

Board of Selectmen: *Nancy J. Talbot, Alan G. Whitney, Tracy R. Opalinski, John E. Carroll, Michael P. Fountain*

Town Manager: *Stuart Beckley*
sbeckley@townofware.com



**Board of Selectmen
Ware Town Hall, 126 Main Street, Meeting Room**

**Regular Meeting Notice Agenda
Wednesday, January 10, 2018 at 7:00 p.m.**

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda

- **Approval of Meeting Minutes of November 21, 2017**

Comments and Concerns of Citizens

Scheduled Appearances

- **7:10 p.m. Public Hearing: National Grid/Verizon New England Pole Petition #25236124 Gould Road**
- **Commendations: Kevin Lizak, Edward Wloch**

Old Business

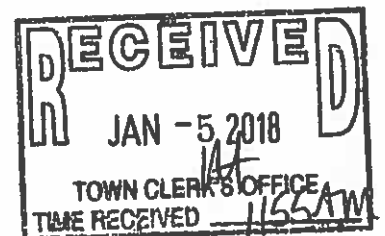
- **Approval of Assessment Center – Sergeants**
- **Approval of Language for Road Bond Ballot Question**

New Business

- **Retroactive Approval of Common Victualler License #28: DMD Pizza, LLC d/b/a Domino's Pizza, 124 West Street (opened December 18, 2017)**
- **Approval of DEP Administrative Consent Order**
- **Vote on MMA Business Meeting Resolutions**

Town Manager Report

Adjournment



Board of Selectmen: *Nancy J. Talbot, Alan G. Whitney, Tracy R. Opalinski, John E. Carroll, Michael P. Fountain*

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Adjournment



Board of Selectmen

Ware Town Hall, 126 Main Street, Meeting Room

Tuesday, November 21, 2017 at 6:00 p.m.

6:00 p.m. Executive Session: MGL Chapter 30A, Section 21 (a) #2 Negotiations

Vice Chairman Whitney opened the Regular Meeting at 6:01 p.m.

Selectman Carroll moved to enter into Executive Session at 6:01 p.m. per MGL Chapter 30A, Section 21 (a) #2 Negotiations TO RECONVENE IN OPEN SESSION; Selectman Fountain seconded the motion. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot recused):

Nancy J. Talbot	Recused✓
Alan G. Whitney	Yes✓
Tracy R. Opalinski	Yes✓
John E. Carroll	Yes✓
Michael P. Fountain	Yes✓

Selectman Fountain moved to Adjourn Executive Session at 7:06 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 Talbot recused).

Nancy J. Talbot	Recused✓
Alan G. Whitney	Yes✓
Tracy R. Opalinski	Yes✓
John E. Carroll	Yes✓
Michael P. Fountain	Yes✓

7:00 p.m. Regular Meeting Minutes

Meeting Reopened by Chairman Talbot at 7:10 p.m.

Opening Remarks, Announcements, and Agenda review by Chair – Chairman Talbot read the agenda items.

Consent Agenda

- Approval of October 17, November 2, November 7, and November 9, 2017 Meeting Minutes
- Approval of Special Event Permit: Ware Holiday Flair, Friday, November 24, 2017
- Approval of Special Event Permit: Ware Tree & Wreath Stroll, Saturday, December 9 and Sunday, December 10, 2017

Selectman Opalinski moved approval of the consent agenda; Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

Comments and Concerns of Citizens

Keith Krukas questioned the vacant DPW position, and asked who is running the department and questioned the plan for replacement; Mr. Beckley stated that the Town is looking at options – Mr. Niedzwicki was given an additional stipend for running daily operations, and the Town intends to fill the position. Mr. Krukas asked for a copy of the resignation letter of Mr. Deni; Mr. Beckley stated that a request in writing is required to release the document.

Scheduled Appearances

- **7:05 p.m., Public Hearing for Petition for Joint or Identical Pole Locations, National Grid and Verizon New England, Inc., #24714152 Walker Road**

Actual time of Public Hearing was 7:15 p.m. Diane from National Grid presented information; Chairman Talbot noted incorrect roads on the map. Diane will correct and send to the Town.

Selectman Opalinski moved approval of Petition #24714152 Walker Road; Selectman Fountain seconded the motion. The motion passed unanimously (5-0).

- **7:10 p.m., Public Hearing to Approve Storage of Flammables License for G & G Medical Products, LLC, 6 East Main Street**

Actual time of Public Hearing was 7:17 p.m. Fire Chief Coulombe explained that the Board of Selectmen grant the license as the first step, the company must go through a permit process with the Fire Department. The process includes compliance with all State safety regulations. The Fire Department reviews all such permits annually. The presented application is not actual; the Fire Chief can suggest underground tanks, but cannot require this. Resident Glen Wojcik questioned the size and location and magnitude of this project. Chief Coulombe noted that the Town must be careful not to violate the owner's rights. Selectman Carroll noted that the Board can set the license fee and annual rate, and suggested \$1.00 per gallon. Selectman Opalinski questioned the location of the tanks; Chief Coulombe noted that he has not yet seen the plans that must meet code and safety regulations. Resident Keith Krukas questioned the process. Resident Jack Cascio questioned who determines concerns such as potential of explosion; Chief Coulombe noted that the owner is working with a reputable firm to meet all code and safety regulations. Resident Keith Krukas questioned the aesthetics of these tanks in regard to the proposed revitalization of the downtown area.

Selectman Carroll moved to approve the license with storage up to 3,000 gallons, with a license fee of \$300 and annual renewal fee of \$300. Selectman Whitney seconded the motion for purposes of discussion.

Chairman Talbot noted that the motion should be amended to include "contingent upon the permit process".

Selectman Carroll amended the motion to include "contingent upon the permit process".

Selectman Opalinski objected to the fees of the motion. Selectman Talbot and Selectman Whitney also objected to the fees of the motion.

Selectman Whitney withdrew his second of the motion. There being no other second to the motion, the motion failed.

Selectman Opalinski moved to approve the license with storage up to 3,000 gallons, contingent upon the permit process, with a license fee of \$100 and annual renewal fee to be determined; Selectman Whitney seconded the motion for purposes of discussion.

Chairman Talbot noted that, as Town Clerk, she will need to pull all such licenses to chart the original fees and renewal fees of each. The Board agreed that this topic will be reviewed on the agenda of January 9, 2018.

The motion passed unanimously (5-0).

- **7:15 p.m. Tax Classification Hearing, Meeting with Assessors**

Actual time of Public Hearing was 7:46 p.m.

Mr. Harder and Mr. Balicki presented the information packet. The Board of Assessors recommend that the Board of Selectmen vote a Residential Factor of "1" for FY2018, which means a Single Uniform Tax Rate. Mr. Harder explained that commercial property is already assessed at a higher rate than residential property. Values are up slightly over previous year values, and new growth potential next year can also bring tax rates down. Mr. Balicki noted that selling prices are up within the Town.

Selectman Carroll moved approval of the Tax Classification in the Factor of 1.50.

Selectman Opalinski objected to the consideration.

There was no second. The motion failed.

Selectman Whitney moved approval of the Tax Classification in the Per Cent of 1.00; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Carroll).

Mr. Beckley requested recognition of Mr. Harder's hard work in organizing the volunteers and holiday decorations for Main Street. Mr. Harder noted that Gail Moryl and Kathy Deschamps led the Ware Rotary Club in most of the organization.

Old Business

- **Review of Proposed Sewer Rate Increases and Water Regulations**

Richard Kilhart, DPW Director reviewed the proposed rates as presented in October 2017. The increase would be over a two-year period per the Wright-Pierce plan. Mr. Kilhart recommended that the Board move forward with the proposed rates.

Selectman Carroll noted that the \$350,000 reserves in enterprise funds should be used for maintenance and repairs, and as Water & Sewer Commissioners, the Board should change the regulations so that the whole town contributes. Selectman Opalinski noted that the Town does not have the funds and questioned Mr. Kilhart as to whether the Town's funding is affected for favorable lending; Mr. Kilhart noted that the rate is 1.5% over USDA grant funding. Mr. Kilhart noted that the Town has a systematic process to rebuild the water system. Residents are encouraged to use water conservation fixtures. Resident Keith Krukas questioned the rates and storm drains. Mr. Kilhart noted that 66% of drinking water is recycled waste water, some catch basins have been cleaned, and repairs to the overall system are ongoing. Selectman Carroll questioned when the increases would take place if the Board votes tonight. Mr. Kilhart stated that these would be effective November 1, 2017, and reflected on the February 1, 2018 bill.

