



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Notice Agenda – Tuesday, November 5, 2019 at 7:00 p.m.

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda

- **Approval of Meeting Minutes of October 15, 2019**
- **Special Event Permit: Holiday Flair, Friday, November 29**
- **Special Event Permit: Ware Tree & Wreath Festival, Saturday, December 7 and Sunday, December 8**

Scheduled Appearances

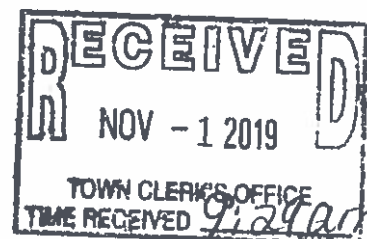
- **7:05 p.m. Public Hearing: Street Acceptance of Wildflower Drive and Briar Circle**
- **7:10 p.m. Regional Animal Control Facility Information**
- **Review November 18, 2019 Special Town Meeting Warrant Articles with Moderator and Finance Committee**

Old Business

- **Winter Parking Lot Rules December 1, 2019 – March 31, 2020**
- **Right of First Refusal, Chapter Land, 313 Palmer Road**
- **Right of First Refusal, Chapter Land, Greenwich Road**
- **Update: Water Treatment Plant**

New Business

- **Appointment of Police Officers**
- **Application for Appointment to Council on Aging: Cheryl Haigh**
- **Approval of New Appointment to Ware Cultural Council: Carol Brundige, Term December 1, 2019 – November 30, 2022**
- **Approval of Reappointment to Ware Cultural Council: Elena Palladino, Term December 1, 2019 – November 30, 2022**
- **Vote to Send Letter of Default for STA Agreement Obligations: G & G Medical Products, LLC**
- **Vote to Accept Disclosure Letter of Police Chief**
- **Board of Selectmen 2020 Meeting Dates**
- **Set Public Hearing for 7:05 p.m. Tuesday, November 19, 2019 for Application for License to Store Flammables: ReEnergy Holdings, LLC, 198 East Street**
- **Acknowledgement of Open Meeting Law Complaints**



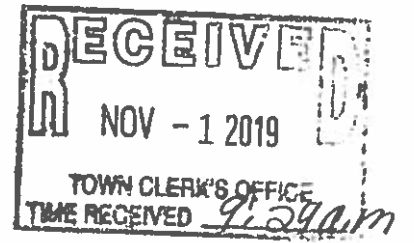
Comments and Concerns of Citizens

Town Manager Report

Adjournment

Executive Session: M.G.L. c30A, Section 21 (a) #1 To Discuss the Reputation, Character, Physical Condition or Mental Health, Rather Than Professional Competence, of An Individual, or to Discuss the Discipline or Dismissal of, or Complaints or Charges Brought Against, a Public Officer, Employee, Staff Member or Individual. The Individual to Be Discussed in Such Executive Session Shall Be Notified in Writing by the Public Body at Least 48 Hours Prior to the Proposed Executive Session; Provided, However, That Notification May Be Waived Upon Written Agreement of the Parties.

RE: Police Officer Rogowski





Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, October 15, 2019 at 7:00 p.m.

Meeting Opened by Chairman Carroll. A moment of silence was observed for Joseph Pellissier and Gwendoline Harder-Kirkham.

Present: Selectman John E. Carroll, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Selectman Alan G. Whitney, Town Manager Stuart Beckley, Clerk Mary L. Midura, Deputy Fire Chief Edward Wloch

Absent: Selectman Nancy J. Talbot

Opening Remarks, Announcements, and Agenda review by Chair

Selectman Carroll announced four dates remaining for leaves, brush, etc. to be brought to the Robbins Road Collection site – October 19, October 27, November 2, and November 10.

Selectman Opalinski noted the Town Pool Survey and Bike and Walking Survey, both online on the Town website. Selectman Kruckas requested the surveys be placed at the Senior Center, as well as to be published in the Ware River News.

Selectman Carroll announced that residents should get rid of furniture and other items placed on their property that have been rained on. Selectman Opalinski questioned if there was a fine for this; Mr. Beckley noted this would come under Unkempt Property.

Consent Agenda

- **Approval of Meeting Minutes of September 24, 2019**
- **Application for One-Day Beer & Wine License: St. Mary's Church Ham Dinner, Saturday, November 2, 2019**
- **Application for One-Day All Alcoholic License: Earle F. Howe American Legion Post 123 for Veterans Day Parade, Monday, November 11, 2019**
- **Retroactive Approval of Special Event Permit: America Needs Fatima 2019 Rosary Rally, Saturday, October 12, 2019**

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

Reorganization of the Board of Selectmen

Selectman Carroll nominated Selectman Whitney as Chairman; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Selectman Whitney nominated Selectman Carroll as Vice-Chairman; Selectman Carroll seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Scheduled Appearances

- **7:05 p.m. Public Hearing: Application for Transfer of Annual All Alcoholic §12 Restaurant license and Common Victualler license for Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant, 54 West Main Street, Ware, MA.**

Attorney Richard Maynard, Attorney Christopher Loud, and Proposed Manager Ho Mak were present for the application. Attorney Maynard noted that Debbie Wong's is the last location and has been a long-standing restaurant in Ware. Mr. Mak noted his many years in the restaurant industry.

Selectman Carroll made a motion to approve the Application for Transfer of Annual All Alcoholic §12 Restaurant license #00011-RS-1326 for Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant, 54 West Main Street, Ware, MA. Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Selectman Carroll made a motion to approve the Application for Transfer of Common Victualler license for Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant, 54 West Main Street, Ware, MA. Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

- **Commendation of Stephen Butcher**

Chairman Whitney read the commendation of Stephen Butcher for 32 years' employment in the Town of Ware.

Old Business

- **Update on Acting Fire Chief from HRD Civil Service**

Mr. Beckley received recommendation from council of HRD to appoint Acting Fire Chief Ed Wloch. The form is sufficient. No need to use "Interim" in the appointment.

Selectman Carroll made the motion to appoint Acting Fire Chief Ed Wloch. Selectman Opalinski seconded the motion, specific that no vacancy is being filled with this appointment. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

- **Labor Counsel Applicants**

Mr. Beckley presented applications from five firms. Selectman Carroll, Selectman Opalinski, and Mr. Beckley will form a sub-committee to review and update the Board on November 5, 2019.

- **Set Public Hearing Tuesday, November 5, 2019 at 7:05 pm – Street Acceptance of Wildflower Drive and Briar Circle**

Selectman Carroll made the motion to set a Public Hearing on Tuesday, November 5, 2019 at 7:05 p.m. for Street Acceptance of Wildflower Drive and Briar Circle. Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

New Business

- **Appointment to Community Development Authority: Brandy L. Bruso, Term to Expire June 30, 2021**

Ms. Bruso was present and noted she has lived in Ware for 13 years, and looks forward to helping with positive growth in the town.

Selectman Opalinski noted that her appointment was delayed as the committee needed to vote. Mr. Beckley noted only the Council on Aging was required to vote before an appointment would be placed before the Board. Selectman Carroll noted the CDA had two vacancies.

It was noted that Selectman Carroll is on the Community Development Authority, and Selectman Opalinski

recently did not seek reappointment to the Community Development Authority.

Selectman Kruckas made the motion to appoint Brandy L. Bruso to the Community Development Authority, Term to Expire June 30, 2021. Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

- **Winter Parking Lot Rules December 1, 2019 – March 31, 2020**

Mr. Beckley presented Chief Crevier's proposal for a yearly parking permit for overnight parking in the Pleasant Street and Parker Street parking lots. Chief Crevier was unable to attend the meeting. Selectman Kruckas noted that there should be no allowance of working on vehicles in these lots. The Board had several questions, and requested that Chief Crevier attend the November 5, 2019 meeting to further discuss the proposed changes.

- **Right of First Refusal, Chapter Land, 313 Palmer Road**

Mr. Beckley presented information. The Board questioned the full market value of this land.

- **Right of First Refusal, Chapter Land, Greenwich Road**

Mr. Beckley presented information. The Board questioned the full market value of this land.

Selectman Carroll made the motion to table the above two items to November 5, 2019, pending more information. Selectman Kruckas seconded the motion. The motion to table to November 5, 2019 passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

- **Approval of Warrant for Special Town Meeting November 18, 2019**

**WARRANT FOR SPECIAL TOWN MEETING
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS**

Hampshire, ss.

To any of the Constables of the Town of Ware, in said County,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C, qualified to vote on Town affairs, to meet at the Ware High School Auditorium, 237 West Street, Ware, on Monday, November 18, 2019 at six thirty in the evening (6:30 P.M.), then and there to act on the following articles:

Article 1 To see if the town will vote to appropriate a sum of money to pay unpaid bills from prior fiscal years, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

Article 2 To see if the Town will vote to appropriate a sum of money for amendments to the Fiscal Year 2020 budget, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

- Article 3 To see if the Town will vote to authorize the Custodian-Trustee/OPEB Fund Board of Trustees of the OPEB Fund established under G.L. c. 32B, § 20 to invest monies in the OPEB Fund under the prudent investor rule established in G.L. c. 203C, or take any other action relative thereto.
- Article 4 To see if the Town will vote to appropriate a sum of money to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof; or take another action relative thereto
- Article 5 To see if the Town will vote to appropriate a sum of money for the Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.
- Article 6 To see if the Town will vote to appropriate a sum of money for the Capital Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.
- Article 7 To see if the Town will vote to accept Wildflower Drive and Briar Circle as town streets in accordance with the street layouts attached, or take any other action relative thereto.
- Article 8 To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town of Ware, to acquire by gift the parcel of land on Wildflower Drive known as Assessors Map 55, Parcel 1-28 or take any other action relative thereto.
- Article 9 To see if the Town will amend the layout and extension of Quarry Street, or take any other action relative thereto.
- Article 10 To see if the Town will vote to appropriate a sum of money to be expended for resurfacing and related work on Greenwich Road and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 11 To see if the Town will authorize the Ware School Committee to enter into a Memorandum of Understanding (attached) with the *Executive Office of Health and Human Services, the Department of Elementary and Secondary Education, and the Department of Children and Families*, in relation to the administration of the transportation costs under the *Every Student Succeeds Act*, to maximize Federal Financial Participation from the Federal Government through the Title IV-E of the Social Security Act, or take any other action relative thereto.

