



Select Board

Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Minutes – Tuesday, June 7, 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

Present: Chair John J. Morrin, Vice-Chair Caitlin M. McCarthy, Board Clerk 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 Chair Morrin at 7:00 PM.

Opening Remarks, Announcements, and Agenda review by Chair

Clerk 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.

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

Clerk 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 to continue the hearing at 7:05 PM. 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 Chair 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-Chair 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.
 - Chair 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.
 - Clerk 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.
 - Clerk 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.
- Clerk 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.
 - Clerk 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.
 - Chair Morrin asked if the Board could have the opinion of the newly hired DPW Director for resolving this matter.
 - Clerk 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 9th 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.
 - Chair Morrin asked for clarification that the plan for the property was to demolish the building, 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.
- Chair Morrin emphasized that determinations of accepting PILOTs versus real-value tax payments should be made based on whichever is best 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.
 - Chair 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.
 - Chair Morrin expressed that Board stipends should be raised 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**
 - Chair 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.
 - Chair Morrin asked whether a developer who were to express interest would currently be able to receive opinions from Town personnel regarding new projects. He stated that any prospective developers for this use should not be receiving opinions from Town officials, as the moratorium is in place for the Town to rewrite its regulations, and any guidance given now may be unapplicable to the future policies. The only three pieces of information the Town could provide prospective developers are the date of the moratorium's expiration, the State regulations on battery storage, and the federal regulations.
 - Mr. Beckley affirmed that this was correct, but added that if a project already exists with a permit, it can still be constructed under the old bylaw.
 - Vice-Chair 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 Clerk 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**

- Clerk 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).

- Clerk 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 the two types of cannabis delivery licenses are a Courier license and a Delivery-Operator license, and this project would utilize the latter.
- Vice-Chair 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.
- Chair 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.
 - Clerk 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 21st meeting. Board Member Morrin seconded the motion. The motion passed unanimously (5-0).

- **Discussion on Concerns Involving Culvert at Lamcotec Warehouse (247 West Street)**
 - Clerk 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-Chair 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.
 - Clerk 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.

- Chair Morrin requested regular updates on this matter from Mr. Beckley so that the Board was fully prepared for Special Town Meeting.
- 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.
- Mr. Beckley asked if the Board was aiming for a Summer or Fall Town Meeting.
 - Chair 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 18th 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.

Chair 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. Clerk 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 11th. 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. Chair 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. Chair 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. Chair 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

