



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Notice Agenda – Tuesday, December 3, 2019 at 7:00 p.m.

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda:

- **Special Event Permit Application: Don't Give Up, December 7, 2019**

Scheduled Appearances

Old Business

- **Complete Streets Policy**

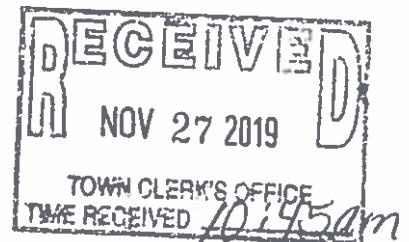
New Business

- **Approval of 2020 Liquor License Renewals**
- **Clarify Motion for Chief Coulombe Discipline**
- **Request for Safety Survey: High Street**
- **Acceptance of Resignation: Cindy Wloch, Council on Aging**

Comments and Concerns of Citizens

Town Manager Report

Adjournment



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: Dont Give UP Event Producer: Sheila Straight

Primary Contact Information:

Primary Contact Name: Sheila Straight Fax: _____

Non-Profit Organization / Event: Yes No

Day Phone: N/A

Cell Phone: 413-687-0138

E-mail: Sstraight@me.com

Website: N/A See Attached Documents

Event Information:

Event Address / Location: In front of Veterans Memorial Park

Starting Date: 12/7/19 Time: 10: A M Ending Date: 12/7/19 Time: 3: P M

Total attendance expected: 0 Rain plan: move 12/14/19

List any streets to be closed for special event: N/A

Will food be prepared and/or sold at the event: N/A

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

Looking to bring Awareness to the community around Not Giving up and spread love in our town. Many people this time of year struggle and I want people to feel like they matter & worthy of love, like to spread some joy this Holiday season. Myself and few others will just be holding signs for those in area can see them and hopefully make someone feel better with our message.

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

I, Shuler Straight, a representative from NIA, does hereby acknowledge that in the course of its use of property owned by the Town of Ware, namely Street by Veterans Memorial located at 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 Street in front of Memorial Park does for itself and on behalf of its agents, servants, employees and invitees, hereby, jointly and severally, remise, release and forever discharge the Town, it's 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 26 day of November, 2019, on behalf of _____ by _____, its _____.

X Shuler Straight Date: 11/26/19
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:** _____

Department of Public Works _____ **Date:** _____

Building Inspections _____ **Date:** _____

Fire Department _____ **Date:** _____

Police Department _____ **Date:** _____

of Officers (if applicable) _____



BRINGING THE MOVEMENT TO YOUR COMMUNITY

Here are 9 ways to spread the movement...

1. Share the goodness

Share our posts on social media. If you share our images, please consider honoring the movement by tagging us, mentioning us and using our hashtag! #dontgiveupsigns

2. Get groups involved

Contact churches, schools, networking/social groups, or colleagues at work to pitch in on, or sponsor, an order. 1 Order = 10 signs = \$75 (includes shipping and stakes)

3. Contact your local news station or newspaper

We've had 5 news outlets reach out to us, most recently in Ohio, because evidently love with no strings attached is newsworthy! You may be surprised how interested they are, especially if you have stories of why you got involved and any feedback you've received from the signs/products in your community.



4. Conduct a sign rally

The first sign rally (that we know of) happened *every* Friday in the summer of 2017 when a group of teens and mentors stood along a busy highway holding our signs to spread love and hope to people stuck in rush hour traffic. Then, in December 2017, 4 friends rallied together to spread the love in their town of Minneapolis, Minnesota #dontgiveupsignsMLPS (kudos to [Kylee And Christian Creative](#) for producing this video!)

www.dontgiveupsigns.com

SIGN RALLY IN

5. Go to public markets

Bring a stack of stickers or encouragement cards (cheap cheap cheap) to your local outdoor market or downtown spot to hand encouragement out to strangers. Be ready: you will witness skepticism melt into gratitude as you hand out free items with no agenda.

6. Travel with us

Never walk through an airport or use public transportation without tokens of hope in your back pocket. We hear stories *all the time* about people, in a time of hopelessness, finding our mini Don't Give Up cards on the train, metro or in restaurants (leave one with your receipt!?). Even border agents at customs. True story.

7. Put us in gift bags

Folks are including us in retreat/conference goodie bags, take-aways at family reunions, thank you gifts for work partnerships, and practical packages for the homeless community.