- Article 12 To see if the town of Ware will vote to appropriate a sum of funds for the replacement and installation of a new fire alarm panel at the Ware Junior Senior High School, and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof or take any other action relative thereto.
- Article 13 To see if the Town will vote to appropriate a sum of funds for a Hazardous Waste collection and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 14 To see if the Town will vote to appropriate a sum of funds for software for the Town Clerk's office and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 15 To see if the Town will vote to appropriate a sum of funds for matching funds for a Firefighter Equipment grant for SCBA units and associated equipment and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 16 To see if the Town will vote to appropriate a sum of funds for the purchase of two life pack units for the Ware Ambulance and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 17 To see if the town will vote to appropriate a sum of money to fund its share of the construction of a Regional Animal Control Shelter, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
- Article 18 To see if the Town will vote to appropriate a sum of funds for the purchase of a vehicle for the Police Department and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 19 To see if the Town will vote to appropriate a sum of funds for the purchase of hand guns, shotguns and rifles for the Police Department and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 20 To see if the Town will vote to appropriate a sum of funds for the repair of the chimney at the Ware Police Station and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 21 To see if the Town will vote to appropriate a sum of funds for the removal and disposal of dead and dangerous trees along the Town's public ways and on Town

property and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto

Article 22 To see if the Town will vote to appropriate a sum of funds painting and related work to the Grand Hall at Ware Town Hall and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

Article 23 To see if the Town will vote to raise and appropriate a sum of money to redevelop and replace the pump and motor in Barnes Street Well #1, to remove and replace the "in column" check valve in Barnes Street Well #2 and to remove, disassemble, inspect and repair the cause of the vibration in Barnes Street Well #4 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

Article 24 To see if the Town will vote to raise and appropriate a sum of money to purchase a water service truck to replace W-3 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

And you are directed to serve up this Warrant by posting attested copies thereof at the Town Hall, at the Post Office calling the same at least fourteen (14) days before the time of said meeting and also by publishing a copy of the warrant on the Town of Ware website at least fourteen days before said meeting and make due return of this Warrant with doings thereon, to the Town Clerk of Ware on or before the time of said meeting.

Given under our hands at Ware this 15th day of October, 2019.

SELECTMEN OF WARE:

Alan Whitney, Chairman

Keith Kruckas

John Carroll, Vice-Chairman

Nancy Talbot

Tracy Opalinski, Recording Clerk

Hampshire, ss.

By virtue of this Warrant, I have posted two attested copies: one at the Post Office, one at the Town Hall. I have also caused to be posted one attested copy on the Town of Ware website.

Signed this _____ Day, October, 2019.

Constable of Ware, Massachusetts

An Article 11 was mistakenly in the warrant and removed, all Articles were renumbered. An Article 13 for purchase of Grade 7 and 8 Science Textbooks was discussed and removed, all Articles were renumbered. Selectman Carroll questioned the article and noted this should be covered by the School budget.

Selectman Carroll made the motion to remove Article 13. Selectman Whitney seconded the motion. The motion to remove passed on a vote of 3 Yes, 1 No (Selectman Opalinski), 1 Absent (Selectman Talbot).

Further information will be provided on November 5, 2019 on all Articles.

Comments and Concerns of Citizens

Resident Brandy Bruso noted that a streetlight on Pulaski Street has burned out. Mr. Beckley noted this is not a Town light, and he has contacted National Grid.

Resident Andrew Choquette asked the progress on the bylaw addressing skating in Veterans Park. Mr. Beckley noted that the bylaw needs tweaking as the Attorney General requires more specific descriptions. Selectman Carroll suggested that the Parks Department be consulted to check their rules and regulations for violations at the Veterans Park.

Town Manager Report

Mr. Beckley noted the reception on October 16 for the Baystate Mary Lane Imaging Center, to be held 4:30 pm – 6:30 pm.

October 17 – East Quabbin Rail Trail Ribbon cutting, 4 p.m. at Frohloff Farm

October 19 – Domestic Violence Task Force Awareness Walk, 1 p.m., Veterans Park

October 25 – Knights of Columbus Halloween Parade, 6 p.m.

October 26 – Trick or Treat, 4-7 p.m.

November 11 – Veterans Day Parade, 1 p.m.

November 18 – Special Town Meeting, 6:30

Personnel: The Town is currently posting positions for a water operator, coordinator for the Quaboag Connector, and part-time Parks Laborer. Paul Pariseau has ended his work with the Parks Department. Additionally, the Palmer Police Department is moving forward with the review of candidates for the two police officers.

The Conservation Commission approved an Order of Conditions for the repairs of the Old Belchertown Bridge. Depending on MassDOT engineering review, the project should be ready for bidding during the winter for Spring/Summer construction.

Wildflower Drive and Briar Circle are being reviewed by the DPW and Planning Board for street acceptance. A public hearing will be held by the Board of Selectmen on November 5 allowing Town Meeting to vote on acceptance on November 18.

Water flushing is moving steadily forward, with the department moving on to Zone 6 this week. The department has used significantly less water as the pipes have been cleaner after the Spring's efforts.

The weather has delayed finishing chip sealing roads and the pavement of Richfield and Longview. Paving Babcock Tavern is scheduled for mid-November.

The pickup trucks funded by Town Meeting in the Spring for the DPW and Parks department are ready for delivery.

The Town tree planting program got off to a good start on October 5. The East Quabbin Land Trust worked with volunteers, the Planning Department, Parks department, and Tree Warden to plant 21 trees at Grenville Park. The Town will be planting 1000 trees over the next three years along town streets.

The Town's retiree insurance plan will have a 2.7% increase in premiums and no change in plan design effective January 1. The Town should learn expected premium increases for the general insurance in February.

The Town and the Quaboag Valley CDC submitted two grants for operations and expansion of the Quaboag Connector. The Town submitted a grant for ADA improvements at the Fire Station. Town Departments met to discuss the best use of grant funds from the Climate Vulnerability program. Discussed were improvements to the Town flood dike system, protection from flooding and icing near the Church Street bridge, tree work emergency shelter, and pool improvements. The Town, through the Planning Department, received a Brownfields grant to review the infrastructure at the Millyard, including the tunnels. This will assist with needed knowledge for redevelopment.

Selectman Kruckas noted thanks to Paul Pariseau for his many years of service to the Town.

Selectman Kruckas asked when the next meeting of the Ambulance Committee would be; Mr. Beckley noted the next meeting is October 22, 2019. Selectman Kruckas questioned the plan to have all money collections at Town Hall; Mr. Beckley noted several new employees must first be trained.

Selectman Opalinski questioned the town flood dike system; Mr. Beckley noted the Army Corps of Engineers is working on the vegetation near the river.

Adjournment

Selectman Carroll made the motion to Adjourn Regular Session at 8:25 p.m. to go into Executive Session; MGL Chapter 30A, Section 21 (a) #3 To Discuss Litigation Strategy With Respect To Clearly and Imminently Threatened and/or Demonstrably Likely Litigation by Fire Chief Thomas Coulombe. Vote May Be Taken. NOT TO RECONVENE IN OPEN SESSION. Discussion in Open Session Would Have a Detrimental Effect on Negotiations by Litigation.

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

Selectman John E. Carroll	Yes√
Selectman Keith J. Kruckas	Yes√
Selectman Tracy R. Opalinski	Yes√
Selectman Nancy J. Talbot	Absent
Selectman Alan G. Whitney	Yes√

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

TOWN OF WARE

SPECIAL EVENT PERMIT APPLICATION
(To be posted or made available at event)

Return to: Board of Selectmen, Town of Ware, 126 Main Street, Ware, MA 01082

Application packet must be received no later than 30 days prior to the event.

Event Name: Holiday Flair Event Producer: Town of Ware/Ware Rotary Club

Primary Contact Information:

Primary Contact Name: Kathleen Deschamps Fax: _____

Non-Profit Organization / Event: Yes X No _____

Day Phone: 413-519-9815 → Cell Phone: _____

E-mail: kate3754@aol.com Website: _____

Event Information:

Event Address / Location: Main Street, Veterans' Park, Town Hall

Starting Date: 11/29/19 Time: 5:00 P M Ending Date: 11/29/19 Time: 7:30 P M

Total attendance expected: 500 Rain plan: _____

List any streets to be closed for special event: Main Street from Fitness Factory to West St.

Summary of Event - Please describe the special features of the event within the box below.

Holiday parade bringing Santa to town, lighting of the big tree in Veterans' Park, and visiting with Santa in town hall.

RELEASE/HOLD HARMLESS AGREEMENT (REQUIRED FOR USE OF TOWN PROPERTY ONLY):

I, _____, a representative from _____, does hereby acknowledge that in the course of its use of property owned by the Town of Ware, namely _____ located at _____, Ware, Massachusetts, for the purpose described above, and more particularly by virtue of the presence of its agents, servants, employees and invitees, (hereinafter collectively referred to as _____), in any manner whatsoever shall operate at its own risk on said property of the Town of Ware.

For and in consideration of the use of _____, _____ does for itself and on behalf of its agents, servants, employees and invitees, hereby, jointly and severally, remise, release and forever discharge the Town, its agents, servants and employees (hereinafter collectively referred to as the "Town"), of and from all debts, demands, actions, and any and all claims or demands whatsoever of any kind for damages or injuries to property or person, which may arise by virtue of _____ use of _____.
_____ further agrees to defend and indemnify and hold harmless the Town from and against any claims of any nature whatsoever and the cost and expense, including, but not limited to, attorney fees and legal costs arising out of any claim in connection with its use of _____.
Said indemnification shall not include claims arising from intentional malfeasance by the agents or employees of the Town of Ware.

Signed this _____ day of _____, 20____, on behalf of _____ by _____, its _____.

X

Signature of the agent duly authorized by the Special Event Permit applicant to bind it.

Date: ____/____/____

Town of Ware Event

****This application packet (the checklist and the permit application) must be brought in person to each department for sign-offs - Parks & Recreation MUST be approved first. Once all sign-offs have been received, this application packet must be returned to the Town Manager's Office for final approval by the Board of Selectmen.****

Review & Submission for Sign -Offs Provided By Departments

Please note - Departments may provide additional comments below their sign-off

Parks & Recreation

✓ **EMAIL**

Date:

10/29/2019

Health Department

Date:

Department of Public Works

Date:

Building Inspections

Date:

Fire Department

Date:

10-18-19

Police Department

Date:

10-21-19

of Officers (if applicable)

6

TOWN OF WARE

SPECIAL EVENT PERMIT APPLICATION

(To be posted or made available at event)

Return to: Board of Selectmen, Town of Ware, 126 Main Street, Ware, MA 01082

APPLICATION PACKET MUST BE RECEIVED NO LATER THAN 30 DAYS PRIOR TO THE EVENT.

Event Name: Ware Tree + Wreath Festival Event Producer: Proprietors of the Ware Center Meeting House

Primary Contact Information:

Primary Contact Name: Carol Zins Fax: _____

Non-Profit Organization / Event: Yes X No _____

Day Phone: 413-967-8304 Cell Phone: _____

E-mail: CZins1@gmail.com Website: Warecentermeetinghouse.org

Event Information:

Event Address / Location: Ware Town Hall

Starting Date: 12/7/ Time: 11:00 AM Ending Date: 12/8/ Time: 3:00 PM

Total attendance expected: 300 Rain plan: None

List any streets to be closed for special event: NO

Will food be prepared and/or sold at the event: Not prepared / BAKE SALE

Summary of Event - Please describe the special features of the event within the box below.

Donated wreath + trees are raffled to raise money for museum. Kids crafts, Raedre, bake sale in town hall

RELEASE/HOLD HARMLESS AGREEMENT (REQUIRED FOR USE OF TOWN PROPERTY ONLY):

I, Carmel Zins, a representative from Proprietors of the WCMH, does hereby acknowledge that in the course of its use of property owned by the Town of Ware, namely Town Hall Greets Room located at 126 Main St, Ware, Massachusetts, for the purpose described above, and more particularly by virtue of the presence of its agents, servants, employees and invitees, (hereinafter collectively referred to as _____), in any manner whatsoever shall operate at its own risk on said property of the Town of Ware.

