



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street  
Regular Meeting Notice Agenda – Tuesday, June 1, 2021 at 7:00 p.m.

6:30 p.m. Executive Session: M.G.L. Chapter 30A, Section 21 (a) #3Litigation Update

**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

- Reappointments of Special Police Officers, Honorary Police Officers, Matrons, and Constables

Scheduled Appearances

- Discussion with Town Hall Auditor, Set Parameters

Old Business

- Update on Dangerous Dog, 16 Howard Road
- Update on Slum & Blight Designation Benefits
- Discussion of Water Resources Committee Future
- Update on Main Street Construction Project

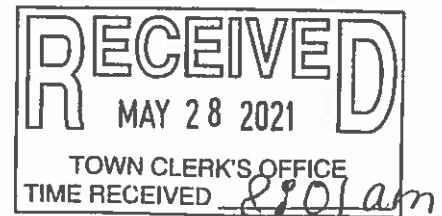
New Business

- Vote and Execution of Bond Documents
- Approval of Town Policies, Sections Three and Four
- Update RE: Liquor licenses, outdoor service

Comments and Concerns of Citizens

Town Manager Report

Adjournment





# TOWN OF WARE

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## POLICE DEPARTMENT

22 NORTH STREET, WARE, MASSACHUSETTS 01082 - 1004

TEL: (413) 967-3571 FAX: (413) 967-9606



SHAWN CREVIER  
CHIEF OF POLICE

TO: Ware Select Board  
FROM: Chief Shawn C. Crevier  
DATE: May 20, 2021  
RE: RE- Appointments

I am requesting that the Board of Selectmen make the following appointments for the Ware Police Department for Fiscal Year 2022.

### Special Police Officers

Daniel Witt	Scott Underwood
Dan Polak	
Paul Skutnik	
Ronald Riethle	
Frank Jolin	
Ray Corriveau	
Nicolas P. Newman	
Patrick Kackley	
Matthew Schlegel	
Leon Muraguri	

### Honorary Police Officers

Stanley G. Mettig  
Dennis Healey  
Gary Hoskins  
John Pajak

### Police Matrons

Maryanne Regin

### Constables

Tod Bertini  
Christopher R. Talbot  
Francis W. Cote

Thank You,

Chief Shawn C. Crevier  
Ware Police Department



## **TOWN OF WARE**

Office of Town Manager  
126 Main Street  
Ware, Massachusetts 01082

May 28, 2021

To : Select Board

From : Stuart Beckley, Town Manager

Subject: Main Street Road construction

Mr. Kruckas, the Police Chief, DPW Director, and I met with representatives from Mass DOT and Ludlow Construction on Tuesday. With the demolition of 114 Main under way, MassDOT stated that they would extend the construction contract beyond the current July 18 end date to allow the project to be completed. Ludlow Construction stated that they would be on site in two weeks and expected to have the project completed before winter.

The project engineer is working on final electrical drawings that will allow the installation of the panel near 114 Main and the traffic lights to be installed.



## TOWN OF WARE

Office of Town Manager  
126 Main Street  
Ware, Massachusetts 01082

May 26, 2021

To : Select Board  
From : Stuart Beckley  
CC : A. Walker, Treasurer/Collector  
Subject: Bonding

The Town completed its bidding for borrowing for Town projects including borrowings for the Old Poor Farm culvert, two dump trucks, water supply property, the SMK boiler project, and sewer main replacement, as well as refinancing debt from 2008. The Town received a favorable bid with an overall rate of 1.81%.

Additionally, the town received a favorable 0.35% on its short term borrowing projects.

On Tuesday, the Board will be asked to approve the borrowing, and then to sign many bonds. The paperwork will be available early if Board members would like to get the signing done.

Thank you

# RatingsDirect®

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**Summary:**

## Ware, Massachusetts; General Obligation

**Primary Credit Analyst:**

Makai C Edwards, Chicago (1) 312-233-7017; makai.edwards@spglobal.com

**Secondary Contact:**

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Rating Action

Stable Outlook

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## Summary:

# Ware, Massachusetts; General Obligation

Credit Profile		
US\$1.67 mil GO bnds ser 2021 due 06/15/2041		
<i>Long Term Rating</i>	AA/Stable	New
Ware GO mun purp loan bnds		
<i>Long Term Rating</i>	AA/Stable	Affirmed

## Rating Action

S&P Global Ratings assigned its 'AA' rating and stable outlook to the 'Town of Ware, Mass.' \$1.7 million series 2021 general obligation (GO) municipal-purpose loan bonds and affirmed its 'AA' rating, with a stable outlook, on the town's existing GO debt.

The town's full-faith-and-credit pledge, subject to Proposition 2 ½ limitations, secures the bonds. Despite limitations imposed by the levy limit law, we did not make a rating distinction for the limited-tax GO pledge due to Ware's flexibility under the levy limit. We rate the limited-tax GO debt based on the application of our "Issue Credit Ratings Linked To U.S. Public Finance Obligors' Creditworthiness" criteria (published Nov. 20, 2019).

Officials plan to use the proceeds to finance various capital projects and to refund the town's outstanding series 2008 bonds.

