



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

**Regular Meeting Notice Agenda**  
**Tuesday, October 17, 2017**

**6:45 p.m. Executive Session: MGL Chapter 30A, Section 21 (a) #2 , Negotiations**

**7:00 p.m. Regular Meeting Notice Agenda**

**Meeting Opened**

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

**Consent Agenda**

- **Approval of September 19, 2017 Meeting Minutes**
- **Vote to Amend Application for Toll Road: Ware Rotary Club, Saturday, November 4 and Sunday, November 5, 2017 (Approved on September 19, 2017 for dates of October 14-15, alternate dates October 21-22, 2017)**
- **Approval of Special Event Permit Application: Ware Children's Halloween Parade, Friday, October 27, 2017, 6:00 pm – 9:00 pm.**

**Comments and Concerns of Citizens**

**Scheduled Appearances**

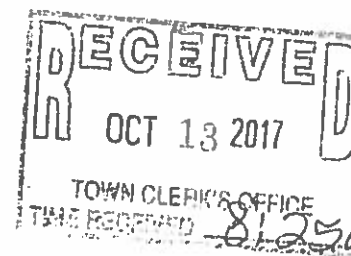
**Old Business**

**New Business**

- **Tax Rate Analysis**
- **Acceptance and Signing of Police Chief Contract**
- **Approval of November 13, 2017 Special Town Meeting Warrant**
- **Discussion/Selection of Community Compact Best Practices**
- **Discussion of Non-Bargaining Employee Benefits & Guidelines**

**Town Manager Report**

**Adjournment**





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

### Regular Meeting Minutes Tuesday, September 19, 2017

**Chairman Talbot was absent.**  
**Vice Chairman Whitney opened the meeting at 6:36 p.m.**

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

Selectman Fountain moved to Adjourn Regular Session at 6:36 p.m. to move into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations, **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 Talbot):

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

Selectman Carroll moved to Adjourn Executive Session at 7:00 p.m., **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 Carroll):

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

### Regular Meeting Minutes

The Board of Selectmen reconvened in Open Session at 7:00 p.m. Vice Chairman Whitney opened the meeting.

#### Consent Agenda

- Approval of September 5, 2017 Meeting Minutes
- Retroactive Approval of One-Day Liquor License Application: Workshop 13, Friday, September 15, 2017
- Approval of One-Day Liquor License Application: Workshop 13, Friday, October 20, 2017
- Approval of Toll Road Application: Ware Rotary Club, Saturday, October 14 & Sunday, October 15, 2017 or Saturday, October 21 & Sunday, October 22, 2017

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

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

Resident Bill Jackson thanked Mr. Beckley for addressing the shrubbery situation at Rite Aid.

Selectman Whitney asked that the lower bridge at Beaver Lake be looked at for safety.

Selectman Opalinski asked what would be done regarding the town pool; Mr. Beckley noted that the Parks Department is preparing a survey on options for the pool as well as researching what other towns are doing (Chicopee, Shelburne Falls, Buckland have recently updated their town pools). Selectman Opalinski questioned the situation of the streetlight near Walgreens; Mr. Beckley noted that the DPW spoke to the electric company. Selectman Opalinski noted the Board should recognize Nancy Talbot for her purchase of mums for the planters on Main Street.

- **Request for Zoning Amendment to Be Sent to Planning Board for Hearing**

Mr. Beckley noted that the zoning law has proposed changes to the Use Table.

**Selectman Opalinski moved to approve to send the Zoning Amendment to the Planning Board for a Public Hearing; Selectman Fountain seconded the motion. The motion passed on a vote of 3 Yes, 1 No (Selectman Carroll), 1 Absent (Selectman Talbot).**

### **Scheduled Appearances**

- **7:10 p.m. Public Hearing for Application for New All Alcoholic Restaurant License, Common Victualler License, and Entertainment License: Wicked Wings Ware, Inc., 136 Pleasant Street, Ware**

Vice Chairman Whitney read the Public Hearing Notice. Clerk Midura introduced Andrew Norton and Nicholas Norton of Wicked Wings Ware, Inc.

Selectman Carroll questioned the request to be open until 1 a.m. and noted that previously there were many noise complaints. The proposed owners noted that their Worcester location is open until 10 p.m. on weekdays, and until 11 p.m. on weekends; the application request to be open until 1 a.m. was to be allowed open as other Ware establishments. Vice Chairman Whitney read aloud a letter of concern from resident Carol Zins regarding the liquor and entertainment licenses and allowed uses.

**Selectman Opalinski made the Motion to Approve the Common Victualler License for Wicked Wings Ware, Inc.; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

Selectmen considered the application for Entertainment License. Selectman Whitney noted noise and other complaints regarding the prior establishment. Selectman Carroll noted that the problems were with the noise of patrons leaving the establishment. Selectman Carroll stated his hope that the new owners would establish a relationship with the residents. Selectman Opalinski welcomed the new owners. Resident Susan Lizak wished the new owners the best, but noted the 17 years of difficulty with the prior owners. Ms. Lizak noted the capacity (99) and sprinklers, and stated that residents want peace and quiet. Resident Barbara Zins stated that residents did not want live music. Selectman Opalinski noted that these new owners are "Ware Boys" who care about their community. Resident Bill Jackson noted that the new owners deserved a chance and should not be compared to the previous owners. Resident Ed Provencal

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

requested the hours allowed be on the safe side and reviewed in a time frame. The license in Worcester is for All Alcohol service. Ms. Lizak noted that the sound stays in the area because of the hill, and all noise is heard by residents. The new owners have a two-year-old license and a five-year-old license, with no complaints at either establishment.