For and in consideration of the use of Town Hall, Proprietors does for itself and on behalf of its agents, servants, employees and invitees, hereby, jointly and severally, remise, release and forever discharge the Town, its agents, servants and employees (hereinafter collectively referred to as the "Town"), of and from all debts, demands, actions, and any and all claims or demands whatsoever of any kind for damages or injuries to property or person, which may arise by virtue of Proprietors use of Town Hall. Proprietors further agrees to defend and indemnify and hold harmless the Town from and against any claims of any nature whatsoever and the cost and expense, including, but not limited to, attorney fees and legal costs arising out of any claim in connection with its use of Town Hall. Said indemnification shall not include claims arising from intentional malfeasance by the agents or employees of the Town of Ware.

Signed this 30th day of October, 2019, on behalf of Proprietors by Carmel Zins, its volunteer.
X Carmel Zins Date: 10/30/19
Signature of the agent duly authorized by the Special Event Permit applicant to bind it.

**** This application packet (the checklist and the permit application) will be reviewed by each department for sign-offs. Once all sign-offs have been received, this application packet will be placed on an upcoming agenda for final approval by the Board of Selectmen. ****

Review & Submission for Sign -Offs Provided By Departments
Please note - Departments may provide additional comments below their sign-off

Parks & Recreation	_____	Date: _____
Health Department	_____ ✓ _____	Date: <u>11/1/19</u>
Department of Public Works	_____ ✓ _____	Date: <u>11/1/19</u>
Building Inspections	_____	Date: _____
Fire Department	_____ ✓ _____ CHECK LIGHTING	Date: <u>10/30/19</u>
Police Department	<u>Shawn Green</u>	Date: <u>10-30-19</u>
		# of Officers (if applicable) _____



TOWN OF WARE

Town Hall, 126 Main St.
Ware, Massachusetts 01082
Tel. 413-967-9648

PUBLIC HEARING NOTICE

Street Acceptance

NOTICE is hereby given that the Ware Board of Selectmen will hold a Public Hearing on **Tuesday, November 5, 2019 at 7:05 PM** on the matter to have Wildflower Drive and Briar Circle be accepted as a town public roadway as shown on a plan entitled "Wildflower Meadow, Definitive Subdivision, Ware, Massachusetts" dated July 20, 2004, prepared by Harold L. Eaton and Associates, Inc. and recorded in the Hampshire District Registry of Deeds in Books of Plans 203, Plan 77-80. Assessor's Parcel ID: 55-1-28. The hearing will be held in the Selectmen's Meeting Room, 126 Main Street, Town Hall, Ware, MA.

A copy of the plan may be inspected at the Town Hall in the Town Clerk's office during regular business hours. Anyone interested or wishing to be heard on the application should appear at the time and place designated above. **This notice shall also be posted on the Massachusetts Newspaper Publishers Association's (MNPA) website (<http://masspublicnotices.org>).**

All interested parties are invited to attend.

John E. Carroll
Chairman
Board of Selectmen
October 15, 2019

Monson, Palmer, Ware and Warren

Regional Animal Control Facility

Important Community Information

For the past two years the Towns of Ware, Warren, Monson and Palmer have been working together to explore creating a long needed Regional Animal Control Facility. This important effort recognizes State requirements and Town(s) economic realities.

- This effort recognizes the long term needs and requirements to provide the Communities with and up to date Animal Control Facility and program which meets state requirements and regulations
- No one Town can afford to do this alone so the Towns agreed to look at a regional solution to meet everyone's long term needs in terms of both money and expertise.
- The Towns have been working with each other through a series of Grant funded efforts in coordination with the Pioneer Valley Planning Commission. To date the effort has received over \$225,000 in grant support from the Commonwealth of Massachusetts.
- The cost to design and build a regional facility to meet the needs of all 4 Towns is currently estimated at \$800,000. Grant monies will reduce that cost to \$600,000 which will be shared by the four Towns.
- Design and Construction cost sharing is being done on per capita basis.
 - Palmer = \$203,994
 - Monson = \$143,837
 - Ware = \$165,883
 - Warren = \$86,286
- All Towns except Ware have voted to approve their share of the design and constructions costs.
- The proposed site is on Town-owned land in Warren.
- The Proposed construction time line starts in April 2020, if all money to support this important effort is approved.

- *Respectfully prepared by the Regional Animal Control Planning Committee – 10/24/19-*



**WARRANT FOR SPECIAL TOWN MEETING
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS**

Hampshire, ss.

To any of the Constables of the Town of Ware, in said County,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C, qualified to vote on Town affairs, to meet at the Ware High School Auditorium, 237 West Street, Ware, on Monday, November 18, 2019 at six thirty in the evening (6:30 P.M.), then and there to act on the following articles:

Article 1 To see if the town will vote to appropriate a sum of money to pay unpaid bills from prior fiscal years, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

**\$1,642.43 Available funds
\$2,178.10 Water reserve
\$2,980.00 Sewer reserve**

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes <u> X </u>	No _____

Article 2 To see if the Town will vote to appropriate a sum of money for amendments to the Fiscal Year 2020 budget, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes <u> X </u>	No _____

\$164,000 Available funds (see attached list)

Article 3 To see if the Town will vote to authorize the Custodian-Trustee/OPEB Fund Board of Trustees of the OPEB Fund established under G.L. c. 32B, § 20 to invest monies in the OPEB Fund under the prudent investor rule established in G.L. c. 203C, or take any other action relative thereto.

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 4 To see if the Town will vote to appropriate a sum of money to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof; or take another action relative thereto.

\$147,660 Free Cash

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 5 To see if the Town will vote to appropriate a sum of money for the Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.

\$49,220 Free Cash

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 6 To see if the Town will vote to appropriate a sum of money for the Capital Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.

\$49,220 Free Cash

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 7 To see if the Town will vote to accept Wildflower Drive and Briar Circle as town streets in accordance with the street layouts attached, or take any other action relative thereto.

Recommended by: Board of Selectmen Yes _____ No _____
 Finance Committee Yes _____ No _____
 Town Manager Yes X No _____ (if ready)

Article 8 To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town of Ware, to acquire by gift the parcel of land on Wildflower Drive known as Assessors Map 55, Parcel 1-28 or take any other action relative thereto.

Recommended by: Board of Selectmen Yes _____ No _____
 Finance Committee Yes _____ No _____
 Town Manager Yes X No _____

Article 9 To see if the Town will amend the layout and extension of Quarry Street, or take any other action relative thereto.

Recommended by: Board of Selectmen Yes _____ No _____
 Finance Committee Yes _____ No _____
 Town Manager Yes X No _____

Article 10 To see if the Town will vote to appropriate a sum of money to be expended for resurfacing and related work on Greenwich Road and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$28,981 from Gravel Escrow account

Recommended by: Board of Selectmen Yes _____ No _____
 Finance Committee Yes _____ No _____
 Town Manager Yes X No _____

Article 11 To see if the Town will authorize the Ware School Committee to enter into a Memorandum of Understanding (attached) with the *Executive Office of Health and Human Services, the Department of Elementary and Secondary Education, and the Department of Children and Families*, in relation to the administration of the transportation costs under the *Every Student Succeeds Act*, to maximize Federal Financial Participation from the Federal Government through the Title IV-E of the Social Security Act, or take any other action relative thereto.

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 12 To see if the town of Ware will vote to appropriate a sum of funds for the replacement and installation of a new fire alarm panel at the Ware Junior Senior High School, and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof or take any other action relative thereto.

\$46,423 from available funds

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 13 To see if the Town will vote to appropriate a sum of funds for a Hazardous Waste collection and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$20,000 from available funds

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 14 To see if the Town will vote to appropriate a sum of funds for software for the Town Clerk's office and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$5600 from available funds

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes _____ No _____ (in part)

Article 15 To see if the Town will vote to appropriate a sum of funds for matching funds for a Firefighter Equipment grant for SCBA units and associated equipment and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

DISMISS

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes _____	No _____

Article 16 To see if the Town will vote to appropriate a sum of funds for the purchase of two life pack units for the Ware Ambulance and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$77,000 from Ambulance Reserve fund

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes <u>X</u>	No _____

Article 17 To see if the town will vote to appropriate a sum of money to fund its share of the construction of a Regional Animal Control Shelter, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

\$166,000 from Free Cash

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes <u>X</u>	No _____

Article 18 To see if the Town will vote to appropriate a sum of funds for the purchase of a vehicle for the Police Department and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$45,000 from Free Cash

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes _____	No _____

Article 19 To see if the Town will vote to appropriate a sum of funds for the purchase of hand guns, shotguns and rifles for the Police Department and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$10,000 from available funds

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 20 To see if the Town will vote to appropriate a sum of funds for the repair of the chimney at the Ware Police Station and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$10,000 from available funds

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 21 To see if the Town will vote to appropriate a sum of funds for the removal and disposal of dead and dangerous trees along the Town's public ways and on Town property and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$40,000 Free Cash

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 22 To see if the Town will vote to appropriate a sum of funds painting and related work to the Grand Hall at Ware Town Hall and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$35,000 Free Cash

Recommended by: Board of Selectmen Yes _____ No _____
Finance Committee Yes _____ No _____
Town Manager Yes X No _____

Article 23

To see if the Town will vote to raise and appropriate a sum of money to redevelop and replace the pump and motor in Barnes Street Well #1, to remove and replace the "in column" check valve in Barnes Street Well #2 and to remove, disassemble, inspect and repair the cause of the vibration in Barnes Street Well #4 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$40,000 Water Enterprise

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes <u> X </u>	No _____

Article 24

To see if the Town will vote to raise and appropriate a sum of money to purchase a water service truck to replace W-3 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

\$33,110 water enterprise, \$5990 available funds

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes <u> X </u>	No _____



TOWN OF WARE POLICE DEPARTMENT

22 NORTH STREET, WARE, MASSACHUSETTS 01082-1004
TEL: (413) 967-3571 FAX: (413) 967-9606



SHAWN CREVIER
CHIEF OF POLICE

TO: Board of Selectmen
FROM: Chief Shawn C. Crevier
RE: Municipal parking lots
DATE: September 30, 2019

I am requesting the board to consider a yearly parking permit for the municipal parking lots. This would cover vehicles parking over nights and for extended period of time (i.e. residents/tenants from apartments in the area). I am suggesting a fee of at least \$30.00 for the year. Regulations would be, vehicle and/or trailer would fit into a single parking space, vehicle MUST be registered and would adhere to the Winter Parking Regulations for moving said vehicle for plowing purposes of Municipal lots. Violations would fall under the \$15.00 fine violation section. With the Pleasant Street parking lot, the board may also consider a cap for the number of permitted vehicles allowed there due to the upcoming dog park. This would not include vehicles parking in municipal lots for daily use/business.

Respectfully,

Chief Shawn C. Crevier
Ware Police Department

WARE PARKING LOT RULES

Residents may purchase parking permits for the year. The cost is \$30.00 per vehicle/trailer for the year.

The rules and regulations listed below address parking between the hours of midnight and 7 a.m. in municipal lots located on Parker Street and Pleasant Street. **There is no overnight parking on town streets from December 1 (or the first plowable snowfall) through March 31.**

1. Residents wishing to park overnight in Municipal lots shall register their vehicle/trailer with the Town Manager's office.

Each vehicle/trailer will receive a municipal parking sticker which must be displayed on the back of the rear view mirror.

