



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, February 5, 2019 at 7:00 p.m.

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

Meeting Opened at 6:38 p.m. by Vice Chairman Whitney.

Absent: Selectman Carroll

Selectman Opalinski made the Motion to Adjourn Regular Session at 6:38 p.m. to go into Executive Session per MGL Chapter 30A, Section 21 (a) #3 Litigation, TO RECONVENE IN OPEN SESSION by 7:00 p.m.; Selectman Fountain seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

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

Selectman Kruckas made the Motion to Adjourn Executive Session at 7:04 p.m., TO RECONVENE IN OPEN SESSION; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

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

### Regular Meeting Minutes – Tuesday, February 5, 2019 at 7:00 p.m.

Present: Selectman Alan G. Whitney, Selectman Michael P. Fountain, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Town Manager Stuart Beckley, Clerk Mary L. Midura, Ware Community TV General Manager Stanley Ciukaj, Interim DPW Director Gilbert St. George-Sorel.

Absent: Selectman John E. Carroll

Meeting Opened at 7:08 p.m. by Vice Chairman Whitney

#### Opening Remarks, Announcements, and Agenda review by Chair

Selectman Opalinski noted that nomination papers for the April 8, 2019 election are due to the Town Clerk's office on February 19, 2019.

Selectman Whitney noted that Ware Community Theater is preparing for "Arsenic and Old Lace"

## **Consent Agenda**

- **Approval of November 20, December 4, and December 15, 2018 Minutes**

Selectmen Kruckas and Opalinski noted errors in the December 4, 2018 Minutes.

**Selectman Opalinski made the motion to approve the November 20 and December 15, 2018 Minutes; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

## **Scheduled Appearances**

- **Update: Water Treatment Plant Project – Gilbert St. George-Sorel**

Mr. St. George-Sorel spoke to the Board with an update regarding DPW issues. He noted the discoloration from soluble iron and manganese, at 3 times level of iron causing stains, with manganese as a secondary contaminant. These are oxidized out because of the addition of chlorine for disinfection and potassium hydroxide for corrosion control. The DPW gets many calls, and the town is required to be in compliance with the groundwater rule. The solution of the new treatment facility will remove the iron and manganese using Greensand Plus. The plant has been designed and plans and specifications have been submitted to USDA. Mass DEP issued conditional approval for construction on December 27, 2018; this constitutes a permit to construct the facility, and there will be another inspection prior to the facility actually being brought on line. Mr. St. George-Sorel gave his opinion that the cost will be \$1 to \$1.5million more than the \$6million original estimate budgeted at town meeting. He recommended that the project be bid to see what the actual costs are, and those bids would be reviewed by USDA. He noted enterprise funds with possible \$300,000 indirect and direct costs. He noted a 40 year debt with USDA is now underwritten at a rate of 2.375%. There are also unknowns. Selectman Whitney asked how we could be off by 20%. Mr. St. George-Sorel noted that the project was proposed in 2017, with significant rate and cost increases to the present. Selectman Kruckas noted the old pipes system of the Town; Mr. St. George-Sorel stated the pipes date to 1886 and any improvements will take 2 years to clear up sediment. Selectman Whitney asked how soon the project can start; Mr. St. George-Sorel noted that the contract documents should be prepared during summer 2019, bids received in fall 2019, additional funds appropriated at fall town meeting, work begins spring 2020, work completed summer 2021, plant fully operational fall 2021 or spring 2022. Selectman Kruckas noted that taxes and water bills have increased, but valuations have decreased. Mr. St. George-Sorel state the next logical step is to separate the individual wells from the collection well, as then the wells would pump directly into the system rather than into the collection well. This project would also bring wells 2 and 3 on line, as they were installed in 2014 but never connected. The old wells 2 and 3 would be decommissioned. Mr. St. George-Sorel stated that the Town is moving in the right direction. Selectman Kruckas asked if there were any ways to prevent the rust issues now; Mr. St. George-Sorel noted that chemical sequestration like shocking your pool can help, but only when combined with treating iron and manganese levels. The DPW receives many calls and emails about dirty water, and these solutions have costs.

