

Selectboard
Ware Town Hall, Meeting Room, 126 Main Street
Meeting Notice Agenda – Tuesday, April 04, 2023, at 7:00 p.m.

6:00 PM Executive Session: Request to Enter Executive Session under Massachusetts General Law Open Meeting Chapter 30A Sec. 21(a)(1) to discuss complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, to discuss personnel complaints or charges brought against an employee and staff member of the Town of Ware.

Chapter 30A, Sec. 22(f), (g) – **Approval of Executive Session Minutes:** January 3rd & 17th, February 7th & 21st and March 7th, 2023.

Instructions for Remote Participation at or before 7:00 p.m.: Call the phone number below and when prompted enter the Meeting ID number.

Zoom platform Link: <https://us02web.zoom.us/j/7846041861?pwd=bldFR0tscStPMWhScHFwRlFWbHRRdz09>

Meeting ID: 784 604 1861

Passcode: 01082

Phone: 929-205-6099

Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda

- Approval of Regular Session Minutes
 - February 21st and March 7th, 2023

Scheduled Appearances

- Hampshire County Retirement – Patrick Brock
 - Request to approve an increase to COLA by not more than \$260 per retiree for FY23 per Chapter 269 of the Acts of 2022.

Old Business

- Vote to Approve Contract
 - Town Manager's Contract
- Review of required licenses
 - Maple Street Power LLC, Maple Street, Parcel ID: 57-0-123 & 57-0-124

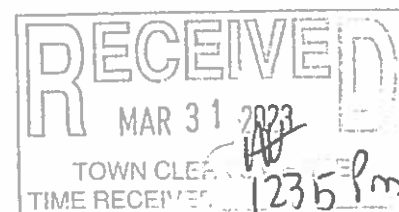
New Business

- Child Abuse Awareness Proclamation
 - Request to make the Proclamation and raise the Child Abuse Prevention flag from April 5, 2023, to April 30, 2023
- Town Policies and Documentations
 - Discussion on personal documents

Written Concerns of Citizens

Town Manager Report

Adjournment



Selectboard

Ware Town Hall, Meeting Room, 126 Main Street
Regular Session Minutes – Tuesday, February 21, 2023
(Topics may have been taken out of order according to posted agenda)

Board Members Present: Vice-Chair Caitlin McCarthy, Selectboard Member Keith Kruckas, Selectboard Member Joshua Kusnierz

Board Members Remote: Chair John Morrin

Board Members Absent: Clerk Thomas Barnes

Public in Attendance: Frederick Daniels, Andrew Upton, Jon Hogan, Rob Watchilla, Monica Moran, Gary Blanchard, Carol Mays, Eileen Leahy, Melissa Sterns, Carol Zins, Nancy Talbot, Stanley Ciukaj (Ware TV), Chris and Charlene Desjardins, Faith Dulak

Public Remote: Bill August, John Zienowicz, Paula Ouimette, Judith Robert, Sheila (Quaboag Valley), Alan Whitney, Ware Resident-no name

Vice-Chair Caitlin McCarthy opened the meeting at 7:00pm and led the Pledge.

OPENING REMARKS, ANNOUNCEMENTS, AND AGENDA REVIEW BY CHAIR

Vice-Chair Caitlin McCarthy sent get-well wishes to Clerk Thomas Barnes.

Board Member Keith Kruckas wished Police Officer Jake Crevier the best of luck on becoming a State Police Officer, we will miss him.

CONSENT AGENDA

- **Approval of Regular Session Minutes**
 - January 17 and February 2, 2023
- **One-Day Liquor Licenses – All requests are for Beer & Wine Licenses from Workshop13, events being held at 13 Church Street, Ware, MA:**
 - March 03, 2023, The Word & Workshop13 – Open Mic Poetry from 6:30-10:30pm
 - March 04, 2023, Super Group Concert from 6:30-10:30pm
 - March 17, 2023, Open Mic Night – Music from 6:30-10:30pm
 - April 07, 2023, The Word & Workshop13 – Open Mic Poetry from 6:30-10:30pm
 - April 15, 2023, Christopher Coulette in Concert from 6:30-10:30pm
 - April 21, 2023, Open Mic Night – Music from 6:30-10:30pm

The Board reviewed the documents provided. No discussion.

MOTION by Board Member Keith Kruckas to approve the Consent Agenda as presented. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor 4/0/0.

NEW BUSINESS

- **Appointments**
 - **Flag Committee – Todd LaVallee**

Board reviewed the application submitted.

MOTION by Board Member Keith Kruckas to appoint Todd LaVallee to the Flag Committee. Seconded by Vice-Chair Caitlin McCarthy. No further discussion. All in favor 3/0/1 (Joshua Kusnierz).

○ **Open Space Committee – Jodi Chartier**

Board reviewed the application submitted.

MOTION by Board Member Keith Kruckas to appoint Jodi Chartier to the Open Space Committee. Seconded by Vice-Chair Caitlin McCarthy. No further discussion. All in favor 4/0/0.

○ **ADA Committee – Heidi Reed**

Board reviewed the application submitted.

MOTION by Board Member Keith Kruckas to appoint Heidi Reed to the ADA Committee. Seconded by Board Member Joshua Kusnierz. No further discussion. All in favor 4/0/0.

SCHEDULED APPEARANCES

- **7:05pm National Grid Petition for Pole & Wire Hearing, Located on West Warren Road, Petition #30635979**

Vice-Chair Caitlin McCarthy opened the public hearing. The Board reviewed the application submitted. National Grid representative stated the pole and wiring was for a new customer. Board Member Keith Kruckas asked if the location was the camp area and the representative stated it was the new house foundation located on West Warren Road. End of discussion.

MOTION by Board Member Keith Kruckas to approve the Petition as presented. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor 4/0/0.

TOWN MANAGER REPORT

- Town Manager S. Beckley announced the new State waste rule prohibits textiles being thrown away (sheets, towels, bed sheets, pot and pans, etc.), and talking with companies about having drop-off points throughout town, which then turns and pays the Town per pound. Part of the service is that homeowners would be able to schedule a pickup for larger items.
- Board Member K. Kruckas asked if there was a Bylaw and/or Regulation to hold landlords and/or property owners accountable for trash, such as mattress, couches, etc.? Town Manager S. Beckley stated it falls under the Health Code through the Board of Health. Town Manager would follow up with BOH. Continued to inquire about dumpster regulations, referencing Parker Street. Town Manager S. Beckley stated the BOH has asked twice to move the dumpster and will follow up as well.

SCHEDULED APPEARANCES – CONTINUING

- **7:10pm National Grid and Verizon New England Petition for Joint & Identical Pole Hearing, location on West Warren Road, Petition #30635979**

Vice-Chair Caitlin McCarthy opened the public hearing. The Board reviewed the application submitted. No further discussion.

MOTION by Board Member Keith Kruckas to approve the Petition as presented. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor 4/0/0.

