



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, March 5, 2019 at 7:00 p.m.

Meeting Opened by Chairman Carroll

Present: Selectman John E. Carroll, 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.

There was a moment of silence for Joseph “Tadziu” Wnek and Robert “Vance” Kaczuwka.

Opening Remarks, Announcements, and Agenda review by Chair

Selectman Opalinski noted the East-West Rail meeting on Tuesday, March 12 at UMass Center and Passenger Rail study charrette in Palmer on March 16. She also read information regarding Caring Health Center. Chairman Carroll noted that CHC proposal is contingent upon a competitive grant. Selectman Opalinski also noted a recent issue regarding a sex offender who lives on Cherry Street who was arraigned and set free; Selectman Whitney noted the meeting of the Committee to Recommend Legislation Regarding Sex Offender Density is on Thursday, March 7, 2019.

Consent Agenda

- **Retroactive Approval of One-Day Liquor License: Workshop 13, Ware Community Jazz Band, Sunday, March 3, 2019**
- **Toll Road Application: Aspen Street Rod & Gun Club, To Support Annual Kids’ Fishing Derby, Saturday, April 20, 2019, 9 AM to 2PM (alternate date Saturday, April 27, 2019)**
- **Approval of One-Day Liquor License: Workshop 13, Christophe Caouette Concert, Saturday, April 27, 2019**
- **Approval of Special Event Permit: Friends of Ware Dog Park, 2nd Annual Eggstravaganza, Saturday, April 13, 2019 (rain date April 20, 2019)**

Selectman Whitney made the motion to approve the Consent Agenda; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Mr. Fox spoke about the Toll Road. Brandy Bruso spoke about the 2nd Annual Eggstravaganza, with Rainbow Rescue from Chicopee, a wish list of dog friendly items, Usborne Books, and other vendors participating.

Scheduled Appearances

- **Review Warrant for Special Town Meeting March 11, 2019 with Finance Committee**

Finance Committee members Denis Ouimette, Scott Mosso, and Devin Peterson were present. Mr. Ouimette questioned why a Special Town Meeting must be held in March when the Annual Town Meeting is in May; Mr. Beckley noted the timing of the School articles for funding, as estimates and costs were just completed. The Town Manager, Board of Selectmen, and Finance Committee discussed each article and gave recommendations.

Article 1. Selectman Opalinski made the motion to approve; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 2. Selectman Kruckas made the motion to approve; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 3. Selectman Opalinski made the motion to approve with amended amount \$85,675; Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 4. Selectman Kruckas made the motion to approve; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 5. Selectman Whitney made the motion to approve; Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 6. Selectman Kruckas made the motion to approve; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 7. Selectman Whitney made the motion to approve; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 8. Selectman Whitney made the motion to approve; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), Not Financial, 1 Yes (Town Manager).

Article 9. Zoning Definitions: Selectman Fountain made the motion to approve; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), Recommended by Planning Board, Not Financial, 1 Yes (Town Manager).

Article 10. Zoning Cultivation & Manufacturing: Selectman Fountain made the motion to approve; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes (Board of Selectmen), 1 No (Selectman Carroll), Recommended by Planning Board, Not Financial, 1 Yes (Town Manager).

Article 11. Zoning Setbacks - Solar: Selectman Whitney made the motion to approve; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), Recommended by Planning Board, Not Financial, 1 Yes (Town Manager).

Selectman Kruckas questioned that this does not affect those already started; Mr. Beckley confirmed.

Article 12. Zoning – 12 Month Solar Moratorium: Selectman Whitney made the motion to approve; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), Recommended by Planning Board, Not Financial, 1 Yes (Town Manager).

Rick Starodoj, Planning Board Chairman, noted this may need to be a 14-month moratorium; Mr. Beckley stated this can be voted at Special Town Meeting. Selectman Opalinski asked for a comparison of collected value of the PILOT to value of land.

Article 13. Sewer: Selectman Kruckas made the motion to approve; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager). To be used to empty sludge, which is operational and cannot be part of a borrowing.