Mr. St. George-Sorel stated that water bills were sent out with a notice "Important Information About Your Drinking Water – Ware Water Department Did Not Meet Treatment Requirements" to explain that there were not sufficient certified operators from June through November 2018, as the Town is obligated to inform residents. A Notice of Rate Increase also was sent with the water bills. While there was no danger, the Town was not in compliance. The boil order was

issued in September 2018. The Wastewater plant's NPDES permit expired in September and the Town is now operating on an expired permit; Mr. St. George-Sorel is not sure when the Town will receive a new permit. The WWTP was designed in 1978 and constructed in 1983. The Guardian Energy project is ongoing, and new technology added to the aerators to improve efficiency and reduce energy costs. The SSES project (sanitary sewer evaluation) has been completed at a cost of \$320,000. Consultants visited several areas of town to inspect sump pumps and home inflow/infiltration systems, but residents did not have to let them in. The project was to be completed by borrowing on a five year not. The 2015 project to remove solids and drain basins should be addressed now with two warrant articles for the March 11 Special Town Meeting.

Mr. St. George-Sorel also talked about the Main Street Reconstruction Project, now at 100% design with Mass DOT to bid the project in summer 2019. Total design costs to date are \$290,600 from Chapter 90. There are non-participating items to be added such as replace the water services in kind and install sleeves for the Christmas tree poles. Money for non-participating items must be appropriated and set aside to pay MA DOT's contractor, possible at May Annual Town Meeting. Selectman Kruckas asked about a stop light at Town Hall; Mr. St. George-Sorel noted this would be necessary based on the Transportation Improvement Project (TIP) to change signalize wait time to less than 30 seconds. Selectman Kruckas asked Mr. Beckley about the trees which grew too large; Mr. Beckley noted that the new design should use shorter crabapple trees and additional funds of approximately \$7,000 for lights and sprinkler connections, with possible grant to cover some of these costs.

Mr. St. George-Sorel noted the Elm Street Reconstruction Project to replace water and sewer lines and reconstruct the street. He noted that survey and test borings are completed, bids should be received in April, work to begin in May or June, with final paving in fall 2019. Preliminary estimated cost is \$684,200 including a 30% contingency, with possible 5% reduction in contingency as the project gets closer to final design. The water line replacement was paid for out of water enterprise, the sewer line replacement was paid for out of sewer enterprise, the road work was paid out of Chapter 90, and the design is split in thirds. Marjorie, Bond, Lois, Benham, Cummings Street and Laurel Drive were resurfaced under Chapter 90 at a cost of \$264,089.33; the Town receives approximately \$430,000 per year.

Mr. St. George-Sorel stated his thanks to all DPW employees for their cooperation and excellent work since he came on board as Interim DPW Director.

- **Board of Health Concerns – John Desmond**

Mr. Desmond read a letter dated January 31, 2019 to the Board regarding Board of Health issues. He asked the Board to review the presented documentation, and to work with the Town Manager for enforcement. Mr. Beckley confirmed that Attorney Farber is available to assist the Board of Health. Selectman Whitney stated that Mr. Beckley should get the Board of Health and other departments together so that the Board of Health and Building Department can each give their recommendations for solutions to the Board of Selectmen. Mr. Beckley noted that this documentation implies no coordination of departments. Mr. Desmond stated that town manager and departments need to do their jobs. The Board asked Mr. Beckley to bring back recommendations to the March 5, 2019 meeting.

## Old Business

- **Request to Forward Zoning Amendment to Planning Board**

Selectman Opalinski noted she would abstain from the vote.

