



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

Regular Meeting Minutes Tuesday, June 20, 2017 at 7:00 p.m.

Present: Selectman Talbot, Selectman Whitney, Selectman Carroll, Selectman Fountain, Town Manager Beckley, Clerk Midura, WCTV Manager Stanley Ciukaj.

Absent: Selectman Opalinski

Meeting Opened by Chairman Talbot at 7:00 p.m. There was a moment of silence for Dr. Mary Elizabeth Beach, former superintendent of Ware Public Schools, who passed away recently.

Opening Remarks, Announcements, and Agenda review by Chair

Chairman Talbot noted that the review of RT's Welding Fabrication & Auto Repair, Inc. Class III license has been postponed to June 29, 2017 at 7:05 p.m. Chairman Talbot took several items out of order.

Consent Agenda

- **Approval of Meeting Minutes of June 6, 2017**

Selectman Fountain moved approval of the minutes of June 6, 2017; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).

- **FY2017 Year-End Inter-Departmental Transfers**

Selectman Whitney moved approval of the FY2017 Year-End Inter-Departmental Transfers; Selectman Carroll seconded. The motion passed on a vote of 3 Yes, 0 No, 1 Abstention (Selectman Talbot), 1 Absent (Selectman Opalinski).

- **Tax Analysis Handout**

Selectman Whitney moved to postpone to July 11, 2017; Selectman Fountain seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).

- **Request for Sewer Abatement – Vision Investment Properties**

Selectmen discussed the request. Bills from 2014-2017 were submitted with the request. After discussion, Selectmen agreed to abate the amount of half of the last bill (\$1145) for an abatement of \$572. **Selectman Carrroll moved to approve the abatement in the amount of \$572; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).**

- **Reappointment to Zoning Board of Appeals:**

- **Phil Hamel, Term to Expire June 30, 2020**

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

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- **Reappointment to Conservation Commission:**
 - **David P. Kopacz, Sr., Term to Expire June 30, 2020**

Selectman Carroll moved to approve the reappointment of David P. Kopacz, Sr.; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).

Scheduled Appearances

- **7:05 p.m. Review of RT's Welding Fabrication & Auto Repair, Inc. Class III License**
Selectman Fountain moved to Postpone to June 29, 2017 at 7:05 p.m.; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).

- **7:15 p.m. Hearing for Dog Complaint**

Chairman Talbot noted that this hearing was postponed from June 6, 2017. Roger Peterson, owner of the two dogs of the complaint, was not in attendance. The hearing can proceed by law as the owner was notified by certified mail. Animal Control Officers Wendy Lesage and Anna Fenton were present to submit their recommendations on this situation. Jerry Clough was present to give testimony on this situation as the complainant. ACO Lesage and ACO Fenton noted that citations have been issued to Mr. Peterson on March 3 and April 24, with another from June 12 to be delivered to Mr. Peterson. ACO Lesage and ACO Fenton recommended Board issue the following conditions to Mr. Peterson:

1. The dogs must be restrained at all times.
2. The dogs must be licensed per MGL Chapter 140 Section 151 and up to date on rabies vaccines.
3. The dogs must be confined to the premises indoors or outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner. Such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dogs.
4. The owner of the dogs must provide to the Town Clerk or Animal Control Officer information by which the dogs may be identified, throughout their lifetimes including, but not limited to, photographs, videos, veterinary examinations, tattooing or microchip implantations or a combination of any such methods of identification;
5. That unless the owner of the dogs provides evidence that a veterinarian is of the opinion the dogs are unfit for alterations because of medical conditions, the owner of the dogs shall cause the dogs to be altered so that the dogs shall not be reproductively intact.

ACO Lesage and ACO Fenton also recommended that the Board inform the owner of the dogs that he must pay all previous violations dated March 3, 2017, April 24, 2017 and June 12, 2017 immediately. The ACO can pursue the violations in court; the owner can be arrested if the fines are unpaid. ACO Lesage and ACO Fenton also recommended that the Board fine the owner of the dogs \$100.00 per day per

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dog, beginning June 21, 2017 and if the owner takes no action in ten days (July 1, 2017) the Town of Ware should seize the dogs by use of law enforcement and/or animal control officer.

The owner has the right to bring a petition in the district court within ten (10) days praying that the conditions of the Board be reviewed by the court.