Selectman Opalinski moved to accept the sewer rate increases effective November 1, 2017, reflected on the February 1, 2018 bill; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Carroll).

When questioned by the Board, Mr. Kilhart explained that water regulations prior to 2015 held that the Town maintained the street. In 2015, the Board of Selectmen voted to make laterals the responsibility of the homeowners. Selectman Carroll noted that the vote in 2015 was based on saving the Town money and liability. Mr. Kilhart noted that the crews run short-staffed and do all repairs such as replacing of water & sewer lines and plowing in winter. While some towns have a pipe crew, Ware does all work from the DPW. Selectman Talbot noted that this regulation is common among cities and towns. Mr. Kilhart agreed that many communities place the responsibility on the owner to maintain the laterals. If there is a sewer backup, the DPW will check manholes and pressure, but repairs must be contracted out. Resident Keith Krukas questioned how homeowners can be held responsible for repairs in the streets; Mr. Kilhart noted that the changes were done through public process and on the advice of legal counsel. Selectman Carroll noted that the Board members did not fully understand this information, and he understands this now. Selectman Opalinski stated that Mr. Carroll did not do his homework on the issue in 2015.

Selectman Carroll moved to amend regulations 6.1 and 6.2 of the water regulations with homeowner responsibility up to the street only; Selectman Whitney seconded the motion for purposes of discussion. Selectman Opalinski objected to consideration.

Mr. Kilhart noted that the DPW must take care of water issues of approximately 5-10 times per year, and sewer blockages occur more often. If the regulations are changed, there may be more need for funds in the budget, more equipment, and more manpower.

Resident Cathy Cascio stated that Selectman Opalinski was disrespectful to Selectman Carroll, and thanked Selectman Carroll for his statements at this meeting. Ms. Cascio gave the example of tree roots damaging the sewer lines, noting many pipes are over 100 years old in this and many towns.

Selectman Whitney stated his agreement with Selectman Carroll. Selectman Opalinski noted that this proposed change would cost the Town much more in work and police details and costs. Selectman Talbot noted that the information was brought up for discussion only. Mr. Beckley noted that a current motion was still on the floor. Selectman Whitney noted that the homeowner responsibility should end at the property line. When asked specifically regarding 87 Church Street, Mr. Kilhart noted that the plan was to restore the water and repair the leak, including correction to the basement valve, by Monday of next week. Selectman Carroll noted that work could be RFP for water/sewer repairs. Mr. Kilhart noted that people may come back for payment for work done back to 2015. Mr. Beckley asked the Board to allow him and Mr. Kilhart to bring proper wording for the amended regulations to the next meeting.

Selectman Carroll moved to amend regulations 6.1 and 6.2 of the water regulations with homeowner responsibility up to the street only, and further upon proper wording of the amendments to the water regulations to be submitted to the Board of Selectman at the December 5, 2017 meeting; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Opalinski).

- **Road Discussion & Consideration of Ballot Funding Capital Override for Road Repair Bond**

Mr. Beckley noted the \$5million plan, with there being different ways beyond Chapter 90 funding to repair roads. A Capital Override would allow \$1million for road repairs through ballot vote, to remain in place to allocate up to \$1million annually, with no need to repeat the vote. A ballot questions for road repairs is an option. A Capital Override would raise the tax rate at no interest. Mr. Kilhart noted the infiltration study. Selectman Fountain questioned the use of a gasoline tax; Mr. Beckley noted that State legislation would be necessary.

Selectman Whitney moved to table discussion of the ballot question, pending more information on the 3% gasoline tax; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).

New Business

- **Recommendations on Plowing and Sanding Unfinished Subdivision Roads: Winter 2017-2018**

Mr. Beckley reviewed the November 8, 2017 memorandum.

Selectman Opalinski moved approval of the Plowing and Sanding Unfinished Subdivision Roads for Winter 2017-2018:

- **to approve the expenditure of Town funds and to direct the DPW to manage sanding and snow and ice removal on the private section of Walter Drive and on the private roads. Coldbrook Drive, King George Drive, Hillside Terrace, and during the winter of 2017/18; and**

Town Manager: Stuart Beckley
sbeckley@townofware.com

- to approve the expenditure of Town funds and to direct the DPW to manage sanding and snow and ice removal on the private roads within the Isabella Ridge subdivision (Wildflower Drive and Briar Circle) during the winter of 2017/18, provided that in the event that icing on the roadway occurs, then the DPW is directed to stop snow and ice removal operations at which point the owner of the private road shall be fully responsible for all snow and ice removal operations; and furthermore that the Town accepts no responsibility or liability with regard to the modified drainage structure at 12 Wildflower Drive; and
- to direct the DPW to NOT perform any sanding, snow, or ice removal operations on Belair Drive and Williston Drive during the winter of 2017/18 unless sufficient repairs are made to the satisfaction of the DPW Director. (Note: Mr. Kilhart inspected Williston Drive on 11/22/2017 and approved.)

Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

- Evaluation and Performance Review Process of Town Manager (tabled from November 7, 2017)

Selectman Talbot recused herself from the discussion, as she is a Town employee.

Selectman Opalinski explained a timeline of events, including a town survey, for the evaluation of the Town Manager. Selectman Opalinski proposed that the Town Manager should list his achievements and complete a self-evaluation. Mr. Beckley noted that the evaluation should include goals and discussion of the Town Manager contract.

Resident Keith Krukas questioned the 6-month contract clause.

Selectman Whitney moved to table further discussion to December 19, 2017; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 1 Abstention (Selectman Talbot recused).

- Consideration of Ballot Question to Ban Retail Marijuana Sales

Mr. Beckley submitted a sample from Milford, MA. There are limited options and a process to be followed. If there is a ballot question, there must also be a bylaw voted at Town Meeting. Mr. Beckley noted that the Town will be surrounded by towns making revenue from retail marijuana sales. Selectman Carroll stated that the voters should decide this issue.

Selectman Carroll moved to approve a ballot question to be placed on the April 9, 2018 ballot; Selectman Opalinski seconded the motion. The vote passed on a vote of 3 Yes (Selectman Carroll, Selectman Opalinski, Selectman Talbot), 2 No (Selectman Whitney, Selectman Fountain).

- From Town Clerk: Letter of Resignation, Kelly Slattery, School Committee member

Selectman Whitney accepted the letter of resignation, with thanks and regrets; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).

- From Town Clerk: Letter of Resignation, David Gravel, Community Development Authority

Selectman Opalinski accepted the letter of resignation, with thanks and regrets; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).

Town Manager: *Stuart Beckley*
sbeckley@townofware.com

Town Manager Report

Holiday Flair November 24 at 6:00 p.m.

Budget discussions/priorities December 18 (with Finance and School Committee)

Vigeant Street – the Town hired Associated Building Wreckers to drop the structure at 33 Vigeant Street on Friday, November 10. Departments met with the owner of the building. He asked that the bills be directed to him. The current expended cost is \$5,075. He will work with Associated on testing and timing to remove the debris of the home.

TIF Committee – The Tax Increment Financing Committee met with Optimus LLC and decided to recommend the proposed 5-year Special Tax Assessment requested. This was unanimously approved by Town Meeting. The TIF committee also set a tour of the G&G Medical facility to view the improvements and progress made toward the requirements for that STA.

Mr. Jim Deni resigned his position of Deputy DPW director on November 8. The Town will consider options for filling the position. One possibility is to hire an interim director for 3-4 months to review the demands and activities of the division. The Highway division is short-staffed currently, but is setting up the plowing plan for the winter.

Thank you to Town meeting residents for all the support of the Articles.

Happy Thanksgiving to All!

Selectman Opalinski moved to Adjourn Regular Session at 9:58 p.m.; Selectman Carroll seconded the motion. The motion passed on a Vote of 5 Yes, 0 No.

Attest:


Mary L. Midura, Executive Assistant

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Town Manager: *Stuart Beckley*
sbeckley@townofware.com



TOWN OF WARE

Board of Selectmen
Town Hall, 126 Main St., Suite J
Ware, Massachusetts 01082-1386
Tel. 413-967-9648 EXT. 100

PUBLIC HEARING NOTICE

The Board of Selectmen will conduct a Public Hearing on **Wednesday, January 10, 2018 at 7:10 P.M., Selectmen's Meeting Room, 126 Main St. Ware.** The purpose of the Public Hearing is to hear Petition by National Grid and Verizon New England for Joint or Identical Pole Location at Gould Road (#25236124), Ware, MA. Copies of the petition are available at the office of the Town Manager, 126 Main Street, Ware, MA. **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.

