



## **Board of Selectmen**

**Ware Town Hall, Meeting Room, 126 Main Street**

**Regular Meeting Minutes – Tuesday, October 15, 2019 at 7:00 p.m.**

**Meeting Opened by Chairman Carroll. A moment of silence was observed for Joseph Pellissier and Gwendoline Harder-Kirkham.**

**Present: Selectman John E. Carroll, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Selectman Alan G. Whitney, Town Manager Stuart Beckley, Clerk Mary L. Midura, Deputy Fire Chief Edward Wloch**

**Absent: Selectman Nancy J. Talbot**

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

Selectman Carroll announced four dates remaining for leaves, brush, etc. to be brought to the Robbins Road Collection site – October 19, October 27, November 2, and November 10.

Selectman Opalinski noted the Town Pool Survey and Bike and Walking Survey, both online on the Town website. Selectman Kruckas requested the surveys be placed at the Senior Center, as well as to be published in the Ware River News.

Selectman Carroll announced that residents should get rid of furniture and other items placed on their property that have been rained on. Selectman Opalinski questioned if there was a fine for this; Mr. Beckley noted this would come under Unkempt Property.

### **Consent Agenda**

- **Approval of Meeting Minutes of September 24, 2019**
- **Application for One-Day Beer & Wine License: St. Mary's Church Ham Dinner, Saturday, November 2, 2019**
- **Application for One-Day All Alcoholic License: Earle F. Howe American Legion Post 123 for Veterans Day Parade, Monday, November 11, 2019**
- **Retroactive Approval of Special Event Permit: America Needs Fatima 2019 Rosary Rally, Saturday, October 12, 2019**

**Selectman Whitney made the motion to approve the Consent Agenda; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

### **Reorganization of the Board of Selectmen**

**Selectman Carroll nominated Selectman Whitney as Chairman; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

**Selectman Whitney nominated Selectman Carroll as Vice-Chairman; Selectman Carroll seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

### **Scheduled Appearances**

- **7:05 p.m. Public Hearing: Application for Transfer of Annual All Alcoholic §12 Restaurant license and Common Victualler license for Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant, 54 West Main Street, Ware, MA.**

Attorney Richard Maynard, Attorney Christopher Loud, and Proposed Manager Ho Mak were present for the application. Attorney Maynard noted that Debbie Wong's is the last location and has been a long-standing restaurant in Ware. Mr. Mak noted his many years in the restaurant industry.

**Selectman Carroll made a motion to approve the Application for Transfer of Annual All Alcoholic §12 Restaurant license #00011-RS-1326 for Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant, 54 West Main Street, Ware, MA. Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

**Selectman Carroll made a motion to approve the Application for Transfer of Common Victualler license for Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant, 54 West Main Street, Ware, MA. Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Commendation of Stephen Butcher**

Chairman Whitney read the commendation of Stephen Butcher for 32 years' employment in the Town of Ware.

### **Old Business**

- **Update on Acting Fire Chief from HRD Civil Service**

Mr. Beckley received recommendation from council of HRD to appoint Acting Fire Chief Ed Wloch. The form is sufficient. No need to use "Interim" in the appointment.

**Selectman Carroll made the motion to appoint Acting Fire Chief Ed Wloch. Selectman Opalinski seconded the motion, specific that no vacancy is being filled with this appointment. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Labor Counsel Applicants**

Mr. Beckley presented applications from five firms. Selectman Carroll, Selectman Opalinski, and Mr. Beckley will form a sub-committee to review and update the Board on November 5, 2019.

- **Set Public Hearing Tuesday, November 5, 2019 at 7:05 pm – Street Acceptance of Wildflower Drive and Briar Circle**

**Selectman Carroll made the motion to set a Public Hearing on Tuesday, November 5, 2019 at 7:05 p.m. for Street Acceptance of Wildflower Drive and Briar Circle. Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

### **New Business**

- **Appointment to Community Development Authority: Brandy L. Bruso, Term to Expire June 30, 2021**

Ms. Bruso was present and noted she has lived in Ware for 13 years, and looks forward to helping with positive growth in the town.