8. Bring us to work

Our wristbands and encouragement cards are in schools, resorts, pharmacies, hair salons, universities, prisons, hospitals, mental health clinics... you name it, because people recognized the need for hope in their workplaces. And oh the touching stories...

9. Pay it forward

While we don't have a need for volunteers, many places do. Put your stirred-heart to action by volunteering with a worthy organization!

Whatever you do or don't do, honor people. Focus more on common ground than differences. Have hard conversations by flexing your empathy muscle. Listen to understand, not debate. Look people in the eye. Be present. Be generous with love (including with yourself).

Life is messy but we're in this together!



Town of Ware Complete Streets Policy

Planning Board vote to recommend: October 16, 2019

Board of Selectmen vote to adopt: December 3, 2019

I. Vision and Intent

Under this Complete Streets Policy, the Town of Ware shall develop and provide an integrated transportation network that contributes to the safety, health, economic vitality and quality of life of all residents of Ware, especially the most vulnerable.

Non-automobile modes of transportation including bicycling, walking, and public transportation shall be included in the planning and development of all transportation projects in Ware. Motor vehicles will continue to serve personal needs, commerce, and emergency response with reduced pollution and traffic congestion. People of all ages, abilities and circumstances will be able to use a diversity of transportation modes for commuting, shopping, going to school, and recreating, and they will be able to meet their transportation needs safely, conveniently, reliably, affordably and efficiently.

The intent of the Complete Streets Policy is to create an equitable, balanced, and effective transportation system where every transportation user can travel safely and comfortably, and where sustainable transportation options are available to everyone. This integrated transportation system will support healthy and thriving residents, neighborhoods, businesses and cultural life. It will reduce congestion by providing safe travel choices which encourage non-motorized transportation options, and will increase the overall capacity of the transportation network by decreasing consumer transportation costs and carbon footprint.

II. Core Commitment

The Town of Ware recognizes that all users of the streets deserve a safe and convenient environment as legitimate users of the streets. These users include but are not limited to pedestrians, bicyclists, motorists, commercial and emergency vehicles, transit buses and vans and the people who use them, and users of wheelchairs and other power driven mobility devices.

Ware agrees that projects of all phases including planning, new construction, reconstruction, or maintenance, are potential opportunities to apply the Complete Streets design principals. The town will extend the design, construction, maintenance and operations of the streets to the extent possible to provide a street network of facilities for people of all ages and abilities. Ware's Department of Public Works Highway Division will refer to planning documents including the Ware Bike and Pedestrian Network Plan or Complete Streets Prioritization Plan where applicable; or will use best judgement regarding the feasibility of applying Complete Streets principles for routine

roadway maintenance, such as repaving and restriping.

Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects when deemed practical. Infrastructure and street design projects that need approval from the Town of Ware as well as state and federally funded projects include but are not limited to Chapter 90 funding, City improvement grants, State Transportation Improvement Program (TIP) Grants, MassWorks Infrastructure Program, Community Development Block Grants, Capital funding and other state and federal funds for street and infrastructure design shall all comply with Ware's Complete Streets Policy. Private and related street design shall also comply with Ware's Complete Streets principles. The Complete Streets principles can also extend to state owned highways within Ware's boundaries to include design, construction and maintenance of said roads, when deemed practical and with the approval of the decision makers including the Board of Selectmen and the Town Manager. The Board of Selectmen shall approve the Complete Streets Prioritization Plan.

Exceptions:

Ware's Complete Streets Committee includes: the Town Manager or designee, Public Works Director or designee, Director of Planning and Community Development, Director of Public Health, Public Safety official, Council on Aging Director, Superintendent of Schools or designee, and Parks Manager or designee. This Committee may exclude projects from review, where documentation and data indicate that any of the following apply;

- Roadways where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases, for accommodations elsewhere.
- Where cost or impacts of accommodation is excessively disproportionate to the need or probable use or probable future use.
- The existing right-of-way or adjacent land is constrained in a manner that inhibits the addition of transit, bicycle, or pedestrian movements. In this case, the Town shall consider alternatives such as lane reduction, lane narrowing, on-street parking relocation, shoulders, signage, traffic calming or enforcement.
- Other town policies, regulations, or requirements that contradict or preclude the implementation of the Complete Streets Policy.

