

Town Manager: Stuart Beckley
sbeckley@townofware.com



Board of Selectmen

Ware Town Hall, 126 Main Street, Meeting Room

Regular Meeting Minutes of Tuesday, November 7, 2017

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

Chairman Talbot opened the Regular Meeting at 6:30 p.m.

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

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

Selectman Fountain arrived 6:40 p.m.

Selectman Carroll moved to Adjourn Executive Session at 7:00 p.m., TO RECONVENE IN OPEN SESSION; Selectman Whitney 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✓

7:00 p.m. Regular Meeting Minutes

Meeting Reopened by Chairman Talbot at 7:05 p.m.

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

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**

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

Comments and Concerns of Citizens

John Desmond stated that articles for purchasing should not be done at the Special Town Meeting, but should be done at the Annual Town Meeting only. Mr. Desmond stated that the Town is operating in deficit and this looks like the Town can afford to spend free cash for equipment.

Cathy Cascio announced the 4th Annual Home Decorating Contest, with judging and gifts to be announced soon. Ms. Cascio stated that the only way to save on taxes is to reduce spending.

Mr. Beckley stated that free cash for Capital items is presented at the Fall Town Meeting. Items presented now are needed.

Scheduled Appearances - none

Old Business

- **Evaluation and Performance Review Process of Town Manager – Selectman Carroll and Selectman Opalinski**

Selectman Opalinski noted that she has researched and contacted MMA, and requested Mr. Beckley place his goals in priority and categories.

Selectman Fountain moved to table discussion to November 21, 2017; Selectman Opalinski seconded the motion. The motion passed unanimously (5-0).

- **Vacant House Action, Vigeant Street**

Mr. Beckley noted that town counsel recommends action in a memorandum to the Board. The building needs to be removed. The owner has been contacted and is scheduled to meet with the Town Manger on November 8, 2017. Selectman Opalinski noted the town could fine the owner for code violations. Mr. Beckley noted that is a long process.

Selectman Whitney moved to table discussion to November 21, 2017; Selectman Fountain seconded the motion. The motion passed unanimously (5-0).

New Business

- **Approval of 2018 Board of Selectmen Meeting Dates**

Selectman Opalinski requested a change of date from February 20 to February 27, 2018. Selectman Opalinski also suggested the Board consider use of remote participation in the future.

Selectman Whitney moved approval of the 2018 meeting dates; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).

- **Request Waiver of Water Regulations: Nicole Sicard & Jason Shule, 87 Church Street**

Ms. Sicard and Mr. Shule explained to the Board that they purchased 87 Church Street in August, only to discover that the water and electricity were shut off. Ms. Sicard stated that they replaces the line from

the house to the street. It is their belief that the previous owners knew of a water leak in 2014 but did not disclose this information to the new owners. Ms. Sicard asked that the Town fix the pipes. They are first time homebuyers with a young daughter, and now that they have the mortgage, they cannot afford to pay the estimated \$8-9,000 cost. Mr. Shule stated that the DPW has come to the house and no water comes into the house; the problem is under the sidewalk and roadway. Cathy Cascio consulted Ms. Sicard to explain that they replaced the water line and this is their last resort before court action against the former owners.

Richard Kilhart, DPW Director, stated that the Town Water Rules and Regulations allow that the homeowner is responsible for repairs from the home to the water main. The regulations indicate that the Town may do the work, but the Town recommends a private contractor to save time and cost to the homeowner. A permit is needed to renew water service, and there has always been low pressure in that area of town. Several subcontractors have been suggested to the homeowners. Mr. Kilhart noted it is not appropriate to drink water from the neighbor's garden hose. Mr. Kilhart stated that the Town must operate within the confines of the regulations which were updated in 2015. Mr. Kilhart noted Article 6 of the regulations which address relocation/repair as the homeowners' responsibility.

Mr. Beckley noted the email from town counsel which refers to Town liability issues and "recommend that the Town not get involved with this project and instead encourage the resident to pursue other financing options that may be available." Mr. Kilhart noted the Town of Orange got together with local churches to offer a source of relief in a similar situation.

Selectman Whitney noted this young family needs help and, within the regulations, the Town should encourage this family to stay. Selectman Carroll noted that the Board may waive or propose changes to the regulations as stated in Articles 6.1 and 6.2, section 1, and may ask the DPW to do the work and give the homeowners the bill to start paying on a payment plan. Selectman Carroll questioned the town counsel recommendations.

