



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Notice Agenda – Tuesday, March 19, 2019 at 7:00 p.m.

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

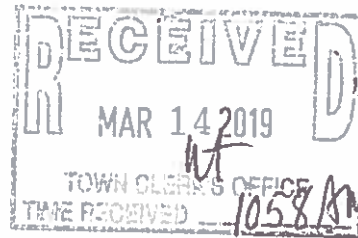
Consent Agenda

Scheduled Appearances

- **Hilltown Community Health Center**

Old Business

- **Applications for Cannabis Committee:**
 - **Greg Eaton**
 - **Richard Fly**
 - **Kate Steinberg**
 - **Jon Hogan**



New Business

- **Review Town Snow Policy**
- **Warrant for Annual Town Election, Monday, April 8, 2019 – Set Hours for Polls**
- **Open Special & Annual Town Meeting Warrant, May 13, 2019**
- **Open Meeting Law Complaint Review and Response**
- **Set Public Hearing for Pole Petition from National Grid: Bumpy Hill Road**
- **Set Public Hearings for 3 Pole Petitions from National Grid and Verizon: River Road, Bumpy Hill Road, and Belchertown Road**

Comments and Concerns of Citizens

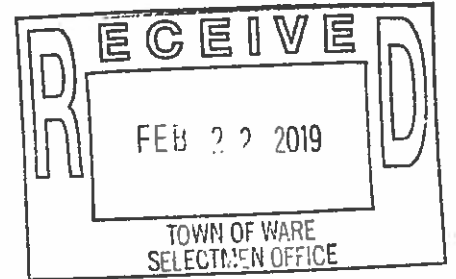
Town Manager Report

Adjournment

Executive Session: MGL Chapter 30A, Section 21(a) #3 Litigation

Stuart Beckley
Town Manager
146 Main St.
Ware, MA 01082

February 22, 2019



Dear Mr. Beckley,

I would like to serve on the Cannabis Committee.

My back ground is in banking, sales & education, with a degree in economics. My family & I have been growing plants & chickens for years, on our farm & in our greenhouse.

After becoming a member of Ware's ZBA about 5 years ago I have become familiar with zoning laws & procedures. Every March since then I have attended about 12 workshops presented by CPTC conference at Holy Cross College in Worcester.

For the past year I have been following the evolution of the cannabis laws & Massachusetts' Cannabis Control Commission. There is a good opportunity here for our farmer entrepreneurs and other citizens of Ware to make a living & while protecting property values and adding tax revenue to the town.

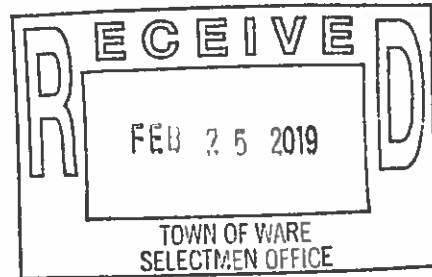
Thank you for considering my application for a position on the Cannabis Commission.

Best Regards,


Greg Eaton

gweaton@gmail.com

Stuart Beckley
Town Manager
126 Main Street
Ware, MA 01082



Feb. 22, 2019

Mr. Beckley:

I am interested in serving on the Cannabis Committee and helping the Town of Ware prepare for the opportunities and challenges that come with this promising but unfamiliar business.

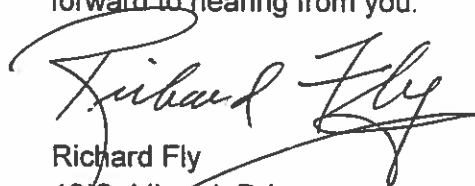
I am new to Ware; my wife and I built a house on Coldbrook Drive and moved in last August. But I have significant experience as an elected and appointed official since I first moved to New England nearly 30 years ago. I have been an elected member of the school committee in Suffield, CT., Boylston, MA and Bolton, MA (Nashoba Regional School Committee). During my 15 years in Bolton, I also served in two appointed positions, as a member of the Advisory Committee (Finance Committee) and on a panel researching future building needs for the Bolton Elementary/Middle School. From 2014 to 2017 I served as Town Moderator, helping the town through some contentious issues and discussions. Don Lowe (Bolton Town Administrator) and Pam Powell (Town Clerk) can speak to my service in Bolton.

One of the key skills I brought to all of these activities is communication – both within the committees and town government as well as with the community. I have spent my entire career in the communications business. I was a journalist for 15 years covering local, state and national government. My last position was White House/National Political Correspondent for BusinessWeek magazine. For the past 30 years I have been a speechwriter and an executive leading internal and external communications groups for large, multinational corporations, primarily in the tech industry.

