



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

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

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

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

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

**Meeting ID: 784 604 1861**

**Passcode: 01082**

**Phone: 929-205-6099**

**Meeting Opened**

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

**Consent Agenda**

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

**Scheduled Appearances**

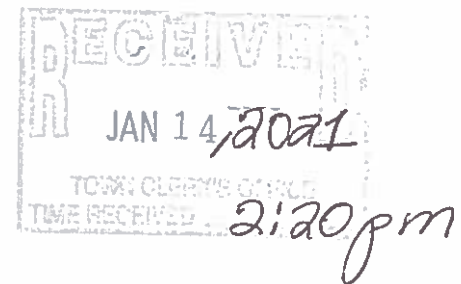
- Judy Metcalf, Director Health Department
- Schools Update

**Old Business**

- Building Inspector Update – Main Street Buildings

**New Business**

- Appointment New Police Officer – Nicholas D. Feliciano
- Re-appointment Full-Time Police Officer – Daniel Clark
- Consideration of Cannabis Host Community Agreement
- Approval of Capital Projects Closeout to Indebtedness Payment
- Request for hearing, declaration of 13 Parker Street as dangerous nuisance (2/2)



**Comments and Concerns of Citizens**

**Town Manager Report**

**Adjournment**



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, January 5, 2021 at 7:00 p.m.

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

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

Meeting ID: 784 604 1861

Passcode: 01082

Phone: 929-205-6099

**Present:** Selectman Keith J. Kruckas, Selectman Thomas H. Barnes, Selectman John J. Morrin, Selectman Nancy J. Talbot, Town Manager Stuart Beckley, DPW Director Gilbert St. George-Sorel, Fire Chief Chris Gagnon, Police Chief Shawn Crevier, Executive Assistant Mary L. Midura, WestComm Dispatch Center Director Erin Hastings

**Absent:** Selectman Alan G. Whitney

**Present via Zoom:** Treasurer Erica Brunell, WRN Editor Eileen Kennedy, Tighe & Bond engineer Michael Schrader, Superintendent of Schools Dr. DiLeo

**Meeting Opened by Vice-Chairman Kruckas**

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

Selectman Barnes commended the Fire and Police Departments for their work at the fire at 18 Parker Street.

Selectman Morrin commended John Piechota, Parks Director, and the Parking Committee for their work.

**Consent Agenda**

- Approval of November 24, December 8, and December 22, 2020 Meeting Minutes

Selectman Talbot made the motion to table approval of minutes to January 19, 2021. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).

**Scheduled Appearances**

- **Water Filtration Plant Funding – Tighe & Bond**

Michael Schrader, engineer from Tighe & Bond, reviewed the Power Point with the Board of Selectmen. He noted all Capital Improvement projects with a 10-year window. He recommended this list be updated annually.

Funding alternatives to consider are A) 100% Water Rate Funded, B) 25% General Fund Contribution, and C) 50% General Fund Contribution. These options apply to the cost of the filtration plant only and based on quarterly fees.

He also reviewed cost impact to residential customers. Selectman questioned how raising rates earlier would affect these projections. Mr. Schrader noted he could calculate based on rate changes. Mr. Beckley noted that the Board would need to decide which option to pursue. He will come back to the Board with options based on Capital Improvements and the budget.

- **Dr. DiLeo, Superintendent of Schools**

Dr. DiLeo noted that the School Committee met on December 23, 2020 and discussed triggers to remote learning would be 2 weeks in the red and a 5% positivity rate. The 2<sup>nd</sup> quarter ends on January 27, 2021, with 25 students returning and CDC challenges. She noted there are 3 models which could be switched immediately, following DESE and allowing for safety and social and emotional needs of students and staff. She noted that 9 families have transitioned from hybrid to remote this week. Selectman Morrin questioned the plan and why the School Committee meets remotely and not in person. Dr. DiLeo noted that the School Committee must also follow safety protocol.

