



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

Wednesday, May 2, 2018 Meeting Minutes

7:00 p.m. Joint Meeting with Moderator and Finance Committee

Meeting Opened by Chairman Carroll

Present: Chairman John E. Carroll, Selectman Michael P. Fountain, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Town Manager Stuart Beckley, Finance Committee Chairman Denis Ouimette, Finance Committee member Janice Hills, Finance Committee member Daniel O'Connor, Finance Committee member Devin Peterson, Moderator Kathleen Coulombe, Cemetery Commissioner Craig Simmons, Cemetery Commissioner Julie Bullock, Town Accountant Tracy Meehan, Fire Chief Thomas Coulombe, Library Director Heidi Reed, Parks Director John Piechota, Police Chief Shawn Crevier, DPW Foreman Charles Niedzwiecki, Clerk Mary L. Midura, Ware Community Television Manager Stanley Ciukaj

Absent: Selectman Alan G. Whitney

Review and Recommendations of Warrants for Special and Annual Town Meeting of May 14, 2018 – See Attached

New Business:

Designate Selectmen Representative for the following Committees:

- **PVTA**

Chairman Carroll noted a letter submitted by Town Clerk Nancy Talbot requesting that she be considered for PVTA representative for the Town of Ware.

Selectman Kruckas made the motion to Designate Chairman Carroll as PVTA Selectmen Representative; Selectman Fountain seconded the motion. The motion passed on a vote of 3 Yes, 1 No (Selectman Opalinski), 1 Absent (Selectman Whitney).

- **Capital Planning Committee**

Selectman Kruckas made the motion to Designate himself as Capital Planning Committee Selectmen Representative; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).

- **TIF Committee**

This item was tabled to May 8, 2018.

Board of Selectmen: *John E. Carroll, Michael P. Fountain, Keith J. Kruckas, Tracy R. Opalinski, Alan G. Whitney*
Town Manager: *Stuart Beckley*
sbeckley@townofware.com

Selectman Opalinski made the motion to Adjourn the Joint Meeting at 8:26 p.m.;
Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1
Absent (Selectman Whitney).

The next Board of Selectmen meeting will be held on Tuesday, May 8, 2018 at 7:00 p.m.

REMINDER: ANNUAL TOWN MEETING MONDAY, MAY 14, 2018 AT 6:30 PM, WJSHS
AUDITORIUM

Attest: *Mary L. Midura*
Mary L. Midura, Executive Assistant



**WARRANT FOR SPECIAL TOWN MEETING
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS**

Hampshire, ss.

To any of the Constables of the Town of Ware, in said County,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C, qualified to vote on Town affairs, to meet at the Ware High School Auditorium, 237 West Street, Ware, on Monday, May 14, 2018 at six thirty o'clock in the evening (6:30 P.M.), then and there to act on the following articles:

ARTICLE 1. To see if the town will vote to appropriate or transfer from available funds a sum of money to pay unpaid bills from prior fiscal years, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

Recommended by:	Board of Selectmen	Yes _____	No _____
	Finance Committee	Yes _____	No _____
	Town Manager	Yes _____	No _____

MOVE TO DISMISS

ARTICLE 2: To see if the Town will vote to amend or adjust any of the line items of the Fiscal Year 2018 Town Budget, including debt and interest, and to determine what sums of money the Town will appropriate for any such adjustments or amendments and to determine the manner of meeting said appropriation, whether by transfer from available funds, transfer from other items or appropriations, borrowing, or any other means or combination thereof, or take any other action relative thereto.

