

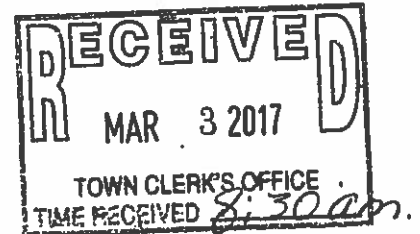
Board of Selectmen: *John E. Carroll, John A. Desmond, Nancy J. Talbot, Michael Fountain, Alan G. Whitney*

Town Manager: *Stuart Beckley*  
sbeckley@townofware.com



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

**Meeting Notice Agenda**  
**Tuesday, March 7, 2017 at 7:00 p.m.**



**Meeting Opened**

**Opening Remarks, Announcements, and Agenda review by Chair**

**Consent Agenda**

- Approval of Meeting Minutes of February 21, 2017, October 18, 2016, November 1, 2016, and November 15, 2016

**Comments and Concerns of Citizens**

- Citizen Comments RE: Pleasant Street speed and sign

**Scheduled Appearances**

- 7:05 p.m. Healthwise Foundation, INC, Letter of Non-Opposition, Public Discussion

**Old Business**

- Disposition of South Street School
- Vote of Revocation of License No. 00029-RS-1326 – Annual All Alcoholic Restaurant, JHN Enterprises, Inc. d/b/a Snow's Restaurant, 136 Pleasant Street, Ware, MA (licenses/permits not paid, real estate taxes outstanding), and revocation of Common Victualler License, Entertainment License, and Automatic Amusement Devices License
- Update of RT's Welding Fabrication & Auto Repair, Inc.

**New Business**

- Request to change Tax Restriction, Workshop 13
- Planning & Community Development: Request for Subordination
- Request to Open Warrant for Special Town Meeting
- Request to Open Warrant for Annual Town Meeting
- Approval of One-Day Liquor Licenses for Workshop 13 – Saturday, March 18, Friday, March 24, Friday, April 7, Saturday, April 8, Friday, April 21, 2017
- Request for Intermunicipal Agreement/Joint Meeting – Town of Hardwick

**Town Manager Report**

**Adjournment**

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



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

### **Meeting Notice Agenda Tuesday, February 21, 2017 at 7:00 p.m.**

**Present: Selectman Carroll, Selectman Desmond, Selectman Talbot, Selectman Fountain, Selectman Whitney, Stuart Beckley, Mary Midura, Stanley Ciukaj, Ruben Flores-Marzan, Director of Planning and Community Development**

**Meeting Opened by Chairman Carroll at 7:00 p.m.** Mr. Carroll requested a moment of silence for Pfc. Brian Odiorne, who died February 21, 2017 in Iraq. Mr. Carroll also requested a moment of silence for the passing of Michalina Kalafarski, who was a secretary of the Ware Police Department and Gilbert Saletnik, who was on several town boards and committees.

**Opening Remarks, Announcements, and Agenda review by Chair** – Selectman Desmond stated that a bill should be sent to the owners of the empty Main Street properties for snow removal. Mr. Beckley noted there no policy, but the owners have been sent a letter of the fine for non-removal of snow.

#### **Consent Agenda**

- **Approval of Meeting Minutes of February 7, 2017 and September 20, 2016**

**Selectman Talbot moved approval of the minutes; Selectman Fountain seconded. The motion passed unanimously (5-0).**

#### **Comments and Concerns of Citizens**

Tracy Opalinski, WBCA, noted the Spring 2017 Classes at E2E, including Professional Development, Healthcare, Hospitality, Personal Enrichment, Home Repair, Elder Law and Estate Planning, and How to Get Debt Free. Ms. Opalinski noted the new Quaboag Connector transportation program. Call 413-544-3401 to request a ride to employment and education.

Resident Maggie Sorel noted the Ware Fire Department Ambulance Services letter recently sent to residents, but was told on February 4, 2017 when she took a resident to the ER that "Ware does not transport after 5:00 p.m." and Ms. Sorel's friend had to wait over 2 hours for an ambulance from Springfield to transport from MLH to Wing Hospital. Selectman Carroll noted that this must be by contract. Resident Jennifer McMartin, an ER nurse at BMLH, stated that this is true, but the resident should not get a bill for the ambulance transport.

#### **Old Business - none**

#### **New Business**

- **Approval of Equipment Lifetime for Borrowing – Parks Mower**

Mr. Beckley explained that this borrowing was approved at the November 14, 2016 special town meeting. State law requires the Board to declare a useful life for the mower.

**Selectman Talbot moved to authorize and vote to declare a useful life of 10 years for the Parks Mower; Selectman Whitney seconded. The motion passed unanimously (5-0).**

Town Manager: Stuart Beckley  
sbeckley@townofware.com

### **Scheduled Appearance**

- **Medicinal Marijuana – Request for Letter of Non-Opposition**

Attorney McMahon, representing Healthwise Foundation, Inc., spoke for the request. The cultivation facility is in North Brookfield. The location of interest for the offsite facility as a registered marijuana dispensary is 39-41 West Main Street; there is a full finished basement, smaller entryway, and close proximity to North Brookfield. This would be safe and discreet and mutually beneficial. Attorney McMahon stated the company would continue to meet regularly with Chief Kovitch and Chief Coulombe. Attorney McMahon asked for a letter of non-objection.

Selectman Talbot noted the process started two years ago. Attorney McMahon stated that the North Brookfield facility is building ready and awaiting State approval. The facility in Ware would serve as a flagship and model, and would be the first in the state.

Selectman Desmond noted that the Board should hear from neighbors at a public meeting. Attorney McMahon noted that the facility is privately financed, and he is under a time constraint of March 15, 2017. Selectman Whitney noted that he was ready to agree to non-opposition tonight.

**Selectman Desmond moved to continue the discussion to March 7, 2017; Selectman Talbot seconded. The motion to continue passed unanimously (5-0).**

### **Scheduled Appearances**

- **7:15 pm, Public Hearing on Proposed FY2017 Joint CDBG Application**

Ted Harvey, Pioneer Valley Planning Commission, and David Gravel and Tracy Opalinski of the Ware Community Development Authority, presented the information. Community Development Block Grant (CDBG) is funded by US Department of Housing & Urban Development. Projects must serve low-to moderate-income beneficiaries or eliminate “blight”. The Regional application (Ware, Warren, and Hardwick) is limited to \$1.3million in FY2017; Ware’s share is a maximum of \$464,948. Regional Housing Rehabilitation Program goal is for 11 units in Ware, 10 units in Hardwick, and 3 units in Warren (\$714,000 approximately). Public Social Services recommended by the Community Development Authority are the Regional Domestic Violence Task Force, PATCH program, Ware Adult Learning Center, Hardwick Senior Outreach Program, and Youth Center Summer Program(\$201,100 approximately). Total Budget, including grant administration and project delivery costs is \$1,056,100 approximately. The application is due March 10, 2017, with award announcement likely in July/August 2017.

Maggie Sorel questioned a previous vote of the CDA to designate \$62,000 to demolition, and questioned cost per unit, and questioned whether “Slum and Blight” designation affected this application. David Gravel noted that vote was rescinded on February 13, 2017. Cost per unit is approximately \$25,000 with additional project delivery and administrative costs. Tracy Opalinski noted that one of the requirements of the grant is to demonstrate the existence of blight. Judith Roberts, The Literacy Project, said a thank you to the town of Ware for funding this; a recipient noted that “you have given me my tomorrows”. Stacy Barr asked how people become recipients of this funding, and were there any special considerations given to senior citizens. Applicants are vetted due to need and urgency; the current wait list has 35 applicants. Ted Harvey noted he would find the answer regarding senior citizens.

Selectman Desmond moved to authorize the submission of the proposed FY2017 Ware River Valley Community Development Fund Grant application to the DHCD in an amount not to exceed \$1,300,000, as detailed in the public hearing and to include funding for the Ware River Valley Regional Housing Rehabilitation Program and recommended social service programs. Further, the town authorizes the Chairman of the Board of Selectmen to sign all required forms, documents, and authorizations pertaining to the proposed FY2017 Ware River Valley Community Development Fund Grant application. The town also acknowledges and accepts the recommendation of the Community Development Advisory Committee to include a request for funding for the Domestic Violence Prevention, a program of the Regional Domestic Violence Task Force managed by the PVPC. Selectman Whitney seconded. The motion passed unanimously (5-0).

- **Joint Meeting of Community Development Authority and Director RE: Slum and Blight Designation and vote of December 6, 2016**

Chairman Carroll noted that the vote of the Board of Selectmen of December 6, 2016 has raised concerns of citizens. This meeting is held to address those concerns. Resident Dar Sojka thanked the citizens attending, and questioned the procedure of the public notice of the December 6, 2016 meeting. Ms. Sojka noted that this designation of Slum and Blight has affected real estate values. Resident George Staiti stated that this designation would affect real estate values. Tracy Opalinski submitted that all realtors must follow the code of ethics and would support elimination of all slum and blight, and this is a designation only. Resident Maggie Sorel stated that there should be a larger overlay map and a map on the town website of the designated area. Tracy Opalinski stated that the area is a Federal designation and would not be a map. Resident Keith Kruckas stated that property values and taxes are affected, and everyone should file an abatement. Resident Cathy Cascio noted her concerns of this label and how realtors must answer prospective buyers if asked.

Chairman Carroll asked Ted Harvey, PVPC, whether other communities have found the designation to be detrimental; Mr. Harvey noted that the designation is from HUD at the State level and has not been an issue for other communities. David Gravel, WCBA, noted that this designation and funds will ensure that decrepit properties will get the attention needed.

Tracy Opalinski gave a history of the CDBG begun in 1974, with over \$35million in grants awarded since 1981. Without this grant funding, local tax dollars would have been needed. The Community Development Authority has a developed strategy updated every four years, with public input, with the number one priority and focus on housing, and to eliminate and prevent blight. Ware has to demonstrate those needs and the urgent threat, if needed. Governor Baker has added more towns to the list for future grants, and this grant is an important tool to help the town. Mr. Beckley noted the CDA strategy included slum and blight research and investigation began in early Spring 2016 through June.

Resident Danielle Souza, of Buy Ware Now, noted that appraisals affect the perception of the town and it needs to be changed, as the media has hurt the town with the Slum and Blight headlines. Ms. Sojka stated this does not involve new funding, and commercial or industrial use for this funding is included and this designation will take away from housing or social services. Mr. Gravel noted that this year Prospect Street will have roadway and sewer work, with Bank Street and Spring Street to be improved next, and housing rehabs are done every year. Selectman Talbot noted that the community has always has a need with ongoing projects each year, adding that it was Selectmen's foresight years ago to apply for such grants.

Town Manager: *Stuart Beckley*  
*sbeckley@townofware.com*

Mr. Kruckas stated that the residents have not been informed of this designation and stated his concern that all funds would only be used in the downtown area, and the town should only hire town residents who have a vested interest in the town. Selectman Desmond questioned how many towns are served by the PVPC; Mr. Harvey answered approximately 40 towns in Hampden and Hampshire counties, in this area, Palmer and Ware have the "Slum and Blight Designation". Selectman Desmond questioned whether Ware is unique; Mr. Gravel noted a disproportionate number of blighted houses need funding. Selectman Desmond stated the "slick presentation" at the December 6, 2016 meeting was the first knowledge he had of this designation, that it was his mistake to vote for this. Selectman Whitney noted that the designation name is unfortunate. Selectman Desmond noted that the vote could be rescinded and not affect this year's application.

Ms. Sorel questioned the Selectmen as to whether any have physically driven the designated area; Selectman Whitney stated he had not. Ms. Sorel again noted that an overlay map should be on the website and should be readable. Ms. Sorel stated that funds should be used for the intended uses, not for buildings that are not fixed and not insured. Resident Donald Pulchtopek questioned how long this designation lasts; Mr. Gravel answered "10 years", and noted that the town of Spencer has had the Slum and Blight Designation, and just renewed their designation for ten years. Mr. Pulchtopek stated that the town should have legislation to require homeowners to have insurance, otherwise many more such situations will occur.

Resident Stacy Barr noted that she has personally renovated her home at 20 Church Street, and wants to see continued improvement in the area. Ms. Barr stated she would support this designation if the public was informed as to where the funds would specifically be used. Ms. Barr noted that Ware used to be a destination, and the public wants to understand the economic development of the town.

Tracy Opalinski note the CDA strategy is online under Planning and the CDA has used public input and surveys to prioritize, always ready to pivot or turn if rehab funds fall through, with a new strategy for 2018-2022 already being discussed. Ms. Opalinski noted that E2E intends to help raise up people, and the town needs this designation tool for flexibility in improving the town. Ms. Opalinski noted that the CDA has worked very hard and used out of the box thinking to get things done; the CDA may have two openings soon.

Resident Elaine Masse stated that Agawam has a Blight Law, and questioned if Ware also has such a law; Ms. Sorel noted the Vacant Building bylaw passed at the 2014 town meeting. Resident Cathy Cascio noted that all in attendance care about the town and appreciate any funds received to improve the town. Ms. Cascio noted that Mr. DiMarzio stated at town meeting that the town should not spend funds received on private property; and Ms. Cascio questioned if the town has started the procedures regarding the Main Street and West Main Street properties. Mr. Beckley noted that the town has begun procedures.

Resident Jon Hogan stated that the "Slum and Blight" designation from HUD is the negative perception. Selectman Talbot noted that the town needs to take this positive energy for the community to reinvigorate the town with these funds. Mr. Beckley acknowledged Jim Mazik and Ted Harvey of PVPC for their work on the proposed Resolution before the Board of Selectmen tonight.

