

Town Manager: Stuart Beckley
sbeckley@townofware.com



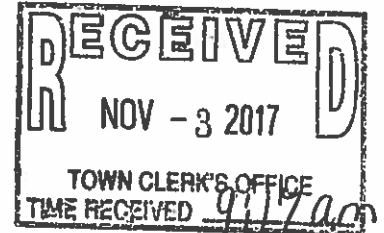
**Board of Selectmen
Ware Town Hall, 126 Main Street, Meeting Room**

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

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

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair



Consent Agenda

- **Approval of October 3, 2017 Meeting Minutes**
- **Approval of One-Day All Alcoholic License: St. Mary's Church, Pork Chop Dinner, Saturday, November 18, 2017**
- **Retroactive Approval of One-Day Wine & Malt License: Workshop 13, Ware Community Jazz Ensemble, Sunday, October 29, 2017**
- **Approval of One-Day Wine & Malt License: Workshop 13, Open Mic, Friday, November 17, 2017**
- **Approval of One-Day Wine & Malt License: Workshop 13, Concert, Saturday, December 9, 2017**
- **Approval of One-Day Wine & Malt License: Workshop 13, Ware Community Jazz Band, Sunday, December 10, 2017**
- **Approval of One-Day Wine & Malt License: Workshop 13, Open Mic, Friday, December 15, 2017**

Comments and Concerns of Citizens

Scheduled Appearances

Old Business

- **Evaluation and Performance Review Process of Town Manager – Selectman Carroll and Selectman Opalinski**
- **Vacant House Action, Vigeant Street**

New Business

- **Approval of 2018 Board of Selectmen Meeting Dates**
- **Request Waiver of Water Regulations: Nicole Sicard & Jason Shule, 87 Church Street**
- **Travel Request: Police Chief Crevier**
- **Appointment of Police Acting Sergeant**
- **Set Public Hearing for 7:05 p.m., Tuesday, November 21, 2017: Petition for Joint or Identical Pole Locations, National Grid and Verizon New England, Inc., #24714152 Walker Road**
- **Set Public Hearing for 7:10 p.m., Tuesday, November 21, 2017: Storage of Flammables License for G & G Medical Products, LLC, 6 East Main Street**
- **Set Public Hearing for 7:15 p.m., Tuesday, November 21, 2017: Tax Classification Hearing, Meeting with Assessors**
- **Appointment of Alternate Member to Pioneer Valley Planning Commission: Nancy J. Talbot**
- **Appointment of ADA Coordinator: Stuart Beckley**
- **Reactivate Member of Ware Cultural Council: Mary Healy, Term to Expire November 7, 2020**
- **Appointment of Temporary Tree Warden**

Town Manager Report

Adjournment

Town Manager: Stuart Beckley
sbeckley@townofware.com



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

**Regular Meeting Minutes
Tuesday, October 3, 2017 at 6:30 p.m.**

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

Selectman Talbot moved to Adjourn Regular Session at 6:30 p.m. to move into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations, #6 Real Property, TO RECONVENE IN OPEN SESSION; Selectman Fountain seconded the motion. The motion passed on a Roll Call Vote of 5 Yes, 0 No:

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

Selectman Fountain moved to Adjourn Executive Session at 7:00 p.m., TO RECONVENE IN OPEN SESSION; Selectman Carroll seconded the motion. The motion passed on a Roll Call Vote of 5 Yes, 0 No:

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

**Regular Meeting Minutes
Tuesday, October 3, 2017 at 7:00 p.m.**

The Board of Selectmen reconvened in Open Session at 7:00 p.m.
Chairman Talbot requested a Moment of Silence for the Las Vegas victims and survivors.

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

Consent Agenda

- **Approval of One-Day All-Alcoholic License Application (\$50 fee): St. Mary's Church, 110th Anniversary Dinner, Saturday, October 14, 2017**
- **Approval of One-Day All-Alcoholic License Application (\$50 fee): Earle F. Howe American Legion Post 123, Saturday, November 11, 2017**
- **LATE FILE: Approval of One-Day All Alcoholic License Application (\$50 fee): Ware Council Home Association, Sunday, October 8, 2017**

Selectman Whitney made the motion to Approve the Revised Consent Agenda; Selectman Fountain seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Comments and Concerns of Citizens

Keith Krukus questioned when the Tax Rate Analysis would be on the agenda. Mr. Krukus stated that the ambulance, water and sewer rates and other excuses have delayed this topic for over 8 months. Chairman Talbot noted that the Tax Rate Analysis would be on the October 17, 2017 agenda.

New Business

- **Winter Parking Ban December 1, 2017 – March 31, 2018**

Chairman Talbot read the Winter Parking Ban rules into the record.

Selectman Opalinski moved approval of the Winter Parking Ban; Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

Selectman Carroll noted that if an early snow occurs, the parking ban would begin as of that date.

