



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Notice Agenda – Tuesday, February 16, 2021 at 7:00 p.m.

6:30 p.m. Executive Session: M.G.L. Chapter 30A, Section 21(a) #3 Litigation

Instructions for call in option: at or before 7:00 p.m., call the phone number below and when prompted enter the Meeting ID number. The platform is Zoom Meetings.

Join online: <https://us02web.zoom.us/j/7846041861> (the online option will require a download).

Meeting ID: 784 604 1861

Passcode: 01082

Phone: 929-205-6099

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda

- Approval of January 19, 2021 Meeting Minutes

Scheduled Appearances

- 7:10 p.m. Public Hearing: Declare 13 Parker Street a Nuisance and Unsafe Property
- John Zienowicz, Director Senior Center
- Molly Gray, President, Baystate Eastern Region, and Bob Kelly, Cedarbrook
- Regional Dispatch Proposal

Old Business

- Quabbin Feasibility Study (attachment, will attend March 2)

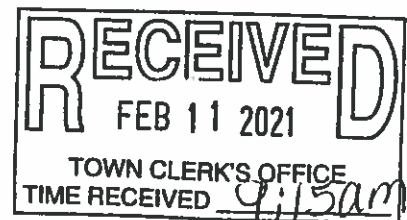
New Business

- Right of First Refusal, Chapter 61A, Shady Path
- Schedule Water Rate Hearing, March 2, 2021
- Town Meeting and Date

Comments and Concerns of Citizens

Town Manager Report

Adjournment





Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Notice Agenda – Tuesday, January 19, 2021 at 7:00 p.m.

6:15 p.m. Executive Session: M.G.L. Chapter 30A, Section 21(a) #2 Union Negotiations, #3 Litigation

Chairman Whitney opened the Regular meeting at 6:17 p.m.

Selectman Kruckas made the motion at 6:17 p.m. to Adjourn the Regular Meeting to go into Executive Session: M.G.L. Chapter 30A, Section 21(a) #2 Union Negotiations, #3 Litigation, TO RECONVENE IN OPEN SESSION at 7:00 P.M. Selectman Barnes seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Recused (Selectman Talbot).

Selectman Alan G. Whitney	Yes✓
Selectman Keith J. Kruckas	Yes✓
Selectman Thomas H. Barnes	Yes✓
Selectman Nancy J. Talbot	Recused
Selectman John J. Morrin	Yes✓

Selectman Kruckas made the motion at 7:03 p.m. to Adjourn Executive Session, TO RECONVENE IN OPEN SESSION at 7:07 p.m. Selectman Barnes seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Recused (Selectman Talbot).

Selectman Alan G. Whitney	Yes✓
Selectman Keith J. Kruckas	Yes✓
Selectman Thomas H. Barnes	Yes✓
Selectman Nancy J. Talbot	Recused
Selectman John J. Morrin	Yes✓

Instructions for call in option: at or before 7:00 p.m., call the phone number below and when prompted enter the Meeting ID number. The platform is Zoom Meetings.

Join online: <https://us02web.zoom.us/j/7846041861> (the online option will require a download).

Meeting ID: 784 604 1861

Passcode: 01082

Phone: 929-205-6099

Present: Selectman Alan G. Whitney, Selectman Keith J. Kruckas, Selectman Nancy J. Talbot, Selectman Thomas H. Barnes, Selectman John J. Morrin, Town Manager Stuart B. Beckley, Executive Assistant Mary L. Midura, Building Inspector Anna S. Marques, Police Chief Crevier

Absent: None

Present via Zoom: Town Accountant Tracy Meehan, Treasurer Erica Brunell, WRN Editor Eileen Kennedy, Health Director Judy Metcalf

Meeting Opened by Chairman Whitney at 7:07 p.m.

Opening Remarks, Announcements, and Agenda review by Chair

Selectman Barnes thanked Chuck Niedzwicki for the sign at Route 9, visibility is improved. He also thanked Stanley Ciukaj from Ware TV for the chrome books for the Selectmen.

Selectman Kruckas expressed his condolences to the Chevalier family.

Selectman Morrin thanked the Town Planner and Planning Board for taking on the issue of abandoned properties and making a condition of mandatory insurance. He announced that the Downtown Improvement Committee will meet on January 25, 2021 at 6:00 p.m.

Consent Agenda

- **Approval of November 24, December 8, December 22, 2020, and January 5, 2021 Meeting Minutes**

Selectman Talbot made the motion to approve the meeting minutes of November 24, December 8 and December 22, 2020 and January 5, 2021. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Kruckas).

Scheduled Appearances

- **Judy Metcalf, Director Health Department**

Ms. Metcalf stated that Ware is in the third week of Red High Risk, with 9.03% case positivity, per 100,000 is 66.1% incidence rate. This bad situation calls for wearing masks, social distancing, washing hands, avoid group activity. The Health Department now has calls from residents for information on how/when they can get the vaccine. Ms. Metcalf noted that the state is still in Phase 1 with home healthcare workers now eligible for the vaccine. Until the state is in Phase 2, with vaccines for teachers, elderly, those with medical conditions, and essential workers, there is no new information. Ms. Metcalf noted a realistic timeline would bring us to mid-February for more vaccine availability.

Selectman Morrin thanked Ms. Metcalf and her staff for their hard work, and for her honest and complete answers. He asked if Red status meant the virus is everywhere. Ms. Metcalf noted that Red means community spread, and we all need to continue to be careful with defensive measures.

- **Schools Update**

Selectman Morrin noted a demand for \$44,000 for which he said the schools are responsible for payment. He noted an email from the School Committee Chairman in which the SC Chairman stated he would not attend a meeting in which a raised voice and accusatory tone is used. Selectman Morrin said he would assure the SC Chairman that the only raised voice is when someone is lying to us, and the Board was misled about negotiations about the \$44,000 and the legal requirements of the bill, (the Board was misled about) the delivery and existence of minutes of the Reopening Committee, and the Board was misled in that the trigger had been set at two weeks of Red for the closing of the schools. Selectman Morrin stated "So if he wants to avoid a raised voice and accusatory tone, if someone from that department comes before this Board, encourage them to testify fully, transparently and honestly, they'll be met with a friendly voice and appreciative tone. I have a list of questions I'll give to the Town Manager for the Superintendent and I would appreciate if she would respond to them as soon as possible or by the Friday before the next meeting."

Chairman Whitney noted he wants to work with the schools, “but since the debacle of the regionalization study, where people stood up at the meeting and said they were never contacted.” He stated the Board must be able to trust what they give us. He said, “I think they’re working as hard as they can, but we have questions.”

Selectman Kruckas noted his concerns about the triggers and schools opening back up. Selectman Morrin stated the triggers were completely different, he asked for a plan, the Superintendent said the School Committee had voted, but the School Committee had not yet voted on the issue.

Old Business

- **Building Inspector Update – Main Street Buildings**

Building Inspector Anna Marques spoke to the Board. She has spoken to a contractor who dealt with the previous owner and came out on Monday to consider demolition to 92-104 Main Street. Regarding, 114 Main Street, there are hazardous materials to consider. He is preparing a quote. Selectman Kruckas noted he has been asking about these buildings for over 8 months. He questioned the progress of the fines and has seen no progress otherwise. Chairman Whitney asked Ms. Marques if she was actively giving violations and fines. Ms. Marques noted that each violation and fine has a 21-day appeal period. She noted that 92-104 can be made secure by boarding up the building. Chairman Whitney noted the need to do everything legal. Selectman Talbot noted that fines can be continued to be issued, even if an appeal is being made on other violations/fines. Mr. Beckley noted that town counsel is continuing pressure on the owner of 114 Main Street. The owner of 92-104 has owned the building since February 2019. Ms. Marques noted she is continuing to issue fines, with dates and a timeline, and with town counsel approval and guidance. The blight bylaw should be ready by the May 2021 Annual Town Meeting.

- **Request for hearing, declaration of 13 Parker Street as dangerous nuisance (2/2)**

Ms. Marques noted that a hearing is necessary to declare 13 Parking Street as a nuisance and unsafe property.

Selectman Talbot made the motion to Set a Public Hearing on Tuesday, February 16, 2021 at 7:10 p.m. for 13 Parker Street per MGL Chapter 139, Section 1 to Declare a Nuisance or Unsafe Property. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Kruckas).

New Business

- **Appointment New Police Officer – Nicholas D. Feliciano**
- **Re-appointment Full-Time Police Officer – Daniel Clark**

Selectman Kruckas made the motion to Reappoint Full-Time Police Officer Daniel Clark. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

Selectman Barnes made the motion to Appoint New Full-Time Police Officer Nicholas D. Feliciano. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

- **Consideration of Cannabis Host Community Agreement**

Mr. Richard Barry, Mr. Robert Barry and Nico Siniscalchi appeared before the Board for Minuteman Farm, LLC. This would be a new structure, taking 6-8 months to build with irrigation and state of the art systems. The company is also building a site in Belchertown. Estimated revenue of 100 Pounds @ \$4,200/lb. would gross \$450,00 for the Town of Ware. The company intends to employ 18-20 @ \$25/hour.

Selectman Kruckas made the motion to approve the Cannabis Host Community Agreement for Minuteman Farm, LLC. Selectman Morrin seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Approval of Capital Projects Closeout to Indebtedness Payment**

Town Accountant Tracy Meehan noted the capital projects that are completed have balances that can be applied to indebtedness.

Selectman Talbot made the motion to approve Capital Projects balances be Applied to the Payment of Indebtedness in the General Fund, Water Enterprise Fund and Sewer Enterprise Fund. Selectman Barnes seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Comments and Concerns of Citizens - none

Town Manager Report

COVID – Ware continues to be a High-Risk community, with a 9% positivity rate on testing.

The attorneys for the Town and the buyer have completed the paperwork necessary to close on 73 West Main Street. The deed will be ready for the Board's signature on Tuesday, with the closing planned for Wednesday.

Selectman Barnes made the motion to approve the sale of 73 West Main Street contract. Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Personnel. The Town has hired two staff to fill vacancies in the DPW. Derek Dineen has been hired as a Truck Driver/Laborer, starting January 25. Tim Ayres has been hired as a water worker who will work toward becoming an operator in the coming months.

Senior Center – The broken coils at the Senior Center have been repaired and the heating system is working. The contractor is preparing a plan to replace the controllers, which the senior center director will present along with the history of the problem on February 2.

Local taxes. Per the attached, the quarterly distributions for the meals and marijuana local taxes generated good revenue, \$30,291 and \$33,618, respectively. The subcommittee regarding the distribution of Curaleaf's community donations has met. This year's donations will be set by March, with another round beginning in April. Agencies and local charities are encouraged to apply.

Molly Gray, the Baystate Eastern Region President will attend the February 2 meeting to discuss updates at Mary Lane, including the closed wound care center.

Please refer to the Highway and Police reports submitted this week.

Mr. Beckley noted that Beth Greenblatt will speak to the Board on February 2, 2021 regarding solar.

Selectman Kruckas questioned why the Town Planner and Town Manager were not more involved in the issue of the wound care center. Selectman Barnes questioned the scenarios and fees of the Quabbin study; Mr. Beckley noted that MWRA would respond further at end of January. Selectman Barnes also noted the FAA drone certification, and the Board discussed a bylaw regarding drone use. Selectman Morrin questioned the solar projects list; Mr. Beckley noted a new developer and RFP would be needed to re-establish the landfill area for solar. The Board clarified that the audit of Town Hall must be independent and regarding financials.

The public safety officer will be notified of a request for a stop sign at Horseshoe Circle. Mr. Beckley noted two spending bills regarding economic development and transportation, including funding of approximately \$300,000 from the state for 114 Main Street demolition. The legislation for the safety zone at Beaver Lake and the legislation for renaming the Board of Selectmen to the Select Board are with legislators for the new session. The legislation regarding the Board hiring for the fire department is also in the current legislation.

Adjournment

Selectman Kruckas made the motion at 8:29 p.m. to Adjourn the Regular Meeting. Selectman Talbot seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Attest: _____
**Mary L. Midura, Executive Assistant to
Town Manager**



TOWN OF WARE

Town Hall, 126 Main Street
Ware, Massachusetts 01082
Tel. 413-967-9648

PUBLIC HEARING NOTICE

The Board of Selectmen will conduct a Public Hearing on **Tuesday, February 16, 2021 at 7:10 p.m.**, in the Selectmen's Meeting Room, 126 Main Street, Ware, MA. The purpose of the Public Hearing is to determine if property at 13 Parker Street, Ware, MA is dilapidated, dangerous, unsafe or otherwise constitutes a nuisance, in accordance with MGL Chapter 139, Section 1, and to take any action thereto. The Board of Selectmen will receive comments from interested residents at the hearing, or residents may send written comments to Town Manager, 126 Main Street, Ware, MA 01082. **This notice shall also be posted on the Massachusetts Newspaper Publishers Association's (MNPA) website (<http://masspublicnotices.org>).**

All interested parties are invited to attend.

Alan G. Whitney
Chairman
Board of Selectmen
January 20, 2021



TOWN OF WARE BUILDING DEPARTMENT

126 Main Street, Ware, MA 01082
413-967-9648 x180

January 15, 2021

Board of Selectmen
Town of Ware
126 Main Street
Ware, MA 01082

Dear Board Members,

This letter is to inform you on the current state of 13 Parker Street and to request from the Board a hearing to be scheduled with the owner(s) of the property per MGL 139 Sec. 1.

A brief history leading up to the current state of the structure: 13 Parker Street was condemned on February 6, 2020 and the occupant was ordered to vacate the property. On February 18, it was discovered the occupant was still residing at the address. On February 19, the Town of Ware filed an emergency motion to preclude any and all occupants and for permission to board and secure the premises. On February 24, 2020, the Housing Court ruled in favor of the Plaintiff (the Town of Ware). In March, the occupant signed a Settlement and Release form. The property is unoccupied.

