



Selectboard

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, September 6, 2022 at 6:30 p.m.

6:30 PM- Executive Session- MGL Chapter 30A, Section 21 (a)

#7- To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g), to review the Board of Selectmen's executive session minutes: 2012-2016

#3- To discuss strategy with respect to collective bargaining

7:00 PM- 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

Present: Board Chair John J. Morrin, Board Clerk Thomas H. Barnes, Board Member Joshua A. Kusnierz, Town Manager Stuart B. Beckley, Executive Assistant Christopher J. Nolan, Parks Director John Piechota, Building Commissioner Anna Marques, Jennifer McMartin, Alex Bergeron

Absent: Board Vice-Chair Caitlin M. McCarthy, Board Member Keith J. Kruckas

Present via Zoom: Stanley Ciukaj from Ware Community Television, Paula Ouimette from Ware River News, Wastewater Director David Comeau

Meeting Opened by Chair Morrin at 7:00 PM.

Opening Remarks, Announcements, and Agenda review by Chair

Chair Morrin stated that the Board had received a letter from a resident after this meeting's agenda had been set, so while the topic of the letter would not be discussed at this meeting, it would be placed on the Board's next agenda.

Clerk Barnes thanked the Town's first responders for their response to a recent house fire on Greenwich Plains Road.

Chair Morrin wished good health to Board Member Kruckas and the family of Vice-Chair McCarthy.

Consent Agenda

- Approval of August 16, 2022 Meeting Minutes

- **Approval of One-Day Beer & Wine Licenses**
 - Workshop 13's "The Word," Friday, September 2, 2022 from 6:30-9:30PM @ 13 Church Street
 - Workshop 13's Open Mic Music Night, Friday September 16, 2022 from 6:30-10:30PM @ 13 Church Street
 - Workshop 13's "Sara Clay and the Star Cats in Concert," Saturday, October 15, 2022 from 4:00-8:00PM @ 13 Church Street
 - Workshop 13's "Open Mic Music Night," Friday, October 21, 2022 from 6:30-10:30PM @ 13 Church Street
 - Workshop 13's "Carrie & Michale Klein Folk Concert," Sunday, October 23, 2022 from 5:00-7:00PM @ 13 Church Street
 - Workshop 13's Open Mic Poetry, Friday, November 4, 2022 from 6:30-9:30PM @ 13 Church Street
 - Workshop 13's "Welcome Home," Saturday, November 5, 2022 from 6:00-9:30PM @ 13 Church Street
 - Workshop 13's "Welcome Home," Sunday, November 6, 2022 from 2:00-5:00PM @ 13 Church Street
 - Workshop 13's "Moving Day" Concert, Saturday, November 12, 2022 from 7:00-10:30PM @ 13 Church Street
 - Workshop 13's Open Mic Night, Friday, November 18, 2022 from 6:30-10:30PM @ 13 Church Street
 - Workshop 13's "The Word," Friday, December 2, 2022 from 6:30-9:30PM @ 13 Church Street
- **Toll Road Application: Ware Firefighters Local 1851's Boot Drive for the Muscular Dystrophy Association, Saturday, September 17, 2022 from 8:00AM-12:00PM (Rain Date: Saturday, September 24, 2022)**
- **Special Event Permit Application: Proprietors of the Ware Center Meeting House present Ware Fair & Flea, Saturday, September 17, 2022 from 9:00AM-4:00PM @ 295 Belchertown Road**

Board Member Barnes made the motion to approve the August 16, 2022 Minutes. Board Member Kusnierz seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

Board Member Barnes made the motion to approve all Workshop 13 one-day licenses from September 2nd through December 2nd. Board Member Kusnierz seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

Board Member Barnes made the motion to approve the Toll Road permit for the Ware Firefighters' Boot Drive for the Muscular Dystrophy Association on Saturday, September 17th from eight to twelve, rain date September 24th, 2022. Board Member Kusnierz seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

