



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, December 4, 2018 at 7:00 p.m.

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 Stanly Ciukaj.

Meeting Opened by Chairman Carroll at 7:00 p.m.

Opening Remarks, Announcements, and Agenda review by Chair

Chairman Carroll requested a moment of silence to honor President George H.W. Bush, and to honor Jose Anacleto, who was a member of the Ware Housing Authority.

Selectman Opalinski noted the Tree & Wreath Stroll on December 8 and 9. On December 16, Ware Community Jazz will perform at Workshop 13. The grand opening of Artworks Gallery will be on December 15 and 16. Selectman Opalinski encouraged residents to support local events!

Selectman Fountain asked the status of quotes for the audit; Mr. Beckley noted there were none. Selectman Kruckas noted the Planning Board meeting at 7:00 p.m. on December 5 regarding zoning amendments.

Consent Agenda – None

Old Business

- **Approval of Revised Reverter Document, South Street School**

Mr. Beckley explained that the Reverter agreement approved on November 20, 2018 needs new approval as the property is subject to a mortgage and has a mechanics' lien.

Selectman Whitney made the motion to approve; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Update: School Regionalization Discussion**

Mr. Beckley noted the memo from the School Committee. In phase 1, the school business manager will follow state process. Item D is a self-assessment tool. We would need appropriation from town meeting and the School Committee would like agreement and a joint meeting with the Board. Dr. DiLeo is strongly in favor of this process. A combined steering committee would drive this forward. A joint meeting will be set in January 2019 for the Board and School Committee.

Selectman Kruckas asked about a meeting in Palmer for the East/West Rail.

Selectman Kruckas made a motion to send a letter of support; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Scheduled Appearances

- **7:15 p.m. Tax Classification Hearing**

Chairman Carroll read the public hearing notice. Ted Balicki, Gerry Fountain, and Devin Peterson, Assessors presented the Tax Classification packet. The Board of Assessors recommend a tax factor of 1. The town is 84% residential, 16% commercial. The new tax rate would be \$20.21. Selectman Opalinski noted that local businesses give back to the community in many ways.

Selectman Opalinski made the motion to approve the Tax Factor of 1; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Carroll). Selectman Carroll noted that he would prefer a tax factor of 1.5 as businesses are for profit, and residents subsidize those businesses.

Christian Boysen, Regarding above vote on Reverter Document, South Street School

Mr. Boysen explained the technical issues and expected clause would have been illegal for banks. Demolition will commence when the closing is done. The reverter must be subject to the mortgage. Selectmen noted the above approval before Mr. Boysen arrived.

- **Host Community Agreement:**
 - **Retail: Herbal Pathways, LLC**
 - **Retail: Curaleaf Massachusetts, Inc.**
 - **Retail: NewCann Group, LLC**

Chairman Carroll noted the Board should make a choice, since additional information has been submitted since the last meeting.

Stacie, an owner of the barbershop on Pulaski Street stated that the former jewelry store location does not provide enough parking and the area does not support the traffic that would occur, and other locations make more sense. Resident Kim Ring noted that the West Street location will affect Pulaski Street since that street is access to the hospital, often cars are parked on both sides, and increased sales in Leicester have resulted in demands on police resources. She also noted that any business should have handicapped access, public bathrooms, and she spoke to the Leicester Police Chief who strongly advised there should be ample parking. Resident Ariel Lask, owner of Limelight Dance Studio on Pulaski Street, noted that she was not against this business, but it should not be located near the studio. She stated that Ware is built on small business and the Town should support those small businesses that are already here. A woman representing Herbal Pathways stated they had two possible locations including 14 West Street, and they know that location will not work and want residents happy and will not use that location and are looking for a more appropriate location. Resident Phil Hamel questioned that Federal law for marijuana is illegal, but the State says it is legal, wouldn't there be lawsuits for the Town.

