



**Board of Selectmen  
Ware Town Hall, Meeting Room, 126 Main Street  
Regular Meeting Minutes – Tuesday, July 24, 2018 at 7:00 p.m.**

**Meeting Opened by Vice Chairman Whitney**

**Present:** Selectman Michael P. Fountain, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Selectman Alan G. Whitney, Town Manager Stuart Beckley, Clerk Mary L. Midura, Ware Community TV General Manager Stanley Ciukaj, Building Inspector Anna S. Marques

**Absent:** Selectman John E. Carroll

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

Selectman Kruckas spoke of the Planning Board meeting and questioned if there should be a moratorium on solar fields, giving townspeople the chance be part of the discussion and to voice opinions and how these affect property values. Mr. Beckley noted that the Planning Board may have a zoning article to consider at November Town Meeting.

**Selectman Kruckas made the motion to ask the ZBA to place a moratorium article on the November Town Meeting; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

Selectman Opalinski noted that there is a need for help to water the flowers on Main Street. Please call Carol at 967-8304, Ware in Bloom.

**Consent Agenda - None**

**Scheduled Appearances**

- **Meet with DPW Director Candidate**

Mr. Beckley introduced his recommendation for DPW Director, James Nester. Selectmen Kruckas questioned Mr. Nester on his background with Chapter 90 and grants, does he hold water licenses. Selectman Opalinski questioned Mr. Nester's knowledge of a water system. Selectman Whitney asked his knowledge of the new Water Treatment Plant. Selectman Opalinski questioned his knowledge of roadwork, pavement management, how would he prioritize work, and his problem solving skills. Selectman Kruckas asked if this position was a "stepping stone" for Mr. Nester. Selectman Opalinski questioned how Mr. Nester would handle complaints.

Mr. Nester stated he is familiar with Chapter 90 funds. He does not hold water licenses. He noted that the water facility is not the entire situation, the problem may be further downstream. He has worked for years in a family construction business and is familiar with pipework. He gave a brief history of his work experience. Mr. Nester noted he would need to meet town specifications and would use ratings to prioritize projects. Mr. Nester stated this position would not be a stepping stone, and he looked forward to working with all boards on the issues. Mr. Nester stated he preferred to call and invite any complainant to speak with him directly to resolve their issue.

- **Process of Enforcement – Anna Marques, Building Inspector**

Ms. Marques presented copies to the Board for periodic inspections and for vacant and unkempt properties. Ms. Marques spoke about the new Viewpoint online tracking system to cross reference and keep records, checking on case by case basis. Inspections are done with Deputy Fire Chief. Some multi-family properties may require more work and may need a longer time frame to make progress.

Mr. Beckley noted that some issues may need Board of Health and a specialist attorney. Ms. Marques noted she is creating a checklist and has an open door policy to work with property owners on fees and inspections. Selectman Opalinski requested that the checklist be placed on the Building Department page of the town website. Ms. Marques noted that vacant and unkempt property owners are sent a letter by certified mail with 30 days' notice of ticket and fine, and if not paid, statement of facts and hearing will follow; this process can take several months. Ms. Marques noted the zoning bylaw and zoning complaint form will be on Viewpoint and town website.

Selectman Kruckas noted Ms. Marques' assistant, Andrew, is an asset to the Building Department. Selectmen Whitney and Opalinski asked how the Board of Selectmen can help: Ms. Marques noted there are some gray areas regarding zoning.

#### **Old Business**

- **Optimus, Request for Consideration of Environmental Costs**

Christian Boysen was present to represent Optimus. He noted the January 2016 oil tank removal was done at the behest of the Town. The soil and monitoring sample were done. Optimus cannot get the bank and investor financing unless the sampling is completed. The Town is currently the owner of the property, and Optimus is willing to commit to this work if the Town will take approximately cost of \$4,000 off the closing price. This is a Win/Win for Optimus and the Town. While not concerned, Mr. Boysen stated the environmental testing must meet reporting standards.

**Selectman Opalinski moved to rescind the vote of July 10, 2018 and to deduct the \$4,000 off the sale price; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

- **3-Month Review of License Restrictions: Wicked Wings Ware, Inc., 136 Pleasant Street**

The Board of Selectmen conducted a three-month review of the All Alcoholic and Entertainment licenses for Wicked Wings Ware, Inc. Andrew and Nicholas Norton were present for the review. A letter from resident/abutter Carol Zins was noted. Selectman Whitney noted good reviews of the establishment. Residents Barbara Zins and Edward Provencal stated their appreciation for the owners' consideration of the neighborhood.

**Selectman Kruckas made the motion to approve expanded operating hours and to expand the entertainment as submitted. Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

Wicked Wings Ware, Inc. can now operate 8am – 1am Monday through Saturday, and 10am – 1am on Sunday. The Outdoor Patio/Deck hours are 8am – 9pm Monday through Saturday, and 10am – 9pm Sunday. No Entertainment is allowed on the Outdoor Patio/Deck.

Entertainment has been expanded as follows:

**BETWEEN THE LEGAL HOURS AS LISTED: Mondays through Saturdays 8:00 a.m. – 1:00 a.m.; Sundays 10:00 a.m. – 1:00 a.m. No Entertainment on Outdoor Patio/Deck.**

To have Entertainment at the above location, Indoors Only: Live Bands, Acoustic Music, DJ's, Karaoke, Radio Broadcasts, TV Sports related events, i.e. UFC fights, professional sports games, Wing Eating Contests, Keno, and Game Nights, i.e., Trivia, Tap Takeovers, Sports Fantasy League Drafts. All Windows and Doors are Closed During Entertainment. This application does not include TOPLESS or NUDE Dancing by Entertainers or Performers.