- **Regional Dispatch Proposal**

Chief Crevier, Chief Gagnon, and Erin Hastings, WestComm Dispatch Center Director, presented the benefits for the Town to join a regional dispatch center. The presentation noted State 911 and grant funding with a \$3.5 million budget. Chief Crevier noted the professionalism and training of a regional dispatch, with local police ability to address all situations quickly. Chief Gagnon noted that there is great need for “boots in the street” and to bring the system up to date. Ms. Hastings noted the extensive training of dispatchers. There is need for the Town to submit a letter of interest. Chief Crevier and Chief Gagnon noted they will come back to the Board on February 2, 2021 with options and recommendations.

**Selectman Talbot made the motion to pursue regional dispatch and submit a letter of interest. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

#### **Old Business**

- **Building Inspector Update – Main Street Buildings – Continue to February 2, 2021**

Selectman Kruckas questioned the CDA vote to transfer remaining funds; Mr. Beckley noted the CDA will meet on January 11, 2021. He also noted that 92-104 Main Street is partially boarded, the Building Inspector sent the owner a \$500 fine, and a contractor is looking at the building for purchase or demolition. The Board discussed enforcing a lien on insurance, and a bylaw to mandate owners hold insurance. Mr. Beckley noted this can be an article on the next Town meeting in May, and legislation would be needed. Selectman Kruckas requested a letter from the town attorney with recommendations.

- **Review of Special Town Meeting Quorum**

Selectman Talbot noted that she has spoken with Representative Smola, and there may be legislation in the coming weeks regarding town meetings.

**Selectman Talbot made the motion to maintain a quorum of 75 for the January 19, 2021 Special Town Meeting, pending legislation. Selectman Barnes seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

- **Information on Proposed Carnival September 2022**

Selectman Morrin noted the project idea originated with the Parks Commission to hold a Carnival at Memorial Field in Fall of 2022. The carnival would include a beer garden, rides, vendors, and local artists. Proceeds would benefit the veterans in town. Selectman Morrin noted he would keep the Board updated.

- **Update – MA DOT Regarding Overpass on East Street – Continued to February 2, 2021**

- **Quabbin Feasibility Study**

Mr. Beckley noted there is a process with Massachusetts Water Resources Authority. Selectman Kruckas requested consulting Hadley and other towns.

**Selectman Talbot made the motion to table discussion to February 2, 2021. Selectman Morrin seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

#### **New Business**

- **Request Change “Downtown Parking Committee” to “Downtown Improvement Committee”**

Selectman Morrin noted the committee’s goal to continue improvements to the downtown.

**Selectman Barnes made the motion to change the name of the Downtown Parking Committee to the Downtown Improvement Committee. Selectman Talbot seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 1 Abstention (Selectman Morrin), 1 Absent (Selectman Whitney).**

Selectman Kruckas questioned possible closing of the wound care at BMLH; Mr. Beckley will call for information. Selectman Barnes noted the value of this facility.

#### **Comments and Concerns of Citizens - none**

Selectman Barnes would like to have two people trained with FAA drone certification. He noted a drone would be very useful with building inspections and conservation issues.

Selectman Barnes noted the sign on Old Belchertown Road and Rte. 32 intersection on the guardrail which blocks view of oncoming traffic.

Selectman Barnes suggested the use of iPads or Chromebooks to load Board of Selectmen’s meeting documents to save on paper use.

Selectman Kruckas requested the status of the Senior Center repairs. Mr. Beckley noted the approximate cost is \$12,000. The Town has a \$5,000 per building insurance deductible. Selectman Kruckas noted this needs accountability. Mr. Beckley state the estimated repairs fix the coils, but the controls will still need repair as the system is from 2007.

Selectman Morrin asked about the Beaver Lake Road safety zone. Mr. Beckley noted this has not changed.

Selectman Morrin asked that the Wood List be posted on the Town website. No deliveries have yet to be made.

Selectman Morrin asked that the new parking rules be posted in the local newspaper. He questioned any TIF contracts. Mr. Beckley noted the only TIF is with Ware Senior Housing on South Street.

Selectman Talbot noted that the Board of Selectmen has authority to modify or update water regulations.