ACO Lesage noted that the dogs are a nuisance at this time, but not classified as dangerous as they have not yet bit anyone. The dogs have run as far as Moriarty Road, and the ACOs have issued warnings and citations to Mr. Peterson. If the dogs must be seized, the Cloughs agreed to allow the ACOs to set a trap on their property. Mr. Clough noted that one of the dogs may be able to be caught without use of a trap.

Selectman Whitney moved to approve the letter declaring the dogs as a nuisance, noting the above five conditions, plus payment of violations, plus charges of \$100 per day per dog, to be sent to Roger Peterson, 204 Old Belchertown Road, Ware, owner of the two dogs, with approval by the Board of Selectmen that the dogs will be seized by law enforcement and/or animal control officer(s) on or after July 1, 2017 if the owner does not meet these conditions; Selectman Fountain seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).

Comments and Concerns of Citizens

Bill Jackson noted the exit at Rite Aid is potential for accident with shrubs too high and difficulty seeing traffic.

Keith Krukas questioned the Tax Analysis item on the agenda; Selectman Whitney noted that this is informational and will be discussed further on July 11, 2017.

Jack Cascio asked the opinion of each Selectman regarding the "Comments and Concerns of Citizens" portion of meetings. Selectman Talbot note that this is a courtesy to citizens, and while most Boards do have this on their agendas, it is not required by law. Selectman Talbot stated that some Boards limit to 3 minutes for each person who signs up to speak; some Boards allow no discussion during the rest of the meeting. Selectman Talbot also note that prolonged discussion can detract from the Board's agenda. Selectman Carroll noted that comments from citizens are important to town meeting and discussions. Selectman Fountain noted he supports the comments and concerns section of the meeting. Selectman Whitney noted that he does support this portion of the meeting, but too many questions can slow the meeting.

Old Business - none

New Business

- **Reappointments to Community Development Authority:**
 - **Brenda Cooper, Term to Expire June 30, 2018**
 - **Tracy Opalinski, Term to Expire June 30, 2019**
 - **Paul Opalinski, Term to Expire June 30, 2020**

The Republican reporter, James Russell, questioned why committee vacancies are not posted or advertised; Mr. Beckley noted that vacancies could be posted on the town website.

Selectman Whitney moved to postpone to July 11, 2017, including extending current terms to July 11, 2017, also including the posting of all committee vacancies on the Town of Ware website;

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

- **Special Event Permit – Holy Cross Church Picnic & Bazaar, August 13, 2017 and November 12, 2017**

Selectman Fountain moved approval of the special event permit; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).

- **Schedule Public Hearing for Release of Land Under Chapter 61B – 50 Morse Avenue**
Selectman Whitney moved to set a Public Hearing on July 25, 2017 at 7:15 p.m.; Selectman Carroll seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Opalinski).

Town Manager Report

Mr. Beckley noted that Ware in Bloom would like helpers to water all the flowers on Main Street. The Summer Intern program has 33 students this year; the Town will employ several students for painting and Main Street maintenance crews.

Selectman Carroll noted that the fireworks and band concert are Saturday, June 24, 5:00 p.m. -9:30 p.m. at Grenville Park. The toll road brought in \$3,000 and the Buy Ware Now donation was a tremendous donation!

At 7:52 p.m., Selectman Talbot recused herself from discussion regarding the Police Chief and left the room.

Mr. Beckley informed the Selectmen that the three finalists are Shawn C. Crevier (internal candidate), Christopher B. Adams (internal candidate), and John S. Pajak (external candidate). The interview committee will compile its report and recommendations and submit those to the Board shortly. Selectman Whitney noted that the Board should devote at least 45 minutes – 1 hour to each candidate's interview. The interviews will be at a public meeting, and residents are encouraged to send in questions for the candidates by July 12, 2017. This information will be posted on the town website. The Board set a date for the police chief interviews on Tuesday, July 18, 2017 at 6:30 p.m. Mr. Beckley also noted a background check can be done; cost is approximately \$800 each. The Board noted that a background check should be done for the final choice of candidate.

At 8:02 p.m., Selectman Fountain moved to Adjourn; Selectman Carroll seconded. The motion to adjourn passed on a vote of 3 Yes, 0 No, 1 Abstention (Selectman Talbot), 1 Absent (Selectman Opalinski).

Attest: 
Mary L. Midura, Executive Assistant