The current state of the property is that it was (and still is) in the tax taking process. It was understood it would be owned by the Town of Ware inevitably. In the meantime, estimates were acquired from Associated Building Wreckers, Inc. for demolition and a pre-demolition asbestos survey was conducted.

The property is continually deteriorating. I have included a report from this week's visit to the site along with the order of Condemnation from February 6, 2020. Both documents have supporting descriptions and photos on the condition of the structure.

Sincerely,

Anna S. Marques
Local Inspector, Zoning Enforcement Officer

Cc: Town Manager
DPW Director
BOH Director
WFD Chief
WPD Chief
PCD Director

Part I

ADMINISTRATION OF THE GOVERNMENT

Title XX

PUBLIC SAFETY AND GOOD ORDER

Chapter 139

COMMON NUISANCES

Section 1ORDERS ADJUDGING BUILDINGS, STRUCTURES OR VACANT
LAND TO BE NUISANCES; NOTICE, HEARING AND SERVICE
OF COPY OF ORDER

Section 1. The aldermen or selectmen in any city or town may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, or his authorized agent, or to the owner of a vacant parcel of land, and after a hearing, make and record an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. The city or town clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof in the manner prescribed in section one hundred and twenty-four of chapter one hundred and eleven, and make return to said clerk of his doings thereon.

Report

Town of Ware – Building Department

To: Board of Selectmen
By: Anna S. Marques, Local Inspector / Zoning Enforcement Officer
CC: Town Manager, WPD, WFD, DPW, PCD, BOH, file
Date: January 15, 2021
Re: 13 Parker Street – update in condition
Attachments: Current Photos

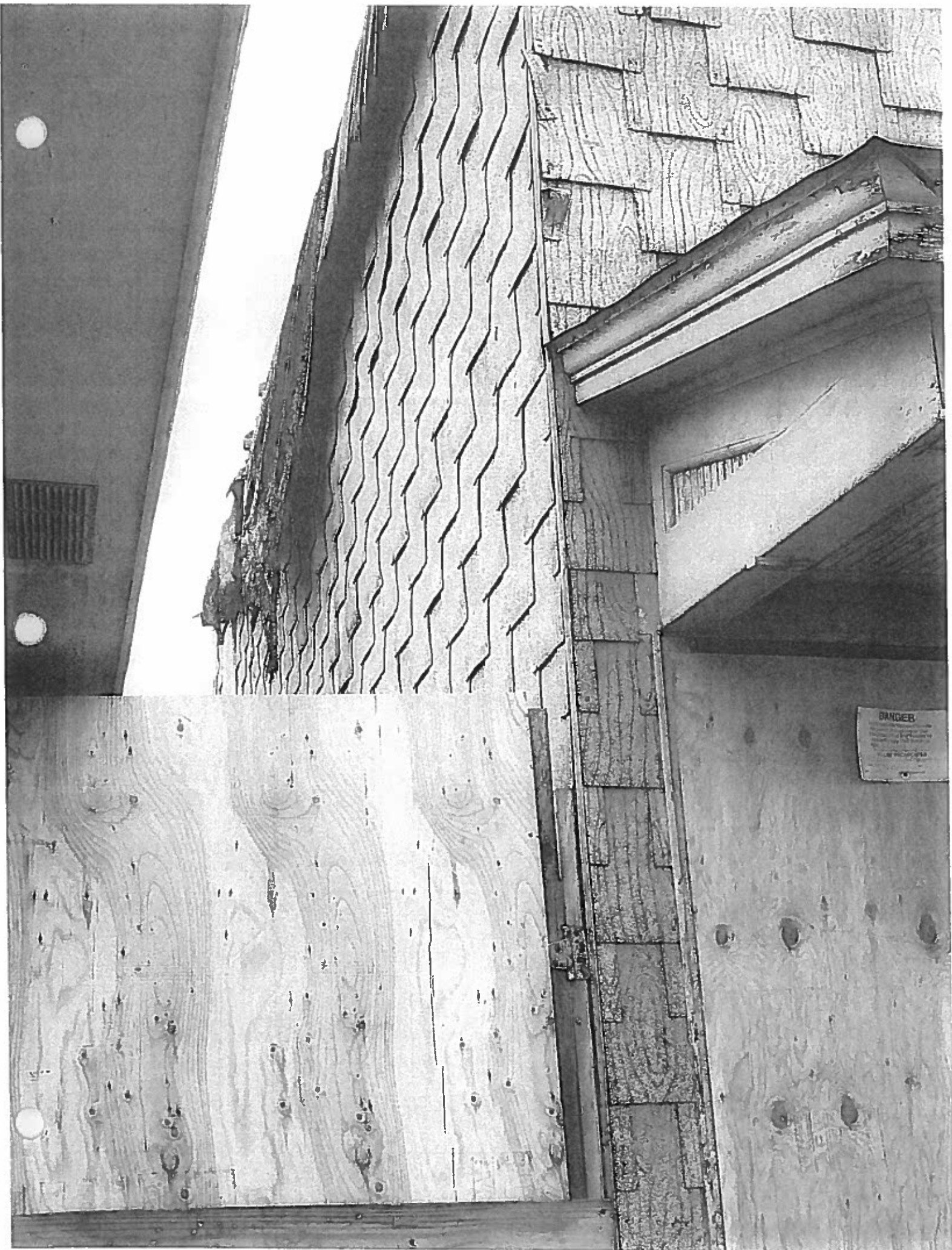
On the morning of Tuesday, January 12, 2021, it was observed the previously secured gate leading to the backyard on the left side of the building was broken and knocked down. WFD was on site and WPD arrived shortly after. It was noted by all that it was a recent change in the condition of the secured premises. A call was placed to DPW requesting the gate opening to be resecured. With WPD, I entered the premises to assess any potential concerns.

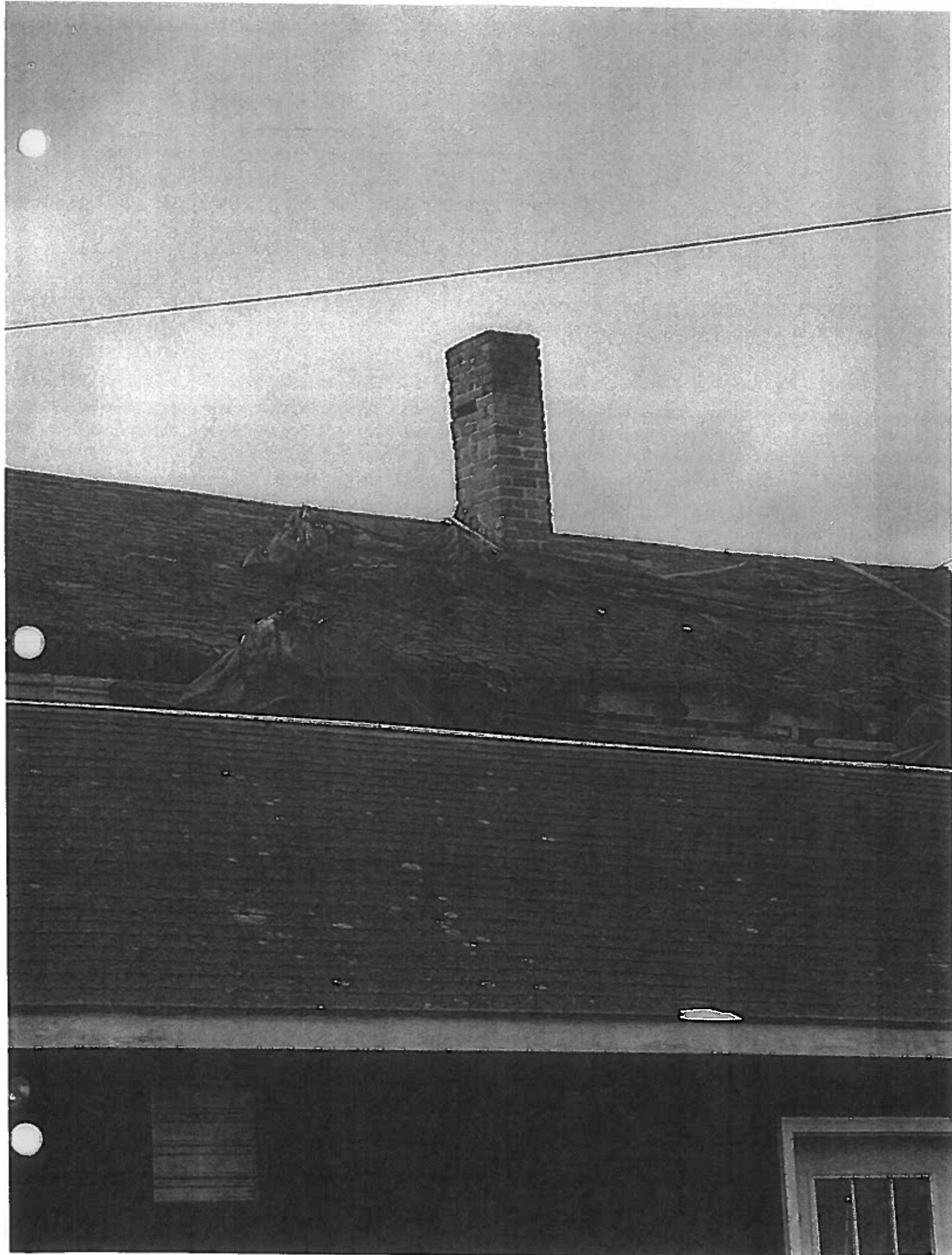
The yard was still full with debris. The door to the basement was ajar but present cobwebs indicated there was no attempt at access made. The bathroom fixtures and kitchen fixtures did not fall through the floor yet, though there are holes present in those areas opening to the basement below. It appeared a kitchen counter is half collapsed into one of the holes. Passage through the structure was still hindered with strewn debris throughout. We continued our way upstairs and reached a point where it wasn't advisable to continue on due to the mattresses and other items blocking access.

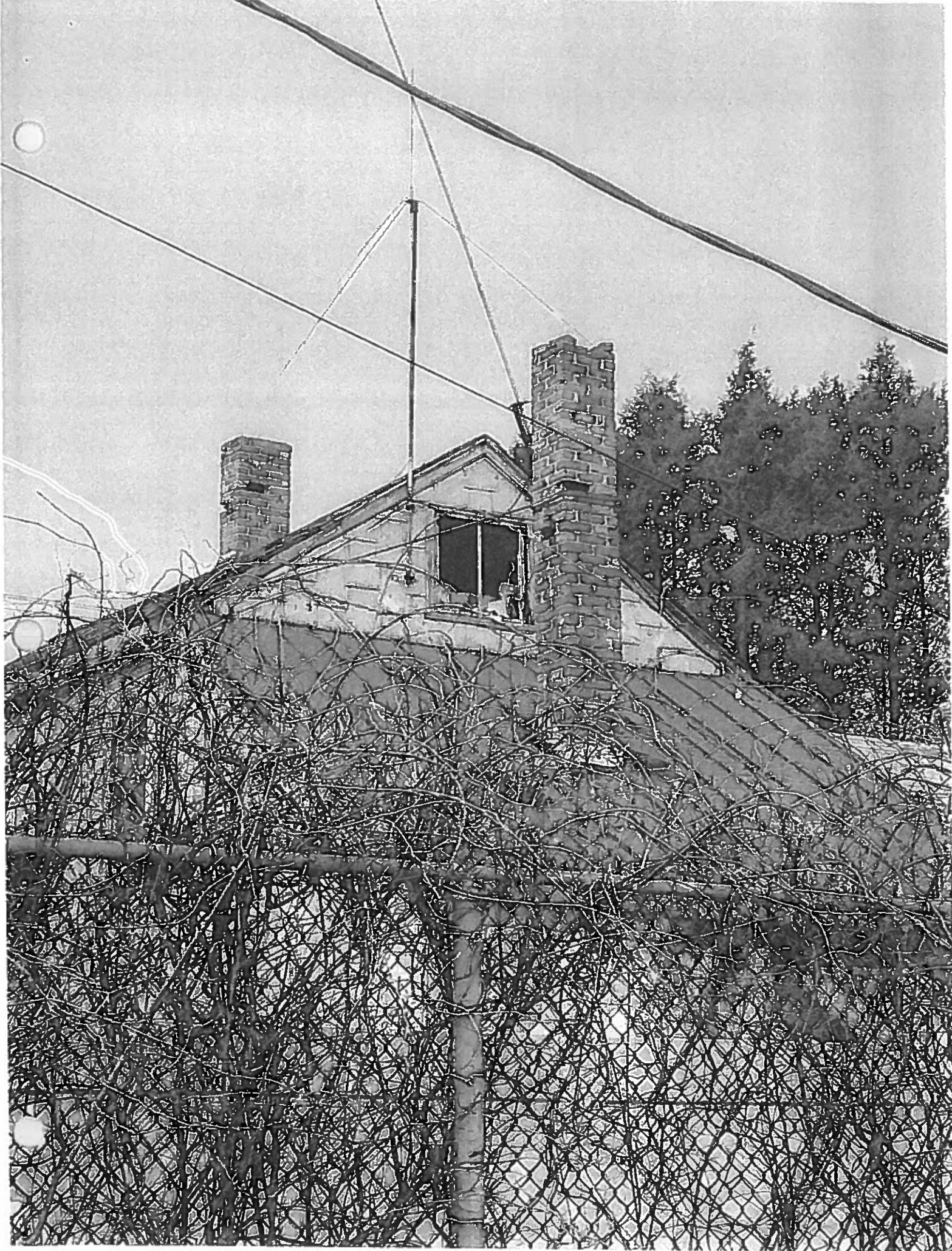
On the exterior, it appears the front area serves as a dumping area for discarded items in the neighborhood. The roof has deteriorated more. The chimneys are unsound with bricks missing. The structure is increasingly being exposed to the elements.