#### **Town Manager Report**

##### *Upcoming meetings:*

January 11 – Community Development Authority CDBG hearing

January 19 – Special Town Meeting

Great work by the Fire Department in suppressing the fire on Tuesday at 18 Parker Street. The first truck on site quickly had the fire under control. Also, great, and brave work by the police officers on scene in clearing the building of residents. The Building Inspector’s report on the property is attached. The Town is reaching out to Red Cross to learn of any residents’ needs.

With the update of the State metrics numbers, Ware is now classified as a high-risk community. The State DPH has reached out to have the Town attend a webinar on Monday regarding additional steps to take.

With the Federal passage of the next COVID aid package. The CARES Act was extended to December 2021. This will permit the Town to continue to expend funds for COVID purposes, while the previous deadline had been today. The restaurant food program worked wonderfully with generous support by the seven participating restaurants. As the Town plans the use of the remaining CARES funds, this will be one way to provide food to families affected by the virus.

The DPW has established a drop off for holiday trees at the Robbins Road lot.

With regard to the memo from the Community Development Authority regarding the re-allocation of funds, the CDA will hold a public hearing on January 11 on the 2019 grant program. At a future meeting, the CDA will be seeking approval from the Select Board to remove the unsafe structure at 13 Parker Street.

### Adjournment

**Executive Session: M.G.L. Chapter 30A, Section 21 (a) #2 Conduct Strategy Sessions for Negotiations with Non-Union Personnel**

**Selectman Talbot made the motion at 9:04 p.m. to Adjourn the Regular Meeting to go into Executive Session: M.G.L. Chapter 30A, Section 21(a) #2 Conduct Strategy Sessions for Negotiations with Non-Union Personnel, NOT TO RECONVENE IN OPEN SESSION. Selectman Morrin seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

<b>Selectman Alan G. Whitney</b>	<b>Absent</b>
<b>Selectman Keith J. Kruckas</b>	<b>Yes√</b>
<b>Selectman Thomas H. Barnes</b>	<b>Yes√</b>
<b>Selectman Nancy J. Talbot</b>	<b>Yes√</b>
<b>Selectman John J. Morrin</b>	<b>Yes√</b>

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

**Midura, Mary**

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**From:** Crevier, Shawn  
**Sent:** Monday, January 11, 2021 8:16 AM  
**To:** Beckley, Stuart  
**Cc:** Midura, Mary  
**Subject:** New Hires/Fulltime

I would like to be placed on the meeting agenda for the board of Selectmen on/or about January 19, 2021 for appointment of Police Officers, 1 – re-appointment of Daniel Clark, new hire #2- Nicholas D. Feliciano.

**HOST COMMUNITY AGREEMENT**

Dated January , 2021

The parties to this agreement are:

**The Town of Ware, Massachusetts**, by and through its Board of Selectmen, having a principal office at Town Hall, 126 Main Street, Ware, Massachusetts 01082 (hereinafter "Municipality"); and

**Minuteman Farm, LLC** a Massachusetts Limited Liability Company having a principal office at 18 Main Street, Unit 203, Townsend, MA 01469 (hereinafter "Cultivator").

Whereas, Cultivator proposes to operate a registered cannabis cultivation facility at Parcel G, East Main Street, Ware, Massachusetts, in accordance with General laws, Chapter 94G, 935 CMR 500, and Section 4.8.8 of the Ware zoning bylaws, and section 15-4 of the Ware general bylaws; and

Whereas, the town supports the cultivator's intention to so operate or partner with licensed operators; and

Whereas, the Municipality expects to experience adverse impact arising from the cultivator's operations including, without being limited to, the increased use of municipal services; the increased use of municipal infrastructure; the need for additional municipal infrastructure, employees and equipment; increased traffic and costs related to mitigating other impacts to the town and its residents; and

Whereas, the parties wish hereby to set forth the conditions for locating and operating the establishment in Ware, including stipulations of responsibility between the Municipality and the cultivator pursuant to Section 3 of Chapter 94g of the General Laws;

Now, therefore, in consideration of mutual covenants, the parties stipulate and agree as follows:

1. In mitigation of the aforesaid adverse impact to the Municipality from the Cultivator's operations, Cultivator shall pay to Municipality, quarterly over five (5) years, a sum equivalent to three percent (3%) of Cultivator's gross sales from marijuana and marijuana products during the previous quarter, on or before the 15th day following the close of each quarter. The first payment shall be due thirty days from the end of the calendar quarter in which sales commence, and quarterly thereafter.