The little bit of knowledge I have about the cannabis industry comes from my sister-in-law, who until last year was the CFO of Patriot Care, which runs medical marijuana dispensaries in Massachusetts, New York and other states. There is still a lot for all of us to learn but also a growing body of knowledge from states that preceded Massachusetts in legalizing recreational marijuana. Doing this right is critical for this community, and I would love to be part of the process.

You can reach me by phone -
forward to hearing from you.

- or by email - rfly6016@comcast.net. I look


Richard Fly
19 Coldbrook Drive

February 26th, 2019
Stuart Beckley
Town Manager, Town of Ware
126 Main Street, Ware MA 01082

Hello Stuart Beckley,

My name is Kate Steinberg and I'm the Outreach Manager for Curaleaf Massachusetts, with locations in Oxford and Hanover- soon to be Ware! My current role within my company entails cannabis education and community relations. I am so fortunate in being able to say that Curaleaf truly cares about the greater good of those around us and prioritizes helping others; whether they're patients, recreational consumers, or residents in local towns who don't even consume cannabis. As a part of my role, I've been asked to take charge in finding causes for Curaleaf to donate to. Patrik, my CEO, allowed me to donate funds to pay off all unpaid school lunches for the Oxford School System, we donated money to build a local dog park, and we donate consistently to both a breast cancer organization and the local Veteran's committee. Whether I'm at work or not, I am constantly searching for organizations in need of our assistance, like Care For Our Troops. It was such a nice experience to be able to meet with Beverly from the E2E Center in Ware, where we discussed the needs of the local Veterans, including both donating to the cause and holding educational seminars about PTSD and Cannabis. I travel the state speaking at support groups for ALS, MS, and Lyme Disease regarding the use of cannabis to treat the symptoms of those conditions. I've also been asked to guest speak at both an ALS symposium and an MS symposium. Beyond that, I travel the state educating physicians who want to learn more about medicinal cannabis and how their patients can benefit from this palliative care.

My cannabis journey started three years ago. I went to Drexel University in Philadelphia for 5 years, majoring in Psychology and minoring with Culinary Arts, hoping to do research into the concept of Culinary Therapy. My path changed when my sister was diagnosed with Lyme Disease and had to be honorably discharged from the military. I had to watch as my best friend suffered from dry heaving, body pains, cognitive functioning issues, and even more. None of the medications she took helped, but when she tried cannabis it changed everything for her. I got to see her find herself again. She is now managing a dispensary, just got married, and is the proud mom of three cats! Seeing how cannabis helped her inspired me to get involved. I started working at a dispensary in New Jersey where I worked for over two years, creating a Cannabis Cook Book for patients with dietary restrictions and doing up to 15 consultations with brand new patients on a daily basis. This enabled me to learn about how the plant was directly helping our patients! Just about a year ago, my dispensary relocated me to Massachusetts to assist in opening our new Oxford facility, and shortly after promoted me to Outreach Manager, enabling me to focus on education outside of the dispensary!

As a result of my journey in this industry, I am confident in my knowledge regarding the plant itself, it's medicinal benefits, how to cook with the plant, and all of the methods of administration. I also have frequent conversations with patients in this program so I can stay aware of any needs of theirs that aren't being met and any concerns they may have towards the constantly changing cannabis industry! Based on my experience, both on a personal and professional level, and the dedication that I have seen Curaleaf show to their communities and their support in me wanting to join your committee, I believe I am uniquely qualified to become a valuable member of the team. Even if I may not be the right fit for this committee, I hope you consider me a resource should you ever need my input!

Kate Steinberg
Ksteinberg@curaleaf.com

Stuart Beckley, Town Manager
126 Main Street
Ware, MA 01082

March 4, 2019

Dr. Mr. Beckley,

I am writing to express interest in joining the Local Cannabis Committee for the town of Ware.

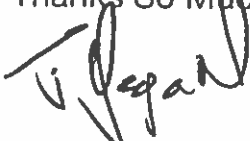
I've resided in Ware for thirty-three years, have raised two sons in town and am a retired social worker.

I've coached Ware recreation basketball, was a member of the board of Valley Human Services for twenty years and am currently a member of the Ware Housing Authority.

I am familiar with cannabis, both its benefits and the concerns that can come with it.

I feel a commitment to this town and with cannabis now being legal I fully support forming a committee, and am confident that I could be of service.

Thanks So Much,



Jon Hogan
30 Prospect St
Ware, MA 01082

hoganwarehouse@yahoo.com



TOWN OF WARE - POLICY

Administrative Policy

AP -100-121509 Town of Ware - Snow Closing/Delay Policy

The following policy will become effective immediately regarding Snow Closing/Delay for the Town of Ware.