**Selectman Talbot read the following Resolution and moved to accept this Resolution; Selectman Whitney seconded. The motion passed on a voice vote of 4 Yes, 1 No (Selectman Desmond).**

**RESOLUTION OF THE WARE BOARD OF SELECTMEN DESIGNATING THE  
“DOWNTOWN NEIGHBORHOOD REVITALIZATION AREA”**

WHEREAS, the town of Ware recognizes the need to utilize state and federal funds to support Reinvestment and implement improvement projects within the downtown area; and

WHEREAS, the town of Ware recognizes that in order to initiate specific improvements and eliminate and/or prevent conditions that discourage investment and limit redevelopment opportunity, it must comply with specific funding terms and conditions including National Objective compliance criteria under the Federal Community Development Block Grant (CDBG) Program as well as MGL C121A and 121B; and

WHEREAS, the town of Ware accepts the slum and blight inventory of the Ware Downtown Area solely for the purpose of meeting National Objective compliance under the Federal Community Development Block Grant Program and that the downtown area is not, by true definition, a “slum”, but rather meets a threshold of condition meeting the federal criteria; and

WHEREAS, the Ware downtown area contains the majority of the town’s older housing stock, aging infrastructure, and commercial/industrial properties and buildings; and

WHEREAS, the town of Ware recognizes that scattered throughout the downtown area there are some conditions of deferred maintenance, disrepair, and disinvestment due to both age and economic conditions; and

WHEREAS, the town of Ware is committed to eliminate those conditions as defined in MGL C121A and 121B by applying for available state and federal funding that will allow for the implementation of specific improvement programs including housing rehabilitation, infrastructure improvements, demolition, redevelopment, streetscaping, façade improvements, greenspace and neighborhood park improvements, brownfields remediation, and other similar redevelopment and improvement projects.

NOW THEREFORE BE IT RESOLVED, the Ware Board of Selectmen hereby designates the area which was surveyed for the purpose of meeting the CDBG Program National Objective of the prevention or elimination of slum and blight, as the “DOWNTOWN NEIGHBORHOOD REVITALIZATION AREA” which shall serve as the focus of the town’s reinvestment, revitalization, and beautification programs.

Dated this 21<sup>st</sup> day of February, 2017.

Ware Board of Selectmen  
John E. Carroll  
Nancy J. Talbot  
Michael Fountain  
Alan G. Whitney

Town Manager: Stuart Beckley  
sbeckley@townofware.com

**Town Manager Report** – Mr. Beckley noted important upcoming events:

Wednesday, February 22, 7 p.m. – ZBA meeting on variance for signage for Taco Bell

Friday, March 10, 8:30 a.m. – Invitation from Chief Coulombe to Western MA Chiefs Legislative Breakfast

Wednesday, March 15, 7 p.m. – Pathfinder Budget Meeting

Mr. Beckley asked the Board to place the Disposition of the South Street School on a future agenda – this will be placed on the agenda of March 7, 2017.

Mr. Desmond asked about the Hancock building – Mr. Beckley noted that the Building Inspector keeps watch on the situation. Mr. Beckley noted a conference call next week with the AG's office regarding vacant properties.

**Executive Session: MGL Chapter 30 (a) Section 21 (a) #1 Discipline of Public Employee**

Selectman Talbot moved to Adjourn Regular Session at 9:15 p.m., to move into Executive Session per MGL Chapter 30A, Section 21 (a) #1, To Discuss Discipline of Public Employee, NOT TO RECONVENE IN OPEN SESSION; Selectman Whitney seconded. The motion passed on a Roll Call Vote of 5 Yes, 0 No:

John E. Carroll	Yes✓
John A. Desmond	Yes✓
Michael Fountain	Yes✓
Alan G. Whitney	Yes✓
Nancy J. Talbot	Yes✓

Attest: Mary L. Midura  
Mary L. Midura, Executive Assistant



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

### **Meeting Minutes Tuesday, October 18, 2016 at 7:00 p.m.**

**Present: Selectman Carroll, Selectman Desmond, Selectman Talbot, Selectman Fountain, Selectman Whitney, Stuart Beckley, Stanley Ciukaj**

**Meeting Opened by Chairman Carroll at 7:00 p.m.**

**Opening Remarks, Announcements, and Agenda review by Chair - none**

**Consent Agenda -none**

**Comments and Concerns of Citizens - none**

#### **Scheduled Appearances**

- **7:05 pm E2E presentation, Sheila Cuddy, Quaboag Valley CDC**

Ms. Cuddy presented the Education to Employment (E2E) program for residents who need education and employment skills, and for employers who need skilled workers. Classes will be held on site, online, and additional enrichment classes are scheduled for the future. Two open houses were held in August and September. Van drivers are needed.

- **7:15 pm Continued Public Hearing for RT's Welding Class III License**

The applicants and their attorney presented requested information regarding rules and regulations for Class III license. The attorney noted MGL Chapter 140 Sec. 58, 59 and 59a. The applicants stated that a fence cannot be placed on the property until ownership, and ownership is not complete without the license. The Building Inspector has enforcement. Operating hours are to be 8am-6pm Monday-Friday, and 8am-2pm Saturday. Resident Robert Krasnecky disputed the operating hours.

Selectman Desmond moved approval of the Class III license, with an amendment to include hours of operation on the license, and with an amendment to place a 6 foot minimum fence once property lines are clearly defined; Selectman Whitney seconded. The motion passed unanimously (5-0).

#### **Old Business**

- **Payment in Lieu of Taxes – Solar Project, Gilbertville Road**

Selectman Desmond moved approval to accept the PILOT for Solar Project on Gilbertville Road; Selectman Talbot seconded. The motion passed unanimously (5-0).

#### **New Business**

- **Approval of Financial Policies – Debt Management and Free Cash**

Selectman Desmond moved approval, to be included in the Policies and Procedures Manual; Selectman Whitney seconded. The motion passed unanimously (5-0).



- **Appointment to Ware Cultural Council – Anne Pelski**

Selectman Talbot moved approval, with a three year term; Selectman Desmond seconded. The motion passed unanimously (5-0).

- **Request for Approval, Halloween parade, Knights of Columbus**

Selectman Desmond moved approval; Selectman Talbot seconded. The motion passed unanimously (5-0).

- **Application for Toll Road, Rotary Club, Decoration/Holiday Flair**

Selectman Talbot moved approval for the Toll Road on November 5 and 6, 2016; Selectman Desmond seconded. The motion passed unanimously (5-0).

- **Special Permit Application, Ware Center Meeting House**

Selectman Desmond moved approval; Selectman Talbot seconded. The motion passed unanimously (5-0).

- **Granting of amendment application, Change of Manager, Snow's Restaurant**

Selectmen questioned the applicant as the proposed manager had checked "Yes" to the question on page 2 of any convictions. Mr. Cortez stated that the Yes was correct and he had a conviction of many years prior. Owner/president Daniel Saad stated there have been changes in ownership in answer to resident Peter Harder's complaint of the restaurant refusing to honor a gift certificate. Mr. Saad claimed that someone had printed many gift certificates and stated he was not obligated to honor those. Selectman Talbot suggested that the owner contact the Attorney General's office as to how long the obligation to honor gift certificates would be. Due to the questions and resident concerns, the application was continued.

Selectman Talbot moved to continue the application to November 1, 2016; Selectman Desmond seconded. The motion to continue passed unanimously (5-0).

- **Request for modification of Entertainment License, JHN Enterprises, Snow's**

Owner/President Daniel Saad had submitted a written request to extend hours through the holidays until midnight. Residents Barbara Zins and Susan Lizak stated that the music is often blaring with people in and out of the premises until past 1:00 a.m. Mr. Saad stated that he is trying to run a business that has been treated differently from all other town licensees. Ms. Lizak noted that the restaurant was grandfathered into downtown residential with hours extended until 11:00 p.m. Ms. Lizak noted that the restaurant is often noisy past the licensed hours. After much discussion, Selectmen allowed that the previous year the extension of hours was granted on a week to week basis.

Selectman Talbot moved to grant extended Entertainment until midnight (12:00 a.m.) on Friday, October 28 and Saturday, October 29, 2016; Selectman Desmond seconded. The motion passed unanimously (5-0).

- **Request for addition to Class II License, Gillespie Car Care**

Selectman Talbot moved approval to add Ms. Tenczar to the license, pending written request by the licensee; Selectman Whitney seconded. The motion passed unanimously (5-0).

- **Approval and Signing of Warrant for State Election**

Selectman Desmond moved approval; Selectman Talbot seconded. The motion passed unanimously (5-0).

Board of Selectmen: *John E. Carroll, John A. Desmond, Nancy J. Talbot, Michael Fountain*

Town Manager: *Stuart Beckley*  
sbeckley@townofware.com

- **Approval and Signing of Special Town Meeting Warrant**

Selectman Desmond moved approval of Special Town Meeting Warrant with 24 articles; Selectman Fountain seconded. The motion passed unanimously (5-0).

- **Vacancy, Board of Registrars – the vacancy will be advertised.**

**Town Manager Report**

Mr. Beckley noted that Saturday, October 22, 2016 will be Drug Take Back from 10 a.m. – 2 p.m. Also, on October 22, 2016, the Domestic Violence Task Force will hold a walk and ceremonies at Veterans' Park. The DPW will hold leaf and brush drop off at Robbins Road on November 5 and November 13, 2016 from 8 a.m. – 2 p.m. There is a search committee for a new Community Planning & Development Director. Application is in process for a demolition grant for 73 West Main Street property; estimate is \$70,000 for demolition, grant funds may be \$35,000 with a need for a matching amount from town meeting. Retirees may be moved to Medicare for the retiree insurance policy. Selectman Desmond questioned the auction of items; Mr. Beckley noted the town would wait until Spring 2017 to address those items.

At 9:07 p.m., Selectman Talbot made the motion to adjourn; Selectman Whitney seconded. The motion to adjourn passed unanimously (5-0).

Attest:

  
Mary L. Midura, Executive Assistant  
Transcription per Video 2/13/2017

Board of Selectmen: *John E. Carroll, John A. Desmond, Nancy J. Talbot, Michael Fountain*

Town Manager: *Stuart Beckley*  
sbeckley@townofware.com



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

### **Meeting Minutes Tuesday, November 1, 2016 at 7:00 p.m.**

**Present:** Selectman Carroll, Selectman Desmond, Selectman Talbot, Selectman Fountain, Selectman Whitney, Stuart Beckley, Stanley Ciukaj, Kathy Coulombe, Town Moderator, Denis Ouimette, Finance Committee.

**Meeting Opened by Chairman Carroll at 7:00 p.m.**

**Opening Remarks, Announcements, and Agenda review by Chair – none**

**Recognition of Girl Scout Alyssa-Jade:** Selectman Talbot introduced Tim Lopes, National Grid representative, Community Relations. Mr. Lopes stated that on Sunday, September 11, 2016, severe thunderstorms came through the area. The National Grid crew had to work all day so that Quaboag Nursing Home in West Brookfield did not lose power or they would have had to evacuate 180 patients. Mr. Lopes explained that 10-year-old Alyssa-Jade made sandwiches for the whole crew, using her own time and money to provide a handwritten thank-you note, sandwich, cookie, juice box and milk duds. Mr. Lopes presented Alyssa-Jade with a pink hardhat and other items to thank her for "Paying It Forward". All Selectmen congratulated Ms. Jade for her extra efforts.

**Consent Agenda -none**

#### **Comments and Concerns of Citizens**

Mr. Jackson asked how many abandoned/empty houses are in the town; Selectman Desmond stated this information would be provided at the next meeting.

#### **Scheduled Appearances**

**7:15 p.m. Review of Special Town Meeting Articles, Joint Meeting with Finance Committee, Moderator**  
The Board of Selectmen, Town Moderator, and Finance Committee reviewed and voted 23 articles for the Special Town Meeting of November 14, 2016.

#### **Old Business**

- **Payment in Lieu of Taxes – Solar Project, Gilbertville Road**

Selectman Talbot move to support the PILOT, to include attorney revisions; Selectman Whitney seconded. The motion passed unanimously (5-0).

Town Manager: Stuart Beckley  
sbeckley@townofware.com

- **Request to Grant amendment application, Change of Manager, Snow's restaurant**

Mr. Saad stated that he contacted the ABCC and was told he can be manager if Mr. Cortez is not approved. Selectman Talbot questioned the corporate structure. Mr. Cortez stated he has turned his life around and volunteers and does community work; he stated he may buy out Mr. Saad and wants to change the bad reputation of Snow's restaurant.

**Selectman Whitney moved to approve the Change of Manager application; Selectman Talbot seconded. The motion passed unanimously (5-0).**

A request to have live entertainment extended to midnight on November 4, 5, 11, 12, 18, 19, and 23, 2016 was also submitted.

**Selectman Talbot moved to allow extended entertainment to midnight on November 4, 5, 11 and 12, 2016; Selectman Whitney seconded. The motion passed unanimously (5-0).**

Requests for extended entertainment to midnight on November 18, 19 and 23, 2016 will be placed on the agenda of November 15, 2016.

#### **New Business**

- **Request for appointment, Board of Registrars, Irene Orszulak**

**Selectman Whitney moved approval of the appointment to March 2019; Selectman Fountain seconded. The motion passed unanimously (5-0).**

- **Request for Dog Nuisance hearing**

**Selectman Talbot moved to set the dog nuisance hearing on November 15, 2016; Selectman Desmond seconded. The motion passed unanimously (5-0).**

- **Request for Special Officer Appointments**

**Selectman Desmond moved approval of the special officer appointments; Selectman Fountain seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).**

- **Special Event application – Holiday Flair, November 25**

**Selectman Talbot moved approval of the application for Holiday Flair; Selectman Desmond seconded. The motion passed unanimously (5-0).**

#### **Town Manager Report**

Mr. Beckley noted that Leaf & Brush collection will be held on November 5, 2016 from 8 am – 2 pm. Dioguardi Jewelers, 95 Main Street, will hold a ribbon cutting opening on November 4, 2016. Election Day is November 8, 2016; early voting has been popular. Selectman Talbot stated that early voting has been held since October 24 and will continue until November 4, 2016.

New personnel will begin soon with one each in DPW, Fire Department, and Tax Collector office – two individuals are from Ware. The Town Manager Assistant will be filled by next week.