2. Stipulation of responsibilities. The Cultivator shall:

- (i) Within sixty (60) days from the close of its fiscal year, submit a report to the Municipality certifying the gross revenue for the preceding fiscal year, to be prepared by a Certified Public Accountant and in accordance with generally accepted account principles.
- (ii) Maintain its premises in a neat and tidy condition and conduct its operations in a businesslike and professional manner, with due regard for the interests of this community.
- (iii) Maintain its marijuana establishment license in good standing with the Cannabis Control Commission and comply with all applicable CCC regulations;
- (iv) Cooperate with all municipal departments, boards, committees, and commissions to ensure that the Cultivator's operations are compliant with all the local bylaws, rules, regulations, and policies;
- (v) Comply with any and all conditions lawfully imposed by local authorities;
- (vi) Make reasonable efforts to hire local vendors and workers, and otherwise to engage the establishment in the local economic mainstream;

3. The Municipality shall:

- (i) Provide an appropriate forum whereby the views of citizens about the Cultivator's operations can be aired and the Cultivator's have the opportunity to address complaints or suggestions that arise concerning Cultivator's operations.
- (ii) Accommodate the installation and use of state-of-the-art security and fire protection/alert systems connected to the police and/or fire department;
- (iii) Recognize Cultivator as having all the rights, duties, and responsibilities of, and deserving of equal treatment with, other business establishments in town;
- (iv) If reasonably requested by Cultivator, provide a letter in the nature of an estoppel certificate, stating that the municipality is aware of no outstanding violations of local law or insufficiently addressed complaints;
- (v) If contacted by the Cannabis Control Commission, promptly provide any information requested concerning Cultivator, including confirmation that its site is in a proper zoning district, notwithstanding that a special permit may



be required;

- (vi) Upon the request of the Cultivator in connection with the renewal of its license, provide the Cultivator with an accounting of the financial benefit accruing to the Town of Ware under this agreement, as required by 935 CMR 500.103(4)(d), and such other cost-benefit information as the Cultivator may reasonably request.
4. The Municipality may use all payments made hereunder for any purpose in its sole discretion.
5. This agreement is non-assignable. In the event that the Cultivator ceases doing business as a marijuana establishment in Ware, its successor, if any, shall be required to negotiate and sign a new Host Community Agreement with the Municipality.
6. So long as this agreement is in effect, the real and personal property owned by the Cultivator shall be treated as taxable by the Town in accordance with the Town's applicable real and personal property and state automobile tax laws and regulations and shall not be exempt therefrom.
7. Other:
  - (a) Notices. Any and all notices, or other communications required or permitted under this agreement shall be in writing and delivered postage prepaid mail, return receipt requested, by and; by overnight delivery service; or by other reputable delivery services, to the parties at the addresses set forth on the first page of this agreement or furnished from time to time in writing hereafter by one party to the other party. Any such notices or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the USPS or, if sent by private overnight or other delivery service, when deposited with such delivery service.
  - (b) Severability. If any term or condition of this agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable, then the validity, legality and enforceability of the remaining terms and conditions of this agreement shall not be deemed affected thereby unless one or both of the parties would be substantially or materially prejudiced.
  - (c) Choice of Law. This agreement shall be governed by, constructed, and enforced in accordance with the laws of the Commonwealth of Massachusetts.
  - (d) Accounting. This Cultivator shall maintain its books, financial records, and other compilation of data pertaining to the requirements of this agreement in

accordance with generally accepted accounting principles and all applicable guidelines of the Cannabis Control Commission. All records shall be kept for a period of at least seven (7) years.

(e) Integration. This agreement, including all documents incorporated therein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This agreement supersedes all prior agreements, negotiation and representations, either written or oral and it shall not be modified or amended by a written document executed by the parties hereto.

Signed this day and year respectively written below.

