



**Board of Selectmen
Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Minutes – Tuesday, August 21, 2018 at 7:00 p.m.**

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

Present: Selectman John E. Carroll, Selectman Michael P. Fountain, 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

Consent Agenda

- **Approval of Minutes of July 10, 2018, July 24, 2018 and August 15, 2018**

Selectman Whitney made the motion to approve the Minutes of July 10, July 24 and August 15, 2018; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Scheduled Appearances

- **Discussion with Ruben Flores-Marzan, Director, Community Development & Planning**
Mr. Beckley introduced Ruben Flores-Marzan, and noted that the Board requested more contact with the Director of Community Development & Planning. Mr. Flores-Marzan stated there have been three meetings with farmers to discuss marijuana for recreational, medicinal, hybrid and cultivation. The zoning bylaw is a process, and the Cannabis Control Commission has regulations. The involvement of farmers is complex, but the department has information in the office and on the town website. Selectman Kruckas asked when the three meetings were held; Mr. Flores-Marzan answered May, June and July, with an internal meeting, and another with Farmbug.

Selectman Kruckas asked Mr. Flores-Marzan about a possible moratorium on solar facilities, to create regulations in rural residential, setbacks, etc. Mr. Flores-Marzan noted solar regulations have been in effect since 2012, and in the Zoning Use Table. The department has been proactive on this issue with a planning analysis done several months ago. Six projects have been approved by the Planning Board. Not all acres are useable due to topography, wetlands, etc. Ware has 21,207 acres, but only 43 acres for panel installation or 0.2 % in the town. Mr. Flores-Marzan noted that sometimes persons do not have ownership, but are looking for inventory. The ideal area has no vegetation, such as the landfill. Mr. Flores-Marzan stated that recommendations for a solar moratorium should be carefully considered. Selectman Kruckas questioned the benefits per acre; Mr. Flores-Marzan noted that is a question for the Assessors' office, not his area of expertise. Selectman Kruckas questioned the benefits versus the benefits of a house; Mr. Flores-Marzan noted his role is not finance. Selectman Whitney questioned the benefits of taxable land on the last approved solar project; Mr. Beckley noted that the tax is \$14,000 per megawatt. The Monson Turnpike Road project is 1.4 megawatt, equal to \$21,000 in taxes. Selectman Kruckas questioned the \$21,000 tax versus proposed 54 houses, and asked how solar provides more tax revenue. Mr. Beckley noted that solar farms do not have children and do not need police, fire or other

town services.

Selectman Kruckas asked Mr. Flores-Marzan what his main role is: Mr. Flores-Marzan noted his main role is to plan for the future of the Town, understand opportunities in place, with decisions to obtain social and economic benefits for the town. Selectman Kruckas questioned how many grants Mr. Flores-Marzan had written in 2017. Mr. Flores-Marzan answered that he has written two grants, but also his role is to attract private development. Mr. Flores-Marzan noted that a philosophical consideration is that a grant is one-time injection of dollars, while private investment secures for the town a multi-year source of revenue and jobs. Both grants and private investment are important for the town.

Chairman Carroll noted the scheduled public hearing time, and requested Mr. Flores-Marzan remain to continue this discussion after the public hearing.

- ~~7:10 p.m.~~ **7:12 p.m. Public Hearing: Application for New Wine & Malt \$15 Package Store License, Hans & Hans, Inc. d/b/a Hans Craft Beer & Convenience Mart, 30 West Main Street**

Bharat Hans was present for the application. He stated that the proposed convenience store would be located at 30 West Main Street, with craft beer, lottery, cigarettes, convenience items, and EBT. Selectman Opalinski questioned the limited parking. Mr. Hans noted some public parking in front, with anticipated foot traffic. Selectman Kruckas questioned that Mr. Hans' family owns the Ware Package Store at 51 Main Street; Mr. Hans noted this would be his first time owning a business.

Dan Bruso, manager of Bruso Liquor Mart, Inc. at 144 Main Street, voiced his objections as an abutter, stating that "someone in this room tipped off the applicants", and the applicants re-did the paperwork just 4 days prior to this hearing. He stated that this application is illegal as Chapter 138, Section 15 notes ownership "directly or indirectly" involved, and asked who leased and negotiated the property. He stated that the mother owns 51 Main Street building. Bharat Hans stated he would be full owner of this business, with his father's experience to help him get started. Mr. Bruso objected and stated the Board of Selectmen should not approve this application. Mr. Satnam Hans stated his wife is not a director in the 51 Main Street business, and his son deserves to create his own business – his son has a new concept and has visited breweries. Mr. Bruso argued that the applicant must disclose all direct or indirect interests, and by the law cannot own another license. He stated it is obvious these individuals are circumventing the law.

