



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

**Regular Meeting Minutes  
Tuesday, May 8, 2018 at 7:00 p.m.**

**Meeting Opened by Chairman Carroll**

**Present:** Selectman John E. Carroll, Selectman Michael P. Fountain, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Selectman Alan G. Whitney, Town Manager Stuart Beckley, Town Accountant Tracy Meehan, Planning Board Chairman Richard Starodoj, Clerk Mary L. Midura, Ware Community TV General Manager Stanley Ciukaj

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

**Consent Agenda**

- **Application for Special Event: Spring Sparkle Run 5K Run/Walk, May 12, 2018**
- **Application for One-Day All Alcoholic License: Earle F. Howe American Legion Post 123, Monday, May 28, 2018**
- **Application for Toll Road: Ware Lions Club for Fireworks Display, June 16, 2018**

**Selectman Whitney made the motion to approve the consent agenda items; Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No on the Special Event Application and One-Day All Alcoholic License. The motion passed on a vote of 4 Yes, 1 Abstention (Selectman Carroll) on the Toll Road Application.**

**Comments and Concerns of Citizens**

Carol Zins noted the Sparkle Run to be held on Saturday, May 12, 2018.

Phil Bourcier asked the status of his April 19 complaint; Mr. Beckley noted discussion would be during Executive Session.

Jack Cascio asked when line painting would occur; Mr. Beckley noted these would be done soon.

Ralph Worden presented his concerns of brown water. Selectman Kruckas asked that water be tested at the end of the lines. Selectman Whitney asked where the testing is done now, and to have that information presented at the next meeting. Selectman Carroll asked was the water tested only for quality, or can we ask that it be tested for the particulates? Mr. Beckley stated that flushing would be done Thursday/Friday. Jen McMartin questioned why the Board would wait two more weeks. Kim Ring stated this has been a long time problem. Mr. Beckley noted a business had a cracked tank that stirred up a lot of sediment. Selectman Whitney noted that we need facts before decisions. Cathy Cascio questioned the testing, emergency call if a problem is found. Mr. Beckley stated that system is in place NOW and DEP is strong about their system, and an emergency call would go out in the process NOW if there is any concern. Mr. Beckley reiterated that the testing could expand to other locations in addition to where tested now.

### **Scheduled Appearances – none**

### **Old Business**

- **Review Evaluation Summary for Town Manager**

Selectman Carroll noted areas of improvement. Selectman Whitney noted the need to define “better” and stated the gray areas of the evaluation need to be defined; he requested fellow Selectmen to send their comments through Ms. Midura to him. Kim Ring questioned the process and timeline. Selectman Whitney noted the evaluation would be published when completed. Selectman Opalinski noted clear guidelines from MMA and Mr. Beckley noted that the Attorney General has published those guidelines on the state website. Jen McMartin also questioned the publication of individual Selectmen’s reviews; Selectman Whitney noted all would be published at the end of the process.

- **Employee Reimbursement Policy**

Tracy Meehan noted previously suggested changes regarding business travel and wet bar expenses have been addressed in the policy. Selectman Opalinski questioned contact information and conference details; Ms. Meehan noted that this information is provided on all receipts. Employees usually pre-register and this information is provided at that time. Cathy Cascio questioned whether employees are reimbursed if not having attended a conference. Ms. Meehan noted the policy requires proof of attendance.

**Selectman Kruckas made the motion to adopt the Employee Reimbursement Policy; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

- **Designate Selectman Representative to TIF Committee**

**Selectman Kruckas made the motion to designate Selectman Whitney as Selectman Representative to the TIF Committee; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

### **New Business**

- **Employee Training Policy**

**Selectman Kruckas made the motion to adopt the Employee Training Policy; Selectman Whitney seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

- **Applications for Sewer Abatement**

- **90 West Main Street**

The request is for a sewer abatement of \$1,174.77 due to a frozen/broken pipe and extreme cold weather.

**Selectman Opalinski made the motion to deny the request for sewer abatement; Selectman Whitney seconded the motion. The motion was defeated by a vote of 3 No (Selectman Carroll, Fountain, Kruckas), 2 Yes (Selectman Opalinski, Whitney).**

**Selectman Kruckas made the motion to approve the request for sewer abatement; Selectman Fountain seconded the motion. The motion passed on a vote of 3 Yes (Selectmen Carroll, Fountain, Kruckas), 2 No (Selectmen Opalinski, Whitney).**

- **8 Webb Court**

The request is for a sewer abatement of \$666.80 due to frozen/broken pipe and extreme cold weather.

