas station, crossing Muddy Brook. This bridge and the West Street Right of Way are owned by MassDOT. Specific dimensions can be found in the table above. Please see figures below for existing roadway cross sections.

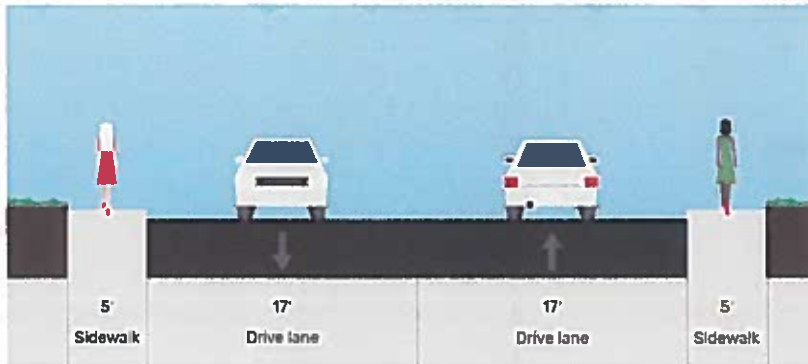
## **FIGURE 2**

West Street Existing Section w/Center Turning Lane



**FIGURE 3**

West Street Existing Section w/Sidewalks



There is generally good sight distance along the corridor. With a straight horizontal alignment, with the exception of gentle curvilinear alignment along the southern section of the study area. There is clear visibility for a minimum distance of approximately 800 feet. Historic speed data captured from an automated traffic recorder indicates an 85% speed ranging from a low of 29 mph (near Vernon Street) to a high of 42 mph near Gould Road. The available sight distance is sufficient for speeds recorded in the previous studies. However, a more in-depth sight distance analysis should be performed in the future for any proposed development access point along the corridor.

#### 2.4. Safety Condition

Crash data for the study area was extracted from the MassDOT crash portal for the most recent three-year period of January 2019 through December 2021. Crash data was reviewed to determine the presence of safety concerns within the study area. According to the data reviewed there were 118 total incidents that occurred in the study area over this three-year period. Of these 118 total incidents, 42 incidents occurred on the study area roadway not specifically at an intersection. Of these 42 incidents, 13 crashes resulted in non-fatal injuries with a total of 20 injured persons and none resulted in fatal injuries. The majority of incidents were rear-end and angle related crashes. Many of the collisions happened in front of the Big Y Plaza, near CVS and at the intersection of Main Street and West Street. A breakdown of the incidents by type and number of injuries can be seen in Table 2.

Crash data was analyzed from 2019 through 2021 stretching 1.3 miles from West Street at Gould Road to the intersection of West Street and Main Street. Based on the AADT from 2020 and the crash reports along West Street from Gould Road to Main Street, West Street has 7.55 crashes per MVMT (million vehicle miles traveled). The 2020 MassDOT statewide average crash rate for an Urban Principal Arterial is 3.58. The crash rate for this section of West Street exceeds the average for the state and is increasing over time while the average daily traffic volume is decreasing.



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**TABLE 2****Roadway Collision Data**

<b>Manner of Collision</b>	<b>Number of Collisions</b>
Rear-end	34
Angle	29
Single vehicle crash	16
Sideswipe, same direction	13
Front to Rear	11
Rear to Side	5
Head-on	4
Rear-to-rear	3
Front to Front	2
Unknown	1
<b>Grand Total</b>	<b>118</b>

**2.5. Character of West Street**

Beyond what the corridor can carry today from a vehicular and transportation perspective, the corridor was assessed from an aesthetic and use point of view. It was found that generally beyond the asset such as the Ware River (which is largely hidden), the remainder of the corridor has utilitarian edge barriers, under-utilized properties, and large paved lots directly adjacent to the roadway that all detract from the aesthetic appeal. In addition, large signs and utility poles crowd the corridors view shed.

**2.6. Visual Clutter**

As is found in similar corridors, West Street in Ware is marked by abandoned items and unplanned utilities that detract from the area's natural assets and hamper the potential visual appeal. The corridor is dotted with outdated signs, unused poles, equipment and small structures left behind by businesses that have long since closed. These portray a sense of abandonment, mar the visual landscape and detract from the viability of businesses that remain.

Additionally, viewsheds are impeded by overhead wires and utility poles that run parallel to the roadway throughout most of the corridor. Not only do the prevalence of poles and wires detract from the scenic qualities of the corridor, but they add to visual distraction at key intersections where safety is a primary concern.

**2.7. Lack of Cohesiveness**

The West Street environment is characterized by a lack of cohesiveness, that is a result of the unplanned, incremental build-out that has occurred over time. Building setbacks vary greatly along West Street, creating an inconsistent edge along the length of the roadway. The lack of visual cohesion has happened largely because of the varied dimensional regulations along the corridor, and the challenges setbacks have presented for small, irregularly shaped lots, particularly on the northern stretch of the corridor. In some areas, structures have been built close to the road edge, leaving little space for access or parking due to lot shape, while in other areas buildings are set far back on the lot making businesses hard to identify from the roadway. In many areas along West



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Street, parking directly abuts the road edge, with no visual or physical separation. This condition detracts from the visual character of the corridor and creates hazardous conditions where it is unclear to traffic on the road where to expect vehicles entering the roadway from parking areas.

While there are a few areas where newer construction has occurred that reflects better site planning and design efforts, the majority of buildings along the corridor are older utilitarian structures or residential buildings converted to commercial uses due to a need for cost effective investments on the corridor. This further contributes to a lack of visual cohesion as there are no clear design guidelines in place to encourage a particular building form or quality of construction.

## **2.8. Streetscape and Visual Design**

Uncoordinated and undefined edge conditions are found throughout the length of the corridor, compounding the lack of clarity of shoulder conditions. Where edges are defined, they often use utilitarian materials that convey the feeling of a temporary or expedient solution rather than a planned, cohesive design. Materials along the road edge include various curb treatments, shoulder and recovery zone treatments, and other materials. In some locations, new construction and redevelopment have begun to incorporate landscape buffers and shoulder treatments that begin to contribute positively to the image of the streetscape.

## **2.9. Signage**

As is found on similar corridors, competing signage clutters the view corridor at points along West Street. There are a number of outdated signs that should be removed to improve the visual character of the street and increase legibility of existing businesses, wayfinding, and roadway user guidance.

Where buildings are set far back on the lot, business signage is hard to read amid the fast-moving traffic on the roadway. Property owners have made use of old (and potentially non-confirming) signage to aid with visibility, while others have resorted to extreme signage strategies to get attention of motorists.

## **2.10. Access Management**

Access management along the corridor from Robbins Road north to Vernon Street has long been and continues to be a significant safety and capacity concern. The strip development of the corridor, with multiple individual business and parcels resulted in multiple driveways for several properties. The multiple access points contribute to conflicting motor vehicle turning movements and increased safety concerns for all roadway users (motor vehicles, pedestrians, and bicyclists).

## 2.11. Pedestrians, Signage, and Bicycles

A sidewalk on the odd side of the road is present from Gould Road to Main Street. The sidewalk width and condition vary along the route. Some sections have root damage and or heavy debris. The even side of the road does not have a continuous sidewalk, although a sidewalk does begin at the O'Reilly Auto Parts and continues north to Main Street. Pedestrian utilizing public transportation have a temporary bus stop located at 176 West Street. At this location there is no shoulder or designated bus stop, the bus must stop in a travel lane.

Signage for cross walks along West Street is not consistent. Some crosswalks have no signage to notify vehicular traffic while others have old or outdated signs. Signs for the center turn lane are present. In the school zone there is a flashing sign (during school hours, north and southbound) to slow traffic down.



Bicycle users have the option to ride on the road with motorist or on the sidewalk. Bicycle users who opt to travel on the roadway rarely have the option to ride on the shoulder. The nearest designated bike lane is located on Main Street.

## 2.12. Utilities

The existing water main along West Street varies from size and material. Large sections consist of 12" ACP (asbestos concrete pipe) while other sections are 3" IP (iron pipe), 6" IP, 8" IP, 12" IP and 6" AC. The age, size and material of the water main system is a concern for future development. Note that the main running down West Street is also a feeding for residential streets.

Sewer infrastructure along West Street is also very old (installed in the late 1890s) and undersized for current standards. The main line varies in size and material, 8" AC, 10", 12" 15" VC. This type of variation in pipe size and material is common concern for infiltration and inflow (I/I). There is an unknown amount of concrete under the pavement by the Town Hall to Muddy Brook and from the high school to Robbins Road.

The storm drainage consists small, localized structures that discharge into the Ware River during heavy rain events. The lack of an urban drainage system along the corridor results in small, localized puddling and nuisance ponding during frequent storm events.

## 3. TRAFFIC CAPACITY ANALYSIS

A "two lane arterial roadway serving a mix of commercial, retail and residential land uses"; West Street (Route 32) is the main route of travel for area commuters travelling to and from the Massachusetts Turnpike from surrounding communities. Because of the importance of West Street any future developments should try to mitigate any traffic issues along the route. The MassDOT 2020 traffic counts on West Street south of Pulaski Street show 5,554 VPD north bound, 5,422 VPD south bound with an AADT of 10,976 (2020), other reports show up to 13,000 vehicles per



day. It is notable that the traffic volumes recorded for the West Street Corridor have been dropping from 16,800 ADT in 1995 to 10,976 in 2020.

A center turn lane is used stretching roughly 700' from at Phillip to the Citgo gas station. At the intersection of Vernon and West a signal is being used. North and south bound traffic have a designated left turn lane, permissive. Another signal is used at the Walgreens with the same configuration.



### **3.1. Safety Condition**

Crash data for the study area was extracted from the MassDOT crash portal for the most recent three-year period of January 2019 through December 2021. Crash data was reviewed to determine the presence of safety concerns within the study area. According to the data reviewed there were 118 total incidents that occurred in the study area. Of these 118 total incidents, 42 incidents occurred on study area roadways not specifically at a study area intersection. Of these 42 incidents, 13 crashes resulted in non-fatal injuries with a total of 20 injured persons and none resulted in fatal injuries. The majority of incidents were rear-end and angle related crashes. A breakdown of the incidents by type and number of injuries can be seen below in Table 1.

Crash data was analyzed from 2019 through 2021 stretching 1.3 miles from West Steet at Gould Road to the intersection of West Steet and Main Street. A Total of 118 crashes were reported. Based on the AADT from 2020 and the crash reports along West Street from Gould Road to Main Street, West Street has 7.55 crashes per MVMT (million vehicle miles traveled). Table 1. indicates the manner of collisions. Many of the collisions happened in front of the Big Y Plaza, near CVS and at the intersection of Main Street and West Street.

## **4. RECOMMENDED IMPROVEMENTS**

### **4.1. Safety Recommendations**

The safety review indicates a total of 34 rear-end incidents, 29 angle incidents and 16 single vehicle incidents as the highest quantities of incidents by type within the corridor. It is important to identify ways that the corridor's typical cross-section can be adjusted to help alleviate these types of incidents. Rear-end incidents are typically reduced with the addition of dedicated turn lanes, such as those that exist at Vernon Street and the Post Office, allowing left turning movements to remove themselves from the high-speed left travel lane. Angle incidents are generally reduced with protected turns, which allow vehicles to turn with no opposition. The best way to reduce object incidents is by curbing the outer edge of the roadway, reducing the frequency that vehicles may leave the roadway and therefore reducing the potential to strike objects beyond the roadway's pavement limit.

An additional measure that can minimize rear-end and angle incidents as development unfolds is access management. Access management is a set of techniques used to maintain the safe and

efficient flow of traffic along a roadway, implemented primarily along routes that are intended to maintain high volumes with minimal interruption or delay. Access management techniques include:

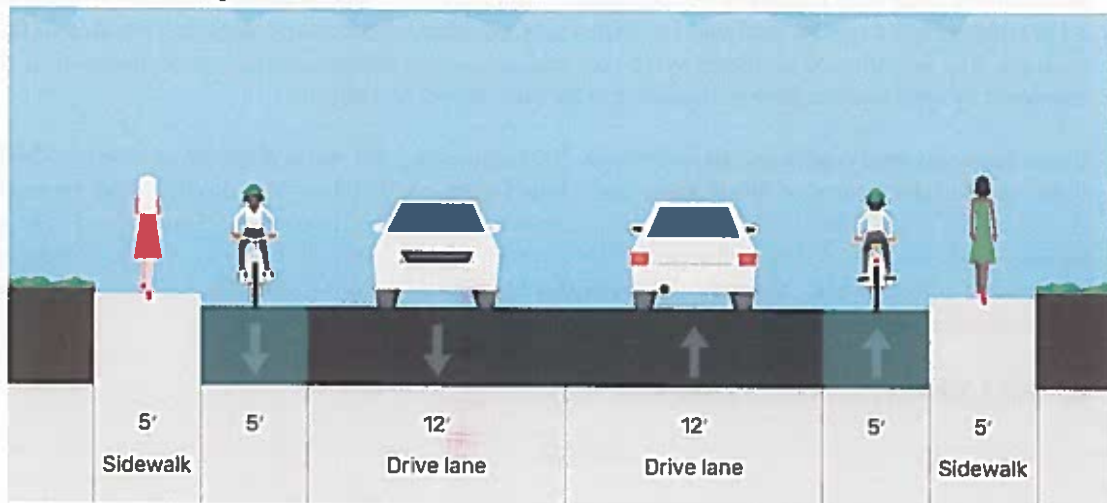
- Access Spacing – increasing the distance between traffic signals to improve the flow of traffic
- Driveway Spacing – increased distance between driveways decreases conflict points
- Right-of-Way Management – the preservation of right-of-way for future widenings

#### 4.2. Roadway Section

Removing the center turn on West Street and incorporating more signalized intersections should be taken into consideration during future development. Consider upgrading existing signalized intersections with video detection and pre-emption for emergency vehicles. The signal timings and phasing should also be reviewed through current traffic counts and turning movement data as the traffic volumes along the corridor have seen volume changes in recent years.

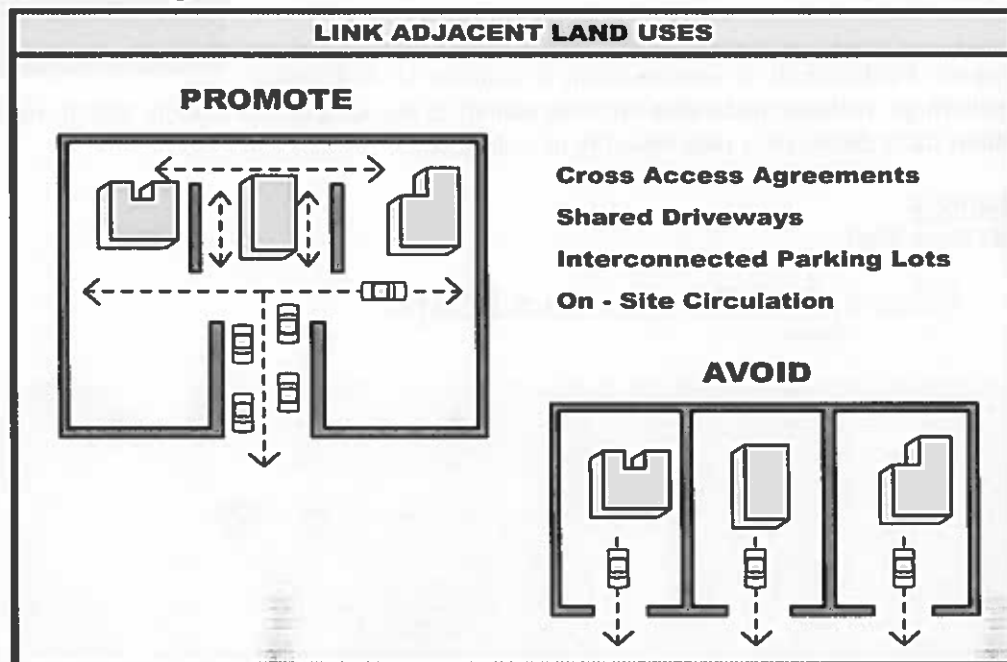
**FIGURE 4**

West Street Conceptual Section w/Sidewalks & Bike Lanes



Looking at the potential roadway layout for the West Street corridor within Ware, the existing 50-foot right-of-way can accommodate many of these features. As well as reducing incidents of various types, the addition of designated turn lanes and median separation will help alleviate congestion and delays at the study area intersections.

**FIGURE 5**  
Access Management



#### 4.3. Bicycle Accommodations

In accordance with the current MassDOT guidelines for complete streets, on-street bicycle accommodations have been considered as part of the potential roadway cross section. Technically the right-of-way width could provide for 5-foot bicycle lanes in each direction. However, this is the West Street corridor in its current conditions given traffic volumes, high accident rate, and access management concerns.

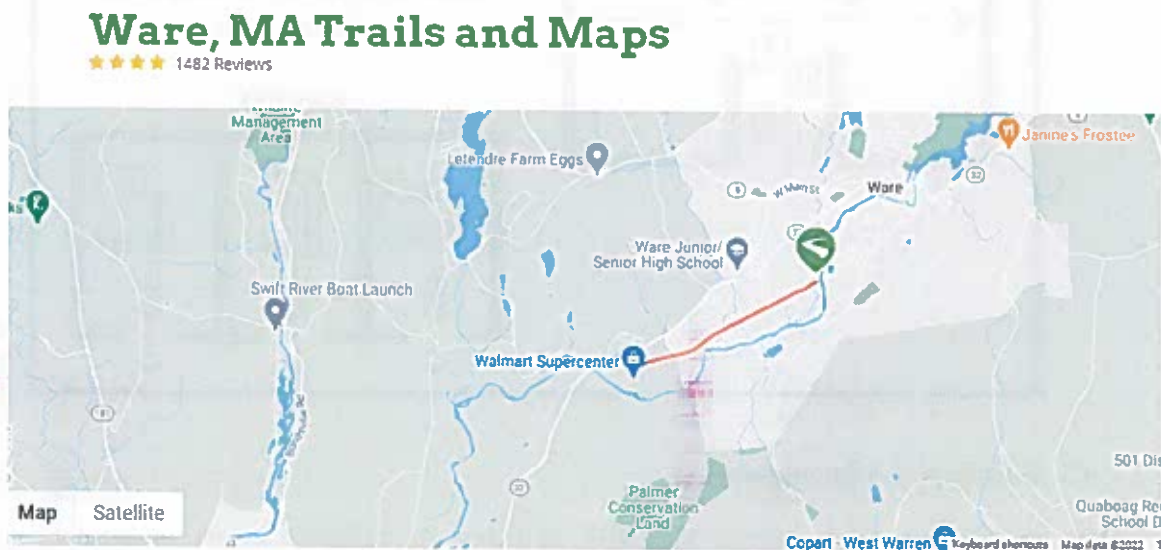
The West Street corridor could serve as a great avenue for bicyclists for both recreational and transportation uses due to the business, public facilities, topography, and low posted speed limits. To accommodate bicyclists in an off-street setting, we ideally would look for an alternate corridor. The Ware River Trail is now established and offers this type of off-street accommodation. The connection from West Street to the bike trail needs to be developed and wayfinding signage developed to encourage its use.

It is recommended that pedestrians have access to sidewalks on both sides of the road along the entire route. ADA width compliance also must be met, this may require utility pole relocations or ROW takings. The existing ROW also allows room for two separate bike lanes. (Northbound and southbound). This change would reduce the travel lanes to 12'. Bike access could also be taken off road and redirected from Mountainview Drive and tie into the path of the Ware River and terminate at the CVS on West Street, this would be roughly 6,400' of off-street bike path.



Consider replacing old, worn or missing signage on all crosswalk along the route. Further study is recommended to consider HAWK traffic signals (high visibility pedestrian crossing signal) in the area of the schools and at mid-block sections that vehicles have poor visibility of pedestrians.

**FIGURE 6**  
Ware River Trail



#### 4.4. Developing the Character of West Street

While West Street faces many challenges to improving the character of the corridor, its natural areas and key position as the connection between major regional uses are strong assets to build upon. Carefully crafted zoning and design guidelines can help build a cohesive character for the corridor, while maintaining the expressed community desire to balance natural resource areas with sensitive development and planned economic growth.

Improvements to the look and feel of the West Street area are encouraged. Past master planning exercises and corridor studies have cited the desire for improved character along West Street and need for a local vision which balances development with nature. Not only will improvements to the character of the corridor make the area more attractive to daily users, but it will also improve safety and help to encourage well-planned private investment.

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To help create a sense of place and to limit sprawl, the focus of improvements should be to create consistency along the corridor and to foster well-defined nodes of development within the corridor. Consistency of streetscape elements including setbacks, building heights, materials and design standards, will provide a sense of cohesion and convey that West Street is a well-planned place. Defining development nodes will serve to protect sensitive habitats along the route, can increase synergy among businesses, can reduce the number of automobile trips by creating walkable nodes, and can improve traffic conditions by helping to set consistent driver expectations as traffic moves along the travel way.

Consistency and cohesion in the West Street environment can be achieved by the following means:

*1. Review and adjust zoning and dimensional regulations.*

Zoning components should be reviewed and adjusted as needed to encourage consistency in new development along the corridor. The following should be considered:

- Zoning that supports the concept of commercial nodes and protects resource areas.
- Consistent dimensional regulations across commercial areas in the corridor including development of consistent setbacks, building line, and building heights.
- Parking requirements that move lots away from the street edge, that require planting and buffering, and that create opportunities for shared parking.
- Landscape guidelines for planting and permeability.

*2. Develop and implement design standards.*

All buildings on the corridor need not look the same, however implementing design standards can help promote a consistent feel in the streetscape. Design standards to consider include elements such as: signage types and locations, lighting types and levels, landscape plantings and buffers, and building materials and site treatments.

*3. Consider implementing design review as part of a streamlined permit process.*

Design review of development projects provides opportunity for input into the development process. It allows for the oversight needed to ensure the level of consistency along the corridor necessary to establishing the desired sense of place.

*4. Invest in roadway improvements.*

Roadway improvements discussed previously will provide for both safety and consistency along the route. As part of the improvements, development of landscaped medians in key nodes will aid in traffic control, will allow for greening of the streetscape, and will promote walkability by providing safe areas for crossing. Coordinated roadway improvements can allow for consistency in road edge, dimensions, materials, lighting and signage, which, if well-planned, will contribute positively to the experience of the West Street corridor.

*5. Create opportunities for multi-modal connectivity.*

As previously discussed, multi-modal connectivity can support the development of a unique character for West Street. Wayfinding and connections to the multi-modal bike trail parallel to the

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corridor can help improve connectivity to adjacent neighborhoods and support local usage. Additionally, a bike trail connecting the area's natural resources can help support business growth and development along the corridor by serving as an anchor attraction to the area. A trail system, in combination with improvements to support scenic areas along the corridor can help West Street reposition itself as an area for commerce, recreation and enjoyment of natural resources.

Development of corridor character is something that evolves over time. To set West Street on the path toward achieving this, the first steps are to set a vision, refine zoning tools and plan for infrastructure improvements. A focus on development nodes, balanced with rich natural resource areas, will serve to encourage investment, will improve commercial opportunities, and will result in an identifiable character for the corridor. With a supporting framework in place, West Street in Ware will be on a path to become a safer and more connected place, poised to attract the desired investment.



# McCABE

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## MEMORANDUM

TO: Robert Watchilla, Ware Planning & Community Development Director  
CC: David Loring, Vice President, Pare Corporation  
FROM: Kathleen McCabe, FAICP, McCabe Enterprises  
DATE: June 16, 2022  
RE: West Street Corridor Key Findings & Recommendations

This memorandum highlights the key findings and recommendations of the West Street Corridor build-out and zoning analysis, market overview with an economic development focus. A separate more detailed technical memorandum will review the analysis and findings. We look forward to presenting the findings to the Ware Select and Planning Boards next week. Please advise if you have any questions or need additional information.