**Town of Ware, MA**

**Minuteman Farm, LLC**

By: \_\_\_\_\_  
Stuart Beckley, Town Manager

By: \_\_\_\_\_  
Richard Barry, Manager

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Board of Selectmen

Dated: \_\_\_\_\_



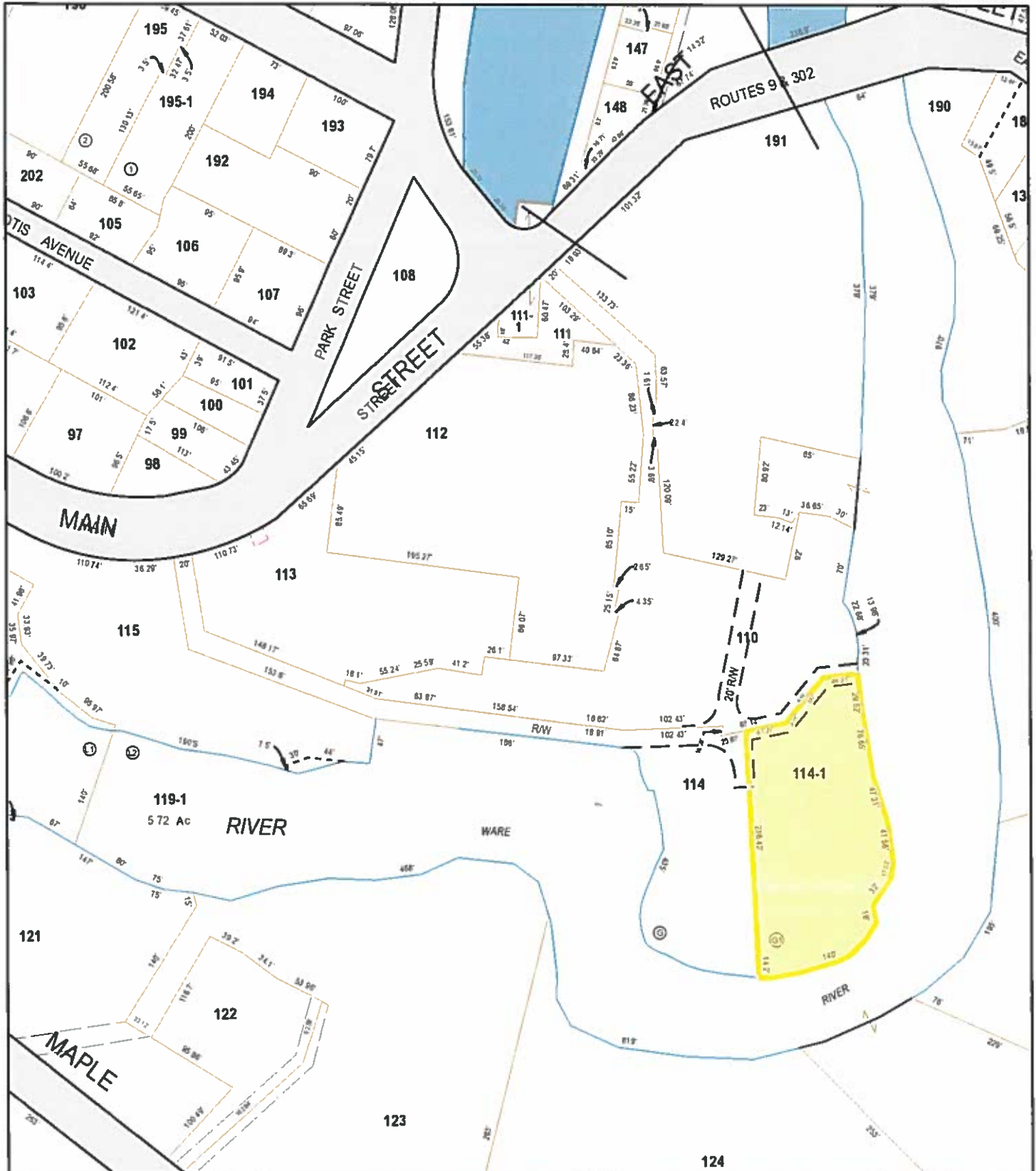
# Lot 57-114-1

Ware, MA

1 inch = 139 Feet



January 14, 2021



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



# TOWN OF WARE

Town Accountant  
 Town Hall, 126 Main St.  
 Ware, Massachusetts 01082-1386  
 Tel. 413-967-9648 EXT. 106 Fax 413-967-5687  
 Email: [tmeehan@townofware.com](mailto:tmeehan@townofware.com)