- **7:15pm Comcast Cable Television, Identify Town and Public Cable License renewal needs.**

Vice-Chair Caitlin McCarthy opened the public hearing and read the legal ad. Eileen Leah was present on behalf of Comcast Cable. Stanley Ciukaj from Ware TV spoke about what type of coverage Ware TV offers such as: church services; governmental meetings and announcements; school committee meetings, sports, graduation; community events; political forums; and how the channel is sponsored directly by Comcast funding.

Gary Blanchard thanked Ware TV and Comcast for helping him broadcast his creative work and promote his work. Monica Moran stated she has been able to broadcast community outreach programs to help inform the community and thanked Ware TV. Faith Dulak spoke on how much time and effort Stanley Ciukaj puts forth to help the community stay informed on all types of events, meetings, etc. through Ware TV broadcasts and if it wasn't for a local channel, many residents wouldn't know of such topics, and thanked S. Ciukaj for his dedication. Board Member K. Kruckas thanked everyone who spoke, but the major concern he sees is the cost of the service is very expensive and some parts of town don't even have service. Vice-Chair C. McCarthy agreed with Member K. Kruckas on the cost. Board Member K. Kruckas suggested Comcast work with seniors and low-income residents to receive a discount on basic service. John Zienowicz from the Ware Senior Center spoke on how broadcasting information through Ware TV has helped inform senior citizens on services offered; such as the Quaboag Connector, community events, community health awareness programs. Continuing to state he agrees with Board Member K. Kruckas on the cost of service is expensive for seniors. Vice-Chair C. McCarthy thanked everyone who spoke, and all the testimonies are well-received information. Board Member K. Kruckas asked Comcast Representative E. Leah when service would be provided to those areas in town which are not currently available. She replied she would investigate these areas and a timeframe. Alan Whitney concurred with Member K. Kruckas that not all parts of town have service and since living on Webster Road in 2014 there is still no service. A. Whitney asked the Town Manager if there was a prior contract with Comcast to provide service to all areas in town at a cost. Town Manager S. Beckley replied that in 2014 it was approx. \$50,000 to complete the installation from Route 9 to Webster Road. Board Member K. Kruckas inquired why can't service be brought in from the other side of town. Board Member J. Kusnierz stated he has cable, suggested to add poles and if he personally isn't far from Mr. Whitney, then why would Mr. Whitney not have service. Bill August stated the Comcast license expires on January 31, 2024, and any comments on renewal needs to be received well in advance. Speaking about service area, Comcast and Verizon all have line extension formulas to follow. Most contracts have 20 homes per ariel mile. Can extend outside the formula but homeowners would have to pay. End of discussion. No action taken.

NEW BUSINESS – CONTINUING

- **Appointments**

- Ware Housing Authority – 5 Applicants (*This is a Joint Meeting with the Authority*)

Board reviewed the applications submitted.

MOTION by Board Member Keith Kruckas to recommend Nancy Brown to the Ware Housing Authority. Seconded by Board Member Joshua Kusnierz. No further discussion.

Joint Roll Call (Selectboard and Ware Housing Authority):

Chair John Morrin	YES	Vice-Chair Caitlin McCarthy	YES
Board Member Keith Kruckas	YES	Board Member Joshua Kusnierz	YES
Ware Housing John Hogan	YES	Ware Housing Frederick Daniels	YES

All in Favor for Nancy Brown 6/0/0.

TOWN MANAGER REPORT – CONTINUING

- The Hospital Review Committee has chosen an architect. Been talking with Baystate on clean up, demo of the site, and future development. Board Member K. Kruckas asked about funding of the site. Town Manager S. Beckley stated it is through a grant. Baystate has a fast timeframe, would like the demo to start late fall and would like to complete the feasibility study well in advance. There is still work to be done on the site, but this is a good start.

- Rob Watchilla from the PCD Dept. is working on the Open Space survey, which is posted on the town website and due in June.

SCHEDULED APPEARANCES – CONTINUING

- **7:45pm Public Hearing to consider opting out of Vote by Mail for the April 10, 2023, Annual Town Election.**

Town Clerk Nancy Talbot read the letter as presented to the Board requesting to opt out of Vote by Mail. The last few local elections were not a great turnout and stated citizens can vote through Absentee voting. End of discussion.

MOTION by Board Member Keith Kruckas to opt out of Vote by Mail. Seconded by Board Member Joshua Kusnierz. No further discussion.

Roll Call:

Chair John Morrin	YES	Vice-Chair Caitlin McCarthy	YES
Board Member Keith Kruckas	YES	Board Member Joshua Kusnierz	YES
All in Favor 4/0/0.			

- **Proposed FY22/23 Community Development Block Grant Application, Presentation and discussion of the FY22/23 CDBG grant application, PVPC**

Town Manager S. Beckley stated the Community Development Authority held a hearing on February 6th to approve the list of programs as presented to the Board. The following are proposed: two design engineering and infrastructure improvement projects; although there is not enough funding to do the Pleasant Street parking lot project; five public social services; two housing rehabilitation; and one grant administration, and the total grant is not to exceed \$1,500,000.00. S. Beckley, Town Manager was excited to announce part of the "Aging in Place" grant is to help seniors with smaller scale projects for home repairs. Judith Roberts thanked the Town for funding past projects and with the funding has helped school youth to obtain GED's and go on to better themselves. It is saddening to hear there is no funding for The Literacy Project this year. We plan to stay in the Ware community and will come back in the future with another application. Thanked the Town and Selectboard again. Board Member Keith Kruckas asked why the Literacy Project was not being funded. Town Manager S. Beckley stated there are two long-term programs; and there is not enough money to fund all grants with hopes the larger programs may have other sources for fundings. Board Member K. Kruckas noted there was funding for the Buy Ware Now and is aware there are funds currently available for that program so why not adjust accordingly to help the Literacy Project. Town Manager agreed there is too much money set aside for Buy Ware Now. Rob Watchilla stated the PCD Dept. monitors the funding accounts. There were funding for four; two were used, a third one came in but the underwriter for the mortgage did not like that Ware was not a HUD approved community, so the funds were returned. So, the fear is the funds would sit there. S. Beckley, Town Manager stated the Literacy Project is a two-year program and proposed funding is \$96,000.00. The Board overall agreed it should be an important topic on funding and adjust the proposed funding projects. Rob Watchilla suggested why not fund both projects, Buy Ware Now and Literacy Project. Town Manager S. Beckley suggested to the Board to fund \$25,000.00 for Buy Ware Now and \$75,000.00 for The Literacy Project. End of discussion.

MOTION by Board Member Keith Kruckas to adjust the Buy Ware Now proposed funding by applying \$25,000 for Buy Ware Now and \$75,000 for The Literacy Project. Seconded by Vice-Chair Caitlin McCarthy. No further discussion. All in favor of the adjustment 4/0/0.

MOTION by Board Member Keith Kruckas to approve the authorization of PVPC to submit the proposed FY22/23 Community Development Fund grant application to the Massachusetts Department of Housing and Community Development in the amount not to exceed \$1,500,000 as detailed in the public hearing with the adjustment of the Buy Ware Now funding to \$25,000 and to fund the Literacy Project in the amount of \$75,000 and to include design and infrastructure

improvements to Summit Road in Hardwick, housing rehabilitation and aging in place in towns of Ware and Hardwick, as well as social service programs assisting residents in both towns. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor 4/0/0.