### Key Findings

- The build-out and zoning analysis of the West Street Corridor properties found a substantial number of properties in each zoning classification – Downtown Commercial (DCT), Highway Commercial (HC), and Residential Business (RB) zones do not conform to the existing zoning minimum requirements. Two-thirds of the parcels in Highway Commercial and Residential Business zones do not conform to minimum lot size or minimum frontage requirements of Ware's zoning bylaw.
- The West Street Corridor is largely built out. There are only a few vacant parcels. Future new growth along the West Street Corridor will largely stem from redevelopment or expansion of existing properties. Growth is limited by the building coverage and impervious surface requirements in the zoning.
- The number of business establishments with employees has increased in Ware 12.3% since 2010. A total of thirty-two new employer-based businesses are operating in Ware. Businesses in Ware today tend to be smaller with fewer employees. The average business establishment with employees has 8.7 workers in Ware. The sectors with the highest average number of employees in Ware are food and beverage retailers (32), manufacturers (28), restaurant & eating establishments (15.9), ambulatory health care (13.3), and the leisure and hospitality sector (10.5). [Note: the number in parentheses following each business sector is the average number of workers per business establishment in this specific sector.]
- The real estate market for retail and office uses in 2022 is weak and uncertain. The rise in e-commerce, which accelerated during the pandemic, has decreased the demand for retail space. The office market is changing with remote work and work-from-home options, decreasing the

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*McCabe Enterprises*

12 Primrose Street, Boston, Massachusetts 02131-1616  
Phone: 617 469-9444 Fax 617 469-1765 [mccabe@Plan-Do.com](mailto:mccabe@Plan-Do.com)

# McCABE Enterprises

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- for traditional office developments. There is some need for small offices for business and professional services. Demand for warehouse space is strong, but not ideal for the West Street Corridor. Moreover, it is a prohibited use in the HC and DTC zones and allowed by special permit in RB.
- The demand for housing continues. Ware has experienced a 38.8% increase in median single-family home sale prices and an 15.3% increase in the number of home sales over the past two years.
- The West Street Corridor is a commercial corridor with a mix of uses, including residential. The mixed-use character of the West Street Corridor should continue and be reinforced. This complements and supports the Town's Complete Streets policy.
- Route 32 – the West Street Corridor and the Palmer Road sections – is the southern gateway to Ware. It creates the first impression of Ware. The towering mature trees along Route 32 and grassy/woody landscape help define the character of Ware and introduce the community to visitors. The West Street Corridor is the entrance and approach to Ware's historic downtown and the rising red brick towers of Town Hall. This is a defining and important vista.
- Property and business owners, as well as the Town will need to consider use of pervious materials for parking areas and circulation on West Street Corridor properties, particular properties which are wholly or partially within Zones A or B of the flood risks identified the FEMA (Federal Emergency Management Agency) flood plain maps. 59 parcels within the West Street Corridor are either wholly or partially within the 100-year and 500-year flood plains. Over half of the Highway Commercial zone parcels are flood-prone.
- Several prior planning studies and reports stated that there is a lack of community consensus on the future of the West Street Corridor. Our experience in economic development and community planning indicates that a lack of consensus creates challenges and difficulties in advancing economic development and zoning changes. It will be important for Ware as a town to develop a shared vision of the West Street Corridor and build community consensus as to the future desired uses and development.

## Recommendations

1. Ware has built a handsome educational school campus with high school, middle school and elementary school at West Street and School Road. New private construction and development in this vicinity should focus be focused on a school-home neighborhood
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theme that can include a mix of uses. Additional housing using a variety of housing types – single family, two-family, townhouses, duplexes and multi-family should be encouraged.

2. The West Street Corridor has several deep lots, that occasionally entail multiple zoning districts. These properties do not qualify for the Town's Flexible Residential Open Space Development (FROSD) special regulations since they do not meet the minimum size requirement of 10 acres. The Town should consider the development of a Planned Unit Development (PUD) zoning regulation to enable developer/ owners to develop creative site plan designs that advance Ware's community aspirations and goals for the West Street Corridor using a flexible approach to zoning. PUDs provide an option for developing commercial, residential and mixed-uses on larger sites (usually three acres or larger). Property owners would typically have the option of following the regulations of the district zone, such as Highway Commercial, or proposing a development plan using a PUD approach. Successful PUD regulations often include some regulatory incentives for addressing community needs and goals.
  3. The Ware Senior Center on Robbins Road could provide the focus of additional infill development in the vicinity of West Street, Robbins Road, Homecrest Avenue, and the private "paper street" Lafayette Street using a senior housing and senior services theme with walkable connections in this area of the West Street corridor.
  4. In the vicinity of Muddy Brook, and the east side of the West Street Corridor, there are numerous parcels that are nearly completely in the 100-year flood plain. New development in this area will need to be elevated to remain above flood risks. The "new" CVS on West Street near Vernon Street illustrates a successful local approach to elevating a building above the flood risk. Increased awareness and adoption of flood resilient design and elevating buildings is needed.
  5. The Ware River is an important amenity and resource. The area along the Ware River in the West Street Corridor could be the locus of new recreational-oriented businesses and amenities, drawing residents and visitors to Ware and the corridor. This could include boating, kayaking, or canoe rentals. The area north of Muddy Brook on the east side of West Street provides several possibilities for connection to the river.
  6. Numerous parcels in the Highway Commercial zone along West Street north of Vernon and south of the Downtown Commercial Zone are non-conforming. This area is a transition between Downtown and the "highway commercial" area embracing features of each zone. Many of these parcels meet the minimum lot size and minimum frontage requirements of the Downtown Commercial zone. The zoning requirements pertaining to
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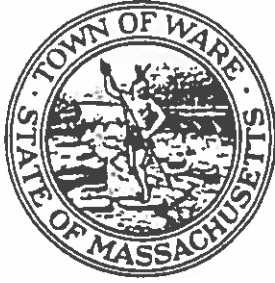
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parking location and design for the Highway Commercial zone, as specified in Section 6.1.2 would be appropriate to retain in this section. A hybrid transitional zone enabling conformance with smaller minimum lot size and frontage requirements and parking design standards should be developed and adopted.

7. The Town-owned parcel at the northern tip of the West Street Corridor at 121 Main Street provides an opportunity for the Town to activate Main Street and Downtown. Tables, chairs and umbrellas on the grassy green area would provide people with an opportunity for outdoor eating and dining with food provided by either the adjacent Villa's Restaurant or food trucks. This could be an easy-to-implement project with support from a MassDOT's Shared Streets grant.
8. The future development and growth along the West Street Corridor will require a redevelopment approach. Redevelopment often entails more staff-intensive work fostering redevelopment, than greenfield development. The Town should allocate time for the staff of the Planning & Community Development Department to work on redevelopment in the West Street Corridor, and to support professional development training regarding redevelopment and economic development.
9. To successfully advance redevelopment in the West Street Corridor for a mixed-use district using a complete streets approach, the Town should engage in a more detailed planning process which incorporates community engagement of stakeholders, including residents, businesses and property owners.



June 21, 2022

### Underride Language

The required language to be placed on the ballot is:

"Shall the Town of Ware be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first, two thousand and twenty-three by an amount equal to \$\_\_\_\_\_?"

### Additional information:

Prop 2 ½ Questions are placed on the ballot by the Local appropriating body – Board of Selectmen (MGL Chapter 59 §21 (c)).

For a State Election notice must be received by the state no later than the 1<sup>st</sup> Wednesday of August (8/3/2022). Cannot be on primary.

Vote must be taken by BOS and given to Town Clerk who shall submit to Elections Division in a word document.

Notice to Elections Division via email and certified hard copy by Town Clerk to state.

For a local ballot question –

Board of Selectmen must vote the question **exactly as it will appear on the ballot.**

Vote must be taken and written notification made to Town Clerk by a majority vote of the Board of Selectmen.

Town Clerk must have 35 days to schedule the election after being notified.



## **Board of Selectmen**

**Ware Town Hall, Meeting Room, 126 Main Street**

**Regular Meeting Minutes – Tuesday, June 23, 2020 at 5:00 p.m.**

**Instructions for call in option:** at or before 5:00 p.m., call the phone number below and when prompted enter the Meeting ID number. The platform is Zoom Meetings.

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

**Meeting ID: 784 604 1861**

**Phone: 929-205-6099**

**Present at Town Hall:** Selectman Nancy Talbot, Selectman Keith Kruckas, Town Manager Stuart Beckley, Police Chief Crevier, Acting Fire Chief Gagnon, DPW Interim Director Gibby St. George-Sorel, PCD Director Rebekah DeCoursey, Building Inspector Anna Marques

**Via Zoom:** Selectman Alan Whitney, Selectman Tracy Opalinski, WRN Editor Eileen Kennedy, Tom Barnes

**Absent:** Selectman John Carroll

**Meeting Opened by Selectman Kruckas, per Chairman Whitney**

**Request for Public Hearing under MGL Chapter 139, Section 1: 114 Main Street**

Mr. Beckley stated that, under MGL Chapter 139, Section 1, the property at 114 Main Street may be a dangerous property and requests the Board schedule a hearing for July 7, 2020. The Board needs to know the owner's intent to repair or shall the Board order repair or demolition.

Selectman Kruckas questioned contact with the owner; Building Inspector Anna Marques stated she has left messages, but her calls have gone unanswered. Selectman Kruckas noted he was disgusted at the amount of money that will be lost on this, as the Town has known about the building being unstable. He asked for a contingency plan. Mr. Beckley noted that the hearing must first be held, then Attorney Wojcik can prepare the order.

Selectman Kruckas questioned where the town will come up with the money, with cuts to departments and this should have come up at town meeting. He noted he voted against the town hall grant, not because the town does not need it, but now the town is  $\frac{3}{4}$  of \$1 million in, and voters should have been told ahead.

Selectman Talbot noted that communications are included with the packet, and it would be more appropriate to schedule the hearing next week. She asked, and Mr. Beckley answered, there should be 10 days' notice.

Chairman Whitney asked what the owner would gain by talking to the Board. He stated we need a Plan B and not spend \$750,000.

Selectman Opalinski stated the town cannot afford to do this, and, when she was elected, she was concerned about this and why erratic enforcement. She said now Mass DOT may fine us or pay more money. She stated "this falls under Stuart's tenure, your umbrella, your care", and she told him to meet and find out what the town could do to get code enforcement, whether there were or would be policies or procedures. She stated now look where we are, and during a COVID year, now rainy day funds must be used. She stated this assessed the way Stuart is doing his job, and she stated she is "putting the blame on Stuart."

Chairman Whitney noted blame on the tenant, and noted the Historical Commission put this on hold and this would not be an issue if that did not happen. Selectman Opalinski noted the grant and job were left half done. Selectman Kruckas questioned if anyone looked at grants in the past 10 years. He noted that towns of Gardner and Fitchburg have Slum and Blight and they tore down numerous buildings, while Ware cannot get this done. He stated he saw no benefit to Slum and Blight designation except to ruin property values which went up anyway, with no benefit if no grants. He noted the Main Street project is costing the town.

Chairman Whitney noted he must be on another call at 5:30 pm and stated the Board should set the hearing. He instructed Mr. Beckley to come up with a Plan B and sue the owner for the proper amount. He stated that owners that abandon property must stop. He noted that 73 West Main Street burned, and the owner disappeared. He noted that the Main Street building burned, the owner received \$750,000 in fire insurance and walked away, and now the town is stuck with the building. He instructed Mr. Beckley to work on code enforcement, and to come up with a plan if/when the owner does not show up, and go from there.

Selectman Kruckas stated the town needs a bylaw to hold people accountable when they buy property here. He stated he hasn't seen anything from the bylaw committee in ten years. Chairman Whitney stated that Plan B must involve suing the owner. Selectman Kruckas noted that DPW, Mass DOT, and Ludlow Construction must all be irritated. Chairman Whitney stated this dangerous property should have been caught during the engineering study. This should be answered on July 7. This should have been noted for safety in the engineering study. Selectman Kruckas noted that the town should have been told if buildings were unsafe, the liability falls back on the town.

Selectman Opalinski questioned if the Main Street project is now delayed; Mr. Beckley stated there has been no delay, but notice by Mass DOT states the project could be delayed. Ms. Marques noted that it was just this past Spring that the shift in the roof toward the next building did occur.

Selectman Kruckas stated everyone has been looking at this building, the building inspector, town clerk, everyone walking by the building, and he has noticed it getting worse, now we must have this hearing, and we need a contingency plan if the owner does not attend. Selectman Opalinski questioned where the funds will come from. Selectman Kruckas instructed Mr. Beckley to provide all the costs, including engineering, legal costs, money to be lost, and all this needs to be public information. He stated that every project has resulted in the town has to go back for more money. He stated this is not this Board's fault. Chairman Whitney requested real numbers, not estimates.

Selectman Kruckas stated he wanted a status update of the two buildings next to this building. Chairman Whitney stated there must be a menu of costs on all buildings.

Selectman Kruckas made the motion to set a Public Hearing per MGL Chapter 139, Section 1, Regarding 114Main LLC, 114 Main Street, for Tuesday, July 7, 2020 at 7:15 p.m. Selectman Talbot seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

Selectman Kruckas made the motion to adjourn the meeting at 5:20 p.m. Selectman Talbot seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

Attest: *Mary L. Midura*  
Mary L. Midura, Executive Assistant to  
Town Manager  
Minutes VIA TV15 Ware Community TV  
Live Broadcast and Video



## **Board of Selectmen**

**Ware Town Hall, Meeting Room, 126 Main Street  
Regular Meeting Minutes – Tuesday, July 7, 2020 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**

**Phone: 929-205-6099**

**Present (Town Hall):** Selectman Alan G. Whitney, Selectman Keith J. Kruckas, Selectman Nancy J. Talbot, Selectman Thomas H. Barnes, Selectman John J. Morrin, Town Manager Stuart Beckley, Building Inspector Anna Marques, Planning Director Rebekah DeCoursey, Acting Fire Chief Chris Gagnon, Historical Commission Chair Lynn Lak, Historical Commission members Kathy Galford and Claudia Kadra, James Kadra, Cathy Cascio, Conlin Whitney

**Present via Zoom:** John Carroll, Hardwick Board of Selectmen Kenan Young, Kelly Allen, Julie Quink

**Absent:** None

**Meeting Opened by Chairman Whitney.** A moment of silence was observed for Cindi LaBombard, who passed away on July 1, 2020. She was active in Ware Historical Commission, Ware Historical Society, Ware Center Meetinghouse and Museum, Friends of Quabbin, Ware Community Theatre, American Legion Women's Auxiliary, Ware Remembers and many philanthropic and community endeavors.

## **Board of Selectmen Reorganization**

**Selectman Barnes nominated Selectman Whitney as Chairman. Selectman Kruckas seconded the nomination. The motion passed unanimously (5-0).**

**Selectman Barnes nominated Selectman Kruckas as Vice-Chairman. Selectman Whitney seconded the nomination. The motion passed unanimously (5-0).**

**Selectman Whitney nominated Selectman Barnes as Clerk. Selectman Morrin seconded the nomination. The motion passed unanimously (5-0).**

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

Chairman Whitney noted that he made a statement at the June 16, 2020 meeting regarding Teresa's Restaurant and "free drink night". He has spoken with the owner and he acknowledges he misspoke and there is no "free drink night" at any establishments.

Selectman Barnes thanked all who voted for him as Selectman.

### **Consent Agenda**

- **Approval of June 16, 2020 Minutes**

Selectman Talbot made the motion to approve the consent agenda. Selectman Kruckas seconded the motion. The motion passed unanimously (5-0).

Selectman Kruckas questioned the progress of the Regional Animal Facility. He stated that the Animal Control Officer does not return phone calls and is unreachable. Mr. Beckley stated that received bids were too high, and the current shelter is in a flood plain and a better site is needed. The committee is looking at alternatives such as working with Pathfinder to improve and make a better facility. He noted the ACO is back from a leave of absence and should be answering all calls.

### **New Business**

- **Resignation: John Morrin, Parks Commission**

Chairman Whitney thanked Selectman Morrin for his service on the Parks Commission and welcomed him to the Board of Selectmen.

- **Announcement of Vacancies**
  - **Parks Commission (1)**
  - **Planning Board Alternate (1)**
  - **Conservation Commission (1)**
  - **Council on Aging (4)**
  - **Cultural Council (1)**
  - **Finance Committee (2)**
  - **Capital Planning Committee/Finance Committee Representative (1)**
  - **Tax Increment Financing Authority/Finance Committee Representative (1)**
  - **Pioneer Valley Regional Transit Authority: Selectman Representative**

Selectman Talbot noted that if the representative to the PVTA Advisory Board is not a Selectman, the representative cannot vote. Selectman Barnes noted that the Conservation Commission is down to four members, and DEP will get involved if this remains. He noted the need to recruit new members. Chairman Whitney encouraged citizens to get involved!

Selectman Kruckas made the motion to appoint John E. Carroll as designee representative to the PVTA Advisory Board. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).

### **Old Business**

- **Forefront Solar Agreement**

Mr. Beckley noted that the Board proposed certain conditions regarding repairs and maintenance. Mr. Beckley noted a letter received from Mr. Ed Switzer with concerns of what is to be done in six months, noting the Town should make the erosion repairs, and all is dependent on the agreement with National Grid. Health Director Judy Metcalf and Attorney Wojcik do not think these are good options as Forefront accepted a condition to make repairs when the lease was originally drawn. Mr. Beckley noted that Mr. Switzer will come speak to the Board. The issues are at the cover of the cap, not at cost of \$100,000. Selectman Barnes questioned the cost of mowing and could the area be grown and hayed by a local farmer. Mr. Beckley noted that is not feasible. Chairman Whitney requested all costs to repair, mow, and maintain the site.



## Scheduled Appearances

- 7:15 p.m. Public Hearing RE: 114 Main Street

Chairman Whitney announced the public hearing is opened pursuant to Massachusetts General Law Chapter 139, Section 1, to determine whether the building located at 114 Main Street, Ware, MA, constitutes a nuisance to the neighborhood or is dangerous, and if so whether an order should be issued prescribing its disposition, alteration, regulation or demolition and removal.

**Daniel Barenboym, 114Main LLC, attended the public hearing.**

Chairman Whitney requested Building Inspector Anna Marques speak to the Board of Selectmen on this issue. Selectman Barnes noted the documentation presented to date to be the most comprehensive report he has seen.

Ms. Marques presented evidence of the owner's deed. Ms. Marques gave the following outlined statement:

We're here tonight because of the growing concern over 114 Main Street. The structure has been posted unsafe since 2011. Given the historical character of this building, there has always been hope for restoration. The timeline I submitted to the Board reflects the efforts that had been made.

The structure's demise began with a partial roof collapse of February 9, 2011. I do not have any record of permits pulled for any repairs from then until 2016, when a Violation for an unsafe building and public hazard was issued to the new owner. Upon the violation being issued, the property was then sold again the same month. The third owner, now (since 2011), filed for a demolition permit requesting the demo of the third floor after receiving a Violation issued in 2017. This began the process of the town's Demo Delay Bylaw. In August of 2018, the owner was asked to attend a meeting to address the future plans. Six months later, a fourth entity took ownership of the building. Town officials met with the current owner, once it was discovered who the owner was, one year ago this month. I had asked if I could view the property from the inside and was told "Not yet". At this meeting we viewed conceptual plans. I requested a Building Code Review which was submitted shortly after. A building code review addressed the proposed plan and covers the items which would need to be addressed. This code review would be required of a building permit application, which gave an indication of moving forward as the owner had stated they would be. With a major project like this, it is expected that design, producing construction documents, choosing a contractor and filing a building permit could take a few months. They did have a conceptual plan and they did have a registered design professional they were working with.

On May 7, 2020, I saw that the eave of 114 Main Street appeared pushing out closer to the abutting structure, 116 Main Street. On May 12, together with a structural engineer, we investigated what we could of the structure. I called the owner of 116 Main Street and asked for permission to access his roof. He obliged and together with the engineer we accessed the roof of 118 with a ladder through one of the skylights. Standing on 116, looking right through the window of the mansard roof of 114, I saw many piles of wood throughout the structure on that level. As I looked around, I saw holes through the floor leading to the spaces below. And similar to another structure which was recently condemned, I saw a configuration of tarps made to channel water from the leaking roof toward the inside of the exterior brick wall. The structural engineer provided his findings in his letter dated May 19, 2020. In it, he stated "It is our opinion that water leakage from the failing roof is deteriorating the wood roof members and the third-floor framing. As the roof framing fails, it is applying outward pressure on the brick masonry walls. With the advancing deterioration of the third-floor members, the top of the brick masonry appears to be beginning to separate from the floor diaphragm." He also added, "Due to the building having had structural concerns for nearly 10 years, and the displacement of the roof members, it is our opinion that a partial structural failure is likely imminent. The building should be stabilized or removed as soon as feasible." I have photos from what we observed.

I want to add that I did reach out to a demolition contractor. He stated with a complicated condition such as this, he would not attempt demolition without a demolition plan submitted by an engineer. The building shows visible failure and weak points in other walls as well. The rear wall has a large hole and there are areas of brick showing signs of separation throughout. Another contractor has also offered his opinion stating the renovation costs would far exceed the estimated demolition, not to mention the difficulty of trying to find someone who would take the work of this on due to the unsafe conditions.

My concern is safety. This building is not safe to be in, to work in or to be anywhere near should it fail. The proximity of it being right at a public sidewalk and public way and an access drive to the rear (which does get used), and right next to another structure which contains a popular business and four apartment units warrants enough concern to demolish it. The longer it takes for action to take place, the more unsafe it becomes.

Chairman Whitney asked Ms. Marques her opinion; Ms. Marques said to demolish.

Selectman Talbot noted that delivered notices be entered into the record. Ms. Marques provided such notices.

Daniel Barenboym spoke to the Board. He began by stating there was false information, that he reached out to the previous owner, was introduced to companies, not related to the previous owner, he met with Town, his engineer came out two times and declared the building sound. He said he met with Stuart, Anna and Rebekah, and he said he was told that the Historical Commission would do a new moratorium and he asked if there were funds to help him.

Lynn Lak, Chairman of the Historical Commission noted that the Historical Commission worked hard with the previous building inspector and previous owner to identify whether the building could be saved, but the person who came to their meeting was not the real representative and the owner walked away. The Historical Commission would have appreciated if the Board approached us and talked to us, not read in the newspaper who is to blame. She noted that the Historical Commission didn't hold the owner back, but used the Demo Delay to work with the owner for safety concerns regarding the top floor.

Mr. Barenboym stated he was told by town officials that there would be a moratorium by the Historical Commission. Rebekah DeCoursey, Director of Planning and Community Development, stated she remembers the meeting differently and that the owner informed to town that he purchased the LLC so there was no need for a moratorium. Mr. Barenboym stated this was not logical and he did not record that meeting. Selectman Kruckas asked if the Historical Commission could place another moratorium. Mr. Beckley stated that is not the intent of a Demo Delay, and a Demo Delay is attached to a building not to an LLC. Mr. Barenboym stated the Historical Commission wanted specific shingles, and he bought the building a year ago, and his architectural firm reached out and measured on January 30, 2020. Selectman Talbot asked if this was the same firm as used by the previous owner; Mr. Barenboym answered yes.

Mr. Barenboym stated that the Covid-19 pandemic happened, and he had a Stage 4 cancer patient in his house, and he could not proceed. He stated that the delays by the town have killed the building, numbers do matter, and he received high quotes. He stated he asked town officials of any grants or funds, and he questioned why the previous owner was offered a \$750,000 grant. He stated he would love to do something with the building, but the leaking and other damage were inherited from previous owners.

Chairman Whitney stated this building's issues could hold up the Mass DOT project on Main Street, and this is not acceptable. Mr. Barenboym stated he reached out and is waiting for architectural firms. Mr. Barenboym stated that his architect/engineer entered the building and went to the third floor and said the wood pushed on bricks but there are no gaping holes, and his architectural firm has a report that the building is sound. Chairman Whitney stated that Mr. Barenboym must submit that report. Ms. Marques stated that the Tighe & Bond report is dated May 12, 2020.

Selectman Morrin questioned the amount of damage. Selectman Kruckas stated the damage is obvious even when driving by, and he questioned the cost to the town if the Main Street project is delayed. Chairman Whitney asked the deadline to resolve the Main Street project; Mr. Beckley noted that Mass DOT schedulers are working on that, but this must be resolved before they do the work causing vibrations in sidewalks which is scheduled for Fall 2020.

Selectman Talbot questioned why Mr. Barenboym did not bring the paperwork from his engineers this evening for the Board of Selectmen. She stated that the Board may need to schedule a special meeting. Chairman Whitney stated he had more questions. He asked Ms. Marques how comfortable she would be with the report from Mr. Barenboym's engineer. She stated she would not be comfortable as we have the Tighe & Bond report from May. He asked if there is a timeline to repair, can the Town help. Mr. Beckley noted that would have to go to November town meeting. Chairman Whitney stated that the report would have to convince Ms. Marques and the State that the building would not impair the Main Street project. Chairman Whitney told Mr. Barenboym to submit the report by this Friday (July 10, 2020). Mr. Barenboym asked what would happen if the Board voted to tear down the building; Chairman Whitney noted the Town would take Mr. Barenboym to court. Mr. Beckley noted that the Tighe & Bond report recommends a plan of demolition to take the top floor or whole building down safely.

Ms. DeCoursey noted that she directed Mr. Barenboym to QVCDC and banks, but banks say the building is not worth enough to rehab, and loans are not given for demolition.

Mr. Barenboym stated that he has also looked at private investment, but the project halted because of the pandemic. Ms. Marques noted that Mr. Barenboym did not answer any communications from her, even as she gave him her private cell number, since November, and then he called today before this meeting. Chairman Whitney stated that constant communication is mandatory. Selectman Morrin questioned if there are hazardous materials in the building; Mr. Barenboym answered no. Selectman Morrin asked if the building is insured; Mr. Barenboym answered yes. Selectman Barnes asked if there are small business loans; Mr. Beckley noted the CDC does not give loans on a scale to remove a building. Selectman Talbot noted that liability is an ongoing problem. Selectman Kruckas questioned what the town lawyer recommends; Mr. Beckley noted the email from town lawyer for the hearing process. Chairman Whitney requested the town lawyer to attend the July 21, 2020 meeting.