Each vehicle/trailer must fit into a single parking space, and must adhere to the Winter Parking Regulations for moving said vehicle/trailer for plowing purposes of Municipal lots.

2. Vehicles/trailers parked overnight in Municipal lots without a sticker will be ticketed and may be towed at the vehicle owner's expense.
3. Vehicles/trailers must be moved from Municipal lots during snow events between 7 a.m. and 10 a.m. Vehicles/trailers in the lots during those hours will be towed at the vehicle owner's expense.
4. All vehicles or trailers shall have an active registration with the MA Registry of Motor Vehicles.
5. Vehicles or trailers shall not be leaking any excess fluids.
6. Vehicles or trailers shall not be left on blocks or other types of stands or any blight issues.
7. Visitors' temporary parking approval can be obtained by contacting the Ware Police Department at 413-967-3571.

8. The Town reserves the right to modify these rules due to public safety needs.

The Town of Ware, via the Ware Police Department, reserves the right to remove/tow (at the vehicle/trailer owner's expense) any vehicle or trailer that fails to comply with the above rules and regulations or for any reason seen fit by the Ware Police Department.

Approved by the Board of Selectmen November 5, 2019.



Director of
Planning & Community Development
126 Main Street
Ware, Massachusetts 01082

t. 413.967.9648 ext. 118

To: Board of Selectmen
From: Rebekah L. DeCoursey, Director of Planning & Community Development
Date: October 21, 2019
RE: Planning Board meeting 10/15/19, Right of First Refusal

At the meeting of the Planning Board on the evening of October 16, 2019 the Board voted 5-0 to *recommend the Board of Selectmen Waive the Right of First Refusal*. This vote included two properties.

1. Identified by Assessor's Parcels ID 43-6-3 on Greenwich Road, this parcel is one of three owned by the same person. Two of the three have been in chapter land for several years. The owner is releasing the parcel with frontage on Greenwich Road to sell as a buildable lot. The largest parcel will remain in chapter land. The third parcel was never put into chapter land.
 - a. If the owner sells this as a buildable lot, there will be increased tax revenue and an added water bill to the town.
2. Identified by Assessor's Parcels ID 10-0-105 and address 313 Palmer Road, this parcel is subject to right of first refusal due to a conversion of use into solar development.
 - a. While this is a large tract of land, it is adjacent a busy roadway and half located in RB district (the other half in RR). This zoning has the opportunity for economic or residential growth along the Route 32 corridor – economic development is something Ware needs. There are other parcels of large forested areas within RR that would be within the Planning Board's interest to consider if/when they come to Right of First Refusal, this relating to wildlife corridors that lead to and from the Quabbin Reservoir.

Mr. Stuart Beckley, Town Manager
Board of Selectmen
Board of Assessors
Planning and Community Development Department
Conservation Commission

Date: Oct. 3, 2019

Ladies and Gentlemen,

This letter is intended to notify all interested parties of my intention to convert part of my property on Greenwich Road from Chapter 61 B, (recreational land) to rural residential zoning. I currently own the adjoining lots 6-3, 5, and 7 on map 43. These lots all border the town line with Hardwick. Lots 6-3 and 7 are currently in Chapter 61 B and have been since prior to my purchase in 2011. It was my original intention to consider building myself a single family home on this property. I have since moved to Vermont and now plan on selling all three lots together.

I have had it on the market for a couple years now without any reasonable offers. I believe it would be much more marketable if part of it is zoned residential, and perhaps perked. My intention is to covert lot 6-3 to rural residential and leave lot 7 in Chapter 61 B.

I realize the town has the right to consider purchasing it at fair market value within 120 days of this notice. I also realize that if the town declines to purchase it, I am required to pay a penalty tax on the converted lot.

Please feel free to contact me with any questions or concerns.

Sincerely,

Bradford Salzmann



1691 Davis Road

South Royalton, VT 05068

802-282-3736

falcon15@earthlink.net



Salzmann property

Ware, MA



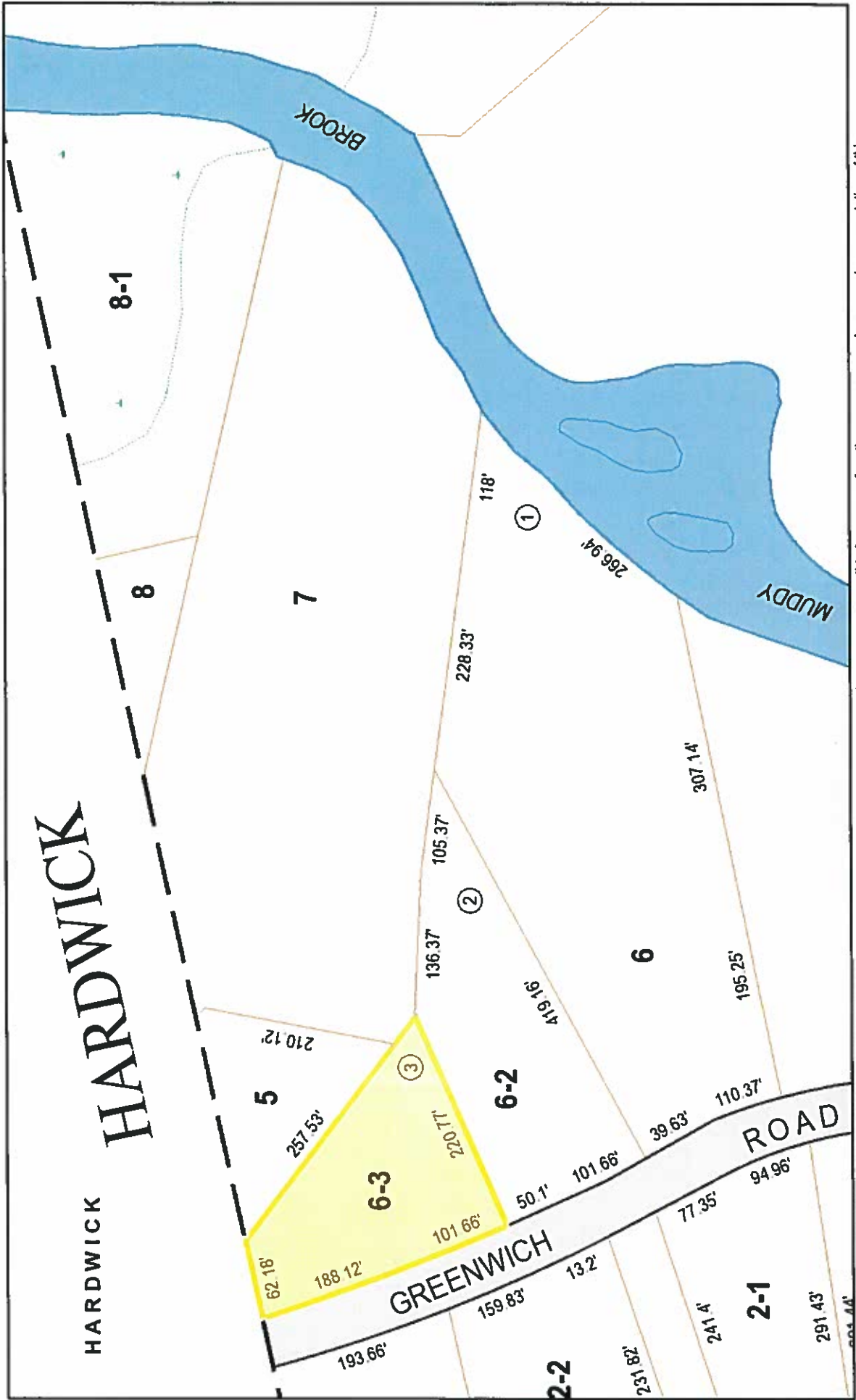
Proprietary Mapping Software

October 10, 2019

1 inch = 139 Feet



www.cai-tech.com



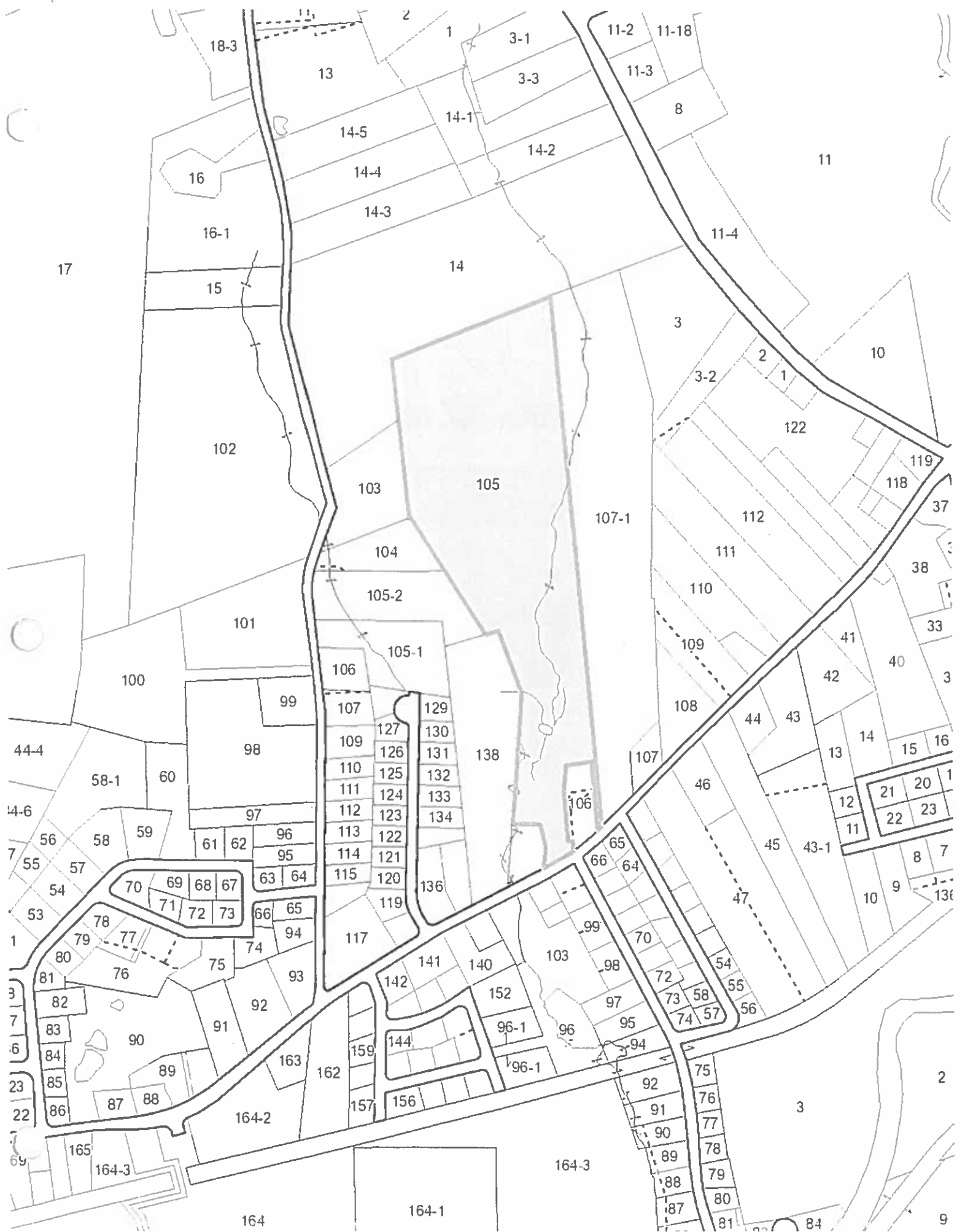
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