Chairman Carroll recognized Mary Midura to speak to Mr. Bruso's objections. Ms. Midura stated that Mr. Bruso visited her with his objections, but refused to put his concerns in writing. She informed the applicant of the objections of Mr. Bruso, as the applicant has the right to know of any objections to the application. Ms. Midura stated that she called Mr. Bruso this morning, as a courtesy, to inform him that the paperwork had been changed, but is in proper order and meets the legal advertisement as published. Ms. Midura stated that if Mr. Bruso would like to put his objections in writing, she will be happy to include those objections in the packet if this application is approved tonight and mailed to the Alcoholic Beverages Control Commission (ABCC). Ms. Midura noted that, if the Board does not approve this application, the applicant has the right to appeal the Board's decision to the ABCC.

Chairman Carroll noted there are several types of businesses in the town, with room for more. Bharat Hans noted his business is only wine & malt, whereas Mr. Bruso's business has a full liquor license.

Selectman Kruckas made the motion Not to Approve the Application for a New Wine & Malt \$15 Package Store License, Hans & Hans, Inc. d/b/a Hans Craft Beer & Convenience Mart, 30 West Main Street. Selectman Kruckas cited his concerns of the conflict of changed paperwork, parking issues,

and objections of an abutter; Chairman Carroll asked for a second to the motion.
There was no second to the motion. The motion failed.

Selectman Whitney made the motion to Approve the Application for a New Wine & Malt §15 Package Store License, Hans & Hans, Inc. d/b/a Hans Craft Beer & Convenience Mart, 30 West Main Street; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Kruckas).

Selectman Whitney made the motion to Approve 16C for the Application for a New Wine & Malt §15 Package Store License, Hans & Hans, Inc. d/b/a Hans Craft Beer & Convenience Mart, 30 West Main Street; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Kruckas).

- **Discussion with Ruben Flores-Marzan, Director, Community Development & Planning (continued from above)**

Selectman Opalinski asked if the Town policy on rural solar similar to surrounding communities and would there be need to change or alter existing policies? Mr. Flores-Marzan noted that there has been some animosity in residents who feel that solar is encroaching on their way of life by reducing the amount of vegetation – many come to rural areas for scenery, less traffic and quieter lifestyle. The technology has been developing to move panels in certain ways to cause less reflection and respect the rural areas. Developers are more in tune with what communities are about in terms of how they feel about solar. Ware is at the vanguard of planning for solar development. Mr. Flores-Marzan stated that we do not see solar “all over the place” but in particular clusters determined by topography and existing electrical structure, high power voltage lines, transmission lines. Facts are that only 43 acres are available for solar panels. He stated that he thinks the Planning Board is doing a great job in evaluating proposals. He also stated that the town should continue implementing the town Master Plan that calls for being in line with statewide objectives in terms of renewable energy, providing incentives for private sector to develop these options to reduce carbon emissions, create job opportunities.

Selectman Kruckas questioned the long term jobs from a solar facility; Mr. Flores-Marzan noted that would be a question for the solar developer, but short-term jobs are for design, installation, and construction, while long-term jobs monitor performance of the solar panels. Selectman Kruckas questioned if this were all done by video; Mr. Flores-Marzan noted that this work is mainly computerized, with the objective of the Commonwealth to create energy and reduce emissions. Selectman Kruckas questioned and Mr. Flores-Marzan answered the importance to evaluate the merits of each particular project and the Planning Board does that job.

Selectman Kruckas asked Mr. Flores-Marzan what is being done to bring business into town, address the slum and blight designation, and wouldn't that be prime time to pursue every grant for the community. Mr. Flores-Marzan noted that these items are part of CDBG grant process written by the Pioneer Valley Planning Commission. Selectman Kruckas questioned that Mr. Flores-Marzan did not write this grant; Mr. Flores-Marzan noted these are a team effort. Selectman Opalinski noted that more towns at the Cape have been included, and the CDBG has become much more competitive, so it was really important that the Town get one every year, not guaranteed anything, so we had to work hard to make that grant, and definitely Mr. Flores-Marzan helped with that.