Selectman Whitney asked why the new owners have applied for an All Alcoholic license: Nicholas Norton stated that they serve signature cocktails with wing dishes, and they plan to offer ten craft beers. Selectman Carroll asked Clerk Midura why Ms. Zins' letter refers to a zoning issue; Ms. Midura asked Mr. Beckley's assistance to explain: Mr. Beckley noted that the zoning chart would not allow a liquor license, but the prior establishment was "grandfathered in" and as long as the new owners do not change the use of the building, the license would be allowed at this location. The Building Inspector and Fire Inspector also agree with this determination.

**Selectman Carroll made the Motion to Approve the Entertainment License for Wicked Wings Ware, Inc. with the following conditions: Use of radio/television, trivia, acoustic live music 11 a.m. – 11 p.m., and Keno, with a review after three (3) months from opening date; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

**Selectman Carroll made the Motion to Approve the Application for a New All Alcoholic Restaurant License for Wicked Wings Ware, Inc. at 136 Pleasant Street, including alcohol service on the outdoor patio (pending License Approval by ABCC), with the following conditions: Indoor Alcohol Service 11:00 a.m. to 11:00 p.m., Outdoor Alcohol Patio Service 11:00 a.m. to 9:00 p.m. only (7 Days); Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

Vice Chairman Whitney read the 16C Finding into the record.

**Selectman Carroll made the Motion to Approve 16C Finding for Wicked Wings Ware, Inc.; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

**Selectman Opalinski made the Motion to Approve Opening with Alcohol Service (pending License Approval by ABCC) on Sunday at 11:00 a.m. (per request of licensee) Per MGL Chapter 138, Section 33B; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

- **7:15 p.m. Public Hearing for Proposed License Fee Increases: Liquor, Common Victualler, Lodging, Entertainment, Automatic Amusement Device, One-Day Liquor and Car Dealer Licenses**

Vice Chairman Whitney read the Public Hearing Notice.

The above named license fees were last increased in 2009. Clerk Midura presented research of surrounding communities and their license fees. Selectman Opalinski commended Ms. Midura for taking the initiative in presenting this information, and noted that any employee who brings in revenue should be commended. Selectman Carroll noted that water and sewer rate increases will be discussed and reviewed in just a few weeks. Mr. Beckley noted that liquor license rates should not increase greatly. Ms. Midura noted that some communities have a scale for Car Dealer licenses, as in, Class I is \$200, Class II is \$150,

Class III is \$100. After some discussion, Selectmen agreed on the following:

**Selectman Opalinski made the Motion to approve the following fee increases:**

<b>All Alcoholic Restaurant</b>	<b>\$1,115 to \$1,215</b>
<b>Wine &amp; Malt Restaurant</b>	<b>\$450 to \$550</b>
<b>All Alcoholic Club</b>	<b>\$700 to \$800</b>
<b>General On Premise Alcoholic</b>	<b>\$1,000 to \$1,100</b>
<b>General On Premise Wine &amp; Malt</b>	<b>\$700 to \$800</b>
<b>All Alcoholic Package Store</b>	<b>\$650 to \$750</b>
<b>Wine &amp; Malt Package Store</b>	<b>\$600 to \$700</b>
<b>One-Day Liquor License (Wine &amp; Malt)</b>	<b>\$25 to \$30</b>
<b>One-Day Liquor License (All Alcoholic)</b>	<b>\$25 to \$50</b>
<b>Common Victualler's License</b>	<b>\$14 to \$50</b>
<b>Lodging House/Innholder's License</b>	<b>\$10 to \$50</b>
<b>Entertainment License</b>	<b>\$100 (Must remain at MGL limit)</b>
<b>Automatic Amusement Licenses</b>	<b>\$50 (Each Device) to \$60</b>
<b>Class I, II, III Car Dealer</b>	<b>\$50 to \$200</b>

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

**Old Business - none**

**New Business**

- **Request to Open Special Town Meeting Warrant (Special Town Meeting Date of Monday, November 13, 2017)**

**Selectman Fountain made the Motion to Open the Special Town Meeting Warrant for Monday, November 13, 2017, to be closed on Thursday, October 12, 2017 at 12:00 p.m.; Selectman Carroll seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).**

#### **Town Manager Report**

Mr. Beckley announced that James Deni, Jr. has been hired for the Deputy DPW Director position. He will begin work on October 10, 2017. Mr. Deni lives in Chicopee, MA.

Resident Bill Jackson questioned why someone who is not a Ware resident was hired. Selectman Whitney noted Mr. Deni is highly qualified with a Masters' Degree in chemical engineering.

Mr. Beckley noted that the Senior Center parking lot quote of \$49,374 was accepted and the WWTP concrete Aerator repairs quote of \$52,000 was accepted. These projects will be done this Fall.

Mr. Beckley reminded the public that the Public Hearing for water and sewer rate increases will be Tuesday, October 3, 2017 at 7:10 p.m.