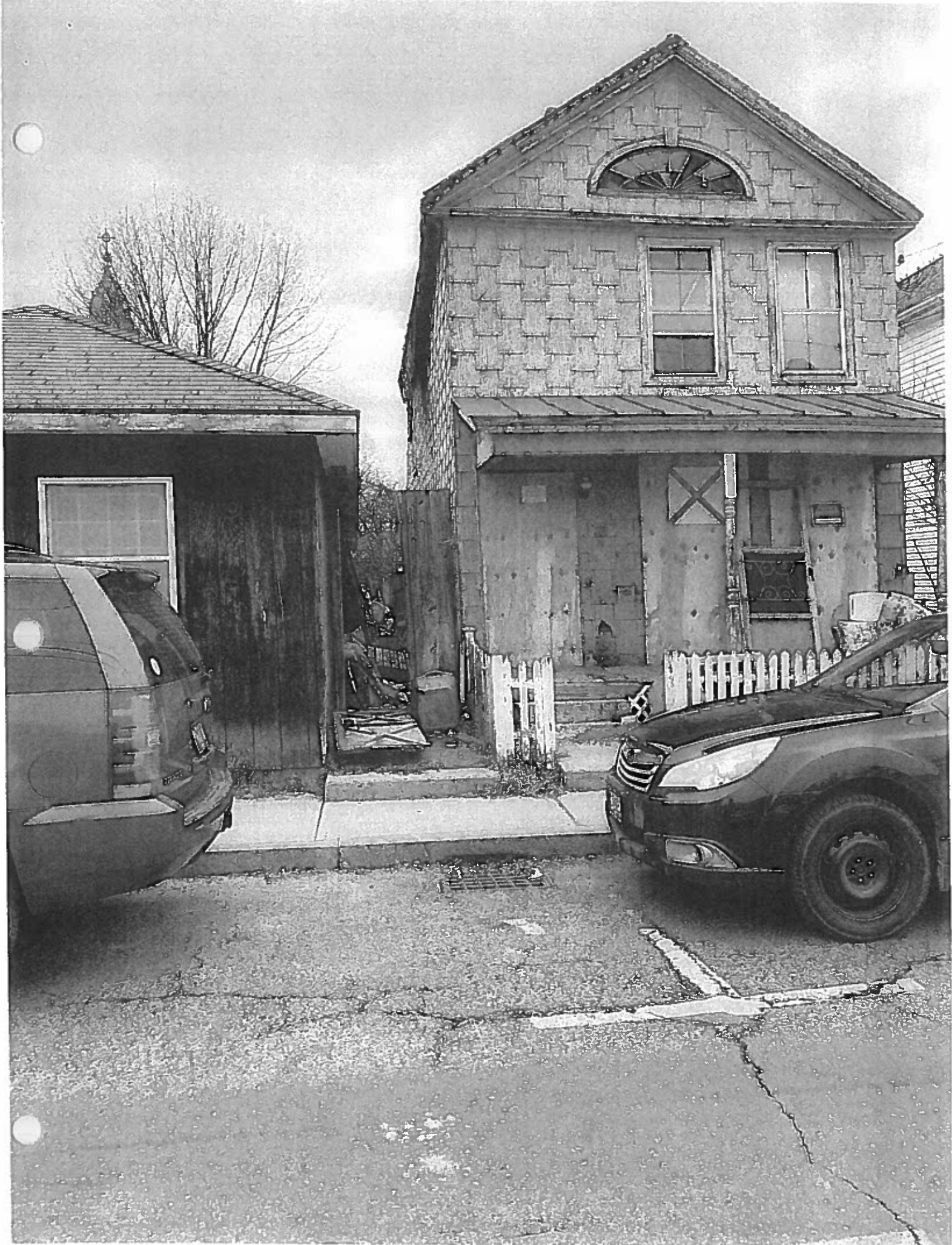
Attached are photos reflecting the current state.