David Rabinowitz stated that they are looking at a location at 142 West Street, they looked at the former Rite Aid building also, not to cultivate, but revenue would stay in the Town of Ware. Resident Cathy Cascio questioned if any of the applicants are Ware residents. Several stated yes, others stated they will hire locally. Mr. Jonsson of Curaleaf, stated they are a national organization but have been in Massachusetts since 2013, and have reached out to HCC and local

farmers. Selectman Kruckas noted that Curaleaf is in Canada; Mr. Jonsson confirmed that they are in 12 states. Selectman Kruckas asked why he was called by Mr. Jonsson this weekend, and if Selectman Opalinski reached out, she should recuse herself from this vote. Selectman Opalinski noted that Curaleaf would rent 3% more space of square footage. Selectman Kruckas stated that Curaleaf is biased if donating to non profit. Selectman Opalinski noted that Curaleaf has a letter of intent. Another representative of Curaleaf stated that typically, the order is site control, then a host agreement. Selectman Kruckas questioned whether this company was donating, talking about this, asking questions. The representative from Curaleaf stated that Selectman Opalinski reached out to ask if Curaleaf had identified a hiring manager. Selectman Kruckas asked if there were no suggestion to reach out to the Police Chief or where to donate? The Curaleaf representative noted they do that in every town. Selectman Kruckas noted the first letter from Curaleaf noted donations to Angels of Ware, now the letter is to HCC and others, no others reached out, and these decisions should be made as a Board. Selectman Opalinski noted they are right on Main Street. Selectman Carroll noted the group approved a few weeks ago had a specific address (60 Main Street). A representative from Herbal Pathways noted they are looking at 124 West Street, if available. New Cann representative also noted 124 West Street.

Lori Sinclair, of B'Leaf Wellness Centre, stated she has been local over 30 years, and as a small business, does not want to be pushed by a larger business. Selectman Kruckas noted the demise of small business, the town should have a level playing field, if a larger moves in, just approved a small business, there are the mills, should keep revenue in town, and he would rather have 5 small businesses. Selectman Whitney noted that if one is local, spread the risk, one that has done this before and has the organization, should have one larger business. Mr. Jonsson noted that depending on who is selling, Curaleaf would want local to supplement our products. Selectman Kruckas stated that last time, Curaleaf stated use of its own sources for tax write off. The Curaleaf representative noted that the host agreement is followed by other hurdles, and asked the overall goals of the Board. He noted that in Worcester, 4 have been approved for medical, only 1 is open. He noted that Curaleaf is larger, more experienced, with tax revenue, own supply chain, and based on supply and demand. Mr. Rabinowitz of New Cann noted they are smaller. Selectman Opalinski noted the green rush, companies to get a placeholder.

Selectman Opalinski made the motion to approve a Host Community Agreement with Curaleaf Massachusetts, Inc.; Selectman Whitney seconded the motion.

Selectman Kruckas stated to Selectman Opalinski that she reached out to one company. Selectman Opalinski stated she did not talk to, not what the Board is talking about, did you do research? to Selectman Kruckas. Selectman Kruckas stated the Board members should ask questions in public. Mr. Jonsson state they identify non-profits, have excellent relationship with Police Chiefs. Selectman Opalinski noted they rented portion in the millyard. Selectman Kruckas said to Selectman Opalinski, you said there are no spaces, but there are spaces in the mills and in town. The Curaleaf representative stated they hope to get cultivation in, also.

Town Planner Rueben Flores-Marzan noted that to operate and shop, have cash, tax income, jobs, this conversation should go on, perhaps take more time with the proponents. He noted that the Planning Board will soon discuss Zoning amendments. He suggested the Board take more time, come tomorrow night to the Planning Board meeting, to make a more informed process.

Mr. Rabinowitz of NewCann stated they are small business, hope to have an incubator to build the economy here in our proposal. They have over 30 years' experience, and hope to help young crafters, continue to bring in so the money stays here. Selectman Opalinski noted that the incubator is not allowed in the current law. She stated that the Town employees, such as Rueben, should not do your work. Mr. Rabinowitz stated the incubator would house 3-12 businesses.