## Credit overview

The rating reflects our view of Ware's stable financial performance, with fiscal 2020 coming in as the fifth consecutive surplus for the town due to expense savings and solid revenue growth despite COVID-19 pandemic headwinds. In addition, the rating reflects Ware's growing economic metrics, with ongoing growth in residential development and commercial properties including new retail locations for Dollar General and the expansion of Quabbin Wire and Cable Co Inc. While pension and other postemployment benefit (OPEB) costs continue to rise, overall costs remain affordable given the 3.5% annual growth in the tax base and the town's reliance on stable revenue items, with property taxes (46%) and intergovernmental revenues (40%) as the two largest sources. Our stable outlook is for two years.

The rating reflects our opinion of Ware's:

- Strong economy, with access to a broad and diverse metropolitan statistical area (MSA);
- Strong management, with good financial policies and practices under our Financial Management Assessment (FMA) methodology;
- Strong budgetary performance, with operating results that we expect could weaken in the near term relative to fiscal 2020, which closed with operating surpluses in the general fund and at the total governmental fund level in fiscal 2020;
- Very strong budgetary flexibility, with an available fund balance in fiscal 2020 of 15% of operating expenditures;

- Very strong liquidity, with total government available cash at 20.1% of total governmental fund expenditures and 15.7x governmental debt service, and access to external liquidity we consider strong;
- Strong debt and contingent liability profile, with debt service carrying charges at 1.3% of expenditures and net direct debt that is 10.8% of total governmental fund revenue, as well as low overall net debt at less than 3.0% of market value, but a large pension and OPEB obligation and the lack of a plan to sufficiently address the obligation; and
- Strong institutional framework score.

### **Environmental, social, and governance (ESG) factors**

We consider the town's social risks in line with the sector. We reviewed Ware's governance risk and environmental risks relative to the town's economy, management, financial measures, and debt and liability profile and find all are in line with our view of the sector standard.

## **Stable Outlook**

### **Upside scenario**

We could raise the rating or revise the outlook if Ware were to maintain its strong budgetary performance, leading to continued very strong flexibility, coupled with improvements in economic indicators in line with that of higher-rated peers.

### **Downside scenario**

While not anticipated during our outlook period, we could lower the rating or revise the outlook if the town's financial performance were to deteriorate or fixed-cost pressures led to reduced budgetary flexibility, holding all else constant.

## **Credit Opinion**

### **Strong economy**

We consider Ware's economy strong. The town, with an estimated population of 9,851, is in Hampshire County in the Springfield MSA, which we consider to be broad and diverse. The town has a projected per capita effective buying income of 95.4% of the national level and per capita market value of \$80,051. Overall, the town's market value grew by 4.9% over the past year to \$788.6 million in 2021.

Ware is approximately 75 miles west of Boston and 28 miles west of the city of Worcester. The town is primarily residential, with residences accounting for nearly 84% of the tax base. Management noted that the residential property market remained strong over the past year, with building permits for new construction and renovations steadily rising and the housing shortage helping boost home sale values in the area. Management also noted a new multifamily housing project under construction and a 110-unit senior housing development opened in September 2020. While the town is primarily residential, Ware features a growing commercial sector accounting for approximately 9.5% of the tax base. Development in this region continues, with the expansion of Quabbin Wire along with expansion of Dollar General spaces. The town has one cannabis retailer and is set to open a second in the fall. Ware is also considering the addition of two more cannabis stores to the town. Overall, this continued growth in the tax base has helped market values remain strong, rising an average of 3.5% over the past five years.

With continued development and resident access to Worcester for employment, the county unemployment rate mirrored national trends, rising to a peak of 12.5% in April 2020 but recovering to 5.4% as of March 2021. Overall, with the continued development and resumption of economic activity, we anticipate Ware's economy will remain strong.

### **Strong management**

We view the town's management as strong, with good financial policies and practices under our FMA methodology, indicating financial practices exist in most areas, but that governance officials might not formalize or monitor all of them on a regular basis.

Practices and policies include management's:

- Conservative assumptions when budgeting for revenue and expenditures;
- Five-year historical trend analysis; and
- Monthly budget monitoring, ensuring timely budget amendments.

Along with the budget, management creates a five-year capital improvement plan that identifies some funding sources and a five-year budget forecast, both of which it updates annually. The management team is working with the select board to expand the capital improvement planning process to 10 years. The town also maintains basic debt policies. Ware maintains a reserve and liquidity policy that states it will maintain an unassigned fund balance of 5%-15% of general fund revenue, less debt exclusions and Chapter 70 aid. In addition, Ware maintains a formal investment policy, with monthly reporting on earnings and holdings to the town board.

### **Strong budgetary performance**

Ware's budgetary performance is strong, in our opinion. The town had operating surpluses of 5.5% of expenditures in the general fund and 3.5% across all governmental funds in fiscal 2020. While we expect Ware to have at least balanced operating results, we do not expect results to be as favorable as they were in 2020.

We adjusted fiscal 2020 audited general funds operating results for recurring transfers. Performance in fiscal 2020 continued the town's trend of a minimum of balanced performance with a fifth consecutive surplus. The fiscal 2020 surplus was attributable to expense savings during the year from unfilled positions, lower transportation costs due to remote learning, and lower fuel costs because of less vehicle use. Revenues came in better than anticipated, with strong property tax collections of over 97%, higher than in previous years. Property taxes are Ware's main source of revenues, accounting for nearly 46% of annual revenues.