The Domestic Violence Awareness Walk will be held on October 14, 2017 at Veterans' Park. There will be brush and leaf collection at the Robbins Road location on November 4 and November 12, 2017 from 8 a.m. to 2 p.m. each day.

Selectman Opalinski noted would Mr. Beckley, when meeting with department heads, relay that the

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

Board of Selectmen would consider commendations of any employee who finds ways to bring in revenue, even in consolidating processes.

James Russell questioned when the Mitigation Committee for Main Street Design will be formed; Mr. Beckley stated that business owners will be contacted soon. Selectman Whitney questioned the status of the Main Street project and specifically if the bike lanes are required; Mr. Beckley noted he will meet with DPW Director Kilhart regarding this. Selectman Whitney noted the Board should know the options. Selectman Opalinski requested an update regarding the Mitigation Committee after the November Town Meeting.

**Selectman Opalinski moved to Adjourn Regular Session at 8:02 p.m.; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot):**

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

TOWN OF WARE  
BOARD OF SELECTMAN

APPLICATION FOR THE CONDUCT OF A "TOLL ROAD"

Ware Rotary Club  
Name of Organization  
PO Box 177 Ware  
Address  
1920's  
Date Organization Established

\*  
CHANGE TO  
NOV. 4+5,  
2017

Chairperson/Person in Charge:

Name Kathleen Deschamps Title VP  
Address 11 Cottage St., Ware Telephone # 967-5187  
Email Kate3754@aol.com  
Date Requested Oct. 14-15 \* Alternate Date Oct. 21-22 \*  
Time Requested 8:00 to 12:00

Purpose to raise money for replacement of Christmas trees and bulbs and to put on the Holiday Flair

Number of Participants 24 (Please attach a separate paper listing names, addresses and ages of all participants.)  
will forward list before the event

Attached herewith is a certificate of insurance for the event which designates the Town of Ware as an additional named insured for the event.

I have been provided with a copy of the "Toll Road Policy and Map" and am aware of the requirements associated with its provisions of conduct.

Kathleen Deschamps  
Signature of Chairperson/Person in Charge

9-11-17  
Date

Application Approved by Board of Selectmen on \_\_\_\_\_

\_\_\_\_\_  
Clerk to Board of Selectmen

cc: Toll Road Approved Applications File  
Police Department  
Fire Department

TOWN OF WARE

SPECIAL EVENT PERMIT APPLICATION

(To be posted or made available at event)

Return to: Board of Selectmen, Town of Ware, 126 Main Street, Ware, MA 01082

Application packet must be received no later than 30 days prior to the event.

Event Name: WARE CHILDREN HALLOWEEN PARADE Event Producer: KNIGHTS OF COLUMBUS

Primary Contact Information:

Primary Contact Name: PAUL HARRIS Fax: \_\_\_\_\_

Non-Profit Organization / Event: Yes ☒ No ☐

Day Phone: 413-837-3422 Cell Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

Event Information:

Event Address / Location: Veterans Park to 126 W main st Knights Pavilion

Starting Date: 10/27/17 Time: 6:00 PM Ending Date: 10/27/17 Time: 9:00 PM

Total attendance expected: 400 Rain plan: \_\_\_\_\_

List any streets to be closed for special event: main to west main

Summary of Event - Please describe the special features of the event within the box below.

Annual Halloween Childrens Parade Led  
by Ware Police Dept and Ware Fire Dept meeting  
at Veterans Park marching to Knights of Columbus  
Pavilion. PARADE ROUTE IS VETERANS PARK MAIN ST  
to Knights Pavilion 126 W. MAIN ST.  
CANDY BAGS, BROWNIES AND HOT COCOA ARE PROVIDED  
TO participants at the Knights Pavilion



**RELEASE/HOLD HARMLESS AGREEMENT (REQUIRED FOR USE OF TOWN PROPERTY ONLY):**

I, PAUL HARPER, a representative from KNIGHTS OF COLUMBUS #183, does hereby acknowledge that in the course of its use of property owned by the Town of Ware, namely VETERANS PARK located at MAIN ST, Ware, Massachusetts, for the purpose described above, and more particularly by virtue of the presence of its agents, servants, employees and invitees, (hereinafter collectively referred to as KNIGHTS OF COLUMBUS), in any manner whatsoever shall operate at its own risk on said property of the Town of Ware.

For and in consideration of the use of \_\_\_\_\_, \_\_\_\_\_ does for itself and on behalf of its agents, servants, employees and invitees, hereby, jointly and severally, remise, release and forever discharge the Town, its agents, servants and employees (hereinafter collectively referred to as the "Town"), of and from all debts, demands, actions, and any and all claims or demands whatsoever of any kind for damages or injuries to property or person, which may arise by virtue of \_\_\_\_\_ use of \_\_\_\_\_.  
\_\_\_\_\_ further agrees to defend and indemnify and hold harmless the Town from and against any claims of any nature whatsoever and the cost and expense, including, but not limited to, attorney fees and legal costs arising out of any claim in connection with its use of \_\_\_\_\_.  
Said indemnification shall not include claims arising from intentional malfeasance by the agents or employees of the Town of Ware.

Signed this 3 day of OCTOBER, 2017, on behalf of Knight of Columbus by  
X [Signature], its \_\_\_\_\_ Date: 10/3/17  
Signature of the agent duly authorized by the Special Event Permit applicant to bind it.