The Ware Police Department parking lot is completed at a cost of \$10,000 - the town had \$20,000 set aside for this work. Mr. Beckley thanked Selectman Carroll for his great help in getting two vans from PVTA for the Quaboag Connector program. All are invited to the Veterans Day Parade.

**At 8:38 p.m., Selectman Talbot made the motion to adjourn; Selectman Desmond seconded. The motion to adjourn passed unanimously (5-0).**

Attest: \_\_\_\_\_



Mary L. Midura, Executive Assistant  
Transcription per Video 2/16/2017



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

### **Meeting Minutes Tuesday, November 15, 2016 at 7:00 p.m.**

**Present:** Selectman Carroll, Selectman Desmond, Selectman Fountain, Selectman Whitney, Stuart Beckley, Stanley Ciukaj, Peter Harder and Gerald Fountain, Assessors  
**Absent:** Selectman Talbot

**Meeting Opened by Chairman Carroll at 7:00 p.m.** Chairman Carroll requested a moment of silence for Claire Bothwell, who passed away November 14, 2016, and was past president of Ware Co-Operative Bank, served on the Ware Community Development Authority, and Ware Senior Center Building Committee.

**Opening Remarks, Announcements, and Agenda review by Chair - none**

**Consent Agenda -none**

#### **Comments and Concerns of Citizens**

Tracy Opalinski, WBCA, questioned hydrant flushing without notifying businesses and restaurants. Mr. Beckley noted that initial phone and website contact was made, better communication would be looked at. Ms. Opalinski noted businesses should be listed on the town website. Workshop 13 had open mic and artists, holiday festivities on November 25, and monthly WBCA meeting on November 21 will be held at E2E at 6pm.

#### **Scheduled Appearances**

- **Tax Classification Hearing, Meeting with Assessors**

Following discussion with assessors, the Board of Selectmen considered a factor of 1 for FY2017.

**Selectman Desmond moved approval of Tax Classification of 1, Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Hearing, Dog Complaint, 203 Monson Turnpike**

Robert Heon, 5 Horseshoe Circle, brought the complaint of the dog constantly barking. Mr. Ethier, 23 Beach Road, agreed with Mr. Heon. Owners of the dog, Barbara & William Messier, noted that the dog is never outside unless the owners are with him. The dog is a Labrador, and excited when the grandchildren visit. Sara Prideaux, Animal Control Officer, stated that a bark collar should work well. Mrs. Messier stated that the neighbor is harassing them. The neighbor accused Mr. Messier of chasing him.

**Selectman Desmond moved to order the bark collar be used; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot). The situation will be reviewed on December 20, 2016.**

Town Manager: *Stuart Beckley*  
sbeckley@townofware.com

- **Insurance Presentation, Retiree Health Policy, Updates**

Insurance representatives Alison and Sandra presented information. Selectman Desmond criticized the health insurance costs of the town at \$3.5million. Mr. Beckley noted that the town continues to work on this issue. The Retiree Health Policy is recommended by the Insurance Advisory Committee.

Selectman Whitney moved approval of the Retiree Health Policy; Selectman Fountain seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

- **Police Productivity Report**

This item was postponed.

Old Business – none

**New Business**

- **Appointment, Cultural Council, Elena Palladino**

Selectman Desmond moved approval of the appointment to 2019; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

- **Approval of Energy Reduction Plan, Green Communities Application**

Selectman Desmond moved approval of the application; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

- **Approval of One Day Liquor Licenses (3) – Workshop 13**

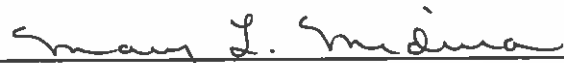
Selectman Desmond moved approval of the licenses of December 16, 2016, January 16, 2017 and January 20, 2017; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

**Town Manager Report**

Mr. Beckley noted a letter received today from Mr. Saad, Snow's Restaurant. The proposed change of manager application is not going forward. Mr. Beckley spoke with ABCC director today. Mr. Beckley will invite Mr. Saad to the December 6, 2016 meeting to describe future plans. Selectman Whitney stated it would be helpful to be given information regarding requirements of the bar manager. The Board of Selectman will meet on November 29, 2016 to approve changes to the PILOT for Solar Farm.

At 8:38 p.m., Selectman Whitney made the motion to adjourn; Selectman Desmond seconded. The motion to adjourn passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Attest:



Mary L. Midura, Executive Assistant  
Transcription per Video 2/21/2017

**LEGAL NOTICE  
TOWN OF WARE**

**PUBLIC MEETING – TUESDAY, MARCH 7, 2017**

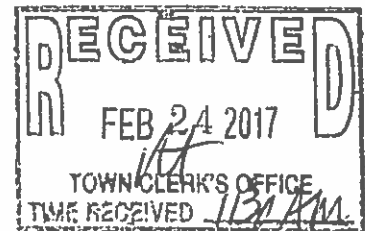
**7:05 PM at Ware Town Hall  
126 Main Street, Ware**

***Medicinal Marijuana – Request for Letter of Non-Opposition***

The Ware Board of Selectmen will conduct a Public Meeting on March 7, 2017 at 7:05 p.m. at the Selectmen's meeting room, Ware Town Hall, 126 Main Street regarding Medicinal Marijuana – Request for Letter of Non-Opposition by Healthwise Foundation, INC to operate a Registered Marijuana Dispensary at 39-41 West Main Street, Ware, MA.

All persons with questions or comments regarding the request will have an opportunity to be heard. The Board of Selectmen's meeting room at the Ware Town Hall is handicapped accessible. Persons who require special accommodations to attend the meeting should contact the Town at (413) 967-9648 extension 101 several days prior to the meeting.

Ware Board of Selectmen





# TOWN OF WARE

## BUILDING DEPARTMENT

126 Main Street, Ware, MA 01082-1386  
Tel. 413-967-9636 x180 Fax 413.967.9627

Monday, February 27, 2017

Town of Ware  
Board of Selectmen  
Ware, MA 01082

RE: 39-41 West Main Street

Select Board Members:

I, Christopher H. Rice as Building Commissioner and Zoning Enforcement Officer for the Town of Ware, Massachusetts find that the proposed Registered Marijuana Dispensary for 39-41 West Main Street in the Town of Ware is allowed by right in the current zone of Down Town Commercial.

Sincerely,

Christopher Rice  
Building Commissioner

cc. Stuart Beckley, Town Manager  
Ruben Flores-Marzan, Town Planner





# TOWN OF WARE POLICE DEPARTMENT

22 NORTH STREET, WARE, MASSACHUSETTS 01082 – 1004  
TEL: (413) 967-3571 FAX: (413) 967-9606



KENNETH A. KOVITCH  
CHIEF OF POLICE

TO: Healthwise Foundation, INC  
From: Chief Kenneth A. Kovitch  
Date: February 24, 2017

Although I have some security and parking concerns, I do hereby provide non-opposition to Healthwise Foundation, INC to operate a Registered Medical Marijuana Dispensary (RMD) in Ware as long as Healthwise has the support from local officials and that the proposed RMD facility (39-41 West Main Street, Ware, MA) is located in a zoning district that allows such use by right or pursuant to local permitting.

Sincerely;

  
Kenneth A. Kovitch  
Ware Police Chief

### **Healthwise Foundation, INC: Letter of Non-Opposition Template**

*Instructions from the DPH:* “The letter of support or non-opposition must contain the language as provided below. The letter must be printed on the municipality’s official letterhead”

#### *Genericised Language:*

“The [name of council/board], does hereby provide [support/non-opposition] to [name of non-profit organization] to operate a Registered Marijuana Dispensary in [name of city or town]. I have been authorized to provide this letter on behalf of the [name of council/board] by a vote taken at a duly noticed meeting held on [date]. The [name of council/board] has verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting.”

#### *Keyed to Healthwise Foundation, INC:*

“The Board of Selectmen of the Town of Ware does hereby provide non-opposition to Healthwise Foundation, INC to operate a Registered Marijuana Dispensary in Ware. I have been authorized to provide this letter on behalf of the Board of Selectmen of the Town of Ware by a vote taken at a duly noticed meeting held on MONTH, DATE, 2017. The Board of Selectmen of the Town of Ware has verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_”

**Please call James McMahon, (203) 520-8555, with any questions or comments regarding this request. We truly appreciate your support! We’re excited to start!**



**TOWN OF WARE**  
**BOARD OF ASSESSORS**  
126 MAIN STREET, TOWN HALL, SUITE G  
WARE, MASSACHUSETTS 01082-1336  
TEL: (413) 967-9648X179 FAX: (413) 967-4227

March 2, 2017

Board of Selectmen  
126 Main Street  
Ware, MA 01082

RE: Kszazecz, Richard J  
39-41 West Street  
Map 60, Lot 214

Dear Board Members:

Listed on the attached sheet are the record owners of Real Property within 200' of the above-captioned property requested by Mary L. Midura/Town Managers Office for the purpose of a Public Meeting regarding a request letter of Non-Opposition by Healthwise Foundation, Inc.

I certify the attached Abutters List to be true and complete to the best of my knowledge.

Respectfully,

A handwritten signature in cursive script, appearing to read "Peter D. Harder".

Peter D. Harder  
Chairman

PDH/laj

Enclosure

# Town of Ware Abutters List

Subject Parcel ID:

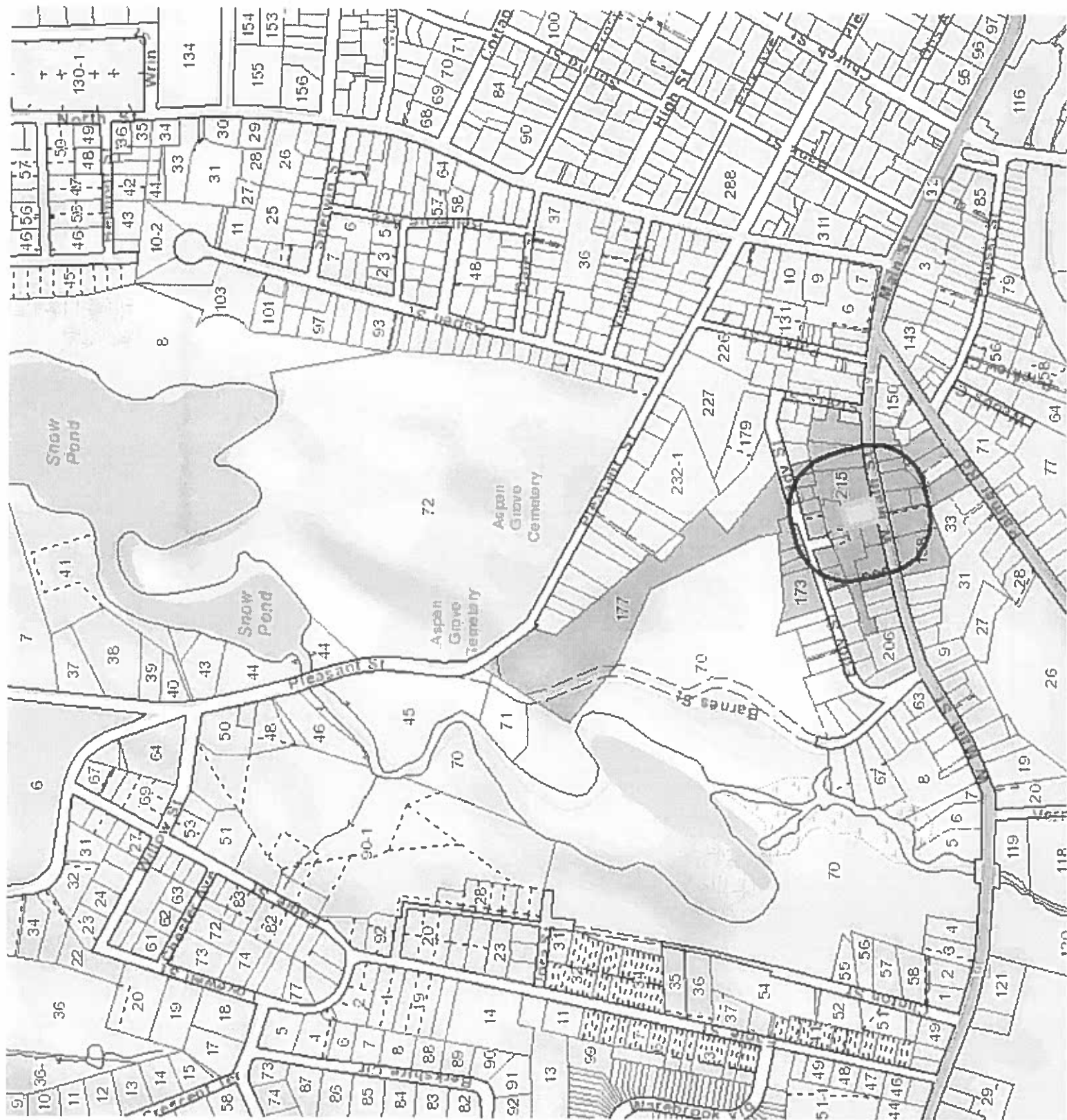
Subject Property Location:

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
56-0-35	35 WEST ST	PDS REAL ESTATE ACQUISITIONS I		100 BOSTON TURNPIKE	SHREWSBURY	MA	01546
56-0-37	29 WEST ST	MADIGAN SUSAN MARIE		PO BOX 232	WARE	MA	01082
60-0-145	23 -23.5 & 25 WEST ST	MANOMEDNET LLC		379 SILVER ST	WILBRAHAM	MA	01095
60-0-152	28 WEST MAIN ST	SULLIVAN BEVERLY A		12 WILLISTON DR	WARE	MA	01082
60-0-153	32 34 WEST MAIN ST	CHESTER CHARLES J		183 OSBORNE RD	WARE	MA	01082
60-0-154	36 WEST MAIN ST	LOADER ALFRED JR		36 WEST MAIN ST	WARE	MA	01082
60-0-155	38 WEST MAIN ST	RODRIGUES LISA		38 WEST MAIN STREET	WARE	MA	01082
60-0-156	42 WEST MAIN ST	NEW ENGLAND EQUITIES LLC		65 EAST ST	LUDLOW	MA	01056
60-0-157	48 -50 WEST MAIN ST	SOURCE NINE DEVELOPMENT L		99 VAN HORN ST	CHICOPEE	MA	01013
60-0-158	54 WEST MAIN ST	CHAN LYNN		54 WEST MAIN ST	WARE	MA	01082
60-0-173	37 EDDY ST	SYMONS-FENNIMORE TINA		37 EDDY ST	WARE	MA	01082
60-0-174	33 EDDY ST	MILLER TOBY A		33 EDDY ST	WARE	MA	01082
60-0-175	31 EDDY ST	ABBOT ALLYSHA		31 EDDY ST	WARE	MA	01082
60-0-176	29 EDDY ST	GILES QUEENIE O		27 EDDY ST	WARE	MA	01082
60-0-177	EDDY + PLEASANT ST	WARE TOWN OF	WATER DEPT	126 MAIN ST	WARE	MA	01082
60-0-191	14 EDDY ST	LLOYD MICHAEL L TRUSTEE	LLOYD ELIZABETH S TRUS	6 MATTSON BLVD	WARE	MA	01082
60-0-192	16 EDDY ST	GAMBINO DAVID G		44 PLEASANT ST	WARE	MA	01082
60-0-193	18 EDDY ST	TECZAR EDWIN E LIFE ESTATE	TECZAR MARY LIFE ESTAT	18 EDDY STREET	WARE	MA	01082
60-0-194	20 EDDY ST	LYONS MARLA E		20 EDDY ST	WARE	MA	01082
60-0-195	26 EDDY ST	DUMAS ROBERT M	DUMAS ANGELA M	26 EDDY ST	WARE	MA	01082
60-0-196	4 EDDY CT	PRESCOTT MALCOLM LIFE ESTA	PRESCOTT DONNA L LIFE E	4 EDDY COURT	WARE	MA	01082
60-0-197	3 EDDY CT	FAUCHER ERIC M	FAUCHER LISA	3 EDDY CT	WARE	MA	01082
60-0-198	1 EDDY CT	DE RIO EZEQUIEL	DEL RIO JENNIE	PO BOX 822	WARE	MA	01082
60-0-199	32 EDDY ST	POLLETTE DAVID	POLLETTE SANDY	32 EDDY ST	WARE	MA	01082
60-0-210	53 WEST MAIN ST	MILLER GEORGE L	MILLER DIANE J	53 WEST MAIN ST	WARE	MA	01082
60-0-211	A REAR EDDY ST	BARNES HENRY F THE HEIRS OF		REAR EDDY STREET	WARE	MA	01082
60-0-212	51 WEST MAIN ST	NEW ENGLAND EQUITIES, LLC		65 EAST ST	LUDLOW	MA	01056
60-0-213	45 47 WEST MAIN ST	MESSIER MONIQUE		9 OLD GILBERTVILLE RD	WARE	MA	01082
60-0-215	37 WEST MAIN ST	PAX REALTY INC		112 RIVER ROAD	WARE	MA	01082
60-0-216	31 WEST MAIN ST	DESROCHES SARAH M		380 BARRE RD	NEW BRAINTREE	MA	01531
60-0-217	23 WEST MAIN ST	QUABOAG VALLEY COMMUNITY D	QUABOAG VALLEY BUSIN	23 WEST MAIN ST	WARE	MA	01082
60-156-1	44 WEST MAIN ST	KELLY JAMES J III	KELLY SUSAN L	41 WEST ST APT 2L	WARE	MA	01082

Parcel Count:

32

End of Report



35 WEST ST	56-0-35	37 EDDY ST	60-0-173	4 EDDY CT	60-0-196
PDS REAL ESTATE AQUISITIONS IN	LUC: 326	SYMONS-FENNIMORE TINA	LUC: 101	PRESCOTT MALCOLM LIFE ESTATE	LUC: 101
100 BOSTON TURNPIKE		37 EDDY ST		PRESCOTT DONNA L LIFE ESTATE	
SUITE J98 #306		WARE, MA 01082		4 EDDY COURT	
SHREWSBURY, MA 01546				WARE MA 01082	
29 WEST ST	56-0-37	33 EDDY ST	60-0-174	3 EDDY CT	60-0-197
MADIGAN SUSAN MARIE	LUC: 101	MILLER TOBY A	LUC: 101	FAUCHER ERIC M	LUC: 101
PO BOX 232		33 EDDY ST		FAUCHER LISA	
WARE, MA 01082		WARE, MA 01082		3 EDDY CT	
				WARE, MA 01082	
23-23.5 & 25 WEST ST	60-0-145	31 EDDY ST	60-0-175	1 EDDY CT	60-0-198
MANOMEDNET LLC	LUC: 109	ABBOT ALLYSHA	LUC: 101	DE RIO EZEQUIEL	LUC: 101
379 SILVER ST		31 EDDY ST		DEL RIO JENNIE	
WILBRAHAM, MA 01095		WARE, MA 01082		PO BOX 822	
				WARE, MA 01082	
28 WEST MAIN ST	60-0-152	29 EDDY ST	60-0-176	32 EDDY ST	60-0-199
SULLIVAN BEVERLY A	LUC: 031	GILES QUEENIE O	LUC: 105	POLLETTE DAVID	LUC: 104
12 WILLISTON DR		27 EDDY ST		POLLETTE SANDY	
WARE, MA 01082		WARE, MA 01082		32 EDDY ST	
				WARE, MA 01082	
32-34 WEST MAIN ST	60-0-153	EDDY + PLEASANT ST	60-0-177	53 WEST MAIN ST	60-0-210
CHESTER CHARLES J	LUC: 104	WARE TOWN OF	LUC: 930	MILLER GEORGE L	LUC: 104
183 OSBORNE RD		WATER DEPT		MILLER DIANE J	
WARE, MA 01082		126 MAIN ST		53 WEST MAIN ST	
		WARE, MA 01082		WARE, MA 01082	
36 WEST MAIN ST	60-0-154	14 EDDY ST	60-0-191	A REAR EDDY ST	60-0-211
LOADER ALFRED JR	LUC: 105	LLOYD MICHAEL L TRUSTEE	LUC: 104	BARNES HENRY F THE HEIRS OF	LUC: 132
36 WEST MAIN ST		LLOYD ELIZABETH S TRUSTEE		REAR EDDY STREET	
WARE, MA 01082		6 MATTSON BLVD		WARE, MA 01082	
		WARE, MA 01082			
38 WEST MAIN ST	60-0-155	16 EDDY ST	60-0-192	51 WEST MAIN ST	60-0-212
RODRIGUES LISA	LUC: 105	GAMBINO DAVID G	LUC: 101	NEW ENGLAND EQUITIES, LLC	LUC: 105
38 WEST MAIN STREET		44 PLEASANT ST		65 EAST ST	
WARE, MA 01082		WARE, MA 01082		LUDLOW, MA 01056	
42 WEST MAIN ST	60-0-156	18 EDDY ST	60-0-193	45-47 WEST MAIN ST	60-0-213
NEW ENGLAND EQUITIES LLC	LUC: 105	TECZAR EDWIN E LIFE ESTATE	LUC: 101	MESSIER MONIQUE	LUC: 104
65 EAST ST		TECZAR MARY LIFE ESTATE		9 OLD GILBERTVILLE RD	
LUDLOW, MA 01056		18 EDDY STREET		WARE, MA 01082	
		WARE, MA 01082			
48-50 WEST MAIN ST	60-0-157	20 EDDY ST	60-0-194	37 WEST MAIN ST	60-0-215
SOURCE NINE DEVELOPMENT LLC	LUC: 104	LYONS MARLA E	LUC: 101	PAX REALTY INC	LUC: 106
99 VAN HORN ST		20 EDDY ST		112 RIVER ROAD	
CHICOPEE, MA 01013		WARE, MA 01082		WARE, MA 01082	
54 WEST MAIN ST	60-0-158	26 EDDY ST	60-0-195	31 WEST MAIN ST	60-0-216
CHAN LYNN	LUC: 326	DUMAS ROBERT M	LUC: 101	DESROCHES SARAH M	LUC: 013
54 WEST MAIN ST		DUMAS ANGELA M		380 BARRE RD	
WARE, MA 01082		26 EDDY ST		NEW BRAintree, MA 01531	
		WARE, MA 01082			

23 WEST MAIN ST

60-0-217

LUC. 093

QUABOAG VALLEY COMMUNITY DEVELOPMENT

ASSOCIATION

QUABOAG VALLEY BUSINESS ASSISTANCE

ASSOCIATION

23 WEST MAIN ST

WARE, MA 01082

44 WEST MAIN ST

60-156-1

LUC. 130

KELLY JAMES J III

KELLY SUSAN L

41 WEST ST APT 2L

WARE, MA 01082



## TOWN OF WARE

**Town Manager**

126 Main Street

Ware, MA 01082

413-967-9648 x100

March 1, 2017

To : Board of Selectmen

From : Stuart Beckley, Town Manager 

Subject: South Street School Disposition

The Town is aware of current interest in the South Street School property. Therefore, I would like to ask the Board to consider voting to make the property available for disposition and if it would like to set any conditions on a future buyer. For example, is there a minimum price the Board wishes to consider, is demolition acceptable, and are there uses that the Board would prefer?

Thank you for your consideration.



### Timeline for Snow's Restaurant:

February 10, 2017: Certified letter, and regular letter mailed, giving 14-day deadline of February 24, 2017 to licensee to pay all real estate taxes outstanding, pay for Board of Health permits, and pay for liquor license, common victualler license, entertainment license, and automatic amusement devices license.

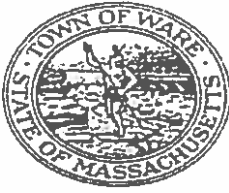
February 10, 2017: Police attempt hand-delivery of letter; no one on premises to accept letter.

February 23, 2017: Police attempt hand-delivery of letter; no one on premises to accept letter.

March 7, 2017: Board of Selectmen Vote of Revocation of License #29 JHN Enterprises, Inc. d/b/a Snow's Restaurant and vote of revocation of all operational licenses.

Licensee has five (5) days upon receipt of certified letter of revocation to appeal to Alcoholic Beverages Control Commission (ABCC).

Board of Selectmen: *John E. Carroll, John A. Desmond, Nancy J. Talbot, Michael Fountain, Alan G. Whitney*  
Town Manager: *Stuart Beckley*  
sbeckley@townofware.com



## TOWN OF WARE

Board of Selectmen  
Town Hall, 126 Main St., Suite J  
Ware, Massachusetts 01082-1386  
Tel. 413-967-9648 EXT. 100

February 10, 2017

Daniel E. Saad, President  
JHN Enterprises, Inc.  
d/b/a Snow's Restaurant  
136 Pleasant Street  
Ware, MA 01082

Dear Mr. Saad:

You are hereby notified that, per MGL Chapter 138, §16B and §70, you must pay for all licenses and outstanding real estate taxes by February 24, 2017.

A copy of the letter sent to you on December 8, 2016, and by email at your request on December 28, 2016, is enclosed for explanation of license fees due to this office. This office has been notified that 2017 permits with the Board of Health are outstanding in the amount of \$150.00 for Food Establishment Permit and \$15.00 for Milk and Cream Permit. This office has also been notified by the Tax Collector that there are outstanding real estate taxes due.

In December 2016, you indicated to this office that you intend to re-open Snow's Restaurant in March 2017. If you do not pay for all licenses and outstanding real estate taxes by February 24, 2017, you will forfeit all rights thereto, and the Board of Selectmen WILL REVOKE Liquor License #00029-RS-1326 Annual All Alcohol Restaurant and all related licenses.

Sincerely,

John E. Carroll  
Chairman

Jec/mlm

Enclosures  
SENT VIA CERTIFIED MAIL 7011 2970 0001 6238 3460



## TOWN OF WARE

Mary L. Midura, License Clerk  
Town Hall, 126 Main St., Ware, Massachusetts 01082  
Tel. 413-967-9648 ext. 101 Fax 413-967-9649

December 8, 2016

Snow's Restaurant  
136 Pleasant Street  
Ware, MA 01082

Dear License Holder:

Your liquor license for 2017 may be approved by the Board of Selectmen at the meeting of December 20, 2016.

All other licenses will be approved by the Board of Selectmen at the meeting of December 20, 2016.

The amount(s) due for your licenses for 2017 are as follows:

Annual All Alcoholic Restaurant \$1,115  
Common Victualler \$14  
Entertainment \$100  
Automatic Amusement Devices (2) \$100

Total Due: \$1,329.00

All 2017 Licenses may be picked up at this office. This office is open Monday through Friday, 8:00 AM to 2:30 PM.

*Please note that all real estate taxes must be current with the Tax Collector's office.*

Sincerely,

Mary L. Midura  
License Clerk

**Part I** ADMINISTRATION OF THE  
GOVERNMENT

**Title** PUBLIC SAFETY AND GOOD  
**XX** ORDER

**Chapter** ALCOHOLIC LIQUORS  
**138**

**Section** TIME WITHIN WHICH  
**16B** APPLICATION FOR LICENSES  
SHALL BE GRANTED OR  
DISMISSED; NOTICE OF  
APPROVAL; NUMBER OF  
APPLICATIONS

Section 16B. Applications for licenses or permits authorized to be granted by the commission shall be granted or dismissed not later than thirty days after the filing of the same, and, except as provided in section sixteen A, applications for licenses authorized to be granted by the local licensing authorities, and applications for transfers of licenses issued by such local licensing authorities under section twenty-three, shall be acted upon within a like period and if favorably acted upon by the said authorities shall be submitted for approval by the commission not later than three days following such favorable action; provided, however, that local licensing authorities shall not be required to act prior to December fifteenth in any year on applications for the renewal of annual licenses filed in accordance with the provisions of section sixteen A or prior to April fifteenth in any year on applications for the renewal of seasonal licenses so filed. A license so approved shall be issued by said authorities not later than seven days

following receipt of notice of approval by the commission. Any applicant for a license under this chapter who fails to comply with the requirements of section seventy within fourteen days after notice that a license has been authorized to be granted to him shall forfeit any right thereto, unless the licensing authorities to which application was made otherwise determine.