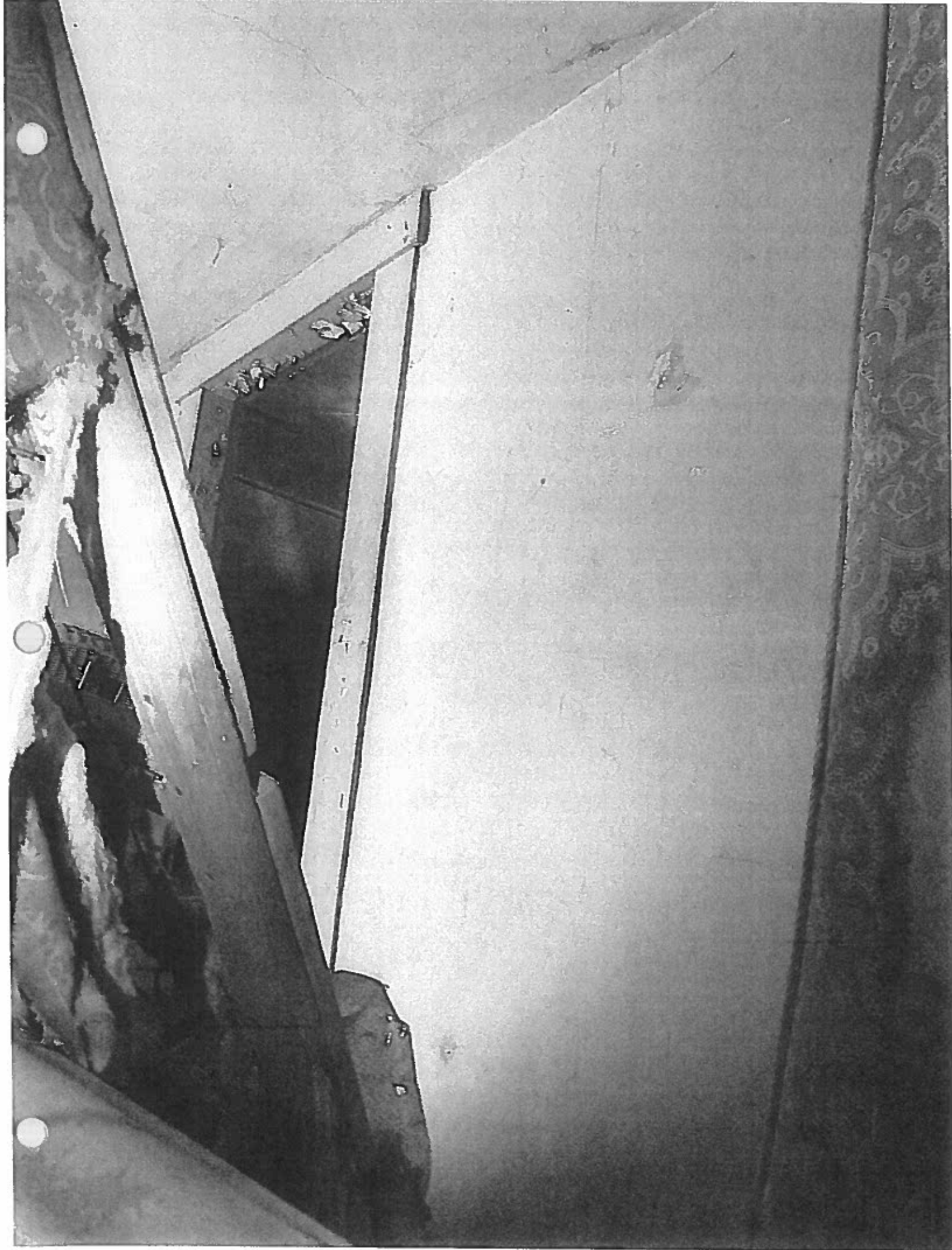




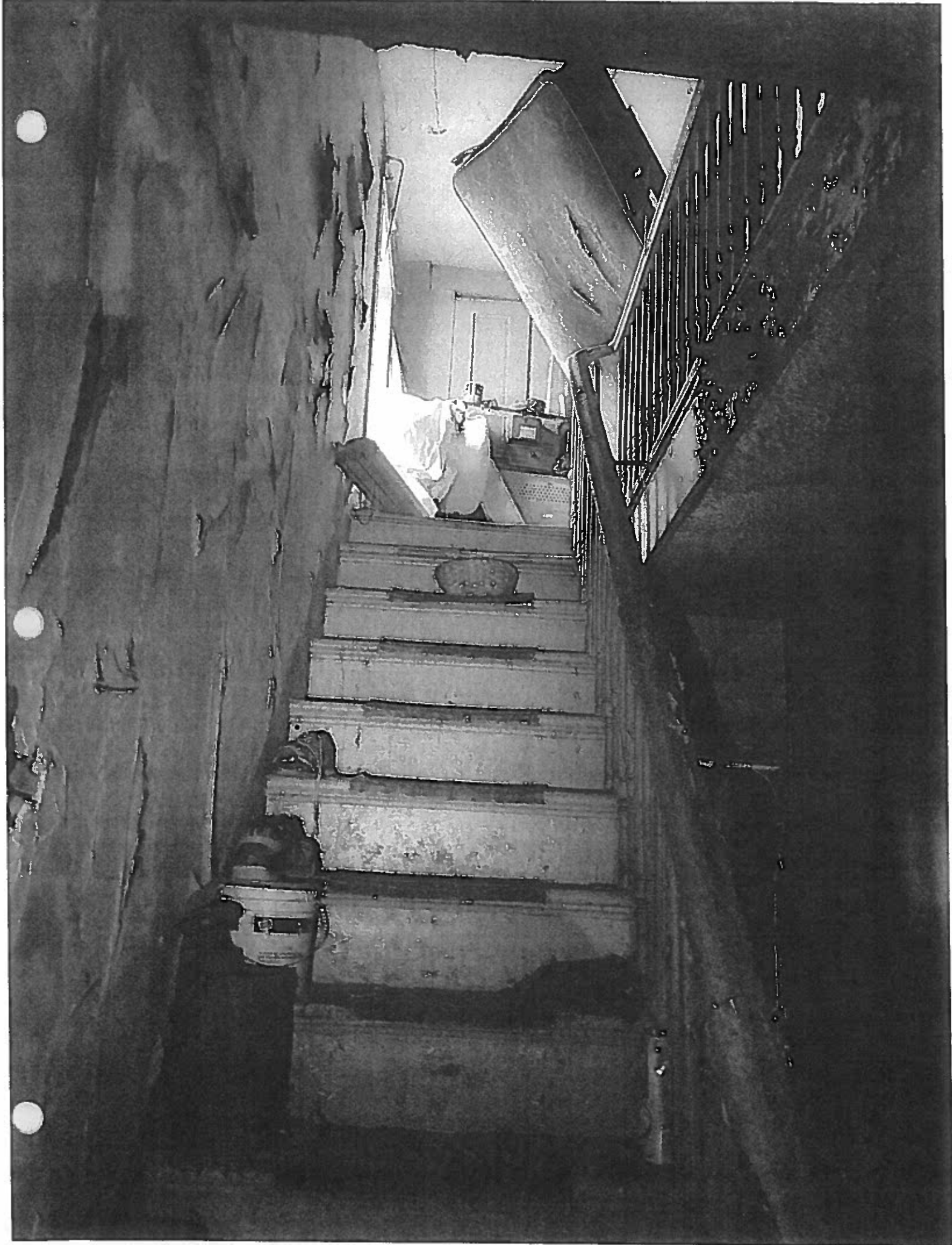


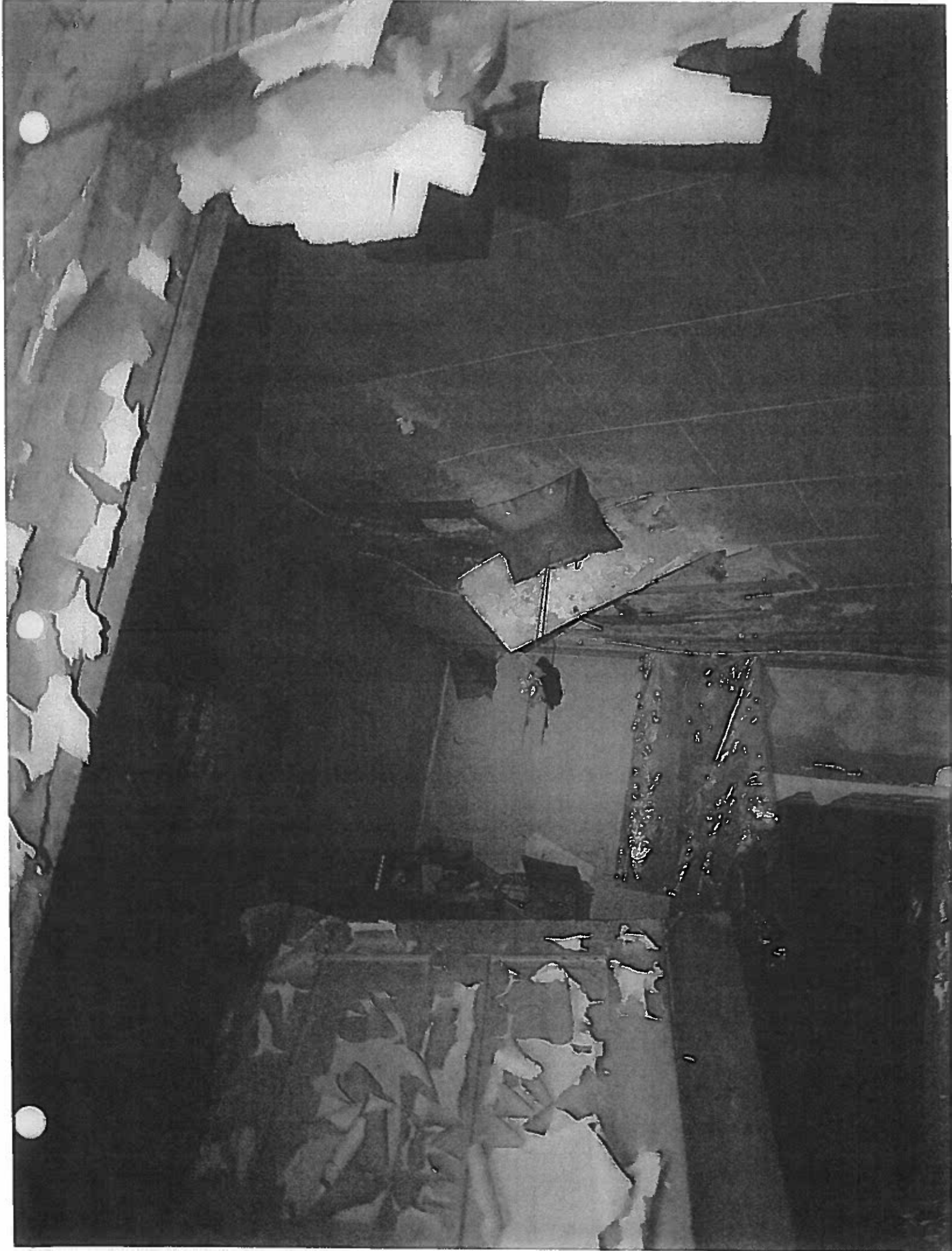




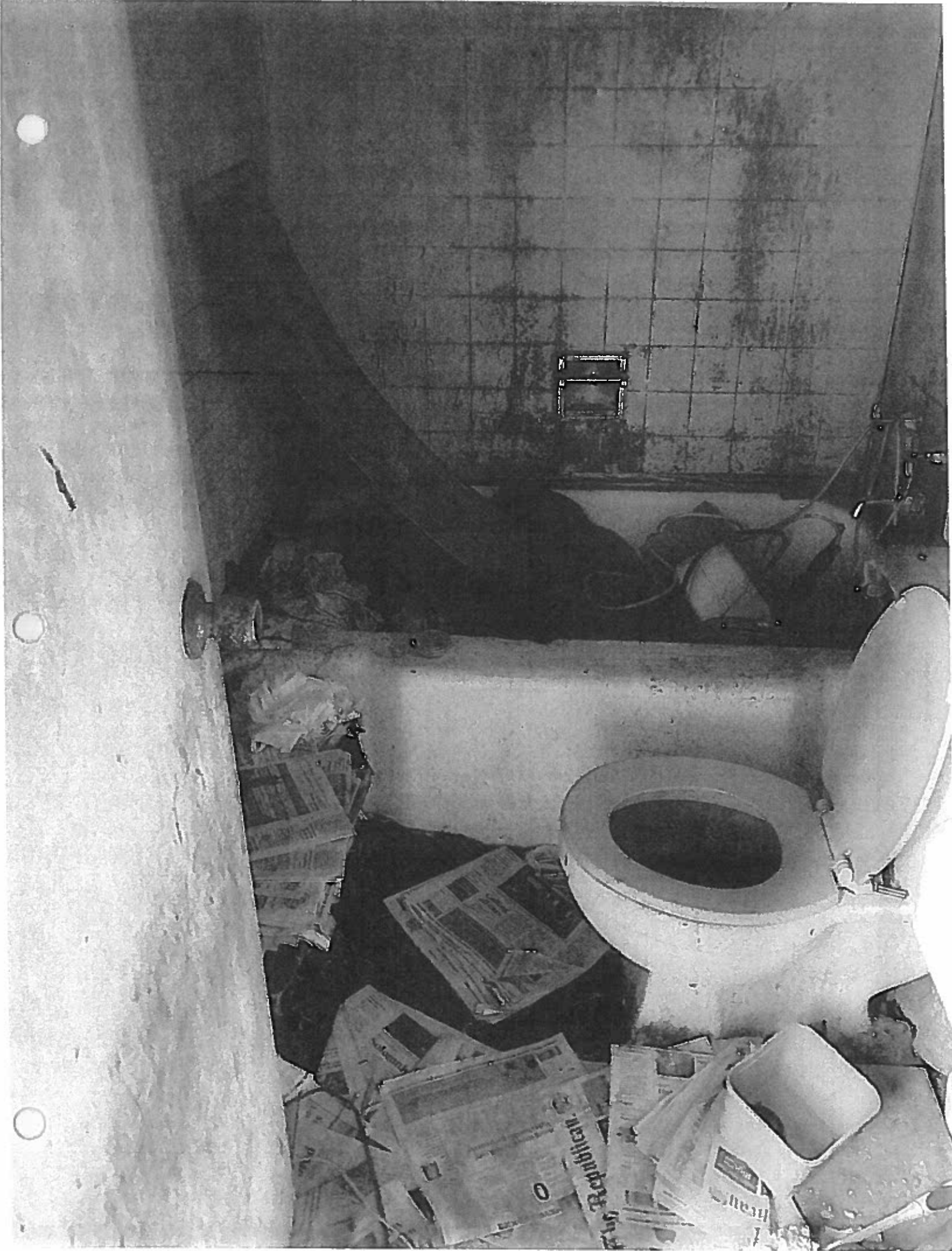


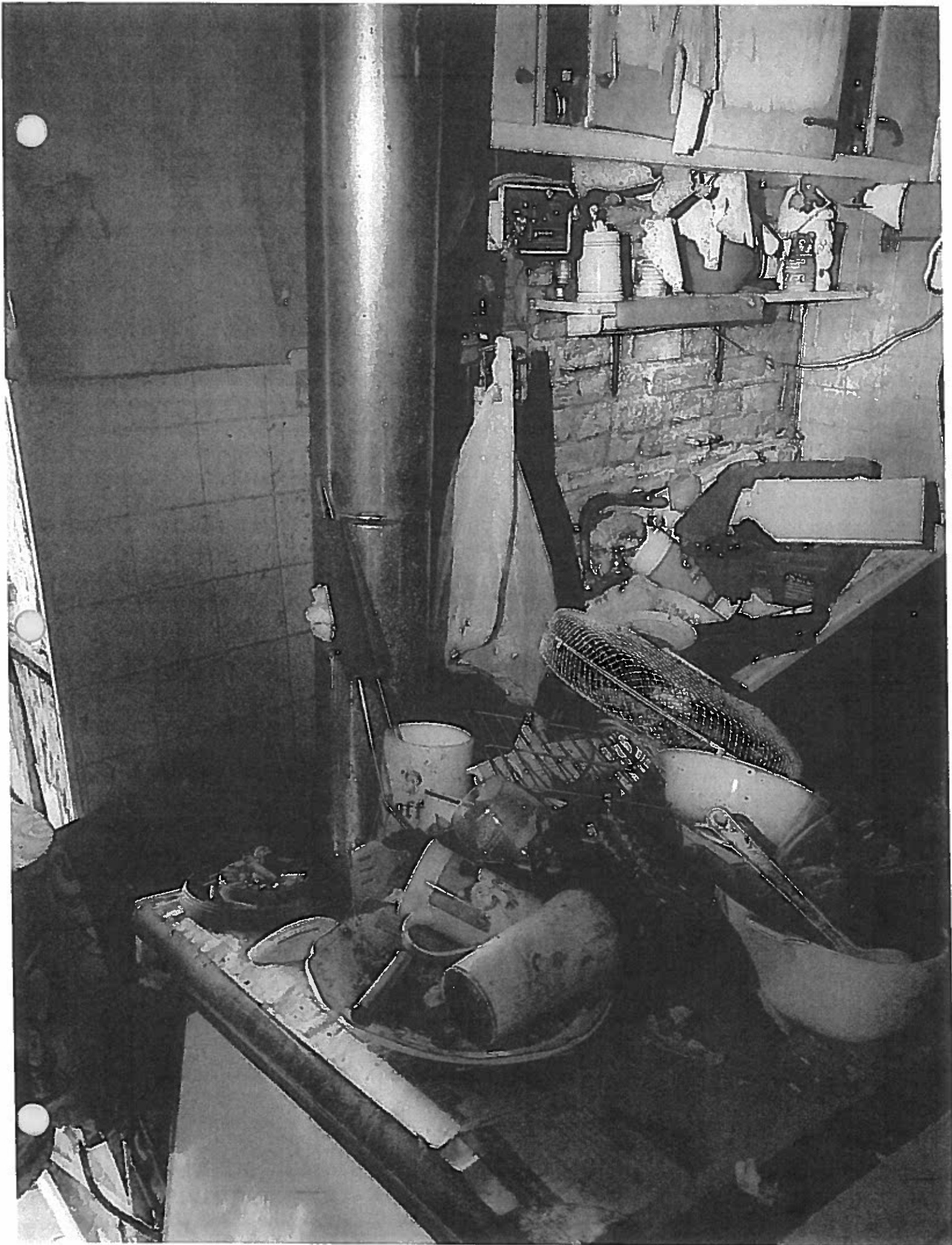


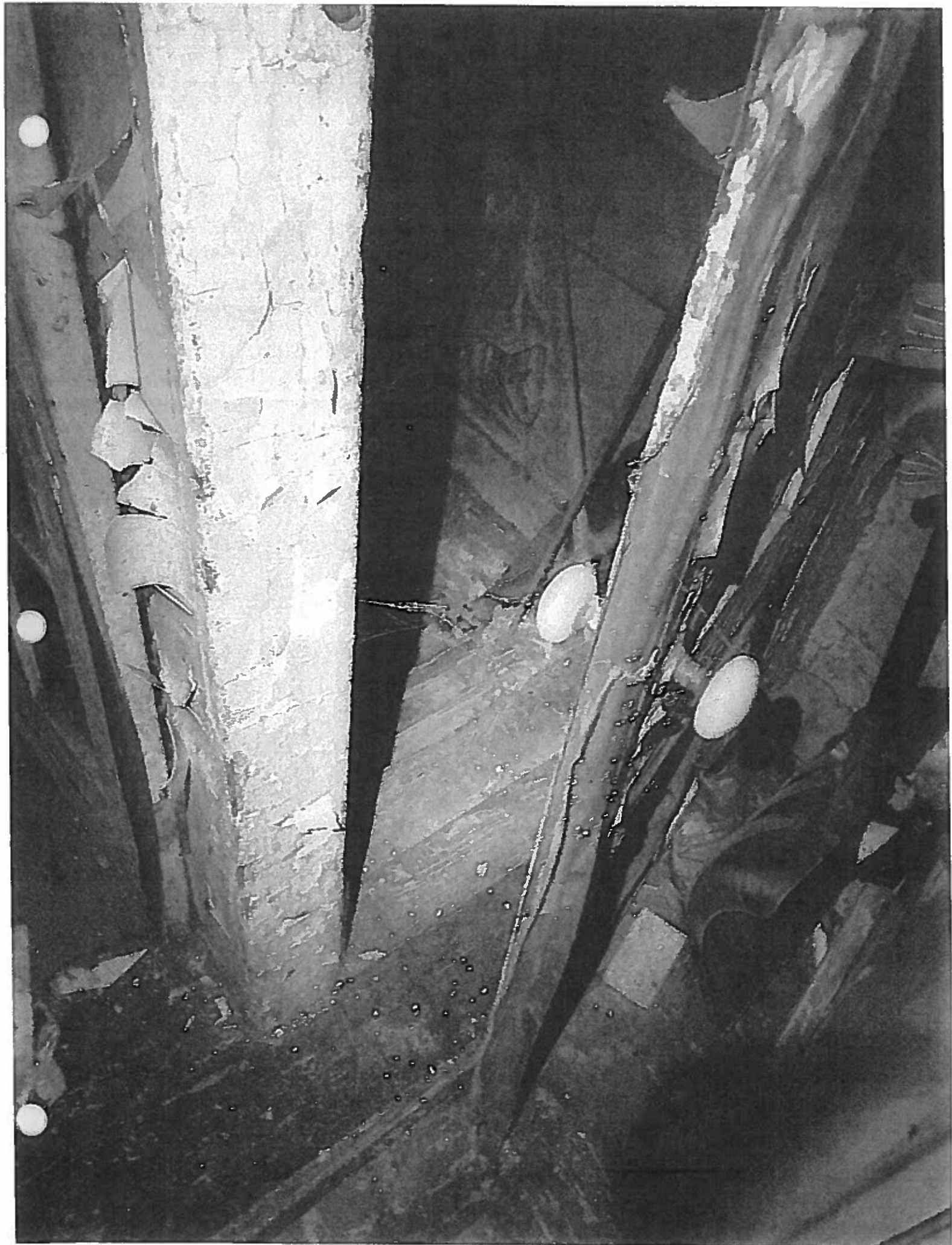
















TOWN OF WARE BUILDING DEPARTMENT

126 Main Street, Ware, MA 01082
413.967.9648 x180

February 6, 2020

Joe Podkowka
(owned on record by Chester Podkowka and Frances Podkowka)
13 Parker Street
Ware, MA 01082

RE: 13 Parker Street, Ware, MA 01082 (Map-Lot 60-0-135)

Mr. Podkowka,

A site visit was conducted on December 11, 2019 upon being informed of safety concerns from EMTs/first responders who were called to the address a few days prior. Permission was granted to enter. The other parties present were the Police Chief and the Fire Chief.

