

Board of Selectmen: *Nancy J. Talbot, Alan G. Whitney, Tracy R. Opalinski, John E. Carroll, Michael P. Fountain*

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



**Board of Selectmen
 Ware Town Hall, 126 Main Street, Meeting Room
 May 23, 2017 Minutes**

Meeting Opened at 6:34 p.m.

Present: Selectman Talbot, Selectman Whitney, Selectman Opalinski, Selectman Carroll

Absent: Selectman Fountain

Executive Session: MGL Chapter 30A, Section 21(a) #2, Negotiations

Selectman Whitney moved to Enter into Executive Session at 6:34 p.m. per MGL Chapter 30A, Section 21(a), #2, Negotiations, TO RECONVENE IN OPEN SESSION AT 7:00 P.M.; Selectman Carroll seconded. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent:

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

Selectman Whitney moved to Adjourn Executive Session at 6:55 p.m. per MGL Chapter 30A, Section 21(a), #2, Negotiations, TO RECONVENE IN OPEN SESSION AT 7:00 P.M.; Selectman Opalinski seconded. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent:

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

**Regular Meeting Minutes
 Tuesday, May 23, 2017 at 7:00 p.m.**

Present: Selectman Talbot, Selectman Whitney, Selectman Opalinski, Selectman Carroll, Town Manager Beckley, DPW Director Kilhart, WWTP Operator Comeau, Stanley Ciukaj, Clerk Mary Midura

Absent: Selectman Fountain

Meeting Opened at 7:02 p.m. by Chairman Talbot. There was a moment of silence for Jack Nicholas, who passed away May 15, 2017. He was Food Services Manager at Mary Lane Hospital, then Food Services Director of Ware Public Schools for 26 years.

Opening Remarks, Announcements, and Agenda review by Chair - None

Consent Agenda

- **Approval of Meeting Minutes of May 2, 2017**

Several corrections were made by the clerk on May 22, 2017.

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

Comments and Concerns of Citizens

Bill Jackson questioned why the article on solid waste was dismissed; Mr. Beckley explained that there was no prepared agreement with Tri-County Recycling, Inc. at the time of town meeting. Mr. Jackson also questioned when the next meeting about the ambulance would be held; Mr. Beckley explained that the committee sent out a survey to senior citizens but no questions have been received.

Keith Krukas noted that not all residents have seen this survey, and a call should be made, and printouts made, so that all residents can see what is being discussed. Chairman Talbot noted that any resident can ask the Town Manager for a printout if they do not use a computer.

Jack Cascio questioned if there would be a public hearing on the status of the house on route 9 (73 West Main Street), or what is the status of this situation. Mr. Beckley explained that the owner is willing to talk about this and the Building Inspector is coordinating information. Mr. Cascio questioned the progress on the building next to Niko's Pizza; Mr. Beckley noted there is new interest by the owner in applying for state aid and we are in discussion.

Chairman Talbot noted that Selectmen can answer these concerns and questions with better preparation if the citizen would drop off their questions to the Town Manager a few days before the meeting.

Scheduled Appearances

- **7:00 p.m. Commendation: David Comeau, WWTP**

Selectman Whitney read the commendation, which thanks Mr. Comeau for saving the Town of Ware approximately \$8,000 per month in wastewater treatment procedures.

- **Governor Baker's Race Amity Day Proclamation**

Selectman Opalinski read the Proclamation.

- **7:05 p.m. Request to Retake Vote of May 2, 2017 for National Grid Pole Petition #23733546 (Administrative Procedures – Legal Advertisement was not placed prior to May 2, 2017 meeting)**

Selectman Whitney moved to approve Petition #23733546; Selectman Opalinski seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

- **Presentation – Dog Park, Melannie Barnes**

Melannie Barnes, Natashia Sawabi, Lindsay Kularski, Mary O'Halloran, and Brandy Brusco were the presenters. Natashia Sawabi and Lindsay Kularski are high school students, and the school is involved through the government class to arrange an assembly and for volunteer work. Ms. Barnes explained that the proposed location for a dog park is the lot on Pleasant Street (formerly the site of the Mt. Carmel Church). The Stanton Foundation has a design grant that covers 100% of costs and a construction grant that covers 90%. The 10% needed to be raised would be a good faith effort to the Stanton Foundation. This group is meeting with the Parks and Recreation Committee in a public forum on June 5, 2017 at 6:00 pm. Ms. Barnes

has also spoken with Officer Gliniecki, Ware's K-9 officer. Ms. Barnes noted that the location is town-owned, town-insured, and town-maintained and is easily monitored by the Ware Police Department. This location is centrally located in town, is easy to walk to, and has parking and access to Ware's restaurants. A dog park at this location would be a great place for the Ware K-9 to train and exercise. There would be a small dog section and large dog section. The park would be locked at dusk and opened at dawn, with self-monitoring of licensed and approved dogs and their owners. There would be rules of the park. This group is asking for support from the Board of Selectmen. In Ludlow and Agawam, when dog parks were opened, there was an increase in dog licensing as owners wanted to use the park.

