



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Minutes – Monday, December 23, 2019 at 7:00 p.m.

Present: Selectman Alan G. Whitney, Selectman Nancy J. Talbot, Selectman Tracy R. Opalinski,
Town Manager Stuart Beckley, Clerk Mary L. Midura
Absent: Selectman John E. Carroll, Selectman Keith J. Kruckas

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair
Selectman Opalinski thanked citizens who came to Town Meeting.

Consent Agenda

- **Retroactive Approval of Special Event Permit: Don't Give Up, Saturday, December 7, 2019**
Selectman Talbot 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 (Selectman Carroll, Selectman Kruckas).

Scheduled Appearances

Old Business

- **Complete Streets Policy – Table to January 7, 2020**
Selectman Talbot made the motion to Table to January 7, 2020. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

New Business

- **Approval of 2020 License Renewals**
Clerk Mary Midura presented the 2020 Licenses for Renewal. She stated the following: the Town presently has 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 liquor licensees their licenses until I have the completed certificate of inspection. As of November 27, all liquor licensees have returned proper documentation for renewal. The total revenue to be received from all license renewals, including other licenses and car dealer licenses, will be approximately \$24,095.

Selectman Talbot made the motion to Approve Renewal of the 2020 Liquor Licenses, Common Victualler, Entertainment, Automatic Amusement Devices and Lodging Licenses, as listed. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

Selectman Talbot made the motion to Not Approve Renewal of 2020 Common Victualler License #21: Ware Café & Catering – Closed for Business December 2019. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

Clerk Mary Midura explained that one zoning complaint re: Gillespie Car Care 1 was received by the Building Inspector in October, and the complaint was answered. The complaint addressed the question of allowed vehicles on the front lawn of the licensed premise. The owner of Gillespie Car Care 1 has also requested clarification of allowed license use. Upon discussion, the Board instructed the clerk to research the septic system placement and legal allowance of cars on the front lawn per zoning (Residential Business). Mr. Beckley noted that the Building Inspector can assist with this information.

Selectman Talbot made the motion to Approve Renewal of 2020 Class II Car Dealer License #2: Gillespie Car Care 1, conditionally to January 7, 2020, per further information. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

Complaint re: RT's Welding: Clerk Mary Midura noted that the letter of complaint and thumb drives with videos submitted were provided to all Selectmen. Residents Bob and Anne Krasnecky noted noise complaints and questioned that the fence was down. The licensee stated that the fence has fallen several times due to wind and weather. Chairman Whitney questioned if the complaints were cause to disqualify the licenses? Clerk Mary Midura stated she saw no reason to disqualify the business licenses.

Selectman Talbot made the motion to Approve Renewal of the 2020 Class I, II and III Car Dealer Licenses, as listed. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

- **Recommendations on Plowing and Sanding Unfinished Subdivision Roads – Winter 2019/2020**
Mr. Beckley presented the recommendations. Mr. St. George-Sorel noted that all information is the same as previous years.

Selectman Talbot made the motion to approve the Recommendations on Plowing and Sanding Unfinished Subdivision Roads for Winter 2019/2020. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

- **Request for Safety Survey: High Street**
Resident Andrew Choquette submitted a letter of request and explained safety and roadway issues. Resident Kim Mongeau also verbally requested that a safety survey be done for Pulaski Street. The requests will be made to the Safety Officer.

- **Acceptance of 20 Wildflower Drive**
Mr. Beckley noted that the lot is open space and title and deed search are complete.

Selectman Talbot made the motion to approve the acceptance of 20 Wildflower Drive. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

- **Commendation of Police Officer Randy Topor**
Chairman Whitney read the commendation for Officer Topor's years of service from 1985-2019. Police Chief Crevier noted Officer Topor was court officer for many years, and he reached Badge #2.

- **Commendation of Acting Fire Chief Ed Wloch**

Chairman Whitney read the commendation for Acting Fire Chief Wloch's years of service from 1990-2019.