Selectman Talbot made the motion to continue the Public Hearing to July 21, 2020, pending receipt of engineering report provided by the owner to the Building Inspector by 4:00 p.m. on July 10, 2020, acceptable by the Building Inspector and acceptable by Mass DOT. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).

- **Hardwick Board of Selectmen: Ambulance Agreement Review**

Hardwick Board of Selectmen Chairman Kenan Young, member Kelly Allen, and member Julie Quink attended the meeting via Zoom.

Mr. Beckley noted the current agreement expired June 30, with one year automatic renewal. The existing agreement for ALS services compensates Ware \$77,000.

Chairman Whitney asked if there were any comments from the Hardwick Board of Selectmen. Julie Quink stated that the committee met regularly until Covid-19, but communication was excellent. Selectman Kruckas stated that the agreement needs to be updated regarding training, insurance, and other details as the Ware Fire Department is down two positions. He questioned if private service would be better providers. Chairman Whitney noted the cost factor is important.

Acting Fire Chief Gagnon noted that the department has been able to keep up with the current staff. There have been 250 additional calls since June 2019. To cover Hardwick, we try to recoup 10% or \$140,000 for Advanced Life Support. The agreement now is on the light side of what is offered, billed out with receipts of \$90,000. Calls out of town generate overtime by calling in for coverage. Chief Gagnon stated he tried to isolate Hardwick calls which created 52 hours of overtime in the past year. He noted that Ware provides the highest level of pre-hospital care that can be offered in this area, and this is a tremendous service to the community. He stated a private ambulance would cost \$400-500 per day, and we must find where financial and logistically feasible to continue to offer services.

Chairman Whitney asked if ambulances did not go to Hardwick, would Chief decrease the department. Chief Gagnon stated no, when we took on Hardwick, the department was already taxed. The challenge is that some calls are geographically 18-20 minutes away, and the town may want to look at other community for that farther area. Selectman Barnes asked if services will increase when the Senior Living facility comes online. Chief Gagnon stated that facility is 119 units and similar in Connecticut and Ludlow average 250-350 calls to those facilities, often for evaluation or lifting. This use of our staff will have an impact on the community. Selectman Kruckas noted this will impact Hardwick. Selectman Barnes asked if Petersham or Barre have been asked. Chief Gagnon noted the importance of the committee to discuss these options. The department is still a fire-based EMS system.

Chairman Whitney noted that we have had this agreement for three years and should now be able to examine all related costs. Chief Gagnon noted that he has compared to Amherst, Shutesbury and Pelham with averages of 327 calls, and Ware is on the low side of billing. Northampton and Granby are billing higher. Selectman Talbot noted it has been approximately 4 years since rates were raised. Chairman Whitney requested a deeper dive on the numbers, including rate increases. Chief Gagnon noted transportation out of town has increased. Hardwick Chairman Young noted he could contact Barre, but would appreciate Wheelwright numbers from Chief Gagnon. Selectman Talbot noted the agreement will continue until discussion including rates. Chairman Whitney noted he did not realize we were that far below other towns' charges. Selectman Kruckas questioned if the \$15,000 was included; Mr. Beckley noted the amount of \$17,000 and it was approved at the June town meeting of Hardwick.

Selectman Talbot made the motion to continue the discussion with Hardwick Board of Selectmen, with additional figures supplied, to July 21, 2020. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).

- **Update of Available Grants**

Chairman Whitney requested Mr. Beckley set a hearing in August with CDC to invite businesses to say what the Town can do to help Main Street businesses. Mr. Beckley noted that Ms. DeCoursey and Mr. Piechota are working on a grant for stormwater at Grenville Park.

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

Resident Cathy Cascio congratulated Selectman Barnes and Selectman Morrin. She stated her appreciation of the Fire Chief's input regarding the ambulance agreement. She wants the Town to say "what are your priorities" to local businesses. She noted that grants often involve addition of an elevator, sprinkler systems and expensive upgrades to older buildings.

Selectman Kruckas questioned the progress of buildings near 114 Main Street; Mr. Beckley noted the Building Inspector is in contact with the owners.

## **Town Manager Report**

Mr. Beckley noted that leaf and brush days have been set for Saturday, July 18 and Saturday, August 15 from 9:00 a.m. to 2:00 p.m. at the Robbins Road collection site.

Mr. Beckley announced that Sgt. Adams has retired. Chief Crevier will bring 3, possibly 4, candidates to the July 21 meeting for Board approval, plus a recommendation for a promotion to sergeant.

Old Belchertown Road bridge: Four bids were received. The engineer is checking references on the low bidder. The project should move forward soon. The low base bid was \$172,000.

Water Treatment. Representatives from the USDA will attend the Board's meeting on July 21 to discuss the level of USDA participation and the Town's commitment, as well as the loan/grant process. The 2019 audit has been completed.

The Main Street project is moving along, focusing primarily on sidewalks and resetting granite for the next few weeks. Installation of the foundations for the traffic light cross arms will begin in two weeks. Mass DOT is aware of the concerns with 114 Main Street and is working on construction methods and scheduling to consider alternatives for the Town.

As the State enters Step 1 of Phase 3 of re-opening, town departments, particularly Health and Recreation are working hard to interpret the guidelines set by the State. More activities, including sports outdoors, and business types are able to open with plans and limits. The Town has been able to help concerts, theater groups, youth baseball and small business meet the requirements.

The Town, through the Planning and Parks departments, will submit a grant for stormwater improvements at Grenville Park.

Working with the School Department, the Town is receiving quotes on the supply of electricity. Based on early bids (final numbers due tomorrow), the Town and School will save costs compared with this year's rates. The Town should save \$10,000 to \$13,000.

The Army Corps of Engineers reviewed the Town's flood control system last week with the Parks Manager, Highway Supervisor, and me. They found the dikes well maintained with some maintenance of vegetation needed at various points in the system. They will write up an annual findings report.

Selectman Barnes questioned the Council on Aging's purchase of food at Big Y; could the Town save money by using BJ's or other. Mr. Beckley noted the hard work of the Council on Aging to purchase wisely.

Cathy Cascio questioned availability of grants for police positions; Mr. Beckley stated there were none at this time.

Chairman Whitney stated that the next Town department should now be audited. He also requested that the Executive Session tonight should be postponed to the next meeting.

Selectman Kruckas made the motion to postpone the Executive Session to July 21, 2020. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).



## Adjournment

**Executive Session: M.G.L. Chapter 30A, Section 21 (a) #1 Discussion of Complaints Regarding Public Employee: Town Manager**

Selectman Kruckas made the motion at 9:17 p.m. to Adjourn the Regular Meeting to go into Executive Session: M.G.L. Chapter 30A, Section 21(a) #1 Discussion of Complaints Regarding Public Employee: Town Manager, NOT TO RECONVENE IN OPEN SESSION. Selectman Talbot seconded the motion. The motion passed unanimously (5-0).

Attest: \_\_\_\_\_

*Mary L. Midura*  
Mary L. Midura, Executive Assistant to  
Town Manager  
Minutes VIA TV15 Ware Community TV  
Live Broadcast and Video



**Board of Selectmen**  
**Ware Town Hall, Meeting Room, 126 Main Street**  
**Regular Meeting Minutes – Tuesday, July 21, 2020 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.

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**Meeting ID: 784 604 1861**

**Phone: 929-205-6099**

**Present:** Selectman Alan G. Whitney, Selectman Keith J. Kruckas, Selectman Nancy J. Talbot, Selectman Thomas H. Barnes, Selectman John J. Morrin, Town Manager Stuart B. Beckley, Executive Assistant Mary L. Midura, Police Chief Crevier, Fire Chief Gagnon, Building Inspector Anna Marques, Director Planning and Community Development Rebekah DeCoursey

**Present Via Zoom:** John E. Carroll, Ware River News Editor Eileen Kennedy

**Absent:** None

**Meeting Opened by Chairman Whitney**

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

Selectman Kruckas stated he had not received the Town Manager report; Selectman Morrin provided copy. Selectman Barnes asked about a cooling center capability. Mr. Beckley noted that the Fire station or Senior Center have been used in past heatwaves, and a cooling center can be arranged if needed.

**Consent Agenda**

- **Approval of June 23, 2020 and July 7, 2020 Minutes**

Selectman Kruckas stated he wanted to wait, as he had discrepancies and wanted to watch the meetings again.

Selectman Kruckas said "And while we're on the subject, is there a reason that our secretary doesn't attend these meetings and record minutes here? Seems like it would be appropriate especially with everyone wearing masks, complaints from people at home of papers shuffling, to take accurate minutes from home is not a very viable option, never mind if we have Executive Session, it's useless without a recording secretary."

Town Manager Stuart Beckley explained that she is listening in now from home, re-watches the videos, can zoom in, but can be here. Chairman Alan G. Whitney noted that it would be preferable for the secretary to be present for meetings which have Executive Session.

Selectman Kruckas said, "Certain people within this building and town, we've upped their hours in the last couple years, making significantly more money and working significantly less. I don't think it's fair to all other employees here every day. It's also our secretary, not just yours." He then requested to cancel the planned Executive Session for the evening. Chairman Whitney asked Mr. Beckley if there was a need for a motion, and Mr. Beckley said there was not.

#### **Scheduled Appearances**

- **Appointment of Police Officers**
- **Appointment of Police Sergeant**
- **Appointments of Part-Time Officers**

Chief Crevier requested the appointments of Patrick Kackley and Nicholas P. Newman as Part-Time Officers.

Selectman Kruckas made the motion to approve the appointments of Patrick Kackley and Nicholas P. Newman as Part-Time Officers. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

Mr. Beckley noted 4 candidates are presented tonight for appointment as Police Officers. Interviews were conducted by Palmer Police. Candidates each gave brief information regarding their qualifications.

Selectman Kruckas made the motion to approve the appointments of Derek Ames, Jacob Crevier, Scott Romani, and Troy Turpin as full-time Police Officers, pending physical exams, background checks, and completion of the State Police Municipal Academy scheduled to begin on September 28, 2020. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

Chief Crevier presented Officer Diana Gliniecki and recommended her promotion to Sergeant. He noted that Officer Gliniecki has been with the Ware Police Department since 2012 and is also the K-9 Officer. Officer Gliniecki introduced K-9 Sampson, who is now 6 years old. Officer Gliniecki will be the first woman Sergeant in the Ware Police Department.

Selectman Barnes made the motion to approve the promotion of Diana Gliniecki. Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

All present applauded and congratulated officers and Sergeant Gliniecki.

#### • **Dr. DiLeo: Update on Schools**

Dr. DiLeo stated she is here with an update for the plan for the Fall, per Department of Elementary and Secondary Education (DESE) and the Return to School Committee. We have drafted a plan for remote learning, health and safety protocols and a social/emotional learning plan. We have purchased PPE and 740 Chromebooks with hot spots, plexiglass in front offices and library. Through DESE, we have done a feasibility study on in-person learning, hybrid learning or remote learning. We are presenting to the School Committee tomorrow evening (7/22/20) a number of options for hybrid learning, and applied for a technology grant through DESE. We have the CARES grant, a tech grant, and Coronavirus grant to cover costs to get kids back in the Fall. I need to provide DESE with a preliminary Reopening Plan by July 31. On August 10, final plans need to go to them. We still have outstanding factors – still waiting on number of students that can be put on a school bus, lack of a budget, trajectory of the virus that we will monitor over time. We have been meeting every couple of days for planning committee and with my senior leadership. To say this is a herculean task is understating it. We will keep at it until we have a plan in place and are able to implement the plan.



Selectman Talbot asked What does hybrid learning comprise of? Dr DiLeo said this is part-time in-person and at home. Presenting different scenarios – one week on/one week off, or other form of hybrid. We will have discussion with the School Committee tomorrow evening. Selectman Talbot asked Are classroom sizes going to be reduced? Dr. DiLeo said We are looking at 3' social distances versus 6' and this will also be a topic of discussion and needs teachers' consensus of the reopening plan.

Selectman Morrin asked if the Family Survey results have been made public. Dr. DiLeo noted these would be presented tomorrow night, and we are on Family Survey #2. We have asked parents how many will send their students and how many want to continue to remote-learn. We are in the process of researching a learning platform, management platform for remote learning – time when we will have students in classroom and students at home and will help us to manage that, so the learning management system will be able to help in that challenge. It's been quite an interesting experience, as every time I peel back a layer, we have 4 or 5 issues to address. We'll be at this for as long as it takes and hope we have a budget that shows no impact to Chapter 70.

Selectman Morrin asked what platform; Dr. DiLeo said Canvas. Selectman Morrin asked Dr. DiLeo's thoughts on the Massachusetts Teachers Association (MTA) reopening plan? Dr. DiLeo said first and foremost we must make sure everyone is safe, cleaning protocols are in place, we feel we can build safe for all students, faculty and staff and as a community. Selectman Morrin asked if the results of the survey will be posted; Dr. DiLeo stated that can be done.

Dr. DiLeo noted the schools may survey again, collecting names, next challenge is bus, and she speaks to the Commissioner once a week. Still no guidance on transportation, if we have to add tiers to our runs.

Selectman Barnes questioned Do all students have internet access or no? Dr. DiLeo said some do not, we asked parents in the surveys, have those numbers, have purchased hot spots with the purchase of the Chromebooks and will provide internet access and make sure there was equity for all. If there is a silver lining of this pandemic – not to make fun as people have lost their lives and some have gotten the virus and been ill – this will afford us to become a one-to-one district. Make sure equity and provide for families that do not have access.

Chairman Whitney asked Instead of six feet, you are allowed to provide 3 feet social distancing? Is that in Massachusetts recommendations? I have not heard of that, and it concerns me.

Dr. DiLeo stated that 3 feet is from World Health Organization (WHO) and original DESE guidance was 3 – 6 feet. A number of pediatricians have also spoken to us. Younger children do not share the virus as much as adults. I read a New York Times article that children have it more frequently than was first thought. The trajectory of the virus is something we watch very closely. Massachusetts has done a great job in keeping those numbers low. Chairman Whitney questioned Are we talking of 6 years old or 17 years old? Dr. DiLeo noted 10 years old or younger. Chairman Whitney noted 3 feet for Grades K-12? Dr. DiLeo stated that is correct. Chairman Whitney requested we keep an eye on this as a 17 years old is pretty much an adult and can take the virus home to multi-generational family. He said I think you're doing a great job, but 3 foot social distancing is concerning. Dr. DiLeo noted We will be social distancing wearing masks, washing hands, scheduling hand washing breaks, mask breaks, make sure surfaces are clean, get the kids into Fall, with what model is still to be determined but is part of the reopening committee and will bring to School Committee tomorrow and have that discussion.

Chairman Whitney asked if we can have copies of the Reopening Committee minutes. Dr. DiLeo agreed. She stated It is a continuum of plans and we must be able to flip plans on a dime. Schools closed March 13 and we were thrown into blended learning model. We need to be able to be ready if flu in Fall/Winter is as severe as it was last winter. This may create havoc. We need to be able to go from one plan to another at a moment's notice. We must watch this all year long.

The Board asked Dr. DiLeo to come back to each meeting; the next meeting is August 4, 2020.

- **Appointment to Parks Commission, Term to Expire ~~June 30, 2022~~ at April 2021 election, replacing John Morrin:**
  - John Carroll
  - Paul Pariseau

Parks Commissioners William Imbier and Kimberly Schwartz were present.

John Carroll stated he was on the Parks Commission for 20+ years before his 9 years as Selectman. He noted his home and other property are backyards to Grenville Park. He stated he worked to combine trust funds, resulting in savings of administrative costs, drafted regulations, aided in taking over recreation and pool, took over plowing at the schools, upgraded vehicles and equipment, and was part of the hiring of John Piechota as Parks Director.

Mr. Pariseau did not join the meeting.

Selectman Barnes made the motion to appoint John Carroll to the Parks Commission, term to expire at the April 2021 election. Selectman Kruckas seconded the motion. The motion passed on a roll call vote of 7 Yes, 0 No.

Selectman Alan G. Whitney	Yes
Selectman Keith J. Kruckas	Yes
Selectman Thomas H. Barnes	Yes
Selectman John J. Morrin	Yes
Selectman Nancy J. Talbot	Yes
Parks Commissioner Kimberly Schwartz	Yes
Parks Commissioner William Imbier	Yes

#### Old Business

- **Continued Public Hearing: 114 Main Street**

Building Inspector Anna Marques was present for the continued hearing. Daniel Barenboym was present via Zoom for the continued hearing. DPW Director Gilbert St. George-Sorel, Fire Chief Chris Gagnon and Planning Director Rebekah DeCoursey were also present for the hearing.

Chairman Whitney noted the consulting report from CSE. Mr. Barenboym stated he hired an engineering firm because of concerns from the last meeting. This report notes the building is not catastrophic, but recommends not saving it, but what is the tear down cost, materials removal, what documents for third floor structure. This firm is from Boston area, so I have now called Western MA, RI and NH but it takes time to make a determination. Chairman Whitney asked Mr. Barenboym what timelines he was looking at. Mr. Barenboym state he has made seven or eight trips to Ware at 1 ½ hours each trip. He asked what the town recommends.

Building Inspector Marques stated additional information with a timeline of 13-20 weeks to get demo design, noting proximity to the street, bid package of 1-3 weeks, which to do everything brings us to October 21 – December 16. Selectman Kruckas stated In the meantime we lose on construction, Since the beginning I've said this. Chairman Whitney asked Mr. Beckley what the State timeline is; Mr. Beckley noted the State has not given a timeline. Selectman Kruckas stated he clearly said we need this, and now they won't be paving. Chairman Whitney asked what cost to take the building down and we cannot allow this to stop the refurbishing of Main Street. Ms. Marques noted this may get us on the schedule for Spring. Chairman Whitney stated he was shocked there was no State schedule. Selectman Kruckas stated with no schedule, walking around us, can't do that section of the road. Ms. Marques noted this schedule is if the Town did the work, if Mr. Barenboym did the work it should go faster. Mr. Beckley noted five bids on 73 West Main Street and we've

talked to two. Ms. Marques noted all want a plan to take the building down, Mr. Barenboym needs to have an engineer to create a plan to remove the building.

Mr. St. George-Sorel stated that two things have to happen tonight. Number 1, the Board needs to vote to take this building down. And number 2, the Board must set a Special Town Meeting to vote the funds to do this, no one is going to fix this, you need to vote this building is a nuisance and dangerous and has to come down! The State won't do that section because of vibrations, if we post the warrant and award the bid, give two weeks to the bid, take the building down. Otherwise the State will demobilize and leave the site and the Town will end up paying all cost. It's not enough to take the third floor, as the Building Inspector already said take this down. You need to vote this a nuisance and dangerous and set a Special Town Meeting to fund this. I've heard stories over nine years, but we must take this down from the front and probably close Main Street while it's being done. This should have been done before the contractor arrived, but Ludlow must have unfettered schedule. Chairman Whitney noted this is assuming this passes at Town Meeting. Mr. St. George-Sorel stated we must be unified and present the information. Selectman Kruckas stated this has been going on 12 years, people in this room, management are part of this mess, financial, and lawsuits. Mr. Beckley stated you're threatening our staff, this is not a Town building. Selectman Kruckas questioned was there any insurance, does anyone know, what was collected from that building. I've asked at the last two meetings for information on the other buildings and asked for the Town attorney to be here.

Selectman Talbot noted the Board has the current report and all necessary information is here now. We need to discuss how we should be moving forward. Ms. Marques noted the start is to deem the building a nuisance and dangerous. Selectman Kruckas stated he asked for quotes and engineering costs. Mr. Beckley noted we should ask Mr. Barenboym his resources: do you have funds. Chairman Whitney stated this is not worth fixing and will entertain a motion. Ms. Marques noted a private owner quote will differ from a Town quote. Mr. Barenboym stated he could not convince the Board, he's only owned this for 1 ½ years, and others were responsible for 9 years, this is inconvenient and it's obvious the Board has made its' decision even though this needs evaluation. Selectman Talbot noted the first motion on page 2 of 3 of the attorney's recommended procedure. Chairman Whitney stated to Mr. Barenboym, You bought the building. Selectman Kruckas questioned Can we attach and recoup from the insurance company, as I asked the last time. Selectman Morrin noted this is Mr. Barenboym's responsibility. Mr. Beckley noted this should be by a date specific, and these should move in parallel.

Selectman Barnes made the motion: Based on the information presented, I move that the BOS issue an order adjudging the building at 114 Main Street to be a nuisance to the neighborhood and dangerous. Selectman Talbot seconded the motion. The motion passed unanimously (5-0).

Chairman Whitney asked Ms. Marques, What else do we need to do tonight? Mr. Beckley noted to set a date for the Special Town Meeting. Chairman Whitney asked Selectman Talbot her recommendation as Town Clerk. Mr. St. George-Sorel stated the need for a demo plan to safely take down the building. Selectman Kruckas said he wanted to hear if the owner's insurance will cover any, as the owner said he has insurance.

Chairman Whitney noted this is not a cheap project. He asked Mr. Barenboym, Do you have any funds, savings, your insurance, investors?

Mr. Barenboym stated You ignore me, mute me, not let me speak, I cannot convince you, the decision was already made (by the Board). He said the report said the building was not catastrophic, this is completely ridiculous, not logical.

Chairman Whitney replied, You bought the building, your engineer's report showed they could not get to the third floor. Mr. Barenboym said the last meeting questions were about the foundation. Mr. Beckley noted that the last meeting request was for an engineering report, now we have the CSE report which says the building is

not salvageable. Mary Midura requested to speak, Chairman Whitney allowed, Ms. Midura noted meeting minutes of July 7, 2020, page 5 of 8, in which the Board gave a deadline to Mr. Barenboym to submit the report by July 10 at 4:00 p.m., which he did not do. Mr. Barenboym's engineering report must convince the Building Inspector and the State of the building's sound condition. Chairman Whitney noted the report was related to the third floor, not the foundation. Selectman Kruckas questioned if the insurance could be attached. Mr. Beckley noted this must be declared a nuisance and dangerous and taken down by a date specific.

Selectman Talbot noted the need to set a timeline. Ms. Marques stated that if private, three weeks to demo design to October 1, 2020. Chairman Whitney questioned if Mr. Barenboym or Town does the work. Selectman Talbot noted the Special Town Meeting could be anytime or within three weeks. Mr. Beckley noted this would move forward in parallel.

Selectman Barnes made the motion: I move that the BOS issue an order requiring that 114Main LLC demolish the building at 114 Main Street remove all debris and level the lot to uniform grade with proper sanitary fill by October 1, 2020. Selectman Talbot seconded the motion. The motion passed unanimously (5-0).

Chairman Whitney stated the need to set the STM date. Mr. Beckley noted that Mary Midura has pointed out there is one more motion to make to authorize the Chairman to sign the order.

Selectman Talbot made the motion: I move that the Chairperson be authorized to sign the following order on behalf of the BOS:

#### **ORDER**

**To: 114 Main LLC**

Pursuant to Massachusetts General Laws Chapter 139 section 1, after notice and a public hearing held on July 7, 2020, continued to July 21, 2020, and upon consideration of all testimony, reports, documents and evidence presented, the Board of Selectmen adjudges the building located at 114 Main Street, Ware, MA to be a nuisance to the neighborhood and dangerous and hereby orders and directs that it be demolished and that all debris be removed and that the lot be leveled to uniform grade with proper sanitary fill on or before October 1, 2020."

Selectman Barnes seconded the motion. The motion passed unanimously (5-0).

Selectman Kruckas questioned the insurance payment when the roof collapsed. Ms. Marques stated that is not in her files. Selectman Kruckas questioned issues with the copper; Ms. Marques stated there was no information in her files. Selectman Kruckas said Where has the Building Department, Town Manager, other departments been, all walk by, read reports, to say the building became that way in the last 1 ½ years is completely false, I drive by every day and that building has been bowed out for years. So, to act like it's a surprise to us, shame on us, not us.

Selectman Talbot proposed August 10 or 11. Mr. Beckley noted the STM warrant could be approved on August 4. Resident Cathy Cascio stated the voters need total costs for the STM and asked if emergency funds could be used. Mr. Beckley stated if the Town takes the property down, then the Town would place a lien on the property. Mr. Barenboym stated he was not following the conversation. Mr. Beckley explained that the Town liens the property. Mr. Barenboym stated this was completely silly, the town was not considering facts. Town Planner Rebekah DeCoursey told Mr. Barenboym that the cost is less if he takes the building down, and if the Town does it, the Town must pay prevailing wage and costs will be much higher. Mr. Barenboym stated he

understood and would have to bankrupt his company and walk away. He stated he would talk to his attorneys and thinks the town is very much responsible for the deterioration of the building for the last 9 years. He stated the fact that he was even able to buy the building in that condition says a lot about the town's responsibility. He will discuss with his lawyers and go forward.

Selectman Talbot made the motion to schedule a meeting Tuesday, July 28, 2020 at 6:00 p.m. to set a Special Town Meeting warrant with one article for Monday, August 17, 2020 at 6:30 p.m. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).