#### **New Business**

- **Approval of Special Town Meeting Warrant**

Selectman Kruckas made the motion to approve the Special Town Meeting Warrant for August 15, 2018; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Approval of State Primary Warrant**

Selectman Kruckas made the motion to approve the State Primary Warrant for September 4, 2018; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Application for Sewer Abatement: 56 Chestnut Street**

The Board continued this application to August 7, 2018. The applicants will be invited to attend the meeting with more detailed information for the Board to consider.

- **Appointment to ADA Commission: Carolyn Wilkins**

Selectman Kruckas made the motion to appoint Carolyn Wilkins to the ADA Commission, Term to Expire June 30, 2021; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Set Public Hearing: Application for New Wine & Malt Package Store License: Hans & Hans, Inc., 30 West Main Street**

Selectman Kruckas made the motion to set the Public Hearing on Tuesday, August 7, 2018 at 7:10 p.m.; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

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

George Staiti stated that 73 West Main Street is posted for sale online at \$25,000. Mr. Beckley stated that the Town has had no contact with the owner for two weeks. The Board requested that Mr. Beckley start the process to take the property for outstanding taxes.

## Town Manager Report

Upcoming dates:

August 7 – National Night Out, 6-8, Grenville Park

***Marijuana Bylaws*** The Planning Board held an informational session with local farmers and a proposed collaborative on a request to expand the areas in town in which marijuana may be cultivated. This would allow qualified farms to cultivate marijuana. The Planning Board asks that the Board of Selectmen request the Planning Board and Department to research and present a zoning bylaw amendment for consideration to the November Town Meeting.

**Selectman Kruckas made the motion to Request the Planning Board and Department research and present a zoning bylaw amendment for November Town Meeting; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

***Personnel*** The Town has hired Donna Longtin as the Customer Service Administrative Assistant in the DPW office and Sean Piechota as a Truck Driver/Laborer in the Highway Division. Water Operator Andy Lalashius has provided two weeks' notice. The Town will work with DEP on a staffing plan that provides the required coverage.

***Regional School Planning*** The Warren Board of Selectmen are interested in meeting with the Ware Board, perhaps on August 7 to further discuss. Selectmen Whitney and Fountain would be absent on August 7, ask Warren Board to August 21 meeting.

***Grants*** The Town has received approval for funding from (1) the 2018 Green Communities Competitive round for LED streetlight conversion and (2) the 2018 Community Development Block Grant for Spring Street reconstruction and Domestic Violence services. Award is \$600,000.

***Maple Street*** The Town has reminded Maple Street Power of the Board's 60-day period in which to come up with a plan for payment of taxes and permitting of the use of the property. This issue will be on the August 7 agenda.

Mr. Beckley's upcoming vacation – August 3 – 12 (not the 7<sup>th</sup>)  
Special Town Meeting August 15, 2018 at 7 p.m.

### ***Ongoing Issues Update***

Main Street	To use State funding, Main Street will require Bike lanes. <b><i>Main Street project is at 75% design. Decision on lighting will be needed.</i></b> Right of Way easements need approval from Town meeting and Selectmen prior to January 2019. Scheduled for bidding August, 2019. <b><i>May 29 presentation of 75% plans. Follow up with MassDOT to request waiver for bike lanes.</i></b>
Multifamily Inspections	Inspectors meeting held. Determined that town will be divided into 5 sectors for 5-year inspections. Based on comments from other towns, will be challenged to complete fully. <b><i>The Building Department online system was made live on July 1.</i></b> The Departments are meeting on July 16. <b><i>Building Inspector to be present at July 24 meeting to explain system and enforcement.</i></b>

Purchase of 116 Pleasant Street	Appraisal complete. Discussions with homeowner. Moving forward with Purchase and Sale.
GPS	6 units installed. Negotiations with unions initiated on appropriate vehicles. Working with Verizon on next order of units. <b>Verizon has deal for \$1 per unit available through April (15 additional units acquired for \$15)</b> Budget to include cost of annual fees (\$5,700). <b>DPW Director's vehicle – GPS installed. Legal response prepared for all unions.</b>
Condemned buildings	Town Meeting Article for 73 West Main Street. Community Development Authority proposing use of CDBG funds to assist with removal. Building Inspector to work with owner on sale. Has had 3 discussions with owners. <b>Letter attached.</b>
Beaver Lake Dam	Waiting to hear from MassDOT. Beaver Lake Dam will also need repair this Fall. Road closures will need coordination.
Beavers – Prendiville Road	National Grid is reviewing the situation with field crew. Will determine if they have ability to take action under utility laws. <b>Town will move forward with Conservation Commission permitting. Will coordinate with MA Department of Fisheries and Wildlife.</b>

Mr. St. Croix voiced a complaint regarding the Town Planner. He stated that Ruben Flores-Marzan has been stonewalling regarding purchase of 2-16 East Main Street. He stated a lack of cooperation from the Town Planner, and his group's plans would bring \$15,000 - \$30,000 donation to the Town. He stated he attended the last Planning Board meeting, and he stated that Mr. Flores-Marzan was scrolling Facebook during the meeting. The cannabis proposal was disregarded, but a 60 acre solar field was discussed.

Mr. Beckley noted that complaints should be directed to the Town Manager. He would suggest Mr. St. Croix and he talk with Ruben regarding the issue and zoning.

**Executive Session: MGL Chapter 30A, Section 21(a) #2 Negotiations, #3 Litigation**

**Selectman Kruckas made the Motion to Adjourn Regular Session at 8:40 p.m. to go into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations, #3 Litigation, NOT TO RECONVENE IN OPEN SESSION; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

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

Attest:   
 Mary L. Midura, Executive Assistant