The adopted fiscal 2021 budget totals \$30.1 million, a 3.1% increase over fiscal 2020. The town budgeted conservatively, reduced nearly \$500,000 in revenues due to concerns of state aid collections. However, with the level funding of state aid for fiscal 2021, Ware is anticipating at least break-even results. Revenues are remaining strong coming in approximately 78.5% of budget, with expenses coming in at 67% of budget.

The town's proposed fiscal 2022 budget follows Ware's historical conservative efforts, assuming moderate increases in local receipts and level funding basic services. In the future, the town anticipates slowness in its ambulance receipts with the announced closure of Baystate Health Hospital and anticipated decline in hospital transfers. However, with continued development in solar arrays and other industries, Ware anticipates continued balanced performance. In



addition, the town anticipates receiving approximately \$2.8 million in funding under the American Rescue Plan Act. While not included in the budget, the funds provide an additional stabilizing source for Ware's capital projects and other eligible costs (for more information, see "Economic Outlook U.S. Q2 2021: Let The Good Times Roll," published March 24, 2021, on RatingsDirect). Therefore, we expect general and total governmental fund budgetary performance to remain strong during our outlook period.

### **Very strong budgetary flexibility**

Ware's budgetary flexibility is very strong, in our view, with an available fund balance in fiscal 2020 of 15% of operating expenditures, or \$5.1 million.

The continued positive performance over the past few years has helped increase the town's fund balance to 15.3% in fiscal 2020 from 9.8% of expenses in fiscal 2018. We believe Ware's budgetary flexibility will likely remain very strong over the next few fiscal years because management does not plan to spend down reserves at present.

### **Very strong liquidity**

In our opinion, Ware's liquidity is very strong, with total government available cash at 20.1% of total governmental fund expenditures and 15.7x governmental debt service in 2020. In our view, the town has strong access to external liquidity if necessary.

We believe Ware's issuance of GO bonds and bond anticipation notes during the past 15 years demonstrates the town's strong external liquidity. We understand Ware does not currently have any contingent liquidity risks from financial instruments, with payment provisions that change on the occurrence of certain events. Therefore, we expect the liquidity profile will likely remain very strong over the next two fiscal years.

### **Strong debt and contingent liability profile**

In our view, Ware's debt and contingent liability profile is strong. Total governmental fund debt service is 1.3% of total governmental fund expenditures, and net direct debt is 10.8% of total governmental fund revenue. Overall net debt is low at 0.6% of market value, which is in our view a positive credit factor.

Following this issuance, total direct debt is \$4.9 million. Management's plans for additional debt remain minimal, with potential issuance for preliminary design work on a water treatment and wastewater treatment facilities along with a fire truck purchase.

### **Pension and OPEB:**

- In our opinion, a credit weakness of the town is its pension and OPEB liabilities.
- Ware's pension actuarially determined contribution (ADC) is built on what we view as weak assumptions and methodologies and we believe it increases the risk of unexpected contribution escalations. However, we anticipate higher contributions will likely remain affordable given the strength of the town's revenue base.
- Although, OPEB liabilities are funded on a pay-as-you-go basis, which, given claims volatility as well as medical cost and demographic trends, is likely to lead to escalating costs, the town has legal flexibility to alter OPEB benefits, which we view as a potential means to mitigate escalating costs should they modify benefits.

Ware participates in the following plans as of June 30, 2020:

- Hampshire County Retirement System: 64.2% funded, with a net pension liability of \$16.2 million.
- A defined-benefit health care plan that provides both health care and life insurance benefits for retired employees, their dependents, and beneficiaries: 4.5% funded, with an OPEB liability of about \$19.1 million.

The town's combined required pension and actual OPEB contributions totaled 6.9% of total governmental fund expenditures in 2020. Of that amount, 4.9% represented required contributions to pension obligations, and 2.0% represented OPEB payments. In our view, although the plan reduced the discount rate to 7.15% from 7.45%, this discount rate could lead to contribution volatility. Although Ware funds 100% of pension ADCs, contributions fell short of minimal funding progress. For more on our view of the state's pension plans and recent reforms, see "Pension Spotlight: Massachusetts," published Oct. 14, 2020.

Ware also provides OPEB to retirees. Ware has traditionally funded OPEB through pay-as-you-go financing. The town established an OPEB trust fund to contribute funds to reduce the future OPEB liability. The current trust fund balance is more than \$1.0 million as of February 2021.

### **Strong institutional framework**

The institutional framework score for Massachusetts municipalities is strong.