#### New Business

- **Duk Ha: 102 Main Street**

Ms. Marques spoke with Mr. Ha. He is ill today, but will come to Ware so that Ms. Marques can gain access, and he is interested still to develop as feasible. The previous owner placed a temporary roof approximately 1 ½ years ago.

Selectman Kruckas stated he asked this before, this conversation should have been taken before the other building, we need to know facts from inside, we cannot go to Town Meeting and tiptoe around to tear it down. He said, So when this guy says Sure I'm going to fix it up, last 4 or 5 owners in 10 years, here we are, so we spend extra dollars to a building that might be save-able, and that temporary roof is more that 1 ½ years, no way, I said from day one, we need to know what's up with that building. Yet we still don't have it and yet we're making decisions on something else and putting ahead, could be coming back next year or six months down the road and go through all this again. And if you think I'm going to sit here and look like an idiot with the rest of them, no way, that's stupidity.

Chairman Whitney asked Can we request an engineering study from him. Ms. Marques said We can, and we do have to follow due process and to issue violations I have to have knowledge of the building. I've never been inside that building. From the outside that one is less of a threat than 114 because of the height difference and it looks as if everything would fall back and I'm more concerned about the rear than the front.

Chairman Whitney asked So what's involved in due process. Can we get an engineering study on this and start the process?

Ms. Marques answered He knows I need to spend considerable time with him regarding next steps. I do not know if he is in conversation with Mr. Barenboym to try to work together. I do have to talk to him with these latest developments. Chairman Whitney said I think we need to take the reins with this, we have buildings all over town to bring up to code. Ms. Marques said the previous owner was hesitant because of 114 Main Street.

Selectman Kruckas said Not just next to it, we just voted, I wouldn't vote but agree with Gibby 100 percent with no choice but to do it. We should have the facts for a month, next door, whether we gotta break into the place and look at it and know, have some kind of information to come here and we sit here and ask people for this kind of money 'cause you're looking at ¾ to a million dollars guaranteed.

Ms. Marques said We have to follow law.

Selectman Kruckas said Yeah we've been talking about this for a month, I understand that, we know that building's bad. It's had a temporary roof on it at least two years leaking in. So you're not gonna tell me it's not in just as bad a shape as this thing.



Chairman Whitney said Well, that's what we're going to find out, like she said, due process, so we start it now, not wait a week or two, let's figure out what we need to do on that other building and get that started.

Selectman Talbot requested to ask Ms. Marques a question. Chairman Whitney allowed. Selectman Talbot said, You said you've had conversation with the owner, is it fair to say you could set a date to actually walk through the building to analyze and determination that you could report back to the Board of Selectmen?

Ms. Marques said I told him today and followed up with an email and within 1-2 weeks when his health but want to keep me updated every couple of days. Selectman Barnes asked Are there three buildings in a row or just two that are empty. Ms. Marques said, the white and brick are joined with an accessway, think residential units on back at some point, one half had the fire, the other did not.

Selectman Kruckas said, A building, if considered a threat, we don't have the legal right to access if possibly could be a danger? No law says that? If a safety issue, can we have access? Ms. Marques stated If there's a way to contact the owner, we need to seek permission.

Chairman Whitney said If this guy is sick, can we go in? We're all against a deadline here. Owners giving us the Heisman seem to be playing for time, we don't have it. Not concerned for the project, but if we foot the bill for this, might save money by doing all at once.

Ms. Marques said It needs to be done the right way, we have to be careful to not be sued.

Selectman Morrin asked If the owner delays, what is the next step to get into that building (Chairman Whitney asked what if he is sick for two weeks), what if he's sick for a year? Ms. Marques stated she will solve with the owner, ask can you send me a key.

Selectman Kruckas said You've got to this date, if you're not letting us in, we need access to that building. Chairman Whitney said I'd like you to talk to Mr. Ha and at the same time I want to see our lawyer at the next meeting, lots of questions, same process as 114 Main? Ms. Marques said other laws may apply, this was specific to 114 Main, I'd like to consult with town counsel regarding 102 Main. Chairman Whitney asked Can you come back in two weeks with a plan and any info you have about talking with the owner? If he works with us, we do this, if he doesn't, we do this. Keep this moving.

Selectman Kruckas said I think the guy's just saying Yeah I wanna do something with that isn't good enough plan with me. I want something concrete, in writing and actual plan because I can see this guy's not allowing us, think he's gonna be spending any money on something he spent \$60,000 on? He's gonna walk away and say keep it. If we're gonna pay for it and spend ¾ million to tear down one, then all three.

Chairman Whitney said That's what I'd like to understand, do we take down three and save some money. We need to know. Gibby have we done everything you wanted tonight? Mr. St. George-Sorel stated he hoped so. Chairman Whitney asked Anyone else want to say about 102 before more info at next meeting.

Selectman Kruckas asked Ms. Marques, Today is the first time you talked to him since this started a month ago? Ms. Marques answered Last week and forwarded an email. Selectman Kruckas said Talking a month, we said, I said, the whole time in last month guy could not come out and let us in that building? Ms. Marques requested this. Selectman Kruckas said I requested before, I said town wanted to know what was going on and asked again at the last meeting and continuously asked Stuart for months. So in 2-3 weeks if sick, how come last 2-3 weeks haven't been able to gain access to that building?

- **Disclosure and Appointment as Special Municipal Employee: John Morrin**

Mr. Beckley explained that John Morrin was fixing LED streetlights, ethics disclosure, under 10,000 citizens, board accept his disclosure, every couple of months we send him with bucket truck and DPW to repair any reported lights that are out. Not part of installation, just repairs.

Selectman Kruckas said What's the difference between that or any one of us working for the town, which we can't because you told us it's a conflict, because when I asked about it at one point, you said not possible to do because you're an elected official. Mr. Beckley noted that must have been talking about a bigger role. Selectman Kruckas said So you can pick and choose which jobs you take.

Chairman Whitney asked Any monetary value with this? Selectman Talbot said There are regulations on State ethics website with regard to special municipal employees – the position is what is delegated as special municipal employees – the filing of the report with the State Ethics Commission and tell them the situation, they advise you accordingly as to what form, because lots of forms under 216A and fill out appropriate and I'm sure that's the direction that John got. Because we're under 10,000 citizens, Board of Selectmen are automatically Special Municipal Employees. I provided to the Board a list. Most every board in this town are special municipal employees. State Ethics says might have someone serving on a board has certain job for payment and not interfere with serving. Appointed or elected members, only applies to community under 10,000. If over, they'd not get this.

Selectman Talbot made the motion to accept the disclosure statement from John Morrin. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Morrin).

- **Change of Polling Location for State Primary September 1 and November 3 General Election**

Selectman Talbot said, I thought this would be easy, due to Covid as of Monday, new regulations of any change in polling site, access, post on website, next meeting vote to change polling place. We talked to the schools for September 1 primary and November 3 election. Not at Great Hall because of construction. Must evaluate location for public health and safety, report, vote, review, change to new location, post description, notify voters and robo-call, ready for vote at August 4 meeting.

- **Hardwick Selectmen RE: Ambulance Agreement (Postponed to August 4, 2020)**

Selectman Kruckas noted agenda item regarding Hardwick is cancelled. Chairman Whitney asked Fire Chief Gagnon for comments. Chief Gagnon stated the advisory committee is receptive for discussion. Selectman Kruckas said I gotta be honest with you, I was shocked when papers said Hardwick saying they were blindsided. I've been on that committee, discussion brought up literally every meeting I've been at. Jen McMartin has been at them, Stuart you've been there, it's been an open conversation and issue we need to look at and I've said since the beginning, said they felt like they were blindsided, Julie Quink was at every meeting I was at, I was taken aback they said we were trying to balance our budget on their back, I thought that was completely out of line. Stuart did you receive any minutes from those meetings or no? Mr. Beckley said he asked for the notes.

Selectman Morrin asked Any updates on raising our rates? Chief Gagnon said No, started looking at that and would like to do more research, will be discussing. On last, found there had been an increase since, but still on low side. Selectman Barnes asked Chief, still consideration of new senior living. Chief Gagnon said It's a whole picture in consideration. We offer a tremendous service to town of Hardwick. And a way to keep that and our service, wonderful. What I'm hoping for is that we keep ALS and cultivate whatever service, it

behooves us to have these discussions. Chairman Whitney said Now we've run rate for several years and not balance on their backs, just get Hardwick to pay their fair share and be compensated.

Selectman Kruckas said More calls, the schools, Walmart, senior living. Now taking on school that's not our own and need to make sure this is feasible and make sure Ware's getting what we need.

Chairman Whitney said We were all taken aback that they were taken aback, as our discussion for awhile. Selectman Barnes noted Wheelwright. Chief Gagnon noted they were going to reach out, it takes much time to get there, two minutes is an eternity when you can't breathe. Chairman Whitney noted this is identified now, get the data and hammer this out.

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

**Mary Midura, Executive Assistant to Town Manager:** Mr. Chairman, I would like to ask Selectman Kruckas to please explain his comments from the beginning of the meeting. You mentioned my name, you mentioned my salary, you mentioned I wasn't working enough hours, you said I wasn't here and where was I and you couldn't have an Executive because I wasn't here. You could have nicely invited me to join the meeting, but according to Covid I'm supposed to be taking minutes from home. I also watch the meeting several times over at work and take extra minutes to make sure I get everything that everyone says. You indicated that I'm not working for my extremely higher pay.

Selectman Kruckas: I said "some people".

Ms. Midura: I went from 30 hours to 35, and I work every one of those 35 hours. You disparaged my name at the beginning of this meeting.

Selectman Kruckas: I don't think I ever said Mary, did I?

Chairman Whitney: Well, you said secretary 3 or 4...

Ms. Midura: We sure know who you were talking about.

Selectman Kruckas: Oh, really? First of all, second of all, you should be, it's probably your boss didn't tell you, but I emailed him last week that exact question.

Ms. Midura: he told me this morning and he gave me the choice. Until now, no one has objected to my taking the minutes from home. Until now, but you have to do it in a public meeting. You couldn't come to my office and speak to me personally, you had to do it in a public meeting.

Selectman Kruckas: I spoke to him in his office numerous times and if he's not telling you, then the problem is with him, where there is many.

Chairman Whitney said What I got earlier was regarding Executive Session, which is not broadcast and I thought this.

Ms. Midura: You have a Clerk of the Board, Selectman Barnes is the Clerk. If for some reason I cannot be present.

Chairman Whitney noted this is something we should talk about.



Ms. Midura: I would like an apology from Selectman Kruckas.

Selectman Kruckas: You were not...

Ms. Midura: You talked about me.

Selectman Kruckas: No I was just speaking about you working from home.

Ms. Midura: I am here every day from 8 to 4.

Selectman Kruckas: That's great, everybody should be, as far as I'm concerned. But regardless, there's been many conversations with Stuart about that very thing and if he's not transferring or talking to you about it, he's your boss, not us. And it's a typical problem in this building that nothing gets transferred because there's a complete lack of management.

Chairman Whitney said We are done with that topic and take it outside.

#### **Cathy Cascio:**

Cathy Cascio announced the concert series in Grenville Park, bring chairs, and a great time. She asked if G & G Medical, can we go back for taxes. Mr. Beckley said no. Ms. Cascio said this should be in all future contracts. She noted the work on Main Street and was glad these buildings that are eyesores are being taken care of. She noted that with the state of the country, it's good to have new police, but the town needs more diversity, more minorities, females. She noted the issues of the fire department and family members, now the Board has done this for police and she noted she would be watching this.

Selectman Kruckas questioned the progress of the dog park and has the cost gone over. Mr. Beckley noted meetings last week and today, fencing and list to complete as well as benches.

Selectman Kruckas stated no prior information was given about the recovery center, he read it in the newspapers. Mr. Beckley stated that the SUA peer-led group has discussed over a year, a place to have meetings, daycare, support for addiction. A space of 800 – 1,000 square feet. Selectman Kruckas said the Board should have input in these decisions.

The Board requested the next meeting have an agenda item for discussion with businesses to include the Slum and Blight designation.

#### **Town Manager Report**

Old Belchertown Road bridge: The project is being awarded to Kodiak construction. The contract work should take about 15 days to complete and the project timeline is approximately 3 months.

Water Treatment. Representatives from the USDA asked to attend the September 15 meeting instead of tonight. They will be able to keep to their funding schedule.

The Town, on behalf of the Quaboag region, received a five year grant of \$300,000 per year to work on drug and alcohol prevention particularly in youth and young adults.

The Town has submitted eligibility questions to the Department of Revenue regarding expenses under the CARES Act. To date, the DOR has responded favorably to proposed upgrades to the ambulance and certain trash removal services.

Recovery Center. The Substance use alliance is looking to start a Recovery/Resource center in Ware for the region. This would be peer led and offer many services to people in recovery as well as their families.

### Adjournment

Selectman Talbot made the motion at 9:18 p.m. to Adjourn the Regular Meeting ~~to go into Executive Session: M.G.L. Chapter 30A, Section 21(a) #1 Discussion of Complaints Regarding Public Employee,~~ **NOT TO RECONVENE IN OPEN SESSION**. Selectman Kruckas seconded the motion. The motion passed unanimously (5-0).

Attest: \_\_\_\_\_

*Mary L. Midura*  
Mary L. Midura, Executive Assistant to  
Town Manager

VIA TV15 Ware Community TV Live  
Broadcast, Personal Attendance, and Videotape  
Completed 7/27/2020



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, November 10, 2020 at 6:30 p.m.

~~6:30 p.m. Executive Session: M.G.L. Chapter 30A, Section 21 (a) #1 Discussion of Character of Employee~~  
**CANCELLED**

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

**Present at Town Hall:** Selectman Alan G. Whitney, Selectman Keith J. Kruckas, Selectman Thomas H. Barnes, Selectman Nancy J. Talbot, Selectman John J. Morrin, Town Manager Stuart B. Beckley, Building Inspector Anna Marques

**Present via Zoom:** Health Department Director Judy Metcalf, Superintendent of Schools Dr. DiLeo, Water Filtration Plant Contact Andy Lalashius, School Business Manager Andrew Paquette

**Absent:** None

**Meeting Opened at 7:00 p.m. by Chairman Whitney, with a moment of silence for all veterans**

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

Selectman Barnes thanked Mark Avis, Veterans' Agent, all veterans, and Stanley Ciukaj, Ware Community TV general manager, for the Veterans ceremony which will air on November 11, 2020 at 1:00 pm on Channel 15. Selectman Kruckas thanked the Knights of Columbus for the Halloween event at Grenville Park. He noted that better advertising should be done for voting, such as use of the electronic signs, town hall sign, and robo-call. Selectman Morrin thanked the Parking Committee for its work to date and noted the work of John Piechota and the Parks Department.

- **Announce No Overnight Parking on Town Streets, December 1, 2020 (or first snowfall) – March 31, 2021**

Chairman Whitney announced the No Overnight Parking. Mr. Beckley noted he is talking with Police Chief Crevier and DPW Director St. George-Sorel regarding the possibility of allowing on-street parking when there is no snow event.

### **Consent Agenda**

- **Approval of Meeting Minutes of October 20, 2020**

Selectman Talbot made the motion to approve the meeting minutes. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Kruckas).

## Scheduled Appearances

- **Updates:**

- **Judy Metcalf, Health Director**

Ms. Metcalf noted the good news of the vaccine that may be ready by December, with more data needed. Each person must receive two doses, with first round of vaccines going to first responders, doctors, nurses. Next round of doses would go to high-risk individuals. The bad news is that a second wave will be during this fall and winter. She noted 8 cases in 3 days this week, more in hospital, with ICU at 50%. The State is gearing up for more ICU facilities, but we are better than were in the Spring, with excellent testing, testing on demand, and free testing at the Eastfield Mall. It will be a tough fall and early winter. People must prioritize regarding group gatherings. Masks must be worn at all times, per the Governor's order. Curfew in Massachusetts is 10 pm through 5 am. Be vigilant and take care of each other. This vaccine is very different and must be stored at -80 degrees. The Governor may use National Guard to set up logistics of distribution.

- **Dr. DiLeo, Superintendent of Schools**

Dr. DiLeo noted that the school year is moving forward, with 51 students returning from remote to hybrid. There are still 46 families that choose to remain remote only. Dr. DiLeo thanked Judy Metcalf for her continued great support of the schools. A few cases were reported when students were remote, and a few had close contact reported. The impact would be on all families, so continued masks, social distancing, and hand washing are very important.

Selectman Morrin questioned if there is room for the 51 students; Dr. DiLeo said Yes. Selectman Morrin questioned if paraprofessionals or others replace teachers? Dr. DiLeo stated No. Selectman Morrin questioned if there were substitutes; Dr. DiLeo noted that other staff in the building are utilized. Selectman Morrin questioned Dr. DiLeo's favorite grade; Dr. DiLeo noted she prefers to tie shoes.

Selectman Kruckas noted Judy Metcalf's announced retirement, thanking her for staying on until Spring to help the transition for her replacement.

- **Anna Marques, Building Inspector**

Selectman Kruckas asked about the gutters and roof at Town Hall; Ms. Marques noted the roof outside the Assessors' office and stairwell need to be customized and the gutters are copper, with deterioration. She will be getting quotes this week. The portico entrance had water over the sides and the front wall. The contractor will be working on weather-sealing the great hall. Selectman Kruckas noted the Board asked for a structural engineering report for 114 Main Street and the building next door. Ms. Marques noted the existing building survey to determine whether to be torn down or is salvageable. Selectman Kruckas stated this was requested six months ago. Selectman Morrin stated the town should be aggressive as these buildings are dangerous. Ms. Marques stated that the owner was required to put up fencing. The Board asked for an update at the next meeting.

- **Andy Lalashius, Water Filtration Plant**

Mr. Beckley introduced Mr. Lalashius. Mr. Lalashius joined the meeting via zoom. The Board noted the importance of a contact person on this project.

## Old Business

- **Approval of School COVID bills**

The Board continued discussion of the bills. Selectman Morrin questioned when the decision was made by the schools. Andrew Paquette, Business Manager for the schools, noted that the School Committee voted in August on these bills, and now is waiting for the Board of Selectmen to vote to approve. He noted that the Board was informed of these upcoming bills at the May 19, 2020 meeting. He stated that the Department of Education advised acceptance of Sections 12 and 13, and these are 42% settled. Selectman Morrin noted that the Board needs correct information for such a decision.

**Selectman Morrin made the motion to Accept Options and Approve Bills presented. Selectman Talbot seconded the motion. The motion failed on a vote of 4 No, 1 Yes (Selectman Talbot).**

- **Update on Main Street project**

Mr. Beckley noted that the sidewalks should be paved in two weeks. The Board advised Mr. Beckley to push National Grid to complete the lighting, as the sidewalks are very dark.

- **Update on Palmer Motorsports Park**

Mr. Beckley noted discussion with Senator Gobi and the Town of Palmer. Palmer sent a letter to the Palmer Motorsports Park several years ago regarding the noise levels.

#### **New Business**

- **Letter from Health Director RE: Forefront Solar**

The Board discussed extension to May 2021 per the Health Director's letter indicating repairs to be completed by Forefront Solar.

**Selectman Kruckas made the motion to approve Extension of the Agreement with Forefront Solar to May 2021. Selectman Barnes seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

- **Set Special Town Meeting Date, Approval of Warrant**

Resident Kim Mongeau proposed an additional article to forgo pay of Selectmen who are not up to date on their taxes. Selectman Kruckas stated he would abstain as this is directed at him. Selectman Morrin questioned why this article would not pertain to anyone elected. The Board did not take a vote on this proposed article.

**Selectman Talbot made the motion to Set Special Town Meeting for Monday, November 30, 2020 at 6:30 p.m. at Ware Junior Senior High School. Selectman Barnes seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

- **Set Tax Classification Hearing for Tuesday, November 24, 2020**

**Selectman Talbot made the motion to Set Tax Classification Hearing for Tuesday, November 24, 2020 at 7:10 p.m. Selectman Morrin seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

- **Policy Presentation, First Packet**

**Selectman Talbot made the motion to Table to December 8, 2020. Selectman Barnes seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

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

Kim Mongeau suggested funds should be set aside each year for the voters to consider items such as the Main Street situation at Annual Town Meeting.

Mr. Beckley noted that Selectman Kruckas has previously suggested dedicating funds to specific purposes.

Chairman Whitney noted this may work for the Town of Ware to review yearly.

Selectman Morrin noted pipe replacement should be included.

**Cathy Cascio noted that people are upset that tax dollars may be used to take down buildings. She stated there**

should be a policy with legal steps in place to handle building issues. Mr. Beckley noted that Southbridge has a bylaw for unkempt and abandoned property. Building Inspector Marques noted that building owners must pay an annual fee toward this bylaw. Selectman Talbot noted that town counsel can advise.

Cathy Cascio congratulated the Knights of Columbus on the great job of the Halloween event. She encouraged residents to shop locally but noted that the sidewalks are detrimental.

Jack Cascio noted he was glad this Board will hold building owners responsible. He asked the status of the vote to make the Board of Selectmen as fire commissioners to have a weak chief. Mr. Beckley noted this vote went to the State Legislature, specifically to Representative Todd Smola. It may be heard this session or by January. The initial vote was on June 29, 2020. Selectman Talbot note the process has been slowed due to elections and covid. Mr. Cascio asked why this took five months. Chairman Whitney noted internal conversations to get things done in a timelier manner.

In answer to Selectman Kruckas' s comments about online comments and criticism, Kim Mongeau-Ring identified herself as the person who runs the Facebook page known as Ware News and gave her contact information.

Selectman Barnes questioned the progress of the Old Belchertown Road bridge work; Mr. Beckley stated the work is complete, but inspections may be needed before formal opening.

Selectman Barnes stated he wanted the Board to discuss the Route 9 underpass at the next meeting.

### **Town Manager Report**

#### *Upcoming meetings:*

November 12. Senior Center, USDA Water Treatment Plant public forum 2

November 24, Board meeting, Assessors Tax Classification hearing

Main Street. The conduit has been installed and the contractor stated they would pour the concrete sidewalks next week.

Capital Planning: The Capital Planning Committee has been meeting to review department requests for equipment and maintenance. These are included in the Town Meeting Warrant. The financial team will review and make recommendations on which items to directly fund from available funds and free cash, and which items to borrow for.

The House Ways and Means Committee has issued its draft FY2021 budget. It very closely (within \$2800) matches the revised budget submitted by the Governor, so there is a level of confidence that the large aid and expenses will hold through the budget process

Attached are updates and responsive information from DPW, Police, Building, and the Treasurer/Collector.

As noted on the memo from the DPW director, the Old Belchertown Road bridge construction is nearly complete. They will seal the seams and pave next spring. MassDOT has not indicated if an inspection is necessary. The bridge will hopefully be open in the next week or so.

Water bills have been mailed. A reminder that collections are now at Town Hall. For those that have a "bill pay" system, the Town asks that residents update the mailing address to Town Hall at 126 Main Street.

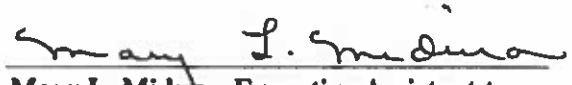
Thank you to the Knights of Columbus, Parks staff and volunteers for a very successful Halloween drive through on October 30.

**Adjournment**

**Executive Session: M.G.L. Chapter 30A, Section 21 (a) #2 Conduct Strategy Sessions for Negotiations with Non-Union Personnel, #3 Litigation**

Selectman Barnes made the motion at 8:50 p.m. to Adjourn the Regular Meeting to go into Executive Session: M.G.L. Chapter 30A, Section 21(a) #2 Conduct Strategy Sessions for Negotiations with Non-Union Personnel, #3 Litigation, NOT TO RECONVENE IN OPEN SESSION. Selectman Kruckas seconded the motion. The motion passed on a roll call vote of 5 Yes, 0 No.

Selectman Alan G. Whitney	Yes✓
Selectman Keith J. Kruckas	Yes✓
Selectman Thomas H. Barnes	Yes✓
Selectman Nancy J. Talbot	Yes✓
Selectman John J. Morrin	Yes✓

Attest:   
Mary L. Midura, Executive Assistant to  
Town Manager  
Minutes Taken at home via Ware Community TV15,  
with permission from Chairman (due to foot injury)



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, December 8, 2020 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

**Present at Town Hall:** Selectman Alan G. Whitney, Selectman Keith J. Kruckas, Selectman Nancy J. Talbot, Selectman John J. Morrin, Town Manager Stuart B. Beckley, Building Inspector Anna Marques, Executive Assistant Mary L. Midura

**Present via Zoom:** Ware River News Editor Eileen Kennedy, Treasurer Erica Brunell, Planning and Community Development Director Rebekah Cornell

**Absent:** Selectman Thomas H. Barnes

**Meeting Opened by Chairman Whitney**

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

Selectman Morrin announced the super-exciting parking news. He thanked Rebekah Cornell, Town Planner, Dennis Craig, Charlie Lask, Shelly Regin and Country Bank and Gary O'Grady QVCDC. There are now two lots on Bank Street with new signs for parking during the day.