Nancy Talbot
Chairman
Board of Selectmen
December 21, 2017

Questions contact – Jill Wilson 413 267 6019
PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Ware Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

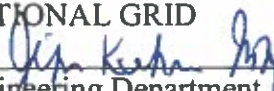
Gould Road-National Grid to install proposed pole # 9-50, 145 feet north of Wildflower Road.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Gould Road-Ware Massachusetts
25236124 November 20, 2017

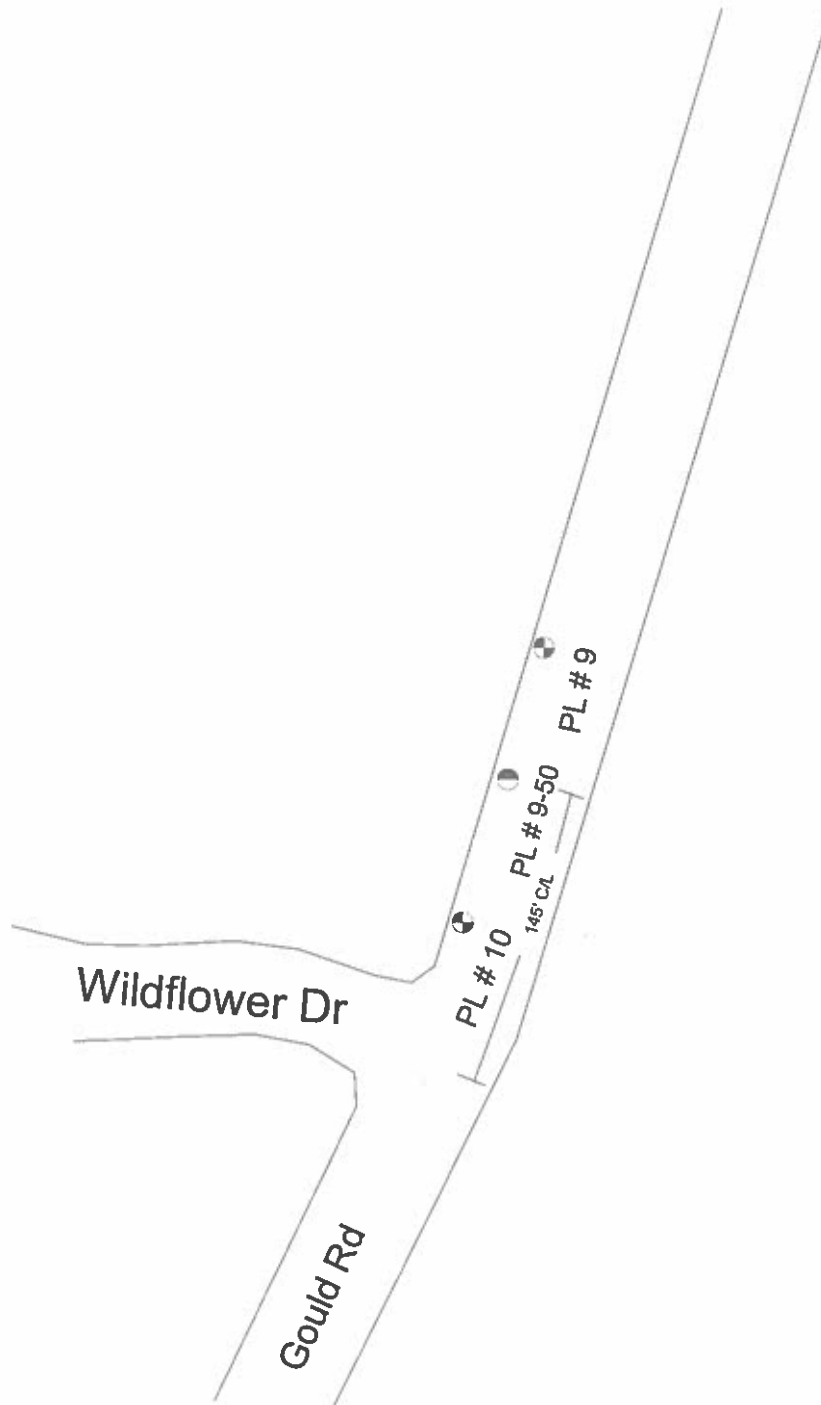
Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY 
Engineering Department

VERIZON NEW ENGLAND, INC.
BY 
Manager / Right of Way

Questions contact Jill Wilson 413 267 6019



LEGEND

- PROPOSED SO POLE
- PROPOSED JO POLE
- ✕ REMOVED POLE
- EXISTING POLE
- ▶ PROPOSED PUSH BRACE

Petition
Proposed PL # 9-50 Gould Rd Ware MA 01082

Date: 11/16/17

Designer: Jill Wilson

Work Request: 25236124

nationalgrid

Town

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen of Ware Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 20th day of November 2017 .

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Gould Road-Ware Massachusetts.

25236124 Dated November 20, 2017. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Gould Road-National Grid to install proposed pole # 9-50, 145 feet north of Wildflower Road.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts City/Town Clerk.
20 .

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____, 20____, at _____ o'clock, M
At _____ a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of 20____ and recorded with the records of location orders of
the said City, Book _____, and Page _____. This certified copy is made under the
provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk



TOWN OF WARE POLICE DEPARTMENT

22 NORTH STREET, WARE, MASSACHUSETTS 01082 - 1004
TEL: (413) 967-3571 FAX: (413) 967-9606



SHAWN C. CREVIER
CHIEF OF POLICE

TO: Stuart Beckley, Town Manager and
Board of Selectmen
FROM: Chief Shawn C. Crevier
DATE: January 3, 2018
RE: SGT.s Assessment Exam

I am recommending that Board of Selectmen utilize Public Safety Consultants, LLC for the Ware Police Department's Sergeant's Assessment Exam. The quote from Public Safety Consultants was for \$6,300.00 for up to/including five (5) candidates. Then minus the \$250.00 fee from each candidate would reduce that price. I have a tentative date scheduled with Public Safety Consultants to conduct the Assessment Center exam for March 6, 2018.

Respectfully,

A handwritten signature in cursive script that reads "Chief Shawn C. Crevier".

Chief Shawn C. Crevier



TOWN OF WARE POLICE DEPARTMENT

22 NORTH STREET, WARE, MASSACHUSETTS 01082 - 1004
TEL: (413) 967-3571 FAX: (413) 967-9606



SHAWN C. CREVIER
CHIEF OF POLICE

TO: Town Manager, Stuart Beckley
Board of Selectmen
FROM: Chief Shawn C. Crevier
DATE: January 2, 2018
RE: Monthly Update, for December 2017

The following is the monthly update for the Ware Police Department for major and/or majority calls for service by the Ware Police Department.

MOTOR VEHICLE STOPS

Civil Motor Vehicle Violations	25
Written Warnings	22
Criminal Complaints from	
Motor vehicle stops	9
Arrests/Summons from	
Motor vehicle	13
Verbal Warnings	174

Aggravated Assaults	3	Incident reports that Officers wrote	56
Simple Assault	7		
A&B Dangerous Weapon	1		
Strangulation	1		
Domestic A & B	1		
Intimidation of a witness	1		
B & E s	5		
Larceny over \$250	1		
Shopliftings	7		
O.U.I. Alcohol	6		
Protective Custody	1		
Marked Lanes violations	3		
Unlicensed Operators M.V.	4		
Driver's License Suspended	5		
Operating Negligently	6		
Uninsured M.V.	2		
Drug/Narcotic Violations	7		
Warrant arrests	5		



TOWN OF WARE POLICE DEPARTMENT

22 NORTH STREET, WARE, MASSACHUSETTS 01082 - 1004
TEL: (413) 967-3571 FAX: (413) 967-9606



SHAWN C. CREVIER
CHIEF OF POLICE

The Ware Police Department was notified that the Town of Ware did not receive the Federal Grant for two (2) federal funded Police Officers that this department had applied for over the summer of 2017.

The basement area where the new evidence room has been cleaned/cleared out and currently the walls, door and shelving have been constructed.

Respectfully,

A handwritten signature in cursive script, appearing to read "Shawn C. Crevier", is written over a horizontal line.