III. Best Practices

Ware's Complete Streets Policy focuses on the development of a connected, combined network that serves all road users. Complete Streets will be integrated into policies, planning, and design for all types of public and private projects that included new construction, reconstruction, rehabilitation, repair and maintenance of the transportation network within the Town of Ware.

Implementation of the Complete Streets Policy will be carried out with cooperation from all Town of Ware Departments, private developers, and state, regional, and federal agencies to the greatest extent possible. Ware understands that Complete Streets may be reached through single elements within a particular project or through a series of smaller improvements or maintenance activities over a period of time. The latest design guidance, standards, and recommendations available will be used in the implementation of Complete Streets, including the most up to date versions of:

- American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highway and Streets (latest edition)
- [The Mass DOT Project Development and Design Guide](#) (2006 or most recent)
- [The Mass DOT Municipal Resource Guide for Bikeability](#) (2019)
- [The Mass DOT Municipal Resource Guide for Walkability](#) (2018)
- [The Small Town and Rural Multimodal Network Guide](#) (FHWA 2016)
- [Pioneer Valley Planning Commission's Healthy Design Toolkit](#)
- [The U.S. Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices \(MUTCD\)](#)
- [The Architectural Access Board \(AAB\) 521CMR Rules and Regulations](#)
- Documents and Plans created for the Town of Ware, including but not limited to:
 - 2016 Ware Master Plan
 - Ware Bike and Pedestrian Network Plan (when final – in development Fall 2019)
 - Design documents for Main Street Reconstruction
 - Ware Open Space and Recreation Plan
 - Ware's Pavement Management Plan

Complete Streets principles include the development and implementation of projects in a context sensitive manner in which project implementation is sensitive to the community's physical, economic, and social setting. The context sensitive approach to process and design includes a range of goals by considering stakeholder and community values on a level plane with the project need. It includes goals related to livability with greater participation of those affected in order to gain project consensus. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

IV. Implementation

Ware shall make the Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work with other departments, agencies and jurisdictions to achieve the Complete Streets goals.

The Complete Streets Policy shall be carried out by the Complete Streets committee to cooperatively implement the Complete Streets initiative. The committee shall elect a chair, vice chair and clerk to organize and run meetings. Major responsibilities of the Complete Streets Committee will be to:

1. Maintain a comprehensive inventory of pedestrian, bicycle, and transit facilities that will be used to prioritize projects to eliminate gaps in the sidewalk, pathway and bicycle network, and to promote safe and comfortable routes for utilization of public transit.

2. Make recommendations for revisions to all appropriate zoning and subdivision codes, ordinances, procedures, rules, regulations, guidelines, programs and templates to integrate Complete Streets principles in all street projects.
3. Recommend regular changes for insuring the implementation of the Complete Streets Policy and where necessary, alter existing practices that may act as impediments to implementation.
4. Request feedback from and inform the public to insure that the community perspectives are considered and enacted, as appropriate.
5. Work to integrate Complete Streets principles into all new planning documents, as deemed practical, (master plans, open space, and recreation plans) laws, rules, regulations, programs and templates.

The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

Ware will train pertinent Town staff and decision makers on Complete Streets principles and best practices for implementing policy through workshops or other appropriate means.

Ware will evaluate projects, as appropriate, within the Capital Improvement Plan to encourage implementation of this policy and will seek out other appropriate sources of funding and grants for the implementation of the Complete Streets policies.

V. Performance Measures

The Complete Streets Committee will develop performance measures to periodically assess the rate, success, and effectiveness of the Complete Streets policy. The group will determine the frequency of assessment and utilize the appropriate standards for analyzing the success of this policy. Some metrics may include:

- Number of new bicycle facilities
- Linear feet of new pedestrian accommodation
- Number of retrofitted facilities or amenities
- Number of intersection improvements made to Improve Level of Service (LOS) and safety for vehicles, pedestrians, and bicyclists
- Rate of children walking or bicycling to school
- Number of trips by mode (bicycle, pedestrian, public transit)

This policy encourages the evaluation and regular reporting of progress on the implementation and maintenance of Complete Streets. The Committee will consider providing an annual report to the Planning Board and Board of Selectmen on transportation projects undertaken within the prior year and planned within the coming year and the extent to which these projects meet the objectives of this policy.