**\*\*This application packet (the checklist and the permit application) must be brought in person to each department for sign-offs – Parks & Recreation MUST be approved first. Once all sign-offs have been received, this application packet must be returned to the Town Manager's Office for final approval by the Board of Selectmen.\*\***

**Review & Submission for Sign-Offs Provided By Departments**

Please note – Departments may provide additional comments below their sign-off

Parks & Recreation	<u>[Signature]</u>	Date: <u>10/6/17</u>
Health Department	<u>OK✓</u>	Date: <u>10/6/17</u>
Department of Public Works	<u>OK✓</u>	Date: <u>10/3/17</u>
Building Inspections	<u>[Signature]</u>	Date: <u>10/6/17</u>
Fire Department	<u>OK✓</u>	Date: <u>10/3/17</u>
Police Department	<u>[Signature]</u>	Date: <u>10-03-17</u>
		# of Officers (if applicable) _____

## Components of the Levy

**Levy:** The amount a community can raise through property tax. The levy can be any amount up to the levy limit.

**Levy Limit:** The maximum the levy can be in a given year. The limit is based on the previous year's limit plus certain allowable increases.

**Automatic 2.5% Increase:** Each year, a community's levy limit automatically increases by 2.5 percent over the previous year's levy limit. This does not require any action by local officials; the Department of Revenue calculates this increase automatically.

**New Growth:** Increase in the levy limit based on the increased value of new development and other growth in the tax base that is not the result of revaluation.

**Debt Exclusions:** An exclusion for the purpose of raising funds for debt service costs and approved by a majority vote of the electorate. The increase in property taxes is temporary and is only added to the levy limit during the life of the debt.

## Maximum Allowable Levy

Calculating the Maximum Allowable Levy			
	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>
Prior Year Levy Limit	12,620,757	13,020,800	13,582,084
Prior Year Amended New Growth	2,169	-	1,369
Plus 2.5%	315,573	325,520	339,586
New Growth	<u>82,301</u>	<u>235,704</u>	<u>133,277</u>
Subtotal	13,020,800	13,582,024	14,056,316
Debt Exclusions	353,794	309,332	257,179
Maximum Allowable Levy	<u>13,374,594</u>	<u>13,891,356</u>	<u>14,313,495</u>
Debt Exclusions include:	<u>Outstanding Principal &amp; Interest</u>		<u>Final Debt Payment</u>
School Building	336,058	net of MSBA reimbursement	FY19
WWTP-Engineering	286,550		FY29

# Calculating the Tax Rate

	FY15	FY16	FY17
Maximum Allowable Levy	13,374,594	13,891,356	14,313,495
Actual Levy	13,371,009	13,886,205	14,308,258
Total Assessed Valuation	680,458,497	687,095,736	688,890,630
<b>Tax Rate = Levy/(Valuation/1000)</b>	<b>19.65</b>	<b>20.21</b>	<b>20.77</b>
Average Single Family Valuation	172,322	172,588	172,754
Average Single Family Tax Bill	\$ 3,386	\$ 3,488	\$ 3,588
Tax Bill = (Valuation/1000)*Tax Rate			

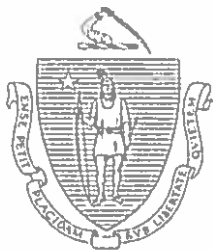
How Much Will Your Annual Tax Bill Be?

FY17 Tax Rate = \$20.77

<u>Assessed Value of Home</u>		<u>Annual Tax Bill</u>
\$	100,000	\$ 2,077
\$	150,000	\$ 3,116
\$	172,754	\$ 3,588
\$	200,000	\$ 4,154
\$	250,000	\$ 5,193

# How Does Ware Compare

Municipality	County	2013 Population	2015 DOR Income Per Capita	Residential Tax Rate	2016 Average Single Family		Average Annual Bill (120 HCF)		Total Tax/Water/ Sewer	Total Fees/Taxes as Percent of Income	Tax as Percent of Income
					Tax Bill	Sewer	Water	Sewer			
Charlton	Worcester	13,175	35,990	13.78	3,505	456	250	4,211	11.7%	9.7%	
Dudley	Worcester	11,516	30,229	12.18	2,705	500	639	3,844	12.7%	8.9%	
Leicester	Worcester	11,243	29,993	14.90	3,171	448	639	4,258	14.2%	10.6%	
Adams	Berkshire	8,332	27,100	21.39	2,944	356	-	3,300	12.2%	10.9%	
Monson	Hampden	8,722	32,780	17.12	3,669	482	328	4,479	13.7%	11.2%	
Spencer	Worcester	11,766	30,159	14.29	2,884	910	598	4,392	14.6%	9.6%	
Palmer	Hampden	12,157	26,741	19.97	3,467	812	450	4,729	17.7%	13.0%	
Ware	Hampshire	9,844	26,687	20.21	3,488	493	547	4,528	17.0%	13.1%	
Ware GDP		6,170	23,273	20.21	3,488	493	547	4,528	19.5%	15.0%	
Ware non C		3,074	32,420	20.21	3,488	493	547	4,528	14.0%	10.8%	
Athol	Worcester	11,619	24,184	19.83	2,561	539	692	3,792	15.7%	10.6%	
Warren	Worcester	5,168	28,906	19.84	3,244	220	300	3,764	13.0%	11.2%	
Montague	Franklin	8,377	27,155	17.61	3,202	690	558	4,450	16.4%	11.8%	
Winchendon	Worcester	10,542	27,993	17.43	2,815	572	908	4,295	15.3%	10.1%	
Shirley	Middlesex	7,613	27,775	16.51	4,525	696	-	5,221	18.8%	16.3%	
Hardwick	Worcester	2,997	28,456	15.77	3,236	-	630	3,866	13.6%	11.4%	