- **Nilkant 139, Inc d/b/a City Wine, Spirits, and Smoke Shop, 139 West Street, Unit C, Continued from 02/07/23, Wine and Malt License, §15 Package Store**

Attorney Andrew Upton was present on behalf of the applicants, Palak and Yashika Patel. Mr. Upton gave a brief history of Patel's: currently operating several smoke shops and liquor stores, Patel's are aware of age restricted products, they are TIPS certified, and both have clean records. They live in Cambridge, MA and recently purchased the building for approx. \$4M and have already invested an additional \$3-6K for renovations just to building and showing the commitment. They have never had any violations. Vice-Chair C. McCarthy asked the Patel's why they chose Ware for a business location. Palak Patel stated he had a business in Springfield and then moved to the greater Boston area. Intrigued with the small community. The opportunity came about July 2022, and was aware the unit was vacant for two plus years and felt it was a great starting point. Wanted to have the unit become a beer and wine for local business to offer tastings, showing and then in smoke shop support locals as well. The Building Permit and Board of Health Tobacco Permit have been issued. Vice-Chair C. McCarthy expressed her concerns that the Board approved another license within the last 2-3 years which is in close proximity to this location and since Ware is a small community, how many liquor stores are needed in one area. Board Member K. Kruckas expressed his concerns as well regarding this location. Is all about business growth but would like to also help protect the existing businesses nearby. Does not like the idea of a smoke/liquor store on every corner in town. P. Patel stated the business is primarily a smoke shop and is a 21+ high end business and would like to add the Malt and Wine License. Explained to the Board, shoppers entering the business will be ID verified at the store entrance even before stepping foot into the shop. Attorney Upton asked for a short recess to speak to his clients privately. The Board agreed to a recess.

TOWN MANAGER REPORT – CONTINUING

- The Town received an additional year, its 4th year, of participation in the State's Cybersecurity training program. It has proven helpful to staff in identifying harmful emails and websites.
- Upcoming grants:
 - RAISE Grant to design reconstruction of West Street from Main Street to Robbins Road which includes sidewalks, water/sewer and paving. \$1.8M grant would lead to a \$5M grant.
 - Working with the Historical Commission on revisions to the portico and continue pointing.
- DPW and HR are conducting interviews for CDL truck drivers.

SCHEDULED APPEARANCES – CONTINUING

- **Nilkant 139, Inc d/b/a City Wine, Spirits, and Smoke Shop, 139 West Street, Unit C, Continued from 02/07/23, Wine and Malt License, §15 Package Store**

The Board resumed the hearing. Attorney Upton stated at this time the applicant has no further comments and would like to wrap up the hearing. Board Member K. Kruckas stated he supports new businesses but is having a hard time issuing the W/M License. Attorney Upton stated the License would additionally support the smoke shop business end of things. General concerns from the Board were the location of this business in proximity to other established businesses of the like kind. End of discussion.

MOTION by Board Member Keith Kruckas deny the Wine and Malt License for applicant Nilkant 139, Inc. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor of denial of license 4/0/0.

OLD BUSINESS

- **Right-To-Farm PCD Dept presenting a draft Bylaw, Continued from 02/07/23**

Rob Watchilla from the PCD Department presented a draft of the Right To Farm Bylaw, dated August 31, 2021, initial created by PVPC and modified by the Town and will review important items:

1. **Section 1.0 Legislative Purpose and Intent:** This section outlines five different laws that allow people the right to farm. Zoning is to not regulate any agricultural operations over 5 acres in size and others pertain to nuisance which allows BOH to shut down operating illegally or outside of agricultural parameters. Proceeded to read the statement as highlighted in red. Summary saying Ware is farm friendly and buyers beware.
2. **Section 2 Definitions:** very basic and self-explanatory. No discussion.
3. **Section 3 Right to Farm Declaration:** This is very important Rob stated and read yellow highlighted section. Summary saying it's not hard weighing but rather just making a statement the Town supports the idea.
4. **Section 4 Disclosure Notification:** This is a very important section again Rob stated, and it is meant to notify potential sellers/buyers saying if you sell/buy land/house near farmland there is potential noise, dust, and odor and they are protected to operate. Also, in this section it states that if this is violated there could be a fine imposed. The Board could eliminate the fine if it wishes.
5. **Section 5 Resolution of Disputes:** Summary of section saying the BOH can shut down the farm operations if not operating properly. Was going to remove the Agricultural Commission and name the Board of Health as the Authority if issues arise between an abutter and farmer if the Board was okay with that.
6. **Section 6 Severability Clause:** Summary saying this doesn't supersede other regulations or laws.

Rob Watchilla is recommending having a public hearing before the Town Meeting and then the Board can vote on the Bylaw. Minor revisions may be required but would give the Town recognition. If the Board allowed, we could start putting up signs such as "slow moving vehicles ahead." General discussion: Board Member K. Kruckas asked about farm soil being allowed to leave the community. Rob replied, that is protected by Agricultural if used on site. Rob pointed out Section 2, last bullet point list, states they are allowed to level the site but need to stay onsite. Vice-Chair C. McCarthy inquired about farm made compost, grown products, meats. Rob stated that is different. If it was earth or gravel that would need to go through PCD Dept. Special Permit process here in town. Chair J. Morrin asked does the Town have an Agricultural Commission. Rob replied, no one has joined. The Commission provides advice to farmers and some Commissions provide help with grants and resolve disputes. End of discussion. No action taken.

- **Town Manager's Contract**

The topic was tabled.

TOWN MANAGER REPORT – CONTINUING

Town Manager S. Beckley stated there was no additional information to provide unless the Board has questions.

- Board Member K. Kruckas requested an update on the millyard: what is happening in the area near the construction site and has any of it been addressed during the permitting process. Stated there are steel plates visible and appear to be hazardous. There could be businesses in jeopardy. Town Manager S. Beckley stated both side of attorneys are

involved. A Cease and Desist cannot happen until a right of way is proven. The attorneys are trying to work together for a solution. The Town did block off the entrance which was ignored and moved. The Board asked to stay informed.

- MASSDOT stated the East Main Street bridge hopes to start construction at the end of March.
- Parks Commission will be discussing the preliminary designs at their next meeting.

WRITTEN CONCERNS OF CITIZENS

None

ADJOURNMENT

MOTION by Vice-Chair Caitlin McCarthy to adjourn at 8:41pm. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor 4/0/0.

Respectfully Submitted
Regular Session Minutes of February 21, 2023,



Nicole L. Croteau
Executive Assistant to Town Manager & Selectboard

SELECTBOARD
Ware Town Hall, Meeting Room, 126 Main Street, Ware, MA 01082
Regular Meeting Minutes – Tuesday, March 7, 2023
(Items may be out of order as listed on agenda)

Board Members Present: Chairman John Morrin, Clerk Thomas Barnes, Selectboard Member Keith Kruckas, Selectboard Member Joshua Kusnierz

Board Members Remote: Vice-Chair Caitlin McCarthy

Remote Participation: Stanley Ciukaj (Ware Community Television), Ware Rivers News, Justine Caggiano,

Public in Attendance: Police Chief Shawn Crevier, Police Dept Reps., Town Manager Stuart Beckley, Geoff McAlmond, Frederick Daniels, Ryan McNutt, Sydney Plante, Andrea Crete, Nicole Croteau

Chairman Morrin opened the hearing at 7:00pm and lead the pledge.