313 Palmer Rd Ware MA - Ware Palmer RD Solar LLC

- Signed lease that was recorded June 22, 2017
- Conservation approved project August 2018
- Planning Board approved project September 2018
- Pilot program for Solar project that will pay the Town of Ware \$1.12 Million Dollars over the next twenty years approved at town meeting and signed by all 5 current selectmen on June 18, 2019
- Electrical Permit Fee in the Amount of \$ 56,700.00 paid to the Town of Ware on September 17, 2019
- Building Permit Fee in the amount of \$1,000.00 paid to the Town of Ware on September 17, 2019
- Work commenced at site installing hay bales and silt fencing along property boundaries approximately 5000 feet. Inspected by Building Dept and Conservation Dept.
- Rollback taxes paid on October 15, 2019 to the Town of Ware in the amount of \$802.03 plus a \$6.00 certificate fee totaling \$ 808.03

313 Palmer Rd Ware MA - Ware Palmer RD Solar LLC

- Financing is pending due to title search (release of chapter land on the November 5, 2019 selectmen meeting is crucial) and financing needs to be approved to make the payment to National Grid on November 10, 2019 which is in the amount of \$500,000.00
- Land that is under lease agreement and recorded has a value of \$26,000.00 per acre. In our case the 20 acres is valued at \$520,000.00 this is supported by an independent company that works for municipalities in the commonwealth of Massachusetts . (Regional Resource Group Inc.)
- The town has the first rite or refusal at market value not the assessed value, and the area that is in chapter only, nothing else. In which this case it is a landlocked parcel with no acces.
- This project will generate \$50,000.00 + to the Town of Ware for the next 20 years.
- The General Contractor that will be performing the construction of the site has quite a few employees that live in Ware and that money will then be put back into our local economy.
- During construction approximately 6 months there will be on average 50 workers on site eating at local establishments for breakfast and lunch, gas for there vehicles, fuel for equipment, etc... This project will add dollar revenue for local business over the construction period.
- We as a family live in Ware and own various property and several businesses in Ware. The income that we receive during our lease period will also go back into this local economy.





TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 113 Conservation@TownofWare.com

November 1, 2019

Town of Ware
Board of Selectman
126 Main Street
Ware, Ma 01082

Mr. Chairman Alan Whitney,

The Ware Conservation Commission has reviewed the Notice of Intent to Convert Forest Land at 313 Palmer Rd. The Conservation Commission has no interest in the property in question. It is the opinion of this Commission that if land is to be preserved the areas surrounding the Swift River, Muddy Brook, Flat Brook, and their respective watersheds be prioritized.

Sincerely,

Andrew Choquette

Conservation Administrator

On Behalf of the Ware Conservation Commission

Midura, Mary

From: Benjamin Haigh <benjamin_haigh@yahoo.com>
Sent: Thursday, July 18, 2019 9:03 PM
To: Midura, Mary
Subject: Applying for COA COUNCIL MEMBER

To whom it may concern,

My name is Cheryl Haigh, I am fifty nine years old and have lived in Ware for twenty years. I started going to the Ware senior center about two years ago and I go everyday to use the exercise equipment for my osteoperosis, as well as to socialize with the many friends I have met there.

I eat lunch daily, attend tai chi classes, and recently I attended the July C.O.A meeting. I found it very informative and interesting and would very much like be a C.O.A member. I think the Ware senior center is a great place and I feel I could help to keep it that way for years to come.

Thank you,

Cheryl Haigh,
79 Greenwich R.D Ware, Ma
Phone number: (413)-967-5102

NEXT
COA

SEPT 17



1 Robbins Road
Ware, MA 01082
413-967-9645

October 15, 2019

Ware Council on Aging

Janet Ciejska
Chairperson

Julianne Cappe
Vice-Chairperson

Carol Brundige
Secretary

Carl Waal

Cindy Wloch

John L. Zienowicz
Executive Director

Board of Selectmen
Town of Ware
126 Main Street
Ware, MA 01082

To the Honorable Board of Selectmen:

The Ware Council on Aging had completed interviews with Cheryl Haigh an applicant for a vacant position on the COA on September 17th 2019. Cindy Wloch was on vacation and Carl Waal was not present when the group interview took place so their interviews with Cheryl Haigh were conducted one on one at a later date.

At the October 15th 2019 Council on Aging meeting a roll call vote was conducted and the consensus of the Council was to not recommend Cheryl Haigh for appointment at this time by a margin of 4-1. Carl Waal was not present.

Thank you for your consideration in this matter,



John L. Zienowicz
Executive Director



Midura, Mary

From: Healey, Mary <mhealey@massmutual.com>
Sent: Wednesday, October 30, 2019 1:29 PM
To: Midura, Mary
Cc: 'danandmaryhealey@comcast.net'
Subject: Letters of support for Ware Cultural Council appointments
Attachments: WCC - Palladino.docx; WCC - Brundige.docx

Hi Mary – Thank you for your help with getting these two letters of support in for the Board on the next meeting, November 5th.

Per our discussion, Elena's term expires 11/30/2019, so she should be reappointed 12/1/2019, and her three year term will expire 11/30/2022. Her dates in her letter do not coincide, but I have checked her dates and the ones I have listed above would be correct.

Carol's term will also start on 12/1/2019 and her three year term will expire 11/30/2022.

Let me know if you have any questions, you can call my cell if we need to speak 413-668-4767.

Mary Healey
Admin. Asst. | MMFA Field Management

T: 413-744-3175

MassMutual
1295 State Street, C200, Springfield, MA 01111

[MassMutual.com](#) | [RetireSmart](#) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

Massachusetts Mutual Life Insurance Company (MassMutual), Springfield, MA 01111-0001,
and its affiliated US insurance companies.

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October 21, 2019

Board of Selectmen
Town of Ware
126 Main Street
Ware, MA 01082

Dear Board of Selectmen:

I am writing to request my re-appointment as a member of the Ware Cultural Council. I would like to serve for a second term of three more years beginning on January 15, 2020 and ending on January 14, 2023. I have discussed the reappointment with both co-chairs of the council, Aileen O'Regan and Mary Healey and they are pleased that I will continue to serve.

Please let me know what steps I need to take to finalize my re-appointment.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elena', with a stylized flourish at the end.

Elena Palladino
21 Highland Street
Ware, Mass.

WARE CULTURAL COUNCIL , PO Box 1432, Ware, MA 01082

wareculturalcouncil@yahoo.com

October 30, 2019

Board of Selectmen
Town of Ware
125 Main Street
Ware, MA 01082

Dear Board of Selectman

I am writing in support of the nomination for reappointment of Elena Palladino of 21 Highland Street, Ware, MA, to the Ware Cultural Council. Elena has been a very valued member of the Cultural Council, and we are so happy she is interested in serving a second three-year term. We would be pleased to extend her membership on our Board beginning on December 1, 2019, through November 30, 2022.

Elena has written a letter to the board expressing her desire to be reappointed, and we want you to know of our support to have her reappointed.

Thank you for your consideration and support.

Sincerely,

A handwritten signature in black ink that reads "Mary Healey". The script is cursive and fluid.

Mary Healey, Chairperson

Oct. 21, 2019

Board of Selectmen
Town of Ware
126 Main St., Ware, Ma 01082

Dear Board of Selectmen:

I am writing to express my interest in becoming a member of the Ware Cultural Council. I have spoken to Mary Healey, Co-Chair on the local Council. We discussed the issues and responsibilities of membership and would like to be considered for an appointment.

I am a retired teacher and starting my fourth year as Secretary on the Council on Aging and a member of the Board of Directors at WestMass Elder Care.

I have lived in Ware for forty-two years and I support the Arts in our community, and I would be an active contributing member.

Thank you for consideration.

Sincerely,
Carol A. Brundige
33 West. Street
Ware, Ma. 01082
967-6383

Cheerios43@comcast.net

WARE CULTURAL COUNCIL , PO Box 1432, Ware, MA 01082

wareculturalcouncil@yahoo.com

October 30, 2019

Board of Selectmen
Town of Ware
125 Main Street
Ware, MA 01082

Dear Board of Selectman

I am writing in support of the nomination of Carol Brundige to the Ware Cultural Council. Carol is a long time resident of Ware, is also involved in the Ware Council of Aging and a member of the Board of Directors at West Mass Elder Care. We would be pleased to have her serve as a member of our Board beginning on December 1, 2019, through November 30, 2022.

Carol has expressed her interest in serving on the committee, and we are eager for your board to vote on her appointment at your next meeting.

Thank you for your consideration and support.

Sincerely,


Mary Healey, Chairperson



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 118 f. 413.967.9642
rdecourcey@townofware.com

To: Board of Selectmen
From: Rebekah L. DeCoursey, *Director of Planning and Community Development*
Date: October 24, 2019
RE: G&G Medical STA Agreement

At the TIF Committee meeting of October 17, 2019 a 4-0 vote was taken to dismiss G&G Medical Products, LLC's Special Tax Assessment (STA) Agreement with the Town of Ware. The TIF Committee requests that the Board of Selectmen notify G&G Medical of their failure to meet the obligations of the STA Agreement.

G&G Medical has not met the following obligations of the STA Agreement:

- G&G will have made real estate and business improvements at a cost of approximately \$400,000 to the PROPERTY by the end of 2021, to include at minimum the replacement of windows, façade improvements to enhance the appearance of the building, particularly where old window openings have been closed in with cement blocks, repairs to the roof, and begin removal of the deteriorated structures on the PROPERTY. This shall include, in cumulative totals, not less than \$150,000 by the end of 2016, not less than \$200,000 by the end of 2017, not less than \$250,000 by the end of 2018, not less than \$300,000 by the end of 2019, not less than \$350,000 by the end of 2020, and not less than \$400,000 by the end of 2021.
 - No demolition has occurred.
- G&G will create a total of **seventy-one (71)** new full time equivalent (FTE) jobs at this PROPERTY over the life of this Agreement. The agreed-upon job creation schedule is as follows: 6 jobs in 2015, 10 jobs in 2016, 15 jobs in 2017, and 20 jobs in each of 2018 and 2019.
 - G&G Medical has only three employees at the Ware location.
- G&G agrees to continuously operate a business at this PROPERTY in Ware and to maintain a minimum work force equal to 6 FTE employees in 2015, 16 FTE employees in 2016, 31 FTE employees in 2017, 51 FTE employees in 2018, 71 FTE employees in 2019, and furthermore maintaining a minimum of 71 FTE employees from 2020 until this Special Tax Assessment (STA) is no longer in effect.
 - G&G Medical has only three employees at the Ware location.

As stated in the STA Agreement, if G&G fails to meet the obligations, the Town, acting through its Board of Selectmen, may take action to request decertification of the project by the EACC.

