

Town Manager: Stuart Beckley  
sbeckley@townofware.com



## Board of Selectmen

Ware Town Hall, 126 Main Street, Meeting Room

Tuesday, November 21, 2017 at 6:00 p.m.

6:00 p.m. Executive Session: MGL Chapter 30A, Section 21 (a) #2 Negotiations

Vice Chairman Whitney opened the Regular Meeting at 6:01 p.m.

Selectman Carroll moved to enter into Executive Session at 6:01 p.m. per MGL Chapter 30A, Section 21 (a) #2 Negotiations TO RECONVENE IN OPEN SESSION; Selectman Fountain seconded the motion. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot recused):

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

Selectman Fountain moved to Adjourn Executive Session at 7:06 p.m., TO RECONVENE IN OPEN SESSION; Selectman Opalinski seconded the motion. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot recused).

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

## 7:00 p.m. Regular Meeting Minutes

Meeting Reopened by Chairman Talbot at 7:10 p.m.

Opening Remarks, Announcements, and Agenda review by Chair – Chairman Talbot read the agenda items.

### Consent Agenda

- Approval of October 17, November 2, November 7, and November 9, 2017 Meeting Minutes
- Approval of Special Event Permit: Ware Holiday Flair, Friday, November 24, 2017
- Approval of Special Event Permit: Ware Tree & Wreath Stroll, Saturday, December 9 and Sunday, December 10, 2017

Selectman Opalinski moved approval of the consent agenda; Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

Town Manager: Stuart Beckley  
sbeckley@townofware.com

### Comments and Concerns of Citizens

Keith Krukas questioned the vacant DPW position, and asked who is running the department and questioned the plan for replacement; Mr. Beckley stated that the Town is looking at options – Mr. Niedzwicki was given an additional stipend for running daily operations, and the Town intends to fill the position. Mr. Krukas asked for a copy of the resignation letter of Mr. Deni; Mr. Beckley stated that a request in writing is required to release the document.

### Scheduled Appearances

- **7:05 p.m., Public Hearing for Petition for Joint or Identical Pole Locations, National Grid and Verizon New England, Inc., #24714152 Walker Road**

Actual time of Public Hearing was 7:15 p.m. Diane from National Grid presented information; Chairman Talbot noted incorrect roads on the map. Diane will correct and send to the Town.

**Selectman Opalinski moved approval of Petition #24714152 Walker Road; Selectman Fountain seconded the motion. The motion passed unanimously (5-0).**

- **7:10 p.m., Public Hearing to Approve Storage of Flammables License for G & G Medical Products, LLC, 6 East Main Street**

Actual time of Public Hearing was 7:17 p.m. Fire Chief Coulombe explained that the Board of Selectmen grant the license as the first step, the company must go through a permit process with the Fire Department. The process includes compliance with all State safety regulations. The Fire Department reviews all such permits annually. The presented application is not actual; the Fire Chief can suggest underground tanks, but cannot require this. Resident Glen Wojcik questioned the size and location and magnitude of this project. Chief Coulombe noted that the Town must be careful not to violate the owner's rights. Selectman Carroll noted that the Board can set the license fee and annual rate, and suggested \$1.00 per gallon. Selectman Opalinski questioned the location of the tanks; Chief Coulombe noted that he has not yet seen the plans that must meet code and safety regulations. Resident Keith Krukas questioned the process. Resident Jack Cascio questioned who determines concerns such as potential of explosion; Chief Coulombe noted that the owner is working with a reputable firm to meet all code and safety regulations. Resident Keith Krukas questioned the aesthetics of these tanks in regard to the proposed revitalization of the downtown area.

**Selectman Carroll moved to approve the license with storage up to 3,000 gallons, with a license fee of \$300 and annual renewal fee of \$300. Selectman Whitney seconded the motion for purposes of discussion.**

Chairman Talbot noted that the motion should be amended to include "contingent upon the permit process".

**Selectman Carroll amended the motion to include "contingent upon the permit process".**

Selectman Opalinski objected to the fees of the motion. Selectman Talbot and Selectman Whitney also objected to the fees of the motion.

**Selectman Whitney withdrew his second of the motion. There being no other second to the motion, the motion failed.**

**Selectman Opalinski moved to approve the license with storage up to 3,000 gallons, contingent upon the permit process, with a license fee of \$100 and annual renewal fee to be determined; Selectman Whitney seconded the motion for purposes of discussion.**

Chairman Talbot noted that, as Town Clerk, she will need to pull all such licenses to chart the original fees and renewal fees of each. The Board agreed that this topic will be reviewed on the agenda of January 9, 2018.

**The motion passed unanimously (5-0).**

- **7:15 p.m. Tax Classification Hearing, Meeting with Assessors**

Actual time of Public Hearing was 7:46 p.m.