Chief Shawn C. Crevier



Informational Guideline Release

Property Tax Bureau
Informational Guideline Release (IGR) No. 04-201
January 2004

CREATION OF MULTIPLE STABILIZATION FUNDS
AND
PROPOSITION 2½ OVERRIDES FOR STABILIZATION FUNDS

Chapter 46 §§14 and 50 and Chapter 140 §§19 and 137 of the Acts of 2003
(Amending G.L. Ch. 40 §5B and Ch. 59 §21C(g))

This Informational Guideline Release (IGR) informs local officials about new legislation that allows cities, towns and districts to create multiple stabilization funds for different purposes. The legislation also prohibits cities and towns from using the increased levy capacity resulting from a Proposition 2½ levy limit override approved for the purpose of making appropriations to any of those funds for any other spending purpose in a subsequent year without voter approval

Topical Index Key:

Accounting Policies and Procedures
Appropriations
Proposition 2½
Special Funds

Distribution:

Accountants/Auditors
Mayors/Selectmen
City/Town Managers/Exec. Secys.
Finance Directors
Finance Committees
City/Town Councils
City Solicitors/Town Counsels

Informational Guideline Release (IGR) No. 04-201
January 2004

CREATION OF MULTIPLE STABILIZATION FUNDS
AND
PROPOSITION 2½ OVERRIDES FOR STABILIZATION FUNDS

**Chapter 46 §§14 and 50 and Chapter 140 §§19 and 137 of the Acts of 2003
(Amending G.L. Ch. 40 §5B and Ch. 59 §21C(g))**

SUMMARY:

These guidelines explain new legislation that gives cities, towns and districts the flexibility to create multiple stabilization funds for different purposes. The legislation amends G.L. Ch. 40 §5B, which previously provided for a single stabilization fund into which cities, towns and districts could appropriate monies to be reserved for future appropriation for any lawful purpose. Under the amendment, a community may now establish one or more stabilization funds for different purposes by a two-thirds vote of its legislative body. It may amend the purposes of those funds at a later time in the same manner. Appropriations both into and from the funds require a two-thirds vote of the legislative body. Previously, appropriations to the stabilization fund only required a majority vote. Interest earned on all stabilization funds remains with the funds. The interest provision had been inadvertently omitted when the statute was amended, but it was restored by a recent technical amendment and applies retroactively. Ch. 140 §§19 and 137 of the Acts of 2003.

In addition, a new paragraph has been included in G.L. Ch. 59 §21C(g), which authorizes a property tax levy limit override under Proposition 2½. Under this new provision, a city or town that has an override approved by its voters for the purpose of making appropriations to any stabilization fund must now allocate or dedicate the additional levy capacity resulting from that override to the same purpose in subsequent years. Ordinarily, monies from an override are only earmarked for the stated purpose in the fiscal year the override is effective. Two-thirds of the selectmen, town council or city council, with the mayor's approval if required by law, must vote to "appropriate" the additional capacity for the same stabilization fund purpose each year after the override takes effect. If "appropriated," the assessors must raise the amount in the tax rate and the municipality's levy limit is increased accordingly for that year. Voters may approve a change in the purpose for which the additional levy capacity can be used in future years. Approval of any change is by majority vote at a referendum.

These changes became effective July 31, 2003. They apply to any appropriation voted and levy limit override approved for a stabilization fund after that date.

PROPERTY TAX BUREAU

DANIEL J. MURPHY, CHIEF

GUIDELINES:

I. MULTIPLE STABILIZATION FUNDS

A. Creation of Funds

Stabilization funds may be created for one or more different purposes. G.L. Ch. 40 §5B. A fund may be created for a broad category of spending purposes, *e.g.*, any lawful purpose, capital budget purposes or purposes for which the community may borrow money. It may also be created for a specific purpose or project, *e.g.*, acquire a new fire truck or undertake a particular school construction project.

Creation of a fund requires a two-thirds vote of the legislative body of the city, town or district. The vote must clearly define the purpose(s) of the fund.

B. Pre-existing Fund

Any pre-existing stabilization fund balance should continue to be treated as a reserve for any lawful purpose, *i.e.* a "general" stabilization fund. The city, town or district can reallocate or earmark all or part of that balance to any new stabilization funds it creates by a vote to transfer monies from that "general" stabilization fund to the newly created fund. See Section I-D below.

C. Changing Fund Purpose

The purpose of a stabilization fund may be changed at any later time by a two-thirds vote of the legislative body. For example, if a community had established a fund in order to reserve monies to acquire a new fire truck and a balance remains after the purchase, the legislative body could vote to change the purpose to meet some new savings objective.

If a Proposition 2½ levy limit override was approved for the purpose of funding the particular stabilization fund, however, the city or town must also follow the referendum procedure explained in Section II-C below to be able to change the fund purpose and then continue using the additional levy capacity resulting from that override in future years.

D. Appropriations and Transfers

Appropriations into and from any stabilization fund require a two-thirds vote of the legislative body.

Monies may also be transferred from one stabilization fund to another by two-thirds vote. If the monies in the fund from which the transfer is made could not be appropriated directly for the purpose of the fund receiving the transfer, *e.g.*, a transfer of \$50,000 from a fund for a particular school construction project to a fund to construct a new senior center, the vote also serves as a change in purpose to the extent of the amount appropriated.

E. Investment and Interest

The treasurer may invest stabilization funds in national, savings or cooperative banks, Massachusetts trust companies, federal savings and loans associations located in Massachusetts or securities that are legal investments for savings banks under Massachusetts law.

All interest earned on the investment of stabilization funds belongs to the funds. The treasurer may pool monies from all stabilization funds for investment purposes, but the accounting officer must account for them separately in the general ledger and allocate interest earned on the pooled monies proportionately to each stabilization fund.

F. Limits on Funds

1. Annual Appropriations

Total annual appropriations to all stabilization funds are limited to 10 percent of the prior year's tax levy. This includes "appropriations" of additional levy capacity resulting from Proposition 2½ overrides approved for the funds. See Section II-B below. The limit on total appropriations may be exceeded with approval of the Director of Accounts.

2. Balance

The total of all stabilization fund balances cannot exceed 10 percent of a community's equalized valuation.

II. STABILIZATION FUND OVERRIDES

A. Presentation and Approval of Override Referendum

Cities and towns may ask voters to approve a Proposition 2½ levy limit override referendum for the purpose of funding any of the stabilization funds it establishes.

If approved, the additional levy capacity is earmarked for the same stabilization fund in the fiscal year the override is effective and subsequent years. G.L. Ch. 59 §21C(g).

Therefore, the amount of any override for a stabilization fund must be clearly identified, preferably by presenting a separate override question for each stabilization fund being funded. For example:

Shall the city/town of _____ be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding the municipal capital stabilization fund for the fiscal year beginning July 1, ____?

Shall the city/town of _____ be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding the school capital stabilization fund for the fiscal year beginning July 1, ____?

If the amount is included in an override for multiple purposes, however, the exact amount allocated to the particular stabilization fund must be stated. For example:

Shall the city/town of _____ be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of funding the town and school operating budgets, the municipal capital stabilization fund (\$100,000) and the school capital stabilization fund (\$100,000) for the fiscal year beginning July 1, ____?

B. Appropriation of Override in Future Years

1. Annual Appropriation Procedure

In the year the override is effective, the appropriation of the funds generated by the override to the particular fund is made by the usual appropriation procedure, *i.e.*, a two-thirds vote of the legislative body.

Each year thereafter, however, the selectmen, town council or city council, with the mayor's approval if required by law, must decide whether to "appropriate" any of the additional capacity resulting from the override for the same stabilization fund purpose. A two-thirds vote is required to make any "appropriation".

2. Appropriation Amount

All or some of the additional levy capacity may be "appropriated." In the first year after the override is effective, the additional levy capacity that may be appropriated is 102.5 percent of the override amount. In subsequent years, it is 102.5 percent of the amount of additional levy capacity appropriated in the last year it was appropriated.

For example, a \$100,000 override is approved for a school capital project stabilization fund for fiscal year 2005 and the legislative body appropriates the same amount from that year's tax levy for that purpose. In FY2006, \$102,500 is available for "appropriation" by the selectmen, town council or city council, with the mayor's approval if required by law. That entire amount is "appropriated." In FY2007, \$105,062 ($1.025 \times \text{FY2006 appropriation of } \$102,500$) is available, but only \$80,000 is "appropriated." The amount available in FY2008 now becomes \$82,000 ($1.025 \times \text{FY2007 appropriation of } \$80,000$). No appropriation is made in FY2008, however. The amount available in FY2009 is \$82,000 ($1.025 \times \text{last appropriation made, i.e., FY2007 appropriation of } \$80,000$).