The TIF Committee hereby requests the Board of Selectmen take action to begin decertification process of the STA Agreement G&G Medical Products, LLC's Special Tax Assessment Agreement with the Town of Ware. The follow is outlined in the STA agreement:

- Prior to taking any action to request such decertification, the Town shall give written notice of the alleged default to G&G and an opportunity to meet with Town officials to discuss a cure for the alleged default. G&G shall have 30 days to respond to the Town regarding any alleged default, and 120 days to remedy such default (creation of jobs and removal of deteriorated structures).
- If the project is decertified, the Town shall discontinue the STA benefits, commencing with the first fiscal year in which the project is decertified, or if such benefits have already been received by G&G for the fiscal year in which the project has been decertified, then commencing the following fiscal year.

Upon a vote taken and passed at Town Meeting, the EACC will be notified in writing that G&G failed to meet the obligations, referencing all related votes related to decertifying the project. There is no other action needed at the state level.

If you have any questions, please reach out to the Planning & Community Development Department.

Attached: (1) STA Agreement – Town of Ware & G&G Medical Products, LLC
(2) TIF Committee Minutes October 17, 2019

Cc: file
Town Manager
Board of Assessors
Building Department

Special Tax Assessment Agreement

between

Town of Ware, Massachusetts

and

G&G Medical Products, LLC

This Agreement is made this 19th day of November 2015, by and between the TOWN OF WARE, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at Town Hall, 126 Main Street, Ware, Massachusetts, 01082, acting through its Board of Selectmen, (hereinafter called "the TOWN") and, G&G Medical Products, LLC with its principal place of business at 6 East Main Street, Ware MA 01082, acting through its President, Bruno A. Basile, (hereinafter called "G&G").

WHEREAS, G&G owns certain real estate located at 6 East Main Street, a.k.a. parcel 57-0-112 on the Assessor's Tax Map, 2015 (hereinafter referred to as "the PROPERTY"), and G&G will improve the PROPERTY and wishes to obtain certain exemptions from property taxation from the TOWN on the investment in the PROPERTY in order to benefit G&G; and

WHEREAS, G&G intends to expand and maintain its operations at the PROPERTY; and

WHEREAS, the TOWN is willing to grant said exemption from property taxes in return for a guarantee of capital investment in the PROPERTY by G&G and providing employment opportunities for workers within the Ware River Valley Regional Economic Target Area by G&G;

NOW, THEREFORE, in consideration of mutual promises contained herein, the parties do mutually agree as follows:

G&G's OBLIGATIONS:

1. G&G will have made real estate and business improvements at a cost of approximately \$400,000 to the PROPERTY by the end of 2021, to include at minimum the replacement of windows, façade improvements to enhance the appearance of the building, particularly where old window openings have been closed in with cement blocks, repairs to the roof, and begin removal of the deteriorated structures on the PROPERTY. This shall include, in cumulative totals, not less than \$150,000 by the end of 2016, not less than \$200,000 by the end of 2017, not less than \$250,000 by the end of 2018, not less than \$300,000 by the end of 2019, not less than \$350,000 by the end of 2020, and not less than \$400,000 by the end of 2021.

-
2. G&G shall maintain its operation, i.e. manufacture of disposable absorbent products for the health care industry at the PROPERTY for at least a ten year term from the date of execution of this Agreement.
 3. G&G, its successors, and assigns agree that any benefits received from the TOWN as tax exemptions under this Agreement shall benefit G&G, who will use all of said benefit to improve the PROPERTY, and to establish and maintain the manufacturing lines.
 4. G&G will create a total of seventy-one (71) new full time equivalent (FTE) jobs at this PROPERTY over the life of this Agreement. The agreed-upon job creation schedule is as follows: 6 jobs in 2015, 10 jobs in 2016, 15 jobs in 2017, and 20 jobs in each of 2018 and 2019.
 5. G&G agrees to continuously operate a business at this PROPERTY in Ware and to maintain a minimum work force equal to 6 FTE employees in 2015, 16 FTE employees in 2016, 31 FTE employees in 2017, 51 FTE employees in 2018, 71 FTE employees in 2019, and furthermore maintaining a minimum of 71 FTE employees from 2020 until this Special Tax Assessment (STA) is no longer in effect.
 6. G&G shall make reasonable efforts to hire qualified residents of the Ware River Valley Regional ETA for any employment opportunities which become available during the period of this Agreement.
 7. G&G shall further adopt as its policy to cooperate with the Franklin Hampshire Regional Employment Board, the Executive Office of Labor and Workforce Development of the Commonwealth of Massachusetts, Pathfinder Vocational Technical High School, Ware High School and other available resources within the eight Towns of the Ware River Valley Regional ETA to train and recruit residents of Ware, Palmer, Monson, West Brookfield, Hardwick, North Brookfield, Belchertown, and Warren, whenever feasible.
 8. G&G shall make all good faith efforts to use contractors from the Ware River Valley Regional ETA for any renovations or construction on the PROPERTY, and to use local contractors which have registered apprenticeship programs with the State to encourage the training of a skilled workforce.
 9. G&G shall cooperate with monitoring requirements by supplying information on job creation and investment on an annual basis as requested by the TOWN, the Ware River Valley Regional ETA, or the Economic Assistance Coordinating Council (EACC).
 10. If G&G fails to meet the obligations specified in paragraphs 1 through 9 above, the TOWN, acting through its Board of Selectmen, make take action to request decertification of the project by the EACC. Prior to taking any action to request such decertification, the TOWN shall give written notice of the alleged default to G&G and an opportunity to meet with Town officials to

discuss a cure for the alleged default. G&G shall have 30 days to respond to the TOWN regarding any alleged default, and 120 days to remedy such default. If the project is decertified, the TOWN shall discontinue the Special Tax Assessment benefits, commencing with the first fiscal year in which the project is decertified, or if such benefits have already been received by G&G for the fiscal year in which the project has been decertified, then commencing the following fiscal year.

11. If G&G decides to sell its business, or to discontinue the operation thereof, G&G shall give the TOWN at least three months' notice of said termination, change, sale, transfer, or discontinuation. Said notice shall be given by certified mail, return receipt requested, to the Board of Selectmen, Town Hall, 126 Main Street, Ware, MA 01082.

TOWN'S OBLIGATIONS:

1. The TOWN shall grant a Special Tax Assessment to G&G in accordance with Massachusetts General Laws, Chapter 23A, Sections 3E-3F, Chapter 40, Section 59, and Chapter 59, Section 5. Said exemption shall be granted on the full assessed value of the PROPERTY and all improvements made to same, and shall be based upon the assessed value of the real property for each year in which the exemption applies.
2. Said exemption shall commence beginning in the Fiscal Year (FY) 2017 and shall be valid for a period of ten (10) years. The amount of the exemption shall be as follows:
 - a. FY 2017 through FY 2021: 100% exemption in each year;
 - b. FY 2022: 90% exemption;
 - c. FY 2023: 75% exemption;
 - d. FY 2024: 50% exemption;
 - e. FY 2025: 25% exemption; and
 - f. FY 2026: 0% exemption (100% of taxes are payable, exemption is terminated).

ADDITIONAL PROVISIONS:

1. This Agreement shall be binding upon G&G Medical Products, LLC, their successors and assigns.
2. The matters described above as obligations of G&G are only conditions to the eligibility for tax exemptions under this Agreement, and do not create any enforceable obligations or covenants of G&G. The TOWN's sole remedy for failure by G&G to satisfy any of its respective obligations and conditions are set forth in Paragraph 10 of the G&G's Obligations section of this Agreement.
3. This Agreement is subject to MGL Chapter 23A, Section 3A-3F inclusive, MGL Chapter 40, Section 59.

4. Should any provision of the Agreement be declared or be determined by a Court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term, or provision shall be deemed not to be a part of the Agreement.
5. The time within which the Company shall be required to perform any of its respective acts of obligations under this Agreement shall be extended to the extent that the performance of such obligations shall be delayed by a Force Majeure Event, which means acts of God, earthquakes, fire, acts of terrorism, war, labor disputes, delays or restrictions by government bodies, or any other cause beyond the reasonable control of G&G.

Executed as a sealed instrument on the day and year first above written.

TOWN OF WARE, MA

G&G MEDICAL PRODUCTS, LLC



Nancy J. Talbot, Chair
Ware Board of Selectmen



Bruno A. Basile, President

Nov 19, 2015

Date of Signature

Nov 19, 2015

Date of Signature



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 186 pcd@townofware.com

Tax Increment Financing (TIF) Committee

Meeting Minutes from Thursday, October 17, 2019
Board of Selectmen Meeting Room

TIF Committee members present: Denis Ouimette (Chair), Paul Opalinski, Gerald Fountain, Rebekah DeCoursey

TIF Committee members absent: Alan Whitney

Public: Anna Marques, Building Official

The Chairman opened the meeting at 6:30 pm and said the Pledge of Allegiance.

1. Approval of Minutes

Board members reviewed the minutes as presented. Motion by P. Opalinski to approve the minutes from July 18, 2019. Seconded by D. Ouimette. Vote 4-0.

2. G&G Medical STA Agreement

Farouk Gafoor, owner of G&G Medical, was unable to attend the meeting. Palmer Dinkle is no longer with the company as of September 29, 2019.

Update of Project / Demolition Plan

The intent of the project was to rehab the site and to create jobs, creating approximately fifteen jobs per year – a total of up to 70 new jobs. The Chairman summarized the following: the first year, Mr. Gafoor stated the commitment was too high and revised the employment rate to five jobs per year. In the second year, only three employees were hired for the year. G&G has not created the jobs as required by the STA agreement with the Town of Ware.

R. DeCoursey stated that on her last visit to the building, she was told it was the administrative secretary and one other person working in the building. As discussed at the last TIF meeting, Mr. Gafoor hoped the company would be in manufacturing contract with Proctor & Gamble within 60 days of the meeting. The Committee gave G&G 90 days to see if they were awarded this contract and scheduled this follow up meeting. To date, there have been no updates from the project, no confirmation of contract awarded, and no demolition permits have been pulled or discussed with the Building Department. R. DeCoursey had a

[Continued to next page]

phone conversation in September with Mr. Gafoor in which she was told G& G was under the assumption the Town was holding up the demolition permit – as was discussed at the last TIF meeting, this statement is inaccurate. She corrected Mr. Gafoor at that time. She also mentioned the demolition when she visited the building and talked to the assistant the week prior to this meeting and suggested someone to go speak to the Building Department to start the demolition process.

D. Ouimette made a motion to dismiss the STA agreement between the Town of Ware and G&G Medical and recommend to the Board of Selectman to decertify the STA Agreement. P. Opalinski second. Discussion: Regarding G&G not holding up their side of the STA Agreement, G&G Medical has thirty (30) days to respond to the Boards report of default. Then have one-hundred-twenty (120) days to remedy to problem. No annual report was submitted in 2018. The 2019 report is due soon. End of discussion, all in favor, voted 4-0.

3. Old/New Business

The other STA Agreement the Town currently has on file is that South Street senior living project is moving along ahead of schedule. The STA starts next fiscal year (July 2020). The following is the example of percentage over the course of the five years:

1st year = 100% exemption 2nd year = 80% 3rd year = 60%

The Board of Assessors will evaluate the building as soon as they are notified that the building is complete. The project is aimed to be done by May or June next year; they are on track for the next fiscal year.

A. Marques will move forward with the demolition notice for G&G Medical through the Building Department.

Adjourn

Chairman made a motion to adjourn, P. Opalinski second, no discussion, all in favor.

Adjourned at 6:44pm.