- **Application for Bike Race, Saturday, April 28, 2018**

Chairman Talbot noted the memo from Clerk Midura indicating DPW Director Kilhart's suggestion to alter the route from Greenwich Road to Crescent Street to Eagle Street to Route 9, due to construction at Barnes Street (which is not technically a through street and is gated at the West End). Ms. Midura has contacted the organizer of the bike race, and he does understand the altered route. Chief Crevier approves of the race.

Selectman Carroll moved approval of the Bike Race on Saturday, April 28, 2018, with altered route; Selectman Fountain seconded the motion. The motion passed unanimously (5-0).

Scheduled Appearances

- **7:10 p.m. Public Hearing: Proposed Water & Sewer Rate Increases**

Chairman Talbot read the Public Hearing Notice aloud.

Richard Kilhart, DPW Director presented the proposed increased water and sewer rates. Mr. Kilhart stated that he was present tonight to officially ask the Board of Selectmen to act, based on the positive votes of 187 citizens at the May 8, 2017 Town Meeting. The Town was successful in obtaining the USDA loan at 2% rate over 40 years. The financial team breaks the costs over 3 years. The highest rate of \$5.75/748 gallons equals less than a penny per gallon. If voted, these rates would take effect on November 1, 2017, and residents would see the increased charges on their February 1, 2018 bill.

Selectman Carroll commented that the enterprise funds were set up so that users were to cover the cost; this was passed at town hall floor as a savings to the town. But these savings have been spent on other items. It is easier to vote for an increase when it does not cost everyone. These proposed increases will pay for the water filtration plant, but also raise the sewer rates. This looks like a one-time vote to increase water and sewer rates for 3 years. Selectman Carroll stated he would rather review these rates each year, and questioned the rate for sewage coming in on trucks as one way to decrease these proposed increases. Mr. Kilhart explained that septic rates are higher than area communities' rates, and to raise those rates may reduce the number of trucks coming in overall. Regarding infiltration, Mr. Kilhart noted that a rain event would bring water through pipes dated to 1889 with needed repair sometime in the future. Residents can save money by conserving their water use. The Town lost \$1 million in potential grant funds because the USDA determined that "water rates are artificially low". There is no way to determine if grants will continue in future years.

Selectman Whitney questioned how many are on the water and sewer systems; Mr. Kilhart noted that 72% of the town population are on the water system, and 62% are on the sewer system. Selectman Whitney noted that better water would raise property values and the reputation of the Town.

Resident Bill Jackson questioned the use of a tax easement for those who would convert to the sewer system, as it would be expensive for a resident to tie into the system.

Resident Nicole Sicard questioned the pipes which needed to be replaced and the building of a new water plant without repair to the pipes. Mr. Kilhart noted recent work on Prospect Street exposed a pipe with the date of 1886. The town water has color and state regulations demand that we chlorinate the water to remove iron and manganese. The voters approved the building of the plant, and the master plan allows for \$200,000 spending per year on old pipes. No community can repair the entire pipe system at once, it is an ongoing process.

Resident Keith Krukus questioned that only one Board member should be able to vote on this issue.

Chairman Talbot noted that Selectmen are elected as Police, Water & Sewer Commissioners. Selectman Carroll noted that he has a house filtration system which he changes weekly and costs \$8-\$10 per week.

Resident Dar Sojka noted that the town meeting vote did not include any sewer increases. Mr. Kilhart noted that the rate of \$5.75/748 gallons would graduate over the 3 year period. The waste water plant was upgraded in 1964, then again in 1984, and now is due for upgrades.

Mr. Beckley noted that these rates generate revenue for the plant and water enterprise funds; the Board should vote water rates and sewer rates in separate votes.

Resident Keith Krukus questioned why this cannot wait until after the tax rate analysis. Selectman Whitney noted that the water and sewer rates are separate from the tax rate analysis and discussion.

Resident Jason Shule asked why the town would waste funds on the treatment plant while so many lines must be replaced.

Resident Julie Boucher questioned the process. Mr. Kilhart note that maintenance is done by the DPW, while many repairs are contracted out to qualified companies.

Resident Cathy Cascio stated that while she wants good town water which benefits the whole town, she did not want the enterprise system or the override for roads. Chairman Talbot noted that a portion of road repairs is done through CDBG funds. Mr. Kilhart noted that \$600-\$700,000 CDBG funds per year are used for infrastructure.

Resident Keith Krukus stated that not all funds should be used for downtown, but the outlying areas of

town also need repairs.

Resident Jason Shule stated that the Town should take care of the foundation before spending so much on the infiltration system.

Mr. Kilhart stated that 13% is unaccounted, but the DPW does leak detection and that number can change. Selectman Carroll thanked Mr. Kilhart for doing his job even when the numbers and answers are not in a perfect system. Selectman Carroll noted that the Board has three options to 1) pass or amend these rates, 2) don't pass these rates and the Town must pay the whole cost, or 3) have a town meeting article to ask all taxpayers to take on a percentage of the cost.

Selectman Opalinski noted the vote at May town meeting, and the last increase was last year, stating that Wright-Pierce recommends these rate increase.