Observations included:

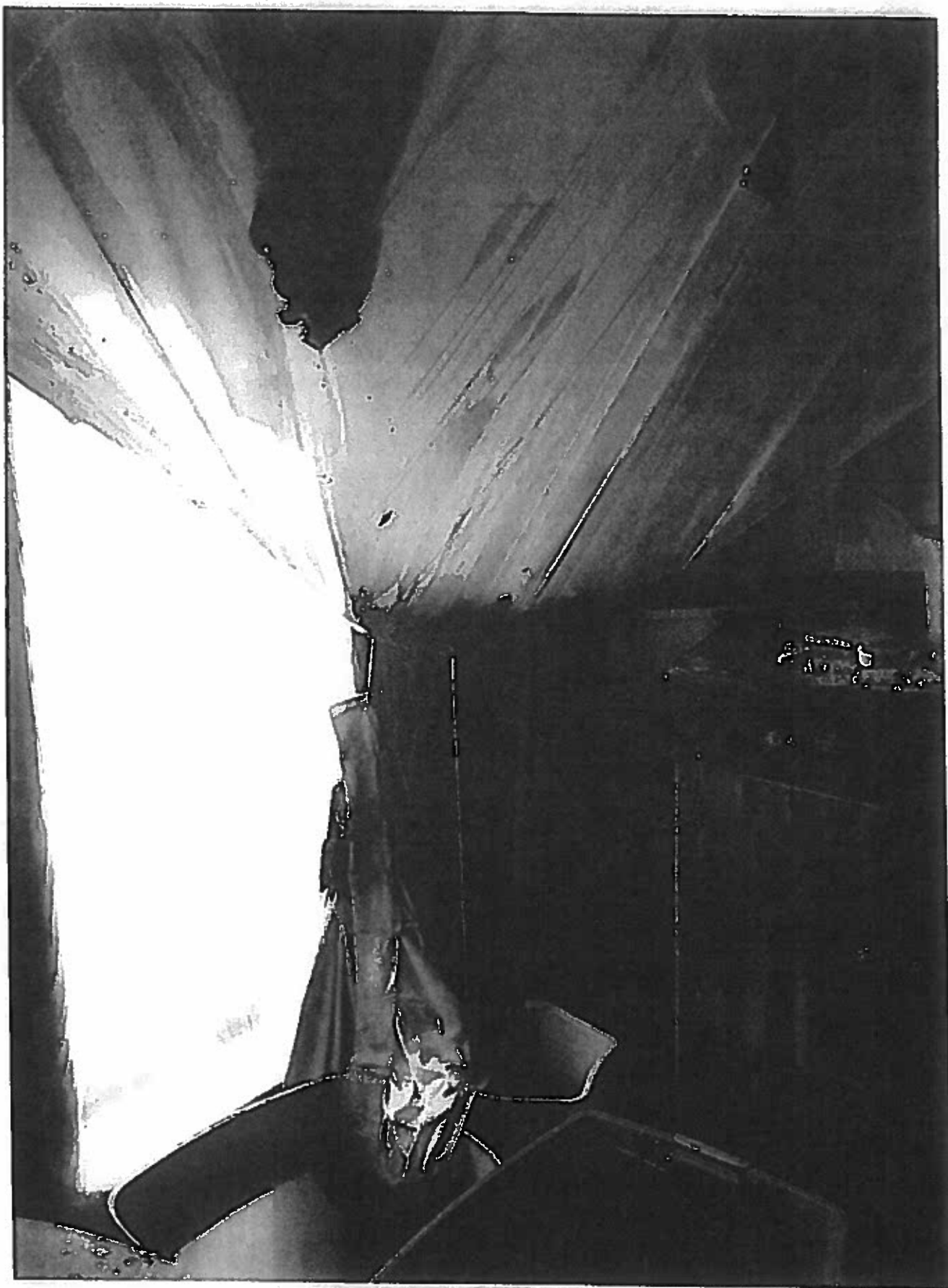
- Plastic sheathing suspended from the deteriorating ceilings in several areas collecting, holding and leaking large amounts of water. Several tubs filled with water were also present on the second floor. Ceilings were noticeably wet and dripping.
- The roof from the exterior appeared to be vulnerable, allowing the interior to be exposed to the outdoor elements
- Hallways and stairs were considerably blocked with household items, impeding egress.
- The house did not have heat and updated info received from National Grid verified electricity was shut off
- High amount of combustible materials raise concern with fire safety

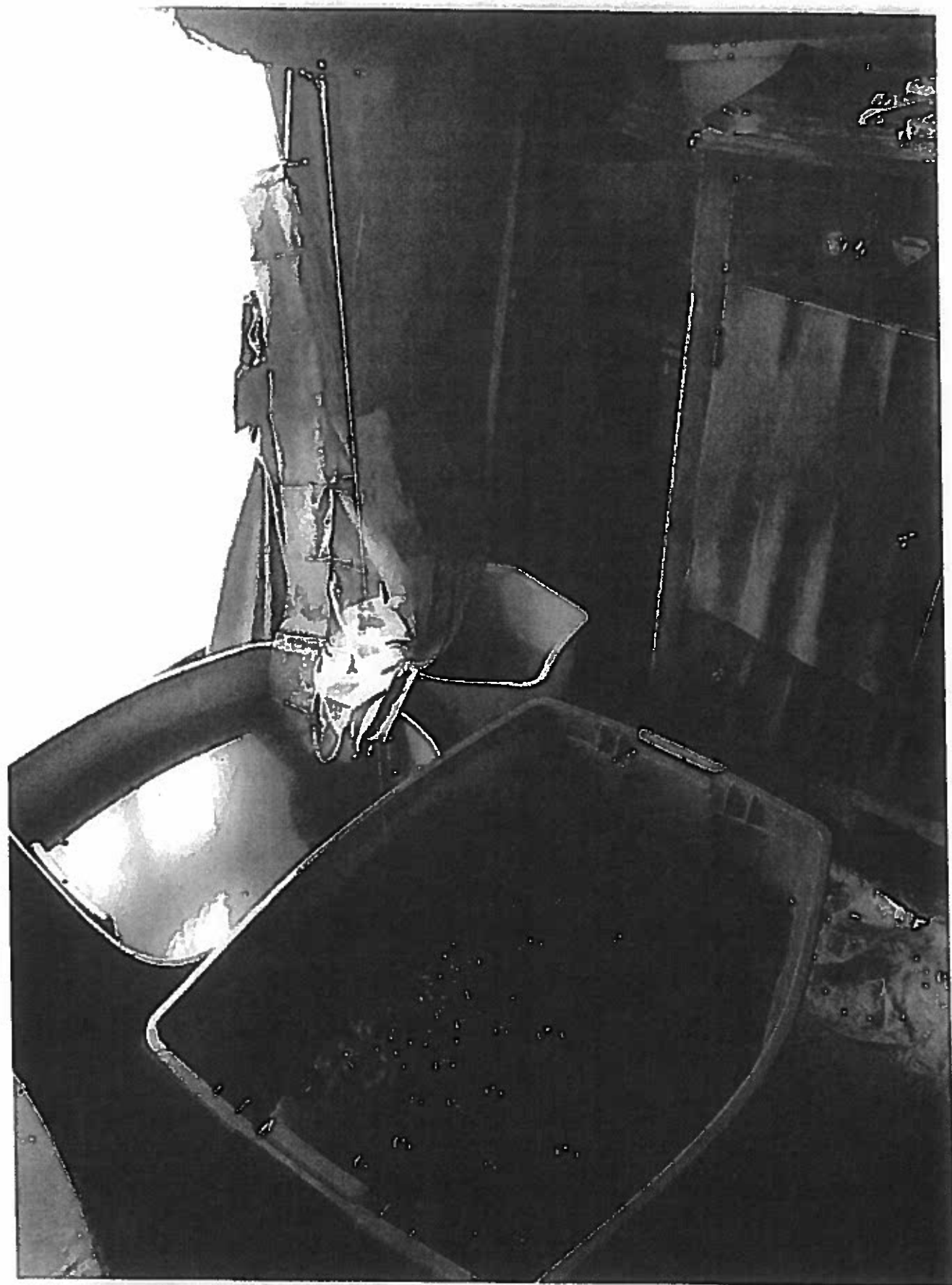
This is an order of Condemnation under Unsafe Structures R116 in IRC 2015 with MA State Amendments, 9th Edition. You must vacate the property within 24 hours of receiving this notice as it is not structurally sound, exposed to the elements, lacking electricity, heat and hot water. Upon vacating, the structure must be secured under MGL Ch 143 Sec 6-9.

Sincerely,

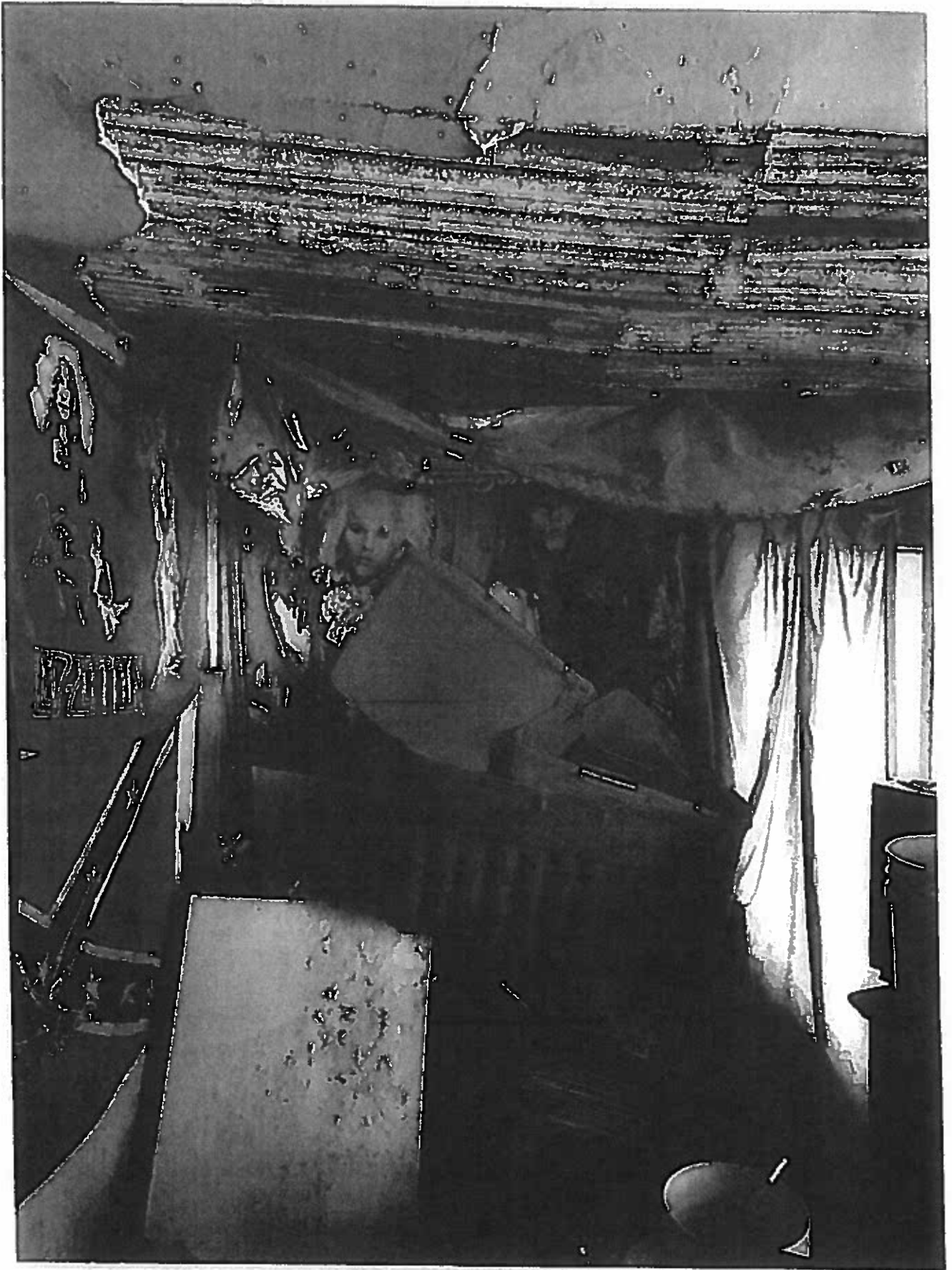
Anna S. Marques
Building Inspector, Zoning Enforcement Officer

cc: Town Manager, Board of Health, Police Department, Fire Department, Department of Public Works, Town Clerk, Board of Assessors, Town Treasurer, Board of Selectmen