Mr. Beckley noted that the location is presently mowed and repairs done and trash picked up; he would like to research information regarding insurance and liability.

Selectman Talbot noted that there are currently over 1,500 dogs licensed in the Town of Ware.

Ms. Barnes noted that she has seen Ware families at other dog parks; if people come to a dog park in Ware, often they will spend money in the town.

Selectman Carroll noted that rules and regulations of the Parks and Recreation Committee may have to be amended, as presently no dogs are allowed off leash in any parks. Selectman Talbot noted that this dialogue is a good step in the process. A mailing will go out regarding the Parks and Recreation meeting on June 5, 2017 at 6:00 pm.

Old Business

- **Police Chief Update – Process of Interviews and Hiring**

Selectman Talbot recused from the discussion. Vice Chairman Whitney conducted the discussion.

Mr. Beckley noted Chief Healey retired two years ago, and Chief Kovitch fill the position for that time. The Police Department, including the Chief, are in civil service. In 2016, the Town requested a written exam. Only 3 applicants were interested, so the exam was cancelled. In 2017, an exam was again requested, but Civil Service was not holding written exams. The Town chose to offer a sole assessment center to internal candidates and a statewide open assessment center. Five candidates completed the Assessment Center on April 18 and 19, 2017. The rankings and scores were issued on May 21, 2017, but this is draft as there is a 17 day appeal period (to June 7, 2017) for candidates to question the individual scores. Moving forward, a Police Interview Committee has been formed and met for the first meeting on May 22 to discuss process and questions. Members include:

John Drawec, resident with police experience

Richard Trombly, resident with police experience

JAC Patrissi, Domestic Violence Task Force

Deb Gagnon, Substance Use Alliance, Mary Lane Community Benefits Advisory Committee

Paul Opalinski, Business community

Jennifer McMartin, resident, BMLH employee

Robert Shea, Council on Aging

The Committee hopes to conduct interviews in closed session on June 7 and June 9, 2017. After this, the Board of Selectmen, as the appointing authority, would conduct open interviews with the top 3 candidates. Within Civil Service rules, the Board may decide to offer the position to the chosen candidate.

Selectman Carroll requested a written report from the Police Interview Committee. Selectman Opalinski asked Mr. Beckley's role on this Committee; Mr. Beckley stated that he is attending the meeting as an observer.

- **Request to Revise Vote of May 2, 2017 for Class II Car Dealer License #7 Cookies Car Connection, to add name of Karen L. Parker on license (RMV requirement)**

Selectman Opalinski moved to approve the name addition to License #7; Selectman Whitney seconded.

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

New Business

- **Grievance – Administrative Bargaining Unit Member**

Jennifer Shaw was present, with Laura Jablonski and Kathy Galford representing the Administrative Personnel Unit. Ms. Shaw explained that she is the current DPW Administrative Assistant, and that she applied for a vacancy of Assistant Tax Collector that was posted on February 22, 2017. Ms. Shaw has 3 ½ years of experience with the specialized software. She was interviewed on April 5. On April 7, Maura O'Connor spoke with her about an opportunity to send her resume to Ms. O'Connor's former employer; Ms. Shaw took this as an indicator that she would not be offered the Assistant Tax Collector position. Ms. Shaw noted this gives internal candidates no opportunity to grow or advance. Ms. Shaw stated that she learned the brand new software system at the DPW with 5 hours of training. Ms. Shaw noted that this current process was not done as equal opportunity and due process was not given. Ms. Shaw stated that previous positions that have opened have been re-categorized down, and per the bargaining agreement an employee can carry seniority and benefits, but cannot carry the same pay. Ms. Shaw stated that she has been told she is not qualified for several positions which she previously applied for. Ms. Shaw stated this is reverse discrimination, employees are held back, unable to grow, change, gain knowledge. Ms. Shaw noted her service and dependability. Ms. Shaw stated that this process is unfair.