Selectman Kruckas noted great work by the DPW during the winter storm.

**Consent Agenda - none**

### Scheduled Appearances

- **Update - Building Inspector Anna Marques**

Ms. Marques noted that Duk Ha, owner of 92-104 Main Street, is currently quarantined, but plans to come out the week of December 14-18. The building will be secured by December 20, has already been condemned, will have back and sides boarded up, per 780 CMR. While Ms. Marques cannot force someone to have an engineering report done, she has indicated to the owner that it is in his best interests to do so. Ms. Marques noted that many towns have faced similar situations with vacant buildings: Holyoke has top 25 properties recently reported in news media. The only way to resolve quicker would be for the Town to pay for demolition, then take the owner to court. Town counsel has actively looked at ways to handle these situations. Selectman Talbot noted every city and town faces this and the community suffers, and we should work with the Attorney General and legislators. Chairman Whitney noted all are frustrated and not only are these buildings dangerous, but also this impacts the Main Street project. Selectman Kruckas stated this information was requested weeks ago, and he did not appreciate that new information was just presented a few minutes before the meeting started. He previously has asked about the \$90,000 Code Enforcement funds and asked where those funds were transferred to. Town Planner Rebekah Cornell stated that the CDA will meet on December 14, 2020 to discuss the allocation of funds from FY19 CDBG.



Chairman Whitney noted that all information for a meeting must always be in the Selectmen's mailboxes by noon on the Friday before a Tuesday meeting. No new information should be added after that time. Ms. Marques noted the cost for the Town should be considered, and the cost for the owner. Chairman Whitney stated the owner could say that he was forced to do this, and the Town should not set a precedent on this. Selectman Kruckas asked why, if the town counsel advises against this, does this go back on a warrant. He noted a recent meeting with National Grid and Mass DOT in which there was animosity towards the Town. Selectman Talbot asked the timeline regarding 92-104 Main Street. Ms. Marques noted the building should be secured by December 21, 2020 with sides and back to have additional work plus the front is boarded. The fencing at 114 Main Street is a result of the wall height. The state gives guidelines to secure the building. Ms. Marques can begin to issue fines if the building is not secured in time. Selectman Morrin encouraged Ms. Marques to be aggressive. Selectman Kruckas questioned when the owner has been in town. Ms. Marques stated the last visit was in August. Selectman Kruckas questioned the barriers and sidewalk at 114 Main, and what to do when snow accumulates. Chief Crevier noted the barriers must stay up through the winter. Ms. Marques noted that if an owner does no improvements, the Town gets the burden to address the issues. **Chairman Whitney stated his concern that if a building falls, the Town becomes liable.** He told Ms. Marques, We know you are doing your best. He encouraged the use of fines or any legal means to be used.

Town Planner Rebekah Cornell stated the CDA has not taken this lightly, with three months of discussion, but the funds were set aside for multi-family units for code enforcement. The CDA has until March to allocate the funds. The next meeting of CDA will be December 14 at 6:30 p.m. and available on Zoom. There is also the discussion of demolition of 13-15 Parker Street and engineering plans for demolition of 114 Main Street. The study for 114 Main Street cost \$1,700. Selectman Kruckas noted he has been asking for update on this for 6-8 months. He noted the owners of 114 Main and 92-104 Main should work together to save costs. Chairman Whitney noted a new bylaw is needed to address abandoned buildings.

#### **Old Business - none**

#### **New Business**

- **Request for Hire of Police Officer(s)**

Chief Crevier requested the Board approve Civil Service list for two (2) vacant officer positions for February-March academy, 24 per class.

Selectman Kruckas made the motion to authorize the Town Manager to obtain a Civil Service list for the two positions. Selectman Morrin seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 1 Abstained (Selectman Talbot), 1 Absent (Selectman Barnes).

Selectman Kruckas asked about the parking ban. Chief Crevier stated the department gave warnings, but since the snow, tickets are now being issued. Selectman Kruckas noted that some residents blow snow into the street. Chief Crevier noted those residents will be given citations. Selectman Kruckas questioned the Pulaski Street parking situation; Mr. Beckley noted to change parking sides would eliminate parking spaces. Chief Crevier noted that the academy students are in the 11<sup>th</sup> week and should graduate February or March.

Chief Crevier also requested the Board approve three (3) Part-Time Officers: Matthew Schlegel, Judy Sellez, and Leon Muraguri.

Selectman Kruckas made the motion to approve Three (3) Part-Time Officers: Matthew Schlegel, Judy Sellez and Leon Muraguri. Selectman Morrin seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 1 Abstained (Selectman Talbot), 1 Absent (Selectman Barnes).

Chief Crevier noted that Ware Police Department participates in Coats for Veterans, and an officer went to Gillette Stadium for coats and supplies. Send any veterans in need to the Ware Police. Chief Crevier noted his gratitude to Darlene Gildert for her countless hours to make this year's Christmas for Kids a success.

- **Consideration of Hardship Letters from Section 12 Licensees, Waiver of 2021 Renewal Fees**

Executive Assistant Mary Midura presented the following: Selectmen, before you tonight are licenses for renewal for 2021. All licensees have been extremely cooperative this year and returned proper required documentation. All Section 12 licensees have, or are scheduled to have, annual inspections by the Building Inspector and Fire Inspector. Ms. Midura thanked Building Inspector Anna Marques and Fire Inspector and Chief Chris Gagnon for their hard work on the inspections.

Based on the vote of the Board of Selectmen on September 22, 2020, I have worked hard to show compassion and understanding to all businesses. Since that date, Covid-19 restrictions have increased on these businesses, such as limits on occupancy and no service of alcohol after 9:30 pm, all patrons must leave by 10:00 pm.

The following licensees have submitted letters of hardship to request a full waiver of renewal fees for 2021 due to the Covid-19 pandemic:

Aspen Street Rod and Gun Club	Teresa's
Astronaut Pizza	Weir River Social Club
Asian Garden	Mexicali Grill
Niko's Pizza	New United China
Rollaway Lanes	Hanna Devines
Gabryel Narutowicz	Wicked Wings Ware
Melha Shriners	Debbie Wong
Workshop 13	

Original anticipated revenue at full renewal fees was \$23,925. Waiver of Section 12 establishments (and Workshop 13), and Bed and Breakfast at Bird Hill Farm fees total ~~\$15,275~~ \$15,325. This brings actual revenue received to a total of ~~\$8,650~~ \$8,600.

Ms. Midura noted that this may seem like a lot of money to waive, but this helps 14 businesses to stay operational. Selectman Morrin noted he has supported small businesses here all year. Selectman Kruckas noted the Board should do this, as these struggling businesses have contributed to lights, little league sports and other community events and we need to support them. Selectman Talbot noted we all need to do our part. Ms. Midura noted that several businesses thought they must give up their liquor licenses, but that she advised they not do that as the documentation and costs to get a new license were not easily done.

Mr. Beckley noted that Selectman Kruckas has continued to advocate for small businesses. Mr. Beckley questioned if the Board wanted to waive all listed fees, including others with Common Victualler or Car Dealer licenses. Ms. Midura noted that those licensees have been open throughout the pandemic. Selectman Kruckas noted that the lodging license should be included in the waiver.

Selectman Kruckas made the motion to approve a full waiver of Renewal Fees for licenses (Alcoholic, common victualler, entertainment, automatic amusement devices) for 2021 for the above Section 12 establishments and Workshop 13 and Bed and Breakfast at Bird Hill Farm. Selectman Talbot seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Barnes).

- **Approval of 2021 Renewals of Alcoholic, Common Victualler, Entertainment, Automatic Amusement Devices, Lodging, and Car Dealer Licenses**

Selectman Kruckas made the motion to approve Renewals for 2021 for all Alcoholic Licenses (Section 12 and Section 15), Common Victualler, Entertainment, Auto Amusement Devices, Lodging, and Car Dealer

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

- **Vote to Re-Open Old Belchertown Road Bridge**

Selectman Kruckas made the motion to Re-Open Old Belchertown Road Bridge. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Barnes).

- **Town Policies Packet**

This topic was tabled to December 22, 2020.

- **Application for Appointment: Finance Committee – Ken Willette, Term to Expire June 30, 2023**

Selectman Talbot made the motion to approve appointment of Ken Willette to Finance Committee, Term to Expire June 30, 2023. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Barnes).

- **Town Meeting Follow Up – New Date**

Mr. Beckley noted that January 19, 2021 is for consideration. For the water filtration vote, February may be better. Due to concerns of Covid-19 increased cases, this topic was tabled to December 22, 2020.

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

Selectman Kruckas questioned the practice of the school busses leaving on West Street each day all at once, blocking the intersection and holding up traffic. The Board asked for Chief Crevier to address this at the next meeting.

Selectman Morrin asked about the well on Sheehy Road. Mr. Beckley noted the bill. Selectman Morrin questioned the East Street overpass. Mr. Beckley noted Mass DOT has not answered.

The Board requested the Health Director and Superintendent of Schools to give updates at the December 22, 2020 meeting.

#### **Town Manager Report**

##### *Upcoming meetings:*

December 10, 7, Public Forum #3 Water Filtration Plant, Senior Center

The Main Street sidewalk work is wrapping up. A project meeting will be held on Tuesday morning.

The House and Senate Conference Committee submitted their budget to the Governor for approval. This budget is within \$1,000 of previous revisions, so no adjustments to the local budget will be necessary. A copy of the latest preliminary Cherry Sheet is attached.

The Town financial departments and the Board of Assessors submitted the documentation required to set the tax rate. If the Department of Revenue approves, the rate will be \$20.18 per thousand of value. This is lower than the FY20 tax rate of \$20.63.

Through Mary Midura's efforts, the Town received a \$5,700 grant from MIIA, the Town's insurance agency for funds for new safety mats for the Town Hall, PPE for the schools and a gas meter for the Fire Department.

The Quaboag Connector's ridership is starting to rise. After dropping from 1000 rides per month last winter to 275 during the early months of COVID, the rides have grown back to almost 600 per month. The Connector has recently increased hours to run through 7 p.m. and is now offering Saturday service for employment trips.

Food –the food distributions at Grenville Park and the Senior Center are well used. The volunteers continue to request additional food from the Food Bank to support the over 250 families who attend each month. The Town is hoping to coordinate extra food during December through the use of CARES funds.

The Senior Center heating system froze up this weekend. Temporary heaters are in place while repair parts are sought. MIIA has been notified. Selectman Kruckas questioned why the department head has not come to the Board regarding this, and he noted the HVAC system has broken and been fixed several previous times.

Water Forum. This Thursday's forum regarding the Water Filtration Plant will focus on financing of the plant and future water enterprise costs. The presentation should be complete by Wednesday morning. I will forward to the Board ahead of time.

The Beaver Lake area suggested consideration of a speed hump to slow traffic. The Highway Supervisor explored with MassDOT. Their guidance is attached.

Mr. Beckley noted receipt of cable contract information from the State Department of Telecommunications. The Town should create a Cable Advisory Committee. Chairman Whitney strongly stated he would like to be on that committee, as every road is not on cable and internet. A discussion with Fire and Police regarding Regional Dispatch should be on the December 22, 2020 or January 5, 2021 agenda.

Selectman Kruckas questioned if businesses owe taxes, can these properties not be further taxed or attached. Mr. Beckley noted that taxes or interest cannot be waived. A resident or business can make a payment plan with the Tax Collector. Erica Brunell, Treasurer, joined via zoom and noted she is always willing to work with taxpayers, with communication a key factor. The Treasurer/Tax Collector has no right to waive or adjust taxes. There may be help through Representative Smola for COVID-19 relief. She noted that the Governor's orders allowed the Board to postpone due dates and extend deadlines. Selectman Talbot also noted the Town should contact MMA.

Construction equipment should be removed next week.

If an application is incomplete, no action should be taken until completion, with 60-90 days to a hearing.

The ambulance committee does not have any scheduled meetings. Options need to be evaluated.

Selectman Morrin questioned the letter from Forefront Solar which terminates the lease. He questioned whether the Town could develop solar for the Town? Mr. Beckley will research this.


## Adjournment

### Executive Session: M.G.L. Chapter 30A, Section 21 (a) #2 Conduct Strategy Sessions for Negotiations with Non-Union Personnel

Selectman Kruckas made the motion at 8:26 p.m. to Adjourn the Regular Meeting to go into Executive Session: M.G.L. Chapter 30A, Section 21(a) #2 Conduct Strategy Sessions for Negotiations with Non-Union Personnel, NOT TO RECONVENE IN OPEN SESSION. Selectman Morrin seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Barnes).

Selectman Alan G. Whitney	Yes✓
Selectman Keith J. Kruckas	Yes✓
Selectman Thomas H. Barnes	Absent
Selectman Nancy J. Talbot	Yes✓
Selectman John J. Morrin	Yes✓

Attest:

  
Mary L. Midura, Executive Assistant to  
Town Manager



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Notice Agenda – Tuesday, January 19, 2021 at 7:00 p.m.

6:15 p.m. Executive Session: M.G.L. Chapter 30A, Section 21(a) #2 Union Negotiations, #3 Litigation

Chairman Whitney opened the Regular meeting at 6:17 p.m.

Selectman Kruckas made the motion at 6:17 p.m. to Adjourn the Regular Meeting to go into Executive Session: M.G.L. Chapter 30A, Section 21(a) #2 Union Negotiations, #3 Litigation, TO RECONVENE IN OPEN SESSION at 7:00 P.M. Selectman Barnes seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Recused (Selectman Talbot).

Selectman Alan G. Whitney	Yes✓
Selectman Keith J. Kruckas	Yes✓
Selectman Thomas H. Barnes	Yes✓
Selectman Nancy J. Talbot	Recused
Selectman John J. Morrin	Yes✓

Selectman Kruckas made the motion at 7:03 p.m. to Adjourn Executive Session, TO RECONVENE IN OPEN SESSION at 7:07 p.m. Selectman Barnes seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Recused (Selectman Talbot).

Selectman Alan G. Whitney	Yes✓
Selectman Keith J. Kruckas	Yes✓
Selectman Thomas H. Barnes	Yes✓
Selectman Nancy J. Talbot	Recused
Selectman John J. Morrin	Yes✓

**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

**Present:** Selectman Alan G. Whitney, Selectman Keith J. Kruckas, Selectman Nancy J. Talbot, Selectman Thomas H. Barnes, Selectman John J. Morrin, Town Manager Stuart B. Beckley, Executive Assistant Mary L. Midura, Building Inspector Anna S. Marques, Police Chief Crevier

**Absent:** None

**Present via Zoom: Town Accountant Tracy Meehan, Treasurer Erica Brunell, WRN Editor Eileen Kennedy, Health Director Judy Metcalf**

**Meeting Opened by Chairman Whitney at 7:07 p.m.**

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

Selectman Barnes thanked Chuck Niedzwicki for the sign at Route 9, visibility is improved. He also thanked Stanley Ciukaj from Ware TV for the chrome books for the Selectmen.

Selectman Kruckas expressed his condolences to the Chevalier family.

Selectman Morrin thanked the Town Planner and Planning Board for taking on the issue of abandoned properties and making a condition of mandatory insurance. He announced that the Downtown Improvement Committee will meet on January 25, 2021 at 6:00 p.m.

#### **Consent Agenda**

- **Approval of November 24, December 8, December 22, 2020, and January 5, 2021 Meeting Minutes**

Selectman Talbot made the motion to approve the meeting minutes of November 24, December 8 and December 22, 2020 and January 5, 2021. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Kruckas).

#### **Scheduled Appearances**

- **Judy Metcalf, Director Health Department**

Ms. Metcalf stated that Ware is in the third week of Red High Risk, with 9.03% case positivity, per 100,000 is 66.1% incidence rate. This bad situation calls for wearing masks, social distancing, washing hands, avoid group activity. The Health Department now has calls from residents for information on how/when they can get the vaccine. Ms. Metcalf noted that the state is still in Phase 1 with home healthcare workers now eligible for the vaccine. Until the state is in Phase 2, with vaccines for teachers, elderly, those with medical conditions, and essential workers, there is no new information. Ms. Metcalf noted a realistic timeline would bring us to mid-February for more vaccine availability.

Selectman Morrin thanked Ms. Metcalf and her staff for their hard work, and for her honest and complete answers. He asked if Red status meant the virus is everywhere. Ms. Metcalf noted that Red means community spread, and we all need to continue to be careful with defensive measures.

- **Schools Update**

Selectman Morrin noted a demand for \$44,000 for which he said the schools are responsible for payment. He noted an email from the School Committee Chairman in which the SC Chairman stated he would not attend a meeting in which a raised voice and accusatory tone is used. Selectman Morrin said he would assure the SC Chairman that the only raised voice is when someone is lying to us, and the Board was misled about negotiations about the \$44,000 and the legal requirements of the bill, (the Board was misled about) the delivery and existence of minutes of the Reopening Committee, and the Board was misled in that the trigger had been set at two weeks of Red for the closing of the schools. Selectman Morrin stated "So if he wants to avoid a raised voice and accusatory tone, if someone from that department comes before this Board, encourage them to testify fully, transparently and honestly, they'll be met with a friendly voice and appreciative tone. I have a list of questions I'll give to the Town Manager for the Superintendent and I would appreciate if she would respond to them as soon as possible or by the Friday before the next meeting."



Chairman Whitney noted he wants to work with the schools, "but since the debacle of the regionalization study, where people stood up at the meeting and said they were never contacted." He stated the Board must be able to trust what they give us. He said, "I think they're working as hard as they can, but we have questions."

Selectman Kruckas noted his concerns about the triggers and schools opening back up. Selectman Morrin stated the triggers were completely different, he asked for a plan, the Superintendent said the School Committee had voted, but the School Committee had not yet voted on the issue.

## **Old Business**

- **Building Inspector Update – Main Street Buildings**

Building Inspector Anna Marques spoke to the Board. She has spoken to a contractor who dealt with the previous owner and came out on Monday to consider demolition to 92-104 Main Street. Regarding, 114 Main Street, there are hazardous materials to consider. He is preparing a quote. Selectman Kruckas noted he has been asking about these buildings for over 8 months. He questioned the progress of the fines and has seen no progress otherwise. Chairman Whitney asked Ms. Marques if she was actively giving violations and fines. Ms. Marques noted that each violation and fine has a 21-day appeal period. She noted that 92-104 can be made secure by boarding up the building. Chairman Whitney noted the need to do everything legal. Selectman Talbot noted that fines can be continued to be issued, even if an appeal is being made on other violations/fines. Mr. Beckley noted that town counsel is continuing pressure on the owner of 114 Main Street. The owner of 92-104 has owned the building since February 2019. Ms. Marques noted she is continuing to issue fines, with dates and a timeline, and with town counsel approval and guidance. The blight bylaw should be ready by the May 2021 Annual Town Meeting.

- **Request for hearing, declaration of 13 Parker Street as dangerous nuisance (2/2)**

Ms. Marques noted that a hearing is necessary to declare 13 Parking Street as a nuisance and unsafe property.

Selectman Talbot made the motion to Set a Public Hearing on Tuesday, February 16, 2021 at 7:10 p.m. for 13 Parker Street per MGL Chapter 139, Section 1 to Declare a Nuisance or Unsafe Property. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Kruckas).

## **New Business**

- **Appointment New Police Officer – Nicholas D. Feliciano**
- **Re-appointment Full-Time Police Officer – Daniel Clark**

Selectman Kruckas made the motion to Reappoint Full-Time Police Officer Daniel Clark. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

Selectman Barnes made the motion to Appoint New Full-Time Police Officer Nicholas D. Feliciano. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

- **Consideration of Cannabis Host Community Agreement**

Mr. Richard Barry, Mr. Robert Barry and Nico Siniscalchi appeared before the Board for Minuteman Farm, LLC. This would be a new structure, taking 6-8 months to build with irrigation and state of the art systems. The company is also building a site in Belchertown. Estimated revenue of 100 Pounds @ \$4,200/lb. would gross \$450,00 for the Town of Ware. The company intends to employ 18-20 @ \$25/hour.



Selectman Kruckas made the motion to approve the Cannabis Host Community Agreement for Minuteman Farm, LLC. Selectman Morrin seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Approval of Capital Projects Closeout to Indebtedness Payment**

Town Accountant Tracy Meehan noted the capital projects that are completed have balances that can be applied to indebtedness.

Selectman Talbot made the motion to approve Capital Projects balances be Applied to the Payment of Indebtedness in the General Fund, Water Enterprise Fund and Sewer Enterprise Fund. Selectman Barnes seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Comments and Concerns of Citizens - none

#### **Town Manager Report**

COVID – Ware continues to be a High-Risk community, with a 9% positivity rate on testing.

The attorneys for the Town and the buyer have completed the paperwork necessary to close on 73 West Main Street. The deed will be ready for the Board's signature on Tuesday, with the closing planned for Wednesday.

Selectman Barnes made the motion to approve the sale of 73 West Main Street contract. Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Personnel. The Town has hired two staff to fill vacancies in the DPW. Derek Dineen has been hired as a Truck Driver/Laborer, starting January 25. Tim Ayres has been hired as a water worker who will work toward becoming an operator in the coming months.

Senior Center – The broken coils at the Senior Center have been repaired and the heating system is working. The contractor is preparing a plan to replace the controllers, which the senior center director will present along with the history of the problem on February 2.

Local taxes. Per the attached, the quarterly distributions for the meals and marijuana local taxes generated good revenue, \$30,291 and \$33,618, respectively. The subcommittee regarding the distribution of Curaleaf's community donations has met. This year's donations will be set by March, with another round beginning in April. Agencies and local charities are encouraged to apply.

Molly Gray, the Baystate Eastern Region President will attend the February 2 meeting to discuss updates at Mary Lane, including the closed wound care center.

Please refer to the Highway and Police reports submitted this week.

Mr. Beckley noted that Beth Greenblatt will speak to the Board on February 2, 2021 regarding solar.

Selectman Kruckas questioned why the Town Planner and Town Manager were not more involved in the issue of the wound care center. Selectman Barnes questioned the scenarios and fees of the Quabbin study; Mr. Beckley noted that MWRA would respond further at end of January. Selectman Barnes also noted the FAA drone certification, and the Board discussed a bylaw regarding drone use. Selectman Morrin questioned the solar projects list; Mr. Beckley noted a new developer and RFP would be needed to re-establish the landfill area for solar. The Board clarified that the audit of Town Hall must be independent and regarding financials.

The public safety officer will be notified of a request for a stop sign at Horseshoe Circle. Mr. Beckley noted two spending bills regarding economic development and transportation, including funding of approximately \$300,000 from the state for 114 Main Street demolition. The legislation for the safety zone at Beaver Lake and the legislation for renaming the Board of Selectmen to the Select Board are with legislators for the new session. The legislation regarding the Board hiring for the fire department is also in the current legislation.

#### **Adjournment**

Selectman Kruckas made the motion at 8:29 p.m. to Adjourn the Regular Meeting. Selectman Talbot seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Attest:   
Mary L. Midura, Executive Assistant to  
Town Manager



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, March 16, 2021 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

**Present:** Selectman Alan G. Whitney, Selectman Keith J. Kruckas, Selectman Nancy J. Talbot, Selectman Thomas H. Barnes, Selectman John J. Morrin, Town Manager Stuart B. Beckley, Executive Assistant Mary L. Midura, Fire Chief Chris Gagnon, Building Inspector Anna Marques, Denis Ouimette, Terrance Smith, John Desmond, Mr. Barber (from Warren)

**Absent:** None

**Present via Zoom:** Health Director Judy Metcalf, Ware River News Editor Eileen Kennedy, Craig Simmons

**Meeting Opened by Chairman Whitney at 7:00 p.m.**

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

**Commendation:** Laura Jablonski

Chairman Whitney read the commendation with thanks from the Board for Ms. Jablonski's 28 years of service to the Town of Ware.

Selectman Barnes asked about the underpass on Rte. 9; Mr. Beckley noted a meeting on Thursday, March 18 with MA DOT. Chairman Whitney asked about the search for new town counsel; Mr. Beckley noted this is in process.

The Board asked Mr. Beckley about the search for a DPW Director; Mr. Beckley noted the salary is an issue.

Chairman Whitney asked that this be an item on the April 6, 2021 agenda. Selectman Kruckas asked why the audit of Town Hall was not in the budget; Mr. Beckley explained that the funding would be at town meeting. Selectman Kruckas questioned if there is a policy regarding sale of town property; Mr. Beckley noted property is declared surplus, then most items are sold through Municibid. Selectman Kruckas asked for a full report of all sales of property since Mr. Beckley began to work for the Town of Ware.

### Consent Agenda

- Approval of February 16, March 2, and March 8, 2021 meeting minutes

Selectman Morrin made the motion to approve the minutes above. Selectman Talbot seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Kruckas).

### Scheduled Appearances

- Judy Metcalf, Health Director

Ms. Metcalf noted the latest Covid number was 9 cases, with 12, 16, and 10 in prior weeks. She hopes to see the numbers drop with spring weather but will most likely advise all to continue to wear masks through summer and fall and avoid crowds. There are variants, with one case of the Brazilian in Massachusetts today. The Governor will announce more sites for vaccination tomorrow, however, supply did not yet increase.