TOWN OF WARE

Board of Selectmen Meeting

Date:

Resolution #:

Purpose: To support the adoption of a Complete Streets Policy

Board of Selectmen Meeting Agenda for November 19, 2019 and December 3, 2019

RESOLUTION NO.: _____

Memo



To: Board of Selectmen
From: Mary L. Midura
Date: December 3, 2019
Re: Renewal of Liquor Licenses

Tonight, I present to you the licenses for all restaurants and package stores in Ware. We presently have 10 all alcohol and 4 wine & malt restaurant licenses, and 3 all alcohol and 3 wine & malt package store licenses (total 20).

Our quota, based on population per the Alcoholic Beverages Control Commission (ABCC), would allow a total of 14 all alcohol restaurant, 5 wine & malt restaurant, and 7 wine & malt package store licenses (total 26).

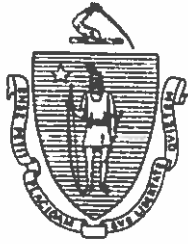
Licensees must provide documentation including the signed ABCC renewal form (must be signed in the month of November), proof of liquor liability insurance, workers' compensation insurance, and name, address, phone contact, email, etc.

All restaurants must be inspected annually by the Building and Fire Departments. I do not give the licensee their license until I have the completed certificate of inspection.

The total revenue to be received from all license renewals, including those I will present to you on December 17, 2019 for other licenses and car dealer licenses, will be approximately \$24,095.

If you have any questions of car dealer licensees, I am happy to call those licensees to invite them to attend the meeting of December 17, 2019.

<u>License #</u>	<u>License Type</u>	<u>Licensee</u>	<u>Address</u>	<u>Manager</u>	<u>FEE</u>
<u>LIQUOR LICENSES</u>					
1	AA Club	Aspen Street Rod & Gun Club	58 Aspen St	David R. Fox, Jr.	\$800
23	AA Club	Weir River Social Club, Inc.	6 East St	Charles R. Niedzwiecki	\$800
4851	AA Club	Melha Shriners	126 W.Main St	Russell Mitchell	\$800
3086	AA Rest	Gabryel Narutowicz, Inc.	11 East Main St	Kim M. Trzpit	\$1,215
9	AA Rest	Teresa's Restaurant of Ware, Inc.	305 Palmer Road	Dina Ferrentino	\$1,215
5325	AA Rest	Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant	54 West Main St	Ho Mak	\$1,215
36	AA Rest	Wong Chen, LLC d/b/a Asian Garden Restaurant	124 E. West St	Quang T. Huynh	\$1,215
38	AA Rest	Garlic, Inc. d/b/a Mexicali Grill	148 West St	Dolores Nunez	\$1,215
43	AA Rest	JRZ Enterprise, Inc /Hanna Devines Rest & Bar	91 Main St	Kimberly Craig	\$1,215
3731	AA Rest	Wicked Wings Ware Inc. d/b/a Wicked Wings Co.	136 Pleasant St	Andrew Norton	\$1,215
12	W&M Rest	GNK, Inc. d/b/a Astronaut Pizza House	197 West St	Suzanne Karanikis	\$550
39	W&M Rest	Christina Christodoulou d/b/a Niko's Pizza	118 Main St	Christina Christodoulou	\$550
40	W&M Rest	Ying Xuan Chen d/b/a New United China #1	164 West St	Ying Xuan Chen	\$550
41	W&M GOP	Alan S. Josefiak (Rollaway Lanes)	140 West St	Alan S. Josefiak	\$800
15	AA Pkg	Satkartar and Sons, Inc. d/b/a Ware Package	51 Main St	Satnam Hans	\$750
16	AA Pkg	Bruso Liquor Mart, Inc.	144 Main St	Richard S. Bruso	\$750
34	AA Pkg	Ware 48 West St Corp/ Jane Alden	48 West St	Krunalkumar Patel	\$750
18	W&M Pkg	Westborough Bev. Corp/Walmart	Palmer Road	Wendy Hubbard	\$700
22	W&M Pkg	Brookside Mart, Inc.	131 West St	Peter J. McKearney	\$700
26	W&M Pkg	Peter J. Koziol d/b/a Pete's Package	100 East St	Peter J. Koziol	\$700
Quota for WARE #1326*					\$17,705
<u>ABCC Quota - Town of Ware issued Liquor Licenses</u>					
Section 12 On-Premises:					
All Alcohol		14 Allowed (ABCC)	10 Used (Ware)	Gabe's, Teresa's, Debbie Wong, Asian Garden, Mexicali, Hanna's, Aspen, Weir River, Wicked, Melha	
Wine & Malt		5 Allowed (ABCC)	4 Used (Ware)	Astronaut, Niko's, United China, Rollaway	
Section 15 Off-Premises:					
All Alcohol		2 Allowed (ABCC)	3 Used (Ware)	Ware Package, Bruso, Jane Alden	
Wine & Malt		5 Allowed (ABCC)	3 Used (Ware)	Walmart, Brookside, Pete's	
		26 Allowed (ABCC)	20 Used (Ware)		
*ABCC quota based on population 9,872					<u>As of November 27, 2019</u>
Section 12		8-1 M-Sat 12-1 Sunday (10am Hanna's 5/2/17, 10am Wicked 7/24/2018)			
Section 15		8-11 M-Sat 10-11 Sunday (ABCC approval 10/23/2014)			