Selectman Opalinski noted that her appointment was delayed as the committee needed to vote. Mr. Beckley noted only the Council on Aging was required to vote before an appointment would be placed before the Board. Selectman Carroll noted the CDA had two vacancies.

It was noted that Selectman Carroll is on the Community Development Authority, and Selectman Opalinski

recently did not seek reappointment to the Community Development Authority.

**Selectman Kruckas made the motion to appoint Brandy L. Brusco to the Community Development Authority, Term to Expire June 30, 2021. Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Winter Parking Lot Rules December 1, 2019 – March 31, 2020**

Mr. Beckley presented Chief Crevier's proposal for a yearly parking permit for overnight parking in the Pleasant Street and Parker Street parking lots. Chief Crevier was unable to attend the meeting. Selectman Kruckas noted that there should be no allowance of working on vehicles in these lots. The Board had several questions, and requested that Chief Crevier attend the November 5, 2019 meeting to further discuss the proposed changes.

- **Right of First Refusal, Chapter Land, 313 Palmer Road**

Mr. Beckley presented information. The Board questioned the full market value of this land.

- **Right of First Refusal, Chapter Land, Greenwich Road**

Mr. Beckley presented information. The Board questioned the full market value of this land.

**Selectman Carroll made the motion to table the above two items to November 5, 2019, pending more information. Selectman Kruckas seconded the motion. The motion to table to November 5, 2019 passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **Approval of Warrant for Special Town Meeting November 18, 2019**

**WARRANT FOR SPECIAL TOWN MEETING  
TOWN OF WARE  
COMMONWEALTH OF MASSACHUSETTS**

*Hampshire, ss.*

To any of the Constables of the Town of Ware, in said County,

Greetings:

**In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C, qualified to vote on Town affairs, to meet at the Ware High School Auditorium, 237 West Street, Ware, on Monday, November 18, 2019 at six thirty in the evening (6:30 P.M.), then and there to act on the following articles:**

**Article 1** To see if the town will vote to appropriate a sum of money to pay unpaid bills from prior fiscal years, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

**Article 2** To see if the Town will vote to appropriate a sum of money for amendments to the Fiscal Year 2020 budget, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.

- Article 3 To see if the Town will vote to authorize the Custodian-Trustee/OPEB Fund Board of Trustees of the OPEB Fund established under G.L. c. 32B, § 20 to invest monies in the OPEB Fund under the prudent investor rule established in G.L. c. 203C, or take any other action relative thereto.
- Article 4 To see if the Town will vote to appropriate a sum of money to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof; or take another action relative thereto
- Article 5 To see if the Town will vote to appropriate a sum of money for the Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.
- Article 6 To see if the Town will vote to appropriate a sum of money for the Capital Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.
- Article 7 To see if the Town will vote to accept Wildflower Drive and Briar Circle as town streets in accordance with the street layouts attached, or take any other action relative thereto.
- Article 8 To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town of Ware, to acquire by gift the parcel of land on Wildflower Drive known as Assessors Map 55, Parcel 1-28 or take any other action relative thereto.
- Article 9 To see if the Town will amend the layout and extension of Quarry Street, or take any other action relative thereto.
- Article 10 To see if the Town will vote to appropriate a sum of money to be expended for resurfacing and related work on Greenwich Road and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 11 To see if the Town will authorize the Ware School Committee to enter into a Memorandum of Understanding (attached) with the *Executive Office of Health and Human Services, the Department of Elementary and Secondary Education, and the Department of Children and Families*, in relation to the administration of the transportation costs under the *Every Student Succeeds Act*, to maximize Federal Financial Participation from the Federal Government through the Title IV-E of the Social Security Act, or take any other action relative thereto.