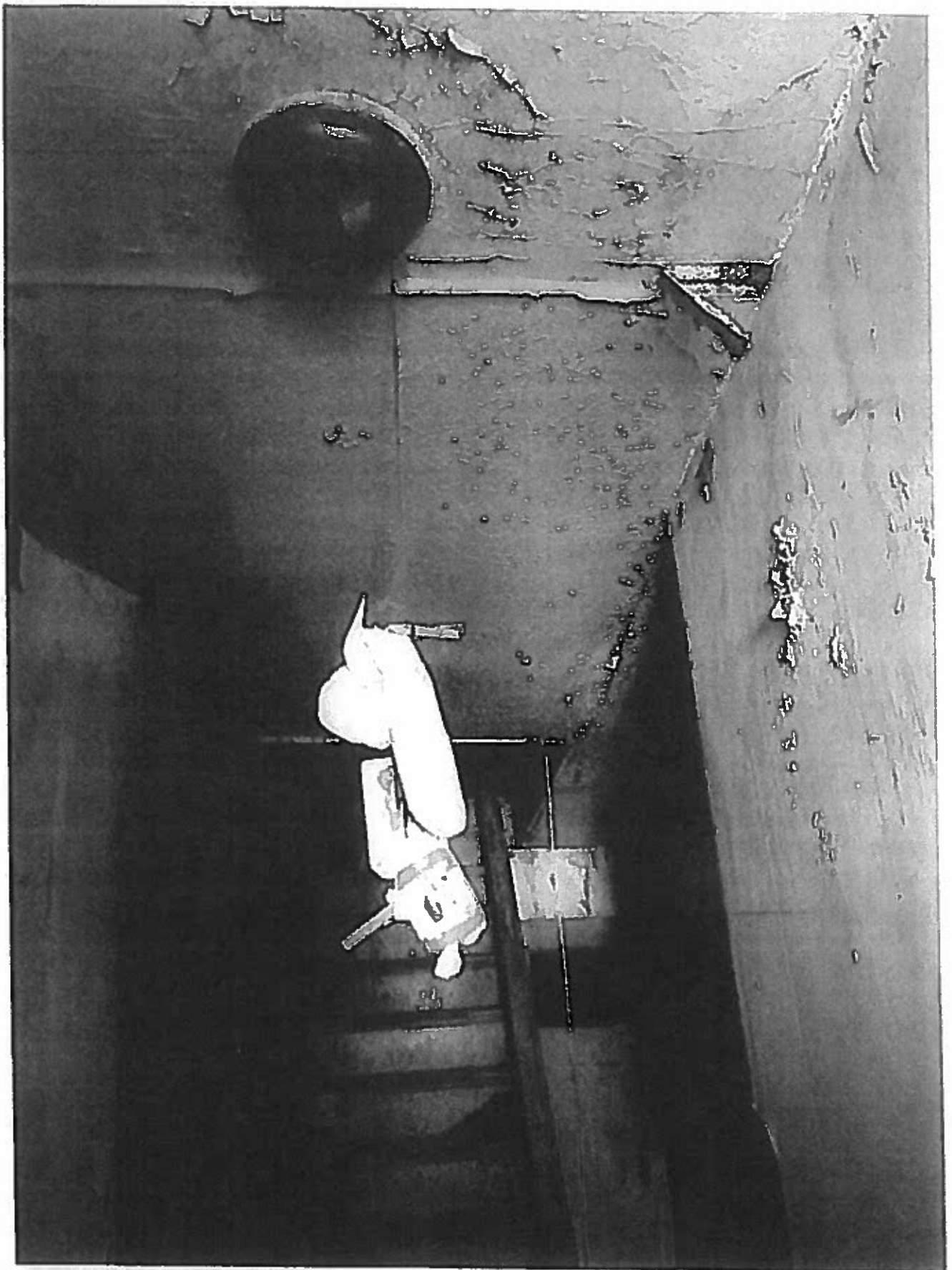
















Ware Council on Aging

1 Robbins Road
Ware, MA 01082
413-967-9645
413-967-9294

jzienowicz@townofware.com

Council on Aging Members

Julianne Cappe

Irene Eskett

Cheryl Haigh

Carl Waal

John L. Zienowicz
Executive Director

The Honorable Board of Selectmen
126 Main Street
Ware, MA 01082

Re: 5 year HVAC Summary - Ware Senior Center

To the esteemed members of the Board,

I have been asked to provide you with a synopsis of my experiences with the HVAC system since assuming the role of Executive Director on July 1st 2015. It is my understanding that this had been a re-occurring problem before my arrival, however; I do not feel it is appropriate to comment on events that I was not a witness to personally and therefore will only talk about my experiences. I am also attaching the invoices from Heat Pro over the past five years to demonstrate the amount of money that has been spent in service calls and repairs in just my tenure.

My introduction to the HVAC system was given to me by the late Dick Towlson. He spent the better part of an hour reviewing the very intricate steps he had devised to get the heating system to turn on and maintain a temperature that was comfortable for the seniors. It involved manually turning the furnace on and off at different points of the day including him coming in in the middle of the night to turn it back on to keep the building from freezing. I asked the obvious question as to why do you need to do that? He said the computer controlled system doesn't work, once you turn the furnace on it runs continuously not only wasting oil but making the building too hot, the opposite is true with the A/C system. It is all controlled by a computer panel that is run through proprietary owned software. The Town of Ware has no control over the settings or diagnostics. In order for anything to be changed the Town would have to agree to

pay thousands of dollars to the software engineer to come out and make changes to the software.

In an effort to get a better handle on this I reached out to Heat Pro, the installers of the system, for a professional walk through to understand how to make this work more efficiently. Surprisingly the outcome was not what I expected, they were just as much in the dark as I was only they had had the technical knowledge to keep it functioning in spite of itself and thus began a relationship of seasonal service calls. Eventually we got around to having a representative from Honeywell come out and go through the building to give us a breakdown as to what that would cost, I never saw the outcome of that meeting as that representative left Honeywell before providing a finished report.

I instructed everyone here to not touch anything to do with the HVAC system, Heat Pro would be the only ones to troubleshoot the system and the only ones to convert from A/C to heat and back. Anytime the temperature was way out of range we called Heat Pro and it would take several trial and error attempts sometimes to get the system to respond and come back to normal. Even then I have had to make adjustments to keep the equipment functioning. For instance, in order to keep the A/C unit from overheating and shutting down I have to make time every Friday to go outside and hose off the fins and coils to make sure they don't get clogged. In the winter I have to make a daily visual checks on the furnace temperature gauges to make sure that it hasn't tripped off and shut down or there aren't any leaking valves.

Throughout the past five years I have had several conversations with Heat Pro about what it would take to make this system work better for us and the answer was always the same, take it out and start over with something that is simple and user/service friendly. After the failure in 2020, we have met with Honeywell again and have begun that process of investigating options for system replacement.

Technical

The panel itself (See Picture 1 attached) offers just three options to the user for each circuit attached to it. On/Auto/Off. On puts that circuit on continuously, Auto defaults to the computer program and Off is off. (See Picture 3 attached) Interestingly enough none of the switches are labeled in the panel as to which switch turns on which circuit so we had to figure that out for ourselves (Through

Heat Pro checking each wire). The only way to make changes to the system is through a computer interface port, using proprietary software. (See picture 2 attached) There are three boxes mounted on the wall in three locations in the building. (See picture 4 attached) There are two settings on this box, a picture of a sun (1) and a picture of a snowflake (2). Dick explained to me that to put the system on notice to use the furnace settings you place the switch to the sun setting and to place the system on the A/C setting use the snowflake. These are sensors not thermostats, again there is no control over the actual temperature setting, it is simply telling the computer system to treat the situation according to one or the other selected.

Also, another mitigating factor is the mandated air replacement system. A building of this size is required to vent out at least 12% of its total air volume at regular intervals in a 24-hour period. In other words, the HVAC system closes off the internal circulation system and opens a vent to the outside wall drawing in air from the external environment and sending it through the circulation vents. When enough air has been exchanged, the external vent closes and the internal circulation system comes back online and either heating or cooling continues. For some reason this unit appears to vent 20% which makes a dramatic change in the overall temperature of the rooms. The effect of that is the system has to work harder to get back up or down to the set temperature. Another challenge is this appears to be preset to happen around 10AM just as the most amount of seniors are in the building finishing programs and coming in for lunch. So in the summer, the hot and humid air is pumped into the building, raising the temps to an uncomfortable level and causing the floors to "sweat" and become slippery. In the winter we have seniors scrambling to put their jackets back on as the temp drops up to ten degrees depending on how cold it is outside. And inexplicably, it would also become colder in the summer than the system should have allowed, based on the outside temperature and the air replacement overage. (See email thread dated 7/23/2019 attached as an example) Apparently along with the three wall units, there are three other sensor units located around and outside the building that contribute to the overall HVAC picture. Although no one seems to know where they are and if they are currently functioning. (It is assumed that these sensors, along with the absence of an emergency failure backup system that caused the catastrophic failure in the early winter of 2020.)

Failure

The system failure was purely a system result. Sometime over the weekend, the computer closed the internal circulation vent, began shunting inside air out and outside air in to replace 20% of the existing air. As this was going on the system did not return to its normal state by closing the outside vent and recirculating the heated air through the coils and circulation vents. Instead unseasonably cold air (20 degrees) was continually forced through the vents and the coils for the entire weekend, which eventually froze all three of them solid and split the copper coils contained within.

If the system had an emergency fail safe in place the heated air would have been allowed to continue to flow through the coils and the circulation system.

Currently the computer panel is unresponsive to anything other than On or Off. Even after the coils have been replaced and the circulation system is back up and running, the furnace will only operate in two modes, On or Off. The furnace will run until it hits its high temp limit then shut down and when it hits its low temp limit it will run continuously until the high temp is met again. Meanwhile the heated water in the pipes continues to be circulated through the system and the internal temperature of the building reaches around 85 degrees. This is not efficient. This leads to more questions as to why we have this system.

As a response, Heat Pro had to install a temporary jump to circumvent the computer panel and allow the furnace to function as essentially a cold start furnace, turning on and off based on a wired, portable thermostat and the furnaces set limits of high and low water temps. This simple arraignment is holding the building steady at 70 degrees.

I hope this helps to clarify the picture a little, if you have any questions feel free to contact me. Thank you for your cooperation on this matter.

Yours in health,

John L. Zienowicz
Executive Director
Ware Council on Aging

Beckley, Stuart

From: Peter Harper <heatproinc@gmail.com>
Sent: Monday, January 18, 2021 4:18 PM
To: Zienowicz, John
Cc: Beckley, Stuart
Subject: invoices from 2015 to current
Attachments: Senior center 1.pdf; senior center 4.pdf; senior center 5.pdf; senior center 3.pdf; senior center 2.pdf; senior center 7.pdf; senior center 6.pdf; senior center 8.pdf; senior center 9.pdf; senior center 10.pdf; senior center 13.pdf; senior center 11.pdf; senior center 14.pdf; senior center 12.pdf; senior center 15.pdf; senior center 16.pdf; senior center 19.pdf; senior center 17.pdf; senior center 18.pdf; senior center 20.pdf; senior center 21.pdf; senior center 22.pdf; senior center 23.pdf; senior center 25.pdf; senior center 24.pdf

CAUTION: This email originated from outside of the Town of Ware organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

I have attached the information, we have some that have better details than others but I do keep paper copies so I can gather better information if the need arises. Please let me know if there is anything else. Thank you

Zienowicz, John

From: Beckley, Stuart
Sent: Tuesday, July 23, 2019 11:24 AM
To: Zienowicz, John
Subject: RE: temperature

Thank you. Not sure this makes sense. If the room is cold enough at night, why does the unit want to make it colder?

From: Zienowicz, John
Sent: Tuesday, July 23, 2019 11:18 AM
To: Beckley, Stuart <sbeckley@townofware.com>
Subject: RE: temperature

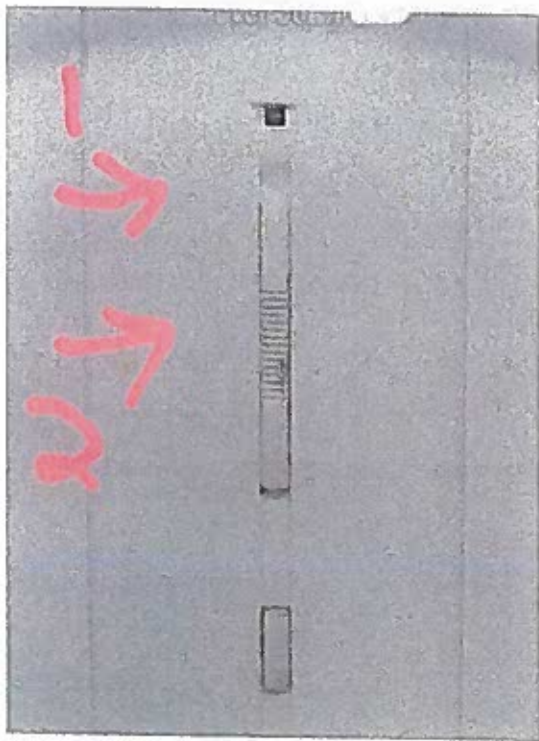
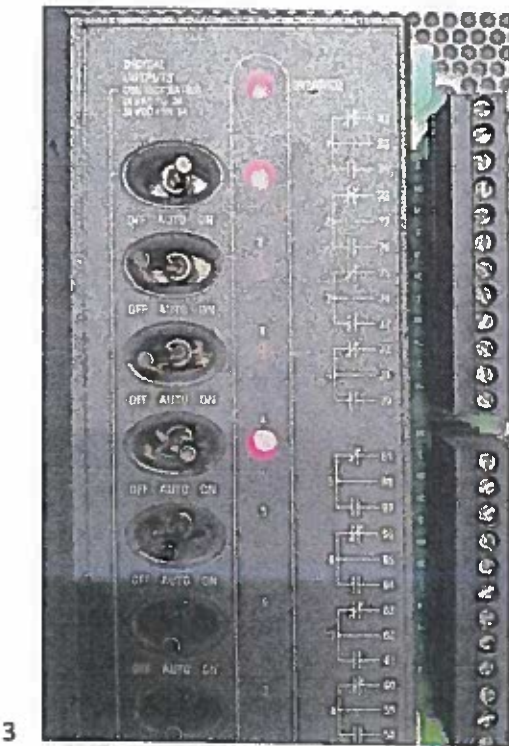
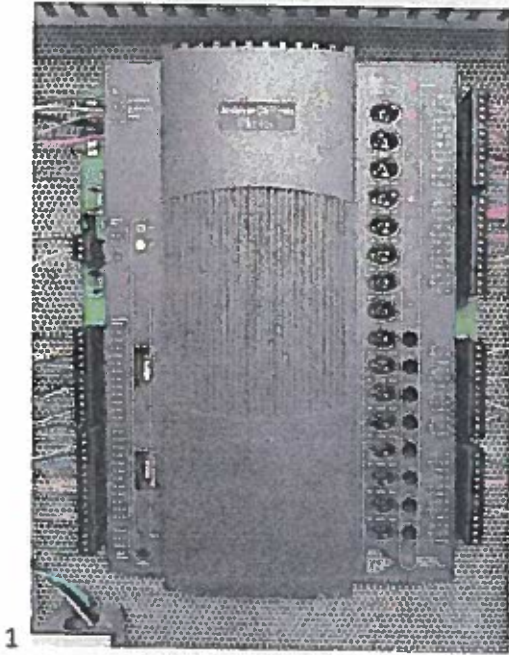
Already been taken care of. Had Heat Pro here and they said everything is functioning the way it should. The temp drop outside hasn't helped either so the ERU keeps bringing in air from outside as part of the cycle, well it's been dropping down below 60 overnight so that's well below the 72 they are used to. It's 65 outside now so that trend will continue. The A/C isn't actually coming on until the inside goes over 74ish at this point.

We've also insulated the building better so it's holding it in. (just a theory)

From: Beckley, Stuart
Sent: Tuesday, July 23, 2019 11:01 AM
To: Zienowicz, John <jzienowicz@townofware.com>
Subject: temperature

Good morning sir,

I had a Selectmen state that he has received a couple of calls that the Center is too cold. Is this fixable? Tied to the inability to play with the thermostat?