OPENING REMARKS, ANNOUNCEMENTS, AND AGENDA REVIEW BY CHAIR
None

CONSENT AGENDA
None

NEW BUSINESS

- **Appointments**

- Police Department ~ Special Officers, Honorary Police Officers, Police Matron and Constable.

Police Chief Crevier requested the Special Officers, Honorary Police Officers, Police Matrons and Constables be appointed as presented in a letter dated February 16, 2023 effective today until June 30, 2023.

MOTION by Board Member Keith Kruckas to approve the requested appointments as presented. Seconded by Clerk Thomas Barnes. No further discussion. All in favor 5/0/0.

- **Police Department ~ Request for New Hirers**

Police Chief Crevier requested the Board to allow four new hirers before the end of June 2023 for the current vacancies.

MOTION by Clerk Thomas Barnes to approve the request for four new hirers. Seconded by Board Member Keith Kruckas. Majority in Favor 4/0/1 (Caitlin McCarthy).

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SCHEDULED APPEARANCES

- **Retirement Announcement & Approval of Adoption of Police K9 Officer**

Police Chief Crevier announced the retirement of K9 Sampson effective immediately. Chief Crevier gave a brief history of the work K9 Sampson has completed for the last 7-years of service. Thanked Sergeant Diana Gliniecki for starting the program by applying for the grant funding and has done an exceptional job with K9 Sampson. Sergeant Gliniecki thanked the Town for the opportunity in starting the program and stated it has been an honor to work with K9 Sampson and will be amazing to see him be a normal dog and relax. Thanked the Town for all the support over the years. Chief Crevier requested that Sampson be put up for adoption immediately and recommended Sergeant D. Gliniecki allow her to adopt him.

MOTION by Board Member Keith Kruckas to allow Sergeant Diana Gliniecki to adopt K9 Sampson immediately. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor 5/0/0. The Board presented a certificate and congratulated K9 Sampson and Sergeant Gliniecki.

- **Animal Control / Dog Complaint Procedures with Board of Health & Palmer Animal Control**

Ryan McNutt from Palmer explained the history of the Regional Animal Control facility. While using the facility in Palmer, land was purchased in Warren, hired an engineer to move forward and then Monson presented an opportunity to use an existing facility. So, with the help of Monson, Palmer and Ware the Monson building is now leased to the Regional Animal Control group. There are still needs with outfitting the building but appears to be working well.

The process of complaints is followed by using MGL Chapter 140, Section 157 which really governs what is allowed to be done to animals, whether an animal is dangerous or a nuisance. Then the ACO follows the proper steps as outlined. The Selectboard acts as the Hearing Officer in most cases. The ACO responds to the complaint, investigate the situation to write a report, and in some cases take custody or contact other agencies. Fundamentally starts with a phone call to the local police dispatch. Board Member Keith Kruckas stated this is a problem in itself, the calls should go straight to the ACO. Shouldn't be tying up other town resources. R. McNutt continued to state it goes to police dispatch to have an official start of record, then dispatch reaches out to the ACO. Board Member K. Kruckas gave a recent example of a lady being bitten and then days passed until the ACO followed up with the victim. This isn't the first time for delay of responding to a complaint. Town Manager S. Beckley stated one issue the town sees is closure. If the police start the record, then we can't follow up on action. Board Member K. Kruckas felt it shouldn't be the police to follow up and close the record, it should be the ACO, especially since police is short staff recently.

R. McNutt stated this point forward the process will be police dispatch will take the call in, pass it to the ACO, the ACO will go to the source of complaint, create a record based on their finding and then make the report available at that point to whomever.

Board Member K. Kruckas stated again the issue is from the time the call comes into dispatch to the time the ACO investigates.

Vice-Chair C. McCarthy stated she has needed to call ACO personally and has had a proper response. Stated she heard there were job positions available and R. McNutt confirmed, yes one per diem and a part-time position. R. McNutt explained the staffing.

Board Member K. Kruckas asked how come we haven't been updated on staffing or other matters, there are four towns involved and this is the most we have heard recently and only because there is a matter at hand. Chair J. Morrin agreed the Board hasn't been updated and felt there is a communication issue. Vice-Chair C. McCarthy felt differently.

General discussion continued about the lack of communication and how it could be better. Discussed what MGL state about response times, follow up timeframe and course of actions the ACO may take, and quarantine timeframes.

The Board requested the ACO to provide a monthly report of complaints and/or actions. Suggested to Town Manager to purchase a town-issued cell phone for the ACO and to set up a meeting with all towns to review ACO protocols. The Board overall agreed it should be the same process in every town which is included in the Regional Animal Control group. R. McNutt suggested to possibly create a regionalized website for the ACO, including submitted electronic complaints as Palmer currently does.

Andrea Crete from Ware Board of Health and Quabbin Health District explained Ware has an animal inspector who is appointed by the Board. The Inspector already follows a set guidelines but there is no set job description. Explained if there is a complaint, the BOH is not always notified.

End of discussion. No action taken. The Board thanked Ryan, Sydney and Andrea for attending.

OLD BUSINESS

- **TOWN MANAGER CONTRACT**

Vice-Chair C. McCarthy announced the Board has agreed to renew Town Manager S. Beckley's contract. There was confusion about if the Board needed to vote on the contract in Open Session as well as Executive Session. Town Manager S. Beckley thanked the Board for the approval on the renewal. Chair J. Morrin asked how long the contract was valid for and S. Beckley stated 3 ¼ years. Board Member Joshua Kusnierz stated for the record he was in favor of the renewal. Vice-Chair C. McCarthy stated she thought the Board needed to vote on the contract again. Clerk Thomas Barnes also stated he was in favor of the renewal. End of discussion. No action taken.

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NEW BUSINESS – CONTINUED

- **Appointments**

- Veterans Agent – Mark Avis

The Board reviewed the request from Mark Avis to be re-appointed. No further discussion.

MOTION by Board Member Keith Kruckas to appoint Mr. Mark Avis. Seconded by Board Member Joshua Kusnierz. Chair John Morrin thinks Mr. Avis does a great job and involved with a lot of things, Member K. Kruckas agreed. All in Favor 5/0/0.

- **Request to open Warrants for Annual and Special Town Meeting**

Town Manager S. Beckley requested to open the Warrants for the Annual and Special Town Meeting.

MOTION by Board Member Joshua Kusnierz to approve the request to open the Warrant. Seconded by Board Member Keith Kruckas. No further discussion. All in Favor 5/0/0.

Vice-Chair Caitlin McCarthy left the meeting at 7:45pm.