The licensing authorities shall not receive more than two applications for a license under section twelve or fifteen to be exercised on the same premises during the same license year.

**Part I** ADMINISTRATION OF THE  
GOVERNMENT

**Title** PUBLIC SAFETY AND GOOD  
**XX** ORDER

**Chapter** ALCOHOLIC LIQUORS  
**138**

**Section** ISSUANCE OF LICENSE OR PERMIT  
**70** UPON PAYMENT OF FEE; BOND

Section 70. No license or permit under this chapter shall be granted by the commission or the local licensing authorities unless the fee therefor has been paid into the state treasury or the city or town treasury, as the case may be; provided, however, that the local licensing authority may allow such fees to be paid semiannually. No license shall be granted by the commission under section 18, 19, 19B, 19C, 19D or 76 unless the applicant shall have filed with the state treasurer a bond running to the commonwealth. Every such bond shall be in a penal sum and form approved by the commission and be executed by the applicant as principal and by a surety company authorized to do business in the commonwealth as surety, conditioned upon performance by the licensee of all the conditions of the license and observance of all provisions of this chapter.

For Date: 02/10/2017 - Friday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
17-2793	1131	Radio - Assist Other Agency	SERVICES RENDERED
Call Taker: JOHN P CACELA			
Location/Address: 136 PLEASANT ST			
Narrative:			
02/10/17, 1130 HRS. OFFICER TALBOT TO DELIVER PAPERWORK TO MANAGER OF SNOWS RESTAURANT.			
Narrative:			
OFFICER TALBOT REPORTS PAPERWORK UNABLE TO BE SERVED, AS NO ONE IS PRESENT AT THE RESTAURANT. ALSO REPORTS THAT THE PARKING LOT HAS NOT BEEN PLOWED.			

For Date: 02/23/2017 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
17-3663	1330	Other - GENERAL INFORMATION	SERVICES RENDERED
Call Taker: JOHN P CACELA			
Location/Address: 136 PLEASANT ST			
Narrative:			
O-16 OFF AT SNOWS RESTAURANT TO SERVE PAPERWORK IN HAND TO DANIEL SAAD.			
Narrative:			
O-16 REPORTS NO ANSWER AT DOOR. REPORTS BUILDING APPEARS EMPTY AND PARKING LOT IS NOT PLOWED. O-16 CLEAR.			



Board of Selectmen: *John E. Carroll, John A. Desmond, Nancy J. Talbot, Michael Fountain, Alan G. Whitney*  
Town Manager: *Stuart Beckley*  
*sbeckley@townofware.com*



## TOWN OF WARE

Board of Selectmen  
Town Hall, 126 Main St., Suite J  
Ware, Massachusetts 01082-1386  
Tel. 413-967-9648 EXT. 100

February 27, 2017

RT's Welding Fabrication & Auto Repair, Inc.  
730 Belchertown Road  
Ware, MA 01082

Dear Mr. Letourneau:

This letter is to inform you that RT's Welding Fabrication & Auto Repair, Inc. will be a topic of discussion at the March 7, 2017 meeting of the Ware Board of Selectmen. This discussion is based on the enclosed letter sent to you on December 22, 2016.

You are invited to attend this meeting to provide updated information to the Ware Board of Selectmen.

Sincerely,

Mary L. Midura  
Executive Assistant to Ware Town Manager

Enclosure

Board of Selectmen *John E. Carroll, John A. Desmond, Nancy J. Talbot, Michael Fountain, Alan G. Whitney*  
Town Manager *Stuart Beckley*  
sbeckley@townofware.com



## TOWN OF WARE

Board of Selectmen  
Town Hall, 126 Main St., Suite J  
Ware, Massachusetts 01082-1386  
Tel. 413-967-9648 EXT. 100

December 22, 2016

RT's Welding Fabrication & Auto Repair, Inc.  
730 Belchertown Road  
Ware, MA 01082

Dear Mr. Letourneau:

At the December 20, 2016 Board of Selectmen meeting, your Class II and Class III Car Dealer licenses were among the licenses to be approved for renewal for 2017. The Board of Selectmen did approve renewal of these licenses.

An email from Bob and Anne Krasnecky was brought to the attention of the Board of Selectmen, and the email was considered by the Board before approval of the renewals. That email is attached to this letter.

The Board of Selectmen, based on the concerns of Mr. and Mrs. Krasnecky, request that you address these concerns and report the progress and/or completion of these issues to the Board of Selectmen by March 1, 2017. Also, please provide a schedule for the installation of the required property fence.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart Beckley", is written over a horizontal line.

Stuart Beckley  
Town Manager

Sb/mlm

Enclosure

Midura, Mary

---

From: Beckley, Stuart  
Sent: Tuesday, December 20, 2016 9:45 AM  
To: Midura, Mary  
Subject: FW: Renewal license for BOS meeting

From: Awk0909 [mailto:awk0909@comcast.net]  
Sent: Tuesday, December 20, 2016 9:35 AM  
To: Beckley, Stuart <sbeckley@townofware.com>  
Subject: Renewal license for BOS meeting

Good morning Stuart,

Regarding RT'S Welding informational update for tonight's meeting.

Operations: working past hours on license in building with south side garage doors open past 6pm M-F and after 2PM on Saturday.

Junk yard clearly visible from River Rd.

Sundays: showing people cars that are for sale, specifically on 11/20/2016 3:00 PM showed a car, opened and started car, they let the people drive it and then came back for all of them to go into the garage at 730 Belchertown Rd.

16 foot high shelving unit, you can see from route 9 with car parts stacked on it.

Property not purchased. No fence.

Big Boys Toys operated by Wayne Henrichon: Asking to change hours of operation from 8:00 - 4:30 to 8:00 - 6:00 PM. This business should be decreasing not increasing due to junk yard being shortened with junks.

Thank you for your time. Hopefully you can bring this up at the meeting.

Bob and Anne Krasnecky  
6 River Rd Ware  
967-0911

## Beckley, Stuart

---

**From:** Chris Dimarzio <chris@lindersinc.com>  
**Sent:** Thursday, February 16, 2017 1:02 PM  
**To:** Beckley, Stuart  
**Subject:** WS13

Hi Stuart,

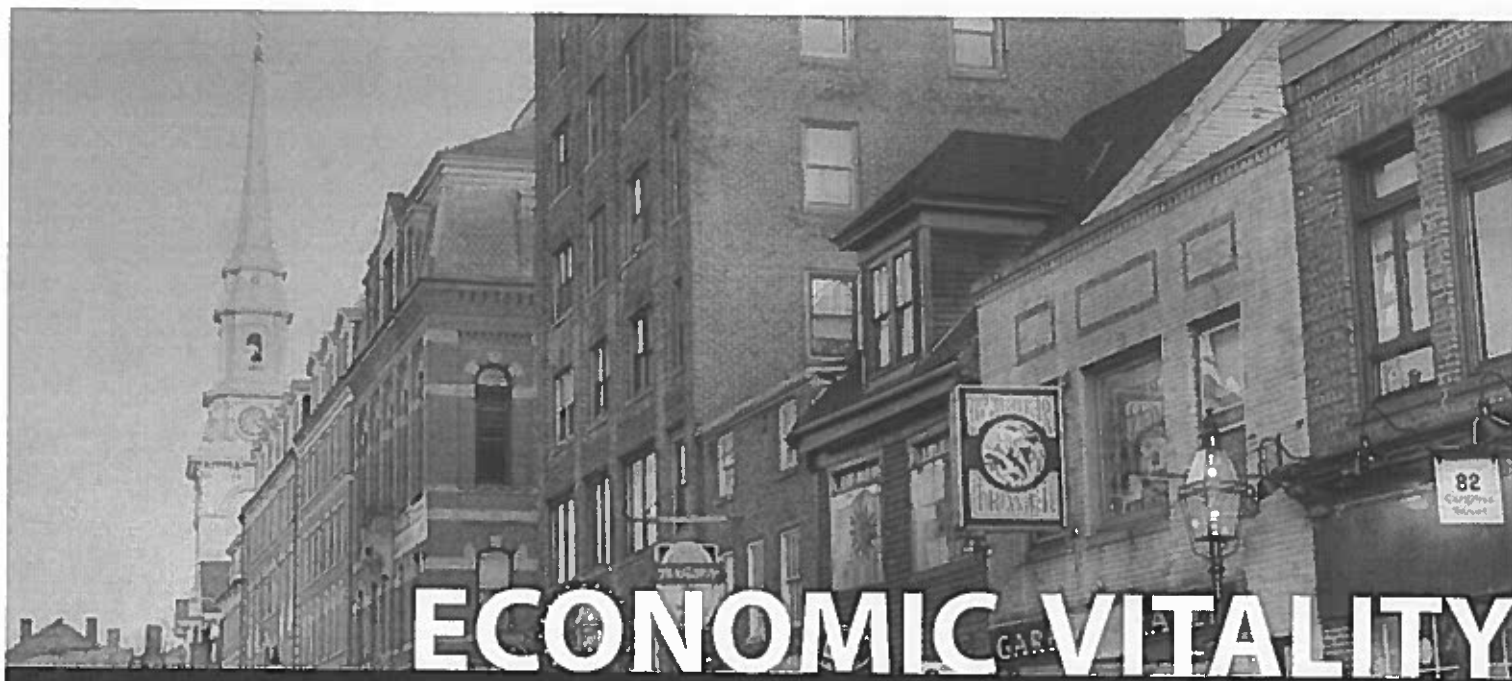
As you know, when Roc and I purchased the WS13 building from the town, the selectmen added a deed restriction saying we must always pay property taxes regardless of our status. We agreed because we felt they were trying to protect the town in case we were simply trying to rape the building of the stain glass and other items and or otherwise reap a windfall instead of restoring it as we promised. We agreed to the restriction in the belief that once we followed through with our efforts, that the Selectmen would see the same value the cultural center brings to the community and would consider removing the deed restriction. Well, we have paid the taxes through the last few years and followed through creating what I think a lot of people thought could never take hold in the Town of Ware. We now have a robust board of volunteer directors all taking on responsibilities ranging from marketing to grant writing, and because of that, WS13, a non-profit is becoming self-sustaining. To seed this non-profit, Roc and I have carried a lot of the operating expense out of pocket early on, slowly those expenses we taken on by the non-profit, we still don't charge any rent and pay the property taxes still out of pocket.

There are many grants available for continued restoration and improvements to the building if it was owned by a municipality or non-profit, which is why I am seeking help from the board. We have received a grant for legal services and have entered into discussion's for the purchase of the building by WS13, whereby positioning itself to have greater access to State or Federal historical and cultural grants, we are trying to structure the sales price to recoup hard cash invested into the building by Roc and I, but we are forgoing any profit on our labor and or value increase now that the building is habitable again. During these talks and in looking at financials, there is a concern that the property taxes may be un-manageable after they assume the debt service for the purchase of the property. I know it may not seem like a lot of money to some people, but I would submit those same people have never undertaken the establishment of an arts and cultural learning center in an old, Historically significant building during one of the worst economic downturns in modern times, haha.

We are asking to be placed on the agenda so we may ask that the Selectmen vote to remove the tax restriction. We have many people who are willing to come in and speak to the value WS13 brings to the downtown as well as representatives from local groups and organizations who have used our building for meetings, gatherings and rehearsals at no charge. We have always felt that the cultural center in a lot of ways is also a community center as well. It is also very important to understand what we are asking for and what the Board of Selectmen would be agreeing to. We are not asking that the Selectmen make the property tax exempt, we are merely asking that the mandatory tax clause be lifted. In doing that, the property would revert back to the same status as any other property in town and it would be up to the Board of Assessors to weigh the merit of whether or not the property should enjoy a non-profit tax exemption. In doing this, WS13 would be better positioned to move forward with the purchase of the property, armed with the knowledge that they would then at least have an opportunity to make a case with the assessors for tax relief on the property.

Let me know your thoughts and whether you feel additional information should be submitted with this request.

Best Regards,  
Chris DiMarzio



How the arts and culture sector catalyzes economic vitality

David J. Murray

ARTS AND CULTURE BRIEFING PAPERS 05

Terms such as "creative economy," "creative class," and "cultural economy" are becoming more common among urban planners, arts administrators, economic developers, and business and municipal leaders.<sup>1</sup> These terms reference a variety of types of jobs, people, and industries, including the sectors of visual, performing, and literary arts, as well as applied fields like architecture, graphic design, and marketing. Whatever label is used, this use of terminology linking culture and the economy indicates recognition of the connections among the fields of planning, economic development, and arts and culture.

The activities of the arts and culture sector and local economic vitality are connected in many ways. Arts, culture, and creativity can

- ◆ improve a community's competitive edge
- ◆ create a foundation for defining a sense of place
- ◆ attract new and visiting populations
- ◆ integrate the visions of community and business leaders
- ◆ contribute to the development of a skilled workforce

To pursue economic development projects with a creative approach, there are four key points to consider:

#### KEYPOINT #1:

***Economic development is enhanced by concentrating creativity through both physical density and human capital. By locating firms, artists, and cultural facilities together, a multiplier effect can result.***

#### KEYPOINT #2:

***The recognition of a community's arts and culture assets (and the marketing of them) is an important element of economic development. Creatively acknowledging and marketing community assets can attract a strong workforce and successful firms, as well as help sustain a positive quality of life.***

#### KEYPOINT #3:

***Arts and cultural activities can draw crowds from within and around the community. Increasing the number of visitors as well as enhancing resident participation helps build economic and social capital.***

#### KEYPOINT #4:

***Planners can make deliberate connections between the arts and culture sector and other sectors, such as tourism and manufacturing, to improve economic outcomes by capitalizing on local assets.***



American Planning Association  
*Making Great Communities Happen*

Prepared by the American Planning Association, as part of a collaborative project with the RMC Research Corporation and with funding from the Rockefeller Foundation

## KEYPOINTS

Competition, definition, attraction, integration, and continued development are all pivotal aims for economic development professionals. Traditional outcomes of economic development in planning include job creation, increased tax revenues, increased property values, increased retail activity, and more sustained economic vitality. These goals are often pursued through programs such as workforce development, recruitment, amenity packages for firms, local property investment, and policies that support business. When combined with creative approaches, these traditional programs can create a richer context for economic development.