3. Tax Rate

The assessors must raise the amount "appropriated" in the tax rate. This "appropriation" is reported on page two of the tax rate recapitulation under "Other Amounts to Be Raised" and documented by a certified copy of the "appropriation" vote, as explained in the annual tax rate recapitulation instructions issued by the Bureau of Accounts.

4. Levy Limit Calculation

The municipality's levy limit for any year is increased by the amount of additional levy capacity that is appropriated for the stabilization fund purpose. The new limit must still be within overall levy ceiling of 2½ percent of the full and fair cash value of taxable property.

C. Change in Override Purpose

1. Presenting Referendum

The selectmen, town council or city council, with the mayor's approval if required by law, may ask the voters to approve a change in the purpose of the override. This change can result in the additional levy capacity being allocated to another stabilization fund or to any other municipal purpose. A two-thirds vote is required to place the referendum before the voters.

2. Referendum Form

The following question form should be used to present a referendum to change the override purpose:

Shall the city/town of _____ be allowed to change the purpose of a Proposition 2½ override referendum approved at an election held on _____, ____ for the (capital stabilization fund) to the following new purpose(s): _____ for the fiscal year beginning July 1, ____?

3. Referendum Approval

The referendum is approved if a majority of those voting on the question vote "yes."

4. Appropriation in Future Years

If the purpose of the override is changed to another stabilization fund, or other purpose, the additional levy capacity would have to be "appropriated" to the new purpose each year or the levy limit would be reduced. See Section II-B above.



TOWN OF WARE

Common Victualler Application

(MASSACHUSETTS GENERAL LAWS, CHAPTER 140, SECTION 6)

Application is hereby made to the Town of Ware (date): DECEMBER 27, 2017

CORPORATION NAME: DMD PIZZA LLC

D/B/A NAME DOMINOS PIZZA

ADDRESS OF ESTABLISHMENT: 124 H WEST ST

TELEPHONE: 413-888-8925

NAME OF MANAGER: DOUGLAS DEISIG

DESCRIPTION OF


PREMISES: PIZZA TAKE OUT + DELIVERY

If this license is granted, I hereby agree to abide by all of the laws of the Commonwealth of Massachusetts and all rules and regulations of the Ware Board of Selectmen. I understand and accept responsibility of ensuring that these are enforced.

Pursuant to MGL, C. 62C, s. 49A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Pursuant to MGL, C. 152, s. 25A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to Workers' Compensation Insurance.

12/29/17
Date


Signature of Individual or Corporate name

Corporate Officer and Title (if applicable)

DATE OF PUBLIC HEARING (to be determined): JANUARY 10, 2018

Social Security Number or Federal Identification Number: 47-5032411

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOLIO HOLOGRAM

DMD Pizza LLC

d/b/a Dominos Pizza Palmer #9802
1219 Thorndike St
Palmer, MA 01069

CHECKSAFE

001139

DATE 1-3-19

PAY TO THE ORDER OF Town of Ware

\$ 50.00

DOLLARS

Bank of America
5-13/10

FOR Com Vc Lic #28

⑈001139⑈ ⑆011000138⑆ 004643542785⑈



[Signature]

Security Features Included

Details on Back.

Town of Ware, MA
2018 LICENSE RENEWAL FORM
Please check license(s) that you are renewing

License Type

- ☐ Liquor License - M.G.L. Chap 138
☒ Common Victualler License - MGL Chap 140 § 6
☐ Lodging House License - M.G.L. Chap 140 § 22
☐ Entertainment License - M.G.L. Chap 140 § 183a
☐ Automatic Amusement Device License - M.G.L. Chap 140 § 177a
_____ Number of Automatic Amusement Devices in 2017
_____ Number of Automatic Amusement Devices in 2018

Fee based on Type _____
\$50.00
\$50.00
\$100.00
\$60.00/device

Total \$ Amount Enclosed for Renewal Fees

\$ 50

*** MAKE CHECK PAYABLE TO TOWN OF WARE ***

CORPORATE NAME DMD PIZZA LLC

D/B/A NAME Dominos PIZZA

OWNER OR PRESIDENT DOUGLAS DEISIE

MANAGER (if different than Owner/President) _____

BUSINESS ADDRESS 124 H WEST ST

MAILING ADDRESS (if different than Business Address) 95 Railroad ST BECKETT MA 01007

BUSINESS TELEPHONE NUMBER 413-888-8925

EMAIL ADDRESS, IF AVAILABLE DominosDoug@aol.com

DESCRIPTION OF PREMISES (number of rooms, on what floors, etc.)

PIZZA TAKE OUT + DELIVERY 1 Floor

DESCRIPTION OF ENTERTAINMENT (if applicable)

N/A

DESCRIPTION OF AUTOMATIC AMUSEMENT DEVICE(S) (if applicable)

N/A

Pursuant to M. G. L., C. 62C, s. 49A, I certify under the penalties of perjury that I have, to my best knowledge and belief, complied with the law of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support. Pursuant to M.G.L.C. 152, s. 25A, I certify under the penalties of perjury I have, to my best knowledge and belief, complied with the law of the Commonwealth relating to Worker's Compensation Insurance.

In cooperation with the Tax Collector's office, Board of Health, Building Inspector, Fire Safety Inspector, and Department of Public Works, any licensees owing taxes, fees, water/sewer and other liens, to the Town of Ware not be issued licenses. A written agreement of a payment plan with the Tax Collector will be considered acceptable issuance of licenses for 2018.

417-5032411
Federal Identification Number

Date 12/29/17


Signature of Individual

Corporate Officer and Title (if applicable)



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Business/Organization Name: DMD Pizza LLC Dominos Pizza

Address: 124 H WEST ST WEA

City/State/Zip: WURG MA 01082 Phone #: 413-888-8925

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 20 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, § 1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: TRAVELERS INS - SINCINNATI INSURANCE

Insurer's Address: SUITE 200 35 THORPE AVE WALLINGFORD CT 06492

City/State/Zip: _____

Policy # or Self-ins. Lic. # 6HUB1K00750017

Expiration Date: 10/25/18

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____

Date: 12-28-17

Phone #: 413-888-8925

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____



DMDPZ-1

OP ID

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/10/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Sinclair Insurance Group, Inc. Suite 200 35 Thorpe Avenue Wallingford, CT 06492 Pauline R. Spingola	203-265-0996	CONTACT: Pauline R. Spingola NAME: PHONE (A/C, No, Ext): 203-265-0996 FAX (A/C, No): E-MAIL: ADDRESS:
INSURED DMD Pizza LLC Douglas Delisle 95 Railroad Street Belchertown, MA 01007		INSURER(S) AFFORDING COVERAGE INSURER A: Liberty Mutual Insurance Co. NAIC # 23035 INSURER B: Travelers Insurance Company 25615 INSURER C: Pilgrim Insurance Company INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER		BKZ58307440	10/01/2017	10/01/2018	EACH OCCURRENCE \$ 1,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000 MED EXP (Any one person) \$ 15 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000 PRODUCTS - COMP/OP AGG \$ 2,000
C	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		CSC00001004325	10/19/2017	10/19/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	6HUB1K00750017	10/25/2017	10/25/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500 E.L. DISEASE - EA EMPLOYEE \$ 500 E.L. DISEASE - POLICY LIMIT \$ 500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

EVIDENCE OF COVERAGE
EVIDENCE OF COVERAGE
EVIDENCE OF COVERAGE

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

December 22, 2017

Mr. Richard Kilhart
Ware Department of Public Works
1 ½ Church Street
Ware, MA 01082

Re: Ware
Ware Water Department
PWS ID # 1309000
ENF # 00000846
Administrative Consent Order

Dear Board Members:

Enclosed for review and signature by the Select Board are two copies of an Administrative Consent Order (ACO) addressing staffing issues within the Ware Water Department.

If acceptable, both copies of the enclosed document should be signed with both original copies returned to the Department by January 12, 2018. Following receipt of the signed documents, the Department will sign both copies and one original will be returned to you. The ACO is a legally binding document and you may choose to have it reviewed by your legal advisor.

If you have any questions regarding this issue, please contact me at (413) 755-2148 or Doug Paine at (413) 755-2281.