- **Request for approval of Warrant and hours for Town Election for April 10, 2023**

Town Manager S. Beckley presented a memo from the Town Clerk requesting the start time to be between 9 to 10am for the Town Election. Board Members asked why is there a change in start time. Town Manager stated that there is a limited number of races. The Board discussed that residents like to vote before/on their way to work rather than later in the evening. End of discussion.

MOTION by Board Member Keith Kruckas to open the hours of Town Election starting at 7:00am. Seconded by Board Member Joshua Kusnierz. All in favor 4/0/0.

WRITTEN CONCERNS FROM CITIZENS

None

TOWN MANAGER'S REPORT

Town Manager S. Beckley presented the following to the Board:

- March 11 – Senior Citizen Resource Fair from 11:00 to 1:00 at Cedarbrook. There is free transportation and is posted on the website.
- March 15 – Pathfinders Budget hearing as well as the Finance Committee meeting
- The DPW has set the following leaf and brush drop-off days at Robbins Road
 - April 15th, 23rd, 29th and May 6th from 9 a.m. to 2 p.m. each day.
 - Bulky waste and Hazardous waste day are to be determined.
- The FY24 Budget proposal has been submitted to the Finance Committee. The Committee will meet with Town departments over the next four Wednesdays in March.
- Town emails – The IT Director has established emails for Committee chairs.
- The Open Space Plan Committee and the Hospital Review Committee will each be working on review processes that will welcome public input. The Open Space

and Recreation Plan describes needs and priorities for the Town's open spaces and recreation opportunities.

- The Hospital Review Committee is moving forward with its site feasibility planning.
 - 3-Mile Bridge will be starting this Spring. The timeframe to complete is approx. 4.5yrs but hopes to finish in 3.5yrs.
 - Resource Waste meet in August.
 - Pineapple Express – Finished construction documents and ready to file for a Building Permit.
 - East Street Bridge – Construction to start mid-to late March and will have the road closed for a few day.
 - Town's Snow Policy – Selectboard Member Keith Kruckas asked how does the policy affect Police, Fire, and DPW if the Town offices are closed? How is it budgeted for. Police, Fire and DPW should be compensated. Town Manager S. Beckley reminded the Board the policy was changed 4 years ago at their request. The Senior Center follows the schools delay/closing and Town Hall offices follows the Policy. Discussion continued and Board will review at a future meeting.
 - MEMA – Attended the basic shelter training and it appears the Town does not have enough cots but good for heating/cooling but overall the long term needs more planning. Possibly look into grants for supplies.
 - Reed Pool – The concepts have been finalized to three designs and have a meeting scheduled for April 3.
 - Millyard – The owners of various parcels within the millyard have concerns over the access road and the owners' lawyers are trying to come to an agreement.
 - Board Member Keith Kruckas inquired about the Armory being a good shelter if it was offered for recreation use. Town Manager said it is not because of contamination.
 - Doane Road Beaver Issue – Conservation has received two proposals to address the beavers. One involves trapping and the other involves installation of a device. The Commission will make a decision soon.
 - Budget – Presented an article from Governor Healey filing FY24 budget proposal.
- End of Report

ADJOURNMENT

MOTION by Clerk Thomas Barnes to adjourn at 8:13pm. Seconded by Board Member Joshua Kusnierz. No further discussion. All in Favor 4/0/0.

Next scheduled meeting is March 21, 2023.

Minutes from March 07th, respectfully submitted by,



Nicole L. Croteau

Executive Assistant to Town Manager and Selectboard.

MEMORANDUM

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: 5% Local COLA option

DATE: November 18, 2022

On November 16, 2022, the Governor signed Chapter 269 of the Acts of 2022 into law. This act provides the local retirement systems with a local option to increase the Cost of Living Adjustment ("COLA") for Fiscal Year 2023 to up to 5 percent on the base amount specified pursuant to G.L. c. 32, § 103. The approval of the increase can occur at any time during the fiscal year and will take effect as of July 1, 2022.

The local approval mechanism is different than traditional COLA increases and COLA base increases. In order for a system to adopt a COLA increase pursuant to this act, **the retirement board must vote for the increased amount and then it must also receive local approval.**

For purposes of this act, local approval means:

- In a city, the mayor must recommend the increase to the city council and the council must vote in favor.
- In a city having a Plan D or Plan E charter, the city manager must recommend the increase to the city council and the council must vote in favor.
- In a town, the chief executive officer¹ - the select board in nearly all cases - must vote in favor to accept the increase rather than the town meeting as is the case for COLA base increases.
- In a district, or other political subdivision, the governing board, commission or committee must vote in favor to accept the COLA increase.

¹ As defined in G.L. c. 4, § 7, "chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the select board in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.





December 16, 2022

Hampshire County Retirement Board
99 Industrial Drive
Suite 2
Northampton, MA 01060-2326

Members of the Board:

As requested, we have prepared an analysis of the impact on the Hampshire County Retirement System's liabilities and funding schedule as a result of a one-time increase in the COLA of an additional 2% on July 1, 2022, up to the COLA base of \$13,000. We used the data and results of the January 1, 2022 valuation to develop the change in the unfunded actuarial accrued liability and the resulting impact on the FY2026 and later appropriations. The results of our analysis are provided under a 6.90% investment return rate assumption.

Cost-of-living adjustments (COLA) may be granted by the retirement board under M.G.L. c. 32, § 103 each year. If an increase is given, the COLA percentage is applied to a retiree's retirement allowance up to \$13,000. If the COLA on July 1, 2022 increased from 3% to 5%, a one-time increase that will become a permanent part of retirees' current retirement allowance, and as allowed in the recently enacted Chapter 269 of the Acts of 2022, the accrued liability and FY2026 appropriation are expected to increase as follows:

COLA	Accrued Liability	Increase in FY2026 Appropriation
5% on July 1, 2022 up to \$650	\$2,648,700	\$527,000

The increase in the FY2026 appropriation is without regard to any limits on the annual increases in appropriations and assumes that appropriations of \$32,953,641 and \$34,164,178 will be made for FY2024 and FY2025, respectively. The additional FY2026 appropriation of \$527,000 will increase by approximately 3.7% annually until the system is expected to be fully funded in 2032.

In closing, we are happy to answer any questions you may have regarding the material we have provided in this supplemental report.

Sincerely,

A handwritten signature in black ink that reads "Linda Bournival".

Linda L. Bournival, FSA, EA
Consulting Actuary

K M S A C T U A R I E S

52 Hunt Road • Kingston, New Hampshire 03848-3456 • phone: (603) 792-9494 • kmsactuaries.com

HAMPSHIRE COUNTY RETIREMENT SYSTEM

A Massachusetts Regional Public Employee Retirement System



99 Industrial Drive, Suite 2, Northampton, MA 01060-2326

tel: (413) 584-9100 fax: (413) 587-9396

email: info@hampshireretirementma.org

www.hampshireretirementma.org



MEMORANDUM

TO: Town Select Boards That are Members of the Hampshire County Retirement System

FROM: Patrick E. Brock, Chairman, Hampshire County Retirement System

RE: 5% Local COLA option for Retirees Effective for FY 23

DATE: March 17, 2023

On March 8, 2023, the Hampshire County Retirement Board voted to approve Chapter 269 of the Acts of 2022 for the retirees of the Hampshire County Retirement System. This Act provides an increase of an additional 2% increase to the previously approved 3% COLA adjustment on our retirees' pension payments on their first \$13,000.00 of their pension payment retroactive to July 1, 2022.