Paul Opalinski, owner of 15 South Street, explained that his property is zoned as DTC since 2012, but was zoned as Industrial in 2004. Mr. Opalinski spoke to former Planner Rueben Flores-Marzan in September 2017 as to how to change this designation. Mr. Opalinski seeks to designate his property as MY (Mill Yard) to allow various uses.

**Selectman Kruckas made the motion to forward the Zoning Amendment for 15 South Street to the Planning Board; Selectman Fountain seconded the motion. The motion passed on a vote of 3 Yes (Whitney, Kruckas, Fountain), 0 No, 1 Abstention (Opalinski), 1 Absent (Carroll).**

## New Business

- **Approval of Change of Manager Application: Gabryel Narutowicz, Inc., Liquor License #03086-RS-1386, Kim M. Trzpit**

Selectman Opalinski made the motion to approve the change of manager application; Selectman Fountain seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 1 Abstention (Selectman Kruckas), 1 Absent (Selectman Carroll).

- **Approval of Change of Manager Application: Aspen Street Rod and Gun Club, Liquor License #00001-CL-1326, David R. Fox, Jr.**

Selectman Opalinski made the motion to approve the change of manager application; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Approval of Change of Manager Application: Westborough Beverage Corporation d/b/a Walmart #2386, Liquor License #00018-PK-1326, Wendy Hubbard**

Selectman Opalinski made the motion to approve the change of manager application; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Applications to Town Committee to Recommend Legislative Action Regarding Sex Offender Density: Francis Woodward, Joel Pentlarge, Galen Woodward, Dave Kopacz, Jack Cascio, Michael Lowe, Krystal Putnam, Michael Perez, Nicole Griffith**

Selectman Whitney stated that each applicant would have one minute to state his/her qualifications:

The wife of Francis Woodward spoke on his behalf as he had to work tonight, and stated he is a resident of 25 years committed to change and to make things better.

Joel Pentlarge stated he is committed to not reoffend and provides housing, employment to others, is against the sex offender registry, as a landlord he is aware of housing law, and to prevent re-offense, with his letter as his qualifications.

Galen Woodward stated he is a 25 year resident and caught a level 3 offender recruiting children years ago who is still in Bridgewater, and he is part of a group to protect children.

Dave Kopacz stated he is qualified as a parent with a vested interest, has a track record as a public servant and his service to this town.

Jack Cascio noted his degree in social work, worked with disadvantaged youth, and worked with police and the courts.

Michael Lowe was not present.

Krystal Putnam noted she is a licensed social worker with advocacy for the most vulnerable, that she has insight, background in mental health, and worked with victims. She is also a mother of two boys who she wants safe.

Michael Perez noted he is a father of 3, and has a sense of safe environment, not to be preyed upon. He is a former EMT/first responder.

Nicole Griffith stated she is well-educated and majoring in sociology and psychology, and is a parent who wants to uphold the law.

Jason Patrissi stated his work in the correctional system/parole system and he supervises offenders. He noted the need for best practice as the town should know where offenders reside, how to keep residents safe and what to do not to reoffend.

**Selectman Opalinski made the motion to appoint Jason Patrissi, Dave Kopacz, Krystal Putnam, and Nicole Griffith; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

**Selectman Opalinski made the motion to appoint Dr. DiLeo (schools), Chief Crevier (Police), and Selectman Alan Whitney to the Committee; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

Selectman Opalinski noted that she emailed with Senator Anne Gobi regarding the timeline for filing bills for legislation. Senator Gobi answered the deadline was two weeks ago, but late filed bills would go through a few more steps. Senator Gobi suggested that the committee come up with legislation by late spring early summer. Selectman Opalinski submitted a list of ideas for the Committee's objectives.

- **Set Public Hearing for 7:15 p.m., Tuesday, February 19, 2019: Storage of Flammables License for Ware Senior Living, LLC, 73 South Street**

**Selectman Kruckas made the motion to set the Public Hearing for 7:15 p.m. Tuesday, February 19, 2019: Storage of Flammables License for Ware Senior Living, LLC, 73 South Street; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

- **Accept Resignation from Planning Board Member Christopher Dimarzio**

Selectman Opalinski read Mr. Dimarzio's letter of resignation.

