



Board of Selectmen

**Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Minutes – Tuesday, April 16, 2019 at 7:00 p.m.**

Meeting Opened by Chairman Carroll

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, Ware Community TV General Manager Stanley Ciukaj.

Chairman Carroll opened the meeting at 7:00 p.m. There was a moment of silence for Norman Morrisette, Ted Wnek, and Estelle Regin.

Reorganization of Board of Selectmen – Chairman Carroll Tabled the Reorganization.

Opening Remarks, Announcements, and Agenda review by Chair

Selectman Whitney announced the play “Arsenic and Old Lace” by Ware Community Theatre with performances in the Grand Hall on April 26, 27, and 28.

Selectman Opalinski announced that Fireworks will be held June 29, with the Sparkle Run/Walk and Patriotic Breakfast; contact Carol Zins for more information. The Spring Shop Hop by Ware Business and Civic Association will be April 27 with trolley, maps, music, and crafts to support local businesses. Selectman Opalinski wished to thank the Ware Junior Senior High School teachers for their “Greens for Jeans” donation to the lights at the ice rink at Memorial Field. The Townwide Tag Sale is scheduled for June 15th. Also on April 27th, clean up Ware and D & D Fitness Factory 5K.

Selectman Kruckas thanked Boy Scouts Troop 281 for their work cleaning up the park on Monday. He noted the benefit on April 20 for Sean Piechota, tickets are sold out, and thanked all who donated. He asked Mr. Beckley to explain the recount process.

Mr. Beckley noted that required paperwork has been submitted and signatures must be certified by April 18, 2019. The Board of Registrars will meet on April 24, 2019 to schedule the recount date and time. It is likely that the recount will occur on April 29, 2019. Ballots will be hand-counted in the upstairs hall. The Town Clerk has contacted the Ethics Committee and would be allowed to be present, but Mrs. Talbot has chosen to recuse herself as Town Clerk. All four candidates will be allowed to be present.

Consent Agenda

- **Approval of Meeting Minutes of February 19, March 5, March 19, and April 2, 2019**
- **Approval of Special Event Permit: Ware BCA, Spring Shop Hop April 27, 2019**
- **Approval of One-Day Liquor License: D & D Fitness, Lift 4 Life 5K Road Race/Walk, April 27, 2019**
- **Approval of Special Event Permit: Aspen Street Rod & Gun Club, Kids’ Fishing Derby, May 11, 2019**
- **Approval of Special Event Permit: Holy Cross Church, June 9, 2019 Picnic, November 10, 2019 Bazaar**

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.

Scheduled Appearances - none

Old Business

- **Review Draft of Amended Town Snow Policy**

Selectman Kruckas stated he was in favor of allowing employees to make up the time used to begin work later than 8:00 a.m. due to snow. Selectman Opalinski asked if the employee would make up the time that same day. Selectman Whitney asked if there is a clock in/out. Mr. Beckley stated there is no present system, but he could look into a key FOB or timeclock. Resident Cathy Cascio question if the employee could make up the time within the week, or within 5 business days. Selectman Kruckas asked Town Manager Beckley to look into a sign in system through the work computers.

Selectman Whitney made the motion to approve the amended Town Snow Policy with addition of time made up within 5 business days; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

- **Approval of School Building Committee**

Tabled until 2 residents are named to the committee.

New Business

- **Approval of Annual Town Meeting Warrant and Special Town Meeting Warrant**

Mr. Beckley reviewed Articles 1 - 6 of the Special Town Meeting Warrant. Selectman Kruckas asked the progress of the Beaver Brook project; Mr. Beckley noted that MA DOT is in charge and he will reach out to ask.

Selectman Whitney made the motion to approve the articles of the Special Town Meeting Warrant; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

Mr. Beckley explained that Articles 1 -10 of the Annual Town Meeting Warrant address grants, Chapter 90 funds, and salaries of elected officials.