Resident Dar Sojka stated that the report notes the median income of residents is \$33,300, and these increases seriously affect residents.

Selectman Opalinski stated that public health policy lists fundamental needs that are essential, including clean water, and if the town does not address this, the State will fine the town and the town would have to do the repairs anyway; it is time to fix the town and this is finance.

Resident William Koetsch stated he moved into Ware in 2016 and noted that water is part of the problem while expenses on infrastructure and flushing through old pipes is another part of the problem.

Chairman Talbot noted that the USDA loan is an advantage; Mr. Kilhart note that there is no pre-payment penalty on the loan which allows up to a 40 year window. The plan for infrastructure repairs is in the master plan on the town website; some enterprise funds are used to replace pipes, while some projects are eligible for CDBG funds.

Resident Cathy Cascio asked the Board not to hit taxpayers hard with these increases, and suggested a Water Commission subcommittee to review these rates ongoing or have a tax rebate. Resident Keith Krukas questioned how the Town can afford these rate increases with the Slum and Blight designation and a \$6million plant. Resident William Koetsch questioned the total cost of the loan with interest. Mr. Beckley noted the Town can make early payments to decrease the total cost. Resident Bill Jackson suggested that there be a town meeting article to eliminate enterprise funds so that the whole town pays for these increases.

Selectman Fountain move to Close the Public Hearing; Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

Selectman Carroll noted the rates per the memorandum of August 30, 2017 and questioned if the quarterly tax bills could be adjusted so that the increases occurred during the non-heating season. Chairman Talbot noted that any increases would not be easy at any time of the year.

Selectman Opalinski moved to accept the proposed water rate increases; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Carroll).

Selectman Whitney moved to accept the proposed sewer rate increases; Selectman Talbot seconded the motion for purposes of discussion.

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

Mr. Kilhart noted that there are Federal and State mandates to follow in this process. Sewer work has not been done for many years, and we must prepare for emergency repairs. Chairman Talbot noted that the Board could raise rates at any time and must follow regulations and look for funding sources available. Selectman Opalinski noted the projected rate to 2022 at \$6.62. Chairman Talbot noted this is a graduated increase. Mr. Kilhart noted the upgrade and replacements in streets are needed; Gilbertville did a retrofit of the waste water treatment plant under state order at a cost of \$6million to upgrade.

Selectman Opalinski questioned if rates can be separated; Mr. Kilhart noted that enterprise funds are funded by the users, and enterprise funds were originally designed to protect those funds from town officials and general fund use – many communities use only water and sewer funds when needed.

Selectman Whitney withdrew the motion to accept proposed sewer rate increases. Selectman Whitney moved to postpone the acceptance of proposed sewer rate increases, to be discussed after further research in one month (November 7, 2017); Selectman Fountain seconded the motion. The motion to postpone to November 7, 2017 passed unanimously (5-0).

Resident Cathy Cascio questioned that a significant part of the town is paying into the enterprise funds. Mr. Kilhart noted that everyone east of I495 is on town/city utilities, whereas those of us who live in more rural areas are often on one rate but not everyone is on town water and sewer systems.

New Business

- **Vote to Dissolve 9/11 Design Committee**

Selectman Whitney moved to dissolve the 9/11 Design Committee, with letters of thanks to be sent to Committee members; Selectman Fountain seconded the motion. The motion passed unanimously (5-0).

- **Approval of Application to Open Space Committee – Edward Kosla**

Mr. Beckley noted this may be changed to the Rail Trail Committee.

Selectman Fountain moved to approve the appointment of Edward Kosla to the Open Space Committee; Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

- **Evaluation and Goal Setting – Town Manager**

Chairman Talbot turned the gavel over to Vice Chairman Whitney (as Selectman Talbot is an employee of the Town).

Selectman Opalinski distributed an example of the process used by the Town of Amherst to evaluate and review performance of their town manager. Selectman Carroll noted that the Town Manager is an employee of the Board of Selectmen, and stated that the evaluation should be done annually. Mr. Beckley noted that Amherst and Hadley use the 360 evaluation, which includes all aspects of evaluation of co-workers, department heads, and the Board. Selectman Whitney noted that goal-setting is an important part of a yearly review. Selectman Carroll and Selectman Opalinski volunteered to meet with Mr. Beckley to go over objectives and goals; this will be discussed again on November 7, 2017.

Town Manager: Stuart Beckley
sbeckley@townofvare.com

- **Post for Alternate Appointee to Pioneer Valley Planning Commission**
Selectman Whitney moved approval to advertise for an Alternate Appointee to PVPC; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).

Town Manager Report

Mr. Beckley noted October 4, 2017 Planning Board meeting at 7:00 p.m. with zoning hearings on marijuana bylaw and change to use table. The Domestic Violence Awareness Walk will be held on October 14, 2017 at 1:00 p.m. Also, on October 14, 2017 at 10:00 a.m. the Rail Trail Walk will be held from the Senior Center; this walk is 1.8 mile from Robbins Road to Walmart. Yard waste drop-off days are November 4 and November 12 from 8 a.m.-2 p.m.