In a regional retirement system such as ours, Chapter 269 requires a local approval by two-thirds of the towns in our system by June, 2023. The approval is required of the chief executive officer (the Select Board) as defined by MA General Laws Chapter 4, Section 7. Therefore, I am seeking that this issue be placed on the Select Board's Agenda as soon as possible. I will also make myself available to attend the Select Board Meeting in order to make a short presentation and answer any questions that the Board may have. I will communicate with the Towns in order to coordinate the schedule so as to avoid any conflicts. Would you please confirm who the Select Board's contact person is.

I have attached additional information for your review:

- 1) Chapter 269 of the Acts of 2022
- 2) PERAC MEMO #29/2022 RE: 5% Local COLA option
- 3) KMS Actuaries Cost Analysis of 5% COLA option
- 4) HCRS Estimated Cost Impact to FY26 Funding Schedule

I look forward to speaking with you in the near future. If you have any additional questions, please contact me.

Patrick E. Brock
Chairman

Sean Mangano
Elected Member

Harry Chadwick
Elected Member

Jane Wolfe
Appointed Member

Joyce Karpinski
Appointed Member

Mary G. Baronas
Administrator

MEMORANDUM - Page Two

TO: All Retirement Boards
FROM: John W. Parsons, Esq., Executive Director
RE: 5% Local COLA option
DATE: November 18, 2022

- In a regional system, two-thirds of the cities and towns within the system must approve the increase. This is done in the same fashion as stated above for municipalities: in a city, by the city council upon recommendation by the mayor or, in a city with a Plan D or Plan E charter, the city manager; or, in a town, by approval of the chief executive officer (likely the select board) as defined by G.L. c. 4, § 7.
- In a county, the county commissioners, who normally do not have a role in COLAs nor COLA base increases, must vote to accept and two-thirds of the cities and towns within the system must approve the increase in the same manner as stated above for regional systems.

Though many local systems are comprised of multiple units such as housing authorities and districts, the two-thirds language only applies to regional and county systems as the approval specified in the statute only refers to cities and towns as voting political subdivisions.

Section 2 of the act provides that a COLA increase pursuant to this act is retroactive to July 1, 2022. Any COLA increase, in addition to any COLA previously adopted for FY 23, will become part of the fixed amount of a retirees' retirement allowance in the same manner as all COLAs granted pursuant to section 103.

PERAC has already received questions about estimating the cost of the enhanced COLA. PERAC Actuary John Boorack has provided the following formula for a conservative full-cost estimate, not a one-year estimate, to assist boards in their planning:

$$(0.2) \times (\text{COLA base}) \times (\# \text{ of retirees/beneficiaries})$$

If you have any questions about this memo, please contact PERAC's General Counsel, Judith Corrigan, at (617) 591-8904 or at judith.a.corrigan@mass.gov.

Acts (2022)

Chapter 269

AN ACT RELATIVE TO COST-OF-LIVING ADJUSTMENTS FOR RETIREES

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for increased cost-of-living adjustments for retirees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.

(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-of-living increase is applied, shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 per cent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance: (i) of the city council upon recommendation of the mayor in a city, (ii) of the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, (iii) of the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town, (iv) of the county commissioners in a county and (v) by vote of the governing board, commission or committee in a district or other political subdivision of the commonwealth. For any retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of: (i) the city council upon recommendation of the mayor in a city, (ii) the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, and (iii) the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town.

SECTION 2. This act shall take effect on July 1, 2022.

Approved, November 16, 2022.

Estimated Distribution of COLA Increase to 5% FY 26 Appropriation

Additional
COLA cost for
FY 26 \$ 527,000

Distribution based on September 2022 Aggregate Salary

Unit	Total Employees	Aggregate Salaries	Percent of Total (Distribution)	% Distrib	\$ Distribution
Town of Amherst	435	\$ 24,958,871	25.79%	25.79%	\$ 135,913
Amherst Housing Authority	14	\$ 897,560	0.92%	0.93%	\$ 4,901
Amherst-Pelham Regional School District	169	\$ 5,911,412	6.11%	6.11%	\$ 32,200
Town of Belchertown	244	\$ 12,528,294	12.95%	12.95%	\$ 68,247
Belchertown Housing Authority	0	\$ -	0.00%	0.00%	\$ -
Belchertown Water District	8	\$ 248,254	0.26%	0.26%	\$ 1,370
Town of Chesterfield	10	\$ 330,166	0.34%	0.34%	\$ 1,792
Chesterfield/Goshen Regional School District	12	\$ 371,152	0.38%	0.38%	\$ 2,003
Town of Cummington	7	\$ 266,797	0.28%	0.27%	\$ 1,423
Foothills Health District	4	\$ 198,627	0.20%	0.20%	\$ 1,054
Gateway Regional School District	72	\$ 2,435,790	2.52%	2.52%	\$ 13,280
Town of Goshen	6	\$ 200,105	0.20%	0.21%	\$ 1,107
Town of Granby	107	\$ 4,606,215	4.76%	4.76%	\$ 25,085
Granby Housing Authority	2	\$ 75,897	0.08%	0.08%	\$ 422
Town of Hadley	117	\$ 5,456,089	5.64%	5.64%	\$ 29,723
Hadley Housing Authority	0	\$ -	0.00%	0.00%	\$ -
Hampshire County Group Insurance Trust	4	\$ 343,550	0.36%	0.35%	\$ 1,845
Hampshire County Regional Housing Authority	0	\$ -	0.00%	0.00%	\$ -
Hampshire Regional School District	55	\$ 1,845,482	1.91%	1.91%	\$ 10,066
Town of Hatfield	65	\$ 2,504,175	2.58%	2.59%	\$ 13,649
Hatfield Housing Authority	1	\$ 25,823	0.03%	0.03%	\$ 158
Town of Huntington	13	\$ 452,102	0.47%	0.47%	\$ 2,477
Town of Middlefield	7	\$ 209,723	0.22%	0.22%	\$ 1,159
Town of Pelham	50	\$ 938,622	0.97%	0.97%	\$ 5,112
Town of Plainfield	6	\$ 328,402	0.34%	0.34%	\$ 1,792
Quabbin Health District	6	\$ 299,644	0.31%	0.31%	\$ 1,634
South Hadley Fire District #1	39	\$ 2,551,554	2.64%	2.64%	\$ 13,913
South Hadley Fire District #2	20	\$ 932,412	0.96%	0.96%	\$ 5,059
Town of South Hadley	269	\$ 13,085,418	13.52%	13.52%	\$ 71,250
South Hadley Housing Authority	4	\$ 240,099	0.25%	0.25%	\$ 1,318
So Hadley-Easthampton Veterans District	1	\$ 65,000	0.07%	0.07%	\$ 369
Town of Southampton	68	\$ 3,126,089	3.23%	3.23%	\$ 17,022
Town of Ware	176	\$ 8,246,550	8.52%	8.52%	\$ 44,900
Ware Housing Authority	4	\$ 252,673	0.26%	0.26%	\$ 1,370
Town of Westhampton	21	\$ 762,273	0.79%	0.79%	\$ 4,163
Town of Williamsburg	39	\$ 1,165,899	1.20%	1.20%	\$ 6,324
Town of Worthington	24	\$ 905,424	0.94%	0.93%	\$ 4,901
Total	2079	\$ 96,766,143	100.00%	100.00%	\$ 527,001