**Selectman Kruckas made the motion to approve the request for sewer abatement; Selectman Fountain seconded the motion. The motion passed on a vote of 3 Yes (Selectmen Carroll, Fountain, Kruckas), 1 No (Selectmen Opalinski), 1 Abstention (Selectman Whitney).**

- **50 East Street**

The request is for a sewer abatement of \$197.84 due to frozen/broken pipe and extreme cold weather. The Board noted that owners are responsible to check their properties.

**Selectman Kruckas made the motion to deny the request for sewer abatement; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes (Selectmen Fountain, Kruckas, Opalinski, Whitney), 1 No (Selectman Carroll).**

- **Building Inspector Letters RE: Unregistered Vehicles at Maple and East Streets**

Regarding Maple Street Power LLC and All Parts Racing LLC, parcels 57-0-122, 57-0-123, 57-0-124, and 57-0-125:

Cathy Cascio stated she represented the owner as President of the company, and noted "I know you won't make any decisions tonight".

Selectman Opalinski asked "What is he doing?" Mr. Cascio explained that the company takes in vehicles due to insurance claims, water damage, accidents, police impound, and other circumstances. Vehicles are towed to this location, and after legalities and court, are shipped to Connecticut and crushed or sent overseas.

Selectman Carroll noted that the bylaw indicates that vehicles are unregistered and the solution appears to be to move the vehicles out or apply for a license to sell junk. Mr. Beckley noted there are no sales, therefore a license is not part of this discussion. The owners have a special permit for towing and the zoning bylaw allows 12 months. Ms. Cascio noted that no vehicles are kept, and vehicles are moving continuously.

Selectman Kruckas argued that vehicles are at the location over one year. Selectman Opalinski noted that the owners are inconsiderate to the church and other residents with the usage of the property. Mr. Cascio stated that last week's complaint was the first complaint, and that the property is zoned industrial but the owners want to work with the neighbors.

Chairman Carroll asked Planning Board Chairman Richard Starodoj to weigh in on this discussion. Mr. Starodoj stated that only the 55 East Street parcel has a special permit for 72 vehicle spaces (including employees). The Planning Board has worked on this situation for over two years. There are no special permits on the parcels being discussed tonight. Mr. Starodoj stated that the Town of Ware is very business friendly and the easiest town to get site plans reviewed and compliant with state requirements and zoning laws.

Selectman Kruckas questioned if the owners are working with DEP on the property near the river; Mr. Starodoj noted that the owners of 55 East Street parcel are working with Conservation Commission, but not in regard to the Maple Street parcels.

Frank Moryl, of the Holy Cross Church on Maple Street, stated the church's parishioners' opposition to this business parking vehicles across from the church. He stated that vehicles have been parked for more than two years.

Jack Cascio state that the Planning Board has been helpful and tolerant, but there were no complaints on APR prior to May 2, 2018 Planning Board meeting. He stated that he spoke to the priest on Friday regarding the situation, that the priest told him "how would you like trailers parked on Church Street?" but that this discussion is in regards to an area that is zoned Industrial. The owners are willing to relocate the vehicles and box trucks to appease the neighbors. Most vehicles were moved by Monday.

Selectman Whitney noted that vehicles parked are not approved for these parcels.

Mr. Moryl stated the area is a junkyard, not used as industrial, and vehicles have been stored over two years.

Barbara Rodrigues stated that parked trucks have been collapsing with flat tires and gas and oil leaks. Dawn Guzik noted that vehicles have been moved on the land, but not removed.

Richard Starodoj stated that the owners should have a full record of all vehicles taken in and all vehicles moved out. Kim Ring questioned the towing contract with the Police Department. Devin Peterson questioned the licensing; Mr. Beckley reiterated this is not a license problem, and towing is allowed under the special permit.

The owners were encouraged to meet with the Planning Board to further discuss zoning and allowed uses of these parcels.

**Selectman Whitney made the motion that, prior to any fines being levied, the owners must meet within 7 days with Stuart Beckley, Town Manager, to draw up a plan of action within 30 days to come into compliance with the Code of the Town as stated in the April 11, 2018 letters from the Building Commissioner regarding complaints of unregistered vehicles parked on these parcels; Selectman Kruckas seconded the motion.**

Selectman Carroll requested the motion be amended to include that the owners must bring all taxes current.