Town Hall and administrative departments will remain open on regularly scheduled work hours. On days of inclement weather the following policy applies;

- Town Hall, Administrative Offices, and Senior Center Employees will have **two (2) hour delay** on days of inclement weather when the **Ware Public Schools are closed**.
- Town Hall, Administrative Offices, and Senior Center Employees will have a **one (1) hour delay** on days of inclement weather when the **Ware Public Schools have a delay**.
- In the event that the **Governor announces a closing of all state offices**, statewide. Town Hall, Administrative Offices and Senior Center will close. (This means East and West State Offices are closed, if only East State Offices are closed Town Hall will remain open.)
- The Town Manager may close down Town Hall and administrative offices, if required for the Public Health and Safety of employees upon an assessment of the weather conditions as ***predicted*** by the Massachusetts Emergency Management Agency, National Weather Services, and the Town of Ware Emergency Management Director.
- If the event that the Governor declares a snow emergency and **closes state offices early** the Town Hall will **close early**. In the event of inclement weather in Western Mass the Town Manager may also close Town Hall, Administrative Offices, and the Senior Center early, at his/her discretion upon consultation with the Emergency Management Director, and appropriate state officials.
- Town Hall, Administrative Offices, and Senior Center employees do have the option of using only vacation or personal days where there is inclement weather when offices are not closed by the Town Manager.
- This policy excludes emergency personnel, Park Department, School Department, Library, DPW, Police and Fire.



TOWN OF WARE, MASSACHUSETTS
OFFICE OF THE TOWN CLERK
126 MAIN STREET, STE. F, WARE, MASSACHUSETTS 01082

NANCY J. TALBOT
TOWN CLERK

March 13, 2019

Board of Selectmen
126 Main St.
Ware, MA 01082

Dear Board Members:

Please find attached the Warrant for the Annual Town Election of Monday - April 8, 2019.

The Board will need to vote and set the hour for the polls to open (MGL states they must be open before noon and close no earlier than 8 PM).

Once the Board votes they must insert the time on the warrant and the members will need to sign. The warrant will be returned to me for posting by a Constable.

Sincerely,

Nancy J. Talbot
Town Clerk

Attachment - Warrant for Annual Town Election April 2019

cc: Town Election File April 2019

✓

TOWN OF WARE
Commonwealth of Massachusetts
Board of Selectmen, 126 Main Street
Ware, MA 01082
Phone: (413) 967-9648 Ext 101



**WARRANT FOR
ANNUAL TOWN ELECTION
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS**

Hampshire, ss.

Greetings:

To any of the Constables of the Town of Ware, in said County:

In the name of the Town of Ware, you are hereby required to notify and warn all of the Inhabitants of the Town of Ware, Precincts A, B, & C, qualified to vote in the election of Town officers to meet at the Town Hall, 126 Main St., on Monday - April 8, 2019 then and there to act on the following:

ARTICLE 1: To choose by ballot One (1) Selectman for Three Years; Two (2) School Committee Members for Three Years; One (1) Board of Assessors Member for Three Years; One (1) Board of Health Member for Three Years; One (1) Cemetery Commissioner for Three Years; One (1) Cemetery Commissioner for a One Year Unexpired Term; One (1) Park Commissioner for Three Years; One (1) Planning Board Member for Five Years; One (1) Ware Housing Authority Member for Three Year Unexpired Term.

The polls will be open from _____ A.M. in the forenoon until eight o'clock in the evening.

And you are further directed to serve up this warrant by posting attested copies at the Ware Town Hall and at the Post Office and by publishing on the Town of Ware website an attested copy of this warrant at least seven (7) days before such meeting and make due return of this warrant with doings thereon, to the Town Clerk of Ware on or before the time of said meeting.

Given under our hands this 19th day of March, 2019.

John E. Carroll - Chairman

Alan G. Whitney - Vice Chairman

Tracy R. Opalinski - Clerk

Michael P. Fountain - Member

Keith J. Kruckas - Member

Hampshire, ss.

By virtue of this warrant, I have posted attested copies at the Ware Town Hall and the Post Office and have caused to be published one attested copy on the Town of Ware website.