Article 14. Sewer Borrowing: Selectman Fountain made the motion to approve; Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 15. Dog Park construction: Selectman Whitney made to motion to DISMISS to the Annual Town Meeting; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 16. Regional Animal Control Shelter – Selectman Opalinski noted this began in 2013 at \$12,000 and is now at \$165,000 for Ware. There are approximately 1,800 dogs registered in Ware. Selectman Kruckas stated there are too many unknowns. Selectman Whitney stated the cost continues to spiral. Selectman Opalinski questioned the operational costs that are not yet known.

Selectman Whitney made to motion to DISMISS to the Annual Town Meeting; Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 17. Ware Senior Center repair: Selectman Kruckas made to motion to DISMISS to the Annual Town Meeting; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 18. Historic Preservation Grant Town Hall envelope study: Selectman Opalinski made the motion to approve; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No (Board of Selectmen), 3 Yes (Finance Committee), 1 Yes (Town Manager).

Article 19. Ware Middle School windows & doors: Mr. Beckley noted a 78.95% MSBA reimbursement, with \$ 3,283,122 total, for a borrowing of \$ 640,000.

Article 20. SMK Elementary School boilers: Mr. Beckley noted a 75% MSBA reimbursement, with \$ 917,041 total, for a borrowing of \$ 250,000.

Selectman Kruckas questioned why the percentages were not in the articles; Mr. Beckley noted these would be in the meeting packet. Selectman Whitney asked if there is no grant, there would be no borrowing; Mr. Beckley confirmed. Finance Committee Chairman Denis Ouimette questioned the age of the buildings and noted that the schools are 51% of the town's budget. Chairman Carroll stated he would like to see a breakdown of savings and the payback for these improvements. Selectman Opalinski noted the windows and doors were not listed in the Capital Plan.

Resident Cathy Cascio questioned the 20 year projected use. Selectman Whitney questioned the longevity of the buildings and noted this information should have come from the School Committee. Tracy Meehan noted there are very strict rules from MSBA. Andrew Choquette offered that energy saving windows will offer drastic improvements and it is easy to calculate the u factor and energy start information. Selectman Kruckas noted this was a very good deal.

Selectman Whitney stated his concern that the town keep the buildings long enough to see results, adding that the School Committee should provide more information. Chairman Carroll stated that better windows would bring great savings. Resident David Fox noted that the Ware Housing Authority has seen a 15% return on new windows recently installed. Resident Jenn McMartin noted the schools are not used all year. Chairman Carroll noted these articles have time constraints.

Selectman Opalinski stated this grant is annual, and the cleanup of the water is more important than the windows. Finance Committee member Devin Peterson stated the importance of making these buildings more energy efficient. Resident Brandy Brusco stated that the elementary school is freezing. Planning Board Chairman Rick Starodoj stated that the buildings are town owned and should be repaired before they become worse.

The Board of Selectmen and Finance Committee gave No Recommendation for Articles 19 and 20; The Town Manager recommended Articles 19 and 20.

Old Business

- **Approval of Police Contract**

Mr. Beckley noted the terms of 1.5, 2 and 2.5. Chairman Carroll stated you cannot pay enough for someone to shoot at you, it is not safe, and he supports this contract. Resident Cathy Cascio stated that cities pay and their officers are really getting shot at, but Ware is a small town, and she is shocked at the salaries of the town's officers. Chairman Carroll noted that no one is shooting at you (Ms. Cascio). Jenn McMartin questioned when was an officer last shot at in Ware? Chairman Carroll noted last year, and even in small towns, police work is dangerous. Ms. McMartin stated that nurses also take much risk. Mr. Beckley noted that Ware officers are not making what Springfield officers are making, with Springfield at a 13% increase, but Ware is at a 1.5% increase.

Selectman Opalinski made the motion to Approve the Police Contract; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Approval of Administrative Bargaining Contract**

Mr. Beckley noted this was previously approved but needs to be approved in Open Session. Selectman Kruckas questioned the Town Snow Policy in relation to Town Hall employees. He stated that Town Hall employees should use their own time if coming to work late. Mr. Beckley noted that a 2 hour delay at the schools results in a 1 hour delay at Town Hall, a no school day results in a 2 hour delay at Town Hall. Selectman Kruckas stated he would make a motion to change the policy; Chairman Carroll requested the Town Snow Policy be placed on the next meeting agenda.