Selectman Whitney made the motion to approve Articles 1 - 10 of the Annual Town Meeting Warrant; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

Mr. Beckley explained that Article 11 addresses Water Enterprise funds, Article 12 addresses Sewer Enterprise funds, Article 13 addresses debt and interest, and Article 14 addresses Employee Compensated Absences Reserve Fund (approximately \$20,000).

Selectman Whitney made the motion to approve Articles 11 - 14 of the Annual Town Meeting Warrant; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

Mr. Beckley explained that Article 15 will amend the Zoning Bylaw to change 4 parcels from Downtown Commercial (DTC) to Mill Yard (MY). Chairman Carroll stated he would vote No because he does not support uses for marijuana.

Selectman Whitney made the motion to approve Article 15 of the Annual Town Meeting Warrant; Selectman Kruckas seconded the motion. The motion passed on a vote of 2 Yes (Selectmen Whitney, Kruckas), 1 No (Selectman Carroll), 1 Abstention (Selectman Opalinski).

Mr. Beckley explained that Article 16 will amend the Zoning Bylaw to allow a self-storage facility by right in Residential Business (RB). This was a Citizens' Petition.

Mr. Beckley explained that Article 17 addresses authorization for the Selectmen to petition the Legislature for a special Act of Legislation exempting Christopher Scott Romani from the maximum age requirement to apply for Civil Service appointment as a Police Officer in the Town of Ware.

Mr. Beckley explained that Article 18 would raise \$2,000 for Care for the Troops. Mr. Beckley explained that Article 19 would allow a creative idea from DPW Director St. George-Sorel to change 1,000 foot pipe from the Water Treatment plant to Pleasant Street. Mr. Beckley explained that Article 20 would appropriate approximately \$8,000 for an over-seeder for the Parks and School Departments.

Selectman Whitney made the motion to approve Article 16 of the Annual Town Meeting Warrant; Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes (Selectmen Carroll, Opalinski, and Whitney), 0 No, 1 Abstention (Selectman Kruckas).

Selectman Whitney made the motion to approve Article 17 - 20 of the Annual Town Meeting Warrant; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

Mr. Beckley explained that Article 21 addresses replacement of water lines for Main Street. Article 22 is for a new police vehicle, to replace another police vehicle. Article 23 will pay for speed control signs for the Police Department. Article 24 will pay for improvements to the Police Department telephone system. Article 25 will pay for a backhoe (\$128,000) or excavator (\$200,000). Article 26 will borrow \$255,000 for a dump truck. Selectman Opalinski asked if this was in the Capital Plan; Mr. Beckley confirmed. Article 27 will purchase a pickup truck (\$44,000) for the DPW.

Article 28 would appropriate \$10,000 for the Ware Dog Park from free cash. Mr. Beckley explained that the project is ready to go and to be bid out, with a \$165,000 grant. Selectman Kruckas questioned if there would be need to use town equipment or if this was feasible for the DPW. Selectman Whitney questioned the funds to be raised for this project. Mr. Beckley noted this project benefits the whole Town. Resident Andrew Choquette noted that the Eggstravaganza event brought many people from other towns into town and this is supporting the Town. Selectman Opalinski noted that the Granby Dog Park is a popular destination. Selectmen Kruckas and Whitney stated they would like to hear from the DPW of an estimate in time and money what involvement will be.

Mr. Beckley explained that Article 29 is for appropriation of approximately \$162,000 of Ware's share of the \$800,000 Regional Animal Shelter to be built in Warren. Selectman Opalinski questioned Ware's share of operational costs; Mr. Beckley confirmed approximately \$20,000 would be Ware's share. Selectman Kruckas noted a new dog training facility coming to town and questioned if that was enough space for an animal shelter. Andrew Choquette noted that the facility would be built on Greenwich Plains Road and has a finite number of 8 kennels only.

Article 30 would appropriate approximately \$44,000 for a pickup truck for the Parks Department.