TO: Selectboard  
 FROM: Tracy Meehan, Town Accountant *Jem*  
 SUBJECT: Transfer of Fund Balances  
 DATE: January 12, 2021  
 CC: Stuart Beckley, Town Manager

Per MGL Chapter 44, Section 20 if a balance remains on a project that was funded by borrowing and that balance is less than \$50,000, it may be applied to the payment of indebtedness through the approval of the Selectboard.

After review of fund balances remaining in the General Ledger, I have identified the following completed projects with balances less than \$50,000:

<u>General Fund</u>				
Project	Fund #	Description	Fiscal Year of Project	Balance
Purchase Home-Barnes Street	3328	Purchase home for public water supply protection	2019	462.88
School Flooring	3342	Remove and install new flooring-SMK	2017	5,084.20
Fire Station	3375	Construction of new fire station	2012	32,984.83
South Street Water	3390	Installation of water main	1999	380.29
DPW Equipment	3400	Purchase of dump truck	2017	910.70
Parks Equipment	3420	Purchase of rotary mower	2017	317.07
Old Poor Farm Road Culvert	3440	Repair culvert	2019	831.82
<b>Total</b>				<b>40,971.79</b>
<u>Water Enterprise</u>				
Project	Fund #	Description	Fiscal Year of Project	Balance
Chlorination/Corrosion Control	3365	Construction of Chlorination/Corrosion Control Facility at Barnes St Pumping Station	2008	47,815.17
<u>Sewer Enterprise</u>				
Project	Fund #	Description	Fiscal Year of Project	Balance
WWTP Upgrades	3450	Engineering for updates at WWTP	2014	701.22

The Town has Bond Anticipation Notes Payable coming up for renewal in June, with required principal payments. Applying these balances will reduce the overall indebtedness of the Town and reduce the amount of interest paid.

Please note that projects identified as Water and Sewer Enterprise would be applied to outstanding debt in the respective enterprise funds.

Attached is a summary of the vote needed.

Thank you for your consideration.

**Town of Ware**  
**Request to apply outstanding capital project balances to payment of debt**  
**For FY21**

Date: 1/12/2021

I move that the following capital project balances be applied to the payment of indebtedness in the general fund, water enterprise fund and sewer enterprise fund as detailed below:

Project	Fund #	Description	Fiscal Year of Project	Balance
Purchase Home-Barnes Street	3328	Purchase home for public water supply protection	2019	462.88
School Flooring	3342	Remove and install new flooring-SMK	2017	5,084.20
Fire Station	3375	Construction of new fire station	2012	32,984.83
South Street Water	3390	Installation of water main	1999	380.29
DPW Equipment	3400	Purchase of dump truck	2017	910.70
Parks Equipment	3420	Purchase of rotary mower	2017	317.07
Old Poor Farm Road Culvert	3440	Repair culvert	2019	831.82
<b>Total General Fund</b>				<b>40,971.79</b>

Project	Fund #	Description	Fiscal Year of Project	Balance
Chlorination/Corrosion Control	3365	Construction of Chlorination/Corrosion Control Facility at Barnes St Pumping Station	2008	47,815.17
<b>Total Water Enterprise Fund</b>				<b>47,815.17</b>

Project	Fund #	Description	Fiscal Year of Project	Balance
WWTP Upgrades	3450	Engineering for updates at WWTP	2014	701.22
<b>Total Sewer Enterprise Fund</b>				<b>701.22</b>

**Selectboard Action:**

Vote to Apply Balances:

Yes \_\_\_\_\_  
 No \_\_\_\_\_  
 Abstain \_\_\_\_\_

\_\_\_\_\_

Chairman

\_\_\_\_\_

Date

\*Please return original to the Town Accountant\*