



## **Board of Selectmen**

**Ware Town Hall, Meeting Room, 126 Main Street**

**Regular Meeting Minutes – Tuesday, December 18, 2018 at 7:00 p.m.**

**6:30 p.m. Executive Session: MGL Chapter 30A, Section 21(a) #3 Litigation**

**Meeting Opened at 6:30 p.m. by Selectman Whitney.**

**Absent: Selectman Carroll, Selectman Fountain**

**Selectman Opalinski made the Motion to Adjourn Regular Session at 6:30 p.m. to go into Executive Session per MGL Chapter 30A, Section 21 (a) #3 Litigation, TO RECONVENE IN OPEN SESSION by 7:00 p.m.; Selectman Kruckas seconded the motion. The motion passed on a roll call vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

<b>Selectman John E. Carroll</b>	<b>Absent</b>
<b>Selectman Michael P. Fountain</b>	<b>Absent</b>
<b>Selectman Keith J. Kruckas</b>	<b>Yes√</b>
<b>Selectman Tracy R. Opalinski</b>	<b>Yes√</b>
<b>Selectman Alan G. Whitney</b>	<b>Yes√</b>

**Selectman Kruckas made the Motion to Adjourn Executive Session at 6:59 p.m., TO RECONVENE IN OPEN SESSION; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

<b>Selectman John E. Carroll</b>	<b>Absent</b>
<b>Selectman Michael P. Fountain</b>	<b>Absent</b>
<b>Selectman Keith J. Kruckas</b>	<b>Yes√</b>
<b>Selectman Tracy R. Opalinski</b>	<b>Yes√</b>
<b>Selectman Alan G. Whitney</b>	<b>Yes√</b>

**REGULAR MEETING OPENED AT 7:00 p.m. by Vice Chairman Whitney**

**Present: 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, Senator Anne Gobi, Representative Todd M. Smola, Representative Donald Berthiaume**

**Absent: Selectman John E. Carroll, Selectman Michael P. Fountain**

**Opening Remarks, Announcements, and Agenda review by Chair – Selectman Kruckas made an eloquent statement of condolences for Raymond Dulak. Selectman Opalinski noted the United Church Christmas Eve, and noted the new Artworks Gallery.**

### **Consent Agenda**

- **Approval of October 30, 2018 Minutes**
- **Approval of One-Day Liquor License: Workshop 13, Saturday, December 22, 2018**
- **Approval of One-Day Liquor License: ClayWorks/Workshop 13, Friday, January 4, 2019**

**Selectman Kruckas made the motion to approve the Consent Agenda; Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

### **Scheduled Appearances**

- **7:05 p.m. State Legislators – Senator Anne Gobi, Representative Todd Smola, Representative Donald Berthiaume**

Selectman Whitney welcomed the legislators. He noted the density of child abusers and stigma attached to Ware. The Board is seeking State help to create a bylaw to limit the number of sex offenders living in the town. Senator Gobi noted a court case three years ago which sought restriction for these offenders to move to a community, but the SJC denied. Senator Gobi understands the outcry in the community. New laws for qualified examiners are proposed nationwide to decide dangerousness based on scale of age and other factors. For example, Shanley had a negative score. Senator Gobi filed a bill regarding this with Department of Corrections to investigate re-offense level. Those who petition for release need qualified examination to determine who should not be released, with 3 or 4 released in the last year. Representative Smola noted court ruling imposes restrictions, but Judiciary gets the proposal first. He asked what goal the Board is hoping for. Selectman Kruckas noted the town is bearing the burden, while the victim has a life sentence. Representative Smola asked the Board what they thought is the attraction to this town; Selectman Kruckas noted too much low income housing. Selectman Whitney stated there must be a way to control this influx. Senator Gobi noted the need for legislation, and suggested that the town consult the MMA. Representative Smola noted the public hearing process, and suggested the town contact other communities to join this effort. Representative Berthiaume noted the density issue and the offenders have rights; Selectman Whitney noted there are over 30 level 3 offenders in the town. Selectmen Opalinski noted that while the perpetrators have rights, the children need protection. Senator Gobi noted that any proposed legislation would be stronger with support from MMA. Representative Smola noted the there are many bills put forward, but the uniqueness of this idea could contain components and the focal point can bring this initiative together as a group effort. Representative Berthiaume and Representative Smola noted they can take this message to their colleagues who are dealing with this issue to look for support to sign on and work as a delegation. A citizen questioned what makes examiners “qualified” and noted that level 3 offender Joel Pentlarge invites others into town to rent to them, there are 5 living across from the dance studio, and the bar needs to be raised because the laws now tie the hands of citizens. The