Selectman Opalinski stated a precedent would be set by this action, and it is the homeowners' responsibility for due diligence. Selectman Opalinski suggested a letter from the Town to the homeowners' insurance company could be drafted to present to the homeowners' insurance company to state this is a home insurance issue to be addressed. Chairman Talbot questioned Ms. Sicard as to whether they would want such a letter; Ms. Sicard stated any help would be appreciated. Ms. Sicard noted that the seller's statement did not indicate any water problems.

Mr. Kilhart noted that contractors are out 2-3 weeks, and to get the work done may take longer. Ms. Sicard stated they could not stay in their home this weekend if the temperatures drop as predicted.

Selectman Carroll moved to instruct the DPW to do the repair work or oversee and choose a contractor in a timely manner to do the repair work, and to bill the homeowners on a payment plan; Selectman Whitney seconded the motion. The motion passed on a vote of 3 Yes (Selectman Carroll, Selectman Whitney, Selectman Fountain) and 2 No (Selectman Talbot, Selectman Opalinski).

Chairman Talbot recused herself and handed the gavel to Vice Chairman Whitney.

- **Travel Request: Police Chief Crevier**

Selectman Carroll moved approval of the Police Chief travel request; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

- **Appointment of Police Acting Sergeant**

Chief Crevier announced that, as of November 1st, the Narcan policy has been implemented and 50% of the department has had training in crisis intervention. Chief Crevier note the short list for Acting Sergeant and recommended appointment of Officer Christopher Adams.

Selectman Carroll moved approval of the short list and appointment of Christopher Adams as Provisional Sergeant; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

Chief Crevier requested that Owen R. Sablack be appointed as part-time staff.

Selectman Opalinski moved approval of the appointment; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Abstention (Selectman Talbot).

Vice Chairman Whitney returned the gavel to Chairman Talbot.

- **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**

Selectman Opalinski moved to set the Public Hearing; Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

- **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**

Selectman Opalinski moved to set the Public Hearing; Selectman Whitney seconded the motion. The motion passed unanimously (5-0).

- **Set Public Hearing for 7:15 p.m., Tuesday, November 21, 2017: Tax Classification Hearing, Meeting with Assessors**

Selectman Whitney moved to set the Public Hearing; Selectman Opalinski seconded the motion. The motion passed unanimously (5-0).

- **Appointment of Alternate Member to Pioneer Valley Planning Commission: Nancy J. Talbot**

Selectman Opalinski moved approval of the appointment; Selectman Fountain seconded the motion. The motion passed unanimously (5-0).

- **Appointment of ADA Coordinator: Stuart Beckley**

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

- **Reactivate Member of Ware Cultural Council: Mary Healy, Term to Expire November 7, 2020**

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

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- **Appointment of Temporary Tree Warden**

Mr. Beckley recommended Paul St. Pierre for the temporary position.

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

Town Manager Report

Mr. Beckley noted that Town Hall is closed on November 10. The Veterans' Day Parade will be on November 11 at 1:00 p.m. The Special Town Meeting will be on November 13 at 7:00 p.m. Items on the November 21 agenda will include the Tax Classification hearing, Sewer Rates, and Road repair bond. Main Street decorating will begin next week with new trees. The Senior Center paving is complete, and Prospect Street is being completed. As part of the Green Communities program, the Town has ordered LED replacement lights for Town Hall, Police, School Gyms, Senior Center, Town Barn, WWTP, and Water Departments. An audit of streetlights will be conducted in December as preparation for conversion in 2018 to all LED.

Mr. Beckley announced Sydney Plante is the new ACO for Ware, Warren and Palmer. Summer Eurkus will be the part-time assistant in the Assessors' office. The Fire Chief will make a decision this week for two EMT positions. Western Mass News will broadcast a segment of Ten Towns in Ten Days on November 17 featuring Ware. The Ware Center Meetinghouse and Workshop 13 people did a terrific job hosting the TV crew and explaining the Town's assets!

Selectman Fountain moved to Adjourn Regular Session at 8:27 p.m.; Selectman Carroll seconded the motion. The motion passed unanimously (5-0).

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