Timothy P. Cahill
Treasurer and Receiver General

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Kim S. Gainsboro
Chairman

ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY MANDATORY LIQUOR LIABILITY INSURANCE

On May 28, 2010 the legislature amended M.G.L. c. 138, §12 by requiring existing licensees and applicants for alcoholic beverages licenses issued under M.G.L. c. 138, §12, to have a **MINIMUM AMOUNT OF MANDATORY LIQUOR LIABILITY INSURANCE COVERAGE**. Effective August 26, 2010, no license under M.G.L. c. 138, §12 shall be issued or renewed until the applicant or licensee provides proof of mandatory insurance coverage by filing a certificate of insurance in a form acceptable to the local licensing authority ("LLA"). As a result, **applicants** for §12 licenses must provide proof of insurance coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person **as a condition to receive a license**. **Existing §12 licensees**, which include any entities wishing to transfer a license, must provide proof of insurance coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person **as a condition to renew a license**.

Although LLA's retain the discretion to set the amount of insurance coverage required pursuant to M.G.L. c. 138, §64A for §12 licensees that are repeat offenders in selling or serving alcoholic beverages to under-age or intoxicated individuals, they **DO NOT** have the discretion to increase the minimum amount of insurance coverage required by this new law. Moreover, LLA's should be aware that licensees have the ability to appeal an action of the LLA in requiring insurance pursuant to M.G.L. c. 138, §64A and that after hearing, the ABCC, retains the discretion to modify this amount pursuant to M.G.L. c. 138, § 67.

As a result of this amendment, the ABCC will be revising the renewal applications for calendar year 2011 to ensure compliance with this new **LIQUOR LIABILITY INSURANCE** law. Individuals with questions concerning this Advisory may contact the ABCC at 617-727-3040 x 31.

(Issued July 27, 2010)

Board of Selectmen
126 Main St
Ware, Ma 01082

Dear Board Members,

The parking situation on High Street has been a consistent problem for many residents on the street for a number of years. Some of the concerns include difficulty turning onto the street from North or Church Streets, exiting driveways due to parked cars blocking or obstructing the end of driveways, and travel down the street in larger passenger vehicles when cars are parked on both sides of the road.

Although a winter parking ban does alleviate some of the issues in the evening, during the day when the ban is not in place and plow berms are present it is often impossible to exit driveways near the corners if a car is parked on the side of the road.

As a resident of High Street and with these concerns in mind, I am requesting that a safety survey be conducted by the Safety Officer to look into the dangerous parking conditions on High Street. These same conditions exist on many of the residential streets between North Street and Church Street, and can lead to unnecessary accidents with parked cars.

Sincerely,



Andrew Choquette
73 North Street
Ware, Ma 01082

To: Selectmen
From: Cindy Wloch

Dear Selectmen:

As of December 1st, 2019, I am resigning from the Council on Aging.

I want to thank each and everyone of you for giving me the opportunity to serve on this board with many wonderful people to work with. It is with sincere regret giving you this resignation, but at this point in time, I have no choice.

In ending, again, Thank You very much for your confidence in me while on the board, and I hope one day our paths will meet again!

Sincerely,

Cindy L. Wloch
C.O.A. Member