Minutes from October 17, 2019

Respectfully Submitted by,

Rebekah DeCoursey,
Director of Planning & Community Development

Minutes Approved on: _____

DeCoursey _____

Fountain _____

Ouimette _____

Opalinski _____

Whitney _____

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Shawn C Crevier
Title or Position:	Chief of Police
Municipal Agency:	Ware Police Dept.
Agency Address:	22 North St Ware MA 01082
Office Phone:	413 967-3571
Office E-mail:	crcsh@townofware.com
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. My son, Jacob Crevier is in the hiring process for Ft Ware Police Officer.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. I will stay out of the hiring process.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input checked="" type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it.
Employee signature:	<i>Shawn C. Grant</i>
Date:	12-24-19

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	BOARD OF SELECTMEN - CHAIRMAN ALAN G. WHITNEY
Title or Position:	CHAIRMAN, BOARD OF SELECTMEN
Agency/Department:	TOWN OF WARE, MA
Agency Address:	TOWN OF WARE 126 MAIN STREET WARE, MA 01082
Office Phone:	413-967-9648, EXT. 100
Office E-mail	SBECKLEY@TOWN OF WARE.COM
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

INSTRUCTIONS FOR DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE UNDER G.L. c. 268A, § 19

FINANCIAL INTEREST IN A PARTICULAR MATTER

WHEN TO USE THE § 19 DISCLOSURE FORM

You are an appointed or non-elected municipal employee, as defined by G.L. c. 268A, § 1(g). Your duties as a municipal employee include participating in a particular matter. You may not participate in the matter because one or more of the following individuals or entities listed below has a financial interest in the matter:

- You;
- Your immediate family member (you and your spouse, and each of your parents, children, brothers and sisters);
- Your business partner;
- A business organization for which you are serving as an officer, director, trustee, partner or employee;
- A person or organization with whom you are negotiating or have made an arrangement about prospective employment..

You may file a § 19 Disclosure with your appointing authority describing the particular matter, your responsibilities in relation to it, and the financial interest that is preventing you from participating.

Your appointing authority has discretion to make a written § 19 Determination that the financial interest you have identified is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from you as its employee. You may not participate in the particular matter unless your appointing authority files a written Determination allowing you to do so.

If you choose not to seek authorization to participate, and do not file a § 19 disclosure, you may need to inform your appointing authority or agency that you will not perform your duties as you usually would.

PARTICIPATION IN A PARTICULAR MATTER

In a § 19 disclosure, you must explain in what way you participate in a particular matter.

A particular matter is any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination or finding.

You are expected to participate through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Explain in what way you are required to participate – e.g., reviewing a proposal, approving an application, deciding about a grant; making a recommendation about a budget, providing advice about a case, conducting an investigation, performing a task or taking an action – in relation to the particular matter.

FINANCIAL INTEREST

In the disclosure, you must explain the financial interest that prevents you from participating in a particular matter. You should include the dollar amount of the financial interest, if known.

A financial interest must be direct and immediate or reasonably foreseeable (and not remote, speculative or not sufficiently identifiable), and may be large or small, positive or negative – a gain or loss, a benefit or an obligation.

For example, a financial interest exists when the outcome of a particular matter may:

- Cause or prevent a financial gain or loss;
- Create or eliminate a financial opportunity;

- Determine who will make decisions affecting your or an immediate family member's wages, hours or working conditions as a municipal employee.

Abutters and Owners of Nearby Property: The following people are presumed to have a financial interest in a particular matter regarding real estate:

- An abutter;
- An abutter to an abutter within 300 feet of the property line;
- A person who may suffer an injury in fact which is different in kind or magnitude from that suffered by members of the general public.

Competitors: Your business interest will have a financial interest if the outcome of a particular matter would affect the financial interests of a competitor in a way that would likely decrease or increase your business or the business of your immediate family, your partner, or your private employer.

FILING THE § 19 DISCLOSURE AND DETERMINATION

For the municipal employee

Sign your completed Disclosure and submit it to your appointing authority.

For the appointing authority

You have received a § 19 Disclosure from a municipal employee who may not participate in a matter because of a financial interest in the matter. **You may make a written Determination** that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. **You also may decide not to make this Determination.** If you make such a Determination, you should provide a copy to the employee. Keep a copy of the § 19 Disclosure as a public record.

If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at requestadvice@massmail.state.ma.us.

Christopher, Hays, Wojcik & Mavricos, LLP

DAVID A. WOJCICK
JOHN A. MAVRICOS
STUART A. HAMMER
ARTHUR J. GIACOMARRA
DONALD C. KEAVANY, JR.
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Of Counsel
CHRISTOPHER CHRISTOPHER

WILLIAM W. HAYS - Retired
WILLIAM C. PERRIN, JR. 1947-1997

October 11, 2019

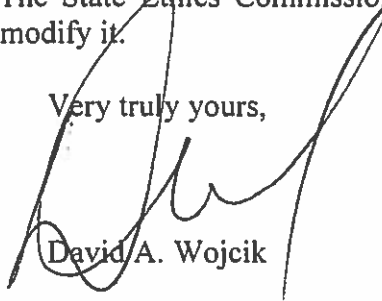
Mrs. Nancy Talbot
Ware Town Clerk' Office
126 Main Street
Ware, MA 01082

RE: Conflict of Interest Opinion – Chief of Police

Dear Mrs. Talbot:

Pursuant to the provisions of G.L. c.268A §22, I am filing the original conflict of interest opinion letter dated October 11, 2019 with respect to the Chief of Police, Shawn Crevier, with you, the Ware Town Clerk, and pursuant to 930 CMR §1.03(3), I am sending a copy of this letter to Chief Crevier and a copy to the Massachusetts State Ethics Commission. The State Ethics Commission has thirty (30) days from receipt of this opinion to approve, disapprove or modify it.

Very truly yours,



David A. Wojcik

DAW/gw
Enclosure

cc: Eve Slattery, General Counsel, Mass. State Ethics Commission
Shawn Crevier, Chief of Police

Christopher, Hays, Wojcik & Mavricos, LLP

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Of Counsel
CHRISTOPHER CHRISTOPHER

WILLIAM W. HAYS - Retired
WILLIAM C. PERRIN, JR. 1947-1997

October 11, 2019

Mr. Shawn C. Crevier
270 Malboeuf Road
Ware, MA 01082

Re: Conflict of Interest Opinion

Dear Chief Crevier:

This letter is in response to your inquiry of September 30, 2019 seeking an opinion from Town Counsel pursuant to G.L. c. 268A, § 22. You are the Chief of Police for the Town of Ware and serve by appointment of the Selectmen pursuant to G.L. c. 41, § 97A, the so-called "Strong" Chief of Police statute. Pursuant to that statute, the Board of Selectmen appointed you the Chief of Police and the Board of Selectmen also has the responsibility for appointing other officers and fixing their compensation subject to the amount appropriated by Town meeting. Police officers in the Ware Police Department are subject to Chapter 31, the Civil Service Law and are represented by a union. As Chief of Police, you make regulations governing the police department and the police officers, subject to approval of the Board of Selectmen and you have immediate control of all town property used by the police department and of the police officers whom you assign their specific duties and who shall obey your orders. It is my understanding that the police department is presently in the process of hiring two new police officers from the Massachusetts Civil Service List. Your son, Jacob Crevier, is one the candidates for those positions. It is my understanding that you have stayed out of this hiring process thus far and that the Board of Selectmen has agreed to allow the Palmer Police Department to handle the initial phases of the hiring process and that the Town Manager has been coordinating this with the Palmer Chief of Police. Hiring will be done by the Board of Selectmen. If your son is hired, he will be under your control and supervision as Chief of Police.

You have prudently recognized that the facts set forth above raise issues under the Massachusetts Conflict of Interest statute, G.L. c. 268A. You have asked for an opinion in that regard. Any action on your part with respect to an eligibility list or hiring concerning your son would be in violation of G.L. c. 268A, § 19. See Sciuto v. Lawrence, 389 Mass. 939 (1983). Since you have taken yourself completely out of the hiring process, I do not believe that you have a conflict of interest issue in that regard. The initial vetting of the candidates will be done by the Palmer Police Department and hiring decisions will be made by the Board of Selectmen all without any input or influence or participation from you. So long as this is the case and you have no involvement with the process, there is no conflict of interest issue with respect to this hiring procedure.

You have also asked for guidance with respect to the conflict of interest issues which will arise if your son is appointed a Ware Police Officer in your department and under your supervision, direction and control. This would also be in violation of G.L. c. 268A, § 19. However, G.L. c. 268A, § 19(b) provides that a violation of Section 19 is avoided if the municipal official (you) first advises the officials responsible for his appointment (in your case, the Board of Selectmen) of the nature, and circumstances of the conflict and if the Board of Selectmen provides a written determination "that the interest is not so substantial as to be deemed likely to affect the integrity of the services" which the Town can expect from you as Chief of Police. In the event that your son is appointed a police officer or other employee of the police department, you are prohibited from taking any actions with respect to your son in your capacity as Chief of Police until, and unless you file a disclosure of financial interest pursuant to G.L. c. 268A, § 19(b) with the Board of Selectmen and the Board of Selectmen makes a written determination that your financial interest in supervision your son is not so substantial as to be deemed likely to affect the integrity of the services which the Town expects from you. The written disclosure should clearly disclose your supervision and assignment of your son's duties as a police officer. I understand that all aspects of police officer compensation are determined by collective bargaining between the Police Union and Board of Selectmen. You must avoid any input or involvement in that unless that also is set forth in your disclosure and the Board of Selectmen makes the required determination in that regard. This determination is in the discretion of the Board of Selectmen. Copies of both your written disclosure and the Board of Selectmen's written determination should be kept by you and by the Board of Selectmen and the Town Clerk as public records. To reiterate, in the event your son is appointed a Ware Police Officer, you may not take any action with respect to him in your capacity as Chief of Police until and unless the required disclosure is filed with the Board of Selectmen and the Board of Selectmen makes the required determination in writing. For your convenience, I have attached to this letter the instructions for the G.L. c. 268A, § 19 disclosure form, as well as a copy of the form which you must complete and file with the Board of Selectmen in writing. You may provide the Board of Selectmen a copy of this letter when you file the disclosure.

Pursuant to the provisions of G.L. c. 268A, G.L. c. 268A, § 22, I am filing the original of this letter with the Ware Town Clerk, and pursuant to 930 CMR § 1.03(3), I am sending a copy of this letter to you, the Ware Chief of Police, and to the State Ethics Commission. The State Ethics Commission has thirty (30) days from receipt of this opinion to approve, disapprove or modify it. Therefore, you should not rely on this opinion until we hear from the State Ethics Commission or the thirty (30) day period has expired. If you have any further questions, please do not hesitate to contact me.

Very truly yours,



David A. Wojcik

DAW/gw
Enclosure

cc: Eve Slattery, Esq., Massachusetts State Ethics Commission
Nancy Talbot, Ware Town Clerk



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Maria J. Krokidas
Chair

David A. Wilson
Executive Director

October 22, 2019

David A. Wojcik
Christopher, Hays, Wojcik & Mavricos, LLP
446 Main St.
Worcester, MA 01082

Re: Shawn C. Crevier
Chief of Police, Town of Ware

Dear Mr. Wojcik:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Shawn Crevier dated October 11, 2019. I concur with the conclusion regarding the conflict of interest law, G.L. c. 268A, contained in your opinion. If Chief Crevier's son is appointed a Ware Police Officer, in addition to the day to day supervision and any involvement with a collective bargaining agreement where the financial interest of his son will be impacted, which you have noted, Chief Crevier will also need to disclose in a § 19 disclosure and receive authorization from the Board of Selectmen before he has any significant involvement in his son's reappointment, promotion, reclassification, demotion, firing, job performance evaluation, or granting or refusing step increases.