Chair Morrin made the motion to approve the Special Event Permit for the Proprietors of the Ware Center Meeting House to present Ware Fair & Flea, Saturday, September 17th, 2022, from 9AM to 4PM at 295 Belchertown Road. Board Member Barnes seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

Scheduled Appearances

- **7:05 PM- Nuisance Dog Public Hearing (107 Church Street)**
 - Chair Morrin stated that this hearing would need to take place at the Board's next meeting.
 - Mr. Nolan confirmed that he had spoken with the owner, who requested this hearing be

rescheduled due to extenuating circumstances, and had agreed to attend the Board's September 20th meeting.

Board Member Morrin made the motion to continue the Nuisance Dog Hearing on September 20th at 7:05 PM. Board Member Barnes seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

- **Building Commissioner Anna Marques: Continue Discussion on Streamlining Town's Process for Handling Fire-Damaged Buildings, Discussion on Solar Permits**
 - Ms. Marques introduced the Board to the flowchart she had created in response to the Board's instructions with help from Town Counsel. She stated that it should clarify some of the questions asked at the previous Board meeting regarding procedures for when a building is damaged by a fire.
 - She stated that after a fire, the Town's inspectors each submit a report to build the Town's case for whether demolition is necessary, and if the owner fails to comply with a demolition order, the Town can bring them to court.
 - For a demolition order to be issued, the Town must either have the board of survey declare the structure to be dangerous, or the Selectboard can declare it a nuisance. Ms. Marques emphasized again that if the Board declares the building a nuisance and the owner fails to remedy it, the Town may obtain a court order.
 - A court order lays out required actions the property owner must take, and has the ability to prohibit the transfer of property prior to said actions.
 - Ms. Marques explained that furthermore, if the building is condemned by the Board of Health, it can be taken into receivership.
 - During receivership, the court designates an interested party to bring the property into compliance. The owner then may have the option to take back possession of the property by reimbursing the receiver for the work done.
 - Chair Morrin asked where receivership was displayed on the flowchart.
 - Ms. Marques responded that it had not been included on this display, but could be added for clarification.
 - Chair Morrin asked why demolition was listed prior to repair orders on the chart.
 - Ms. Marques responded that this chart was meant to replicate the successful formula used by Springfield for handling problematic buildings, and that according to that model, demolition is the default option for nuisance buildings, unless the owner successfully makes the appeal to repair instead.
 - Chair Morrin asked about the specific case of a building on Main Street that had suffered a recent fire.
 - Ms. Marques responded that this building's damage was not severe enough to build a strong case for demolition, as only one upstairs apartment unit withstood any damage, while the other seven units were not damaged.
 - Chair Morrin requested that more formal reports be filed by the inspectors who are present after a fire.
 - Ms. Marques agreed that she would like to see these reports be filed with more consistency.
 - Chair Morrin noted that the word 'may' was still used multiple times on the new flowchart, and requested this word be replaced with 'shall,' to set a more consistent procedure for Town officials.
 - Ms. Marques responded that using 'may' was standard procedure for writing bylaws where circumstances vary, but agreed to do as the Board wished.
 - Chair Morrin added that this flowchart is meant as an illustration of procedure and should not be thought of as a bylaw.
 - Ms. Marques stated that she would continue to discuss this matter with the Town Attorney.
 - Chair Morrin emphasized that he wanted the word 'shall' to be used indicating that the Town

- would automatically bring owners in violation of demolition or repair orders to court. He
- Clerk Barnes asked for clarification that buildings are not required to be insured.
 - Ms. Marques responded that they could not force insurance on the owners of any property that is owned outright.
 - Board Member Kusnierz expressed disagreement with the premise of this question, stating that the Town was a democracy and not a dictatorship.
- Chair Morrin requested that Ms. Marques make the changes discussed before bringing the flowchart before the Board again.
- Clerk Barnes thanked Ms. Marques for her work, and stated that he felt she did an excellent job with the flowchart.
- Chair Morrin stated in regard to the discussion on solar permits that the Board would like the Town's process for approving them given to them in writing at their next meeting.
 - Ms. Marques and Mr. Beckley both responded that they would work on putting a description together.
- Clerk Barnes noted that there were currently a very high number of solar permit applications being submitted to the Town by a few companies.
 - Mr. Beckley agreed that solar is currently a very active industry.