## **Related Research**

- Through The ESG Lens 2.0: A Deeper Dive Into U.S. Public Finance Credit Factors, April 28, 2020
- S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013
- Criteria Guidance: Assessing U.S. Public Finance Pension And Other Postemployment Obligations For GO Debt, Local Government GO Ratings, And State Ratings, Oct. 7, 2019
- 2020 Update Of Institutional Framework For U.S. Local Governments

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## 3.1 Equal Employment

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It is the policy of the Town of Ware to provide equal employment opportunities to all qualified individuals and to administer all aspects and conditions of employment without regard to the following:

- Race
- Color
- Age
- Sex
- Sexual orientation
- Gender
- Gender identity
- Religion
- National origin
- Pregnancy
- Physical or mental disability
- Military or veteran status
- Citizenship and/or immigration status
- Genetic information, including family medical history
- Arrest record
- Child or spousal support withholding
- Health insurance status
- Marital status
- Any other protected class, in accordance with applicable federal, state, and local laws

The Town takes allegations of discrimination, intimidation, harassment and retaliation very seriously and will promptly conduct an investigation when warranted. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their Department Head, Human Resources, or the Town Manager. Employees can raise concerns and make reports without fear of retaliation.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence and termination.

## 3.2 Job Posting/Selection

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For each open position with the Town, there shall be established minimum requirements and a Job Description as to the experience, education, licensing, or other required skills or qualifications necessary for satisfactory performance.

A job posting will be put on the Town of Ware website and in newspapers and/or online with instructions for applicants on how to apply.

The HR Director will screen the submissions and forward the viable candidates to the Department Head and Town Manager.

Interviews and Skills Testing will be scheduled by the HR Director.

The Town Manager and/or their designee, Department Head, and the HR Director will conduct interviews with the viable candidates and make a selection.

Following the applicable interview process, the selected candidate will be notified by Human Resources and scheduled for their pre-employment testing and Orientation Session.

### 3.3 Applications/Resumes/Reference Checks

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The Town relies on the accuracy of information contained in the application, resumes, as well as other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town's exclusion of the individual from further consideration of employment or, if the person has been hired, termination of employment.

To ensure that individuals to be considered for employment with the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of candidates. The background check may consist of prior employment verification, reference checks, education confirmation, criminal background, credit history, or other information, as permitted by law. Third-party services may be hired to perform these checks. All offers of employment and continued employment are contingent upon a satisfactory background check.

The Human Resource department will respond to all written reference check inquiries from other employers as well. Only authorized members of management or Human Resources may provide this information. Responses to such inquiries will only confirm dates of employment, wage rates, and positions held.



### 3.4 CORI/Drug Testing/Medical Examination

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The Town of Ware is certified to request Criminal Offender Record Information (CORI) on certain applicants and employees and will request post-hire, pre-employment CORI for applicable employees.

These would include:

1. Library employees and volunteers
2. Council on Aging employees and volunteers
3. Employees or volunteers that are running programs or classes where children eighteen (18) years old and younger will participate.
4. All Fire Department employees
5. All employees that will be going into citizen's homes as a regular part of their job
6. Any other employee where appropriate

Police Department applicants and employees follow a separate procedure for CORI/DCJIS investigations, which will occur at the time of hire.

The applicant must complete and sign the CORI acknowledgement form once an offer of employment has been made. The Town may conduct a subsequent CORI check as applicable and will provide the employee with notice.

To help ensure that employees are able to perform their job safely, drug testing and medical examinations may be required before the employee's first day of work. After an offer of employment has been made to an applicant in a designated job category, a medical examination and/or drug test will be scheduled at the Town's expense and at the Town's choice of provider. The offer of employment is contingent upon satisfactory completion and results of the exam. Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

### 3.5 Employee Orientation

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The HR Director will schedule an Orientation session for all new employees on their first day of employment, or as soon as practicable. The HR Director will have them complete the necessary employment forms, present the applicable benefit options, and review the Town's HR Policies and Procedures. The Orientation Session will include a Harassment training and a review of their Job Description.

This is an important step in the hiring process to ensure the new employee gets off to a successful start and understands what is expected from them. When the orientation has been completed, the employee will be turned over to their Department Head to begin work.

## 3.6 Job Description

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The Town of Ware keeps a library of Job Descriptions for each position in town. These are updated periodically by the HR Director and maintained in Human Resources. The update process will include input from the Town Manager, Department Heads and employees doing the job. These job descriptions are used for the hiring process, job training purposes and when determining pay grades.

Employees will be given a copy of their job description during their orientation. Employees should familiarize themselves with the essential functions of their job as well as the required licenses and certifications.

Department Heads will review the job descriptions with employees during their annual performance review.

### 3.7 Introductory Period

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The employee's first 6 months of employment with the Town are considered an introductory period. This introductory period will be a time for getting to know fellow employees, managers and the tasks involved in the position, as well as becoming familiar with the Town's services. The Department Head will work closely with each employee to help them understand the needs and processes of their job.

This introductory period is a try-out time for the employee and the Town. During this introductory period, the Town will evaluate employees' suitability for employment and employees can evaluate the Town as well. If, during this period, employee work habits, attitude, attendance, performance or other relevant factors do not measure up to our standards, the Town may terminate employment.

At the end of the introductory period, the Department Head will discuss each employee's job performance with them. During the course of the discussion, employees are encouraged to give their comments and ideas as well.

Completion of the introductory period does not guarantee continued employment for any specified period of time, nor does it require that an employee be discharged only for cause. Completion of the introductory period also does not imply that employees now have a contract of employment with the Town, other than at-will. Successful completion of the introductory period does not alter the at-will employment relationship.

A former employee who has been rehired after a separation from the Town of more than one year is considered an introductory employee during their first 6 months following rehire.