- Article 12 To see if the town of Ware will vote to appropriate a sum of funds for the replacement and installation of a new fire alarm panel at the Ware Junior Senior High School, and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof or take any other action relative thereto.
- Article 13 To see if the Town will vote to appropriate a sum of funds for a Hazardous Waste collection and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 14 To see if the Town will vote to appropriate a sum of funds for software for the Town Clerk's office and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 15 To see if the Town will vote to appropriate a sum of funds for matching funds for a Firefighter Equipment grant for SCBA units and associated equipment and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 16 To see if the Town will vote to appropriate a sum of funds for the purchase of two life pack units for the Ware Ambulance and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 17 To see if the town will vote to appropriate a sum of money to fund its share of the construction of a Regional Animal Control Shelter, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
- Article 18 To see if the Town will vote to appropriate a sum of funds for the purchase of a vehicle for the Police Department and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 19 To see if the Town will vote to appropriate a sum of funds for the purchase of hand guns, shotguns and rifles for the Police Department and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 20 To see if the Town will vote to appropriate a sum of funds for the repair of the chimney at the Ware Police Station and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
- Article 21 To see if the Town will vote to appropriate a sum of funds for the removal and disposal of dead and dangerous trees along the Town's public ways and on Town

property and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto

Article 22 To see if the Town will vote to appropriate a sum of funds painting and related work to the Grand Hall at Ware Town Hall and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

Article 23 To see if the Town will vote to raise and appropriate a sum of money to redevelop and replace the pump and motor in Barnes Street Well #1, to remove and replace the "in column" check valve in Barnes Street Well #2 and to remove, disassemble, inspect and repair the cause of the vibration in Barnes Street Well #4 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

Article 24 To see if the Town will vote to raise and appropriate a sum of money to purchase a water service truck to replace W-3 and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.

**And you are directed to serve up this Warrant by posting attested copies thereof at the Town Hall, at the Post Office calling the same at least fourteen (14) days before the time of said meeting and also by publishing a copy of the warrant on the Town of Ware website at least fourteen days before said meeting and make due return of this Warrant with doings thereon, to the Town Clerk of Ware on or before the time of said meeting.**

**Given under our hands at Ware this 15<sup>th</sup> day of October, 2019.**

SELECTMEN OF WARE:

\_\_\_\_\_  
Alan Whitney, Chairman

\_\_\_\_\_  
Keith Kruckas

\_\_\_\_\_  
John Carroll, Vice-Chairman

\_\_\_\_\_  
Nancy Talbot

\_\_\_\_\_  
Tracy Opalinski, Recording Clerk

*Hampshire, ss.*

By virtue of this Warrant, I have posted two attested copies: one at the Post Office, one at the Town Hall. I have also caused to be posted one attested copy on the Town of Ware website.

Signed this \_\_\_\_\_ Day, October, 2019.

\_\_\_\_\_  
Constable of Ware, Massachusetts

An Article 11 was mistakenly in the warrant and removed, all Articles were renumbered. An Article 13 for purchase of Grade 7 and 8 Science Textbooks was discussed and removed, all Articles were renumbered. Selectman Carroll questioned the article and noted this should be covered by the School budget.

**Selectman Carroll made the motion to remove Article 13. Selectman Whitney seconded the motion. The motion to remove passed on a vote of 3 Yes, 1 No (Selectman Opalinski), 1 Absent (Selectman Talbot).**

Further information will be provided on November 5, 2019 on all Articles.

### **Comments and Concerns of Citizens**

Resident Brandy Brusco noted that a streetlight on Pulaski Street has burned out. Mr. Beckley noted this is not a Town light, and he has contacted National Grid.

Resident Andrew Choquette asked the progress on the bylaw addressing skating in Veterans Park. Mr. Beckley noted that the bylaw needs tweaking as the Attorney General requires more specific descriptions. Selectman Carroll suggested that the Parks Department be consulted to check their rules and regulations for violations at the Veterans Park.

### **Town Manager Report**

Mr. Beckley noted the reception on October 16 for the Baystate Mary Lane Imaging Center, to be held 4:30 pm – 6:30 pm.