Selectman Whitney made the motion to approve Article 21 - 30 of the Annual Town Meeting Warrant; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

Mr. Beckley explained that Article 31 would appropriate \$20,000 for the IT department to replace 20-25 computers for town departments. Mr. Beckley explained that Article 32 appropriate funds to repair structure and foundation at the Ware Senior Center. Mr. Beckley explained that Article 33 would replace a pickup truck (\$45,000) at the Fire Department. Mr. Beckley explained that Article 34 would fund air packs for the Fire Department (\$25,000).

Mr. Beckley explained that Article 35 would appropriate funds (\$20,000) to the Quaboag Connector. Presently Hardwick, Monson and Palmer are appropriating funds. Chairman Carroll stated that Quaboag Connector runs 14 hours/5 days per week.

Selectman Whitney made the motion to approve Article 31 - 35 of the Annual Town Meeting Warrant; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

Mr. Beckley explained that Article 36 would place a Preservation Restriction on the Ware Town Hall per Massachusetts Historical Commission. He explained that Article 37 would revise the layout of Buckley Court.

Mr. Beckley explained Article 38 would accept a PILOT for a solar project on Greenwich Plains Road; this was submitted by Citizens' Petition. He explained that Article 39 would allow a tax agreement for a private solar facility on Palmer Road; this was submitted by Citizens' Petition. Mr. Beckley noted that Article 40 would accept a PILOT for the Forefront solar facility at Belchertown Road, located behind Canadian Lumber.

Resident Terry Smith spoke about the moratorium on solar projects, noting his family's interests. His land on Greenwich Plains Road is for agricultural use and the Town collects approximately \$1,000 in taxes. With the solar facility, this same land would bring in approximately \$400,000 over 4 years. He noted the burned out buildings on Main Street and many other ways the Town could benefit from these funds. He stated his project is an example of what can be done with solar revenue with a mean annual tax over 15 years. He has a vested participation in this and hoped the Board can support. He noted there is a strict three-step process that 1) Needs National Grid approvals, 2) approval by the landowner, and 3) Town permits are approved. Any solar project needs economic viability and finances in place before going to a town for permits. Selectman Opalinski noted his project is a role model for such a project in a rural setting.

Selectman Whitney made the motion to approve Article 36 - 40 of the Annual Town Meeting Warrant; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

- **Discuss Date for Article Review**

Mr. Beckley noted that the Moderator is available Thursday, May 2, 2019. The Board of Selectmen agreed to meet jointly with the Finance Committee and Moderator.

- **Review Open Meeting Law Complaint**

Chairman Carroll acknowledged the complaint and stated the complaint will be turned over to the Town Counsel to send a response.

Comments and Concerns of Citizens

Cathy Cascio asked when would be the time to discuss articles, and when is the meeting with the Finance Committee and Moderator. She stated that some people have been shut off at Town meeting as "this is not the time to discuss". Mr. Beckley noted that some towns have a separate night just for discussion, and he is willing to have this. He noted that the Moderator can set time limits at Town Meeting. Ms.

Cascio also stated she heard or read that some local towns were awarded grants for water infrastructure. Mr. Beckley note this may be the USDA loan program, as in some cases extra funds may be by grant.

Terry Smith noted that the Pioneer Valley Planning Commission gives out annual CDBG loans that each year benefit certain streets.

Cathy Cascio noted that citizens should understand that VOTES DO COUNT and votes at Town Meeting count. She stated her concern that people say they felt others knew how they had voted. Selectman Whitney questioned if there was any evidence of this. Ms. Cascio stated it was only a concern.

Jack Cascio noted quorums were difficult in the past, but this has improved. He would prefer a separate meeting to discuss meeting articles. He questioned the restrictions to go into the voting area and can anyone observe. He also questioned if anyone has the right to look at who had not voted.

George Staiti noted that anyone can observe, but those observers must remain silent and not talk and cannot wear any campaign items, buttons, etc. He noted that only the poll workers can look at the voting registers. Candidates cannot look at the voting registers and cannot wander.

Cathy Cascio stated that Representative Todd Smola told her that candidates can be inside at the polls.