Mr. Beckley noted that free cash has been certified by DLS at \$1.35million in General Fund, \$1.165million in Water Enterprise Funds, \$347with \$600,000 for Capital Improvements.

Mr. Beckley provided an information sheet regarding the Main Street design. Issues include loss of parking spaces, street trees, and bike lane plans.

Vigeant Street has been blocked and closed to traffic due to a roof collapse. Citations were issued in 2015 and August 2017, with the next step to go to the Tax Title attorney.

Selectman Carroll asked about the St. Mary's Church lot; Mr. Beckley noted that the lot is not yet open for use.

Deadline for the November 13, 2017 Special Town Meeting Warrant is Thursday, October 12, 2017 at noon.

Selectman Whitney moved to Adjourn Regular Session at 9:28 p.m. to move into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations, NOT TO RECONVENE IN OPEN SESSION; Selectman Carroll seconded the motion. The motion passed on a Roll Call Vote of 5 Yes, 0 No:

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

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



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

Name: St. Mary's Church
 Effective Date(s) of License: November 18, 2017 SATURDAY
 Hours of Service (In conformity with MGL): 5:00 p.m. to 10:00 p.m.
 Event (describe activities): PORK Chop Dinner
 Anticipated Attendance: 150 - 175
 Sponsoring Organization: St. Mary's Church
 For Profit: Beer & Wine (only) Non Profit: All Alcoholic Beer & Wine
 Address (include Street & Number): 60 South Street
 Names of All Servers (bartenders) for this event: Joseph Ciejka, Greg Ciejka
 Estimated Number of Attendees 150 - 175
 Crowd Control Manager _____

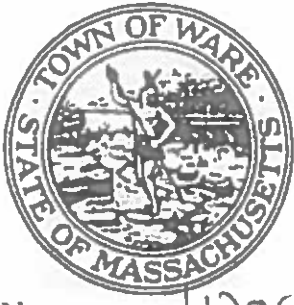
I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby Certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: Rev. Fr. Jeffrey A. Ballan
 Social Security # or Federal I.D.#: 04-2208520

Fire Inspection
 Date: 9/15/2017

Building Inspection
 Date: 9/14/2017

Date Received: <u>10/16/2017</u>	Insurance Certificate: <u>EFFECTIVE TO 7/1/2018</u>
Application Fee: <u>\$50.00</u>	
Action Taken: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: _____
Police Chief Review and Action	
<u>Shawn Crevier</u> <u>10-16-17</u>	
Shawn Crevier, Police Chief SHAWN CREVIER, POLICE CHIEF	
2017-34	



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

Name: Workshop 13 Application Date: 10/23/17
Contact Phone: 277-6072 Email: marie@workshop13.org
Effective Date(s) of License: October 29th SUNDAY 6pm-
Hours of Service (In conformity with MGL): 6pm - 8pm
Event (describe activities): Ware Community Jazz Ensemble
Anticipated Attendance: 50-60
Sponsoring Organization: Workshop 13
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: Brian Jyrinji, Lisa Dimarzio
Estimated Number of Attendees _____
Crowd Control Manager Roc Boudreau
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: Marie Lauderdale
Social Security # or Federal I.D.#: 47-1200425

Fire Inspection
Date: 12/5/16

Building Inspection
Date: 12/5/16

Date Received: <u>10/24/17</u>	Insurance Certificate: <u>EFFECTIVE TO 7/9/2018 ✓</u>
Application Fee: <u>\$30</u>	
Action Taken: <u>Approved</u> <input checked="" type="checkbox"/> <u>Denied</u> <input type="checkbox"/>	Date: <u>10-24-17</u>
Police Chief Review and Action <u>Shawn Crevier</u> Shawn Crevier, Police Chief	
2017-33	



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

Name: Workshop 13 Application Date: 10-31-17

Contact Phone: 277-6071 Email: info@workshop13.org

Effective Date(s) of License: 11/17/17

Hours of Service (In conformity with MGL): 6³⁰-10³⁰ pm

Event (describe activities): Open Mic

Anticipated Attendance: 99

Sponsoring Organization: _____

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

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

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

Estimated Number of Attendees 99

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: 12/5/16

Building Inspection
Date: 12/5/16

Date Received: <u>11/2/17</u>	Insurance Certificate: <u>EFF. TO 7/1/18</u>
Application Fee: <u>\$30</u>	
Action Taken: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: <u>11-01-17</u>
Police Chief Review and Action	
<u>[Signature]</u>	
Shawn Crevier, Police Chief	
2017-35	



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

Name: Workshop 13 Application Date: 10/31/17

Contact Phone: 277-6071 Email: info@workshop13.org

Effective Date(s) of License: 12/9/17

Hours of Service (In conformity with MGL): 6:30 - 10:30 pm

Event (describe activities): Concert

Anticipated Attendance: 99

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: Lisa DiMarzio Pat Gaudreau

Estimated Number of Attendees 99

Crowd Control Manager Doc 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.