Recommended by:	Board of Selectmen	4 Yes, 1 Absent (Selectman Whitney)
	Finance Committee	5 Yes
	Town Manager	Yes

ARTICLE 3. To see if the Town will vote to raise and appropriate a sum of money to fund the Employee Compensated Absences Reserve Fund and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof; or take another action relative thereto.
(\$37,000 Transfer from 2018 funds)

Recommended by: **Board of Selectmen** **4 Yes, 1 Absent (Selectman Whitney)**
 Finance Committee **5 Yes**
 Town Manager **Yes**

ARTICLE 4. To see if the Town will vote to raise and appropriate a sum of money to fund the conversion of lights in the Fire Station bay to LED lights, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof; or take another action relative thereto.
(\$5,000 Free Cash)

Recommended by: **Board of Selectmen** **4 No, 1 Absent (Selectman Whitney)**
 Finance Committee **5 No**
 Town Manager **Yes**



WARRANT FOR ANNUAL TOWN MEETING
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, ss

To any of the Constables of the Town of Ware, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C qualified to vote on Town affairs to meet at the Ware High School Auditorium, 237 West Street Ware, on Monday May 14, 2018, at seven (7:00 PM) o'clock in the evening, then and there to act on the following articles:

Article 1. To see if the Town will vote to hear the report of the Finance Committee or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 2. To see if the Town will vote to authorize the Treasurer/Tax Collector to enter into Compensating Balance Agreements during Fiscal Year 2019 as permitted by Massachusetts General Laws, Chapter 44, §53F, or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 3. To see if the Town will vote to authorize the Treasurer/Tax Collector, with the approval of the Selectmen to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2019, beginning July 1, 2018 in accordance with the Provisions of Massachusetts General Laws, Chapter 44, §4, and to renew notes or notes payable as may be given for a period of less than one (1) year in accordance with Massachusetts General Laws, Chapter 44, §17 or taken any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 4. To see if the Town will vote to accept and appropriate any Grant Funds awarded to the Town of Ware under Massachusetts Community Development Fund by the Executive Office of Housing and Economic Development and to authorize the Board of Selectmen and Community Development Authority to expend the funds in accordance with the Terms and Conditions of the Grant Agreement or take any action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 5. To see if the Town will vote to accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2019 to be expended by the Pathfinder Regional Vocational Technical High School District or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 6. To see if the Town will vote to accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2019 to be expended by the Ware Public Schools or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 7. To see if the Town will authorize the Board of Selectmen and Town Manager to apply for, accept and expend any grants or donations from State or Federal governments or private agencies, individuals or institutions, or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 8. To see if the Town will vote to raise and appropriate a sum of money to be expended for road repairs in anticipation of reimbursement by the Commonwealth of Massachusetts Highway Department under the Chapter 90 State Highway Aid Program and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 9. To see if the Town will vote to establish the total amount to be expended from each of the Town's revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, §53 E ½ for the fiscal year beginning July 1, 2018 or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 10. To see if the Town will vote to fix the salaries of the several Elected Officers of the Town for the Fiscal Year 2019 and to determine whether any Town Board, Commission or Committee shall be authorized to employ any of its members for additional salary or compensation, or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 11. To see if the Town will vote to raise and appropriate a sum of money to operate the Water Enterprise during Fiscal Year 2019 and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto. **BUDGET ATTACHED**

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 12. To see if the Town will vote to raise and appropriate a sum of money to operate the Sewer Enterprise during Fiscal Year 2019 and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto. **BUDGET ATTACHED**

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 13. To see if the Town will vote to determine what sums of money the Town will raise and appropriate including appropriations from Available Funds of whatever type, to defray the charges and expenses of the Town including Debt and Interest for Fiscal Year 2019 or take any other action relative thereto. **BUDGET ATTACHED**

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Selectman Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 14.

To see if the Town will vote to authorize the Board of Selectmen to acquire land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements of Main Street Reconstruction.

	Total # Parcels	Area (Square feet)
In Fee		
Permanent Easements	6	272
Temporary Easements	30	7,237

The subject parcels are currently identified on plans drafted by CHA, dated January, 2018 and Titled "Ware Center Intersection Improvements Preliminary Right of Way Plan". Further that the Selectmen may acquire these parcels, or modification of these parcels or other required parcels through all legal means, including donations, purchase or eminent domain, and further to vote to raise and appropriate a sum of money for the acquisition of said parcels including any legal and engineer fees, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto. or to take any other action thereon.