If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

Eve Slattery
General Counsel

cc: Shawn Crevier
Nancy Talbot, Ware Town Clerk



BOARD OF SELECTMEN 2020 MEETING DATES

January 7 and 21, 2020

February 4 and 18, 2020

March 3 and 17, 2020

Town Election April 6, 2020

April 7 and 21, 2020

May 5 and 19, 2020

June 2 and 16, 2020

July 7 and 21, 2020

August 4 and 18, 2020

September 1 and 15, 2020

October 6 and 20, 2020

National Election November 3, 2020

November 10 and 24, 2020

December 8 and 22, 2020



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Thomas Last Name: Coulombe

Address: 116 Church St

City: Ware State: MA Zip Code: 01082

Phone Number: 4135314250 Ext.

Email: warefdx1@comcast.net

Organization or Media Affiliation (if any):

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/ Board of Selectmen
town, county or region, if applicable):

Specific person(s), if any, you allege John Carroll, Alan Whitney, Keith Kruckas, Tracy Opalinski
committed the violation:

Date of alleged violation: 9/24/19, 10/15/19

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

An agenda item, appointment of Interim Fire Chief, was added to the agenda of the Board of Selectmen meeting of 9/24/2019 the very morning of the same date. The reason for the late addition was purported to be due to emergency requirements; however the Town Manager has since confirmed the emergent reasons were unfounded and thus no such emergency addition to the agenda was warranted. According to the Open Meeting Law, agenda items must be posted with the agenda at least 48 hours prior to said meeting. While under an emergency last minute agenda items may be undertaken, there was no such emergency declared, nor were there circumstances representing an emergent requirement for the agenda item to be undertaken at the time of the addition. Lastly, at its open meeting of 9/3/19, the Board deferred this action to its 9/17/19 meeting; further demonstrating its understanding that this was not of emergent nature.

On 9/24/19 and 10/15/19 the BOS entered into E-Session for the purpose MGL CH30A, sec21A(3) "To discuss litigation strategy with respect to clearly and imminently threatened and/or Demonstrably Likely Litigation by Fire Chief Thomas Coulombe". I have never met with the BOS or its council, have never filed any litigation nor have I ever threatened to file litigation. I have email evidence gained via FOIA records release the Board is using my attorney's reminder to consider all correspondence, mail, email, text messaging to be on litigation hold as their rationale for continued ESession reasons (only stated as Litigation without detail until 9/24 and 10/15/19 when this additional language was added.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

This BOS continues to violate the OML by entering into ESessions for reason of "Litigation" specifically to discuss me. I filed an OML 9/24/19 re the ESession on 9/24/19 and am now filing again for 10/15/19. This Board should be sanctioned and fined for their blatant disregard for the OML.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: 10-17-19

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Describe the alleged violation that the complainant is alleging and explain the alleged violation in detail. List the reasons supporting your decision.

The agenda item appointment of interim Fire Chief was added to the agenda of the Board of Education meeting of 9/24/2019 the very morning of the same date. The reason for the late addition was reported to be due to emergency equipment replacement; however the Town Manager has since confirmed the emergency reasons were unfounded and that no such emergency situation to the agenda was warranted. According to the Open Meeting Law agenda items must be posted with the agenda at least 48 hours prior to the meeting. While under an emergency five minute agenda items may be introduced there was no notice given on how new agenda items are presented or if they can be introduced without a prearranged relationship with the emergency declared nor were there circumstances represented in the agenda report that would justify an agenda item to be understood as the time it was added. In addition, according to 87A-26 the Board delayed this action to its 9/24/2019 meeting further demonstrating its understanding that this was not of emergency nature.

litigation without detail with 9/24 and 10/13/19 with this additional language was added:
 "messaging to be on litigation held as their national for continued ESSENCIA program (only stated as
 because the Board is using my attorney's number to consider all correspondence with me as a
 my litigation nor have I ever threatened to file litigation. I have small advance given via FOLIO as a
 litigation by Fire Christ Church, Columbia, I have never met with the BOP or its counsel nor have I filed
 lawsuit litigation strategy with intent to sue, and I am currently litigating with United Church of Christ and the
 On 9/12 and 10/13/19 the BOP contacted me in a 2-3 minute call and I told them I was not a lawyer and I was not

not a good idea to monitor a market that isn't active

It should be sanctioned and fined for their false and distorted information.

2016/05/27 14:00

[illegible]

included your name and the name of the entity. The AGO will not publish your contact information. The AGO will publish the following information on its website: As part of the Open Data Initiative, the AGO will publish the following information on its website:

...and the people of the world are not alone in their struggle for freedom and justice. The people of the world are not alone in their struggle for freedom and justice. The people of the world are not alone in their struggle for freedom and justice.

It is important that you provide accurate information. If you have any questions, please contact the Division of Child Government at (202) 455-5280 or by email at dcg@dcgov.gov.

As a result, the program will be able to identify and evaluate the best available technology for each source of pollution, and will be able to identify the best available technology for each source of pollution.

53

2. 2. 1967: 6-11-77
1977: 10-11-77 (1977)

Thomas W. Coulombe

116 Church Street ♦ Ware, MA 01082 ♦ (413) 531-4250 ♦ warefdx1@comcast.net

September 18, 2019

VIA MAIL & E-MAIL: Town of Ware
C/O Mr. Stuart Beckley, Town Manager
Town Hall, Suite J
126 Main Street
Ware, MA 01082

Open Meeting Law Complaint

Dear Mr. Beckley,

As you know, My Attorney notified the Board of Selectmen (BOS) of the Town of Ware on 1/25/19 to consider all electronic communications and messaging to be on litigation hold. I filed FOIA requests through Ware's Public Information Officer, you, 2/27/2019 requesting all emails, cell phone text messages, letters and memos from and between yourself, the BOS as a group and each individual member of the Board and Deputy Chief Edward Wloch.

It wasn't until 9/7/2019 when you delivered to me your own email files, partial response to the above FOIA request, that it became clear through my review of emails that Ware's Board of Selectmen continues to violate the OML.

Consider this to be a formal new complaint that the Town of Ware Board Of Selectmen individually and as an entity violated the Open Meeting Law, M.G.L. c. 30A, §§ 18-25:

- 1) From 7/1/17 up to and including present date; but specifically up to and including through 2/19/19, by failing to include sufficient detail of Exec Session topics, both in the notices and in the meeting verbal announcements prior to entering executive sessions
 - by failing to provide written notice to me, the subject of the Exec session(s).
 - i. With the exception of 12/4/18 and 1/8/19, meeting notices and stated purposes of executive sessions from 7/1/2017 through 2/19/19 were stated as MGL c. 30A, §21(a) #2 Negotiations or #3 Litigation". 12/4/2018 Exec Session reasons included Purpose #1. Neither I nor Brian Coulombe received notice. We received notice of the 1/8/2019 Exec Session that included Purpose #1; however, that meeting with us was rescheduled to 1/29/19 (and ultimately cancelled via consensus decision by emails). 1/29/19 was also cancelled via email consensus. The BOS discussed me at a 2/19/19 Exec Session (no Purpose #1) voting to place me on Administrative Leave.
 - ii. I was never notified prior to any discussions pertaining to me outside of any Board Meeting, by the Town Manager nor was I provided notice of their planned and confirmed discussions in open or Executive Sessions; specifically on 10/11/18, 1/25/19, 2/19/19
- 2) The aforementioned email files of 10/11/18, 10/15/18, 10/16/18, 1/4/19, 1/23/19 through 1/25/19, 2/19/19 illustrate the Board of Selectmen's further violating the OML by

conducting discussions or determining actions outside of formal meetings altogether (through email discussions among all members of the Board via their personal emails, the Town's Labor Attorney and Town Manager), reaching consensus and determining action plans of :

a)conducting an investigation of us b)interviewing potential investigators c) developing and distributing via discoverable unprotected email RFP questions to investigators that included our names, charges that are stated as fact d) reaching consensus regarding executive session discussion of us and later to cancel executive sessions that was to be "for interviews" of us regarding complaints or charges when the Board learned I may be requesting said interview in open session

3)Lastly these email files, illustrate that from 7-18-17 to10-15-18 to 1/22/19 by misrepresenting their intended use of funds authorized by ATM of 5/14/2018, Article 20, "to see if the Town will vote to raise and appropriate a sum of money (\$15,000) for the purchase of conducting one or more departmental financial and operational audits" while never having any intention of conducting an audit and instead proceeding with a planned investigation targeting me and my son, Brian Coulombe.

Two news articles appeared on the Mass Live Website, "*Ware selectmen make numerous emails public in hopes of avoiding Open Meeting Law violations*" dated December 26, 2017, and "*Ware selectmen chairman urges attendance at upcoming Open Meeting Law training*" Dated February 3, 2018. These articles referenced that The Republican reporter, Jim Russell, had filed a FOIA request forcing the Town to release 126 pages of E-mails exchanged between the Board of Selectmen that demonstrated clear violation of the OML. The Board of Selectmen, in the hopes of avoiding an OML complaint, were encouraged by then Board of Selectmen Chair, Nancy Talbot, to participate in formal training of the OML. In fact, the March 6, 2018 scheduled meeting of the Board of Selectmen was cancelled for the members to attend formal OML training. Four of the current members of the board were board members during the time frame involving the E-mail violations (Carroll, Opalinski, Fountain and Whitney); yet the Board, as evidenced by the email files continues to violate the OML with full knowledge of the law. It is obvious via these emails that despite its training, members of the Board (Opalinski, Carroll, Fountain, Whitney and Kruckas) continue to blatantly and willfully disregarding the OML.

This serves as notice that I am formally requesting that the Board of Selectmen address and respond to this complaint.

Sincerely,

Chief Thomas W. Coulombe



Leaves, Branches and Vegetative Debris Drop-off Disposal Days

The Town will be accepting leaves, branches, and vegetative debris from Ware yard and property cleanup. Residents will not be required to get a permit for this drop-off and disposal but the debris must be from Ware properties dropped off by property owners or contractors who have been hired to clean Ware properties. Users should be prepared to provide identification that verifies that they are Ware citizens or working for Ware citizens.

Dates: **Sunday, October 13, 2019**

Saturday, October 19, 2019

Sunday, October 27, 2019

Saturday, November 2, 2019

Sunday, November 10, 2019

← **LAST THIS YEAR!**

Hours: **9:00 a.m. – 2:00 p.m.**

Fee: **none**

Location: **ROBBINS ROAD collection site**

Permits: **Not required**

Rules for Disposal

1. Leaves and yard waste only will be accepted. Absolutely no trash or other items will be accepted.
2. Maximum size of branches is 12 inches in diameter. No exceptions.
3. Residents are limited to two pick up sized trailer loads only per property address.
4. Users must be a Ware resident or contractor hauling for a Ware resident. Positive identification may be required for entrance to the site.