Jesse Bonabee, a new resident who bought a house on Pulaski Street, questioned the brown water and stated that, when he called the DPW, he was told “it’s your pipes” and not the Town, but now he has heard it is the Town’s problem. He asked how to get speed bumps as many cars speed on Pulaski Street. Chairman Carroll stated the police can enforce the speed limit as posted at 25 mph. Mr. Bonabee stated that it is very hard to hear the Selectmen as they speak – when watching at home, the Board members were not speaking clearly into the microphones.

George Staiti stated that, at the recent meeting in which the new Town Planner was introduced, the shuffling of papers made it impossible to hear the discussion.

Emma Monahan questioned that prices of Articles may change before May 13; Mr. Beckley confirmed. Ms. Monahan questioned the progress of the investigation regarding the Fire Chief. Chairman Carroll stated the Board could not discuss this.

Andrew Choquette stated that, while preparing for the Candidate’s Forum, he found that there was a 2018 Massworks Grant for water infrastructure, and this may be what Ms. Cascio heard about.

Jim Russell questioned that the State Ethics said it was okay for the Town Clerk to supervise the election, and would the Town Clerk supervise the recount. Mr. Beckley noted that Mrs. Talbot has recused herself from the recount, but can attend as a Candidate. Selectman Kruckas stated that when he was running for election, he was told to leave.

Emma Monahan asked who would run the recount; Mr. Beckley noted a Temporary Town Clerk can be named.

Request Hearing Date and Time May 7 @ 7:05 pm for Pole Petition: Pleasant Street
Selectman Whitney made the motion to set a Public Hearing for Tuesday, May 7, 2019 at 7:05 p.m. for Pole Petition: Pleasant Street; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No.

Town Manager Report

Upcoming dates:

April 27- Town Cleanup Day and Ware Spring Shop Hop

May 5 – Walk of Champions

May 12 – Ware Baseball Opening Day

May 13 – Town Meeting

Mr. Beckley noted that the School Committee will meet on May 1, 2019 to review the \$12.7million budget. State House, Ways and Means were \$1.5million over. Selectman Whitney questioned when the Schools last were not above HWM; Mr. Beckley confirmed two years ago. Andrew Choquette stated that the last School Committee meeting gave a superb presentation of the budget.

The Town received four bids for the Elm Street reconstruction project. The low bid is able to be awarded including connecting work to Chestnut Street. Tighe and Bond has reviewed and completed a reference check.

Bids for the Spring Street CDBG project are due this Thursday. With the added Sewer work, additional funds may be needed above the grant.

Proposed Fiscal Year 2020 is attached.

The latest Cherry Sheet showing State Aid and costs is attached. This includes the House budget proposal. The Senate and joint ways and means Committee will still act. This latest budget shows a slight increase in aid and decrease in costs. This reflects the feedback from State legislators that it is unlikely that there will be a decrease from the Governor's proposed budget.

Flushing of the Town's water lines has begun. Flushing will primarily occur from 8 p.m. to 2 a.m. from Sunday to Thursday. The daily schedule of streets is posted on the DPW web page on the town website. Also posted are instructions on how to prepare and respond to discoloration that will occur due to the flushing. The flushing process will take approximately 6 weeks.

Mr. Beckley noted the State has approved the two MSBA projects for windows and doors, and for the boilers. He noted that paperwork for 73 West Main Street has been signed and legal costs are being calculated.

Selectman Opalinski asked when the bulky waste day would be held; Mr. Beckley noted the date should be decided before Town Meeting. She asked when water bills would be changed for distribution; Mr. Beckley noted the bill dates would not change, only the moving of operations to Town Hall may be done by August.

Selectman Whitney made the motion to Adjourn Regular Session at 8:50 p.m. to go into Executive Session: MGL Chapter 30A, Section 21 (a) #3 Litigation, NOT TO RECONVENE IN OPEN SESSION; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No.

Selectman John E. Carroll	Yes ✓
Selectman Keith J. Kruckas	Yes ✓
Selectman Tracy R. Opalinski	Yes ✓
Selectman Alan G. Whitney	Yes ✓

Attest: *Mary L. Midura*
Mary L. Midura, Executive Assistant