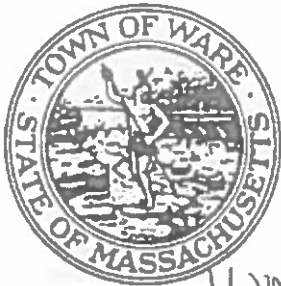
Signature of Applicant: Lisa DiMarzio

Social Security # or Federal I.D.#: _____

Fire Inspection
Date: 12/5/16

Building Inspection
Date: 12/5/16

Date Received: <u>11/2/17</u>	Insurance Certificate: <u>EFF. TO 7/9/18</u>
Application Fee: <u>\$30</u>	
Action Taken: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: <u>11-01-17</u>
Police Chief Review and Action	
<u>Shawn Crevier</u>	
Shawn Crevier, Police Chief	
2017-36	



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

Name: Workshop 13 Application Date: 12/31/17

Contact Phone: 277 6071 Email: info@workshop13.org

Effective Date(s) of License: 12/10/17

Hours of Service (In conformity with MGL): 130-430 pm

Event (describe activities): Ware Community Jazz Band

Anticipated Attendance: 70

Sponsoring Organization: _____

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

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

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

Estimated Number of Attendees 70

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: USA DiMarzio

Social Security # or Federal I.D.#: _____

Fire Inspection
Date: 12/5/16

Building Inspection
Date: 12/5/16

Date Received: <u>11/2/17</u>	Insurance Certificate: <u>EFF TO 7/9/18</u>
Application Fee: <u>\$30</u>	
Action Taken: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: <u>11-01-17</u>
Police Chief Review and Action <u>Shawn Crevier</u> Shawn Crevier, Police Chief	
	2017-37



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

Name: Workshop 13 Application Date: 10-31-17

Contact Phone: 277-6071 Email: info@workshop13.org

Effective Date(s) of License: 12/15/17

Hours of Service (In conformity with MGL): 6:30-10:30 pm

Event (describe activities): Open Mic

Anticipated Attendance: 99

Sponsoring Organization: _____

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

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

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

Estimated Number of Attendees 99
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: [Signature]
Social Security # or Federal I.D.#: _____

Fire Inspection

Date: 12/5/16

Building Inspection

Date: 12/5/16

Date Received: <u>11/2/17</u>	Insurance Certificate: <u>EFF. TO 7/9/18</u>
Application Fee: <u>\$30</u>	
Action Taken: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: <u>11-01-17</u>
Police Chief Review and Action	
<u>[Signature]</u>	
Shawn Crevier, Police Chief	
2017-38	



TOWN OF WARE
Office of the Town Manager

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

To : Board of Selectmen
From : Stuart Beckley
Subject: DRAFT Proposed Goals -2018

Below is a list of Goals for the Town Manager for calendar year 2018. I would be pleased to discuss any or all of these with you or the Board, and to modify or expand the list as guided.

1. Prepare a balanced budget. With financial team, update the five year budget and capital expenditure model. Create plan for reducing budget to match anticipated gap. Work with Insurance Advisory Committee to reduce premium increases.
2. Finalization of a Personnel Manual. Establish consistent policies and practices for employees. Offer training to all employees.
3. Create process and implement evaluations of Department Heads
4. Energy conservation and savings. Convert streetlights to LED with Green Communities Grant Program
5. Oversee Dog Park construction
6. Prioritize, fund and implement construction from Pavement Management System
7. Continue upgrades to Town Hall – Review electrical system, create plan for replacement. Increase information available on website.
8. Capital Planning. Complete capital plan and establish long-term funding strategy. Track large items which will need funding beyond the 5-year scope of the plan.
9. With departments, create a plan for infrastructure and redevelopment in the Mill Yard.
10. Recycling. Establish a recycling program for residents, including drop off center
11. Create and implement a sustainability plan for Quaboag Connector.
12. Create process and funding for clean-up/removal of problem properties.
13. To identify efficiencies within Town Departments including practices and cost savings. To increase departmental teamwork.
14. Review and identify revenue streams and cost savings including fees, taxes, and enterprises. Establish with the Board which are worthy of pursuit.
15. With Board of Selectmen, establish basis for union negotiations. Initiate and complete negotiation process with four bargaining units.
16. Increase use of social media such as Facebook to quickly answer community questions. Delegate employee to oversee.

Christopher, Hays, Wojcik & Mavricos, LLP

MEMORANDUM

TO: Stuart Beckley and Chris Rice
FROM: David A. Wojcik
DATE: October 20, 2017
RE: Unsafe Structures

Dear Stuart and Chris,

Stuart forwarded to me Chris's email of October 16th. Fire damaged and otherwise unsafe structures are a recurring pain in the neck which we continue to struggle with. In my view, we need to try and set up some type of protocol that we can use to guide the manner in which these problems are dealt with. Obviously, our paramount objective in dealing with these structures is to insure that risks to public safety are minimized. Our first priority needs to be insuring that the risks which these properties pose in terms of personal injury or death are minimized. If any such structure poses a public safety risk, we need to move as quickly as possible to do what is reasonable necessary to minimize that risk. If there is an imminent public safety issue, G. L. c. 143, §7 provides that: ". . . if the public safety so requires and if the Aldermen or Selectmen so order, the inspector of buildings may immediately enter upon the premises with the necessary workmen and assistants and cause such unsafe structure to be made safe or taken down without delay, and a proper fence put up for the protection of passersby or to be made secure." Obviously, this provision is to be used only when absolutely necessary and it requires an order from the Board of Selectmen. An example of such a scenario would be on an unstable brick wall

October 20, 2017

Page 2 of 5

standing on Main Street after a building fire which poses an immediate threat to pedestrians and/or traffic.