Respectfully,

Deirdre Doherty
Drinking Water / Municipal Services Chief
Bureau of Water Resources

Y:\DWP\Archive\WERO\Ware-1309000-Enforcement-2017-12-22
W:\brp\ws\enforcement & compliance\ACOs\Ware Water Department 1309000 staffing 12-2017 Cover
CC: Board of Health, MassDEP/DWP Boston

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of:
Town of Ware

Enforcement Document Number:
00000846
Issuing Bureau: BWR
Issuing Region/Office: WERO
Issuing Program: DWP
Primary Program Cited: DWP
PWS ID# 1309000

ADMINISTRATIVE CONSENT ORDER

I. THE PARTIES

1. The Department of Environmental Protection ("Department" or "MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Western Regional Office at 436 Dwight Street, Springfield, Massachusetts 01103.
2. The Town of Ware ("Respondent") is a municipality with a place of business at Town Hall, 126 Main Street, Ware, Massachusetts 01082. Respondent's mailing address for purposes of this Consent Order is Town Hall, 126 Main Street, Suite J, Ware, Massachusetts 01082.

II. STATEMENT OF FACTS AND LAW

3. MassDEP is responsible for the implementation and enforcement of: MassDEP has primary enforcement responsibility for the requirements of the Federal Safe Drinking Water Act, 42 U.S.C. §300f et seq. and the regulations promulgated there under. MassDEP implements and enforces statutes and regulations of the Commonwealth of Massachusetts for the protection of the public drinking water supply, including, without limitation, M.G.L. c. 111, §5G and §160 and, the Drinking Water Regulations at 310 CMR 22.00; the Cross Connections, Distribution System Protection Regulations at 310 CMR 22.22; and the Underground Injection Control Regulations at 310 CMR 27.00. MassDEP, pursuant to M.G.L. c. 111, §160, may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water by public water systems to all consumers. MassDEP, pursuant to M.G.L. c. 111, §5G, may require by order the provision and operation of such treatment facilities as it deems necessary to ensure the delivery of a safe water supply to all consumers.

MassDEP's Drinking Water Regulations at 310 CMR 22.02 define a public water system ("PWS") as a system for the provision to the public of water for human consumption, through pipes or other constructed conveyances, if such system has at least 15 service connections or

regularly serves an average of at least 25 individuals daily at least 60 days of the year. 310 CMR 22.02 also defines a supplier of water as “any person who owns or operates a public water system.”

4. Respondent is a public water system pursuant to 310 CMR 22.00 et seq.
5. The following facts and allegations have led MassDEP to issue this Consent Order:
 - A. For the purposes of operation, Respondent’s Public Water System (PWS), which serves a population of 7,582 people, is regulated by MassDEP as a Class II-D distribution system.
 - B. Respondent’s PWS, which provides both disinfection and corrosion-control treatment, is regulated by MassDEP as a Class I-T treatment system.
 - C. Massachusetts Drinking Water Regulation 310 CMR 22.11B(2)(c), requires full-time operation of a PWS distribution system by the Primary Distribution Operator, with full-time operation consisting of at least seven hours of on-site operation per day, five days per week. No exemptions are allowed for PWSs rated as II-D, or higher, systems.
 - D. Massachusetts Drinking Water Regulation 310 CMR 22.11B(2)(a), requires full-time operation of a PWS treatment system by the Primary Treatment Operator, with full-time operation consisting of at least seven hours of on-site operation per day, during each day the treatment system is in operation.
 - E. Massachusetts Drinking Water Regulation 310 CMR 22.11B(5)(b), allows for part-time operation of a treatment facility classified as a I-T system, or less, with MassDEP’s written approval.
 - F. Within a December 11, 2017 *System Staffing and Comprehensive Operations Plan*, Respondent proposed using Kevin Lizak, who received a temporary 1-T emergency certification from the Board of Certification on September 14, 2017 to serve as its Primary Treatment Operator. Mr. Lizak will staff Respondent’s treatment facilities for two hours per day.
 - G. Within its December 11, 2017 *System Staffing and Comprehensive Operations Plan* Respondent also proposed using Andrew Lalashius, who holds a II-D certification, to serve as Primary Distribution Operator, on a part-time basis, until June 2018, when he will begin to serve as Respondent’s full-time Primary Distribution Operator. Respondent also proposed to supplement Mr. Lalashius’ availability with individuals who are either insufficiently certified or who are sufficiently certified and have other full-time responsibilities.

- H. Within a December 11, 2017 electronic-mail message accompanying the proposed *System Staffing and Comprehensive Operations Plan (Plan)*, Respondent provided notice that the proposed *Plan* also represented current staffing levels.
- I. Respondent's failure to provide full-time operation of its distribution system by the Primary Distribution Operator is a violation of 310 CMR 22.11B(2)(c).
- J. Within a December 13, 2017 *System Staffing and Comprehensive Operations Plan ("Plan")*, and an accompanying electronic-mail message, Respondent proposes to use Mr. Lalashius as its full-time Primary Distribution Operator from December 18, 2017, through January 20, 2018. After January 20, 2018, Respondent proposes to either hire an individual who is appropriately certified to serve as its full time Primary Distribution Operator until June 1, 2018, when Mr. Lalashius will become available on a full-time basis, or to use Mr. Lalashius on a part-time basis, as its Primary Distribution Operator, and to supplement with an individual who is appropriately certified, but has other full-time administrative responsibilities.

Regulations:

- K. Regulation 310 CMR 22.11B(2)(a) states in part:

Staffing Requirements. In order to ensure the proper management, operation and maintenance of Public Water Systems, every Public Water System, except as provided in 310 CMR 22.11B(5), shall be operated as follows:

(a) Treatment - Primary Operator.

1. A Public Water System utilizing treatment shall be operated, whenever the Treatment Facility is in operation, by a Primary Operator (*i.e.*, a Certified Operator who has a grade certificate at least equal to the class of the Treatment Facility, as further defined in 310 CMR 22.02) who, except when temporarily absent, shall be:

- a. present at the Treatment Facility at least one seven-hour working shift each day for five days during each work week (meaning seven consecutive days);...

- L. Regulation 310 CMR 22.11B(2)(c) states, in part:

A Public Water System's Distribution System shall be operated by a Primary Operator (*i.e.*, a Certified Operator who has a grade certificate at least equal to the class of the Distribution System, as more fully defined in 310 CMR 22.02) who, except for temporary absence, shall be:

- a. present at the Distribution System at least one seven-hour working shift each day for five days during each work week (as defined in 310 CMR 22.11B(2)(a)1.)...

- M. Regulation 310 CMR 22.11B(5)(b) states, in part:

Part-time Operation... With the prior written approval of the Department, a Supplier of Water whose Public Water System includes a Treatment Facility classified as I-T or less may reduce the staffing requirements of 310 CMR 22.11B(1) and (2) by operating the Treatment Facility on a part-time basis...

III. DISPOSITION AND ORDER

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

6. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.
7. MassDEP's authority to issue this Consent Order is conferred by the statutes and regulations cited in Part II of this Consent Order.
8. Respondent shall perform the following actions:
 - A. By January 20, 2018, Respondent shall submit a new *System Staffing and Comprehensive Operations Plan*, providing the name and certification number of an appropriately licensed individual to serve as a full-time Primary Distribution Operator. Alternatively, Respondent may propose to use Mr. Lalashius as a part-time Primary Distribution Operator until June 1, 2018, and to supplement with a second appropriately licensed individual who may have other full-time responsibilities, including administrative responsibilities, but will provide the remaining part-time Primary Distribution Operator responsibility.
 - B. By March 9, 2018, Respondent shall submit a *System Staffing and Comprehensive Operations Plan*, providing the name and certification number of an appropriately licensed individual to serve as a full-time Primary Treatment Operator.
9. Unless submitted via eDEP or except as otherwise provided herein, all notices, submittals and other communications required by this Consent Order shall be directed to:

Douglas Paine
MassDEP
436 Dwight Street
Springfield, MA 01103

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

10. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.

11. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.

12. This Consent Order may be modified only by written agreement of the parties hereto.

13. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.

14. Respondent is Permittee, as that term is defined in 310 CMR 4.02, for the purpose of assessing and collecting annual compliance assurance fees pursuant to M.G.L. c. 21A, §18 and M.G.L. c. 21E, §3B.

15. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

16. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

17. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

18. This Consent Order shall be binding upon Respondent and upon Respondent's heirs, successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy

of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.

19. If respondent violates, any provision of the Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in the amount of \$100 per day for each day, or portion thereof, each such violation continues.

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

20. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.

21. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to the Ware Water Department for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.

22. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.