**Selectman Kruckas made the motion to accept Mr. Dimarzio's letter of resignation, with regrets and thanks for his years of service to the Town; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

A joint meeting with the Planning Board will be held on Tuesday, February 19, 2019 to appoint an applicant to the Planning Board, term to expire with April 8, 2019 election.

- **Request to Establish Local Cannabis Committee**

Mr. Beckley noted this was suggested by several residents. The Board requested the committee be made up of 5 citizens, one Selectman, one Planning Board member. When advertised on the Town website, the ad should ask citizens to submit a letter of interest with their qualifications, past or current, knowledge, training and any licenses.

- **Approval of Warrant, Special Town Meeting March 11, 2019**

Mr. Beckley presented the warrant for Board approval and posting. The Board reviewed each warrant article.

**Selectman Opalinski made the motion to approve the Warrant for the Special Town Meeting of March 11, 2019; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

Resident Laurie Whitney asked why some streets do not get cable and internet. Mr. Beckley noted an older quote of \$50,000 from Comcast to bring cable and internet to streets that do not currently have these. Mr. Beckley was asked to bring a quote to the next meeting.

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

Resident Adam Moulton requested the Town to address the lack of road drainage on Sheehy Road – the road is often impassable, with ice too close to his home. The DPW has removed ice, Mr. Moulton has spent hours removing ice, but a culvert is needed.

Resident Laurie Whitney noted the death of Stanley Midura, who formerly worked for the DPW for 20 years. Mr. Beckley also noted that former Town Manager Steven Boudreau died over the weekend.

Resident Brandy Bruso noted the Dog Park calendars are for sale and feature all local dogs, with all proceeds to go to the Dog Park.

Resident Cathy Cascio asked about contributions to the revolving funds.

### **Town Manager Report**

Upcoming dates:

February 11 – CDA CDBG Hearing

February 19 – CDBG Public Hearing at Selectmen's meeting

March 11 – Special Town Meeting

The first of two new DPW trucks arrived yesterday.

The installation of the LED streetlights began today with work on residential streets. The contractor will use up to three trucks per day. Depending on the weather, the installation will take 5-11 weeks.

The demolition and cleanup of the South Street School is well under way. The water department and building department have been attentive to issues raised by dust creation and water discoloration. The Town and contractor have worked with neighbors and Mary Lane on concerns.

The Town received 17 competitive bids for the construction of the Dog Park on Pleasant Street. With funding from the Stanton Foundation (90%), the Friends of the Dog Park donations and Town Meeting, the Project could be completed with the inclusion of the alternates, which are the pavilion shade structures. Work would start in Spring and be completed by mid-summer.

Bylaw Committee Update – The Bylaw committee is meeting every other week. Their first task has been to review the comments created by General Code (codification company) in 2007. When done, the comments will be given to General Code for an update of the bylaws. The Company will then incorporate the changes made since 2007, including consistency with the Charter. The Committee has discussed the project with General Code.

Personnel – The Town has received some applicants for DPW director that the Interim Director and I will review. Very few applicants for the Planner position have been received.

Selectman Kruckas questioned how the Town continues to operate without a Town Planner. Mr. Beckley noted that the PVPC also has had no applicants. Selectman Opalinski stated that Monson has a part-time planner, perhaps the Town could work with him. Mr. Beckley noted he could approach other towns. Resident Andrew Choquette noted that some employees may be willing to train for the position. Selectman Whitney requested an update at the next meeting.

Mr. Beckley noted that Real Estate Taxes were due on February 1, but residents have until Friday to pay without interest.

**At 9:20 p.m., Selectman Opalinski made the motion to Adjourn Regular Session; Selectman Kruckas seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

Attest:   
Mary L. Midura, Executive Assistant