If dilapidated or damaged and unsafe structures do not pose an imminent safety threat, then the Town ought to proceed in a manner which promptly addresses the issue while minimizing the financial exposure to the Town. If there is a solvent owner or mortgagee bank in possession, appropriate notices should go out from the Building Inspector requiring that the building be made safe or demolished or repaired depending on the specifics of the situation. If a solvent owner or mortgagee bank fails to comply with the Building Inspector's order, then the next step ought to be a lawsuit requesting that the court enforce the Building Inspector's order. In my view, in most cases, it will not make financial sense for the Town to expend funds to demolish or board up or make safe the property of a solvent owner and to then lien the property for the costs of the demolition or repair work. It has been my experience that the value of the property liened tends to be much less than the costs incurred by the Town. Additionally, the Town rarely has sufficient funds readily available to do this type of work. Furthermore, if the Town goes ahead and does the demolition, we always run the risk that the property owner will make the claim that the correct procedures were not followed or that the demolition was not appropriate and sue the Town for the lost value of the property as well as attorney's fees. In order to minimize initial financial exposure and further exposure through litigation, the Town always ought to vigorously attempt to get solvent property owners to do the demolition or repair work themselves. In the event that the property owner is insolvent, then the Town will probably have no alternative but to do the demolition work or repair work itself and put a lien on the property.

But this should be a last resort. If it is necessary to proceed in this manner, then we must be absolutely certain that all the property owners due process rights are observed and followed to insure that the rest of the Town of a lawsuit by the property owner are minimized. My suggestions with the manner in which we should proceed with respect to specific scenarios follow:

1. Solvent Owner or Mortgagee in Possession

Until we learn otherwise, we ought to assume that the owner of the property is solvent and able to meet his/her responsibility with respect to the property. If somebody's property is financially underwater or was not adequately insured, it is not the Town's responsibility to use taxpayer funds to bail them out. In these cases, I suggest that the easiest way to proceed is for the Building Inspector to issue appropriate, non-criminal building code violation notices, if applicable, pursuant to G. L. c. 148A, as well as appropriate orders under G. L. c. 143, §6 requiring that a dilapidated or otherwise unsafe structure be removed or made safe. The notice of violation pursuant to G. L. c. 148A should be on a standardized form from the Commission of Public Safety. See G. L. c. 148A, §4. It does not appear that G. L. c. 143, § 6 requires use of a standardized form but it is critically important that we are able to prove that the correct person actually received the required notice. I recommend that all notices be mailed regular mail AND certified mail, return receipt requested and also be served by a police officer or the building inspector to the individual in hand if they are in town or by a constable/deputy sheriff if out of town. If a solvent building owner or mortgagee in possession does not comply with the order of the building inspector (or timely appeal it) we can then ask the Superior Court to enforce the

order pursuant to G. L. c. 143, §§ 12, 59 and 60.

2. Insolvent Owner

If the property is owned by someone who is insolvent or if the property has been abandoned by an owner who is impossible to locate then the Town will need to proceed as set forth in G. L. c. 143, §§ 8 and 9. Out of an abundance of caution, we might also want to utilize the provisions of G. L. c. 139, §§ 3 and 3A which require action by the BOS. Additionally, we may want to also have the BOH to act pursuant to G. L. c. 111, §§ 123-125 and 127B and 105 CMR 410.831. If the Town is going to demolish a building we want to demonstrate that we went above and beyond with respect to giving due process to the owner before undertaking the demolition. Therefore, the more procedure the better. We need to do all we can to avoid civil rights claims based on claims of deprivation of property without due process.

Based on Chris Rice's memo to Stuart of October 16, 2017, it appears to me that the property located at 33Vigeant Street should proceed as set forth paragraph number 1 above. It appears that the owner is solvent and there is no reason for the Town to take on the financial burden of knocking this building down and dealing with hazardous materials including asbestos. The appropriate orders need to issue from the building inspector and get mailed and delivered to the owner and if the owner refuses to comply, we ought to go Superior Court and ask the Court to order compliance. I think the same process ought to be followed with respect to the property at 16 Walnut Street, if it is in fact owned by a bank. Whether the bank in fact owns the property through foreclosure or is in possession of the property may be an issue but initially notices ought to go out to the bank requiring that the bank step up and do whatever the Building Inspector

determines and orders be done.