Mr. Harder and Mr. Balicki presented the information packet. The Board of Assessors recommend that the Board of Selectmen vote a Residential Factor of "1" for FY2018, which means a Single Uniform Tax Rate. Mr. Harder explained that commercial property is already assessed at a higher rate than residential property. Values are up slightly over previous year values, and new growth potential next year can also bring tax rates down. Mr. Balicki noted that selling prices are up within the Town.

**Selectman Carroll moved approval of the Tax Classification in the Factor of 1.50.**

Selectman Opalinski objected to the consideration.

**There was no second. The motion failed.**

**Selectman Whitney moved approval of the Tax Classification in the Per Cent of 1.00; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Carroll).**

Mr. Beckley requested recognition of Mr. Harder's hard work in organizing the volunteers and holiday decorations for Main Street. Mr. Harder noted that Gail Moryl and Kathy Deschamps led the Ware Rotary Club in most of the organization.

#### **Old Business**

- **Review of Proposed Sewer Rate Increases and Water Regulations**

Richard Kilhart, DPW Director reviewed the proposed rates as presented in October 2017. The increase would be over a two-year period per the Wright-Pierce plan. Mr. Kilhart recommended that the Board move forward with the proposed rates.

Selectman Carroll noted that the \$350,000 reserves in enterprise funds should be used for maintenance and repairs, and as Water & Sewer Commissioners, the Board should change the regulations so that the whole town contributes. Selectman Opalinski noted that the Town does not have the funds and questioned Mr. Kilhart as to whether the Town's funding is affected for favorable lending; Mr. Kilhart noted that the rate is 1.5% over USDA grant funding. Mr. Kilhart noted that the Town has a systematic process to rebuild the water system. Residents are encouraged to use water conservation fixtures. Resident Keith Krukus questioned the rates and storm drains. Mr. Kilhart noted that 66% of drinking water is recycled waste water, some catch basins have been cleaned, and repairs to the overall system are ongoing. Selectman Carroll questioned when the increases would take place if the Board votes tonight. Mr. Kilhart stated that these would be effective November 1, 2017, and reflected on the February 1, 2018 bill.

**Selectman Opalinski moved to accept the sewer rate increases effective November 1, 2017, reflected on the February 1, 2018 bill; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Carroll).**

When questioned by the Board, Mr. Kilhart explained that water regulations prior to 2015 held that the Town maintained the street. In 2015, the Board of Selectmen voted to make laterals the responsibility of the homeowners. Selectman Carroll noted that the vote in 2015 was based on saving the Town money and liability. Mr. Kilhart noted that the crews run short-staffed and do all repairs such as replacing of water & sewer lines and plowing in winter. While some towns have a pipe crew, Ware does all work from the DPW. Selectman Talbot noted that this regulation is common among cities and towns. Mr. Kilhart agreed that many communities place the responsibility on the owner to maintain the laterals. If there is a sewer backup, the DPW will check manholes and pressure, but repairs must be contracted out. Resident Keith Krukus questioned how homeowners can be held responsible for repairs in the streets; Mr. Kilhart noted that the changes were done through public process and on the advice of legal counsel. Selectman Carroll noted that the Board members did not fully understand this information, and he understands this now. Selectman Opalinski stated that Mr. Carroll did not do his homework on the issue in 2015.

Town Manager: Stuart Beckley  
sbeckley@townofware.com

**Selectman Carroll moved to amend regulations 6.1 and 6.2 of the water regulations with homeowner responsibility up to the street only; Selectman Whitney seconded the motion for purposes of discussion. Selectman Opalinski objected to consideration.**

Mr. Kilhart noted that the DPW must take care of water issues of approximately 5-10 times per year, and sewer blockages occur more often. If the regulations are changed, there may be more need for funds in the budget, more equipment, and more manpower.

Resident Cathy Cascio stated that Selectman Opalinski was disrespectful to Selectman Carroll, and thanked Selectman Carroll for his statements at this meeting. Ms. Cascio gave the example of tree roots damaging the sewer lines, noting many pipes are over 100 years old in this and many towns.

Selectman Whitney stated his agreement with Selectman Carroll. Selectman Opalinski noted that this proposed change would cost the Town much more in work and police details and costs. Selectman Talbot noted that the information was brought up for discussion only. Mr. Beckley noted that a current motion was still on the floor. Selectman Whitney noted that the homeowner responsibility should end at the property line. When asked specifically regarding 87 Church Street, Mr. Kilhart noted that the plan was to restore the water and repair the leak, including correction to the basement valve, by Monday of next week. Selectman Carroll noted that work could be RFP for water/sewer repairs. Mr. Kilhart noted that people may come back for payment for work done back to 2015. Mr. Beckley asked the Board to allow him and Mr. Kilhart to bring proper wording for the amended regulations to the next meeting.