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(617) 725-4000

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

August 15, 2017

Dear Municipal Executive:

The Baker-Polito Administration is pleased to announce that Year 3 of the Community Compact Cabinet (CCC) program is set to begin on August 15. In FY18, we will continue to offer the Best Practice program, Efficiency and Regionalization program, and IT Grant program. Information on all three of these CCC programs is provided below.

Fostering a strong partnership with our municipalities continues to be a top priority for the Baker-Polito Administration, and the Community Compact Cabinet is a prime example of how the state remains responsive to the needs of municipalities.

The first two years of the program have been incredibly successful, with more than 300 cities and towns signing up for the Best Practice program, close to 130 municipalities and school districts receiving Efficiency and Regionalization grants, and nearly 115 municipalities receiving funds from the IT Grant program.

### **Fiscal Year 18 CCC Municipal Grant Programs**

#### **Best Practices Program**

Beginning August 15, applications for Year 3 of the CCC Best Practice program can be submitted by those municipalities *who did not apply in FY17 at [www.mass.gov/ccg](http://www.mass.gov/ccg)*. Applications are accepted on a rolling basis and will be reviewed within one month of submission. Eligible applicants can choose up to two best practices and enter into a FY18 Compact. The Compact spells out the commitments of the state and gives the municipal leader the flexibility to choose a best practice (or practices) that make the most sense for your community.



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GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

The complete set of best practices are available on the Community Compact Cabinet website ([www.mass.gov/CCC](http://www.mass.gov/CCC)). The website also includes a helpful Question and Answer section.

You may access the application page, however to begin the application you will need a password. The password for your community is [REDACTED]. Applications cannot be saved once they are started and should be completed all at once. Your community can only submit one application in FY18.

Efficiency and Regionalization Grant Program

The purpose of the Efficiency and Regionalization *competitive* grant program is to provide financial support for governmental entities interested in implementing regionalization and other efficiency initiatives that allow for long-term sustainability. These grants will provide funds for one-time or transition costs for municipalities, regional school districts, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments interested in such projects.

There will be one competitive application round for this new grant program, which the online application opening on October 16 and closing on November 16.

Bonus points will be awarded to any municipality that has chosen to participate in the CCC Best Practice program. Additional bonus points will be awarded if the subject matter of the application falls within any of the FY18 Best Practices, all of which can be located at [www.mass.gov/CCC](http://www.mass.gov/CCC). Lastly, if the application is associated with a municipality's chosen best practice, bonus points will be awarded.

For any application that involves multiple communities, all involved must have signed up for the CCC Best Practice program in order to qualify for the bonus points. In the case of a regional school district, all member municipalities must have entered into a Compact in order to qualify for the bonus points. For an application submitted by a regional planning agency or council of government, all municipalities associated with the application must have entered into a Compact in order to qualify for the bonus points.





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CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

You may access the application page, however to begin the application you will need a password. The password for your community is [REDACTED]. Applications cannot be saved once they are started and should be completed all at once.

IT Grant Program

On January 15, 2018 the application for the Community Compact IT Grant Program will open. Municipalities that applied for a Community Compact under the CCC Best Practice program on or before January 1, 2018 will be eligible. *However, cities and towns that were awarded an IT Grant Program grant in FY17 will not be eligible in FY18.*

This is a *competitive* grant program focused on driving innovation and transformation at the local level via investments in technology. Using the transformative powers of IT, we can drive innovation, make government more efficient, save taxpayer money, and make it easier for residents to interact and transact with their local government.

Grants of up to \$200,000 will support the implementation of innovative IT projects by funding related one-time capital needs such as technology infrastructure, upgrades and/or purchases of equipment or software. Incidental or one-time costs related to the capital purchase such as planning, design, installation, implementation and initial training are eligible.

You may access the application page, however to begin the application you will need a password. The password for your community is [REDACTED]. Applications cannot be saved once they are started and should be completed all at once.

It is exciting to have these three programs available again for our partners in local government. Together they offer you an opportunity to position your community for long-term success, including bonus points on various statewide grants if you enter into a Best Practice compact. I thank the Legislature for funding these programs in FY18 and look forward to working with you in the near future as Chair of the Community Compact Cabinet. If you have any questions, contact



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COMMONWEALTH OF MASSACHUSETTS  
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(617) 725-4000

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

Sean Cronin, Senior Deputy Commissioner of Local Services, at  
[croninse@dor.state.ma.us](mailto:croninse@dor.state.ma.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Karyn E. Polito".

Karyn E. Polito  
Lieutenant Governor

A small, dark, rectangular mark or stamp, possibly a date or a signature, located at the bottom center of the page.



# Best Practice Frequently Asked Questions

Answers to your frequently asked questions about the Best Practice Program

## What communities are eligible for FY18 Community Compact? And are these optional?

Beginning August 15, applications for Year 3 of the CCC Best Practice program can be submitted **only by those municipalities who did not apply in FY17**. So those who have not yet applied for a Compact are eligible, along with those who applied in FY16. While a great tool for cities and towns, Community Compacts are optional. All Compact agreements are subject to review by the Division of Local Services before they are signed.