Selectman Opalinski made the motion to Approve the Administrative Bargaining Contract; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

New Business

- **Applications for Cannabis Committee:**

- **Lori Sinclair, B'Leaf Wellness Centre – withdraw**
- **Megan Sinclair, B'Leaf Wellness Centre – withdraw**
- **Greg Eaton**
- **Richard Fly – out of town tonight**
- **LATE - Kate Steinberg**
- **LATE – Jon Hogan**

Selectman Opalinski made the motion to table to the next meeting; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Reappointment to Board of Registrars: Irene Orszulak, Term to Expire March 31, 2022**

Selectman Whitney made the motion to Reappoint Irene Orszulak to the Board of Registrars; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Approval of Appointment of Director of Planning and Community Development**

Mr. Beckley introduced Rebekah DeCourcey. Ms. DeCourcey noted her experience in the Town of Sturbridge. Selectman Kruckas questioned Ms. DeCourcey's knowledge and experience with grant writing; Ms. DeCourcey stated she is helping West Brookfield with grants. Ms. DeCourcey noted she is looking forward to working in Ware. Ms. DeCourcey will start on March 25, 2019.

Selectman Opalinski made the motion to Approve the Appointment of Rebekah DeCourcey as Director of Planning and Community Development; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- **Consideration to Rename South Street Bridge**

Selectman Whitney made the motion to support the efforts of the Ware Veterans Council to contact State Legislators to Rename the South Street Bridge to honor Earl F. Howe; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Comments and Concerns of Citizens

Cathy Cascio stated that the Town needs to prioritize the snow pickup as many businesses on Main Street still have snow blocking their parking areas. Ms. Cascio stated she was disappointed to read in the Ware River News that Mr. Beckley said "You'll be back" to the Fire Chief, and asked if the Fire Chief was still on leave. Chairman Carroll stated the investigation is ongoing.

Jim Russell questioned if the investigative firm was looking for a money issue. Chairman Carroll stated the investigation is ongoing.

Jennifer McMartin questioned if the Bylaws Review Committee will meet and when would the bylaws be online. Mr. Beckley noted that the committee met today and is finishing the questions from the 2007 review. The next step will be to meet with the code company to organize all bylaws up to 2007 and those since adopted, then to place all bylaws on the town website.

Town Manager Report

Upcoming dates:

March 11 – Special Town Meeting

March 13- Pathfinder Budget Meeting, 7 p.m.

March 14 – EQLT continued Solar discussion

The second of two new DPW trucks arrived last week. The snow blower, used for snow pickup, is currently being repaired. Downtown snow will be picked up tonight.

The proposed finance spreadsheet for the two school repair projects are attached. Dr. Dileo, the School Facilities director and I participated in a conference call this morning with MSBA. They have approved all the estimated funding with minor exception. The boiler project will be constructed this summer, and the windows and doors improvements next summer.

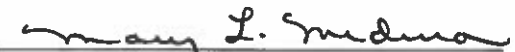
Bylaw Committee Update – The Bylaw committee has nearly completed its review of past questions raised by the contractor. The next step will be to meet with the contractor, and the incorporate recent changes into the bylaws. Meetings with departments may be necessary as to the relevance of existing bylaws.

Insurance – The Town’s health insurance premium rates from Blue Cross Blue Shield will decrease by 9.3 %. The insurance advisory committee is waiting to hear about rates on the dental plan.

Budget – The preliminary budget spreadsheet submitted to the Finance Committee is attached. This will need tweaking related to costs and revenues. A summary of the changes will be included to the Committee. As the Board will note, the Town for a variety of reasons – School funding by the Governor, Pathfinder costs, and insurance – is currently in a strong budget position. This will allow for the use of free cash for the completion of projects and capital acquisitions.

Selectman Whitney made the motion to Adjourn Regular Session at 8:35 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 Fountain seconded the motion. The motion passed on a roll call vote of 5 Yes, 0 No.

Selectman John E. Carroll	Yes✓
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

The next meeting of the Board of Selectmen is March 19, 2019.