Chairman Whitney asked about vaccines for the town; Ms. Metcalf noted the state controls the distribution. She

noted that Wing Hospital offers a new therapy that is lifesaving for those over 65 who get Covid.

Mr. Beckley asked Ms. Metcalf her recommendation for the opening of Town Hall; Ms. Metcalf recommended waiting until at least April 5 as it would give more town employees the chance to get the first vaccine. Mr. Beckley asked Ms. Metcalf's opinion regarding holding town meeting; Ms. Metcalf noted that town meeting is exempt from restrictions as buildings. Selectman Morrin stated that town hall should open next Monday (March 22, 2020). Selectman Barnes noted that Amherst is going to shut-ins; Ms. Metcalf noted the Governor allows this in specific regions.

Chairman Whitney noted that the proposed special town meeting is April 10, 2021. Selectman Kruckas noted that residents are upset that town hall is closed. Selectman Talbot noted that the meeting would be held as a drive-in.

**Selectman Talbot made the motion to approve April 10, 2021 at 10:00 am for the Special Town Meeting at the Ware High School parking lot. Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

Chairman Whitney asked about opening town hall; Mr. Beckley noted that monitors would be at the door to log visitors in, masks must be worn, floor spaces would be marked, with additional sanitization and fogging would be twice per week. Ms. Metcalf noted April 5, 2021 would be the better date to re-open. Ms. Midura stated that senior citizens would be monitors and would feel safer if they have had both vaccines. Chairman Whitney noted that town hall employees could cover the monitoring of the door. Resident Terrance Smith questioned why the Board of Selectmen would go against the advice of the Health Director. The Board of Selectmen stated that town hall will open to the public on Monday, March 22, 2021.

#### **Old Business**

- **Water Rate Increase Details**

Mr. Beckley noted the listing of funding options using retail sales marijuana revenue and solar funds. Selectman Talbot noted that USDA wants a commitment from the Town. Selectman Morrin noted the tax base use. Chairman Whitney noted the water plant must be built and the town vote is needed. He noted that to dedicate the marijuana and solar revenue to this will offset the rate increase.

**Selectman Talbot made the motion that the Board of Selectmen approve and recommend that Town Manager use these funds and water treatment stabilization fund to defray the costs of the Water Treatment Facility. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Morrin).**

- **Update Main Street Buildings**

Building Inspector Anna Marques noted there are different procedures for each building. Selectman Kruckas questioned the progress of 92-104 Main Street; Ms. Marques noted that fines have not been paid. Fines have been issued to the maximum allowed. Selectman Kruckas questioned the overall building permit process, noting complaints by residents of their permits taking more than a month. Ms. Marques noted that some applications are incomplete and must be completed before signoffs. Chairman Whitney asked for a list of any outstanding permits. Ms. Marques noted that she gives out three phone numbers of the office plus her personal cell number, and residents can reach her through Viewpoint and email.

- **Hardwick Ambulance Service**

Acting Fire Chief Chris Gagnon noted that the BMLH closing of the emergency room will affect costs. He stated that Ware is in the best position to provide service to Hardwick. Billable calls are down \$20,000. If Ware opts not to cover Hardwick, or if Hardwick contracts with another town or towns, Ware would still be on the Mutual Aid call list. His recommendation would be to firm up the frontal costs up to \$133,000 and consider the level of services. Selectman Kruckas questioned use of overtime; Chief Gagnon noted there would be 1.5 hours minimum per call and if we provide mutual aid only, there is potential revenue loss. He noted there was Hardwick Rescue Squad in 2018-2019, and that may be considered again. He suggested an effort to find middle ground to maintain services to Hardwick. Chairman Whitney noted this topic for a 6:30 pm Executive Session on April 6, 2021.

Resident John Desmond noted that seconds count to protect people and delays can be devastating.

#### **New Business**

- **Approval of Warrant – Annual Town Election of April 12, 2021**

Selectman Talbot made the motion to approve the warrant for Annual Town Election on Monday, April 12, 2021, voting to begin at 7:00 a.m. and end at 8:00 p.m. The motion passed on a vote of 5 Yes, 0 No.

- **Vote by Board of Selectmen to Change Polling Location to 126 Main Street**

Selectman Kruckas made the motion to change the polling location to 126 Main Street for the April 12, 2021 Annual Town Election. Selectman Barnes seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Reappointment: Sheryl Adamczyk, Board of Registrars, Term to Expire March 31, 2024**

Selectman Barnes made the motion to reappoint Sheryl Adamczyk to the Board of Registrars, Term to Expire March 31, 2024. Selectman Morrin seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Water Resources Committee Applications**

- Terrance Smith
- Late file: Catherine Buelow-Cascio

Selectman Talbot made the motion to appoint Terrance Smith, Catherine Buelow-Cascio, Town Manager, DPW manager, Water Department supervisor, and Town Planner to the Water Resources Committee. Selectman Barnes seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

The Board announced there is one opening on the Water Resources Committee, preferably someone representing the business/restaurant community. The Water Resources Committee shall give monthly reports to the Board of Selectmen.

- **Hospital Discussion Committee Applications**

- Terrance Smith
- Craig Simmons
- Denis Ouimette
- Howard G. Trietsch M.D.
- Late file: Elena Palladino
- Late file: Catherine Buelow-Cascio

Selectman Kruckas made the motion to appoint Terrance Smith, Craig Simmons, Denis Ouimette, Howard Trietsch, M.D., Elena Palladino, Catherine Buelow-Cascio, and Selectman Talbot to the Hospital Discussion Committee. Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Selectman Talbot noted the Hospital Discussion Committee will be facilitator and factfinder with research, analysis and give a monthly report to the Board. The Committee shall work with Baystate officials. The Board asked Mr. Beckley if he contacted other medical entities. Mr. Beckley noted that he did contact eight other entities, and three have answered to date.

- **Discuss Use of Marijuana Revenue**

This was discussed above under the Water Rate Increase Details topic.

- **Discuss Special Town Meeting articles – easement, trusts of Mary Lane Hospital**

Mr. Beckley will make corrections and present to the Board of Selectmen for approval at a posted zoom meeting on Tuesday, March 23, 2021 at 5:00 p.m.

- **Town Hall Re-Opening Plan**

Discussed above under Special Appearances.

- **Town Meeting Date**

Discussed above under Special Appearances.

**Comments and Concerns of Citizens**

Resident John Desmond noted that the new water plant is not a panacea to the water issues, but this needs to be fully explained at town meeting, including attendance by the consultant.

A man who did not identify himself brought out water samples and suggested that all residents replace water tanks and filter systems. *(on the sign in sheet, the man's signature was unreadable, and the address was in Warren, MA)*

**Town Manager Report**

The Pathfinder Vocational Technical School presented its recommended budget at a hearing on Wednesday. Details are attached. With a decline of 25 students from last year, Ware's assessment will be lower in FY2022 by \$118,000. In addition to the budget, attendees also congratulated Dr. Paist on his retirement after 48 years of tremendous service to the region and school.

With Representative Smola's assistance, a contact at MassDOT Rail was established for the East Street rail bridge and underpass. The Town has reached out with a request to discuss bridge repair and an accessible route through the underpass.

Congratulations to Laura Jablonski on her pending retirement after 28 years of exemplary town service.

The Town awaits clarification of the use of funds from the federal government appropriation related to COVID relief. Depending on allowed uses there will be significant opportunity for the Town to assist residents and businesses while still providing necessary safety equipment for employees.

The FY2022 budget summary is attached. The Finance Committee is beginning review meetings this week.

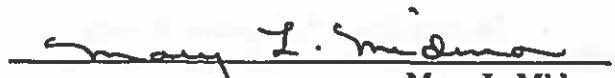
The Insurance Advisory Committee is meeting on Tuesday to learn about and discuss options for health insurance for FY2022.

**Projects.** The Town received bids for the demolition of 13 & 15 Parker Street with the low bidder being just under \$50,000. The bid documents for the brick repair to the Town Hall are available and generating a lot of interest. Bids are due on April 2. MassDOT has scheduled a meeting to discuss the re-start of the Main Street construction project. Of key interest will be the demolition timing of 114 Main Street. The street lighting project is moving forward with designs being finalized. If there are adequate funds, the lights in front of the millyard will be replaced with lights matching Main Street.

**Adjournment**

Selectman Kruckas made the motion at 9:05 p.m. to Adjourn the Regular Meeting. Selectman Talbot seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Attest:



Mary L. Midura  
Executive Assistant to Town Manager



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, October 19, 2021 at 7:00 p.m.

**6:15 p.m. – Executive Session: M.G.L. Chapter 30A, Section 21 (a)2 Negotiations with Non-Union Staff**

**7:00 p.m. – Regular Meeting**

**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**

**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**

**Present:** Selectman Nancy J. Talbot, Selectman Thomas H. Barnes, Chairman Keith J. Kruckas, Selectman Caitlin M. McCarthy, Vice-Chairman John J. Morrin, Town Manager Stuart B. Beckley, Executive Assistant Christopher J. Nolan, Building Inspector Anna Marques, Timothy Reeves of Brookside Mart, Inc., Ed Murphy, Elaine Murphy, Rosie Parker, Lori Mooney, Russell Mooney, Alex Bergeron

**Absent:** None

**Present via Zoom:** Stanley Ciukaj from Ware Community Television, Eileen Kennedy from Ware River News

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

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

- Selectman McCarthy announced that she is excited for the Halloween Drive-Thru event coming up on October 29 at 6PM in Grenville Park.
- Selectman Barnes thanked the construction workers who have been working on Town Hall and inquired with Mr. Beckley about the possibility of fixing a leaking window.
  - Mr. Beckley responded that this window was recently re-sealed, which should fix the leaking issue.
- Vice-Chairman Morrin reminded the room that Veteran's Day is approaching, and the Town's parade will be held at 1PM on November 11.

### **Consent Agenda**

- **Approval of October 5, 2021 Meeting Minutes**
- **Retroactive Approval of One-Day Liquor License: Workshop 13- October 15, 2021, from 7-10 PM**
- **Toll Road Application: Ware Business & Civic Association Presents the Holiday Flair Fundraiser, November 6 and 7, 2021, from 8AM-Noon**
- Selectman Barnes remarked that he had some issues with the October 5 minutes.

**Selectman Talbot made the motion to withhold the Approval of the October 5, 2021 Minutes from the Consent Agenda. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).**

- Vice-Chairman Morrin asked if Workshop 13's request to have a One-Day Liquor License retroactively approved meant that the venue had held an unlicensed event with alcohol sales.
  - Mr. Beckley answered yes, and that despite the Town approving these licenses retroactively in the past during extenuating circumstances, it has always been generally frowned upon.
  - Chairman Kruckas stated that the Board would approve the license in this instance, but that moving forward, it would set a new precedent of only allowing these in the most extreme circumstances.

**Selectman Barnes made the motion to approve the two remaining items on the Consent Agenda. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).**

- **Approval of Addition to Tax Bills**

**Selectman Talbot made the motion to approve the Town Treasurer's addition to the Tax Bills, which include clarifying information for residents on tax payments, and promote the Town's CodeRed alert system. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).**

- **Public Notification on Four Collective Bargaining Agreements**
  - Mr. Beckley acknowledged the approval of agreements between the Board and the Town's four bargaining units.
- **Beaver Lake Traffic Safety Update**
  - Ms. Murphy asked about the status of the requested traffic safety measures in the Beaver Lake Road area, which were discussed at the previous meeting.
  - Mr. Beckley answered that this topic was tabled for future discussion until after the Police Chief and Highway Director had investigated the logistics and legality of such matters.
  - Ms. Murphy questioned why the streetlights on Main Street were out at the present moment, and whether the Town could be held liable for any damages that could occur as a result.
  - Mr. Beckley answered that the streetlights would be out for scheduled electrical maintenance for 2-3 nights.
  - Chairman Kruckas suggested that Mr. Beckley send out a phone call alerting residents of this fact to encourage caution and prevent confusion.

### **Scheduled Appearances**

- **7:10- Public Hearing: Brookside Mart Liquor License (#22)- Change of Manager**
  - Mr. Timothy Reeves appeared before the Board to request they approve his Change of Manager application, citing that he has taken over as Manager following the retirement of his predecessor.

**Selectman Barnes made the motion to approve the Change of Manager application for Liquor License #22 (Brookside Mart Inc.). Selectman Talbot seconded the motion. The motion passed unanimously (5-0).**



## Old Business

### • ARPA

- Mr. Beckley announced the Town's necessity of spending the entirety of its money awarded from the American Rescue Plan Act of 2021. He described the vast amount of descriptive information in the document packet for the meeting. He stated that the money must be allocated to specific purposes by 2024 and spent by 2026.
- Selectman McCarthy asked about the possibility of collaborating with the Finance Committee to discuss potential uses of ARPA funds.
- Selectman Barnes expressed confusion over the sources of funding for different Town projects, wondering why broadband was included in the ARPA packet when it should be covered by the separate Broadband Initiative. He also recognized the necessity for allocating a large portion of ARPA money toward the in-fluid filtration project at the Waste Water Treatment Plant.
- Chairman Kruckas noted Springfield's commitment to paying first responders and other essential workers a monetary bonus for working through the pandemic while most people were at home, and recommended ARPA funds to help support this in Ware, arguing that it could also help to alleviate staffing issues among essential personnel in the Town.
- Vice-Chairman Morrin argued that the Town should only spend ARPA money on matters that cannot be funded through any other means.
- Mr. Beckley elaborated that among the Town's major projects, the Community Development Block Grant is expected to cover the cost of the Bank Street project, while the WWTP screen project alone should take up the first 1-2 years of ARPA funds.
- Chairman Kruckas stated that Town officials must be diligent about ensuring that it is proactive in setting concrete plans to spend its grant money, citing the Town's failure to spend a large chunk of the money it was allotted from the CARES Act.
- Mr. Beckley confirmed that it is too late to spend the first round of CARES money.
- Chairman Kruckas argued that it would have been able to be spent had the Town worked more diligently in the beginning to develop specific plans for it.
- Selectman Talbot stated that the Board needed to meet with the Finance Committee for an in-depth discussion about ARPA funds.
- Chairman Kruckas inquired when the Town could expect to receive the first round of ARPA money.
- Mr. Beckley responded that the first round had already been received.
- Selectman Talbot called for Mr. Beckley to schedule a meeting between the Board and the Finance Committee, to take place during a future meeting of the Board of Selectmen.

**Selectman Talbot made the motion to table the discussion on ARPA spending until after meeting with the Finance Committee. Selectman McCarthy seconded the motion. The motion passed unanimously (5-0).**

## New Business

### • Building Permitting and Zoning Enforcement Update/Discussion

- Chairman Kruckas inquired with Building Inspector Anna Marques where the Town currently stands regarding code enforcement.
- Ms. Marques answered that code enforcement is a complex and multi-formed process, with no easy description for its current state in the Town at large.
- Chairman Kruckas noted a recent development wherein a large wall was sloppily destroyed on an Otis Ave property. He remarked that this project was completed without a permit, and the property owners subsequently left the property abandoned and in a messy state to the dismay of neighborhood residents.

- Ms. Marques responded that none of the relevant property in this scenario was owned by the Town.
- Chairman Kruckas responded that even though this was the case, the Town should step in since other properties in the area have been negatively affected by it. He also remarked that this is an issue that began two years ago which the Town has still failed to act on appropriately.
- Ms. Marques stated that the current hold-up on this issue stems from the property owners needing to hire a land surveyor, but thus far refusing to do so.
- Chairman Kruckas accused Town departments of selectively enforcing building code requirements. He brought up another example of a building (92-104 Main Street), slated to be demolished at taxpayers' expense.
- Mr. Beckley responded that the state has rejected this building owner's application for a demolition grant, and that the Town now needs to reach out to the owner directly.
- Selectman McCarthy expressed that the disrepair and soon-to-be demolition of this historic building is a sad loss for the community.
- Selectman Talbot noted that the owner of this building has not paid several fines he owes and has been habitually ignoring all correspondence from the Town.
- Chairman Kruckas expressed frustration that the situation involving this building has escalated, and now the taxpayers are being forced to foot the bill.
- Mr. Beckley responded that the revitalization of Downtown Ware comes with an upfront cost that will be essential for the Town's future economic well-being.
- Chairman Kruckas answered that the Town's taxpayers are already struggling and should not be expected to cover costs that should have been paid by neglectful property owners.
- Vice-Chairman Morrin asked if the Town had plans to take this Main Street building owner to housing court.
- Mr. Beckley answered that yes, this was possible.
- Vice-Chairman Morrin asserted that the Town needs to take an aggressive stance toward the owners of neglected buildings to prevent more situations like this one from arising in the future.
- Chairman Kruckas argued that Town officials were sympathetic toward the owner of the Main Street building for too long, while he himself had been skeptical of the owner since the issue first arose.
- Chairman Kruckas stated that the emails for each member of the Board are public information, and that any resident who felt their concerns were not being heard by Town departments such as the Building Department could reach out to one of them directly.
- Chairman Kruckas remarked that the story of 92-104 Main Street is all too similar to that of an adjacent building which was recently torn down.
- Ms. Marques responded that these two buildings faced different sets of circumstances from each other.
- Chairman Kruckas disputed that even if this was the case, the result of each one's disrepair was the same for the Town's taxpayers.
- Ms. Marques noted that the Town has a formal process for hearing and investigating zoning complaints.
- Chairman Kruckas remarked that due to past corruption in the Town involving the former Fire Chief, many business owners are fearful of all communications with Town departments.
- Chairman Kruckas accused Town officials of displaying favoritism by selectively enforcing zoning policies on those they see as adversaries, while failing to hold personal friends or allies responsible for violations.
- Selectman McCarthy asked for an update on the whistleblower phone line for reporting Town officials of wrongdoing.
- Mr. Beckley asked for clarification on whether this phone line was meant to be open to Town employees or members of the general public.

- Vice-Chairman Morrin answered that it should be open to both.
- Mr. Beckley stated that the line was in the process of being set up with Verizon, and that a potential answering team may consist of the Executive Assistant, Human Resources Director, and one or more members of the Select Board.
- Mr. Beckley went on to note that State Senator Anne Gobi is in the process of setting up more meetings with other state officials regarding FEMA and the past July's flooding on Quarry Street.
- Chairman Kruckas asked for verification that recent emails concerning dam removal have been about artificial dams, rather than beaver dams.
- Mr. Beckley affirmed that this was the case.
- Ms. Marques informed the Board that the Building Department receives notification from insurance companies regarding all relevant matters, often receiving multiple pieces of correspondence from them each week.
- Vice-Chairman Morrin requested that the Department more thoroughly look into each communication it receives from insurance companies.
- Ms. Marques affirmed that she would more closely examine insurance documents for matters that require the Department's attention.
- Chairman Kruckas asked about the status of a boarded-up building at 65 West Street.
- Ms. Marques replied that this was another building whose owner was ignoring all communications from the Town.
- Regarding another neglected property at 13 Vigeant Street, Ms. Marques stated that this was now a vacant lot with too many taxes owed on it for it to be sold.
- Mr. Beckley added that according to the owner of the Vigeant Street lot, the Town is already in possession of the property.
- Chairman Kruckas argued that because of this claim, the Town should make every effort to get a written statement from the owner transferring ownership of the property to the Town.
- Ms. Marques responded that this would be difficult, given the owner's consistent refusal to answer any correspondence from the Town, but that this was ultimately the goal.

#### **Citizen Comments/Concerns**

- **Fiber-Optic Prospects**
  - Mr. Bergeron asked if it would be possible for the Town to obtain grants for developing the infrastructure for fiber-optic internet service.
  - Mr. Beckley answered that this would absolutely be possible, and that it is a matter that would be actively investigated.
- **Update from Chairman Kruckas**
  - Chairman Kruckas informed the room of some personal matters involving altercations between himself and former Fire Chief Thomas Coulombe, who was demoted and suspended by the Board of Selectmen in 2019.
  - Chairman Kruckas specified that himself and his family had been victims of threats and harassment by Coulombe, who was angered by the Board's disciplining of him.
  - Chairman Kruckas thanked the Fire Department and Chief Chris Gagnon for their support.
  - He described how the past four years have been exceedingly difficult, and he is disappointed by the fact that a member of the Coulombe family continues to serve in an elected position as the Town Moderator.
  - Without giving specific names, Chairman Kruckas claimed that multiple people in the meeting room had been involved in illegal and unethical activities with the goal of preventing accountability regarding this affair and called on all these individuals to resign from their positions.

- Chairman Kruckas directly addressed members of the press viewing the meeting, stating that he wanted his account of the harassment endured by his family at the hands of Thomas Coulombe to go public.
- Vice-Chairman Morrin expressed agreement that the Coulombe affair left a mark of damage on the Town, with the former Chief being highly corrupt, and his son being awarded his position with the Fire Department through nepotism alone after having his mother fill out the application for him.
- Chairman Kruckas reiterated that multiple people in the room were guilty of violating the law in the case of this scandal.
- **ADA Coordinator and Disability Awareness Committee**
  - Selectman Barnes asked about the status of filling the position for the Town's ADA Coordinator.
  - Mr. Beckley answered that the Town Manager's office was getting ready to create a posting for ADA Coordinator, as well as members for the Town's Disability Awareness Committee.

### **Town Manager Report**

- Mr. Beckley provided the following updates.
  - Re-paving on West Warren Road is complete.
  - The DPW's Flushing Program is complete.
  - Streetlights on Main Street would be scheduled to be down for the subsequent few days for scheduled maintenance.
  - Palmer Paving would be finishing up their work Downtown within the next 2 weeks.
  - The Domestic Violence Awareness Walk would be happening on October 23<sup>rd</sup>, starting at 1PM in Veterans Park. The event was still in need of speakers.
    - Selectman McCarthy volunteered to speak at the event.
  - The Veterans Day Parade would be held on November 11<sup>th</sup> at 1PM.
  - The Ware Flair Committee would be setting up their annual holiday decorations Downtown starting on November 13<sup>th</sup>.
  - The Knights of Columbus would be hosting the Halloween Drive-Thru event at Grenville Park on October 29<sup>th</sup> from 6-8PM.
  - The Executive Assistant had successfully scheduled a consultation with All Energy Solar to take place on October 26<sup>th</sup> regarding the Town's proposal to purchase solar carports for the parking lot of the Police Station, in addition to rooftop panels for the Senior Center and Waste Water Treatment Plant.
    - Chairman Kruckas recommended that Mr. Nolan consult with Terry Smith regarding this project, as well as Local 7 in Springfield. He also recommended examining the DPW facility at 18 Mechanic Street as another potential candidate for rooftop solar.
  - The Finance Committee needs to speak with the Board for a discussion on Water and Sewer rates.
    - Selectman Talbot asked when this discussion would be taking place.
    - Mr. Beckley responded that it could be scheduled at the Board's convenience.

Selectman Talbot made the motion to schedule the public hearing with the Finance Committee for a discussion on Water and Sewer rates for November 16, 2021 at 7:10 PM. Selectman Barnes seconded the motion. The motion passed unanimously (5-0).

- The FY22 Tax Classification Hearing needs to happen in late November.

Selectman Talbot made the motion to schedule the public hearing for the FY22 Tax Classification for a special meeting on November 23, 2021 at 7:05 PM. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).

- The budget is currently in a good place, with no immediate need to rush capital improvements.
- Chairman Kruckas stated that the Board was working to recover as much taxpayer money as possible from the Coulombe affair.
- Chairman Kruckas asked about the status of the Town Bylaws being posted online.
  - Mr. Beckley responded that this was an ongoing project still waiting on a few holdups.
- Vice-Chairman Morrin asked about updates to the Town Charter.
  - Mr. Beckley answered that there have been none recently, but that all past amendments can be seen online on the Town website's Town Clerk page.
- Selectman Talbot noted that not all changes to Town policy require changes to the Charter.
- Vice-Chairman Morrin stated that even though this was the case, all major overhauls should be prepared for well in-advance.
- Chairman Kruckas made one final remark that recent audits have been extremely difficult to get information from.

### **Adjournment**

Selectman Talbot made the motion to adjourn at 8:10 PM. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).

Selectman Talbot made the motion at 8:10 p.m. to Adjourn the Regular Meeting. Selectman Morrin seconded the motion. The motion passed unanimously (5-0).

Attest: \_\_\_\_\_

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



## VACANT AND/OR UNKEMPT PROPERTIES

### 1. REGULATION OF INADEQUATELY MAINTAINED VACANT OR UNKEMPT PROPERTIES

#### (a) PURPOSE:

The purpose of this by-law is to help protect the health, safety and welfare of the citizens of the Town of Ware by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of dwellings.

Inadequately maintained vacant buildings or unkempt properties are at an increased risk from fire, unlawful entry, and other public health and safety hazards. This by-law will help secure the welfare of the Town's residents and neighborhoods by requiring all property owners, including lenders, trustees, service companies and the like to properly maintain vacant and/or unkempt residential and commercial properties.