Recommended by:	Board of Selectmen	4 Yes, 1 Absent (Selectman Whitney)
	Finance Committee	5 Yes
	Town Manager	Yes

Article 15.

To see if the Town will vote to adopt MGL Chapter 59, section 5K, reduction of tax liability for senior citizens, or take any other action relative thereto.

Recommended by:	Board of Selectmen	3 No, 1 Yes (Carroll), 1 Absent (Whitney)
	Finance Committee	4 No, 1 Yes
	Town Manager	Yes

Article 16.

To see if the Town will vote to adopt MGL Chapter 59, section 5N, reduction of tax liability for veterans, or take any other action relative thereto.

Recommended by:	Board of Selectmen	3 No, 1 Yes (Carroll), 1 Absent (Whitney)
	Finance Committee	4 No, 1 Yes
	Town Manager	Yes

Article 17. To see if the town will vote to adopt MGL chapter 90 § 17C, thereby reducing the statutory speed limit from 30 mph to 25 mph on any or all town-owned roadways within a thickly settled or business district, or take any other action relative thereto.

Recommended by: Board of Selectmen 3 No, 1 Abstain (Opalinski), 1 Absent (Whitney)
Finance Committee Not Financial
Town Manager Yes

Article 18. To see if the Town will vote to amend the local skateboard control bylaw or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee Not Financial
Town Manager Yes

Article 19. To see if the Town will vote to transfer a sum of money from the sale of lots account for part-time seasonal help for the care and maintenance of the cemeteries, or take any other action thereto.
(\$5,000 Transfer)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 20. To see if the Town will vote to raise and appropriate a sum of money for conducting one or more departmental financial and operational audits, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto.
(\$15,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 21. To see if the Town will vote to raise and appropriate a sum of money for the purchase of a police vehicle, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto.
(\$45,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes
Capital Planning 6 Yes, 0 No, 1 Abstained

Article 22. To see if the Town will vote to raise and appropriate a sum of money for the purchase of equipment and arms for the Police Department, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto.
(\$ 5,000 Transfer)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 23. To see if the Town will vote to raise and appropriate a sum of money for the purchase of a pick up truck for the Department of Public Works, Highway Division, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto.
(\$52,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes
Capital Planning 7 Yes, 0 No

Article 24. To see if the Town will vote to raise and appropriate a sum of money for the purchase of a replacement truck for the Department of Public Works, Highway Division, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto.
(\$82,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes
Capital Planning 7 Yes, 0 No

Article 25. To see if the Town will vote to raise and appropriate a sum of money for the purchase of a truck with Chipper Box and a leaf assist assembly for the Department of Public Works, Cemetery and Highway Divisions, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof or take any other action relative thereto.
(\$63,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes
Capital Planning 7 Yes, 0 No

Article 26. To see if the town will vote to raise and appropriate a sum of money to pay for the surface repair to extend the life of roadways, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$100,000 Borrow or Free Cash)

Recommended by: Board of Selectmen 3 Yes, 1 No (Fountain), 1 Absent (Whitney)
Finance Committee 4 No, 1 Yes
Town Manager Yes

Article 27. To see if the town will vote to raise and appropriate a sum of money to pay for the for the replacement of water mains, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$200,000 Water Enterprise Reserve)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes
Capital Planning 6 Yes, 1 No

Article 28. To see if the town will vote to raise and appropriate a sum of money to pay for the replacement and or relining of sewer mains, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$200,000 Sewer Enterprise Reserve)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes
Capital Planning 6 Yes, 1 No