## 3.8 Child Labor Laws

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The Town of Ware will comply with the State and Federal Child Labor Laws.

Employment Certificates, also known as Work Permits, are mandatory in Massachusetts for minors under 18. The certificate must be acquired by the minor and presented to the Town to verify their ability to work before they are hired. In Massachusetts, minors can obtain an Employment Certificate through their school, generally by contacting a guidance counselor or school administrator. An Employment Certificate will be issued if the minor meets all of the state's criteria for employment.

Age certification is mandatory for employment in Massachusetts for minors under 18 as part of employment certificate. Proper proof-of-age documentation must be must be acquired by the minor and presented to the Town to verify their age before they are hired.

Both state and federal laws restrict the hours that minors may work. The stricter standard applies. The information below combines both state and federal law.

**Note:** Under state law, no one under 18 may work past 8 p.m. without direct, on-site adult supervision (except when working at kiosks in the common areas of some malls).

### 16 and 17-year olds may not work:

- At night, from 10 p.m. to 6 a.m. (or past 10:15 if the employer stops serving customers at 10 p.m.) \*
- More than 9 hours per day
- More than 48 hours per week
- More than 6 days per week

\* Exception: On non-school nights, may work until 11:30 p.m. or until midnight, if working at a restaurant or racetrack.

### 14 and 15-year olds may not work:

- At night, from 7 p.m. to 7 a.m.  
Exception: In summer (July 1 – Labor Day), may work until 9 p.m.
- During the School Year:
  - During school hours\*
  - More than 3 hours on any school day
  - More than 18 hours during any week
  - More than 8 hours on any weekend or holiday
- When school is not in session:
  - More than 40 hours per week
  - More than 8 hours on any day
  - More than 6 days per week

\* Exception: For school-approved career or experience-building jobs, students may be allowed to work during the school day, up to 23 hours a week.

## 3.9 Performance Management

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The purpose of the Town of Ware's Performance Management System is for employees to have a clear understanding of the work expected from them, to receive ongoing feedback regarding how they are performing relative to expectations, to identify development opportunities, and to address performance that does not meet expectations.

The Town of Ware strives to provide an environment where all employees understand the impact their contributions have on the Town's goals and are provided the opportunity for ongoing personal growth. One way to accomplish this goal is through a strong performance-based management system that culminates in a formal annual performance review. The Town of Ware Performance Management System is continuous as we plan, manage, review, and document performance.

### **Procedures:**

The Town's Performance Management System consists of a four-phase cycle: planning, managing, reviewing, and documenting performance.

The planning phase is the foundation of the entire Performance Management process. In this phase, individual goals and objectives are set for the performance period. Goals that are SMART (specific, measurable, achievable, relevant, and time based) increase employee motivation and commitment to goal attainment, leading to greater performance and productivity.

Regular communication between the Department Head and the employee is critical during the managing phase of the performance management cycle. Through informal conversations, both parties are kept abreast of progress towards the successful completion of goals and expectations. These discussions also enable the Department Head to provide timely feedback and coaching as the year unfolds.

Because the performance cycle spans several months, it is important for Department Heads and employees to keep track of key performance highlights and challenges that occur during the year. These notes will help immensely when it is time to prepare for the annual review meeting. The supervisor may keep a confidential file for each employee. This file may be used to compile any notes, memoranda, work samples and any other documents related to that specific employee's annual performance evaluation.

Prior to completing the Annual Review Form, Department Heads should give employees the opportunity to complete a self-evaluation form and return it to the Department Head for consideration.

Once they have completed the evaluation form and it has been approved by HR, the Department Head will meet with the employee to conduct the formal annual performance review. If goals have been set (planning phase) and ongoing communication/feedback has taken place (managing phase), the overall outcome of the annual review should come as no surprise to the employee.

Copies of all documentation used in the Formal Annual Review will be provided to the employee and kept in the employee's personnel file. This documentation can be used to support administrative decision-making about

promotions or terminations and provide legal documentation to demonstrate due diligence for legal challenges related to dismissal.

### **Roles and Responsibilities**

#### **A. Employee**

- Participates with Department Head in the development of annual goals and professional development goals and makes suggestions for revising goals as necessary during the performance year.
- Participates with Department Head in the review and updating of the employee's job description as needed.
- Has a clear understanding of Department Head's expectations and requests clarification if necessary.
- Manages own performance to achieve annual goals, bringing to Department Head's attention circumstances that may affect their achievement.
- Seeks performance feedback from Department Head.
- Fully participates in performance discussions.
- Addresses aspects of performance identified as needing improvement.

#### **B. Department Head**

- Seeks input from employee regarding individual annual goals and professional development goals.
- Communicates and documents each employee's performance plan.
- Participates with the employee in the review and updating of the employee's job description.
- Meets with employee on a regular basis during the performance year, which should include discussing employee's performance as well as progress toward achieving annual goals; documents the discussion when appropriate.
- Addresses instances of poor performance or other significant performance issues in a timely manner; prepares a Performance Improvement Plan if needed.
- If appropriate, seeks feedback concerning employee performance from internal and external sources including the Town Manager, external peers, coworkers, suppliers, or others.
- Assists employees whose performance has been identified as needing improvement in one or more aspects to make the necessary improvement.
- Prepares annual performance evaluations within established deadlines, ensuring that all significant performance issues are documented; and
- Meets with employees individually to discuss their evaluations and development needs.