Selectman Kruckas stated that it was brought to his attention and he questioned why Mr. Flores-Marzan was not at a recent meeting regarding the senior living facility – he asked wouldn't that be a crucial meeting for the town planner to be at that meeting, addressing issues, welcome people here, make sure the deal is done. Selectman Kruckas stated that lead to his next question of what exactly are your hours and

what days are you here and not here? Mr. Flores-Marzan stated "I'm here every single day, and I work all the time." Mr. Flores-Marzan noted that, in regards to the senior living facility with Optimus, it is a project through the Planning Board, we worked on that project since I got here, and helped the developer with the actual parcel and applying for permits. Selectman Kruckas stated that project was not signed on the dotted line, asking people to come in to promote so they would sign and Selectman Kruckas assumed the town planner would be at such a meeting. Mr. Flores-Marzan answered that there are phases where a town planner would be involved. In terms of financial discussions, a planner would not necessarily be involved. The planner is involved in site selection, feasibility of a project, environmental, making sure the project is consistent with regulations, and providing technical assistance to the Planning Board. Mr. Flores-Marzan stated that he and the staff have been involved from A to Z since the beginning of the project.

Selectman Opalinski noted that the goal of that recent meeting was to promote activities for the clients and customers of the senior living facility to utilize. She stated that Mr. Beckley and several town people were in attendance.

Selectman Kruckas asked Mr. Flores-Marzan what his yearly salary is. Mr. Marzan asked is that a conversation we need to be having? Selectman Kruckas noted this is public information. Mr. Marzan said not enough, approximately \$60,000, you need to ask my wife.

Selectman Carroll noted that Mr. Flores-Marzan "missed the boat" as there was no notice sent out of a cancelled CDA meeting; Mr. Flores-Marzan noted this error and apologized for this mishap, people all over the place in summertime, and noted it would not happen again. Selectman Carroll stated he had been on CDA since January but only two meetings have been held, with cancellations. Selectman Opalinski noted there were no meetings in June and July as there were no agenda items.

Selectman Opalinski asked if Mr. Beckley has done a review with Mr. Flores-Marzan. Mr. Marzan said no. Selectman Kruckas noted 18 months and no review; Mr. Beckley noted this is on his goals list. Selectman Kruckas stated that he thought the town charter requires the town manager to do yearly reviews.

Mr. Flores-Marzan stated we are moving forward with many high charging items, seeking developers to come to town and provide opportunities for folks here and doing important planning work that Ware deserves. He stated it's a pleasure being here.

Selectman Carroll questioned if Mr. Flores-Marzan works with Buy Ware? Mr. Flores-Marzan noted he has had conversations with that group.

Selectman Opalinski thanked Mr. Flores-Marzan for his coordination of a Western Mass Developers meeting.

Old Business

- **Review of Maple Street Properties, Taxes and Permitting**

Attorney Dale Kiley, Bourgeois White, LLP represented, Gary Buelow and Corie Buelow were present for the discussion. Attorney Kiley stated that the Maple Street properties have a use of freight and trucking, and do not need permits. He stated that vehicles are stored and moved in and out, and the freight is often stored while processed. Vehicles are processed from third parties, with hundreds moved in and out. Attorney Kiley cited a 2004 case for Citizens United. He noted that APR has a towing permit for 55 East Street, but Maple Street Power LLC is freight and trucking.

Mr. Beckley noted these uses should be confirmed with the Zoning Enforcement Officer. Mr. Buelow noted that Maple Street Power, LLC is not an extension of APR. Attorney Kiley stated they hope to avoid litigation, as they did a Freedom of Information Act request and obtained information that the properties are over-assessed from 2012. The building had no water, heat, power and no value, but has exorbitant assessment. Attorney Kiley cited Chapter 59, section 77 regarding issues with assessment.

Chairman Carroll noted the bylaw regarding unregistered vehicles, and noted that a plan of action is needed. Attorney Kiley stated the vehicles are not unregistered and not owned by Maple Street Power, LLC and are freight. Mr. Buelow noted this is a center hub to store vehicles until moved to their destination, and stated that they are a transport company and do not need to follow the towing bylaw. Vehicles go from auction to this facility to be transported as cargo. Attorney Kiley noted this could be heard in district court and suggested the Board should issue a Cease & Desist, but the definition of a freight and trucking are not defined in the town's zoning bylaw. Selectman Opalinski noted the Town Planner should be consulted regarding the definition of freight.