Economic development approaches that integrate arts and culture are usually combinations of facility-centric, people-oriented, and program-based approaches. Development of an arena, cultural center, incubator

space, or creative district is an example of a facility-centric method, while a people-oriented approach could include facilitating arts professionals' development by approving live-work spaces, supporting arts centers, creating cooperative marketing opportunities, or commissioning artworks. Program-based approaches target a specific issue within a community, such as developing an arts program—whether gardening, mural making, or public art displaying—to address the issue of vacant property; promoting health education through a local arts festival, exhibitions, or performances or plays with health themes; or displaying artwork in vacant storefronts to attract passersby and enliven an area. Whether targeting economic improvement through facilities, people, programs, or all three, creative strategies can strengthen economic vitality (Table 1).

Each key point is explored in greater depth below, with examples and connections to the strategies in Table 1.

**Table 1. Creative Strategies for Improving Economic Vitality**

Strategy	Description
Promotion of Assets	Promoting cultural amenities for the purpose of attracting economic investment and skilled workers
Development	Promoting community development through artistic, cultural, or creative policies
Revitalization	Promoting community and neighborhood revitalization through artistic measures and strategies that emphasize creativity
Economic/Job Clusters	Creating economic or job clusters based on creative businesses, including linking those businesses with noncultural businesses
Education	Providing training, professional development, or other activities for arts, cultural, or creative entrepreneurs
Arts-Oriented Incubators	Creating arts-specific business incubators or dedicated low-cost space and services to support artistic, cultural, or creative professionals
Branding	Developing visual elements that communicate a community's character; using logo development and graphic design for advertising, marketing, and promoting a community
Districts	Creating arts, cultural, entertainment, historic, or heritage districts
Live-Work Projects	Providing economic or regulatory support for combined residential and commercial space for artists
Arts-Specific and General Public Venues	Providing public or private economic or regulatory support for marketplaces, bazaars, arcades, community centers, public places, parks, and educational facilities of various types
Events	Using celebrations or festivals to highlight a community's cultural amenities
Urban Design and Reuse	Implementing the reuse of existing sites or buildings for arts and culture purposes
Public Art	Supporting temporary and permanent public-art projects

## **KEYPOINT #1:**

*Economic development is enhanced by concentrating creativity through both physical density and human capital.*

Concentration of culture-sector firms and highly skilled workers, along with related facilities and business, enables partnerships and cooperative projects to develop. Concentration also facilitates the marketing of skills and products. The physical density of creative and cultural firms promotes the sector's prosperity, which is in turn economically good for the local area as a whole.

Clusters of culturally oriented businesses and workers can breed innovation and new specializations. Places where innovation is prized are naturally attractive to innovators and conducive to creativity of all types, as the frequency of exchange promotes creative activity. Planners can develop projects that deliberately locate creative professionals in a facility or area. Density or concentration of creative facilities can occur on a range of scales, from a single building to a streetscape, neighborhood, or district.

Concentrations of cultural enterprises and creative workers in a geographic area provide a competitive edge, likely by elevating the quality of life, improving a community's ability to attract economic activity, and creating a climate in which innovation can flourish.

The Crane Building in North Philadelphia is an example of a facility-centric redevelopment for creative businesses and artists. Originally built in 1905 as a plumbing warehouse, the building today houses Crane Arts ([www.cranearts.com](http://www.cranearts.com)), with four floors of artist studios and suites and a variety of project spaces available for community programs and cultural development. Facilities include an art-restoration studio, a ceramics studio, a multimedia studio, and a printmaking, painting, and sculpting studio. One of the office suites is a cultural coworking space opened by Peregrine Arts ([www.peregrinearts.org](http://www.peregrinearts.org)) for entrepreneurs, consultants, artists, writers, visionaries, and anyone working in design, media, history, the arts, and cultural heritage. The building has been successful enough that Crane Arts is considering opening another building. As an economic development tool, the building is beneficial not only to the creative occupants but to adjacent communities and the design profession as a whole. For example, during the recent economic recession, local architects with few or no incoming projects participated in a gallery exhibit at Crane Arts in an effort to "get back to the act of making things."<sup>2</sup> The exhibit was an effective tool for marketing and design.

In Tampa, Florida, a local developer designed and created the Sanctuary Lofts ([www.sanctuarylofts.com](http://www.sanctuarylofts.com)) as an urban revitalization project to concentrate creativity and attract residents back to the downtown. The project began with an early 20th-century Greek Revival church in the Tampa Heights historic district that was transformed into loft apartments with space for creative-studio rentals. Many of the existing materials were salvaged, including doors, windows, pews, and hymnal racks. Sanctuary Lofts now serves as workspace for painters, artists, photographers, designers, and architects. This unique living space can assist in facilitating communication between creative organizations and the public and can create a stronger sense of identity for community residents.

## KEYPOINT #2:

*The recognition of a community's arts and culture assets is an important element of economic development.*

Recognizing and strengthening existing assets are vital parts of community development and can contribute to economic development.

Assets include those related to entertainment (e.g., theaters, performing groups), personal development (e.g., community centers,

bookstores), and education (e.g., schools, museums), as well as more directly to job creation and industry (e.g., translators, designers). Cultural and creative amenities are assets as well as excellent tools for identifying and promoting other community assets.

Creative-class theory suggests that a high-tech, highly educated workforce prefers a location with creative amenities.<sup>3</sup> A flourishing arts and culture sector can affect where workers in the information economy, especially younger ones, want to live and as such is important for workforce recruitment and retention strategies.<sup>4</sup> To promote local culture and creativity, communities can deem an area or part of town as an arts, cultural, or creative district. A district is technically a designation to name and centralize creative assets by locating and drawing attention to cultural assets throughout the community. There may be economic incentives to live or work in such a district.

For example, Taos, New Mexico, has a number of designations intended to promote it as an arts and culture magnet. The State of New Mexico has designated Taos an Arts and Cultural District.<sup>5</sup> The New Mexico Arts and Cultural District Resource Team reviews the state of the creative economy and emphasizes building upon current assets to develop economic well-being. At the federal level, Taos is designated as part of the Northern Rio Grande National Heritage Area. Additionally, Taos is pursuing the New Mexico "Quality of Life" local option tax (a tax incentive to improve energy and water conservation, sustainable building, employment benefits such as job-training programs and employer-provided child care, and other quality of life factors) to support the continued formal existence of the Arts and Cultural District. It is also considering the construction of an arts-incubator space, to complement its affordable housing project, ArtSpace.<sup>6</sup> Taos's approach to economic development is based on asset recognition and directly connected to the arts and culture sector.

Another way to recognize assets and capitalize on them economically is to find ways to publicize and display the community's existing artistic talent and related amenities, such as ethnic foods, costumes, and visual arts and crafts. For example, in New Orleans the cultural heritage of Louisiana is celebrated through the New Orleans Jazz and Heritage Festival. This festival increases tourism through a showcase of music of every kind—"jazz, gospel, Cajun, zydeco, blues, R&B, rock, funk, African, Latin, Caribbean, and folk to name a few."<sup>7</sup>



**KEYPOINT #3:**

*Arts and cultural activities in an area can draw crowds from within and around the community.*

Arts and cultural activity can increase attention and foot traffic to an area, including attracting visitors and increasing the length of time and money they spend, thereby contributing to continued development. Similarly, the presence of public art

and related streetscape amenities such as artist-designed lighting, signs, and benches is a way to attract pedestrians.

Arts and cultural activity often attracts attention, whether for casual perusal or artistic investment. Such activity can include events at culturally specific facilities such as theaters, museums, music clubs, and galleries, as well as cultural activity in venues such as arenas, public parks, community centers, and schools. Communities can also develop creative ways to make artistic activity happen in vacant or underutilized spaces. Several communities have embraced the practice of promoting creative activity in vacant retail windows and storefronts as a revitalization tool.

An economic redevelopment process can often last several years. In an attempt to temporarily transform a street scheduled for redevelopment in Brooklyn, New York, by the local BID, the local arts group Ad Hoc Art (<http://adhocart.org/site>) transformed a row of vacant stores into a street art gallery. Known as Willoughby Windows, the block of Willoughby Street between Bridge and Duffield was turned into a temporary art exhibit, which included a photography-themed screenprint where a camera store used to be, woven paper maps, and a large cash register (representative of the perceived financial mistakes of Wall Street).<sup>8</sup> This temporary, creative art exhibit transformed an otherwise vacant eyesore into an interesting space for pedestrians.

Boston Art Windows is a collaboration between the city and local artists aiming to fill vacant storefronts in the Downtown Crossing area with exhibits that draw pedestrians.<sup>9</sup> The space is a streetside art gallery incorporating interactive video, lighting, and sound to encourage passersby to pause and enjoy the spectacle. One artist's camera records the movements of pedestrians and plays them back in time-delayed video loops that eventually cover a screen. The redevelopment authority involves curators with the storefront show, seeing the exhibit as an opportunity to facilitate changes to Downtown Crossing as economic development continues.

In Grand Rapids, Michigan, local artists, business owners, and the public engage in an annual creative event called Art Prize ([www.artprize.org/home](http://www.artprize.org/home)). Art Prize is an open contest in which any artist, established or emerging, can show work and any visitor can vote on it. In essence, Art Prize is the creation of a context for the city to become a temporary art gallery. During this informal creative event, public participation, interaction, and economic development are strengthened as more than 100 venues open for it (including local retail and business spaces). More than 1,000 people volunteer. The resulting relationships extend beyond the boundaries of the competition to strengthen interaction among retail shops, business owners, and the art world. Economic benefits of the contest include increased traffic and improved business.

**KEYPOINT #4:**

*Planners can make deliberate connections between the arts and culture sector and other sectors.*

Establishing opportunities for partnerships among various economic sectors and creative professionals is a way to promote economic development. The talents of artists (especially related to design and communication) can enhance the

value of local products and services and increase their dissemination.

Partnerships often begin with economic clusters that are closely related to or dependent on the design field; examples include marketing, tourism, high-end manufacturing, and filmmaking. These economic clusters are groups of organizations with related producers, suppliers, distributors, and intermediaries. Proximate organizations can take advantage of shared interests, relationships, and economies.<sup>10</sup>

Deliberate team building by planners can help artists, designers, and people in related economic clusters to their shared advantage. Connecticut, for example, has recently instituted Cultural and Tourism Partnership Grants that encourage interdisciplinary collaborations among tourism, historical, film, and arts organizations.<sup>11</sup> The goal is to help localities develop relationships and strategies to improve tourism, an important goal in economic development.<sup>12</sup> The grants support projects such as film and arts festivals, development of garden and museum trails, seasonal crafts and events, and theater packages. Lead applicants must be nonprofit organizations, but they can partner to seek funding for both profit and nonprofit ventures.

Brooklyn, New York, is experiencing an economic transformation as a result of food. A growing gastronomical entrepreneurial energy is transforming once industrial, underutilized pockets of Brooklyn into culinary oases. Entrepreneurs in their 20s and 30s, who often have a strong sense of community and creativity, are opening restaurants, bars, pubs, specialty shops, butcheries, coffee shops, and other food production and processing facilities throughout the borough. These businesses are not only meeting the growing local and regional demand for locally produced and wholesome foods but also creating an incubator for culinary quality, craftsmanship, and artistry. For example, the outputs of Cut Brooklyn, a knife-making business, become the inputs for Brooklyn Kitchen, a specialty store; cacao nibs, a product of Mast Brothers Chocolate, and Ethiopian coffee beans from Gorilla Coffee are added to beer at Sixpoint Craft Ales; and root vegetables purchased from a nearby farmers market are combined with wort from Sixpoint to make relish at Wheelhouse Pickles.

This new collaboration between business owners is resulting in increased economic vitality and sense of community between merchants as well as residents.<sup>13</sup> In February 2010, recognition of the economic, environmental, health, and social impacts of food production, processing, access, consumption, and waste disposal prompted residents of New York City and the Manhattan borough president to develop "FoodNYC: A Blueprint for a Sustainable Food System," a report that establishes goals and provides recommendations for improving and balancing the health, economic, and environmental needs of the city. This report recognizes the untapped economic potential of the region's food system, as well as the health, equity, and environmental challenges of this economic sector.

## CONCLUSION

The economic development field has changed in the last decade from one that primarily emphasized location and firm-based approaches to one that more overtly acknowledges the development of human capital. Human capital refers to the sets of skills, knowledge, and value contributed by a population and has become a recognized asset as firms choose where to locate (and cities choose what to advertise and develop and whom to recruit) and entrepreneurs develop economic activity.

Members of some sectors of today's workforce seek certain characteristics in the places they choose to live. Places with entertainment options, public interaction, lively streets, and recreational and educational amenities are preferred, along with arts and culture activities and amenities. Leaders in the field of planning and economic development are developing noteworthy, creative approaches to making places of any scale more satisfying to this workforce, while increasing economic viability and competitiveness.