#### **C. Human Resources**

- Provides applicable forms: Performance Improvement Plan, Evaluation, Self-Evaluation.
- Provides for the training needed to increase Department Heads' effectiveness in performance management and evaluation.
- Ensures that the Department Heads are knowledgeable about the processes and requirements of this policy and abide by it.
- Supports employees and their Department Heads in the performance management process.
- Maintains files and records.

### 3.10 Personnel Files

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The Town's Human Resources Department maintains personnel files for each employee. These files contain documentation regarding all aspects of the employee's tenure with the Town, such as employee data, emergency contacts, beneficiary designations, performance evaluations, wage documentation, disciplinary action and letters of commendation and are kept confidential. The Select board, Town Manager, Department Head, or their designees may access personnel files to carry out their duties. The Town may provide copies of personnel files to Town Counsel, its insurance provider or other specialized consultants to support its defense in a legal or special situation.

Any employee wishing to review their personnel file must submit a written request to the HR Director or Town Manager in advance. An employee is entitled to review the contents only in the presence of the HR Director or Town Manager. The employee is entitled to receive one copy and shall not be permitted to remove any documents from the original file. If the employee disagrees with any documentation contained in the file, they may submit a written statement explaining the reason, which will become part of the permanent record.

Employees should report changes in their personal data so that records can be kept current. If negative information is placed in a personnel file, the employee will receive written notice within ten (10) days.

Medical records, Workers Compensation records, FMLA records or any medical information will be retained in a separate, secure file maintained in the Human Resources Department.



## 3.11 Employment Classifications

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The following are the Classifications of Employment:

1. **Regular Full-Time Employee-** An employee who has been hired into an established position working 35-40 hours per week.
2. **Regular Part Time Employee-** An employee that is regularly scheduled to work 20 or more hours but less than 35 hours per week.
3. **Part Time Employee-** An employee who is regularly scheduled to work less than 20 hours per week.
4. **Temporary Employee-** An employee that has been hired into a position of limited duration not exceeding 6 months.

### Exempt and Non-Exempt Status

Non-Exempt employees will receive overtime pay for any hours worked over 40 per week at the rate of 1 ½ times their hourly rate. Approved sick, vacation leave and legal holidays shall be counted toward the 40 hours.

Exempt Employees are those employees in positions that meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable state law and who are exempt from overtime pay requirements. The basic premise of exempt status is that the exempt employee is to work the hours required to meet their work responsibilities. FLSA Exempt employees include Salaried Department Heads, Superintendents, Managers, and Supervisors. Exempt employees are not paid overtime for hours worked over 40 in a week.

### 3.12 Hours of Work

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Each Department Head will determine the hours of work for their employees in accordance with the needs of the department.

Town Hall conducts business during the following hours:

Monday – Friday 8:00 am – 4:00 pm



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## 4.1 Compensation Philosophy

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It is the Town's goal to pay employees' wages and salaries that are competitive with other employers in the marketplace in a way that will be motivational, fair, and equitable. The Town applies the same principles of fairness to all employees, regardless of race, ancestry, religion, gender, age, marital or civil union status, national origin, sexual orientation, place of birth, veteran status, or disability, as defined and required by state and federal laws.

Several factors may influence a rate of pay. In addition to the Town's business needs and financial capacity, some of the factors the Town Manager considers in setting compensation are the nature and scope of the job, what other communities pay their employees for comparable jobs, as well as individual performance.

All pay increases are based upon merit, market factors, and the financial state of the Town. There may not be an automatic annual cost of living or salary adjustment. Employees pay also may be adjusted downward. Salary decreases may take place when there is job restructuring, job duty changes, job transfers, or adverse economic conditions. Demotion is a reduction in responsibility, usually accompanied by a reduction in salary. If demotion occurs, employees will maintain their seniority with the Town.

## 4.2 Pay Cycle

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The Town will issue paychecks on a weekly pay cycle. The workweek for non-union employees runs from Sunday through Saturday and for union employees, as defined in their contract.

Paychecks are distributed on Thursdays by Direct Deposit or a live check.

Copies of Paystubs or W-2s can be requested from Accounting.

Every effort is made to avoid errors in employee's paychecks. If an employee believes an error has been made, they should contact their Department Head so they can bring the error to the attention of the Town Accountant. The Accountant will take the necessary steps to research the problem and to assure that any necessary correction is made promptly.

### 4.3 Deductions from Paycheck

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The Town is required by law to make certain deductions from employees' paycheck each time one is prepared. Among these are federal and state tax withholdings, Medicare, and retirement contributions. Any other mandatory deductions to be made from an employee's paycheck, such as court-ordered garnishments, or child support, will be listed on the pay stub whenever the Town is ordered to make such deductions. If court ordered wage garnishments require deductions to be taken from an employee's paycheck, the employee will be notified.

Deductions for employee's benefits will be made according to the selection the employee makes on their enrollment forms. The deductions will automatically change at open enrollment if there is a plan selection or premium change. Employees will receive advance notice of any such deduction changes.