Selectman Kruckas stated that the assessors' office and building inspector should handle these issues. Selectman Whitney noted that the owners waited a long time to question the assessment. Selectman Opalinski noted that the appraisal was done by a professional company.

- **Sewer Abatement Application: 56 Chestnut Street**

Ryan Palladino, owner and manager, was present for the application. Mr. Palladino noted that the sillcock in need of repair was not noticed because it was located in the back of the building.

Selectman Kruckas made the motion to approve Sewer Abatement of \$352.31; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

New Business – Special Event Permit Applications:

- **Ware Community Theatre presents Heathers, The Musical, August 23-26, 2018**
- **Friends of the Ware Dog Park, 2nd Annual Doggy Dip & Dive, August 26, 2018**

Brandy Brusco spoke about the event, and wore the new Ware Dog Park shirt.

- **Ware Family Center, Ware Junior Car Show, September 8, 2018**

David Powers spoke about the event.

- **Melha Shriners, Chicken Barbeque, September 8, 2018**
 - **One-Day Liquor License: Melha Shriners, All-Alcoholic, September 8, 2018**
- **Grenville Woodland Playground Committee, Nerf War, September 23, 2018**

David Powers spoke about the event. Adults must be accompanied by a child. The committee must raise at least \$50,000 before applying for a grant for the playground.

- **Domestic Violence Task Force, Domestic Violence Awareness Walk, October 6, 2018**
- **Grenville Woodland Playground Committee, Zombie 5K/Fun Run, October 27, 2018**

David Powers spoke about the event: participants can dress up in costumes, students will perform in costume, and the event is family-friendly.

Selectman Opalinski made the motion to approve the Special Permits and One-Day License; Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Comments and Concerns of Citizens

David Kopacz spoke regarding the high number of pedophiles in the Town of Ware. He stated that a Level 3 offender was released on his own recognizance, with no bail and with only a GPS ankle device, by Judge Patricia Poehler. Mr. Kopacz stated he knocked on every door of the neighborhood of Cherry Street, and some residents did not know a Level 3 offender lived there. Mr. Kopacz questioned why Judge Poehler released this man. Mr. Kopacz stated that Belchertown has 17 such offenders, Hardwick has 9, West Brookfield has 6, while Ware has 50. Mr. Kopacz requested that the Board of Selectmen take a vote of No Confidence of Judge Poehler. Mr. Kopacz questioned what the Board of Selectmen are going to do about this pedophile epidemic in Ware. Mr. Kopacz thanked the Ware Police for doing their job and trying to protect the young children from these predators. Mr. Kopacz stated that a "Residents Task Force" would like to work to solve this "pedophile epidemic."

Chief Crevier noted that bail was a tool used to make sure an individual shows up to court. Chief Crevier encouraged residents to write to their legislators about this situation. He noted that he has dealt with Judge Poehler quite often and she is an excellent professional. He invited all residents to visit the Ware Police Department to ask questions or express their concerns.

An unidentified woman in the audience gave her own personal story of survival, and she noted that the children must be educated.

Cathy Cascio questioned why Ware is a magnet for these pedophiles, and suggested contacting other towns to find out how they keep these numbers down. Mr. Beckley noted that State law allows all citizens to have rights as to where to live. Several unidentified men in the audience gave personal accounts of survival, and one man noted that "no kids should have to feel like this."

Selectman Opalinski made the motion for the Board of Selectmen to write a letter expressing disappointment with Judge Poehler's ruling, and to send the letter to Judge Poehler, the District Attorney, and legislators; Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Chairman Carroll suggested inviting Judge Poehler to have a conversation, and to work as a group with the resident task force. Resident Brandy Brusco asked in a public forum could be held.

Town Manager Report

Upcoming dates:

August 23-26, Community Theater in Town Hall Auditorium

September 4 – State Primary

Personnel. Water Operator Kevin Lizak has provided two weeks' notice. The Town will provide DEP a staffing plan by August 25 that provides the required coverage.

Regional School Planning. The Warren Board of Selectmen will attend the September 11 meeting to further discuss.