MAPLE STREET POWER LLC
MAPLE STREET, PARCELS 57-0-123 & 57-0-124

Croteau, Nicole

From: John Prenosil <prenosiljohn@gmail.com>
Sent: Thursday, March 30, 2023 12:40 PM
To: Beckley, Stuart; Marques, Anna S.; Croteau, Nicole; MARK SWETT
Subject: Updates: Maple Street Parcels

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.

I met with Mr. Buelow yesterday at 5:00 PM to walk through his properties and discuss potential violations of the Massachusetts Wetlands Protection Act (hereafter "WPA"). The majority of both parcels are located within the 200-Foot Riverfront Area of the Ware River.

Background

Mark Stinson, Western Regional Circuit Rider for the Massachusetts Department of Environmental Protection, contacted me on February 3, 2023 indicating he received an anonymous complaint about a bulldozer clearing land on Mr. Buelow's Maple Street parcels. Although I had previously observed the parcels from public rights of way, I felt it was important to walk the parcels and get a better understanding of existing site conditions. Due to snow cover, my site visit with Mr. Buelow was rescheduled twice.

A review of available current and historic aerial photography appears to indicate an expansion of vehicle storage areas has occurred. Additional investigations will need to be conducted to verify and quantify this observation.

Site Visit

The parcels are significantly degraded. Historic (century old) trash and debris was noted throughout the parcels. A significant portion of the existing shrub layer consists of invasive species. Sapling and tree layers are native and herbaceous layers are unknown due to the time of year. These areas have been historically developed for approximately 170 years and have been significantly altered. No areas of the parcels are in pristine condition. Several areas of spilled oil/hydraulic fluid were observed.

Mr. Buelow stated the existing dirt access road between Parcels 57-0-124, owned by Maple Street Power, LLC and 57-0-125, owned by All Parts Racing, LLC, has been there for decades and indicated he had been maintaining the pathway and cutting back vegetation that impeded passage along its length. During the site visit it was obvious that recent fill and grading had occurred along portions of the access road. In certain areas, where the road was elevated above surrounding grades, the width appeared to be consistent with historical widths. In areas where the road is at the same elevation as adjacent areas, it was difficult to visually determine if the road had been widened.

Violations

The storage of vehicles within the Riverfront Area is not considered a violation unless the storage results in an alteration of the Riverfront Area. Vegetation die off resulting from parked cars and other movable structures would be considered an alteration.

The Conservation Commission can issue an enforcement action requesting Mr. Buelow restore vegetated areas that have been altered within the past two years. Massachusetts General Law Chapter 131 Section 91 states: "*Actions and*

prosecutions under this chapter shall, unless otherwise expressly provided, be commenced within two years after the time when the cause of action accrued or the offence was committed." Basically, the Town must issue an enforcement action for a given activity within two years of becoming aware of the activity or it may not be legally defensible.

The maintenance of an existing roadway/pathway within the Riverfront Area is considered an exempt activity within the WPA as outlined at 310 CMR 10.58 (6)(a): *Notwithstanding the Provisions of 310 CMR 10.58(1) through (5), Certain Activities or Areas Are Grandfathered or Exempted from Requirements for the Riverfront Area: (a) Any excavation, structure, road, clearing, driveway, landscaping, utility line, rail line, airport owned by a political subdivision, marine cargo terminal owned by a political subdivision, bridge over two miles long, septic system, or parking lot within the riverfront area in existence on August 7, 1996. Maintenance of such structures or areas is allowed (including any activity which maintains a structure, roads (limited to repairs, resurfacing, repaving, but not enlargement), clearing, landscaping, etc. in its existing condition) without the filing of a Notice of Intent for work within the riverfront area, but not when such work is within other resource areas or their buffer zones except as provided in 310 CMR 10.58(6)(b).* The removal of shrubs and saplings outside the historic width of the road and any widening of the road would be considered violations. The alteration of any previously vegetated areas to non-vegetated areas, resulting from the placement of fill, or vegetation die off from placement of vehicles, would also be considered violations.

Restoration may include replanting disturbed areas with native vegetation, removal of invasive species, or offsite mitigation. Addressing untreated stormwater runoff from the parcels toward the Ware River is also important. A stormwater filter sock, designed to remove oil and contaminants from stormwater, could be placed at a drainage structure observed on Parcel 57-0-24, and a trench conveying runoff from a gravel area on Parcel 57-0-25 toward the Ware River, could be filled in. Additional investigations into stormwater runoff from the parcels could also be conducted.

This issue has been placed on the agenda for the April 12, 2023 Conservation Commission meeting. Zoning related issues, including the location and storage of vehicles, should be addressed by the appropriate Town boards.

Regards,

John M. Prenosil
Conservation Agent

the *Journal of Applied Behavior Analysis* (1974), and the *Journal of Experimental Psychology: Applied* (1975). The *Journal of Applied Behavior Analysis* is the only journal in the field to have been ranked in the top 10 of the *Journal Citation Reports* (Clarivate Analytics, 2017).

There are a number of reasons why the *Journal of Applied Behavior Analysis* is so highly regarded. One reason is its long history of publishing high-quality research. Another reason is its focus on applied behavior analysis, which is a practical approach to understanding and changing behavior. A third reason is its commitment to open access, which makes its research freely available to all.

The *Journal of Applied Behavior Analysis* is a leading journal in the field of behavior analysis. It is a must-read for anyone interested in the science of behavior. Its research has led to many important advances in our understanding of behavior and its treatment. Its commitment to open access has made its research more accessible than ever before.

The *Journal of Applied Behavior Analysis* is a journal of high quality and high impact. It is a journal that is well-respected by its peers and by the public. It is a journal that is a pleasure to read and a source of valuable information. It is a journal that is a must-read for anyone interested in the science of behavior.

The *Journal of Applied Behavior Analysis* is a journal that is a source of pride for its editors and its authors. It is a journal that is a source of inspiration for its readers. It is a journal that is a source of knowledge and a source of hope. It is a journal that is a source of light and a source of life.

The *Journal of Applied Behavior Analysis* is a journal that is a source of strength and a source of courage. It is a journal that is a source of wisdom and a source of understanding. It is a journal that is a source of love and a source of compassion. It is a journal that is a source of peace and a source of harmony.