Old Business

- **Requests for ARPA Expenditures**
 - **COVID-19 Premium Pay for Members of Public Works and Administrative Bargaining Units**
 - Chair Morrin requested that the discussion on premium pay be tabled until a meeting where more Board members were present.

Board Member Barnes made the motion to table the Board's discussion on premium pay. Board Member Kusnierz seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

- **Grenville Park Security Cameras**
- Chair Morrin expressed that he would like to add \$5,000 to the sum requested by the Board for these cameras, with the extra funds going toward the trenching of electrical conduit at the site.
- Board Member Kusnierz expressed agreement with this proposal.

Board Member Morrin made the motion to approve the allocation of \$105,000 from ARPA Funds to purchase and install security cameras at Grenville Park. Board Member Barnes seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

- **Update on Rail Trail Kiosks**
 - Clerk Barnes noted that the kiosks on either end of the Town-owned segment of the Mass Central Rail Trail were expected to have been placed a while ago. He explained that he knew the one to be placed on the Gibbs Crossing end had been passed off to local Scouts, while he argued that the one on the Robbins Road end looked very shop-worn.
 - Mr. Beckley explained that the latter kiosk had been repurposed from the Parks Department, while the Scouts were in the process of assembling the former.
 - Clerk Barnes asked if the kiosk at Gibbs Crossing would eventually be placed on the left side of the trail.
 - Mr. Beckley answered yes.
 - Clerk Barnes asked if this was expected to be completed before winter.
 - Mr. Beckley responded that it would be.

- Board Member Kusnierz asked about the status of the Rail Trail washouts at its intersection with Mountainview Drive.
 - Mr. Beckley responded that the DPW was in the process of making grating improvements to the trouble spot that would fix the issue.
- **Update on Flat Brook Wall Repair**
 - Clerk Barnes noted that photo provided of the site in question, looked to be in very poor condition.
 - Mr. Beckley agreed, and stated that he hoped the Conservation Commission and Agent would take up this matter.
 - Clerk Barnes asked if someone could contact the owner about getting this cleaned up.
 - Mr. Beckley responded that the owner would be contacted.
 - Clerk Barnes asked if it would be possible to get this resolved before the current drought ends, as low water levels would be helpful in this situation.
 - Mr. Beckley responded that this would only be possible with an emergency order.
 - Chair Morrin asked if a new survey could be conducted at the site.
 - Mr. Beckley responded that it could, and he would contact Mr. Sund from MassDOT, who he stated has been very helpful.
 - Clerk Barnes asked how the Town would enforce the repair of this site moving forward.
 - Mr. Beckley responded that the Wetland Protection Act gave the Town the ability to hold the owner accountable.
 - Clerk Barnes noted that during his several years on the Conservation Commission, they have never collected fines for any violations.
- **Update on East Main Street Canal Bridge**
 - Mr. Beckley informed the Board of positive news; Mr. Sund from MassDOT approved the proposed sidewalk repair plans for the Canal Bridge, meaning the state would be starting construction here very soon. Once this project is completed, two-way traffic on the bridge will be able to resume.
- **Update on Brush Trimming Status, Conditions**
 - Clerk Barnes asked why the Town had not kept up on mowing and brush trimming along his street.
 - Mr. Beckley responded that it was currently the DPW's busiest season, and they were working on all tasks with the highest priorities first.
 - Clerk Barnes asked if the DPW needed another mower to keep up with needed maintenance.
 - Mr. Beckley responded that the DPW currently lacked enough personnel to warrant purchasing an extra mower.
 - Board Member Kusnierz suggested that the Town ensure its DPW staff are aware of the threat of Japanese knotweed, which is invasive and spreads more wildly when mowed over.
 - Clerk Barnes expressed agreement, noting that a large area near Hillside Village had been taken over by the knotweed, and urged the resolution of this before winter.
- **Update on Whistleblower Line Replacement**
 - Mr. Nolan informed the Board that after much research, he had still not found a solution to the Board's request for whistleblower line technology that made the caller automatically anonymous. After consulting the customer support team from DialMyCalls, which is a reputable source that specifically advertises its ability to set up tip and complaint lines, he was informed that they currently have no method to remove caller identification from being displayed to the individual monitoring the line.
 - Chair Morrin responded that in this case, the Town needs to consider a third-party answering service for this line.
 - Board Member Kusnierz asked how much a third-party answering service would cost and suggested that the whistleblower line be simply done away with.