## What is a Community Compact?

The Community Compact is a voluntary, mutual agreement entered into between the Baker-Polito Administration and individual cities and towns of the Commonwealth. In a Community Compact, a community will agree to implement at least one best practice that they select from across a variety of areas. The community's chosen best practice(s) will be reviewed between the Commonwealth and the municipality to ensure that the best practice(s) chosen are unique to the municipality and reflect needed areas of improvement. Once approved, the written agreement will be generated and signed by both the municipality and the Commonwealth. The Compact also articulates the commitments the Commonwealth will make on behalf of all communities.

## When was the Community Compact program

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through FY19. As noted in the first FAQ above, cities and towns that entered into Compacts in FY16 are eligible to enter into another Compact, but are not required to do so in order to maintain the "Compact Community" status.

## What is the obligation of the Commonwealth?

The Commonwealth's commitments are found on the Community Compact website ( [Commonwealth Commitments](#) ). In addition, the Commonwealth will offer incentives to communities for entering into a Community Compact, including prioritizing Commonwealth technical assistance resources to help reach your chosen best practice(s). Extra points on certain grants, and a grant program specifically for Compact communities, are also incentives included for participation in the program.

## Is there a deadline to apply for the Compact? How do I access the application?

No. A community may choose to enter into the Community Compact at any time. Each Compact agreement will run for two years. During the two year period of each compact, the Division of Local Services will periodically check in with the communities to monitor progress toward the implementation of the selected best practice(s). The application can be found in the "Application" tab above. You will need a passcode to fill out the Community Compact application. The passcode was included in a letter sent from the Lt Governor to municipal CEO's on August 15, 2017. If you do not have a passcode, please contact DLS by sending an email to Sean Powers at [powersse@dor.state.ma.us](mailto:powersse@dor.state.ma.us).

## Can communities have a joint Community Compact?

Yes, regionalization of the Compact is an option. The Communities will individually fill out an application, choose the same best practice(s) and choose the regionalization option on the

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# Best Practice Areas

Descriptions of the best practice areas for the Community Compact Best Practice Program.

## Education Best Practices

**Best Practice:** Map community's priorities, funding and assessments for children from birth to age eight in order to better align resources and achieve greater impact.

**Best Practice:** Focus on college and career planning beginning in middle school and continuing through high school in order to ensure that all students have access to the opportunities that provide both experience and help to foster informed decisions about college and career pathways.

**Best Practice:** Maximize opportunities for students to access specialized vocational education through collaborations between regional vocational technical schools, comprehensive high schools and community colleges.

**Best Practice:** Understand projected changes in student enrollment and demographics and the impact of those changes on the school district's budget and operations in order to provide a district with the needed information to develop a strategic plan for its future.

**Best Practice:** Coordinate and communicate key student- and school-level data in real-time in order to inform decision-making and reporting.

## Energy and Environment Best Practices

### Energy Efficiency and Renewable Energy

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Community pursuant to M.G.L. c. 25A §10 to realize the energy &

use, the number distance of car trips & resulting GHG emissions

**Best Practice:** Protect and Manage Natural Resources to reduce carbon emissions from loss of natural land cover and to encourage carbon sequestration

**Best Practice:** Reduce Municipal Solid Waste and Increase Recycling in order to reduce GHG emissions associated with solid waste disposal

**Best Practice:** Conserve Water & Increase the Efficiency of Municipal Water/Wastewater Systems as they consume a lot of energy

## Climate Change Adaptation & Resilience

**Best Practice:** Protect Vulnerable Populations to decrease risk to people who are more susceptible to climate change effects & less able to adapt

**Best Practice:** Inventory Existing Resources & Assess Vulnerabilities to enable the community to prioritize climate change adaptation strategies

**Best Practice:** Plan for Climate Change Adaptation to assess cost, risk, and potential solutions and produce a plan of action to enhance municipal resiliency

**Best Practice:** Implement Structural Improvements & Nature Based Approaches to protect buildings and infrastructure

**Best Practice:** Encourage Sound Land Use that minimizes risk and costs associated with climate change for new development and redevelopment projects

**Best Practice:** Prepare for Emergencies by completing an Emergency Management Plan or otherwise readying the community for storm events

## Sustainable Development and Land Protection

**Best Practice:** Complete a Master or Open Space & Recreation Plan to guide land conservation & development decisions including zoning & land acquisition

**Best Practice:** Zone for Natural Resource Protection, Transfer of Development Rights, Traditional Neighborhood, or Transit Oriented Development

**Best Practice:** Adopt a Tree Retention Bylaw to preserve tree cover when a parcel is subdivided or redeveloped

**Best Practice:** Invest in Land Conservation or Park Creation/Restoration to protect key parcels of land from development & provide recreational opportunities

**Best Practice:** Enhance Consistency with a Land Use Priority Plan to achieve shared local, regional, and state planning and development goals

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ation & development goals

## Site Cleanup

**Best Practice:** Complete a Brownfields Inventory so that the community is aware of all abandoned & underutilized properties & can develop plan of action