The Town complies with the salary basis requirements of the Fair Labor Standards Act (FLSA) and does not make improper deductions from the salaries of exempt employees. There are, however, certain circumstances where deductions from the salaries of exempt employees are permissible. Such circumstances include:

- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability
- When an exempt employee is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide sick leave plan that provides compensation for salary lost due to illness
- To offset amounts received as witness or jury fees, or for military pay
- For disciplinary suspensions of one or more full days imposed in good faith for serious workplace policy violations
- For penalties imposed in good faith for serious safety infractions
- When an employee is on unpaid leave under the Family Medical Leave Act
- During an employee's first and last week of employment, if they work less than a full week

If an employee believes that an improper deduction has been made, they should immediately report this to their Department Head or the Town Accountant. Reports will be promptly investigated and if it is determined that an improper deduction has occurred, the employee will be promptly reimbursed.



## 4.4 Overtime

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The Town complies with all applicable federal and state laws about payment of overtime work. Non-exempt employees are paid overtime at the rate of one and one-half times the regular rate of pay for all hours worked over 40 in a workweek. Union employees should refer to the applicable union contract for definition and criterion regarding overtime.

Compensatory Time may be earned upon the mutual agreement of the employee and the Department Head.

Employees are required to work overtime when assigned by their Department Head. Any overtime worked must be authorized by a Department Head or the Town Manager, in advance. Working unauthorized overtime or the refusal or unavailability to work overtime is not acceptable work performance, and is subject to discipline, up to and including termination of employment.

## 4.5 Flextime

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Employees may be able to arrange their work schedules to accommodate unusual demand for evening or weekend work, with written approval from the Town Manager or appropriate Appointing Authority. Requests should be made through the employee's Department Head. If the Department Head approves the request, they will bring it to the Town Manager for approval or denial. Requests will be reviewed on a case-by-case basis.

For example: if an employee is required to attend evening meetings, they may come into work late the next day to compensate. Department Heads should be notified for such use of Flextime. There may be times when a professional or managerial employee is asked to take on an added responsibility or project that will require the employee to work extended hours for an extended period of time, the Town Manager may grant some additional time off to compensate.

## 4.6 Recording Time Worked, Breaks, Lunch

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By law, the Town is obligated to keep accurate records of the time worked by each non-exempt employee. Employees are responsible to report actual time work, vacation, sick and personal time and sign their time sheet or time clock card.

Employees may not ask another employee to clock in or out for them. No one may sign for another employee and tampering with another employee's time sheet or time clock card is cause for disciplinary action, up to and including termination of both employees.

All non-exempt employees are required to use the timekeeping system designated by their Department Head to record their hours worked. For the purpose of this policy, all forms of timekeeping will be referred to as clocking in or out. Accurate timekeeping is a federal and state wage and hour requirement, and employees are required to comply. Failing to enter time into the timekeeping system in an accurate and timely manner is considered unacceptable job performance. Should an employee miss an entry into the timekeeping system, they must notify their Department Head as soon possible for correction.

Employees are required to clock in and out for their designated lunch periods. The length of the lunch period will be designated by the employee's Department Head; alteration of the lunch period requires Department Head approval. Lunch periods are unpaid, and employees will be relieved of all duties. Massachusetts requires non-exempt employees to take a minimum of thirty (30) minutes for their meal break when working six (6) hours or more in a workday.

Based on the needs of the Department, a paid break of fifteen (15) minutes for each four (4) consecutive hours of work will be scheduled for employees by the Department Head.

Non-exempt employees are not permitted to work unscheduled time without prior authorization from their Department Head. This includes clocking in early, clocking out late, or working through scheduled break or lunch periods.

## **4.7 Working Out of Current Classification**

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While an employee is assigned to perform duties of a position in a higher grade of Compensation other than the position in which he/she performs regular service, he/she shall be compensated at the rate of pay associated with the higher grade for the time the employee worked in the higher grade.

While assigned to perform duties of a position classified at a lower grade of Compensation, other than the position he/she performs regular service, the employee shall be compensated at his/her regular rate of pay.



## Midura, Mary

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**From:** Midura, Mary  
**Sent:** Wednesday, May 26, 2021 2:11 PM  
**To:** Beckley, Stuart; Kruckas, Keith  
**Subject:** ABCC news

I attended an ABCC seminar this morning. There were 233 participants. Ralph Sacramone, Executive Director of the ABCC, spoke for about 30 minutes about the lifting of Covid restrictions beginning this Saturday, May 29, 2021.

Mr. Sacramone noted that the Governor is lifting the State of Emergency in MA on Tuesday, June 15. There are two important changes.

### **First-**

Licensees that were approved for expanded outdoor service (Wicked Wings, Hanna's – but Hanna's never used theirs) may continue their outdoor operations for 60 days after the end of the state of emergency, which is Sunday, August 15, 2021. There is legislation pending to extend this further to November 29, 2021, but this is not yet approved. Mr. Sacramone stated that the outdoor service was very popular, especially in the Seaport area of Boston.