- Mr. Beckley informed the Board that he and Mr. Nolan would bring research on pricing for a third-party service to the next Board meeting.
- Clerk Barnes noted the written commendation the Board had received from the residents of 90 Pleasant Street of Mr. Joshua Kusnierz in his capacity as Tree Warden, and congratulated Board Member Kusnierz for this recognition.
- **Discussion on Town Manager Evaluation**
 - Mr. Beckley directed the Board to the materials received from Human Resource Director Justine Caggiano on this topic, stating that the evaluation was necessary for the Board to decide on whether to renew the Town Manager's contract.
 - Chair Morrin responded that he had asked Ms. Caggiano to match the criteria listed in the evaluation with those goals specifically named by the Board during the previous year, and this had not been done.
 - Clerk Barnes expressed agreement, stating that the evaluation form provided in the Board's packets was not what had been agreed on.
 - Chair Morrin stated that Ms. Caggiano had not followed their instructions.
 - Clerk Barnes expressed frustration that the Board had not received an evaluation form compatible with their instructions after requesting one several times.
 - Mr. Beckley explained that Ms. Caggiano felt the evaluation form she had provided was more in-depth and sufficient, having consulted legal counsel in its creation.
 - Clerk Barnes responded that he felt this was a waste of time for the Town's legal counsel, and emphasized again that Ms. Caggiano had been given specific instructions from the Board four times. He referenced Attachment C from the documents in the packet, and stated that the Board had been requesting that the evaluation use the SMART goals they had developed with the previous HR Director. He added that Ms. Caggiano's evaluation form was merely a generic one taken from an HR workshop.
 - Chair Morrin expressed frustration at the lack of progress made on this topic.
 - Ms. McMartin requested permission to speak.
 - Chair Morrin responded that he would accept no motions to address the Board at this time.

New Business

- **Discussion on Purchase of Vaccine Refrigerator for Health Department**
 - Mr. Beckley introduced the Board of Health's request for \$3,500 from ARPA funds to be allocated to the purchase of a vaccine refrigerator.
 - Chair Morrin responded that he supported the idea, but wanted a specific plan on what this equipment would be used for before approving the allocation.

Board Member Kusnierz made the motion to table the discussion on the Board of Health's request. Board Member Barnes seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

- **Reappointment of Carol Brundige to Ware Cultural Council**

Board Member Kusnierz made the motion to approve the reappointment of Carol Brundige to the Ware Cultural Council. Board Member Morrin seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

- **Appointment to Council on Aging: SK Robinson, Esq.**

- **Appointment to Finance Committee: SK Robinson, Esq.**
- **Appointment to Zoning Board of Appeals (Alternate): SK Robinson, Esq.**
- **Request for Appointment to Planning Board: SK Robinson, Esq. (would require joint meeting with Planning Board)**
 - Chair Morrin commended Attorney Robinson for his initiative in applying to join four new committees. He noted that appointment to the Planning Board would need to wait until a joint meeting between the Selectboard and Planning Board could be held, which could happen at the former's scheduled meeting on September 20th.