Selectman Carroll asked what Ms. Shaw would consider as a resolution. Ms. Shaw stated that she would like to see the following:

1. Re-posting of the position under EEO
2. Policy change – Charter 2007 v. Bargaining Unit Agreement, unions want cohesion, clear language, specifics of process
3. Applicants interviewed by Town Manager, Department Head and panel, i.e., one Board of Selectmen member

Selectman Talbot noted management's rights. Mr. Beckley noted that Ms. Shaw chose open session. He stated that while her information is accurate, the contract has precedence over the Charter, and the contract was not violated (the purpose of a grievance). Mr. Beckley noted that rarely are all applicants interviewed, per page 1 of the contract stating management's rights, with exclusive right to hire, as the Town strives to hire the best employee. Mr. Beckley stated that Ms. Shaw is an outstanding employee, but the person chosen for the position is the best fit. Mr. Beckley noted that some language in the contract can be clarified in the near future.

Selectman Carroll requested copy of applicants' resumes. Selectman Opalinski noted that Mr. Beckley has interview authority. Selectman Talbot also noted that the Town Manager has the authority to hire.

Selectman Whitney moved to take the grievance under advisement, to be determined in Executive Session, with a response due in ten days; Selectman Opalinski seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

- **Appointment to Capital Planning Committee – Jennifer McMartin**

Selectman Opalinski moved approval of the appointment to Capital Planning Committee, Term to June 30, 2020; Selectman Carroll seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

- **Ware Tax Rate Analysis – Selectman Whitney**

Selectman Whitney explained that the perception that Ware has the highest taxes is incorrect, and the intention is to put together an analysis of actual taxes paid that is educational to citizens.

- **Approval of One-Day All Alcoholic Liquor License: American Legion Post 123, Memorial Day, Monday, May 29, 2017**

Selectman Opalinski moved to approve the license; Selectman Carroll seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

- **Approval of One-Day Beer & Wine Liquor License: St. Mary's Parish, Saturday, June 10, 2017**

Selectman Opalinski moved to approve the license; Selectman Carroll seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

- **Approval of Special Event: Town Wide Tag Sale, Proprietors of Ware Center Meetinghouse, Saturday, June 17, 2017**

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

- **Approval of Toll Road: Ware Lions Club, Saturday, June 17, 2017**

Selectman Carroll explained that the Town must adhere to the landscape design and rules and regulations of the Park Trust. For example, clear cutting is prohibited.

Selectman Opalinski moved to approve the toll road permit; Selectman Whitney seconded. The motion passed on a vote of 3 Yes, 0 No, 1 Abstention (Selectman Carroll), 1 Absent (Selectman Fountain).

- **Approval of One-Day Beer & Wine Liquor License: Westfield Bank, Wednesday, June 21, 2017**

Selectman Opalinski moved to approve the license; Selectman Whitney seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

- **Request to Set Public Hearing for Dog Nuisance Complaint**

Selectman Whitney moved to set a Public Hearing for Dog Complaint on Tuesday, June 6, 2017 at 7:30 p.m.; Selectman Opalinski seconded. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

Town Manager Report

Mr. Beckley noted the Veterans Pancake Breakfast on Saturday, May 27 from 9-11 am. The Memorial Day Parade will be at 1:00 p.m. on May 29. A Community Dinner at United Church will be held on June 8, with guest speaker Marisa Hebble, and sponsored by Substance Use Alliance. The Warren Board of Health has announced their transfer station will accept household waste (\$100 fee to Ware residents).

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

Late Comment of Citizen: Kim Ring stated that she was here several weeks ago regarding the ambulance transfer issue. Baystate Mary Lane Hospital used West Brookfield to transport her fiancé, and she was told she would not be billed, but has since received a bill for \$400. She has been told that if Ware is called for transport, there would be no charge, as they are signed for the ambulance program. Ms. Ring called to argue the charge from West Brookfield and the charge was forgiven. But this situation has left citizens confused regarding the transport by ambulance service. Selectman Opalinski stated that the transport after 5:00 p.m. is determined by emergent or non-emergent diagnosis. Mr. Beckley noted he and Chief Coulombe will be meeting soon with Baystate Mary Lane Hospital representatives to discuss this issue.

At 8:53 p.m., Selectman Whitney moved to Adjourn; Selectman Opalinski seconded. The motion to adjourn passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Fountain).

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