*This briefing paper was written by M. Christine Dwyer (senior vice president, RMC Research Corporation) and Kelly Ann Beavers (PhD candidate, Virginia Tech, and American Planning Association arts and culture intern), and edited by Kimberley Hodgson, AICP (manager, Planning and Community Health Research Center, American Planning Association).*

## Endnotes

1. Landry 2000; Florida 2002.
2. Inga Saffron, "Changing Skyline: Phila. Architects Offer Some Homegrown Ideas," *Philadelphia Inquirer*, October 9, 2009.
3. Richard Florida, *The Rise of the Creative Class* (New York: Basic Books, 2003).
4. Richard Florida, *Who's Your City?: How the Creative Economy Is Making Where to Live the Most Important Decision of Your Life* (New York: Basic Books, 2009).
5. Rick Romancito, "Taos Arts and Cultural District a First for New Mexico," *Taos News*, October 24, 2009; available at [www.taosnews.com/articles/2009/10/28/entertainment/doc4ae31f6a1733e086547611.txt](http://www.taosnews.com/articles/2009/10/28/entertainment/doc4ae31f6a1733e086547611.txt). See also [www.taosgov.com](http://www.taosgov.com).
6. APA Arts, Culture and Creativity survey, 2009.
7. "Testimony by NGA Center for Best Practices Director John Thomasian before the House Education and Labor Committee on the Economic and Employment Impact of the Arts and Music Industry," March 26, 2009; available at [www.nga.org/portal/site/nga/menuitem.0f8c660ba7cf98d18a278110501010a0/?vgnextoid=db4bd36852440210VgnVCM1000005e00100aRCRD](http://www.nga.org/portal/site/nga/menuitem.0f8c660ba7cf98d18a278110501010a0/?vgnextoid=db4bd36852440210VgnVCM1000005e00100aRCRD).
8. "Willoughby Windows: Vacant Brooklyn Block Becomes Street Art Gallery," August 12, 2009; available at [www.psfk.com/2009/08/willoughby-windows-vacant-brooklyn-block-becomes-street-art-gallery.html](http://www.psfk.com/2009/08/willoughby-windows-vacant-brooklyn-block-becomes-street-art-gallery.html).
9. Yvonne Abraham, "Local Artists See Windows of Opportunity," *Boston Globe*, June 7, 2005. Available at [www.boston.com/news/local/articles/2005/06/07/local\\_artists\\_see\\_windows\\_of\\_opportunity](http://www.boston.com/news/local/articles/2005/06/07/local_artists_see_windows_of_opportunity).
10. Testimony by NGA Center for Best Practices Director John Thomasian.
11. See [www.cultureandtourism.org/cct/cwp/view.asp?a=2211&q=293780](http://www.cultureandtourism.org/cct/cwp/view.asp?a=2211&q=293780).
12. Testimony by NGA Center for Best Practices Director John Thomasian.
13. See Oliver Schwaner-Albright, "Brooklyn's New Culinary Movement," *New York Times*, February 24, 2009, available at [www.nytimes.com/2009/02/25/dining/25brooklyn.html](http://www.nytimes.com/2009/02/25/dining/25brooklyn.html); "More Voices from Brooklyn," *New York Times*, February 26, 2009, available at <http://dinersjournal.blogs.nytimes.com/2009/02/26/more-voices-from-brooklyn/>; and Kim Severson, "Young Idols with Cleavers Rule the Stage," *New York Times*, available at [www.nytimes.com/2009/07/08/dining/08butch.html](http://www.nytimes.com/2009/07/08/dining/08butch.html).

## Arts and Culture Briefing Papers

This is one in a series of briefing papers on how planners can work with partners in the arts and culture sector and use creative strategies to achieve economic, social, environmental, and community goals.

Please visit our website at [www.planning.org/research/arts](http://www.planning.org/research/arts) to learn more about this series.

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## **TOWN OF WARE**

### **Town Manager**

126 Main Street  
Ware, MA 01082  
413-967-9648 x100

March 1, 2017

To : Board of Selectmen  
From : Stuart Beckley, Town Manager  
Subject: Warrants for Annual and Special Town Meeting, Spring 2017

Would the Board of Selectmen please open the respective Warrants for Annual Town Meeting and Special Town Meeting? The proposed schedule is:

Open Warrants	:	Tuesday, March 7, 2017
Close Warrants	:	Thursday, March 30, 2017 at noon
Approval of Warrant	:	Tuesday, April 4
Review of Articles	:	Tuesday, April 18
Town Meeting	:	Monday, May 8

Thank you.



APPLICATION FOR SPECIAL SERVICE OF  
ALCOHOLIC BEVERAGES  
MGL CHAPTER 138, SECTION 14  
TOWN OF WARE

Name: Workshop13 Application Date: 3.2.17

Contact Phone 413-277-6072 Email: INFO@WORKSHOP13.ORG

Effective Date(s) of License: 3/18/17 SATURDAY

Hours of Service (In conformity with MGL): 6-10

Event (describe activities): Wareman Theatre Play - Love Letters

Anticipated Attendance: 50?

Sponsoring Organization: \_\_\_\_\_

For Profit: ☐ Beer & Wine (only) Non Profit: All Alcoholic ☐ Beer & Wine ☒

Address (include Street & Number): 13 Church St Ware

Names of All Servers (bartenders) for this event: Pat Gaudreau

Estimated Number of Attendees 50

Crowd Control Manager Ric Gaudreau

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby Certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: Wadsworth

Social Security # or Federal I.D.#: \_\_\_\_\_

**Fire Inspection**

Date: 12/5/2016

**Building Inspection**

Date: 12/5/2016

Date Received: 3/2/2017

Insurance Certificate: ON FILE

Application Fee: \$25.00

Action Taken: ☒ Approved ☐ Denied

Date: 03/02/2017 2017-6

Police Chief Review and Action

Kenneth Kovitch

Kenneth Kovitch, Acting Police Chief



APPLICATION FOR SPECIAL SERVICE OF  
ALCOHOLIC BEVERAGES  
MGL CHAPTER 138, SECTION 14  
TOWN OF WARE

Name: Workshop13 Application Date: 3/2/17

Contact Phone 413-277-6072 Email: INFO@WORKSHOP13.ORG

Effective Date(s) of License: 3/24/17 FRIDAY

Hours of Service (In conformity with MGL): 6<sup>30</sup>-10<sup>30</sup>

Event (describe activities): Open Mic

Anticipated Attendance: 90

Sponsoring Organization: \_\_\_\_\_

For Profit: ☐ Beer & Wine (only) Non Profit: All Alcoholic ☐ Beer & Wine ☒

Address (include Street & Number): 13 Church St Ware

Names of All Servers (bartenders) for this event: Pat Gaudreau, Darlene Sojka

Estimated Number of Attendees 90

Crowd Control Manager Pat Gaudreau

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby Certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: Wade Wayne

Social Security # or Federal I.D.#: \_\_\_\_\_

**Fire Inspection**

Date: 12/5/2016

**Building Inspection**

Date: 12/5/2016

Date Received: 3/2/2017

Insurance Certificate: ON FILE

Application Fee: \$25.00

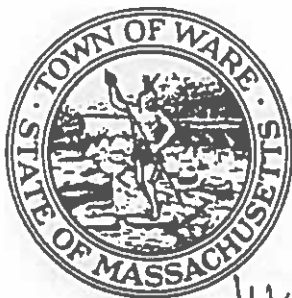
2017-7

Action Taken: ☒ Approved ☐ Denied Date: 03/02/2017

Police Chief Review and Action

Kenneth Kovitch

Kenneth Kovitch, Acting Police Chief



APPLICATION FOR SPECIAL SERVICE OF  
ALCOHOLIC BEVERAGES  
MGL CHAPTER 138, SECTION 14  
TOWN OF WARE

Name: Workshop 13 Application Date: 3-2-17

Contact Phone: 413-277-6072 Email: INFO@WORKSHOP13.ORG

Effective Date(s) of License: 4-7-17

Hours of Service (In conformity with MGL): 6<sup>30</sup> / 10<sup>30</sup> FRIDAY

Event (describe activities): Concert event (Heart Collectors)

Anticipated Attendance: 90

Sponsoring Organization: \_\_\_\_\_

For Profit: ☐ Beer & Wine (only) Non Profit: All Alcoholic ☐ Beer & Wine ☒

Address (include Street & Number): 13 Church St Ware

Names of All Servers (bartenders) for this event: Pat Gaudreau, Lisa D Marzio

Estimated Number of Attendees 90

Crowd Control Manager Roc Gaudreau

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby Certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: Lisa D Marzio

Social Security # or Federal I.D.#: \_\_\_\_\_

**Fire Inspection**

**Date:** 12/5/2016

**Building Inspection**

**Date:** 12/5/2016

Date Received: 3/2/2017

Insurance Certificate: ON FILE ✓

Application Fee: \$25.00

2017-8

Action Taken: ☒ Approved ☐ Denied

Date: 03/02/2017

Police Chief Review and Action

Kenneth Kovitch

Kenneth Kovitch, Acting Police Chief





APPLICATION FOR SPECIAL SERVICE OF  
ALCOHOLIC BEVERAGES  
MGL CHAPTER 138, SECTION 14  
TOWN OF WARE

Name: Workshop 13 Application Date: 3-2-17

Contact Phone: 413-277-6072 Email: INFO@WORKSHOP13.ORG

Effective Date(s) of License: 4-8-17 SATURDAY

Hours of Service (In conformity with MGL): 6-1030

Event (describe activities): Concert Event (Freedom from Tyranny)

Anticipated Attendance: 90

Sponsoring Organization: \_\_\_\_\_

For Profit: ☐ Beer & Wine (only) Non Profit: All Alcoholic ☐ Beer & Wine ☒

Address (include Street & Number): 13 Church St Ware

Names of All Servers (bartenders) for this event: Pat Gaudreau, Lisa B Marzio

Estimated Number of Attendees 90

Crowd Control Manager Roe Gaudreau

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby Certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: [Signature]

Social Security # or Federal I.D.#: \_\_\_\_\_

**Fire Inspection**

Date: 12/5/2016

**Building Inspection**

Date: 12/5/2016

Date Received: 3/2/2017

Insurance Certificate: ON FILE ✓

Application Fee: \$25.00

Action Taken: ☒ Approved ☐ Denied

Date: 03/02/2017

2017-9

Police Chief Review and Action

[Signature]

Kenneth Kovitch, Acting Police Chief



APPLICATION FOR SPECIAL SERVICE OF  
ALCOHOLIC BEVERAGES  
MGL CHAPTER 138, SECTION 14  
TOWN OF WARE

Name: Workshop13 Application Date: 3-2-17

Contact Phone 413-277-6072 Email: INFO@WORKSHOP13.ORG

Effective Date(s) of License: 4-21-17 FRIDAY

Hours of Service (In conformity with MGL): 6<sup>30</sup> 10<sup>30</sup>

Event (describe activities): Open Mic

Anticipated Attendance: 90

Sponsoring Organization: \_\_\_\_\_

For Profit: ☐ Beer & Wine (only) Non Profit: All Alcoholic ☐ Beer & Wine ☒

Address (include Street & Number): 13 Church St Ware

Names of All Servers (bartenders) for this event: Pat Gaudreau Lisa D Marzio

Estimated Number of Attendees 90

Crowd Control Manager ROC Gaudreau

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby Certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: Lisa D Marzio

Social Security # or Federal I.D.#: \_\_\_\_\_

**Fire Inspection**

Date: 12/5/2016

**Building Inspection**

Date: 12/5/2016

Date Received: 3/2/2017

Insurance Certificate: ON FILE

Application Fee: \$25.00

2017-10

Action Taken: ☒ Approved ☐ Denied

Date: 03/02/2017

Police Chief Review and Action

Kenneth Kovitch

Kenneth Kovitch, Acting Police Chief

**TOWN OF HARDWICK**  
Commonwealth of Massachusetts



Board of Selectmen, P.O. Box 575, Gilbertville, MA 01031  
Phone: (413) 477-6197

March 2, 2017

Town of Ware  
200 West Street  
Ware, MA 01082  
Attn: Town Manager, Stuart Beckley

RE: Agreement Between the Town of Ware and Town of Hardwick – Mutual Aid Advanced  
Life Support (ALS)

Dear Mr. Beckley:

I am writing to you on behalf of the Town of Hardwick Board of Selectmen to request a joint meeting between the Selectboards of Ware and Hardwick to discuss the possibility of entering into the above referenced agreement.

The Hardwick Board of Selectmen have reviewed and concur with the terms of the attached draft agreement.

Sincerely,

Theresa A. Cofske  
Interim Town Administrator

**AGREEMENT BETWEEN  
TOWN OF WARE AND TOWN OF HARDWICK  
FOR MUTUAL AID ADVANCED LIFE SUPPORT (ALS)**

An Agreement entered this 2<sup>nd</sup> day of May, 2011 by and between Town of Ware Fire Department, with a principal place of business at 200 West Street, Ware, MA 01564 ("Ware"), and Town of Hardwick with a principal place of business at \_\_\_\_\_, Hardwick, MA 01 ("Hardwick").

WHEREAS, Ware is licensed as an Advanced Life Support (ALS) ambulance service provider in Massachusetts;

WHEREAS, Hardwick seeks to make available and utilize for its residents all potentially life saving resources, including ALS assistance;

WHEREAS, MGL c. 48 §59A enables a town, by vote of its board of selectmen, to authorize its fire department to go to aid another city or town or to render any other emergency aid or perform any detail, as may be ordered by the head of the town's fire department

NOW THEREFORE, in accordance with the provisions of MGL c. 48 §59A and consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Ware agrees to respond to requests from Hardwick for EMS calls within the border of Hardwick to provide EMS services when Ware has available EMS services to include ALS resources, such availability to be determined at the sole and absolute discretion of Ware's Fire Chief (or his designee).
2. When providing such EMS services, employees of Ware shall provide assessment, treatment and transportation consistent with all pertinent state regulations, regional guidelines and clinical protocols. Ware employee(s) shall accompany the patient and provide appropriate care until the patient is delivered to the hospital and patient care responsibilities are transferred to hospital personnel.
3. Ware shall issue an invoice to appropriate payers for services rendered to recipients transported in Ware's ambulance under the care of Ware employees. Such claims shall include all charges normally billed to payers for ambulance service.
4. Hardwick agrees to compensate Ware in the amount of [REDACTED] annually for EMS services provided by Ware. Payment shall be due to the Town of Ware by [REDACTED] each year.