Constable of Ware, Massachusetts


Date of Posting

TOWN OF WARE
Commonwealth of Massachusetts

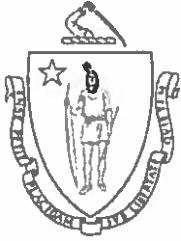
Town Manager, 126 Main Street
Ware, MA 01082
Phone: (413) 967-9648 Ext 101



March 14, 2019

To : Board of Selectmen
From : Stuart Beckley, Town Manager 
Subject: Review of Open Meeting Law Complaint

In accordance with the Open Meeting Law and instructions from the Attorney General's office (attached), the Board must publicly review the complaint. After review, the Board or Counsel will send a response to the complainant and the Open Meeting division.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

March 13, 2019

VIA EMAIL ONLY

Stuart Beckley
Town Manager
sbeckley@townofware.com

RE: Request for extension to respond to complaint

Dear Mr. Beckley:

On March 13, 2019, our office received your request seeking an extension of time for the Ware Board of Selectmen (the "Board") to consider its response to a complaint that alleges a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board by Thomas Coulombe on February 24, 2019.

In your request, you state that the Board will review the complaint at its next scheduled meeting, on March 19, 2019. With the hope that the parties involved can use the additional time to reach a mutually agreeable resolution of the complaint, our office hereby **grants** the request for an extension pursuant to 940 CMR 29.05(5)(b). Please send the Board's response to the complainant by **Friday, March 22, 2019**, and forward a copy of both the complaint and the response to our office.

Please contact the Division of Open Government with further questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerry Anne Kilcoyne".

KerryAnne Kilcoyne
Assistant Attorney General
Division of Open Government

cc: Thomas Coulombe (via email)
Ware Board of Selectmen (by mail)



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Thomas Last Name: Coulombe

Address: 116 Church St

City: Ware State: MA Zip Code: 01082

Phone Number: 4135314250 Ext. _____

Email: twcoulombe@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Town of Ware Board of Selectmen
Ware Town Manager Stuart Beckley

Specific person(s), if any, you allege committed the violation: BOS: John Carroll (Chair), Alan Whitney, Keith Fruckas, Michael Fountain,
Traey Opalinski Town Mgr Stuart Beckley

Date of alleged violation: 11/29/18, 12/4/18, 1/14, 1/25, 2/8, 2/19, 2/22/19

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Ware BOS, who was censured in 2018 by the AGs office for violations of the OML, continues to make decisions, discuss discipline of employees without associated public or Exec Session posted agendas. On 11/30/18 I was visited in my office as Fire Chief by the Town Mgr and Chair of BOS and ordered to turn over files of the FD Lieuts and Dep Chief. I asked when a vote for this action occurred and was given no response. 12/18/18 at a BOS open meeting a citizen asked about possible discipline of me. Selectman Alan Whitney replied they are conducting an investigation and would be meeting with me soon. 1/3/19 I was visited by the Town Mgr and handed a notice of a hearing 1/8/19 for charges against me that could lead to discipline up to and including dismissal from employment. My son, Brian Coulombe, received the same notice. My son and I were never notified of any meeting to discuss us nor were we given opportunity to hear charges or defend ourselves. Reasons for entering ESessions to this date were for litigation or negotiations only. 1/14/19 the Town Mgr ordered me to turn over Brian Coulombe's and my personnel files "so Selectman Kruckas can review them". No open meeting discussion occurred nor was I notified of any any ESession discussion. We elected for open meeting hearings on 1/29/19. On 1/25/19 at 0920 the 1/29/19 BOS meeting agenda was posted, included a disciplinary hearing. At 1130 our attorneys were notified the hearings were cancelled. No posted meeting occurred and no minutes of any vote exist. I recently got a call from a citizen telling me she had overheard a loud discussion outside the doors of a BOS ESession in which I was the topic of discussion, that the Town Mgr was being admonished because the BOS wanted me fired. 2/5/19 at a public meeting Keith Kruckas threatened me that "your life as you know it will be ending in 2 weeks". The BOS entered ESessions on 2/5/19 and 2/19/19. On 2/20/19 I was visited by the Police Chief, Town Mgr and BOS Chair and given 3 mins to take belongings, placed on Admin Leave. I was never notified of any meeting to discuss me nor was I given opportunity to hear charges or defend myself. 2/21/19 I requested of Town Mgr to reenter my office for personal items. He said Chair of BOS told him only with Police Chief, later same day said Chair of BOS changed it to with Police Chief and Town Mgr, then 2/22/19 told me Chair BOS said "we decided" I cannot enter until invest is done and by decision of BOS. 2/19 was the last posted meeting of the BOS

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Ware BOS and Town Manager should be ordered to turn over any meeting agendas, minutes, emails, discussions and votes involving me and/or my son Brian Coulombe. Since they were recently censured, more stringent action should be taken against the Board including fines if possible as their continued actions demonstrate willful and intentional disregard for open meeting laws. Any votes or actions determined to have occurred outside of the parameters of the open meeting law should be invalidated

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [Signature]

Date: 2/24/19





The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.