citizen stated he read the case and was insulted by the decision, and something must be done as we have failed and need to protect the victims. Citizen Dave Kopacz stated there are only band aids on the symptoms, level 3 offenders should not be released, the SORB is too lenient, and the children are the wronged and the victims. He stated no community should have level 3 offenders, they should all remain in jail. He noted that Sinclair came back to this community to reoffend. Representative Smola noted that the town can begin with a committee to address the density issue. Selectman Whitney noted that working with MMA and other towns would give the support needed. A citizen questioned that photos should be distributed so that all residents know who the offenders are. Chief Crevier noted that the photos and information are posted in Town Hall and at the Police Department. Representative Smola noted the State database SORB also gives all information. Selectmen thanked the legislators for this discussion.

### **Old Business - none**

### **New Business**

- **Approval of 2019 Licenses and Car Dealers' Licenses**

**Selectman Kruckas made the motion to approve the 2019 Common Victualler, Entertainment, Lodging, and Car Dealers' Licenses; Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

Resident Bob Krasnecky questioned the car dealer license vote. Resident Randy Letourneau stated that the Town called DOT on them, and every year they must fight for their license, explain their activities, follow up with DOT, and why not report every driveway on the State highway as they were reported by a Board member. Selectman Kruckas stated that no car dealer should be singled out and these are all in compliance. Selectman Opalinski noted that this dealer has vehicles close to the road. Resident Wayne Henrichon noted that they should then report Guzik Motors and Scott's Auto. Resident Anne Krasnecky stated that the Board allows the car dealer to blow up this issue.

- **Designation of Records Access Officers**

**Selectman Opalinski made the motion to approve the 2019 Designation of Records Access Officers; Selectman Kruckas seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

- **Set Public Hearing: Melha Shriners, 126 West Main Street, Application for New Annual All Alcohol Club License, Common Victualler License, and Entertainment License**

**Selectman Kruckas made the motion to set the Public Hearing for 7:15 p.m. on Tuesday, January 8, 2019; Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

- **Announcement of Vacancy on Ware Housing Authority**

Selectmen instructed the Town Manager to post the vacancy on the Town website.

### **Comments and Concerns of Citizens**

Resident Bob Krasnecky questioned site visits, and stated that all site visits should be documented. Mr. Beckley noted all site visits are documented by the Building Department on the Viewpoint software. Mr. Krasnecky stated that all meetings should be recorded both audio and video; Mr. Beckley noted that minutes of a meeting are the official record. Selectman Kruckas noted that anyone can tape a meeting if they first disclose this.

**Selectman Opalinski made the motion to instruct the Town Manager to instruct all departments to document all visits to public/private property, to use a standard form and disclose who attended; Selectman Kruckas seconded the motion. The Town Manager should bring draft of this site visit form to the next meeting. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

### **Town Manager Report**

Upcoming dates:

January 2 – Planning Board Hearing – Zoning Amendments continued

January 8 – budget presentation and priorities with School Department and Finance Committee

Regional Schools – The School Committee invites the Board to their January 9 meeting to continue discussion and begin the process. The School Committee is contemplating the Board's suggestion of a steering committee.

Personnel: Jean Wrobel, with years of experience in the West Brookfield Water Department will start as the Administrative Assistant in the DPW on January 2. Donna Longtin will split her time between the DPW and the Tax Office with the goal being to consolidate collections.

DEP contacted the Town regarding staffing of the Water department from June to present, indicating insufficient staffing hours. The Town was aware of this during the time period. Mr. St. George-Sorel and I met with DEP in Springfield and came to agreement on a revised staffing plan and public notification plan.

Planning Board. On January 2, the Planning Board will continue their public hearing on the proposed zoning bylaw changes related to:

Solar bylaw modifications – change in setbacks, Solar bylaw – temporary moratorium to consider other amendments, Craft/agricultural marijuana, language,  
Use table amendments. Language amendments

The Planning Board decision regarding the proposed Solar development on Monson Turnpike has been appealed to Land Court. The Solar company has also filed a lawsuit in land court seeking undetermined damages. The Town Attorney and the Town's Insurance carrier are reviewing.

Fire Department Review. I have not progressed much in the past two weeks with this task. The Town has still received interest from only one group, and concerns of the makeup of that group had been expressed. I can contact other groups (2-3) to push for response or at least understand their lack of interest.

**At 8:30 p.m., Selectman Opalinski made the motion to Adjourn Regular Session; Selectman Kruckas seconded the motion. The motion passed on a roll call vote of 3 Yes, 0 No, 2 Absent (Selectmen Carroll, Fountain).**

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

*Happy New Year 2019!*