Invoice

Bill To:
Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
11/24/2020	Tune Up replace pressure relief valve and rebuild pump with 1600 kit	350.00 2,315.00
Total		\$2,665.00
Payments/Credits		-\$2,665.00
Balance Due		\$0.00

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice #: 006657
Invoice Date: 11/12/2020
Due Date: 11/12/2020
Project:
P.O. Number:

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
11/12/2020	service call switch temp for heat mode drip from relief valve will order new and replace	125.00
Total		\$125.00
Payments/Credits		-\$125.00
Balance Due		\$0.00

**51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com**

Invoice #: 006485
Invoice Date: 9/3/2020
Due Date: 9/3/2020
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Total	\$175.00
Payments/Credits	-\$175.00
Balance Due	\$0.00

Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice**Invoice #:** 352727**Invoice Date:** 6/16/2020**Due Date:** 6/16/2020**Project:****P.O. Number:****Bill To:**

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
5/28/2020	12x24x2 24x24x2	600.00

Total	\$600.00
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Payments/Credits	-\$600.00
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Balance Due	\$0.00
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51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice #: 006164
Invoice Date: 2/17/2020
Due Date: 2/17/2020
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Total	\$190.00
Payments/Credits	-\$190.00
Balance Due	\$0.00

**51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com**

Invoice #: 006148
Invoice Date: 12/4/2019
Due Date: 12/4/2019
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Date	Description	Amount
12/4/2019	service call unit runs constantly using lots of oil checked unit it is fine just colder this year than the same time last year	125.00
Total		\$125.00
Payments/Credits		-\$125.00
Balance Due		\$0.00

**51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com**

Invoice #: 005875
Invoice Date: 7/24/2019
Due Date: 7/24/2019
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Date	Description	Amount
7/19/2019	service call no cooling performed a/c maintenance	200.00

Total	\$200.00
Payments/Credits	-\$200.00
Balance Due	\$0.00

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice #: 005815
Invoice Date: 6/11/2019
Due Date: 6/11/2019
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Date	Description	Amount
5/24/2019	a/c and heating service rib realy 1600 series seal kit	800.00
Total		\$800.00
Payments/Credits		-\$800.00
Balance Due		\$0.00

**51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com**

Invoice #: 005811
Invoice Date: 5/23/2019
Due Date: 5/23/2019
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Date	Description	Amount
5/15/2019	service call no heat rib relay n/g and pump not pulling oil replaced pump and bypass rid relay will come back for service	500.00

Total	\$500.00
Payments/Credits	-\$500.00
Balance Due	\$0.00

Invoice

Bill To:
Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
1/24/2019	service call water leak at pump bad pump seal and housing rotted replaced 1600 series assembly with new	1,246.00
Total		\$1,246.00
Payments/Credits		-\$1,246.00
Balance Due		\$0.00

Invoice

Invoice #: 005349
Invoice Date: 10/25/2018
Due Date: 10/25/2018
Project:
P.O. Number:

Bill To:
Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
10/17/2018	service call switch system to heat for the season fixed loose wire and did filters left additional filters on site	475.00
Total		\$475.00
Payments/Credits		-\$475.00
Balance Due		\$0.00

Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice**Invoice #:** 005165**Invoice Date:** 7/18/2018**Due Date:** 7/18/2018**Project:****P.O. Number:****Bill To:**

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
7/17/2018	a/c unit not cooling found dirty filter condenser full of grass clipping and dirt evap coils needed cleaning as well	350.00

Total	\$350.00
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Payments/Credits	-\$350.00
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Balance Due	\$0.00
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Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice**Invoice #:** 005134**Invoice Date:** 6/1/2018**Due Date:** 6/1/2018**Project:****P.O. Number:****Bill To:**

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
5/29/2018	turn on a/c switch off all 3 heating pumps and boiler turned on 1st and 2nd stage on cooling cleaned coil checked pressure checked outdoor unit changed filters 24x24x2 12x24x2	200.00

Total	\$200.00
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Payments/Credits	-\$200.00
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Balance Due	\$0.00
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Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice**Invoice #:** 004669**Invoice Date:** 10/27/2017**Due Date:** 10/27/2017**Project:****P.O. Number:****Bill To:**

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
10/26/2017		350.00

Total	\$350.00
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Payments/Credits	-\$350.00
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Balance Due	\$0.00
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**51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com**

Invoice #: 004641
Invoice Date: 10/27/2017
Due Date: 10/27/2017
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Date	Description	Amount
10/17/2017	tu Dave	0.00
Total		\$0.00
Payments/Credits		\$0.00
Balance Due		\$0.00

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice #: 004025
Invoice Date: 11/9/2016
Due Date: 11/9/2016
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Date	Description	Amount
10/27/2016	burnt control	253.00
Total		\$253.00
Payments/Credits		-\$253.00
Balance Due		\$0.00

Invoice

Bill To:
Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
10/13/2016	3.50x60ss fb-4 a-b high cover brush, vac, changed filter,check safety	250.00
Total		\$250.00
Payments/Credits		-\$250.00
Balance Due		\$0.00

Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice**Invoice #:** 003899**Invoice Date:** 7/7/2016**Due Date:** 7/7/2016**Project:****P.O. Number:****Bill To:**

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
7/7/2016	service call water coming thru cieling blew out drain line	85.00
Total		\$85.00
Payments/Credits		-\$85.00
Balance Due		\$0.00

Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice**Invoice #:** 003892**Invoice Date:** 6/30/2016**Due Date:** 6/30/2016**Project:****P.O. Number:****Bill To:**

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
6/28/2016	service call a/c not keeping up, washed coils,recycle power, checked filters,found unit low on charge.	255.00
	Misc Parts 10 lbs of R-22 refrigerant	750.00
Total		\$1,005.00
Payments/Credits		-\$1,005.00
Balance Due		\$0.00

Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice

Invoice #: 003859
Invoice Date: 6/28/2016
Due Date: 6/28/2016
Project:
P.O. Number:

Bill To:

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
6/28/2016	1 case 12x24x2 and 1 case 24x24x2 filters, beckett clean cut pump, 1 jet line, fittings	359.00
	2 hours	170.00
Total		\$529.00
Payments/Credits		-\$529.00
Balance Due		\$0.00

Heat Pro Inc.
51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice

Invoice #: 003665
Invoice Date: 1/14/2016
Due Date: 1/14/2016
Project:
P.O. Number:

Bill To:
Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
1/11/2016	service call replace oil solenoid	170.00
	Misc Parts V4046B honeywell	120.93
Total		\$290.93
Payments/Credits		-\$290.93
Balance Due		\$0.00

**51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com**

Invoice #: 003602
Invoice Date: 12/28/2015
Due Date: 12/28/2015
Project:
P.O. Number:

Ware Senior Center
1 Robbins Rd.
Ware, MA. 01082

Date	Description	Amount
12/22/2015	service call	520.00

Total	\$520.00
Payments/Credits	-\$520.00
Balance Due	\$0.00

Heat Pro Inc.
51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice

Invoice #: 003504
Invoice Date: 12/7/2015
Due Date: 12/7/2015
Project:
P.O. Number:

Bill To:
Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
12/3/2015	service call 3.50x60ss fb 4 a-b high cover after hours over due for service	500.00
Total		\$500.00
Payments/Credits		-\$500.00
Balance Due		\$0.00

Heat Pro Inc.
51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice

Invoice #: 003586
Invoice Date: 11/23/2015
Due Date: 11/23/2015
Project:
P.O. Number:

Bill To:
Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
11/23/2015	service call change coupling	85.00
	Misc Parts 4je coupling	50.00
Total		\$135.00
Payments/Credits		-\$135.00
Balance Due		\$0.00

Heat Pro Inc.

51 West St
Ware, MA 01082
(413) 967-4721
heatproinc@gmail.com

Invoice**Invoice #:** 03225**Invoice Date:** 5/4/2015**Due Date:** 5/4/2015**Project:****P.O. Number:****Bill To:**

Ware Senior Center
1 RobbinsRd.
Ware, MA. 01082

Date	Description	Amount
4/16/2015	no heat water leak found pump seals no good rebuild and test	340.00
	Misc Parts 2 1600 series pump rebuild kits	450.00
Total		\$790.00
Payments/Credits		-\$790.00
Balance Due		\$0.00

Midura, Mary

From: Murphy, Lori <Lori.Murphy@baystatehealth.org>
Sent: Wednesday, February 10, 2021 8:53 AM
To: Government and Community Relations
Cc: Knapik, Michael
Subject: Baystate Health Eastern Region Town Hall

CAUTION: This email originated from outside of the Town of Ware organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

*From the desk of Michael Knapik, Vice President
Government & Community Relations*

Dear friend,

I invite you to attend a virtual Town Hall being held **Tuesday, February 23, 2021 at 5 p.m.** Baystate Health will be holding a Town Hall to discuss the closure of Baystate Mary Lane Outpatient Center and the plan for transition of programs and services to ensure comprehensive care for the community. Please feel free to share this invitation in your community and with your colleagues.

To register for the virtual Town Hall visit [baystatehealth.org/Eastern Region](https://baystatehealth.org/EasternRegion). Additional details about Baystate Health and Eastern Region changes can also be found on this site.

Please feel free to call me if you have any questions.

Best regards,

Michael R. Knapik, Vice President
Government & Community Relations
Baystate Health
280 Chestnut Street, Room 646, Springfield, MA 01199
Office: 413-794-1016 Cell: 413-234-0050
Email: Michael.Knapik@baystatehealth.org

Executive assistant:
Lori Murphy
Email: lori.murphy@baystatehealth.org

Baystate  Health

ADVANCING CARE.
ENHANCING LIVES.



TOWN OF WARE

Town Hall, 126 Main Street, Ware, Massachusetts 01082
413-967-9648

WESTCOMM DISTRICT AGREEMENT SIGNATURE PAGE

On behalf of the Town of Ware, the Board of Selectmen hereby adopts Section 18O to 18V, inclusive, of Chapter 6A of the General Laws providing for the establishment of a regional 911 emergency communications district. The Town of Ware joins the previously established WESTCOMM district together with the Town of Longmeadow, the City of Chicopee, the Town of Monson, and the Town of East Longmeadow for the construction or siting, administration, operation and maintenance of a regional 911 emergency communication center by the district under the provisions of the district agreement.

On behalf of the Town of Ware, Board of Selectmen:

Alan G. Whitney, Chairman

Keith J. Kruckas, Vice-Chairman

Thomas H. Barnes, Clerk

Nancy J. Talbot, member

John J. Morrin, member

Stuart B. Beckley, Town Manager

Date: February 16, 2021

Board of Selectmen: *Alan G. Whitney, Keith J. Kruckas, Thomas H. Barnes, Nancy J. Talbot, John J. Morrin*
Town Manager: *Stuart B. Beckley*
sbeckley@townofware.com



TOWN OF WARE

Town Hall, 126 Main Street, Ware, Massachusetts 01082
413-967-9648

February 16, 2021

Western Massachusetts Emergency Communications District
110 Church Street
Chicopee, MA 01013

RE: Statement of Interest for Town of Ware

Dear Director Hastings:

Please allow this letter to serve as formal recognition of the Town of Ware Board of Selectmen's interest in joining the WESTCOMM Regional Dispatch Center. The Board looks forward to participating in the process and seeks to join by July 1, 2021.

Please feel free to contact Stuart Beckley, Town Manager at sbeckley@townofware.com or 413-967-9648, extension 100, with next steps or questions.

Sincerely,

Alan G. Whitney
Chairman, Ware Board of Selectmen



TOWN OF WARE

Town Hall, 126 Main Street
Ware, Massachusetts 01082

WAIVER OF RIGHT OF FIRST REFUSAL, M.G.L. CHAPTER 61A

**JOSEPH T. MARTOWSKI AND PETER J. MARTOWSKI, SHADY PATH, WARE, MA
01082**

**Deed Book # 248 Page 43, Assessors' Parcel Identification: Map 10 Block 140, Lot 1
Parcel A (.16 acre)**

This is to Certify that the Board of Selectmen has voted not to exercise the Town of Ware's Right of First Refusal of Agricultural Land or to assign its right to purchase to a non-profit conservation organization under Massachusetts General Laws, Chapter 61A, Section 14, with regard to the above-referenced property.

Dated: FEBRUARY 16, 2021

Alan G. Whitney, Chairman

Keith J. Kruckas, Vice-Chairman

Thomas H. Barnes

Nancy J. Talbot

John J. Morrin

COMMONWEALTH OF MASSACHUSETTS

County of Hampshire, ss

February 16, 2021

Then personally appeared Alan G. Whitney, Keith J. Kruckas, Thomas H. Barnes, Nancy J. Talbot, and John J. Morrin, members of the Board of Selectmen of the Town of Ware, and acknowledged the foregoing instrument to be the free act and deed of the Board of Selectmen of said Town of Ware, before me.

