

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 Minutes Tuesday, July 25, 2017 at 7:00 p.m.**

**Present:** Selectman Nancy J. Talbot, Selectman Alan G. Whitney, Selectman Tracy R. Opalinski, Selectman Michael P. Fountain, Town Manager Stuart Beckley, Stanley Ciukaj, Ware Community TV  
**Absent:** Selectman John E. Carroll

#### **Meeting Opened by Chairman Talbot**

Chairman Talbot requested a Moment of Silence to honor Stephen Peters, who tragically died on July 20, 2017, and to honor Dr. Arthur Dwight Bramble, who died July 12, 2017.

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

Chairman Talbot noted the scheduled appearances at this meeting.

Selectman Opalinski asked if the marijuana by-law will be on the November town meeting. Mr. Beckley noted that the Planning Board is working with Ruben Flores-Marzan, Community Development Director. Another ballot question would be required to ban the sale of recreational marijuana. An update will be given on August 8, 2017.

Selectman Fountain stated that the ambulance agreement should have been put to a vote at Town Meeting.

#### **Consent Agenda – none**

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

- **Approval of Special Event Permit – “Chicago”, Produced by Ware Community Theatre, August 5, August 6, August 12, and August 13, 2017**

Selectman Whitney moved approval of the Special Event Permit; Selectman Opalinski seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

Chairman Talbot noted Selectman Carroll is away on vacation.

- **Approval of One-Day Liquor License Application – Ware Council Home Association (Knights of Columbus), Sunday, July 30, 2017**

Selectman Opalinski moved approval of the license; Selectman Whitney seconded. The motion passed on vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Approval of One-Day All Alcoholic Liquor License Application – Ware Council Home Association (Knights of Columbus), Saturday, August 19, 2017**

Selectman Whitney moved approval of the license; Selectman Opalinski seconded. The motion

passed on vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Application/Policy for Boards and Committees**

Selectman Opalinski moved to accept the updated application/policy for Boards and Committees, including the following additional wording:

**COMMITTEE ATTENDANCE POLICY (for appointed committees)**

Add: “Committees or boards shall have an annual election of new officers at the beginning of each fiscal year.”

**COMMITTEES AND BOARDS – RESIDENCY POLICY**

Add: “In instances when non-residents have particular knowledge or skills that will benefit a particular committee, the appointing authority may appoint non-residents, but a committee or board may not have more than 50% non-resident members.”

Selectman Fountain seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **New Appointment to Finance Committee: Devin M. Peterson, Term to Expire June 30, 2020**  
Selectman Opalinski moved approval of the appointment; Selectman Whitney seconded. The motion passed on vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **New Appointment to Ambulance Oversight Committee: Jennifer McMartin**  
Selectman Opalinski moved approval of the appointment; Selectman Whitney seconded. The motion passed on vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

Selectman Opalinski moved to appoint Selectman Whitney to the Ambulance Oversight Committee; Selectman Talbot seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

**Town Manager Report**

Mr. Beckley noted that Thursday, August 17, 2017 at 7:00 p.m., there will be a Design Public Hearing by Mass DOT regarding Main Street design. This will include roads, sidewalks, lighting, and trees. There will be time for the public’s comments, but DOT may not give answers that night. Selectman Opalinski suggested that interns pass out flyers to businesses. The work is scheduled for 2019 – 2020.

**Scheduled Appearances**

- **7:15 Public Hearing for Release of Land Under Chapter 61B – 50 Morse Avenue**  
Chairman Talbot read the Public Hearing Notice.