23. All applicable transmittal fees shall accompany any submissions(s) required by this Consent Order.

24. The undersigned certify that they are full authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.

25. This Consent Order shall become effective on the date that it is executed by MassDEP.

Consented To:
TOWN OF WARE

By: _____
Select Board
Chair

Date:

By: _____
Select Board
Member

Date:

By: _____
Select Board
Chair

Date:

Issued By:
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Michael Gorski
Regional Director
MassDEP

Date:



MASSACHUSETTS MUNICIPAL ASSOCIATION

ONE WINTHROP SQUARE, BOSTON, MA 02110
617-426-7272 • 800-882-1498 • fax 617-695-1314 • www.mma.org

December 12, 2017

Dear Local Official,

The Massachusetts Municipal Association's Annual Business Meeting will take place during the 2018 MMA Annual Meeting and Trade Show. This year, the Business Meeting is scheduled from 10:15 a.m. to 11:45 a.m., on Saturday, January 20, 2018 in Ballroom A at the Hynes Convention Center in Boston.

This letter outlines the voting procedures at the Annual Business Meeting. **Please note the changes to the vote card pickup procedure.** Each MMA member city or town is entitled to one vote. In order to vote at the meeting, a local official must be:

- The Mayor in a member city or town, or the City Manager in a Council-Manager city;
- The Select Board Chair or the Chair of the Town Council in a member town.

If an official from one of these categories cannot attend the January 20 business meeting, a councillor, selectman, or manager from that same MMA member city or town can vote in the person's place - but **only with written authorization** from the Mayor, City Manager, or Chair of the Select Board or Town Council.

These voting requirements are clearly stated in the MMA bylaws as follows:

"The following individuals are hereby designated as voting delegates and shall vote on behalf of members eligible to vote at any meeting of the members: (i) in the case of a city (A) its chief executive or (B) a councillor [or mayor or councillor in a city with a council-manager form of government] designated in writing by such chief executive officer; (ii) in the case of a town, (A) the chairman of the Board of Selectmen, the chairman of the Town Council, or (B) another selectman or councillor designated in writing by such chairman, or (C) the manager designated in writing by such chairman."

Eligible voters must **pick up** a single vote card in order to cast votes at the MMA Annual Business Meeting. If you will be voting on behalf of your community you must visit the **credentials table between 9:00 and 10:00 a.m. before the Annual Business Meeting begins on Saturday morning, January 20**. Only one voting card will be issued per member community.

Those officials who cannot attend the Annual Business Meeting and wish to designate someone else to take their place must send in written authorization to the MMA, c/o Vanessa Calaban, One Winthrop Square, Boston, MA 02110. We must receive these designation forms by **Wednesday, January 10, 2018** at the latest. Please remember to include your signature when filling out the enclosed form.

Thank you very much - we look forward to seeing you in January at Annual Meeting!

Sincerely,

Geoffrey C. Beckwith
Executive Director & CEO

MEMO

January 3, 2018


To Board of Selectmen:

Please be advised that Massachusetts Municipal Association Business Meeting which will be held on Saturday January 20th will have three resolutions to be acted upon by those in attendance. Each community has an opportunity to either lend support or nonsupport by taking a vote in advance at a regular meeting of the Selectmen held prior to the January 20th date.

I will be attending the MMA Business Meeting this year and ask that you delegate me as the person casting a vote on behalf of our community at this MMA Business Meeting.

The resolutions are attached for your review – we will take a vote on Wednesday January 10th as to how I should cast a vote on behalf of our town.

Thank you.


Nancy J. Talbot, Chairman



Massachusetts
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The Voice of Cities and Towns in Massachusetts

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MMA Annual Business Meeting

Saturday, January 20, 2018

10:15-11:50 a.m.

Ballroom A, Hynes Convention Center, 3rd floor

At the MMA's Annual Business Meeting on Jan. 20, members will consider a resolution on the state-local fiscal partnership, one opposing a proposed sales tax ballot question, and one on partnering with the state and federal government to mitigate the impacts of climate change.

Each resolution was drafted by an MMA policy committee during the fall and approved by the MMA Board of Directors on Nov. 14.

The proposed resolutions are as follows:

- ① • [Resolution Ensuring a Strong and Enduring Fiscal Partnership Between Cities and Towns and State Government in Fiscal 2019 and Beyond](#), proposed by the MMA Fiscal Policy Committee
- ② • [Resolution In Opposition to the Ballot Question that Would Reduce the Sales and Use Tax Rate](#), proposed by the MMA Fiscal Policy Committee
- ③ • [Resolution Supporting a Local-State-Federal Partnership to Combat the Impact of Climate Change](#), proposed by the MMA Policy Committee on Energy and the Environment

The policy committees that drafted the resolutions are welcoming member comments through Dec. 29 so that committee members will be able to review any input before the Annual Business Meeting. Municipal officials may submit any comments to the MMA's Legislative Division at 1 Winthrop Square, Boston, MA 02110 or vcalaban@mma.org.



Councillors to discuss walkable cities at Business Meeting

Selectmen to discuss housing for towns of all sizes at Business Meeting

Voting at the MMA Annual Business Meeting



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Proposed Resolution Ensuring a Strong and Enduring Fiscal Partnership Between Cities and Towns and State Government in Fiscal 2019 and Beyond (2018) ^[1]

November 29, 2017

Whereas, the well-being and success of the residents and businesses of the Commonwealth depends on the fiscal health of cities and towns and the ability of local government to provide efficient and progressive public services and adequately invest in modern public infrastructure; and

Whereas, the continuing fiscal strength of local government in Massachusetts will rely on adequate, sustainable and predictable revenues to support local services and capital programs; and

Whereas, cities and towns are highly reliant on the tightly capped property tax to fund local budgets, and this heavy reliance on the property tax has limited the ability of cities and towns to respond to new challenges and opportunities; and

Whereas, the state's landmark school finance law, Chapter 70, is outdated and no longer provides an adequate minimum spending standard, and the local government share of the cost of schools and public education has grown to a 10-year high; and

Whereas, rapid growth in state-imposed assessments on local governments to fund charter schools has resulted in significant budget shortfalls in communities across the state, particularly where there is a large concentration of charters, and this has forced cities and towns to scale back spending and programs that serve the vast majority of students who remain in the local K-12 school system, and has also forced cutbacks in municipal services; and

Whereas, to avoid becoming overly reliant on the property tax and to ensure that municipalities have the fiscal capacity to deliver the high-quality municipal and school services that are essential to support local economies and families in every corner of the Commonwealth, it is imperative that cities and towns receive an adequate share of state revenues, have an effective and fair municipal tax system, and have the tools necessary to plan for and fund long-term liabilities and make investments in people and capital;

Therefore it is hereby resolved that the members of the Massachusetts Municipal Association support the following essential policy positions to ensure a strong partnership between cities and towns and the Commonwealth in fiscal 2019 and beyond:

In the Area of Municipal and School Aid

- In fiscal 2019, unrestricted municipal aid should grow at least at the same rate as the growth in state tax collections, and be distributed without earmarks, conditions or restrictions to all cities and

towns, so that local officials and residents can adequately fund public safety, public works, and all basic municipal and school services while avoiding overreliance on the property tax;

- The full share of Lottery and gaming revenue dedicated to help pay for municipal services should be used to help fund unrestricted municipal aid;
- Chapter 70 school aid revenue sharing should be increased in fiscal 2019 consistent with the Commonwealth's constitutional obligation to ensure adequate funding for all schools, including the "foundation budget" adequacy standard, as updated through the recommendations of the Foundation Budget Review Commission, the "target share" equity standard, and a reasonable amount of new minimum per student aid;
- The governor and the Legislature should review the calculation of the required local contribution under Chapter 70, including the "municipal revenue growth factor," and adopt changes to mitigate the rising reliance on the property tax to fund local schools, particularly in cities, towns and districts that educate a significant share of high-need students;
- Full funding of the Commonwealth's obligations and commitments, as provided by state law, to reimburse cities and towns for the transitional costs of a student leaving the local school district to attend a charter school should be included in the fiscal 2019 budget;
- Full funding of the Commonwealth's obligations and commitments to the Special Education Circuit Breaker Program, as provided by state law, should be appropriated;
- Full funding of the Commonwealth's obligations and commitments to the program for payments in lieu of taxes for state-owned land, as provided by state law, should be included in the fiscal 2019 budget;
- Full funding of the Commonwealth's obligations and commitments to reimburse the costs of regional school transportation, regular school transportation, out-of-district vocational education and the transportation of homeless students under the McKinney-Vento unfunded mandate should be included in the fiscal 2019 budget;
- Full funding of the Commonwealth's obligations and commitments to Chapter 40S "smart growth" reimbursements, regional and municipal libraries, anti-gang grants, innovation and regionalization grants, and other effective municipal and school aid programs should be included in the fiscal 2019 budget; and