Board Member Barnes made the motion to appoint Attorney SK Robinson to the Council on Aging, Finance Committee, and as an Alternate on the Zoning Board of Appeals. Board Member Morrin seconded the motion. Board Member Kusnierz requested discussion.

- Board Member Kusnierz noted his concern that allowing one individual to serve on both the Zoning Board of Appeals and the Planning Board could create a conflict-of-interest in certain cases.
 - Mr. Beckley responded that it could create a situation where in circumstances that the ZBA acts as a permitting authority, it could result in the same person getting "two bites at the apple" by being able to vote twice on the same item.
- Chair Morrin stated that he was not currently concerned with this scenario, as Attorney Robinson was not immediately being appointed to the Planning Board, and these details could be resolved during the joint meeting in two weeks.
- Board Member Kusnierz noted that he was still not comfortable approving this appointment.

The motion passed on a vote of 2 Yes (Board Members Morrin, Barnes), 1 No (Board Member Kusnierz), 2 Absent (Board Members McCarthy, Kruckas).

- **Vote to Forward Proposed Zoning Amendments to Planning Board for Public Hearing on Thursday, October 6, 2022**
 - **Residential Business (RB) District Boundary Alteration (Palmer Road)**
 - **Creation of Rural Business (RRB) Overlay District (Belchertown Road)**
 - **Prohibition on the Use of Contaminated Sediments and Soil as Fill Material (Urban Fill)**
 - Clerk Barnes asked if the Conservation Commission would have a say in these proposals.
 - Mr. Beckley responded that it would not, as these were amendments, not projects.
 - Clerk Barnes expressed concern regarding the District Boundary Alteration on Palmer Road, stating that some of the area to be affected is wetland.
 - Mr. Beckley responded that the Planning Board would have the ability to deliberate on each of these proposed amendments, then issue its formal recommendation for either a yes or no vote by Town Meeting. He added that approving the amendment would not automatically allow for the construction of the proposed Tractor Supply on Palmer Road, but would allow this proposal to move forward in the approval process.

Board Member Kusnierz made the motion to forward the proposed zoning amendments to the Planning Board for a public hearing. Board Member Morrin seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

- **Public Notification: Release of Executive Session Minutes, February 7, 2017 – February 13, 2018**
 - Mr. Beckley announced that at its last executive session, the Board had approved the release of all its executive session minutes from the listed range of dates to the public, as no issues discussed in them remained ongoing. Copies of these could now be requested by members of the public.

- **Discussion on Plans for September 11th Memorial Ceremony**
 - Mr. Beckley noted that he would not be present for this year's ceremony, as he would be leading the sermon at his church that morning.
 - Chair Morrin and Clerk Barnes both stated that they would be present. Chair Morrin encouraged members of the public to attend as well.
- **Discussion on Formation of Charter Commission, Update on Potential Changes**
 - Chair Morrin clarified that the Town was not currently initiating the Charter Commission process, but was gauging interest in making any amendments.
 - Mr. Beckley added that an input survey on this topic would be sent out in the near future on both the Town's website and Facebook page, and that any eventual amendments to the Charter would come through the Board before being voted on by Town Meeting.
 - Chair Morrin expressed support for giving the public a strong voice in this matter by widely distributing the survey.
- **Ware Housing Authority: Request for Posting of Vacancy**
 - Mr. Beckley noted that there was a vacancy on the Housing Authority, and the WHA had written to the Board requesting this opening be posted.
 - Chair Morrin agreed that posting the vacancy would be beneficial.
 - Clerk Barnes asked if the Town's Board and Committee openings had been posted on the electronic sign boards throughout Town.
 - Mr. Beckley responded that they had not yet.
 - Chair Morrin stated that the Board had directed Mr. Beckley to advertise the openings via this medium at its previous meeting.
 - Mr. Beckley responded that he would ensure this was added.