With respect to the property located at 73 West Main Street, if in fact the elderly owner has no assets or income, we ought to proceed as set forth in paragraph 2 above. If we can get the owner to sign off on a consent to have the Town demolish the property, then I think it would be sufficient for the Building Inspector under G. L. c. 143, §6 to issue the necessary order then to convene the required Board pursuant to G. L. c. 143, §8 and after the report pursuant to G. L. c. §9, have the Town tear the building down, but before the actual demolition is done, we ought to attempt to have the owner sign off on a consent to avoid financial exposure to the Town. Obviously somebody needs to find the funds to do this work or we need a TM appropriation.

With respect to the property located at 13 Third Street, if we cannot determine the owner, then the prudent course is going to be to file a lawsuit asking the court to determine what notice is required and to only demolish the property with court approval. Generally, in Massachusetts, when someone dies, their property passes as a matter of law immediately at the time of death to either their heirs under a will or their heirs at law so if this property owner died and did not have a will then it would seem that if the owner did not have a spouse, the son and any other children would own the property. Further investigation is required here.

I am asking Drew and Jenn in my office to follow up on this and to give you and the Building Inspector whatever further assistance we can.

Apparently, there is also some type of receivership statute which applies under the state sanitary code which may be applicable. This was referenced by the Assistant Attorney General Julie Datres in a February 26, 2016 email to me and Stuart. We will need to track that down.



TOWN OF WARE

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

**The Board of Selectmen will hold
Selectmen's Meetings on the Following
Dates in 2018:**

January 9 and 23, 2018

February 6 and 20, 2018

March 6 and 20, 2018

April 3 and 17, 2018

May 8 and 22, 2017

May 14, 2018 Annual Town Meeting

June 5 and 19, 2018

July 10 and 24, 2018

August 7 and 21, 2018

September 4 and 18, 2018

October 2 and 16 and 30, 2018

State Election Date November 6, 2018

November 20, 2018

December 4 and 18, 2018



TOWN OF WARE
Office of the Town Manager

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

November 1, 2017

To : Board of Selectmen
From : Stuart Beckley
Cc : Dick Kilhart, DPW Director
Subject: 87 Church Street

The owners of 87 Church Street have asked to meet with the Board to discuss a waiver of the water regulations. The owners purchased the home to discover that there was not water flowing to the house. They hired a plumber to investigate and repair the line to the curb, where they learned the curb stop valve needed repair.

According to the Town's regulations, the homeowner is responsible for repairs from the home to the water main, which is beyond the valve in Church Street. This was conveyed to the owners on several occasions and suggestions made of contractors who could do the work. The regulations indicate that the Town may do the work, but the Town recommends a private contractor to save time and potentially cost to the homeowner.

As I understand the situation, the owners, due to limited resources, will be asking the Board to allow the DPW to do the work and to allow the owners to establish a payment plan for the costs.



TOWN OF WARE

POLICE DEPARTMENT

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



SHAWN C. CREVIER
CHIEF OF POLICE

TO: Board of Selectmen and Town Manager
FROM: Chief Shawn C. Crevier
DATE: October 23, 2017
RE: Police Chief's Conferences

I am requesting the Board's approval to attend monthly Police Chief's Conferences for the MA. Police Chiefs, Western MA. Police Chiefs and Central MA. Police Chiefs conferences that are held monthly with in the State of Massachusetts for the remainder of 2017 and the year of 2018, unless budgetary issues arise.

Thank You,

A handwritten signature in cursive script that reads "Chief Shawn C. Crevier".

Chief Shawn C. Crevier



TOWN OF WARE

POLICE DEPARTMENT

22 NORTH STREET, WARE, MASSACHUSETTS 01082 - 1004

TEL: (413) 967-3571 FAX: (413) 967-9606



SHAWN C. CREVIER
CHIEF OF POLICE

TO: Town Manager, Stuart Beckley
FROM: Chief Shawn C. Crevier
DATE: November 1, 2017
RE: Acting Sergeant Appointment

I am requesting that the Board of Selectmen appoint Officer Christopher Adams to the position of Provisional Sergeant. This would fill the vacant Sergeant position that has been open since I was appointed Chief of Police. This filling of this position is necessary for the continued, proper supervision within the department. I am in discussion with the Town Manager about proceeding forward with a promotional exam for this Sergeant's position which would be scheduled for the Spring of 2018.

Thank You,

A handwritten signature in cursive script, appearing to read "Chief Shawn C. Crevier".

Chief Shawn C. Crevier



TOWN OF WARE

POLICE DEPARTMENT

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



SHAWN C. CREVIER
CHIEF OF POLICE

TO: James Barron, MA. Civil Service Unit
FROM: Chief Shawn C. Crevier
DATE: November 7, 2017
RE: Declaring Short List

I wish to declare the current MA. Civil Service Promotional List a Short List. Therefore Officer Christopher B. Adams was appointed on November 7, 2017 as a Provisional Sergeant.

Thank You,

A handwritten signature in cursive script, appearing to read "Chief Shawn C. Crevier".