October 17 – East Quabbin Rail Trail Ribbon cutting, 4 p.m. at Frohloff Farm

October 19 – Domestic Violence Task Force Awareness Walk, 1 p.m., Veterans Park

October 25 – Knights of Columbus Halloween Parade, 6 p.m.

October 26 – Trick or Treat, 4-7 p.m.

November 11 – Veterans Day Parade, 1 p.m.

November 18 – Special Town Meeting, 6:30

**Personnel:** The Town is currently posting positions for a water operator, coordinator for the Quaboag Connector, and part-time Parks Laborer. Paul Pariseau has ended his work with the Parks Department. Additionally, the Palmer Police Department is moving forward with the review of candidates for the two police officers.

The Conservation Commission approved an Order of Conditions for the repairs of the Old Belchertown Bridge. Depending on MassDOT engineering review, the project should be ready for bidding during the winter for Spring/Summer construction.

Wildflower Drive and Briar Circle are being reviewed by the DPW and Planning Board for street acceptance. A public hearing will be held by the Board of Selectmen on November 5 allowing Town Meeting to vote on acceptance on November 18.

Water flushing is moving steadily forward, with the department moving on to Zone 6 this week. The department has used significantly less water as the pipes have been cleaner after the Spring's efforts.

The weather has delayed finishing chip sealing roads and the pavement of Richfield and Longview. Paving Babcock Tavern is scheduled for mid-November.

The pickup trucks funded by Town Meeting in the Spring for the DPW and Parks department are ready for delivery.

The Town tree planting program got off to a good start on October 5. The East Quabbin Land Trust worked with volunteers, the Planning Department, Parks department, and Tree Warden to plant 21 trees at Grenville Park. The Town will be planting 1000 trees over the next three years along town streets.

The Town's retiree insurance plan will have a 2.7% increase in premiums and no change in plan design effective January 1. The Town should learn expected premium increases for the general insurance in February.

The Town and the Quaboag Valley CDC submitted two grants for operations and expansion of the Quaboag Connector. The Town submitted a grant for ADA improvements at the Fire Station. Town Departments met to discuss the best use of grant funds from the Climate Vulnerability program. Discussed were improvements to the Town flood dike system, protection from flooding and icing near the Church Street bridge, tree work emergency shelter, and pool improvements. The Town, through the Planning Department, received a Brownfields grant to review the infrastructure at the Millyard, including the tunnels. This will assist with needed knowledge for redevelopment.

Selectman Kruckas noted thanks to Paul Pariseau for his many years of service to the Town.

Selectman Kruckas asked when the next meeting of the Ambulance Committee would be; Mr. Beckley noted the next meeting is October 22, 2019. Selectman Kruckas questioned the plan to have all money collections at Town Hall; Mr. Beckley noted several new employees must first be trained.

Selectman Opalinski questioned the town flood dike system; Mr. Beckley noted the Army Corps of Engineers is working on the vegetation near the river.

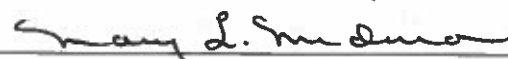
#### Adjournment

Selectman Carroll made the motion to Adjourn Regular Session at 8:25 p.m. to go into Executive Session; MGL Chapter 30A, Section 21 (a) #3 To Discuss Litigation Strategy With Respect To Clearly and Imminently Threatened and/or Demonstrably Likely Litigation by Fire Chief Thomas Coulombe. Vote May Be Taken. NOT TO RECONVENE IN OPEN SESSION. Discussion in Open Session Would Have a Detrimental Effect on Negotiations by Litigation.

Selectman Kruckas seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Selectman John E. Carroll	Yes✓
Selectman Keith J. Kruckas	Yes✓
Selectman Tracy R. Opalinski	Yes✓
Selectman Nancy J. Talbot	Absent
Selectman Alan G. Whitney	Yes✓

Attest:



Mary L. Midura, Executive Assistant to  
Town Manager