The *Journal of Applied Behavior Analysis* is a journal that is a source of joy and a source of happiness. It is a journal that is a source of fulfillment and a source of meaning. It is a journal that is a source of purpose and a source of direction. It is a journal that is a source of hope and a source of faith.

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TOWN OF WARE

Town Manager

126 Main Street

Ware, MA 01082

413-967-9648 x100

March 31, 2023

To : Selectboard

From : Stuart Beckley, Town Manager

The Selectboard and Town of Ware have been asked by the District Attorney's office to issue a proclamation regarding Nation Child Abuse Awareness and Prevention month. The proposed Proclamation is attached.

In addition, the Town would raise the Awareness flag provided by the DA's office on Wednesday, April 5 at noon at the Ware Town Hall for the month of April.

Thank you.

National Child Abuse Awareness & Prevention Month

April 2023

WHEREAS, every child is entitled to be loved, cared for, secure, and protected from verbal, sexual, emotional, and physical abuse, exploitation, and neglect; and

WHEREAS, 2500 local children have received services for abuse at the Children's Advocacy Center of Hampshire County since 2006; and

WHEREAS, By strengthening families and providing safe, stable, and nurturing environments that are free from violence, abuse, and neglect, opportunities are created for children's growth and success, ensuring a secure future for our communities, where the needs of children are a priority and the needs of families are met; and

WHEREAS, Preventing child abuse and neglect is a community responsibility that depends on partnerships created among families, social service agencies, schools, civic organizations, law enforcement agencies, and the business community.

WHEREAS, Each April, the Town of Ware and other supporters of the Children's Advocacy Center of Hampshire County asks the public to join in outreach efforts to reduce and prevent child abuse.

NOW, THEREFORE, be it resolved that the Ware Town Council, declares the month of April to be Child Abuse Awareness and Prevention Month and further recognize this Proclamation by raising the Child Abuse Prevention flag from April 5, 2023, to April 30, 2023 to help cultivate awareness for all residents of Ware.



TOWN OF WARE

Town Manager

126 Main Street

Ware, MA 01082

413-967-9648 x100

Town Manager Report

April 4, 2023

Upcoming dates

April 5 – Child abuse awareness flag raising at noon

April 10 – Town Election

April 11 or April 13 – Water/sewer info session

April 22 – Earth Day

Police were able to locate a child on the rail trail who had been missing. In the process, the Town learned of some barriers to emergency vehicle access. The Town will reset some of the bollards to allow better access.

The East Main Street bridge work is moving along faster than expected, so the full closure will be shorter than planned. The contractor has suspended a work platform on the side of the bridge. By working from that and pouring of concrete while leaving at least one lane open for traffic.

The Parks Commission is meeting with the swimming pool design consultant on Monday April 3 to review design concepts.

The Planning Board will hold a hearing on the proposed zoning bylaw addressing battery storage. The bylaw establishes where stand-alone storage may occur and under what conditions. After the hearing, the Planning Board may recommend the bylaw to Town Meeting

The Finance Committee has finished its reviews with departments. They will work with the Town's financial team to review a list of changes to expenses and revenues at their next two meetings to finalize their recommendation for Town Meeting.

Commendations to Treasurer Ashley Walker for working with the Town's banks to take advantage of rising interest rates on the Town's accounts.

The Town's renewal rate for its health insurance program will be 2.5% which is a significant decrease from the high increases of the past few years.

Possible public forum dates for the water/sewer discussion are Tuesday April 11 or Thursday April 13 at the High School.

Resource Waste has offered to hold a Bulky Waste collection day on Saturday, April 29 at their site.

Croteau, Nicole

From: Beckley, Stuart
Sent: Friday, March 31, 2023 9:49 AM
To: Morrin, John; Kruckas, Keith; McCarthy, Caitlin M.; Kusnierz, Josh; Barnes, Tom; Croteau, Nicole; Niedzwiecki, Charles
Subject: FW: 120185 Ware - Scheduled Tree Work Apr 3rd - Apr 7th Rt 32 Bridge (Three Mile)

From: Poirier, Benjamin (DOT) <benjamin.poirier@state.ma.us>
Sent: Friday, March 31, 2023 8:55 AM
To: Crevier, Shawn <CrsH@townofware.com>; Martinez, Jim <jmartinez@townofware.com>; McAlmond, Geoffrey <gmcalmond@townofware.com>; Beckley, Stuart <sbeckley@townofware.com>
Cc: Shawn Clark <sclark@northernconstruction.com>
Subject: 120185 Ware - Scheduled Tree Work Apr 3rd - Apr 7th Rt 32 Bridge (Three Mile)

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.

Good Morning All,

I am reaching out about regarding some work occurring next week (Apr 3rd to Apr 7th) on the Rt 32 MassDOT bridge project (Three mile bridge) in Ware. The contractor is scheduled to perform the contracted tree removal surrounding the bridge to allow for utility relocations, and later on the constructability of the new proposed bridge. This work is slated to occur M-F 7A-3:30P and will consist of some alternating one way traffic setups as needed. Following that work, in the ensuing month or two the utility companies are scheduled to begin overhead transfer work, and I will pass along any critical updates as they are conveyed to me by NGrid, VZ, and Comcast.

I'll continue to follow up with additional construction updates as this project gets off the ground, in particular when traffic impacts may exist. Once the project does start, the field office location will be located at 388 Palmer Rd (old propane property adjacent to the bridge). I can also be reached with any questions or concerns through my contact info below.

Thanks,
Ben

Benjamin J. Poirier | Resident Engineer
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MINUTEMAN CULTIVATION
MILLYARD UPDATE

Croteau, Nicole

From: John Prenosil <prenosiljohn@gmail.com>
Sent: Thursday, March 30, 2023 3:40 PM
To: Croteau, Nicole; Marques, Anna S.; MARK SWETT; Beckley, Stuart
Subject: Minuteman Update

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I visited the site on March 30 to check erosion controls and overall site conditions. All erosion controls are in good shape and functioning properly. At the time of the site inspection, no runoff was observed emanating from excavated portions of the site.

The majority of excavated material from the cellar hole has been removed and several piles of fill material have been trucked in from offsite. Attorney Richard Maynard, the project representative, indicated the remaining material onsite (excavated from the cellar hole) may be used as fill. I indicated that Condition 7 of the Order of Conditions requires clean fill to be used. More specifically, Condition 7 states: "*Any fill used in connection with this project shall use clean fill. Any fill shall contain no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes refrigerators, motor vehicles, or any part of the foregoing.*" Attorney Maynard indicated he would review the Order of Conditions to ensure project compliance.

I asked Attorney Maynard if the monitoring wells that were removed during excavation activities would be replaced, citing Special Condition 27 (d) of the Order of Conditions: "*The existing monitoring wells on site shall be maintained. The contractor can reestablish the well heads after removal of the concrete and pavement or in the worst case pay for new wells to be installed if damaged beyond repair. The latter would require input from the environmental engineer that specified the original installation.*" Attorney Maynard indicated the monitoring wells would be replaced. Attorney Maynard also indicated there would be a lull in the project until construction financing could be obtained.

Regards,

John M. Prenosil
Conservation Agent