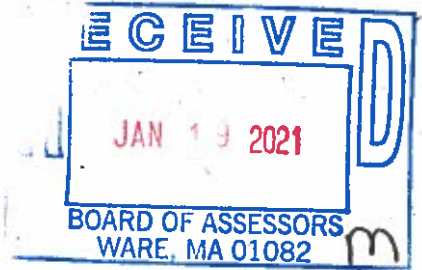
Notary Public: Mary L. Midura
My Commission Expires:

WARREN R. THOMPSON

ATTORNEY AT LAW

NOTICE OF INTENT TO SELL LAND ASSESSED FOR AGRICULTURAL USE

TO: BOARD OF SELECTMEN
PLANNING BOARD
BOARD OF ASSESSORS
CONSERVATION COMMISSION
TREE WARDEN
Town Hall
126 Main Street, Suite G
Ware, MA 01082



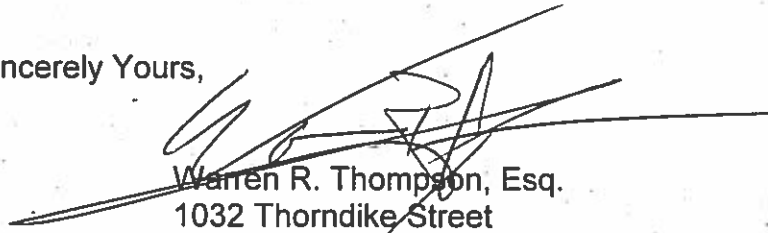
Please take notice that pursuant to Massachusetts General Laws, Chapter 61A, Section 14, your Board is provided notice that land owned by JOSEPH T. MARTOWSKI located off of Shady Path, Ware, Massachusetts and shown as "Parcel A, containing 7,171 Sq. Ft. or 0.16 acres" on a plan entitled "PLAN OF LAND SHADY PATH WARE, MASS, prepared for Joseph T. Martowski and Peter J. Martowski dated October 29, 2020 by Smith Associates Surveyors, Inc." recorded in Hampshire County Registry of Deeds in Plan Book 248, Page 43. (A copy of said plan, is attached hereto collectively as Exhibit A.), is to be transferred to Peter J. Martowski, an abutting land owner. Parcel A will become an integral part of property already owned by Peter J. Martowski as shown on above referenced plan.

Pursuant to Section 14 of said Chapter, the Town of Ware is granted a first refusal option.

If the Town of Ware deems that it has no interest in purchasing said land, Peter J. Martowski and Joseph T. Martowski would ask that the Board of assessors promptly notify their Attorney, Warren R. Thompson 1032 Thorndike Street, Palmer, MA 01069 by written notice that said option will not be exercised. This will allow the land to be transferred to Peter J. Martowski without further delay. Thank you for your attention to this matter.

Date: January 12, 2021

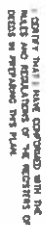
Sincerely Yours,



Warren R. Thompson, Esq.
1032 Thorndike Street
Palmer, MA 01069
413-283-2461

Cert mail # 70191640000174771313

Plan Book 24P Page 43



DATE: 11/11/2001 PLS. ADVISE

DATE 10-10-2010

APPROVAL UNDER THE
BUDGETARY CONTROL
LAW NOT REQUIRED
WARE PLANNING BOARD

Plural - Belong

2011



8/19/2022
DATE

0 EASTWOOD AVE
● ACRES FROM PM SITE
WORD MAP-ING COUNTY NORTHERLY OF DELCOS
LOT LINE TO BE ADJUSTED



PLAN OF LAND
SHADY PATH
WARE, MASS.
OWNED BY
JOSEPH T. MARTOWSKI +
11 SHADY PATH WARE, MA
PETER J. MARTOWSKI
21 SHADY PATH WARE, MA

SCALE: 1" = 30'

DATE: DECEMBER 21, 2020

SMITH ASSOCIATES
SURVEYORS, INC.

419 Broadway Street East London E9 6JH, UK

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IX	TAXATION
Chapter 61A	ASSESSMENT AND TAXATION OF AGRICULTURAL AND HORTICULTURAL LAND
Section 14	SALE FOR OR CONVERSION TO RESIDENTIAL OR COMMERCIAL USE; NOTICE OF INTENT TO CITY OR TOWN; OPTION TO PURCHASE; ASSIGNMENT OF OPTION

Section 14. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

The discontinuance of agricultural or horticultural use shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the agricultural or horticultural use of such land, shall not be a conversion for the purposes of this section, and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that particular use.

Any notice of intent to sell for other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, and the name, address and telephone number of the landowner.

Any notice of intent to sell for other use shall be accompanied by a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.

Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

Any notice of intent to convert to other use shall be accompanied by a statement of intent to convert, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, the name, address and telephone number of the landowner and the landowner's attorney, if any.

The notice of intent to sell or convert shall be sent by the landowner by certified mail or hand delivered to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.

A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified. Each affidavit shall have attached to it a copy of the notice of intent to which it relates.

The notice of intent to sell or convert shall be considered to have been duly mailed if addressed to the mayor and city council or board of selectmen in care of the city or town clerk; to the planning board and conservation commission if addressed to them directly; to the state forester if addressed to the commissioner of the department of conservation and recreation; and to the assessors if addressed to them directly.

If the notice of intent to sell or convert does not contain all of the material described above, then the town or city, within 30 days after receipt, shall notify the landowner in writing that notice is insufficient and does not comply.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense, contract for a second appraisal, to be completed within 60 days after the delivery of the notice to convert. If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties will contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both

parties within 90 days after the notice of conversion to the municipality and shall be the final determination of consideration. Upon agreement of a consideration, the city or town shall then have 120 days to exercise its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.

The option may be exercised only after a public hearing followed by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at the address that is specified in the notice of intent. Notice of public hearing shall be given in accordance with section 23B of chapter 39.

The notice of exercise shall also be recorded at the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice to the landowner of the city or town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the city or town and the landowner which, if executed, shall be fulfilled within a period of not more than 90 days after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the mayor or board of selectmen, or upon expiration of any extended period that the landowner has agreed to in writing, whichever is later.

At the public hearing or a further public hearing, the city or town may assign its option to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions under the terms and conditions that the mayor or board of selectmen may consider appropriate. Notice of public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1, as agricultural and horticultural land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions as provided in this section, the mayor or board of selectmen shall provide written notice of assignment to the landowner.

The notice of assignment shall state the name and address of the organization or agency of the commonwealth which will exercise the option in addition to the terms and conditions of the assignment. The notice of assignment shall be recorded with the registry of deeds.

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the city or town has not exercised its option.

If the option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions, the option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent. The notice of exercise shall also be recorded with the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by a proposed purchase and sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the city or town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting the land, including, but not limited to, soil testing for purposes of Title V and the taking of water samples.

The city or town or its assignee shall have all rights assigned to the buyer in the purchase and sale agreement contained in the notice of intent.

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of nonexercise, signed by the mayor or board of selectmen, to the landowner by certified mail at the address that is specified in the notice of intent. The notice of nonexercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them and shall be recorded with the registry of deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of nonexercise has been recorded with the registry of deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided in this section.

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least 90 days before a foreclosure sale, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of notice may be established by an affidavit as described in this section.



TOWN OF WARE

Town Manager

126 Main Street
Ware, MA 01082
413-967-9648 x100

Town Manager Updates February 16, 2021

Upcoming meetings:

Ongoing until February 24, Mass DOT hearing on Three Mile Bridge, link on Website
February 23 – Baystate Virtual Town Meeting, 5 p.m.

COVID – After a week at moderate risk, Ware returned to being a High Risk (red) community, with a 5.5% positivity rate on testing. Overall the state trend is a decrease in the number of cases. The Senior Center is providing assistance with scheduling appointments for residents over age 75, focusing on the two large sites in the area, Eastfield Mall and Amherst High School.

As noted above, the Virtual Town Hall hosted by Baystate Health has been moved to February 23.

Insurance – Town employees enrolled in the health insurance program are eligible to participate in a wellness program, which tracks daily activity. The attached chart shows a strong participation rate by the Town's employees, in individual and group participation. Unfortunately, despite this local work, the proposed premium rate increase for the Town in fiscal year 2022 is 12.8%. The Town and its insurance consultant are pushing back at this, questioning the impact of claims and the COVID anticipation factor included.

Departmental budgets are due to be submitted on Wednesday, February 3. These will be reviewed in February with the budget scheduled to be submitted to the Finance Committee on March 1. The Governor submitted his budget proposal. The resulting summary of state aid (Cherry sheet) is attached. One highly impactful budget cost is health insurance. The proposed premiums will be provided by Blue Cross Blue Shield later in the month. The industry trend has been an 8%-10% increase.

Grants: The Town participated in two grant submissions this week. The Planning Department, working with the Ware Business and Civic Association, submitted a grant to the Mass Office of Travel and Tourism for a banner system to be attached to the new light poles and for a video/digital media campaign highlighting the businesses and resources of Ware. Working with the Town of Belchertown, a grant was filed for the creation of an app that identifies the historic, cultural, business and natural resources of the area. The WBCA, Historical Commission and Ware Center Meeting House supported the application.

On March 2, Beth Greenblatt will attend to discuss solar on the Robbins Road site. Tighe and Bond will be present for Water rate discussion and a review of the Quabbin MWRA connection study.

The Town has discussed Animal Control services with the Town of Palmer. There have been a couple of incidents with poor communication. Palmer has addressed with the hiring of a team of two officers. The towns, including Monson, will work on a more detailed protocol for how and when the officers will be contacted, and how they will respond to police departments and residents.

The Highway Division is doing a terrific job with clearing the roads and keeping them safe for drivers. Residents are generally adhering to the parking rules. The DPW as needed is picking up snow from Main Street and neighborhoods. To date, the Snow and Ice budget is holding well.

Congratulations to Ware basketball team member Aidyn Welch who scored her 1000th career point on Thursday night.



MA Department of Revenue
Division of Local Services
Preliminary Municipal Cherry Sheet Estimates
Data current as of 1/27/2021

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Select a Fiscal Year: 2022

Select a Municipality:

Ware

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FY2022 Preliminary Cherry Sheet Estimates

Ware

Estimated Receipts

Estimated Assessments & Charges

PROGRAM	FY2021 Cherry Sheet Estimate	FY2022 Governor's Budget Proposal	FY2022 HYMA Budget Proposal	FY2023 SWMA Budget Proposal	FY2022 Conference Committee
Education Receipts:					
Chapter 70	10,591,234	11,167,137			
School Transportation	0	0			
Charter Tuition Reimbursement	44,363	13,602			
Smart Growth School Reimbursement	0	0			
Offset Receipts:					
School Choice Receiving Tuition	257,157	257,157			
Sub-Total, All Education Items	10,892,734	11,437,896			
General Government:					
Unrestricted Gen Gov't Aid	1,833,298	1,897,463			
Local Share of Racing Taxes	0	0			
Regional Public Libraries	0	0			
Veterans Benefits	230,068	219,326			
Exempt VBS and Elderly	51,241	49,084			
State Owned Land	24,546	27,398			
Offset Receipts:					
Public Libraries	19,230	19,230			
Sub-Total, All General Government	2,158,141	2,212,501			
Total Estimated Receipts:	13,051,137	13,650,397			

Questions or Assistance Please Email The Municipal Database at : database@doe.state.ma.us



MA Department of Revenue
Division of Local Services
Preliminary Municipal Cherry Sheet Estimates
Data current as of 1/27/2021

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FY2022 Preliminary Cherry Sheet Estimates

Ware

Estimated Receipts Estimated Assessments & Charges

PROGRAM	FY2021 Cherry Sheet Estimate	FY2022 Governor's Budget Proposal	FY2022 HWM Budget Proposal	FY2022 SWM Budget Proposal	FY2022 Conference Committee
County Assessments:					
County Tax	0	0	0		
Suffolk County Retirement	0	0	0		
Sub-Total, County Assessments:	0	0	0		
State Assessments and Charges:					
Retired Employees Health Insurance	0	0	0		
Retired Teachers Health Insurance	0	0	0		
Mosquito Control Projects	0	0	0		
Air Pollution Districts	2,448	2,451			
Metropolitan Area Planning Council	0	0	0		
Old Colony Planning Council	0	0	0		
RMV Non-Renewal Surcharge	18,720	18,720			
Sub-Total, State Assessments:	21,168	21,171			
Transportation Authorities:					
MBTA	0	0	0		
Boston Metro. Transit District	0	0	0		
Regional Transit	37,284	41,023			
Sub-Total, Transp Authorities:	37,284	41,023			
Annual Charges Against Receipts:					
Multi-Year Repayment Program	0	0	0		
Special Education	1,521	26,483			
STRAP Repayments	0	0	0		
Sub-Total, Annual Charges:	1,521	26,483			
Tuition Assessments:					
School Choice Sending Tuition	1,057,932	1,057,932			
Charter School Sending Tuition	75,150	76,322			
Sub-Total, Tuition Assessments:	1,133,082	1,134,254			
Total All Estimated Charges:	1,193,055	1,222,931			

Questions or Assistance Please Email The Municipal Database at: database@doe.state.ma.us



**WARE TOWN OF
ANNUAL REVIEW, JAN 2020 TO DEC 2020**

EXECUTIVE DASHBOARD





PACKARD LAW
OFFICE



February 3, 2021

Stuart Beckley
Town Manager
126 Main Street, Suite J
Ware, MA 01082

Re: Request for Parking Exception – 24-26 Walnut Street, Ware

Dear Sir or Madam:

Please be advised this office represents Paixao Properties, Inc. (hereinafter "Paixao"). Our client recently purchased a property in the following address in Ware: 24-26 Walnut Street. One side of this building only has access to on-street parking. When it snows, all cars using on-street parking must move to a municipal lot half a mile away

Paixao is respectfully requesting a parking exception for an on-street-parking spot and/or an odd-even side parking where the occupants would not need to move a car when it snows.

This situation is difficult for any occupants at that property and our client has concerns about the American Disabilities Act (ADA) or any other applicable law if the occupant had a handicap. Paixao also has safety concerns about travel from this municipal lot and has indicated that part of the route to this lot does not have sidewalks. That could present a danger to pedestrians returning to the property from the municipal lot and could be close to impossible if the tenant had a handicap. Moreover, there is a concern for the safety of any occupants with small children trying to make the required trip to the municipal lot without sidewalks.

In recent days, our client approached the Town of Ware asking for some information about how to deal with this issue. He was advised that the sole discretion to allow an exception was with your department.

Paixao is requesting a parking exception at that property address. Sarmiento Paixao, President of Paixao Properties, Inc. can be reached directly on this matter to provide any additional information or documentation that is needed. Mr. Paixao can be reached at (413) 374-6711.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Rivera', with a stylized, flowing script.

David Rivera, Esq.
Packard Law Office

Cc: Kayleigh Goodrow, Public Works