Chief Shawn C. Crevier

Alan Whitney
Vice-Chair, Board of Selectmen



**Town of Ware
Application for Appointment to
Boards and Committees**



Name: Nancy J. Talbot
 Address: 22 Doane Rd. Ware, MA
 Email: Genius1948@outlook.com
 Home Phone: 413 967 3916 Work: 413 967 9648 Cell: 413 348 8003
 Occupation: Town Clerk Years lived in Ware: 69
 Ware Resident: Yes ~~xx~~

Please indicate the Committee(s) you have interest in serving on: *(Appointment subject to vacancies)*

Ware Agricultural Commission	Ware Cultural Council
ADA Commission	Finance Committee
Board of Registrars	Historical Commission
Capital Planning Committee	Open Space Committee
Community Development Authority	Tax Increment Financing (TIF) Committee
Conservation Commission	Zoning Board of Appeals
Council on Aging	other - <u>Alternate Member to Pioneer Valley Planning Commission</u>

What skills and experience will you bring to this Board/Committee:

(attach additional sheet or resume if desired)

Currently am a member of the Board of Selectmen, appointed Town Clerk member of the TIF Committee, have served 15 years on School Committee in the past, was a member of the Community Development Authority for over 5 years, a member of the Recreation Commission so have a wide array of knowledge
 Are you currently serving or have you served on any Town committee: xx Yes No
(if yes, please state what committee)

on the needs of our community and this region with regard to transportation and other services needed in Western MA.

Required: Please read the following. By signing below, you state that you understand and agree:
 The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years. Being appointed to a committee, board or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the Town Clerk. **IMPORTANT: Once this form is submitted, it becomes a public document. If there is information you do not want open to the public, please do not include it on this form!**

Signature *Nancy Talbot* Date October 23, 2017

Please return this form to Stuart Beckley, Town Manager, 126 Main Street, Ware, MA 01082 or email to sbeckley@townofware.com.



TOWN OF WARE
Office of the Town Manager

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

November 1, 2017

To : Board of Selectmen
From : Stuart Beckley
Subject: ADA Coordinator

The Town is in the process of applying for a planning grant to complete a Self Evaluation Plan and Transition Plan for the Americans with Disabilities Act. This was last done in 1992 when the Act was created. In preparing the grant, we have learned that the ADA Coordinator should be a Town employee. Mr. John Lasek has filled the role superbly for many years and is also the Chairman of the Accessibility Committee.

We recommend, due to the requirements of the ADA, that an employee fill the position. The Town Manager could fill this role.

Thank you.

Midura, Mary

From: Talbot, Nancy
Sent: Thursday, October 26, 2017 1:15 PM
To: Midura, Mary
Cc: aoregan@ware.k12.ma.us
Subject: FW: Re-activation of Ware Cultural Council Member

Importance: High

Please add this to the 11-7-17 agenda also.
Thanks

From: Ware Cultural Council [mailto:wareculturalcouncil@yahoo.com]
Sent: Sunday, October 15, 2017 3:07 AM
To: Talbot, Nancy
Subject: Re-activation of Ware Cultural Council Member

Dear Nancy,

I would like to inform you that Mary Healey of 91 Fisherdick Road, Ware, MA has been reactivated as a member of the Ware Cultural Council.

Ms. Healey was took off one year as member per the requirements of the Mass Cultural Council.

Mary's re-activated appointment will be for a term of 3 years.

Initiate Membership: ^{11/7}~~10/9~~2017
End Membership : ^{11/7}~~10/9~~2020

Please let me know if I need to do anything further to confirm this member.

Thank you.

Aileen O'Regan

Hope you are doing well...



Massachusetts Cultural Council

WARE CULTURAL COUNCIL, P.O. Box 1432, Ware, MA 01082

www.wareculturalcouncil@yahoo.com

October 25, 2017

Board of Selectmen
Town of Ware
126 Main Street
Ware, MA 01082

Dear Board of Selectmen:

I am writing in support of the re-nomination of Mary Healey of 91 Fisherdick Road, Ware, MA to a second term as member of the Ware Cultural Council.

We ask the Board of Selectmen to appoint Mary Healey to the Ware Cultural Council for a term of three years beginning ~~October 25, 2017~~ – ~~October 24, 2020~~. She will be an excellent advocate for the arts in the Town of Ware. NOVEMBER 7 NOVEMBER 7

Ms. Healey was required by the Massachusetts Cultural Council to remain off the council for a one-year interval before serving additional terms. She was inactive from October 9, 2016 to October 8, 2017.

Thank you for your consideration and support.

Sincerely,

Aileen O'Regan
Chairperson



TOWN OF WARE
Office of the Town Manager

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

November 1, 2017

To : Board of Selectmen
From : Stuart Beckley
Subject: Temporary Tree Warden

With Dave Tworek's retirement, the Town is without a Tree Warden. There are a couple of public tree hearings that are necessary to be completed. While the Town searches for a permanent Warden, would you please appoint a temporary Warden?

Thank you.