Roads. The Highway Supervisor, Mr. Niedzwiecki, has created a list of projects that could be accomplished with this year's Chapter 90 allocation. He is currently working on the required paperwork to submit to Mass DOT. Mr. Beckley gave a list of roads that will be milled or reclaimed and paved, with \$350,000 of Chapter 90 funding: Cummings Road, Lois, Laurel, Benham, Marjorie, Pleasant, Crescent, Longview, and Woodland. Smaller projects: Shoreline Drive, Webb Court, Buckley Court, Maple, Grove Street, Kelly Road, Greenwich Plains Road Extension, Fisherdick Road, Bondsville Road, River Road, Hutchinson Road, Old Gilbertville Road, Old Poor Farm Road, Osbourne Road

Main Street. Members of the Board of Selectmen, John Morgan of CHA, and I attended a meeting with Mass DOT staff from Boston and District 2. The discussion focused on retaining parking spaces within the criteria of the Complete Streets program. There appeared little appetite for eliminating the bike lanes, but it appears that with some flexibility 5 spaces may be restored. Four near Town Hall and 1 in front of the library. In order to work further with the bike lanes, it was suggested that a parking study would be necessary. John Morgan is going to send an example of what would meet that requirement.

Selectman Whitney noted that Boston does not understand the needs of the town. Resident Jen McMartin noted this news of the five parking spaces is positive. Resident Jack Cascio asked if the Town could say no to the State project. Mr. Beckley noted that this project is a \$2.5million improvement. Rick Starodoj noted that the improvements from approximately 30 years ago are still in good condition, with traffic lights needing improvement. Selectman Opalinski noted that the roads must also be ADA compliant. Resident Cathy Cascio questioned how to walk away from this project, and for the Town to use its own funds to make improvements.

National Night Out. Was a big success. Thank you to the organizations, businesses and Town Departments and residents that attended. Thank you to Officer John Cacela for coordinating. This should become an annual event.

Grants. Through the work of Dick Kilhart, the Town received a \$37,000 grant to design and permit the repair of another culvert on Old Poor Farm Road.

Mr. Beckley noted that the purchase and sale for 116 Pleasant Street would be completed soon and have a closing date of the first or second week of September. He asked the Board for a motion to allow the Chairman to sign the purchase and sale of \$120,000, and to demolish or move the home.

Selectman Opalinski made the motion to Approve the Chairman of the Board of Selectmen to sign the Purchase and Sale of 116 Pleasant Street for \$120,000 and to demolish or move the home; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Ongoing Issues Update

Main Street	To use State funding, Main Street will require Bike lanes. <i>Main Street project is at 75% design. Decision on lighting will be needed.</i> Right of Way easements need approval from Town meeting and Selectmen prior to January 2019. Scheduled for bidding August, 2019. <i>May 29 presentation of 75% plans. Follow up with Mass DOT to request waiver for bike lanes. Meeting held on August 14.</i>
Multifamily Inspections	Inspectors meeting held. Determined that town will be divided into 5 sectors for 5-year inspections. Based on comments from other towns, will be challenged to complete fully. <i>The Building Department online system was made live on July 1.</i>
Purchase of 116 Pleasant Street	Appraisal complete. Discussions with homeowner. Moving forward with Purchase and Sale.
GPS	6 units installed. Negotiations with unions initiated on appropriate vehicles. Working with Verizon on next order of units. <i>(15 additional units acquired for \$15) Budget to include cost of annual fees (\$5700). DPW Director's vehicle – GPS installed. Legal response prepared for all unions.</i>
Condemned buildings	Town Meeting Article for 73 West Main Street. Community Development Authority proposing use of CDBG funds to assist with removal. Building Inspector to work with owner on sale. Has had 3 discussions with owners.
Beaver Lake Dam	Waiting to hear from Mass DOT. Beaver Lake Dam will also need repair this Fall. Road closures will need coordination.
Beavers – Prendiville Road	National Grid is reviewing the situation with field crew. Will determine if they have ability to take action under utility laws. <i>Town will move forward with Conservation Commission permitting. Will coordinate with MA Department of Fisheries and Wildlife and property owner.</i>

Selectman Whitney made the Motion to Adjourn Regular Session at 9:41 p.m. to go into Executive Session per MGL Chapter 30A, Section 21 (a) #1 Grievance, #2 Negotiations, NOT TO RECONVENE IN OPEN SESSION; Selectman Kruckas seconded the motion. The motion passed on a roll call vote of 5 Yes, 0 No.

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

Attest: 
Mary L. Midura, Executive Assistant

The next Board of Selectmen meeting will be held on Tuesday, September 11, 2018 at 7:00 p.m.