**Best Practice:** Conduct Site Assessments to determine the nature and extent of contamination and develop a plan of action

**Best Practice:** Clean Sites to prevent further releases or the spreading of contaminants and to bring sites back into productive use

**Best Practice:** Offer Tax Incentives to help property owners finance sometimes expensive site assessment and remediation

**Best Practice:** Update Regulations to remove barriers to redevelopment and encourage productive reuse of brownfield sites

**Best Practice:** Track Cleaned Sites with Activity and Use Limitations in order to ensure that future property uses don't endanger public health

**Best Practice:** Engage & Educate Property Owners and the Public to enhance citizen safety and understanding of brownfield issues, resources, and reuse plans

## Local Agriculture and Silviculture

**Best Practice:** Adopt a Right to Farm By-law/Ordinance to clearly indicate that agriculture is a local priority and to minimize abutter conflicts

**Best Practice:** Establish an Agricultural Commission to advocate for local farms, administer a right to farm bylaw, & otherwise represent agricultural interests

**Best Practice:** Establish a Farmers Market to provide a venue for local farmers to sell and for residents to purchase locally grown farm products

**Best Practice:** Support Sustainable Forestry to help the forest economy in rural areas, improve forest habitats, and assist in the conservation of forest land

**Best Practice:** Increase Agricultural Marketing to enhance awareness and patronage of local agricultural businesses

**Best Practice:** Support Aquaculture to help local businesses that cultivate aquatic plants or animals

**Best Practice:** Promote Urban Agriculture in order to increase access to fresh produce and encourage community revitalization

**Best Practice:** Protect Farm and Commercial Forest Land permanently through zoning and land

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**Best Practice:** Create an Economic Development Plan that engages diverse stakeholders, leverages local and regional economic strengths and assets, encourages innovation and entrepreneurship, and/or promotes workforce development planning and implementation.

**Best Practice:** Align Land Use Regulations, especially zoning, capital investments, and other municipal actions with Housing Development, Economic Development, Master, Land Use Priority or other plans for future growth. Promote development and reuse of previously developed sites.

**Best Practice:** Create and Distribute an Economic Development Guide/Manual to not only promote development goals and priorities, but also specifically and clearly outlines the community's policies and procedures related to zoning and permitting.

**Best Practice:** Create Opportunities for Engaging Diverse Stakeholders in economic development efforts, such as to assist with identification of priority development projects, improve local permitting processes, and proactively address obstacles to housing/job creation.

**Best Practice:** Create Cross-Sector Partnerships to help carry out community-driven responses to community-defined issues and opportunities for economic development.

**Best Practice:** Create a District Management Entity that engages public/private stakeholders to develop and support downtown revitalization efforts.

**Best Practice:** Adopt as-of-Right Zoning and/or Streamlined Permitting to promote development in priority districts.

**Best Practice:** Adopt Zoning for Mixed-Use Development, including Transit Oriented Development, where appropriate.

**Best Practice:** Adopt Chapter 40R Smart Growth zoning to facilitate the creation of dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations.

## Competitiveness

**Best Practice:** Engage in an Economic Development Self-Assessment exercise to identify strengths, weaknesses, and areas of opportunity.

**Best Practice:** Establish and Utilize Performance Data to evaluate the competitiveness of the community, conduct year to year comparisons, and measure performance against comparable communities.

**Best Practice:** Create a Public Dashboard to benchmark, monitor, and communicate to the public regarding various housing and economic development performance measures.

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unemployment insurance, and worker's compensation/111F; includes eligibility review and evaluation of insurance choices.

**Best Practice:** Prepare a Succession Plan to help address the pending wave of retirements that will challenge a municipality's ability to maintain service levels.

**Best Practice:** Explore Centralized Human Resources/Personnel Operations to improve service delivery and build efficiencies.

## Information Technology Best Practices

### Strategic Planning

**Best Practice:** Develop a Long-Term IT Financial Strategy to include capital and operating expenses.

**Best Practice:** Develop a Municipal IT Consolidation Strategy that maximizes technology investments across schools, public safety and municipal buildings.

**Best Practice:** Develop a Regional Shared IT Services Program that leads to productive partnerships across multiple communities and/or school districts to maximize regional technology investments.

**Best Practice:** Develop a Comprehensive IT Strategy focused on better aligning technology investment with short and long-term organizational priorities.

**Best Practice:** Implement a Cyber Security Training Program that ensures staff is aware of, know how to prevent and know how to respond to cyber security threats.

### Transparency & Data Standards

**Best Practice:** Develop an Open Data Policy or Ordinance that increases transparency and makes electronic data available in a machine-readable format.

**Best Practice:** Deploy an Open Checkbook and/or Open Budget Solution that is easily consumed by the public and promotes transparency.

**Best Practice:** Implement Address and Parcel Data Standards that lead to better quality mapping, facilitate the deployment of NextGen911, create a foundation for system integration and open opportunities for collaboration with peer communities and state government.

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Data Standards that lead to municipal system integration  
ment capabilities.

## Public Safety Best Practices

**Best Practice:** Conduct Active Shooter Preparedness and Response Training in collaboration with the Massachusetts State Police Tactical Operations (STOP) Team, onsite with local law enforcement.

**Best Practice** Establish an Emergency Preparedness Plan in partnership with the Massachusetts Emergency Management Agency (MEMA) to develop and enhance a community's disaster and emergency response capabilities.