#### (b) DEFINITIONS:

**Commercial Property:** Any property that contains one or more structures or units used, intended, or designed to be occupied for any business type activity that is owned or leased by a corporation, LLC, partnership, or any other legal holding entity.

**Owner:** Every person, entity, service company, property manager or real estate broker, who alone or severally with others:

1. Has legal or equitable title to any dwelling, dwelling unit, or parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title; or
2. Has care, charge or control of any dwelling, dwelling unit, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title; or
3. Is a mortgage in possession of any such property; or
4. Is an agent trustee or other person appointed by the courts and vested with possession or control; or
5. Is an officer or trustee of the association of unit owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he or she were the owner; or
6. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

**Property:** Any real, residential or commercial property, or portion thereof, located in the Town of Ware, including buildings or structures situated on the property. For purposes of this section, property does not include property owned or subject to the control of the Town of Ware or any governmental bodies.

**Residential Property:** Any property that contains one or more dwelling units used, intended, or designed for living purposes.

**Unkempt Property:** Any residential or commercial property that has any type of overgrown vegetation or plantings that have overgrown to a point that rodents, animals, or varmints can dwell within. Any property where debris, trash, junk, or garbage has accumulated on the ground, driveway, sidewalks, etc., shall be determined as unkempt.

**Vacant Property:** Any residential property that is unoccupied for a period greater than one hundred eighty (180) days by a person or persons with legal right to reside therein.

**(c) REGISTRATION OF VACANT BUILDING:**

1. Vacant properties must be registered with the Building Commissioner on forms provided in the Building Department. All registrations must state the individual owner's or agent's name, mailing address, physical address if different, telephone number and email address. The mailing address shall not be a P.O. Box. If the owner or agent does not have an address in the Commonwealth of Massachusetts or the address is not within 30 miles from the Town of Ware, the owner must designate and retain a local agent or local property management company responsible for the security and maintenance of the property. This designation shall state the individual's or company's name, telephone number, email address and local mailing address. This mailing address shall not be a P.O. Box.
2. An annual registration fee of \$25 shall be required. All property registrations are valid for one calendar year. Subsequent annual registrations are due within 30 days of the expiration of the previous registration. The failure to timely register a vacant building shall be a violation of this Bylaw. Within the context of this bylaw, "timely" shall mean registration no later than thirty (30) days after a building becomes vacant. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice of occupancy to the Building Commissioner.
3. The owner or owner's agent shall inspect and maintain the property on a monthly basis for the duration of the vacancy per the "requirements for adequate maintenance" as stated in this bylaw. The property shall be posted and maintained with updated information of the 24-hr contact telephone number of local individual or property management company. The posting shall be on the front door of the property.

**(d) REQUIREMENTS FOR ADEQUATE MAINTENANCE:**

Owners of vacant or unkempt properties, as defined in Section (b), must fulfill the following minimum adequate maintenance requirements for any such property they own.

1. Maintain vacant or unkempt properties subject to this section in accordance with the relevant Sanitary, Building and Fire Codes.
2. Secure vacant properties subject to this section to prevent unauthorized entry and exposure to the elements.
3. Maintain vacant or unkempt properties subject to this section in accordance with regulations promulgated by the Building Commissioner pertaining to the external/visible maintenance of the property, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.
4. Repair or replace broken windows or doors within thirty (30) days.
5. For properties vacant for six months or more, whose utilities have been shut off; remove or cut and cap such utilities to prevent accidents.
6. Compliance with this subsection shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

**(e) NOTICE OF FAILURE TO ADQUATELY MAINTAIN VACANT OR UNKEMPT PROPERTY:**

Upon identifying a vacant or unkempt property as failing to meet the minimum maintenance requirements set out in Section (d), the Building Commissioner will notify the owner in writing of maintenance deficiencies at the owner's last known address. If any maintenance deficiency is not corrected within thirty (30) days of said notice, or if a maintenance plan is not approved by the Building Commissioner within thirty (30) days of said notice, the Building Commissioner may impose fines as set in Section 7.6.2 of the Zoning Bylaws.

**(f) INSPECTIONS:**

The Building Commissioner, the Board of Health, the Chief of Police and the Fire Chief or their designees shall have the authority to periodically inspect any property subject to this Section for compliance. The Building Commissioner shall have the discretion to determine when and how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this Section is enforced.

**(g) PENALTIES:**

This Bylaw may be enforced through any lawful means, including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL Chapter 40, Section 21 or by non-criminal disposition pursuant to MGL Chapter 40, Section 21D. For the purpose of non-criminal enforcement, the enforcing persons shall be the Zoning Enforcement Officer or the Fire Chief of the Town of Ware. If enforced pursuant to non-criminal disposition, the civil penalty for each such violation shall be set forth in Section 7.6.2 of the Town of Ware's Zoning Bylaws.

**(h) ENFORCEMENT:**

The Building Commissioner or the Fire Chief or their designee shall enforce all provisions of this Section, including any regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

**(i) SEVERABILITY:**

If any provision of this Section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.





## **TOWN OF WARE**

**Town Manager**

126 Main Street

Ware, MA 01082

413-967-9648 x100

June 21, 2022

To : Selectboard

From : Stuart Beckley, Town Manager

Subject: East Street Underpass sidewalk

The Town has contracted with Nunes Construction to complete the remainder of the work to allow accessibility to and from the sidewalk at the East Street underpass. This work should be commenced and completed within the next two weeks.

## OWNER / CONTRACTOR AGREEMENT

THIS AGREEMENT made this 15th day of June, 2022, by and between the **Town of Ware** hereinafter called the "Owner", and **H.M. Nunes & Sons Construction, Inc.**, 82 Carmelinas Circle, Ludlow, MA 01056, hereinafter called the "Contractor".

WITNESSETH, that the Owner and the Contractor, for the consideration hereafter named, agree as follows:

**Article 1. SCOPE OF WORK:** The Contractor shall perform all the marked Work required by the Contract Documents enclosed with this Agreement for the **Ware – Sidewalk Ramp Improvements, East Street Project**, prepared by Sherman & Frydryk, dated September 7, 2021, acting as the Owner's Representative, and referred to in these Contract Documents as the "Owner's Representative".

**Article 2. TIME OF COMPLETION:** The Contractor shall commence work under this Contract on the date specified in the written "Notice to Proceed" from the Owner and shall bring the work to Substantial Completion within 30 calendar days of said date.

**Article 3. THE CONTRACT SUM:** The Owner shall pay the Contractor in current funds for the performance of the Work, subject to additions and deductions by Change Order(s) the Contract Sum of **Fifteen Thousand Three Hundred Dollars and Zero Cents; \$15,300.00.**

**Article 4. THE CONTRACT DOCUMENTS:** The following, together with this Agreement form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein: the Advertisement, Bidding Documents, Contract Forms, Conditions of the Contract, and Specifications as enumerated in the Table of Contents; the Drawings as enumerated in the List of Contract Drawings; Addenda; and Modifications issued after execution of the Contract. Terms used in this Agreement which are defined in the Conditions of the Contract, shall have the meanings designated in those Conditions.

**Article 5. ALTERNATES:**

The following Alternates have been accepted and their costs are included in the Contract Sum stated in Article 3 of this Agreement:

Alternate No: NONE ACCEPTED

**Article 6. REAP CERTIFICATION:** Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, the undersigned certifies under the penalties of perjury that to the best of his/her knowledge and belief I am in compliance with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed.

**H.M. Nunes & Sons Construction, Inc.:**

**Town of Ware:**

H.M. Nunes & Sons Construction, Inc.

*(Name of Contractor)*

82 Carmelinas Circle

*Address*

Ludlow, MA 01056

413-547-6488

*Telephone Number*

Town Manager

(SEAL)

(SEAL)

ATTEST:

Maria A. Nunes  
*(Signature)*

ATTEST:

Name: Maria A. Nunes, President

*(Please print or type)*

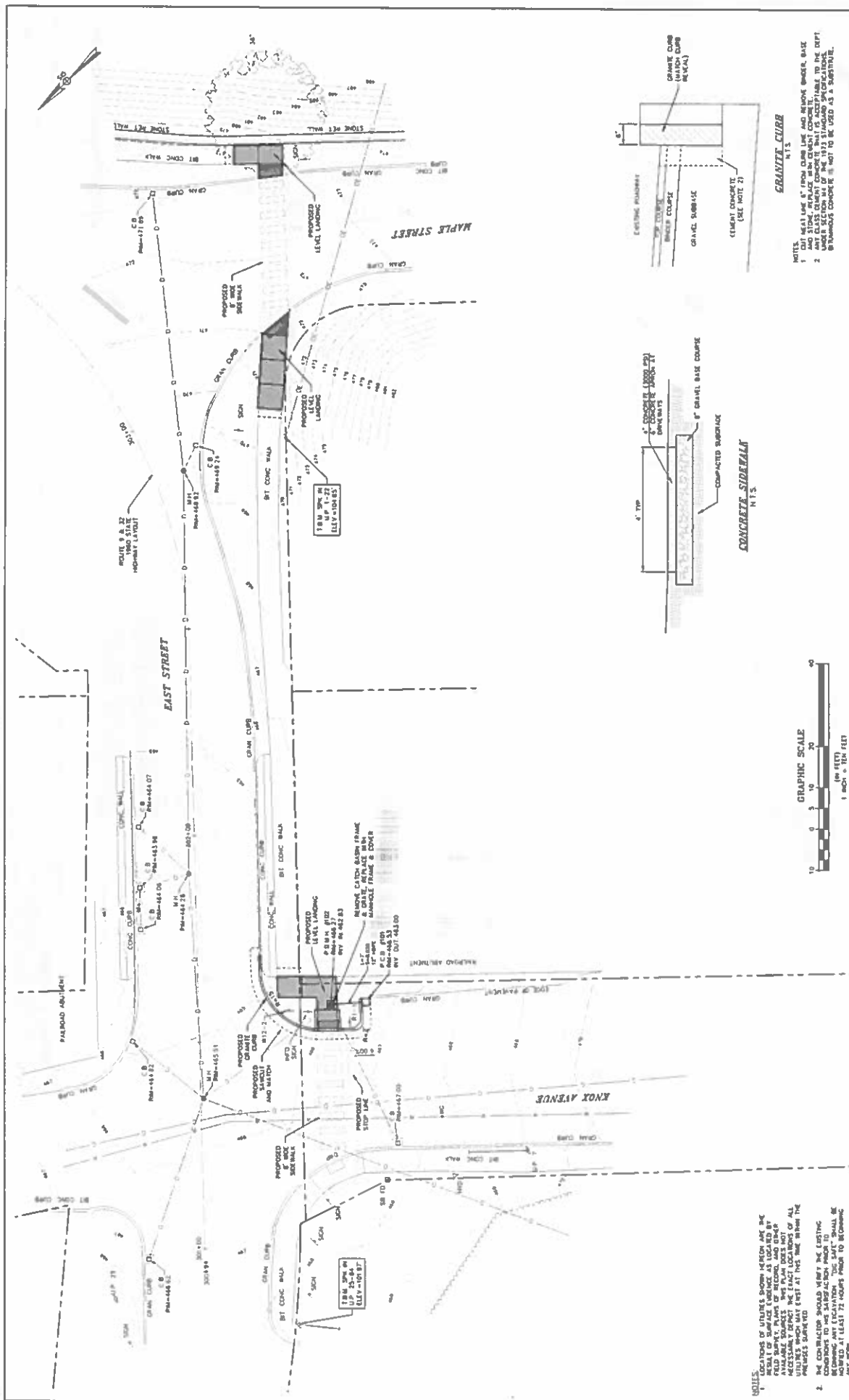
Name:

*(Please print or type)*

Witness:

*(Signature)*





PROJECT NUMBER 21112		SHEET NUMBER 2 OF 3	
TOWN OF WARE		SIDEWALK RAMP IMPROVEMENTS	
EAST STREET		WARE, MA	
DATE: 8/12/21		PROGRESS PRINT - September 7, 2021	
DESIGNER SHERMAN & FRYDRYK	DRAWN BY SHERMAN & FRYDRYK	CHECKED BY SHERMAN & FRYDRYK	APPROVED BY SHERMAN & FRYDRYK
Land Surveying, Engineering & Consulting A DIVISION OF SHERMAN & FRYDRYK ASSOCIATES, INC. 3 Converse Street, Suite 203 Palmer, MA 01069			





June 21, 2022

To : Selectboard

From : Stuart Beckley, Town Manager

Subject: ARPA Updates

The following funding requests are for consideration of spending of ARPA funds by the Selectboard:

1. The information attached regarding the Screening equipment is provided as an update. As you will see, the estimated costs for the Screen have increased due to inflation to \$1.8 million total. However, DPW Director Geoff McAlmond would ask that action be delayed until next meeting in order to work on alternatives with the project engineer.
2. Letters are included from the members of the DPW workers union and the Administrative Personnel Unit requesting consideration for premium pay from the ARPA funds.
3. A project that has not been completed is the placement of additional cameras in areas of Grenville Park. A quote for the infrastructure – wiring, trenching and installation of poles – is approximately \$50,000. To that would be added the costs of the cameras.

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST**  
**Project:** Ware WPCP Influent Screening Upgrade Project  
**Location:** Ware, MA

Estimate Type: ☐ Conceptual  
☐ Preliminary Design  
☒ Design Development

☐ Construction Change Order  
60 % Complete

Prepared By: Design Team  
Date Prepared: 6/15/2022  
T&B Project No.: W-2133-029

**Tight&Bond**

Spec. Section	Item No.	Description	Qty	Units	Material/Installed Cost		Installation		Total
					\$/Unit	Total	\$/Unit	Total	
<b>DIVISION 1 - GENERAL CONDITIONS</b>									
01570		Haybales & Silt Fence	100	LF	\$10	\$1,000		\$0	\$1,000
01580	1	Temp WW Bypass Pumping							
	a	Main Influent Bypass	1	LS	\$25,000	\$25,000		\$0	\$25,000
	b	Plant Recycles Bypass	1	LS	\$10,000	\$10,000		\$0	\$10,000
Div 0		General Conditions (12% of Div 2 thru Div 16)	1	LS	\$115,140	\$115,140		\$0	\$115,140
<b>SUBTOTAL - DIVISION 1</b>						<b>\$151,140</b>		<b>\$0</b>	<b>\$151,140</b>
<b>DIVISION 2 - SITE WORK</b>									
02225	1	Selective Demolition							
	a	Influent Channel Grout and Stop Gate Rails	48	MH	\$125	\$6,000		\$0	\$6,000
	b	30 sq in Stop Gate and Rails (wetwell isolation)	48	MH	\$125	\$6,000		\$0	\$6,000
	c	Comminutor and Associated Supports	24	MH	\$125	\$3,000		\$0	\$3,000
	d	Demolish Bubbler Tube	8	MH	\$125	\$1,000		\$0	\$1,000
	e	1" PVC Chlorination Piping	8	MH	\$125	\$1,000		\$0	\$1,000
	f	Grating, Handrail, and Supports	16	MH	\$125	\$2,000		\$0	\$2,000
	g	16" HDPE Exh Duct and Support Brackets	16	MH	\$125	\$2,000		\$0	\$2,000
	h	2- 16" Asbestos Conc Pipe (see Div 13)	0	MH	\$125	\$0		\$0	\$0
	i	Saw-cut and Demolish 5-ft sq Slab Area @ Hatch	1	LS	\$10,000	\$10,000		\$0	\$10,000
	j	Core 16" Hole for New Screenings Chute	1	LS	\$1,000	\$1,000		\$0	\$1,000
	k	HVAC roof equipment	24	MH	\$125	\$3,000		\$0	\$3,000
	l	Electrical Lighting	16	MH	\$125	\$2,000		\$0	\$2,000
	m	Comminutor Control Panel	8	MH	\$125	\$1,000		\$0	\$1,000
	n	16" Fallen Corrugated Pipe (WetWell B)	12	MH	\$125	\$1,500		\$0	\$1,500
02955	3	Cleaning of Underground Piping and Structures							
	a	Vactor Truck Rental & Disposal for Wetwells	3	DT	\$3,500	\$10,500		\$0	\$10,500
	b	Power Washing Wet Wells	48	MH	\$125	\$6,000		\$0	\$6,000
	c	Safety Team Allowance for Confined Space Entry	1	LS	\$5,000	\$5,000		\$0	\$5,000
<b>SUBTOTAL - DIVISION 2</b>						<b>\$61,000</b>		<b>\$0</b>	<b>\$61,000</b>



# ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Project: Ware WPCP Influent Screening Upgrade Project  
Location: Ware, MA

Estimate Type: ☐ Conceptual  
☐ Preliminary Design  
☒ Design Development

☐ Construction  
☐ Change Order  
60 % Complete

Tight & Bond

Prepared By: Design Team  
Date Prepared: 6/15/2022  
T&B Project No.: W-2133-029

Spec. Section	Item No.	Description	Qty	Units	Material/Installed Cost		Installation		Total
					\$/Unit	Total	\$/Unit	Total	
<b>DIVISION 3 - CONCRETE</b>									
03330	1	Cast-in-place Concrete / Grout for Screen Frame	1	CY	\$1,500	\$1,500		\$0	\$1,500
03930	2	Concrete Repair							
	a	Spall Repair (Hatch)	20	SF	\$250	\$5,000		\$0	\$5,000
	b	Spall Repair (Assumed QTY for wetwells)	20	SF	\$250	\$5,000		\$0	\$5,000
	b	Crack Repair (Assumed QTY for wetwells)	40	LF	\$100	\$4,000		\$0	\$4,000
<b>SUBTOTAL - DIVISION 3</b>						\$15,500		\$0	\$15,500
<b>DIVISION 4 - MASONRY</b>									
		NOT USED							
<b>SUBTOTAL - DIVISION 4</b>						\$0		\$0	\$0
<b>DIVISION 5 - METALS</b>									
05400	1	Cold Formed Metal Framing							
	a	Exterior/ Perimeter Walls	30	SF	\$60	\$1,800		\$0	\$1,800
05500	2	Miscellaneous Metals							
	a	Aluminum Grating	135	SF	\$100	\$13,500	\$40	\$5,400	\$18,900
	b	Aluminum Beams	1,300	LB	\$30	\$39,000	\$12	\$15,600	\$54,600
	c	Hatch Grating/Diamond Plating	36	SF	\$200	\$7,200	\$80	\$2,880	\$10,080
	d	Safety Net	1	LS	\$3,000	\$3,000	\$0	\$0	\$3,000
	e	Alum Component Handrail	20	LF	\$300	\$6,000	\$120	\$2,400	\$8,400
05510	3	Metal Stairs and Ladders							
	a	Ship's Ladders to Platform	2	EA	\$4,000	\$8,000	\$1,600	\$3,200	\$11,200
<b>SUBTOTAL - DIVISION 5</b>						\$76,700		\$29,480	\$107,980
<b>DIVISION 6 - WOOD &amp; PLASTICS-NOT USED</b>									
		NOT USED							
<b>SUBTOTAL - DIVISION 6</b>						\$0		\$0	\$0
<b>DIVISION 7 - THERMAL &amp; MOISTURE PROTECTION</b>									
07920	1	Joint Sealants	1	LS	\$2,500	\$2,500		\$0	\$2,500
<b>SUBTOTAL - DIVISION 7</b>						\$2,500		\$0	\$2,500

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST**

**Project:** Ware WPCP Influent Screening Upgrade Project  
**Location:** Ware, MA

**Estimate Type:** ☐ Conceptual  
☐ Preliminary Design  
☒ Design Development

**Construction**  
Change Order  
60 % Complete

**Prepared By:** Design Team  
**Date Prepared:** 6/15/2022  
**T&B Project No.:** W-2133-029

**Tighten&Bond**

Spec. Section	Item No.	Description	Qty	Units	Material/Installed Cost		Installation		Total
					\$/Unit	Total	\$/Unit	Total	
<b>DIVISION 8 - DOORS &amp; WINDOWS</b>									
08110	1	FRP Doors & Frames							
	a	Door & Hardware	1	EA	\$10,000	\$10,000	\$4,000	\$4,000	\$14,000
08430	2	Aluminum Storefront							
	a	Curtain wall enclosure system	310	SF	\$100	\$31,000	\$40	\$12,400	\$43,400
<b>SUBTOTAL - DIVISION 8</b>						<b>\$41,000</b>		<b>\$4,000</b>	<b>\$57,400</b>
<b>DIVISION 9 - FINISHES</b>									
09900		Painting Allowance (wetwell pipes, touch ups)	1	LS	\$5,000	\$5,000		\$0	\$5,000
		Epoxy Coating Rebar at New Ground Level Opening	1	LS	\$1,500	\$1,500		\$0	\$1,500
<b>SUBTOTAL - DIVISION 9</b>						<b>\$6,500</b>		<b>\$0</b>	<b>\$6,500</b>
<b>DIVISION 10 - SPECIALTIES</b>									
10440	1	Signage Allowance	1	LS	\$1,000	\$1,000		\$0	\$1,000
<b>SUBTOTAL - DIVISION 10</b>						<b>\$1,000</b>		<b>\$0</b>	<b>\$1,000</b>
<b>DIVISION 11 - EQUIPMENT</b>									
11286	1	Slide Gates & Stop Gates							
	a	Channel Mounted Stop Gate (25" W x 36" H)	1	EA	\$4,500	\$4,500	\$1,800	\$1,800	\$6,300
	b	Wet Well Isolation Gate (24" SQ)	1	EA	\$10,000	\$10,000	\$4,000	\$4,000	\$14,000
11330	2	Mechanically Cleaned Screen and Washer	1	EA	\$313,300	\$313,300	\$125,320	\$125,320	\$438,620
<b>SUBTOTAL - DIVISION 11</b>						<b>\$327,800</b>		<b>\$131,120</b>	<b>\$458,920</b>
<b>DIVISION 13 - SPECIAL CONSTRUCTION</b>									
13281	1	Asbestos Abatement	1	LS	\$12,500	\$12,500	\$0	\$0	\$12,500
13282	2	Lead & PCB Paint Abatement	1	LS	\$7,500	\$7,500	\$0	\$0	\$7,500
13420	3	Instrumentation (screen instruments by Mir)	1	LA	\$0	\$0	\$0	\$0	\$0
	a	Gas Detector	1	EA	\$5,000	\$5,000	\$2,000	\$2,000	\$7,000
	b	High Level Emergency Float Switch	1	EA	\$1,500	\$1,500	\$600	\$600	\$2,100
13461	4	SCADA Connection/Programming By Owner	1	LS	\$0	\$0	\$0	\$0	\$0
<b>SUBTOTAL - DIVISION 13</b>						<b>\$26,500</b>		<b>\$2,600</b>	<b>\$29,100</b>
<b>DIVISION 14 - CONVEYING SYSTEMS</b>									
<b>SUBTOTAL - DIVISION 14</b>									
<b>SUBTOTAL - DIVISION 14</b>						<b>\$0</b>		<b>\$0</b>	<b>\$0</b>

# ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Project: Ware WPCP Influent Screening Upgrade Project  
Location: Ware, MA

Estimate Type: ☐ Conceptual  
☐ Preliminary Design  
☒ Design Development

☐ Construction  
☐ Change Order  
60 % Complete

Tyhe&Bond

Prepared By: Design Team  
Date Prepared: 6/15/2022  
T&B Project No.: W-2133-029

Spec. Section	Item No.	Description	Qty	Units	Material/Installed Cost		Installation		Total
					\$/Unit	Total	\$/Unit	Total	
<b>DIVISION 15 - MECHANICAL</b>									
15060	1	Mechanical Supports For Screenings Chule	1	LS	\$5,000	\$5,000			\$5,000
15070	2	Mechanical Pipe Insulation	50	LF	\$50	\$2,500			\$2,500
15104	3	Plastic Pipe and Fittings							
	a	1" PVC Process Water Pipe	30	LF	\$20	\$600	\$8	\$240	\$840
	a	2" PVC Process Water Pipe	30	LF	\$30	\$900	\$12	\$360	\$1,260
	b	4" PVC Drain	5	LF	\$50	\$250	\$20	\$100	\$350
	c	6" PVC Drain	10	LF	\$100	\$1,000	\$40	\$400	\$1,400
15110	4	Valves							
	a	2" SS Ball Valve	2	EA	\$200	\$400	\$80	\$160	\$560
	b	1" SS Ball Valve	4	EA	\$125	\$500	\$50	\$200	\$700
	c	1/2" SS Ball Valve	2	EA	\$100	\$200	\$40	\$80	\$280
15120	5	Piping Specialties							
	a	Hose Bib	1	EA	\$250	\$250	\$100	\$100	\$350
	b	Wye Strainers	2	EA	\$100	\$200	\$40	\$80	\$280
15140	6	Domestic Piping and Fittings							
	a	1.5" Type L Copper Pipe	50	LF	\$15	\$750	\$10	\$150	\$900
	b	Hose and Wall-mounting	1	EA	\$150	\$150	\$200	\$200	\$350
15810	7	16" HVAC Duct	400	LBS	\$50	\$20,000	\$20	\$8,000	\$28,000
15765	8	HVAC Unit Heaters	2	EA	\$18,000	\$36,000	\$7,200	\$14,400	\$50,400
15835	9	HVAC Exhaust Fan	1	EA	\$6,000	\$6,000	\$2,400	\$2,400	\$8,400
15820	10	HVAC Louver and Damper	1	EA	\$5,000	\$5,000	\$2,000	\$2,000	\$7,000
15835	11	HVAC Controls	1	LS	\$15,000	\$15,000			\$15,000
<b>SUBTOTAL - DIVISION 15</b>						<b>\$94,700</b>		<b>\$28,870</b>	<b>\$123,570</b>
<b>DIVISION 16 - ELECTRICAL</b>									
		MCC modifications	1	LS	\$5,000	\$5,000			\$5,000
		Luminaires	8	EA	\$2,500	\$20,000			\$20,000
		Wiring Devices (Receptacles/Light switches)	4	LS	\$700	\$2,800			\$2,800
		Conduit & Cable	1	LS	\$30,000	\$30,000			\$30,000
		Emergency lighting (battery pack)	2	EA	\$4,000	\$8,000			\$8,000
		Emergency lighting remote heads	6	EA	\$1,500	\$9,000			\$9,000
		Disconnects (Explosion Proof)	4	EA	\$2,800	\$11,200			\$11,200
		Miscellaneous Electrical	1	LS	\$10,000	\$10,000			\$10,000
<b>SUBTOTAL - DIVISION 16</b>						<b>\$96,000</b>		<b>\$0</b>	<b>\$96,000</b>

# ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Project: Ware WPCP Influent Screening Upgrade Project  
 Location: Ware, MA

Estimate Type: ☐ Conceptual Preliminary Design  
☒ Design Development

☐ Construction Change Order  
 60 % Complete

Prepared By: Design Team  
 Date Prepared: 6/15/2022  
 T&B Project No.: W-2133-029

## Tight&Bond

Spec. Section	Item No.	Description	Qty	Units	Material/Installed Cost		Installation	
					\$/Unit	Total	\$/Unit	Total

SUBTOTAL OF DIV 1 THROUGH DIV 16  
 CONTRACTOR OH & P @ 15%  
 INFLATION & SUPPLY ISSUE CONTINGENCY @ 10%  
 ANTICIPATED CONTRACTOR BID PRICE

\$1,110,610  
 \$166,592  
 \$111,061  
 \$1,388,263

CONTINGENCY @ 10% OF BID PRICE  
 ENGINEERING COSTS (DESIGN, BIDDING AND CONSTRUCTION PHASE)

\$138,826  
 \$265,250

TOTAL

\$1,792,339

SAY

\$1,800,000

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST**

Project: Ware WPCP Influent Screening Upgrade Project

Location: Ware, MA

**Tighe & Bond**

Prepared By: Design Team

Date Prepared: 6/15/2022

T&amp;B Project No.: W-2133-029

Estimate Type: ☐ Conceptual  
☐ Preliminary (w/o plans)  
☒ Design Development @

☐ Construction  
☐ Change Order  
60 % Complete

**SUMMARY BY DIVISION**

Div. No.	Description	Costs
		Total
1	General Requirements	\$151,100
2	Site Work	\$61,000
3	Concrete	\$15,500
4	Masonry - NOT USED	\$0
5	Metals	\$108,000
6	Wood & Plastics	\$0
7	Thermal & Moisture Protection	\$2,500
8	Doors & Windows	\$57,400
9	Finishes	\$6,500
10	Specialties	\$1,000
11	Equipment	\$458,900
12	Furnishings - NOT USED	\$0
13	Special Construction	\$29,100
14	Conveying Systems - NOT USED	\$0
15	Mechanical	\$123,600
16	Electrical	\$96,000

Subtotal of Div 1 through 16: \$1,110,600

Contractor OH&amp;P: @ 15% \$166,590

Inflation &amp; Supply Issue Contingency: @ 10% \$111,060

Anticipated Contractor Bid Price: \$1,388,250

Contingency: @ 10% \$138,825

Engineering Costs (Design, Bidding and Construction): \$265,250

**Total Estimate Project Costs: \$1,792,325****say \$1,800,000**

June, 7, 2022

Dear,

Town of Ware Select Board members: John Morrin, Caitlin McCarthy, Thomas Barnes, Keith Kruckas, Joshua Kusnierz and Town Manager: Stuart Beckley

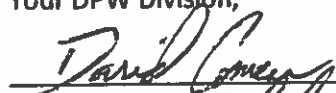
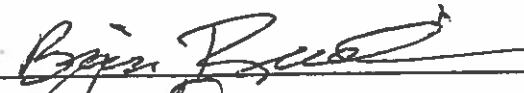
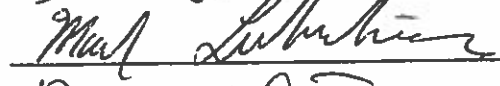

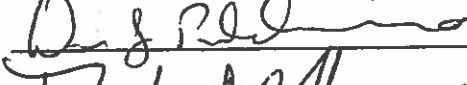

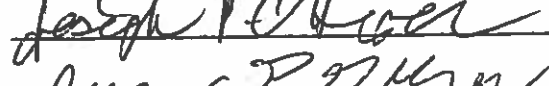


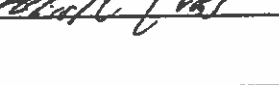




We writing you to please consider hazard pay and recognize the dedicated efforts of the DPW Department providing nonstop, consistent quality service to the community through the COVID state of emergency pandemic. The community, with no choice but to reside at their residence, as schools went to remote learning and businesses were forced to close their doors. This put additional burden on the services that the DPW provides.

The Water Division provided and maintained uninterrupted, increased service to the community. The Sewer Division was able to overcome the increased volume to the wastewater plant along with keeping the pumps and process control operational from the massive amounts of wipes that were being flushed from disinfecting. The COVID virus was also detected in the sewage in which was an unknown at what means the virus could be transmitted. With this unknown, precautions were taken to protect personal and successfully operate the wastewater plant. The Sewer collection system was maintained to avoid COVID tainted sewage overflowing into the streets, backing up into homes and businesses. The Highway Division maintained the roads, clearing downed trees, and plowing snow for access especially for emergency purposes: Police, Fire, and Emergency Medical Services. The Highway is also part of the burial services for the Town that did not stop during the pandemic.

The DPW put personal and family health at risk in the completion of their public obligations. The DPW implemented a rotating schedule to keep providing services and also protect the individuals with specific licenses required to operate the different departments. Even though the departments experienced multiple COVID cases within the DPW, due to the modified schedule, services were not interrupted. All departments in the DPW operate 24/7 with all employees on an on-call basis to ensure services are provided, uninterrupted, and ensure public safety. The DPW did not have the option to stop the services provided in the time the community needed it most with residents being at their homes more than ever and needed their homes to be safe place.

Thank you for your time and also thank you for your dedication to our community.

Your DPW Division,

June 16, 2022

Dear Members of the Ware Select Board,

John Morrin, Keith Kruckas, Thomas Barnes, Caitlin McCarthy, Joshua Kusnierz and  
Town Manager, Stuart Beckley,

The Administrative Personnel Unit Members are submitting this letter to you to respectfully request that you consider hazard pay for the contributions and dedicated performance of the APU members to the citizens of Ware and members of the surrounding communities during the COVID-19 pandemic.

At the inception of the COVID-19 virus, it became clear very quickly that danger to the Town Hall staff in working closely with the public was very real. Consequently, the staff rapidly and seamlessly adopted schedules that would allow us to serve the public and still shield the employees as best as could be expected. Initially, a split schedule was adopted so we had had time in the office, as well as working from home. Please consider that the medical community was unsure at that time how rapidly this would spread from person to person and that even taking your work laptop home was considered risking exposure. Very swiftly the employees came back to a schedule of being in the office and assumed the task of servicing the public in the parking lot, at their vehicles, and at tables under the parking lot portico. This system took place in the summer rain and heat, and in the winter cold and snow. No set of circumstances deterred the staff from helping our customers. This occurred during a time when masks, gloves and hand sanitizer were being funneled to the medical community and were hard to obtain by the Town. The APU members put themselves, and their families, at risk to make sure the members of the public had the services they needed. The members of the public were helped even when they refused to wear a mask, further placing these employees in jeopardy. The departments continued to provide the services that the Town needed to function and the public needed to continue with some semblance of normalcy. Taxes were collected and processed so the Town had funds, payroll was done so that all other departments employees had their wages, permits were issued and the 2020 Presidential Election was held with much added work and planning. With adaptation and ingenuity the Town ran with minimal disruption to the public and increased risk of COVID-19 exposure to the APU members. In fact, the APU members received thanks and praise from members of the public for dedicated service to the community and the risk we taking in order to serve them.

From that time to the present, the APU members have been devoted to the continual running of the municipal offices. We humbly ask for your acknowledgement and consideration pertaining to hazard pay for the outstanding service given and the risk taken by the APU members to provide that service. We respectfully thank the Select Board for your time and reflection.

Administration Personnel Unit Members,

Nicole Coteau  
Kathleen Gafford  
Barbara M. Giddens

Tanna Ray  
Violante Boz

Amy Kasperik

## Nolan, Christopher

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**From:** John Carroll <jcarroll@starforcetransport.com>  
**Sent:** Wednesday, May 4, 2022 2:36 PM  
**To:** Nolan, Christopher  
**Subject:** Re: Community Development Authority

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**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.

Chris  
Yes request that I be reappointed.  
Thanks

John E Carroll  
Sr Vice President  
Regional Manager Northwest  
Starforce National Corporation

---

**From:** Nolan, Christopher <cnolan@townofware.com>  
**Sent:** Wednesday, May 4, 2022 11:12:36 AM  
**To:** John Carroll <jcarroll@starforcetransport.com>  
**Subject:** Community Development Authority

**WARNING:** This email originated from outside of StarForce. Do not click links or open attachments unless you recognize the sender, are expecting the email and know the content is safe.  
Good morning Mr. Carroll,

I hope this email finds you well. I'm reaching out to inquire about your term on the Community Development Authority, which expires on June 30<sup>th</sup>, and whether or not you wish to renew your membership on this committee for another term.

Thank you,  
Chris Nolan  
Executive Assistant  
Town of Ware  
126 Main Street, Ware MA, 01082  
(413) 967-9648 ext. 101



**Ware, MA**

*Somewhere Worth Seeing*



## Nolan, Christopher

---

**From:** Beckley, Stuart  
**Sent:** Friday, June 10, 2022 9:18 AM  
**To:** Nolan, Christopher  
**Subject:** FW: Historical

**From:** Lorrie Willette <lorwil@aol.com>  
**Sent:** Friday, June 10, 2022 9:16 AM  
**To:** Beckley, Stuart <sbeckley@townofware.com>  
**Subject:** Re: Historical

**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.

Hi Stuart,  
Yes, I would like to be reappointed to the Historical Commission.  
Thanks,  
Lorrie Willette

Sent from my iPad

On Jun 9, 2022, at 3:41 PM, Beckley, Stuart <[sbeckley@townofware.com](mailto:sbeckley@townofware.com)> wrote:

Hi Mrs. Willette,

I am checking if you would like to be re-appointed to the Historical Commission. Would you please let us know? If yes, we will put your request in front of the Selectboard on June 21.

Thank you,

Stuart

June 15, 2022

Town Manager  
Stuart Beckley

I would like to be considered  
for re-appointment to the Ware  
Historical Commission.

Thank you

Wanda Mysona

15 William St

Ware MA 01082

413-967-5177

WMYSONA@gmail.com



## TOWN OF WARE

Town Hall, 126 Main Street  
Ware, Massachusetts 01082

Dear Ms. Chartier,

This letter serves as a notice that your term on the Zoning Board of Appeals expires on **June 30, 2022**. Should you wish to renew your term, please return this completed form to the **Board of Selectmen's Office, Ware Town Hall, 126 Main Street, Ware, MA, 01082**. We thank you for your time and dedication to the betterment of our community, and wish to express our sincerest gratitude for the work you do.

- ☒ I wish to renew my term on the Zoning Board of Appeals.
- ☐ I do not wish to renew my term at this time.

Signature: \_\_\_\_\_

*Jodi Chartier*

Sincerely,  
Christopher Nolan  
Executive Assistant to Town Manager & Select Board



# TOWN OF WARE

Town Accountant

Town Hall, 126 Main St.

Ware, Massachusetts 01082-1386

Tel. 413-967-9648 EXT. 106 Fax 413-967-5687

Email: [tmeehan@townofware.com](mailto:tmeehan@townofware.com)

TO: Board of Selectman  
FROM: Tracy Meehan, Town Accountant *TM*  
SUBJECT: Transfer of Appropriations  
DATE: June 17, 2022  
CC: Finance Committee  
Stuart Beckley, Town Manager

Attached is a request of transfer of appropriations per MGL Chapter 44, Section 33B to cover departmental expenditures for FY21.

All transfers are needed to cover anticipated total expenditures for the fiscal year in the line items noted. Increased expenditures in these line items are due to personnel changes or unforeseen increases in costs and departmental needs.

I request that you approve the transfer of appropriations as detailed.

Kindly record the vote of the board on the attached sheet and return to me at your earliest convenience.

Thank you.

# Town of Ware

## Request for Transfer of Appropriation For FY22

To: Board of Selectman  
Finance Committee

Date: 6/21/2022

Request is hereby made for the following transfer of appropriation(s) in accordance with Massachusetts General Laws Chapter 44, Section 33B:

**Transfer From:**

**Transfer To:**

Account #	Account Name	Account #	Account Name	Amount of Transfer
141-5120	Principal Assessors Salary	141-5200	Assessors Purchase of Services	\$ 12,000.00
710-5900	L/T Debt-Principal	422-5401	Municipal Gas & Diesel	\$ 35,000.00
752-5900	S/T Debt - Interest	192-5200	Town Hall Purchase of Services	\$ 12,000.00
752-5900	S/T Debt - Interest	424-5200	Streetlights	\$ 7,500.00
752-5900	S/T Debt - Interest	163-5200	Registrar Purchase of Services	\$ 500.00
6500-5820	Water Extraordinary/Unforeseen	6500-5200	Water Purchase of Services	\$ 10,000.00
6500-5100	Water Salaries	6500-5200	Water Purchase of Services	\$ 20,000.00
6600-5820	Sewer Extraordinary/Unforeseen	6600-5200	Sewer Purchase of Services	\$ 10,000.00
6600-5100	Sewer Salaries	6600-5200	Sewer Purchase of Services	\$ 15,000.00

**Board of Selectman Action:**

Vote to Transfer:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Abstain \_\_\_\_\_

**Finance Committee Action:**

Vote to Transfer:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Abstain \_\_\_\_\_

Chairman

Date

Chairman

Date

\*Please return original to the Town Accountant\*

## MEMORANDUM

**TO:** Selectboard  
**FROM:** Ashley Walker, Treasurer/Collector  
**CC:** Stuart Beckley, Town Manager  
**DATE:** June 16, 2022  
**RE:** Town of Ware's Delinquency Tax Process

### Collector's Process

1. Last due date of the fiscal year is **May 1<sup>st</sup>**
  - a. After this date the taxes are now delinquent
  - b. From the due date of May 1<sup>st</sup>, we give a **7-day grace period** before demanding
2. After the 7-day grace period we send out the **1<sup>st</sup> Demand Letters**
  - a. \$15 fee is applied to all balances \$5.00 and above
  - b. The due date is at least 14 days after the letter is mailed
3. After the 1<sup>st</sup> demand due date, a **2<sup>nd</sup> demand letter** is sent
4. The due date is at least 14 days after the letter is mailed After 2<sup>nd</sup> demand due date, the remaining unpaid parcels are sent over to the Treasurers side to start the tax taking process

### Treasurer's Process

1. The **Notice of Delinquent Taxes** is mailed
  - a. This notice explains if the bill is not paid, or a payment plan is not established that the town will then initiate a tax title proceeding
  - b. The notice has a 14-day due date- please see attached example notice (exhibit A)
2. If unpaid the next notice send is the **Notice to Advertise**
  - a. This notice explains that under Mass Gen Law, the property is about to be legally advertised for taking by the town if the bill is not paid in full or a payment plan is not established
  - b. The due date is 14 days after the letter is mailed- Please see attached example notice ( Exhibit B)
3. If unpaid the Treasurer reaches out to Turley Publications to set up an **advertisement for the Ware River News**
4. Once a date is set for advertisement, the treasurer sends out the **Letter of Advertisement**
  - a. This letter explains to the taxpayer that due to nonpayment the property is set to appear in the Ware River News on said (Date) if the bill is not paid in full or a payment plan is not established

- b. This letter provides the taxpayer with at least 2 weeks to contact the treasurer- please see attached example notice (exhibit C)
- 5. **Advertisement Day**
  - a. The **advertisement appears in the Ware River News**
  - b. The Treasurer picks up 4 copies from the store of the paper with the advertisement
  - c. The ad is posted in 2 public places
    - i. The treasurer always posts the ad in the same places- at the Young Men's Library, the Post Office, as well as the board at the Ware Town Hall
  - d. At this time once published no partial payments are accepted
    - i. Payment in full or a payment agreement must be in place in order to be withdrawn from the tax taking process
- 6. **Day after publication the Letter after ad, but before taking is sent**
  - a. This letter shows a copy of what appeared in the Ware River News
  - b. This allows 14 days for the taxpayer to come up with the full amount including fees or make a payment agreement- please see attached example notice (exhibit D)
    - i. The fees would include the amount for advertisement and preparation of taking- please see attached list of fees charged for the tax taking process (exhibit E)
- 7. **Day of Taking**
  - a. **Paperwork is filed** with the Registry of Deeds
  - b. The property is moved over to the tax title side
    - i. Interest will now be 16%
  - c. Taxpayers are still able to make a payment agreement or pay amount owed
    - i. If paid in full if paperwork has already been sent to the registry of deeds \$115 redemption fee will be required
- 8. **Notice After taking**
  - a. This letter informs the taxpayer the tax lien has been placed and recorded at the Registry of Deeds and lets the taxpayer know without any action we can proceed with land court for foreclosure or conduct a lien sale auction. - please see attached example notice (exhibit F)
    - i. The treasurer includes the instrument of taking with the letter
  - b. Taxpayers are still able to make a payment agreement or pay amount owed
- 9. **The Treasurer compiles a list of all tax title properties**
  - a. A meeting is then setup with the Town Manager, The Building Department, and the Director of Planning & Community Development to discuss each property to find out the best course of action for each parcel
- 10. **Tax Lien Sale or Land Court ( Foreclosure)**
  - a. After the meeting to discuss what's in the best interest of the town the treasurer would begin the process to either sell the liens to a 3<sup>rd</sup> party in a lien sale auction or start the process for the land court proceedings.



**Massachusetts Department of Environmental Protection**  
**Bureau of Water Resources – Water Management Act Program**  
**Notification of Water Use Restriction (PWS)**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



MassDEP regulations (310 CMR 22.15(8)) require that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of these restrictions. This notice must include a description of the appropriate regulations, bylaws or ordinances imposing the restriction. Proper completion and submission of this form may serve as that notification. MassDEP also requests that systems implementing a voluntary water use restriction, amending, or ending a restriction, complete and submit this form. **Please return this form to: MassDEP WMA Program, 1 Winter Street 5<sup>th</sup> floor, Boston, MA 02108, or email to: [Jen.Durso@state.ma.us](mailto:Jen.Durso@state.ma.us)**

**A. Responsible Party Information**

Ware Water Department

1309000

PWS Name

PWS ID #

Stuart Beckley, Town Manager

6/14/22

Contact Person/Title

Today's Date

413-967-9648 x100

sbeckley@townofware.com

Telephone Number

Email

**B. Water Use Restriction Details**

1. This restriction is: ☒ mandatory ☐ voluntary

2. Effective date:

6/15/22

Effective Date of Restriction

3. Specify the action being taken:

☒ Implementing a restriction

☐ Raising level of restriction

☐ Easing a restriction

☐ Ending a restriction

4. Reason for implementing restriction. For restrictions imposed by a WMA permit, specify one of the first 3 boxes:

☐ Calendar trigger (May 1 – Sept. 30)

☒ USGS streamflow trigger:

01173500

USGS Gage ID #

<171 cu ft/sec before July 1st  
Streamflow Trigger Value (cu ft/sec.)

☐ Other WMA permit condition:

☐ Non-WMA Permit reason:

5. Restriction details (check all that apply). Please attach a copy of your notice.

☒ Number of days per week allowed (specify # of days per customer):

None

☒ Hours of day allowed (specify):

no non-essential use between 9am and 5 pm

☒ Certain uses restricted (specify):

As directed by permit, sprinklers, pools, cars

☐ Ban on all non-essential outdoor water use

**C. Notification of Enforcement**

1. How will your customers be notified of this action (newspapers, signs, reverse 911, etc.)?

Newspaper, website, signs, robocall

2. How will this restriction be enforced (water department staff, police, citations, etc.)?

Water department staff with other departments identifying issues

3. Cite local bylaw, regulation, or ordinance that authorizes mandatory restrictions.

Ware Water Regulations





June 8, 2022

The Board of Selectmen of Ware, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

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

**Ken Creigle 413-207-5733**

Please notify National Grid's Lisa Ayres of the **hearing date / time** to [lisa.ayres@nationalgrid.com](mailto:lisa.ayres@nationalgrid.com)

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

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

Very truly yours,

*Jim Kehrner/lla*

Jim Kehrner  
Supervisor, Distribution Design

Enclosures

Questions contact - Ken Creigle 413-207-5733  
**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Ware, Massachusetts

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

Old Gilbertville Rd. - National Grid to install (2) JO midspan poles 20-50 and 21-50 on Old Gilbertville Rd. beginning at a point approximately 4000 feet north of the centerline of the intersection of Church St. and continuing approximately 300 feet in a north direction to correct existing long spans.

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 – Old Gilbertville Rd. - Ware, Massachusetts.

**30567321**

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

VERIZON NEW ENGLAND, INC.  
BY *Albert C. Bessette*  
Manager / Right of Way

Dated: May 12, 2022



## Memo

**To:** Select Board

**From:** Chris Nolan, Executive Assistant to Town Manager & Select Board

**Date:** June 15, 2022

**Re:** Update from Licensing Clerk on Class II Auto Dealer License #2-  
Gillespie Car Care 1

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Select Board- Gillespie Car Care 1, the holder of Class II License #2, located at 319 Palmer Road, has been evicted from the licensed premises by the property owner. Please see the attached court paperwork concerning this eviction. With guidance from the Town Attorney, my office has determined that the Board may invite the owners of the business to appear at a public hearing, where the decision can be made to revoke the license with sufficient evidence that the licensee no longer possesses a legal right to the premises. If this is confirmed to be the case, the license holder has violated Section 57 pursuant to M.G.L. c. 140, §59 because he has been evicted from the property and no longer has a suitable place of business available while continuing to hold a license from the Town. Mr. Gillespie and Mr. Hersey appear to have no legal right to conduct business after having been evicted from the property at 319 Palmer Road, and I recommend that the Board, as the Licensing Authority, schedule a public hearing with the two owners, exercising its right to revoke the license if it so chooses. This would remove any current ambiguity regarding Gillespie Car Care 1's ability to conduct business in the Town.



## **TOWN OF WARE**

### **Town Manager**

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

### **Town Manager Updates June 21, 2022**

#### **Upcoming dates:**

June 18 - Bulky Waste Collection at Resource Waste, 10-2  
June 18 – Rock the Park, 1-9  
June 23-25, Carnival, 5 – 10  
June 25 Lions Club Fireworks

Construction on Bank Street (CDBG) is moving toward the finish coat of paving.

900 additional feet of Rail Trail has been graded and had surfacing completed. The Open Space Committee is moving forward with signage for rules, the kiosks at Robbins Road and Gibbs Crossing, and adjustments on the bollards. The improvements of the Church Street section of the trail is also progressing toward the covered bridge.

The drainage repairs at the Grenville Park ballfield have been completed. Some final touchups to the infield will be done before the end of the fiscal year.

#### **Grants:**

The Parks Commission and Grants Coordinator are working on a PARC grant for improvements at Memorial Field including irrigation, bathroom upgrades and the restoration of the basketball court.

Swimming – Working with Belchertown Recreation department on dates for pool rentals to hold lessons.

The Quabbin Health District selected a new Public Health Nurse. From the Massachusetts Dept. of Public Health's recent release to communities, the Health Department ordered 1800 test kits. These will be distributed at upcoming events such as the Carnival, Rock the Park, and food distributions, as well as through the senior center.

The Assessors are working with RRG, an assessing consultant firm, on maintaining office operations. The Town will work with RRG while filling the office positions. Interviews with the Assessors and HR Director are scheduled for Friday, June 17.

The Police Chief, Country Bank staff and Town Manager walked through the 75 Main Street building with representative Todd Smola. The process for building review and

funding was discussed. The Town's legislators will keep eyes open for funding sources to assist with a study as well as occupancy.