5. Each party's relationship to the other shall be that of an independent contractor and nothing herein shall be construed as making either party an employee, partner or joint venture of the other. It is expressly understood that Ware shall be responsible for their own employees and shall make no claims for work and vacation pay, sick leave or employee benefits of any kind. While in the performance of their duties in extending aid or services under this Agreement, Ware shall have the same immunities and privileges as if performing the same within Ware.

6. Each party hereto shall indemnify, defend, and hold the other harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorney's fees, arising out of its breach of this Agreement or its negligence or misconduct, including the negligence or misconduct of its agents or employees.

7. The initial term of this Agreement shall be one (1) year beginning as of the Effective Date. At the end of this initial term, this Agreement shall automatically renew for successive one (1) year terms. Either party may terminate this Agreement at any time for any reason by giving written notice of sixty (60) days to the other party. The provisions of paragraphs 3, 4 and 5 shall survive the termination of the Agreement with respect to EMS services performed during the contract period.

8. Neither party will assign or transfer this Agreement, or any interest in this Agreement, without the prior written consent of the other party.

9. Each party will provide to the other evidence of insurance coverage of the kind and amounts the parties deem appropriate. Ware will provide documentation of its legal authority to provide basic and advanced life support ambulance service.

10. The provider(s) will not discriminate against any client/patient for services because of race, color, religion, sex, sexual orientation, disability family status or national origin.

11. The parties hereto agree to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts and the United States of America.

Pursuant to this Agreement, Hardwick and Ware shall comply with the Health Insurance Portability and Accountability Act ("HIPAA") Privacy and Security Rules and hereby agree to abide by all applicable requirements under Massachusetts General Laws and the Health Insurance Portability and Accountability Act ("HIPAA"), its Regulations, and the HIPAA Business Associate Agreement, attached hereto and incorporated herein as an Addendum.

All notices hereunder shall be in writing and shall be deemed to be given when mailed by and addressed to the party at the address stated below, or such other address as such party may specify by written notice to the other party.

<b>Town of Ware Fire Department</b> 200 West Street Ware, MA 01082 Attn: Thomas Coulombe Chief, Ware Fire Department	<b>Town of Hardwick</b>  Hardwick, MA Attn: Theresa Cofske Town Administrator
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12. This Agreement constitutes the sole and entire understanding between the parties relating to the subject matter hereof, and supersedes all prior understanding, agreements and documentation relating to the subject hereof. This Agreement may be amended only by written instrument executed by the authorized representatives of both parties.

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**TOWN OF WARE**

**TOWN OF HARDWICK**

By its Town Manager and Selectmen

By Town Administrator and Selectmen

By: \_\_\_\_\_

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## **HIPAA – BUSINESS ASSOCIATE AGREEMENT**

This Business Associate Agreement is dated as of the 2<sup>nd</sup> day of May, 2011. The parties acknowledge that the Town of Hardwick (hereinafter “Town”), is a “Covered Entity” as defined in the Health Insurance Portability and Accountability Act of 1996 (hereinafter “HIPAA”) and corresponding regulations, and the Town of Ware (“Contractor”), acknowledges it is a “Business Associate” as defined in HIPAA and corresponding regulations. To maintain compliance with applicable law, the parties enter into this Business Associate Agreement for the parties’ participation in the Mutual Aid Advanced Life Support (ALS) Agreement between the Town of Ware and the Town of Hardwick, dated 02-May-11.

### **1. Definitions.**

Unless otherwise provided in this Agreement, capitalized terms shall have the same meaning as set forth in the HIPAA Regulations, 45 C.F.R. Parts 142 and 160-164.

### **2. Obligations and Activities of Contractor as a Business Associate.**

Contractor agrees:

- (a) All medical and financial records directly or indirectly pertaining to patients treated by the Town or any of its agents or employees shall at all times be strictly confidential.
- (b) Not to use or disclose Protected Health Information other than as permitted or required by this Agreement or as required by law;
- (c) To use appropriate safeguards to prevent use or disclosure of the Protected Health Information other than as provided for by this Agreement;
- (d) To mitigate, to the extent practicable, any harmful effect that is known to Contractor of a use or disclosure of Protected Health Information by the Contractor in violation of the requirements of by this Agreement;
- (e) To report to the Town any use or disclosure of the Protected Health Information not provided for in by this Agreement of which it becomes aware;
- (f) To the extent that a breach of unsecured Protected Health Information occurs, Contractor has an affirmative obligation to report to the Town and the individual affected by the security or privacy breach within five (5) days by first class mail, pursuant to HIPAA’s notice requirements.

- (g) To ensure that any agent, including a subcontractor and/or Business Associate, to whom Contractor provides Protected Health Information received from, or created or received by Contractor, on behalf of the Town agrees to the same restrictions and conditions that apply through by this Agreement with respect to such information;
- (h) To provide the Town or an Individual acting at the direction of the Town, access to Protected Health Information in a Designated Record Set within five (5) business days of a request by the Town, in order to meet the requirements under 45 C.F.R. § 164.524;
- (i) To make any amendments to Protected Health Information in a Designated Record Set, as directed by the Town, in order to ensure compliance with requests made by the Town or an Individual pursuant to 45 C.F.R. § 164.526 and in the time and manner designated by the Town ;
- (j) To make internal practices, books, and records, including policies and procedures, relating to the use and disclosure of Protected Health Information received from, or created or received by Contractor or any business associate (as defined in HIPAA and corresponding regulations) of Contractor on the Town's behalf, available to the Town, or at the request of the Town to the U.S. Secretary of Health and Human Services (hereinafter the "Secretary"), in a time and manner designated by the Town or the Secretary, for purposes of the Secretary determining the Town's compliance with the Privacy Rule or the Security Rule;
- (k) To document such disclosures of Protected Health Information and information related to such disclosures as would be required for the Town to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 C.F.R. § 164.528;
- (l) To provide to the Town or an Individual, within five (5) business days of the Town's or Individual's request, information collected in accordance with Subsection (h) of by this Agreement, to permit the Town to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 C.F.R. § 164.528;
- (m) To implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the Protected Health Information that Contractor creates, receives, maintains, or transmits on behalf of the Town as required by the Security Rule;



- (n) To ensure that any agent, including any subcontractor, to whom Contractor provides Protected Health Information agrees to abide by all of the same restrictions and conditions to which Contractor is bound under by this Agreement and implement reasonable and appropriate safeguards to protect it. Each such subcontractor or agent shall sign an agreement with Contractor containing substantially the same provisions as this Contract;
- (o) To immediately report to the Town any Security Incident of which Contractor becomes aware.
- (p) Contractor acknowledges that as of February 17, 2010 the requirements of HIPAA's Security and Privacy Rules shall apply directly to Contractor as a business associate, in the same manner as they apply to the Town, and Contractor shall be subject to HIPAA's enforcement and penalty provisions, including civil and criminal penalties.

### **3. Permitted Uses and Disclosures by Contractor as a Business Associate.**

Except as otherwise limited in by this Agreement, Contractor may:

- (a) Use or disclose Protected Health Information to perform functions, activities, or services for, or on behalf of, the Town as specified in the Contract, if such use or disclosure of Protected Health Information would not violate the Privacy Rule or the Security Rule, if done by the Town and would not violate the relevant policies and procedures of the Town concerning such use or disclosure;
- (b) Use the Protected Health Information in its possession for the proper management and administration of the Contractor's operations and to fulfill any present or future legal responsibilities of the Contractor provided that such uses are permitted under state and federal confidentiality laws;
- (c) Disclose the Protected Health Information in its possession to third parties for the purpose of the proper management and administration of the Contractor's operations or to fulfill any present or future legal responsibilities of the Contractor, provided that the Contractor represents to the Town, in writing, that: (i) the disclosures are required by law, as provided for in 45 C.F.R. §164.501; or (ii) the Contractor (or its Business Associate) has obtained from the third party reasonable written assurances that said information will remain confidential and be used or further disclosed only as required by law or for the purpose for which it was disclosed to the third party and the third party notifies the Contractor and its Business Associate of any instances of which he or she is aware in which the confidentiality of the information has been breached, as required under 45 C.F.R. §164.504(e)(4);

- (d) Aggregate the Protected Health Information in its possession with the Protected Health Information of other covered entities that the Contractor has in its possession through its capacity as a business associate to said other covered entities provided that the purpose of such aggregation is to provide the Covered Entity with data analyses relating to the health care operations of the Covered Entity, provided such data aggregation services are permitted by law pursuant to 45 C.F.R.164.504(e)(2)(i)(B). Under no circumstances may the Contractor disclose Protected Health Information of one Covered Entity to another Covered Entity absent the explicit authorization of the Covered Entity to whom the Protected Health Information belongs;
- (e) Report violations of law to appropriate federal and state authorities, consistent with 45 C.F.R. 164.502(j)(I).

**4. Obligations of the Town as a Covered Entity.**

The Town shall:

- (a) Notify Contractor of any changes in, or revocation of, permission by an Individual to use or disclose Protected Health Information, to the extent that such changes may affect Contractor's permitted or required uses and disclosures of Protected Health Information; and
- (b) Notify Contractor of any restriction to the use or disclosure of Protected Health Information that the Town has agreed to in accordance with 45 C.F.R. § 164.522, to the extent that such restriction may affect Contractor's permitted or required uses or disclosures of Protected Health Information.

**5. Permissible Requests by the Town as a Covered Entity.**

Neither the Contractor nor the Town shall request the other to use or disclose Protected Health Information in any manner that would not be permissible under the Privacy Rule or the Security Rule if done by such other entity.

**6. Term and Termination.**

Term: This Agreement shall commence as of the date hereof and remain effective until terminated as set forth herein.

- (a) Termination for Breach. In the event of a material breach by Contractor of by this Agreement, the Town may either at its option:

- (i) Immediately terminate the Mutual Aid Agreement between the parties without penalty, as provided for under 45 C.F.R. §164.504(e)(2)(iii), provided that the Town has given Contractor written notice of the alleged breach and a reasonable opportunity to cure the breach or end its violation, and Contractor has not cured said breach to the reasonable satisfaction of the Town within a reasonable period.
  - (ii) Immediately terminate the parties' relationship, if Contractor has breached a material term of by this Agreement and cure is not possible.
- (b) Termination for Improper Use. The Town may immediately terminate by this Agreement without penalty if the Town in its sole discretion, reasonably suspects that Contractor has improperly used or disclosed Protected Health Information in breach of by this Agreement.
- (c) Termination for Inadequate Safeguards. The Town may immediately terminate by this Agreement without penalty if it determines, in its sole discretion, that any change or any diminution of Contractor's security procedures or safeguards render any or all of Contractor's safeguards unsatisfactory to the Town .

In either case, the Town shall have the right to report the violation to the Secretary.

- (d) Termination of Contract for Cause by Contractor. In the event of a material breach by the Town of by this Agreement, Contractor may either at its option:
  - (i) Immediately terminate the Contract provided that Contractor has given the Town written notice of the alleged breach and a reasonable opportunity to cure the breach or end its violation, and the Town has not cured said breach to the reasonable satisfaction of Contractor within a reasonable period.
  - (ii) Immediately terminate the parties' relationship and the Contract if the Town has breached a material term of by this Agreement and cure is not possible.

In either case Contractor shall have the right to report the violation to the Secretary.

(e) Effect of Termination.

- (i) Upon termination of this Agreement for any reason, Contractor shall return to the Town all Protected Health Information, including all Electronic Protected Health Information, received from the Town, or created or received by Contractor on behalf of the Town. This provision shall apply to Protected Health Information, including all Electronic Protected Health Information that is in the possession of subcontractors or agents of Contractor. An authorized representative of Contractor shall certify in writing to the Town, within fifteen (15) days from the date of termination of by this Agreement, that all Protected Health Information has been returned and that Contractor no longer retains any Protected Health Information in any form.
- (ii) Upon the Town's confirmation that returning the Protected Health Information is infeasible, Contractor shall extend the protections of by this Agreement to such Protected Health Information and limit further uses and disclosures of such Protected Health Information to those purposes that make the return infeasible, for so long as the Contractor maintains such protected Health Information. Contractor shall remain bound by the provisions of by this Agreement, until such time as all Protected Health Information has been returned, as set forth in Section 6(f)(i) above.

7. **Miscellaneous.**

- (a) Regulatory References. A reference in by this Agreement to a section in the Privacy Rule or the Security Rule means the section as in effect or as amended, and for which compliance is required.
- (b) Amendment; Waiver. The Parties agree to take such action as is necessary to amend by this Agreement from time to time as is necessary for the Contractor and the Town and the Contractor to comply with the requirements of the Privacy Rule, the Security Rule, and the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191. This Agreement may not be modified, nor shall any provision hereof be waived or amended, except in a writing duly signed by authorized representatives of the Parties. A waiver with respect to one event shall not be construed as continuing, or as a bar to or waiver of any right or remedy as to subsequent events.
- (c) Interpretation. Any ambiguity in by this Agreement shall be resolved in favor of a meaning that permits compliance with the Privacy Rule and the Security Rule.

- (d) No Third Party Beneficiaries. Nothing express or implied in by this Agreement is intended to confer, nor shall anything herein confer, upon any person other than the Parties and the respective successors or assigns of the Parties, any rights, remedies, obligations, or liabilities whatsoever.
- (e) Notices. Any notices to be given hereunder to a Party shall be made in accordance with the notice procedures contained in the Contract.

**8. Governing Law and Venue.**

This Agreement shall be governed by, and interpreted in accordance with the laws of the Commonwealth of Massachusetts. Moreover, where any provision of Massachusetts state law is more stringent or otherwise constitutes a basis upon which the Privacy Rule or the Security Rule is preempted, state law controls and the Contractor and the Town agree to comply fully therewith.

**(Remainder of this page is intentionally blank – signatures on the following page)**

**IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT AS  
OF DAY AND YEAR FIRST WRITTEN ABOVE.**

**Town of Hardwick**

**Town of Ware**

By: \_\_\_\_\_

By: \_\_\_\_\_