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

**Selectman Whitney moved to waive right of first refusal per MGL Chapter 61B; Selectman Fountain seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

- **7:20 p.m. Review of RT's Welding Fabrication & Auto Repair, Inc. Class III License**  
Attorney Matthew Donohue, representing RT's Welding Fabrication & Auto Repair, Inc., informed the Board of Selectmen that the fence has been completed, 13 arbor vitae have been planted, and the property now meets all requirements of the Class III license. Attorney Donohue noted that videos submitted by Mr. Krasnecky have duplicate entries, incorrect time stamps, and inaccuracies regarding the noise levels. Attorney Donohue noted the constant complaints and history of their neighbor being unhappy with this business. He stated that the Board of Selectmen should not be concerned; only Mr. and Mrs. Krasnecky have a problem. Attorney Donohue noted that the zoning laws allow pre-existing non-conforming use. Attorney Donohue stated that his client has conducted good business and paid all taxes.

Chairman Talbot noted she has driven by the business and noted the completed fence.  
Selectman Opalinski noted she also drove by the business and that businesses have constitutional rights.  
Mr. Krasnecky stated that the business was a dairy bar when he moved into his home. Mrs. Krasnecky stated that she would be glad to review the videos with the Board.  
Chantel Bleau stated that there was a motorcycle repair shop at this location in 1974-1975.

Chairman Talbot noted that all conditions of the Class III license have been met, and there is nothing further to discuss at this time.

#### **Town Manger Report (continued)**

Mr. Beckley noted that the town has been awarded, with Warren and Hardwick, and FY2017 Community Development Block Grant of \$1,053,100.

The town has received the grant for the design of the dog park. There is no need to RFP, but Stanton Foundation requires someone with previous dog park design experience to do the work.

The town received one proposal for South Street School – Optimus LLC proposed \$100,000. If approved, the Zoning Board of Appeals several weeks ago approved a special permit for non-conforming structure. The building would be four stories, with sprinkler system between floors.

Planning Board approved a special permit for 2 megawatt solar facility in back of Canadian Timber.

Selectman Fountain noted that Cindy Wloch and Brandy Bruso have continued to raise funds for the 9/11 Memorial at the Ware Fire Station.

The dog park committee has not yet filed for 501(c) 3 status.

**Executive Session: MGL Chapter 30A, Section 21 (a) #2 Negotiations, and #6 To Consider the Purchase, Exchange, Lease or Value of Real Property TO RECONVENE IN OPEN SESSION.**

**Selectman Whitney moved to Adjourn Regular Session at 7:45 p.m. to move into Executive Session per**

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**MGL Chapter 30A, Section 21 (a) #2 Negotiations, and #6 To Consider the Purchase, Exchange, Lease or Value of Real Property, TO RECONVENE IN OPEN SESSION; Selectman Opalinski seconded. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll):**

<b>Nancy J. Talbot</b>	<b>Yes</b> √
<b>Alan G. Whitney</b>	<b>Yes</b> √
<b>Tracy R. Opalinski</b>	<b>Yes</b> √
<b>John E. Carroll</b>	<b>Absent</b>
<b>Michael P. Fountain</b>	<b>Yes</b> √

**Selectman Whitney moved to Adjourn Executive Session at 8:09 p.m., TO RECONVENE IN OPEN SESSION; Selectman Fountain seconded. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll):**

<b>Nancy J. Talbot</b>	<b>Yes</b> √
<b>Alan G. Whitney</b>	<b>Yes</b> √
<b>Tracy R. Opalinski</b>	<b>Yes</b> √
<b>John E. Carroll</b>	<b>Absent</b>
<b>Michael P. Fountain</b>	<b>Yes</b> √

**The Board of Selectmen reconvened in Open Session at 8:10 p.m.**

Chairman Talbot announced that the Board of Selectmen have agreed to accept the offer by Optimus Senior Living, LLC of \$100,000 for the South Street School.

**Selectman Opalinski moved to accept the RFP bid proposal by Optimus Senior Living, LLC and to accept the price of \$100,000 for the South Street School, with conditions: 1) If significant construction progress has not occurred within two years, the Town may exercise an option to re-acquire the property for \$100,000, and 2) All units shall be at market rate; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

**At 8:11 p.m., Selectman Opalinski moved to Adjourn; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

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