Selectman Opalinski stated the Board should vote on what is here tonight. Mr. Rabinowitz noted they would do a retail store with a crafters area. The Curaleaf representative stated that the incubator sounds great but is limited to retail and is misleading to this Board, as it applies to the license only. A discussion among the applicants regarding their experience and qualifications ensued. Chairman Carroll gaveled the discussion, and noted a motion was in front of the Board.

The motion passed on a vote of 3 Yes (Selectmen Opalinski, Fountain, Whitney), 2 No (Selectman Carroll, Kruckas).

New Business

- **Approval of 2019 Liquor License Renewals**

Selectman Whitney made the motion to approve the 2019 Liquor License Renewals as presented; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Host Community Agreement, Cultivation: Cedar Roots, LLC**

Rick Lotuff and Mary Lotuff Feeney, longtime former Ware residents, were present for the application for a cultivation facility. The location is 50 East Main Street, with ample parking, and a hope to create an environment in the millyard with small stores.

Selectman Whitney made the motion to approve a Host Community Agreement with Cedar Roots, LLC; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Carroll).

Comments and Concerns of Citizens - none

Town Manager Report

Upcoming dates:

December 5 – Planning Board public hearing on zoning amendments

December 8- Downtown Stroll, 10-2

December 18 – Meeting with Legislators

Personnel. Donna Longtin is promoted to the Administrative Assistant position in the DPW. The Town will work toward replacing her previous position with a collections position shared by DPW and the Tax Collector.

Ruben Flores-Marzan's last day as Director of Planning and Community Development in Ware will be December 14. The land use and community development committees and I will initiate the search.

Space Heaters. A poll of all offices in Town Hall finds that the prohibition of space heaters will lead to numerous offices being consistently cold due to the system. The Town has had a plumber survey all the radiators. The plumber will prepare a plan for system improvement. At the time of heating improvements, the space heaters can cease.

33 Vigeant Street. Associated Building Wreckers will complete work before the holidays. School Improvements. The School Department and I have met with the Owners Project Manager and project architect for the school repair projects. The current schedule calls for preliminary designs to be complete by mid-February for the SMK boilers and the Middle School windows. A Town Meeting in March could approve funding for construction.

Planning Board. The Planning Board will hold a public hearing December 5 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 Bylaw review committee will hold a meeting on December 6.

The Ware Board of Health voted to increase the tobacco sales minimum age to 21 effective January 1. The Quaboag Hills Substance Use Alliance is following up with other towns in the region to ask for similar action.

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. May 29 presentation of 75% plans. Follow up with MassDOT to request waiver for bike lanes. Meeting held on August 14. 100% design submitted and under review for comments. 5 spaces added back to plan, primarily in front of Town Hall. Appraiser selected for required permanent and temporary easements. Shade tree hearing to be required. Advertisement date is August 2019
73 West Main Street	Town Attorney working on closing documents
Purchase of 116 Pleasant Street	Purchased. Being weatherized and secured for use by Water Department Chlorination system
Energy Savings	LED light installation will now commence in January. A replacement part is required by the installer. The first three motors at the Wastewater Treatment plant have been replaced. The remaining three will be installed before June.
Beaver Lake bridge	Hired Tighe and Bond to evaluate two alternatives for repair of the bridge
Elm Street	Hired Tighe and Bond to design road, water and sewer improvements

At 8:30 p.m., Selectman Whitney made the motion to Adjourn Regular Session to go into Executive Session per MGL Chapter 30A, Section 21(a) #1 Complaints Against Public Official: Town Manager, NOT TO RECONVENE IN OPEN SESSION; Selectman Fountain 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 Alay G. Whitney	Yes✓

Attest: 
 Mary L. Midura, Executive Assistant

The next Board of Selectmen meeting will be held on Tuesday, December 18, 2018 at 7:00 p.m.