Article 29. To see if the town will vote to appropriate a sum of money to pay for the cleaning and redevelopment of Well # 5 and to determine the manner of said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$25,000 Water Enterprise Reserve)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 30. To see if the town will vote to appropriate a sum of money to pay for the removal of garage doors and replacement of walls at the Ware Senior Center, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$10,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 31. To see if the town will vote to appropriate a sum of money to pay for the Town's share of an Historic Preservation Grant to conduct an architectural envelope study of Ware Town Hall and to determine the manner of said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, contingent on the receipt of a Massachusetts Preservation Projects Fund grant, or take any other action relative thereto.
(\$15,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 32. To see if the town will vote to appropriate a sum of money to fund the operations of the local and regional transportation service, the Quaboag Connector, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$15,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 33. To see if the town will vote to appropriate a sum of money to fund the acquisition of the property located at 73 West Main Street including any engineering and legal costs and to authorize the Selectmen to acquire the property through donation, purchase or eminent domain, and further to authorize the Selectmen to seek funds or means for the restoration of said property and/or to dispose of said property with the intent of cleanup and reuse of the property, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$7,000 Free Cash)

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 34. To see if the Town will vote to place \$8000 into the celebrations account for the purpose of funding the fireworks displays or take any action thereon, and to determine the manner of meeting said appropriation, whether by taxation, transfer or from available funds or any other means. (petition)
(\$8,000 Free Cash)

Recommended by: Board of Selectmen 3 No, 1 Yes (Carroll), 1 Absent (Whitney)
Finance Committee 5 No
Town Manager Yes

Article 35. To see if the Town of Ware will vote to purchase 6 new A.E.D.'s (Automatic External Defibrillators) at the cost of \$7,200, to be located within the Police Cruisers and be utilized by trained Police First Responders. The money for the cost of these units to be funded from the Ambulance Receipts Fund or other means identified. This Language may be altered by the Ware Town Attorney as needed. (petition)

Recommended by: Board of Selectmen 2 No, 1 Yes (Carroll), 1 Abstain (Opalinski), 1 Absent (Whitney)
Finance Committee 5 No
Town Manager No

Article 36. To see if the Town of Ware will propose to change the current title of Fire Chief, from Strong Fire Chief to that of a Weak Fire Chief, by rescinding the adoption MGL Chapter 48, Section 42 or take any other action thereon. This language may be altered by the Ware Town Attorney as needed. (petition)

Recommended by: Board of Selectmen 3 Yes, 1 No (Opalinski), 1 Absent (Whitney)
Finance Committee Not Financial
Town Manager No

Article 37. To see if the Town will vote to adopt a bylaw addition to the Town of Ware that requires all newly hired full-time town employees, and those currently hired full time employees within the last 5 years, and all department heads, (no matter when hired) to be required to move into the town of WARE, after 6 months of employment. This language may be altered by the Ware Town Attorney as needed. (petition)

Recommended by: Board of Selectmen 4 No, 1 Absent (Whitney)
Finance Committee Not Financial
Town Manager No

Article 38. To see if the Town will vote to accept a revised layout of Buckley Court and to authorize the Board of Selectmen to record said layout in the Hampshire County Registry of Deeds, or take any other action relative thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee Not Financial
Town Manager Yes

Article 39. To see if the Town will vote to authorize the Board of Selectmen to ratify and approve an agreement made between the Town of Ware and Forefront Power or subsidiary pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to a parcel of land located at Belchertown Road; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 1.79 megawatts and may be executed in conjunction with a Massachusetts Solar Net Excess Generation Credit Purchase Agreement, or take any other action relating thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 40. To see if the Town will vote to authorize the Board of Selectmen to ratify and approve an agreement made between the Town of Ware and Melink, Inc. pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to a parcel of land located at Church Street and Gilbertville Road; said PILOT agreement(s) is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 1.64 megawatts and may be executed in conjunction with a Massachusetts Solar Net Excess Generation Credit Purchase Agreement, or take any other action relating thereto.

Recommended by: Board of Selectmen 4 Yes, 1 Absent (Whitney)
Finance Committee 5 Yes
Town Manager Yes

Article 41 To see if the Town will vote to amend the General Bylaws by adding section _____, Local Licensing of Marijuana Establishments, or take any other action relating thereto.

Recommended by: Board of Selectmen 3 Yes, 1 No (Carroll), 1 Absent (Whitney)
Finance Committee Not Financial
Town Manager Yes