

Town Manager: Stuart Beckley
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Board of Selectmen Ware Town Hall, 126 Main Street, Meeting Room

Special Meeting MINUTES THURSDAY, June 29, 2017 at 6:30 p.m.

Meeting Opened at 6:30 pm by Chairman Talbot

Present: Selectman Talbot, Selectman Whitney, Selectman Opalinski, Selectman Carroll, Selectman Fountain, Town Manager Stuart Beckley, Clerk Midura, Stanley Ciukaj, Ware Community TV.

Selectman Opalinski moved to Adjourn Regular Session at 6:30 p.m. to move into Executive Session per MGL Chapter 30A, Section 21 (a) #2, Negotiations, TO RECONVENE IN OPEN SESSION AT 7:00 P.M.; Selectman Whitney seconded. The motion passed on a Roll Call Vote of 5 Yes, 0 No:

Nancy J. Talbot	Yes√
Alan G. Whitney	Yes√
Tracy R. Opalinski	Yes√
John E. Carroll	Yes√
Michael P. Fountain	Yes√

Selectman Opalinski moved to Adjourn Executive Session at 7:03 p.m. TO RECONVENE IN OPEN SESSION; Selectman Fountain seconded. The motion passed on a Roll Call Vote of 5 Yes, 0 No:

Nancy J. Talbot	Yes√
Alan G. Whitney	Yes√
Tracy R. Opalinski	Yes√
John E. Carroll	Yes√
Michael P. Fountain	Yes√

Opening Remarks, Announcements, and Agenda review by Chair

Chairman Talbot noted that the Joint Meeting with Hardwick Selectmen RE: Ambulance contract would be postponed until July 11, 2017.

Scheduled Appearances

- 6:30 p.m. Board of Selectmen Joint Meeting with Hardwick Selectmen RE: Ambulance Contract

Selectman Opalinski moved to postpone to July 11, 2017; Selectman Whitney seconded. The motion passed unanimously (5-0).

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- **7:05 p.m. Review of RT's Welding Fabrication & Auto Repair, Inc. Class III License**

Chairman Talbot noted that Attorney Donohue for RT's Welding was not present; however, when Mr. Beckley spoke with Attorney Donohue on the phone before the June 20, 2017 Board of Selectmen meeting at which Attorney Donohue asked for another continuation of this discussion, Mr. Beckley and Chairman Talbot were in Mr. Beckley's office and both heard Attorney Donohue agree to the June 29, 2017 date for this discussion. Mr. Letourneau, owner of RT's Welding, argued that Attorney Donohue did not agree to this date. Mr. Bleau, co-owner of RT's Welding, was also present. Chairman Talbot noted that this discussion will proceed.

Chairman Talbot asked Mr. Krasnecky how he wants this issue resolved; Mr. Krasnecky stated that he wants to see the licensed hours and restrictions be met. Chairman Talbot read the license hours and restrictions into the record:

The rear property line shall be delineated by survey and a six-foot solid fence shall be installed along the property line. Hours: Monday to Friday, 8 a.m. to 6 p.m., Saturday 8 a.m. to 2 p.m. (License approved October 18, 2016, renewed license approved December 6, 2016, effective to January 1, 2018)

Mr. Letourneau noted that the Class III and Class II licenses do not affect the auto repair shop. Mr. Beckley noted that the base use of the property is the repair shop, the Class II license uses the front lawn to sell used cars, and the Class III license uses the back side of the property for auto junk. The auto repair is not governed by the licenses, but is governed by zoning. The issues of noise and operations on Sundays are the complaints of the Krasneckys.

Mr. Letourneau argued that they are not selling parts or cars after the licensed hours. He stated that the survey was just completed today and the materials for the fence are all now purchased. Mr. Beckley note the noise and sound levels after 9 p.m., that the property was used before zoning was established, and as long as use is not expanded, the owners are in compliance. If there is expansion, the owner would need permission from the Zoning Board.

Selectmen questioned the owners of RT's Welding about the doors of the business open past midnight, work being done on the premises after the licensed hours, and other irregularities. Mr. Letourneau noted he cannot regulate the hours that tow trucks operate, and work being done after licensed hours is only done in the auto repair business.

Chairman Talbot asked the Krasneckys if they have filed with the Zoning Board of Appeals; Mrs. Krasnecky stated that they have not done so, having waited to see the outcome of this discussion regarding the licenses.

Resident Wayne Henrichon stated that the chlorification plant across Route 9 makes more noise than this business. Mr. Henrichon noted that the business was operating in 1984 before zoning took effect. Mr. Beckley clarified that the zoning is not the same as the licenses, as zoning is grandfathered use and is protected. Licenses are not part of zoning, but are an annual consideration by the Board of Selectmen. Chairman Talbot asked Mr. Letourneau when the license conditions will be met. Mr. Letourneau noted that the survey was just completed today. The fence should be installed within 30 days.

Chantel Bleau stated that she made many calls to surveyors, but weather conditions prevented completion of these items until now. After further discussion, Selectmen made a motion.

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Selectman Whitney moved to continue this discussion to July 25, 2017, allowing the owners of RT Welding time to complete the fence, and if this is not completed by July 25, 2017, to consider suspension of the license or non-renewal; Selectman Carroll seconded. All work on the fence must be completed by July 25, allowing work on the fence no later than 9 p.m. Monday through Saturday, and from 10 a.m. – 6:00 p.m. on Sundays. The motion passed unanimously (5-0).

Selectmen noted that a letter be sent to the owners of RT's Welding with these conditions. Mr. Krasnecky questioned if this was a first warning; Selectmen Whitney clarified that this is a final warning.

Comments and Concerns of Citizens

A woman in attendance, who did not identify herself, asked what can be done about potholes on River Road to Swift River. Mr. Beckley and Selectmen advised her to send an email to Mr. Beckley and/or DPW Director Kilhart with information as to locations of potholes.

New Business

- **FY2018 Appointments for Special Police Officers, Matrons and Constables**

Chairman Talbot recused herself and passed the gavel to Vice Chairman Whitney.

Selectman Fountain moved to approve the Special Police Officers; Selectman Carroll seconded.

The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

Selectman Fountain moved to approve the Honorary, inactive Special Police Officers, Matrons, and Constables; Selectman Carroll seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

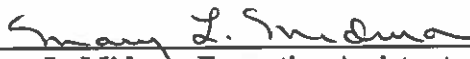
Selectman Whitney returned the gavel to Chairman Talbot.

Town Manager Beckley noted that DPW employee David Tworek has given his notice of retirement as of August 25, 2017.

Selectman Carroll stated that the fireworks were much better this year. Selectman Opalinski noted that Buy Ware Now contributed significant funds through the Sparkle Run.

At 8:48 p.m., Selectman Opalinski moved to Adjourn; Selectman Whitney seconded. The motion passed unanimously (5-0).

Attest:



Mary L. Midura, Executive Assistant