In the Area of Timely Notice of Local Aid for Good Planning and Implementation

- To ensure orderly and efficient financial planning at the local level and implementation of balanced and adequate local operating and capital budgets, the governor and the Legislature should reach early agreement on unrestricted municipal aid and Chapter 70 school aid and local contribution amounts so that a consensus local aid resolution can be approved and reliable Cherry Sheets can be released by March 1; and

In the Area of Local Taxing Authority and Other Revenues

- Cities and towns should be granted new local-option flexibility to adopt local taxes and other revenues to help pay for municipal and school services and the construction and maintenance of local capital projects;
- The state should enact legislation to close loopholes and allow for the equitable collection of the room occupancy excise in the case of seasonal rentals and in transactions involving internet

resellers, and also close the telecommunications equipment tax loophole;

- Legislation should be enacted to provide cities and towns with local-option authority to develop local rules for payments-in-lieu-of-taxes by owners of tax-exempt property; and

In the Area of Long-Term Liabilities and Sustainability

- The governor and the Legislature should undertake a comprehensive reform of the laws and practices governing post-employment benefits for public employees, with an immediate focus on Other Post-Employment Benefits (OPEB) liabilities related to health insurance for retired public employees in order to help cities and towns manage current costs and ensure fiscal sustainability over the long term; and

In the Area of Capital Budgeting

- The governor and the Legislature should work together early in 2018 to ensure enactment of a multi-year transportation bond bill that provides at least \$300 million annually for local road projects, including notice of allocations for fiscal 2019 by April 1, 2018, and include adequate allocations for the Complete Streets and small municipal bridges programs;
- The governor should include in the fiscal 2019 capital plan funding for the MassWorks program to help pay for local economic development projects, including housing, development and road safety programs;
- The governor and the Legislature should support the financing of road, rail and transit projects across the Commonwealth that are critical to economic development and public safety and convenience, and should explore new and alternative ways to finance projects;
- The governor and the Legislature should continue to make the installation of high-speed internet access in unserved and underserved cities and towns a high priority; and

It is further resolved that a copy of this resolution shall be provided to the governor and members of the General Court of the Commonwealth.

Source URL: <https://www.mma.org/proposed-resolution-ensuring-strong-and-enduring-fiscal-partnership-between-cities-and-towns-and-0>



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Proposed Resolution in Opposition to the Ballot Question that Would Reduce the Sales and Use Tax Rate (2018) ^[1]

November 29, 2017

Whereas, at the current rate of 6.25 percent, the state's sales and use tax provided the Commonwealth with \$6.2 billion in tax collections in fiscal 2017, nearly one-quarter of all tax collections received by state government, and is expected to increase to \$6.5 billion in fiscal 2018; and

Whereas, a fixed portion of the sales tax is dedicated to help fund essential school building projects through the Massachusetts School Building Authority, and core public transportation services and projects through the Massachusetts Bay Transportation Authority and the Commonwealth Transportation Fund; and

Whereas, the majority of sales and use tax revenues are deposited in the state's General Fund, and are necessary to fund municipal and school aid programs in the state budget, including Unrestricted General Government Aid and Chapter 70 education aid; and

Whereas, the proposed ballot question would decrease the sales and use tax rate from 6.25 percent to 5 percent and force a reduction in state tax revenues by an estimated \$1.25 billion, thereby reducing funds available to support critical programs needed to support cities and towns and strong communities, including unrestricted municipal aid, K-12 public education, school building projects, public transportation, and much more;

Therefore it is hereby resolved that the members of the Massachusetts Municipal Association oppose the ballot question that would reduce the sales and use tax rate to 5 percent; and

It is further resolved that a copy of this resolution shall be provided to the governor and members of the General Court of the Commonwealth.

Source URL: <https://www.mma.org/proposed-resolution-opposition-ballot-question-would-reduce-sales-and-use-tax-rate-2018>



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Proposed Resolution Supporting a Local-State-Federal Partnership to Combat the Effects of Climate Change (2018) ^[1]

November 29, 2017

Whereas, climate change presents a serious threat to the environment and to the health and public safety of our communities in Massachusetts and around the world, and is having serious impacts on the Commonwealth's neighborhoods, residents, environment and economy as extreme weather events become more frequent and municipalities experience sea level rise, coastal erosion, powerful storms, damaging flooding, extreme temperatures and related environmental impacts; and

Whereas, the 2015 Paris Climate Agreement commits countries to setting goals and targets for greenhouse gas emission reductions by using green energy sources to limit the rise of global temperatures, and Executive Order 569, Establishing an Integrated Climate Change Strategy for the Commonwealth, directs the Secretary of Energy and Environmental Affairs and the Secretary of Public Safety and Security to coordinate efforts across the Commonwealth to strengthen the resilience of our communities, prepare for the impacts of climate change, and prepare for and mitigate damage from extreme weather events; and

Whereas, the cities and towns of Massachusetts are national leaders as environmental stewards, embracing renewable energy technology, protecting and preserving land and natural resources, and providing safe, clean and affordable drinking water, wastewater and stormwater management systems, and an overwhelming majority of Americans support local action on climate change; and

Whereas, reducing greenhouse gas emissions and using clean and renewable energy can help to mitigate the effects of climate change, and municipalities have been essential in helping the Commonwealth meet its energy goals and have committed to ambitious goals to reduce energy consumption and emissions through the Green Communities program, contributing to Massachusetts' position as a nationwide leader in energy efficiency; and

Whereas, communities must adapt to the impacts of climate change, identify hazards and vulnerabilities, and take steps to increase preparedness and resiliency; and

Whereas, communities must work together with regional, state and federal partners to be prepared for climate change related disasters, invest in resilient infrastructure, and increase the use of renewable energy;

Therefore, it is hereby resolved that the members of the Massachusetts Municipal Association support the following essential policy positions to ensure a strong local, state and federal partnership to combat the effects of climate change:

- The state should uphold its commitment to meet the emissions reduction targets of the Paris Climate Agreement and should work with local officials to develop plans for municipalities to take

steps to reduce emissions in conjunction with the state's goals, and municipalities should participate in national and international coalitions with other governmental, business and environmental leaders to combat climate change; and

- The state should provide additional opportunities for municipalities to reduce greenhouse gas emissions, reduce energy consumption and increase energy efficiency through programs and grants, and the state Legislature and the governor should develop a balanced, long-term energy plan with a range of renewable energy sources to ensure a sustainable energy supply for residents, businesses and communities; and
- The state should eliminate the net metering cap on renewable projects to ensure that municipalities are not delayed in moving forward with future municipal projects, should grandfather the use of current utility rate classes for existing renewable energy systems, and should oppose any reductions in the rate of net metering credits for municipal projects and any added surcharges and fees imposed by utilities which could affect savings; and
- The state should enhance funding for the expansion of electric vehicle charging infrastructure while also investing in strategies for the greening of municipal fleets; and
- The state and federal governments should provide enhanced funding, grant opportunities and technical assistance to communities to enable the development and implementation of climate adaptation plans to assess vulnerabilities and work to upgrade environmental, transportation and energy infrastructure to increase resiliency; and
- The state Legislature and the governor should approve a \$1 billion water infrastructure bond bill to fund water, wastewater and stormwater infrastructure improvements and grant authority to cities and towns to establish drinking water, stormwater and sewer infrastructure banks to build, repair and maintain water-related infrastructure systems, which will allow communities to upgrade infrastructure and increase resiliency; and
- Municipalities should review local planning and zoning bylaws and ordinances to make changes to increase resiliency, and the state should provide technical assistance and information sharing for communities; and
- The Federal Emergency Management Agency and Massachusetts Emergency Management Agency should work closely with communities to develop plans for extreme weather events and should provide resources and assistance to communities to ensure adequate preparation for these events; and

It is further resolved that a copy of this resolution shall be presented to the governor, the members of the General Court of the Commonwealth, the members of the Massachusetts Congressional Delegation, and the president of the United States.

Source URL: <https://www.mma.org/proposed-resolution-supporting-local-state-federal-partnership-combat-effects-climate-change-2018>