**Selectman Whitney amended the motion that, prior to any fines being levied,**

- 1. the owners must meet within 7 days with Stuart Beckley, Town Manager, to draw up a plan of action within 30 days to come into compliance with the Code of the Town as stated in the April 11, 2018 letters from the Building Commissioner regarding complaints of unregistered vehicles parked on these parcels;**
- 2. Pay all outstanding taxes**

**Selectman Kruckas seconded the amended motion. The motion, as amended, passed on a vote of 5 Yes, 0 No.**

- **Announce Open Position on Cemetery Commission – Failure to Elect**  
Chairman Carroll read the letter from Town Clerk regarding the open position.

Devin Peterson is now an Assessor (write-in on April 9, 2018 ballot).

Cathy Cascio asked progress of the answers to previous meeting questions regarding the Fire Chief; Selectman Whitney noted this would be discussed in Executive Session.

Richard Starodoj suggested a monthly (or every few months) brush drop-off day would be appreciated by town residents. The Board requested a cost estimate to be presented at the May 22, 2018 meeting.

Selectman Kruckas asked the progress of the DPW Director position; Mr. Beckley noted applicants are being interviewed.

### **Town Manager Report**

Upcoming dates:

May 14 – Town Meetings, 6:30pm Special, 7:00 pm Annual

***Water Treatment Plant.*** The Treatment plant is nearly 100% designed. The Town will need an Owners Project Manager to oversee bidding and construction. Working with engineering firm to define the scope.

***East Street.*** The DPW is working with Palmer Paving to prepare the East/East Main Street structure and prepare for paving in the coming weeks.

**Cleanups.** Cleanup Ware is encouraging another Town roads cleanup on Saturday, May 19. A competition with the Town of Palmer has been created.

Additionally, the Town will hold its second Yard Waste Drop Off Day on Saturday, May 12 from 8 a.m. to 2 p.m. at Robbins Road.

The Town will set a date for a Bulky Waste collection, likely in mid-June for the drop off of furniture and/or electronics. There will be a fee for items.

**Ongoing Issues Update**

Research (MMA, other towns) how other towns handle homes that need repair, demolition	Building Inspector met with owner of 73 Main Street. Has proposal for transfer of property to Town.
Main Street	To use State funding, Main Street will require Bike lanes. <i>Main Street project is at 75% design. Decision on lighting will be needed.</i> Right of Way easements need approval from Town meeting and Selectmen prior to January 2019. Scheduled for bidding August, 2019. <b>May 22 presentation of 75% plans</b>
Capital Plan. More clarity on descriptions and breakdowns by department. Expand Capital Plan to include long-term needs. Provide list of current assets.	<i>Capital Planning Process completed.</i> Several projected articles for Town Meeting and beginning of discussion of long-term planning
Chart of Full-time and Part-time positions. Explain advantages and disadvantages	
Social Media Policy	Prepared. Reviewed by Labor attorney. Ready for adoption.
Multifamily Inspections	Inspectors meeting held. Determined that town will be divided into 5 sectors for 5-year inspections. Based on comments from other towns, will be challenged to complete fully. Establishing coordination system utilizing new software system. Online on March 15.

Purchase of 116 Pleasant Street	Appraisal complete. Discussions with homeowner. <i>Second appraisal conducted. Need to discuss sale in executive session (5/8).</i>
GPS	6 units installed. Negotiations with unions initiated on appropriate vehicles. Working with Verizon on next order of units. <b>Verizon has deal for \$1 per unit available through April (15 additional units acquired)</b> Budget to include cost of annual fees (\$5700)
Condemned buildings	Town Meeting Article for 73 West Main Street
Beaver Brook Bridge	Waiting to hear from Mass DOT

**Adjournment**

**Executive Session: MGL Chapter 30A, Section 21(a) #2 Negotiations: Fire, Police, Town Manager, #3 Litigation, #6 Real Property**

**Selectman Whitney made the motion to Adjourn Regular Session at 8:45 p.m. to go into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations: Fire, Police, Town Manager, #3 Litigation, #6 Real Property NOT TO RECONVENE IN OPEN SESSION; Selectman Fountain seconded the motion. The motion passed on a roll call vote of 5 Yes, 0 No.**

<b>Selectman John E. Carroll</b>	<b>Yes</b>
<b>Selectman Michael P. Fountain</b>	<b>Yes</b>
<b>Selectman Keith J. Kruckas</b>	<b>Yes</b>
<b>Selectman Tracy R. Opalinski</b>	<b>Yes</b>
<b>Selectman Alan G. Whitney</b>	<b>Yes</b>

Reminder: Annual Town Meeting will be held on Monday, May 14, 2018 at 6:30 p.m. at the WJSHS Auditorium

The next Board of Selectmen meeting will be held on Tuesday, May 22, 2018 at 7:00 p.m.

Attest:   
 Mary L. Midura, Executive Assistant