- **Appointment of Acting Fire Chief**

Mr. Beckley made a strong recommendation to appoint Lieutenant Christopher Gagnon as Acting Fire Chief. He noted that Lieutenant Gagnon is well-supported by the department and will bring stability to the department.

Selectman Opalinski made the motion to approve the Appointment of Acting Fire Chief Christopher Gagnon. Selectman Talbot seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

Acting Fire Chief Gagnon commended the staff of the Fire Department for their commitment on a day-to-day basis. He stated he was humbled and honored to be appointed.

- **Acceptance of Resignation: Cindy Wloch, Council on Aging**

Selectman Talbot made the motion to Accept the Resignation, with regrets, from Council on Aging of Cindy Wloch. Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

- **Receipt of Open Meeting Law Complaint**

Chairman Whitney acknowledged the Open Meeting Law Complaint.

Comments and Concerns of Citizens

Resident Kim Mongeau noted that a previous complaint of water on Pulaski Street has now caused ice. Mr. Beckley noted that residents should call him or police and send photos.

Ms. Mongeau questioned the civil service process. Mr. Beckley noted that civil service will require an exam or assessment center to choose a new Fire Chief. The exam is scheduled for March 2020 and March 2021.

Jim Russell, resident and MassLive reporter, questioned who the acting deputy fire chief would be; Mr. Beckley noted that the Fire Chief chooses the deputy fire chief.

Jim Russell questioned the purpose of Executive Session tonight; Chairman Whitney noted there would be no Executive Session tonight.

Town Manager Report

Planning. The Planning Board has held several sessions on proposed changes to the solar zoning bylaw. They will hold a public hearing on Wednesday, January 16 at 7 p.m. There are currently three solar projects before the Planning Board for review.

Regarding the appeal/suit on the solar project on Monson Turnpike Road, the Town prevailed: On Dec. 12, 2019, Justice Piper of the Massachusetts Land Court in Boston denied the plaintiff PLH's Motion for Summary Judgment and, instead, ordered that judgment shall enter in favor of the defendant Town of Ware. In so doing, Justice Piper held that the Town of Ware Zoning Bylaw is valid and lawful, and does not violate M.G.L. c. 40A, § 3 (the statutory protection for the use of land as a solar energy facility) because of its requirement that large ground-mounted solar facilities must apply to the Planning Board for a special permit. Final judgment will likely enter in early January 2020, effectively bringing the Land Court case to a close. The plaintiff PLH will then have thirty (30) days to appeal this decision to the Massachusetts Appeals Court. We do not yet know whether PLH will do so.

Personnel: Andrew Choquette, assistant in the Building Department, and Kristen Fredette, assistant in the DPW, have given their notices. Per the bargaining unit contract, internal applicants are being sought before external posting. The department heads and I will review the job descriptions and hours needed for each position.

Daniel Losert has been hired as a Water Operator. He arrives with licenses.

Brandon Haley has passed the grade 4 operator's exam at the Wastewater Treatment plant. This license will allow him to participate in weekend monitoring.

The Architectural Study of Town Hall is under way with the report being due at the end of February.

The Quaboag Connector has received grants for various purposes (planning, operations and vehicles) totaling \$390,000. Breakdown is \$180,000 Health Foundation Grant, \$50,000 Baystate Grant, \$40,000 Mass DOT grant for vehicles, and \$120,000 Mass DOT grant for operations. This is due to a strong regional and state partnership.

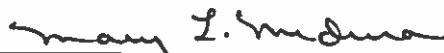
Snow update: The few storms to date have been heavy and messy with clean-up required afterward. The Town has spent approximately 20% (\$40,000) of its snow and ice budget to date.

I will be out of the office on Thursday, December 26.

There will be no Executive Session tonight.

Selectman Opalinski made the motion to Adjourn the Regular Meeting at 7:39 p.m. Selectman Talbot seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Selectman Carroll, Selectman Kruckas).

Attest: _____



Mary L. Midura, Executive Assistant to
Town Manager