Mr. Sacramone said that if a town Board would like to make outdoor service a permanent option, the Town can start accepting applications immediately. This is up to each city or town, and it is advised that Town Counsel be consulted before the Town announces this. Each licensee that wishes to apply would have to complete a full Alteration of Premises application, and this includes a legal ad, public hearing, notice to abutters and all required documents as required by the ABCC. The Board of Selectmen would have to approve the outdoor service on a contiguous property of the owner, OR the outdoor service can be on town-owned sidewalk or street if the Board (again, with town counsel and approval of departments such as the police, fire and DPW) by two additional documented approvals:

- 1) Grant a license to carry over a public way (sidewalk).
- 2) Grant a license to serve alcohol on that town-owned property.

For example, if a town designated parking space on a street for a restaurant to serve outdoors, these two extra approvals would be needed in addition to the full application. These approvals would be sent to the ABCC for final approval with the application for Alteration of Premises.

Mr. Sacramone noted that there may be many such applications across the State between now and the end of the year. Many will, of course, rely on the seasons and weather. Mr. Sacramone suggested that, if the Board wants to offer this option to licensees to make outdoor service a permanent part of their liquor license, to announce it soon and send in approved applications from our level to the ABCC, the sooner the better.

In other words, if the Board wants to offer this, it would be announced by the Board of Selectmen, then I'd start by notifying the Section 12 licensees that this is an option, and we'd see if any are interested. The process must still be followed for each application. Or even before announcing or offering this option, the Board may want to consult town counsel, police, fire and DPW.

The Board does not have to offer this. If the Board does not offer this, all outdoor extensions granted during the pandemic will have to cease on August 15, 2021, unless the Governor also extends this deadline (legislation submitted to the Governor to extend to November 29, no approval on this as yet).

**Second –**

Take Away/Delivery of Alcohol – all restaurants (Section 12) must end take away and delivery of alcohol on June 15, 2021. This also has legislation submitted to the Governor, but no approval as yet).

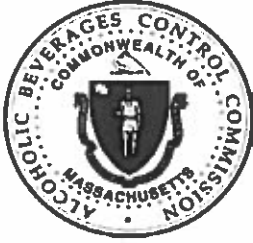
The ABCC will send out this information in an advisory soon that I can send to Board of Selectmen, police, fire, and all licensees. The ABCC will strictly enforce this, as well as compliance with certificate of occupancy, not serving to intoxicated individuals, and checking ID of all patrons both for on-premise (restaurants) and off-premise (package stores). Mr. Sacramone also noted that a licensee always has the right to refuse to serve or sell if the ID is questionable.

The Board of Selectmen also has the right to hold a show cause or informational hearing of any liquor licensee, after proper notification to the licensee. If it appears that a licensee is not re-opening, the Board of Selectmen has the right to question the licensee. Not using a liquor license is called a "pocket license" and is not allowed by the ABCC.

I'm sorry if this is long, *but I am also willing to present this information at your next Board of Selectmen's meeting, if you prefer to hold a discussion now about this.* It is very important that we keep the police informed about the re-opening of liquor licensed establishments as noted about occupancy, service and operations.

Please let me know if you want me to put this discussion on the June 1, 2021 agenda. If so, I will also send the agenda to all licensees to notify them that the Board may have a general discussion.

*Mary L. Midura*  
Executive Assistant to Town Manager  
413-967-9648 ext. 101  
Fax 413-967-9638



*Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3*  
*Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.  
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY**  
**REGARDING THE END OF COVID-RELATED RESTRICTIONS**

On May 17, 2021, Governor Charlie Baker announced the lifting of COVID-related restrictions and the expected date for the end of the Commonwealth's state of emergency. The details of the Governor's plans can be found [HERE](#).

Beginning Saturday, May 29, 2021, all COVID-related restrictions for licensees are lifted and all licensees can resume normal operations.

The Governor's COVID-19 State of Emergency will end Monday, June 15, 2021. The end of the state of emergency brings with it two important changes:

**Patios/Outdoor Expansions:** licensees that have been approved for expanded patio/outdoor service pursuant to the Governor's executive orders may continue their outdoor operations for 60 days after the end of the state of emergency, which is Sunday, August 15, 2021.

The Governor and the Legislature are working on legislation to extend this deadline. However, no extension has yet been approved. Licensees that seek to continue patio/outdoor service after August 15, 2021, are encouraged to apply in the ordinary course for an alteration of premises with their local licensing authorities.

**Takeaway/delivery of alcohol:** establishments licensed for on-premises consumption of alcohol must end takeaway and delivery sales of alcohol on June 15, 2021.

Anyone with questions, comments, or concerns about the end of the state of emergency and its impacts on licensees should contact the Governor's Office by calling 2-1-1.

We thank licensees and the local licensing authorities for all their support and compliance during this state of emergency; we understand this has been a trying time for the entire industry. We continue to be available to local licensing authorities and licensees going forward.

Local licensing authorities are reminded that on May 26, 2021, at 10:00 a.m., the ABCC is hosting a virtual meeting to answer any questions and address concerns from local licensing authorities. All are encouraged to attend. This call will be recorded for those who cannot attend live.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to the ABCC Executive Director Ralph Sacramone at [rsacramone@tre.state.ma.us](mailto:rsacramone@tre.state.ma.us) or (617) 727-3040 x 731.

(Issued May 20, 2021)