**Selectman Carroll moved to amend regulations 6.1 and 6.2 of the water regulations with homeowner responsibility up to the street only, and further upon proper wording of the amendments to the water regulations to be submitted to the Board of Selectman at the December 5, 2017 meeting; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Opalinski).**

- **Road Discussion & Consideration of Ballot Funding Capital Override for Road Repair Bond**

Mr. Beckley noted the \$5million plan, with there being different ways beyond Chapter 90 funding to repair roads. A Capital Override would allow \$1million for road repairs through ballot vote, to remain in place to allocate up to \$1million annually, with no need to repeat the vote. A ballot questions for road repairs is an option. A Capital Override would raise the tax rate at no interest. Mr. Kilhart noted the infiltration study. Selectman Fountain questioned the use of a gasoline tax; Mr. Beckley noted that State legislation would be necessary.

**Selectman Whitney moved to table discussion of the ballot question, pending more information on the 3% gasoline tax; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).**

#### **New Business**

- **Recommendations on Plowing and Sanding Unfinished Subdivision Roads: Winter 2017-2018**

Mr. Beckley reviewed the November 8, 2017 memorandum.

**Selectman Opalinski moved approval of the Plowing and Sanding Unfinished Subdivision Roads for Winter 2017-2018:**

- **to approve the expenditure of Town funds and to direct the DPW to manage sanding and snow and ice removal on the private section of Walter Drive and on the private roads. Coldbrook Drive, King George Drive, Hillside Terrace, and during the winter of 2017/18; and**

- **to approve the expenditure of Town funds and to direct the DPW to manage sanding and snow and ice removal on the private roads within the Isabella Ridge subdivision (Wildflower Drive and Briar Circle) during the winter of 2017/18, provided that in the event that icing on the roadway occurs, then the DPW is directed to stop snow and ice removal operations at which point the owner of the private road shall be fully responsible for all snow and ice removal operations; and furthermore that the Town accepts no responsibility or liability with regard to the modified drainage structure at 12 Wildflower Drive; and**
- **to direct the DPW to NOT perform any sanding, snow, or ice removal operations on Belair Drive and Williston Drive during the winter of 2017/18 unless sufficient repairs are made to the satisfaction of the DPW Director. (Note: Mr. Kilhart inspected Williston Drive on 11/22/2017 and approved.)**

**Selectman Whitney seconded the motion. The motion passed unanimously (5-0).**

- **Evaluation and Performance Review Process of Town Manager (tabled from November 7, 2017)**

**Selectman Talbot recused herself from the discussion, as she is a Town employee.**

Selectman Opalinski explained a timeline of events, including a town survey, for the evaluation of the Town Manager. Selectman Opalinski proposed that the Town Manager should list his achievements and complete a self-evaluation. Mr. Beckley noted that the evaluation should include goals and discussion of the Town Manager contract.

Resident Keith Krukus questioned the 6-month contract clause.

**Selectman Whitney moved to table further discussion to December 19, 2017; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 1 Abstention (Selectman Talbot recused).**

- **Consideration of Ballot Question to Ban Retail Marijuana Sales**

Mr. Beckley submitted a sample from Milford, MA. There are limited options and a process to be followed. If there is a ballot question, there must also be a bylaw voted at Town Meeting. Mr. Beckley noted that the Town will be surrounded by towns making revenue from retail marijuana sales. Selectman Carroll stated that the voters should decide this issue.

**Selectman Carroll moved to approve a ballot question to be placed on the April 9, 2018 ballot; Selectman Opalinski seconded the motion. The vote passed on a vote of 3 Yes (Selectman Carroll, Selectman Opalinski, Selectman Talbot), 2 No (Selectman Whitney, Selectman Fountain).**

- **From Town Clerk: Letter of Resignation, Kelly Slattery, School Committee member**

**Selectman Whitney accepted the letter of resignation, with thanks and regrets; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).**

- **From Town Clerk: Letter of Resignation, David Gravel, Community Development Authority**

**Selectman Opalinski accepted the letter of resignation, with thanks and regrets; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).**

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

**Town Manager Report**

Holiday Flair November 24 at 6:00 p.m.

Budget discussions/priorities December 18 (with Finance and School Committee)

Vigeant Street – the Town hired Associated Building Wreckers to drop the structure at 33 Vigeant Street on Friday, November 10. Departments met with the owner of the building. He asked that the bills be directed to him. The current expended cost is \$5,075. He will work with Associated on testing and timing to remove the debris of the home.

TIF Committee – The Tax Increment Financing Committee met with Optimus LLC and decided to recommend the proposed 5-year Special Tax Assessment requested. This was unanimously approved by Town Meeting. The TIF committee also set a tour of the G&G Medical facility to view the improvements and progress made toward the requirements for that STA.

Mr. Jim Deni resigned his position of Deputy DPW director on November 8. The Town will consider options for filling the position. One possibility is to hire an interim director for 3-4 months to review the demands and activities of the division. The Highway division is short-staffed currently, but is setting up the plowing plan for the winter.

Thank you to Town meeting residents for all the support of the Articles.

Happy Thanksgiving to All!

**Selectman Opalinski moved to Adjourn Regular Session at 9:58 p.m.; Selectman Carroll seconded the motion. The motion passed on a Vote of 5 Yes, 0 No.**

Attest:   
Mary L. Midura, Executive Assistant