Written Concerns of Citizens

- Clerk Barnes noted the recent emergence of regular charitable food distribution events on Church Street. He stated that these events came from the generosity of one kind-hearted resident, but the popularity of them was creating a chaotic environment, referring to it as a "free-for-all." Clerk Barnes requested that the Town correspond with the organizer, and stated that someone needs to "take the reins."
 - Mr. Beckley agreed to reach out to the resident.
- Clerk Barnes noted that there had been complaints of leftover food and trash being left behind after the donation events, and the Town should help ensure that the important charitable work can continue while being done in a clean, safe, and responsible manner. He suggested allowing the use of Town property as a venue so the resident would no longer need to run it from her personal residence.
 - Board Member Kusnierz expressed hesitancy with this idea, noting that moving this event to public property could open up the Town to liability issues and billing for trash removal.
- Clerk Barnes stated that the overcrowding of Church Street while the current operation took place presented a potential safety hazard, and that footing the bill for extra trash removal was a better option than sending people to the hospital if anything went wrong with the current setup.

Town Manager Report

Mr. Beckley noted that Ware Youth Football's first game of the season would be held that Sunday at noon. Chair Morrin asked if concessions would be available. Board Member Kusnierz answered that they would be, and offered to buy Chair Morrin a cheeseburger.

The Annual Domestic Violence Awareness Walk would be taking place on Saturday, October 22nd.

Concerns had been heard from residents regarding the recent closure of the National Guard Armory on West Street. The Town currently did not know what the future plans for this building consisted of, and Mr. Beckley had contacted the legislature in search of information.

A recent tour with the Department of Conservation and Recreation of the proposed improvements at Memorial Field had been highly successful, and an announcement on funding could be expected in October.

Chair Morrin asked about the estimated timeline on brownfield remediation at the adjacent site. Mr. Beckley responded that it could be fully converted by 2024.

Mr. Beckley and Parks Director John Piechota were actively examining funding options for the repair of the Town Pool.

On Monday, the Parks Commission would be discussing playground improvements at the park.

The Grants Coordinator and DPW Director were collaborating on a grant to fund lead service line remediation.

An MVP climate change grant was being sought for stormwater improvements along the Muddy Brook watershed.

Board Member Kusnierz asked about the possibility of inviting instructors from MVP to teach another class on the impacts of climate change to Town officials, citing that this had been done successfully in 2018. Mr. Beckley agreed that this could be looked into. He also added that an MVP grant was also a potential funding source for the pool repairs, since it could help residents adjust to warmer summer temperatures.

Mr. Beckley continued that another grant opportunity could establish formalized long-term funding of a drone program for the Town.

Clerk Barnes asked if the state's Department of Environmental Protection took issue with the Reed Pool's proximity to both Muddy Brook and the Barnes Street pumping station. Mr. Beckley responded that the Town was not aware of any issues with this, but the results of the pool feasibility study, including the environmental report, would be available soon.

More grant applications in progress included Complete Streets funding for Gould Road sidewalk and safety improvements, along with the choice of either filling gaps in sidewalk coverage on West Street, or the more likely option of replacing the aging Church Street sidewalks. These applications were due at the end of the month.


Earlier that day, two architects had joined Mr. Beckley, the HR Director, and the Police Chief on a walk-through of 75 Main Street to examine feasibility. Proposals from architects to conduct a full feasibility study were due the following Wednesday.

Clerk Barnes asked for an update on the Mary Lane Hospital closure. Mr. Beckley responded that the next President had been chosen, and the Town was currently following up on why no results of the environmental site assessment had yet been received, as these were expected already. Clerk Barnes asked if the Town would be having the results of this study verified by a third party. Mr. Beckley answered that it would, and funding options for this were being considered.

Adjournment

Board Member Kusnierz made the motion at 8:05 p.m. to Adjourn the Regular Meeting. Board Member

Barnes seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Board Members McCarthy, Kruckas).

Attest: 
Christopher J. Nolan
Executive Assistant to Town Manager