**Best Practice:** Establish Hazardous Material Response Protocols in conjunction with Regional Hazardous Materials Response Teams under the Department of Fire Services, to enable cities and towns to protect their citizens, the environment, and property during incidents involving a release or potential release of hazardous materials.

**Best Practice:** Hold In-service Training Programs for Municipal Police to better prepare local police officers and first responders for incidents involving domestic violence, mental health disorders, and substance abuse.

**Best Practice:** Convene an opioid task force, consisting of key stakeholders, to identify, implement, coordinate and improve strategies around the prevention, intervention, treatment and recovery of substance use disorders.

**Best Practice:** Adopt Standardized Tools for Domestic Violence Cases by partnering law enforcement with local domestic violence organizations to adopt a best practice policy on training and implementation of standardized, evidence informed danger and strangulation tools. Municipalities are encouraged to apply individually or as a collective.

**Best Practice:** Participate in the State Law Enforcement Bureau (SLEB) initiative, which connects local police with the Department of Transitional Assistance (DTA) to investigate local retailers that are illegally trafficking SNAP benefits. DTA will provide data analysis, investigative supports, and other tools to help law enforcement shut down these criminals in communities across the Commonwealth.

## Regionalization/Shared Services

**Best Practice:** Regionalize services and share resources among municipalities for efficient and effective service delivery to residents and taxpayers in this era of shrinking budgets, loss of seasoned employees to retirement, and increased need for service improvements.

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## Asset and Infrastructure Management

**Best Practice:** Inventory and Geo-Code all public works assets so that a database of every public works asset is created, geocoded and condition rated, which is used to inform capital planning, as well as emergency repair.

**Best Practice:** Develop a Pavement Condition Index that rates street condition for the municipality.

**Best Practice:** Develop a Multi-Year Vehicle Maintenance and Replacement Plan for their municipal vehicle fleet.

**Best Practice:** Develop a Bridge / Culvert Preventative Maintenance plan to help prolong the life of these critical transportation assets.

Did you find the information you were looking for on this page?

☐ Yes

☐ No

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**TOWN OF WARE NON-BARGAINING  
EMPLOYEE BENEFITS & GUIDELINES**

**July 1, 2013**

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## 7.1.13 - TOWN OF WARE NON-BARGAINING EMPLOYEE BENEFITS & GUIDELINES

### INTRODUCTION

The contents of the Ware Non-Bargaining Employee Benefits & Guidelines have been prepared to inform you of the Town of Ware employee benefits and guidelines for Town of Ware non-bargaining employees. These guidelines are to be administered by the Town Manager, and are being provided to you as a valued employee. Thank you for choosing Ware as a place of employment.

As a Town of Ware employee, outlined herein please find a list of employee benefits and guidelines:

### VACATION

Vacation time is granted after continuous years of service.

TIME OF SERVICE	VACATION TIME
1 year	2 weeks
5 years	3 weeks
10 years	4 weeks
20 years	5 weeks
21 years	5 weeks and 1 day
22 years	5 weeks and 2 days
23 years	5 weeks and 3 days
24 years	5 weeks and 4 days
25 years	6 weeks

For employees commencing employment after January 1, 1995:

TIME OF SERVICE	VACATION TIME
1 year	2 weeks
5 years	3 weeks
10 years	4 weeks
20 years	5 weeks

Vacation leave shall be accrued, at the rate equal to the employee's entitlement, on a monthly basis. Within a fiscal year, the employee may not use vacation leave in excess of the amount the employee is entitled to accumulate during a fiscal year plus one week without prior approval of the Town Manager. Use of additional vacation time will require the approval of the Town Manager.

An employee may carry over a maximum of two (2) weeks' vacation (ten (10) days) at the end of each calendar year, December 31<sup>st</sup>.

In the event an employee dies, any accrued but unused vacation will be paid to the employee's estate.

### HOLIDAYS

New Year's Day	Columbus Day
Martin Luther King Day	Veterans' Day
President's Day	Thanksgiving Day
Patriots Day	Day after Thanksgiving Day
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	

## 7/1/13 - TOWN OF WARE NON-BARGAINING EMPLOYEE BENEFITS & GUIDELINES

Holidays that fall on a Saturday will be observed on the preceding Friday. Holidays that fall on a Sunday will be observed on the following Monday.

### **SICK LEAVE**

You are entitled to accrue sick leave at the rate of one and one-quarter (1 ¼) days per month, to a maximum of one hundred and sixty (160) days. Upon retirement, you shall receive one (1) day's pay at the last pay rate received prior to retirement for every five (5) days of accumulated sick leave if hired after January 1, 1995. For those hired before January 1, 1995, you shall receive one (1) day's pay for every three (3) days of accumulated sick leave.

You may be required to provide evidence of a medical documentation if you are absent three (3) consecutive days. You may be required to have a medical exam by a doctor selected by the Town if you are absent ten (10) consecutive days. The Town will assume the cost of this exam.

You may use up to three (3) sick days per fiscal year to care for a spouse, child or parent where your presence is required to care for an ill family member. These days are to be taken from your accrued sick leave and will not be cumulative (up to three (3) days per year, non-cumulative).

The Town may grant you additional paid sick leave beyond all available and accrued sick leave with the proper medical certification submitted from a doctor.

If you have a minimum of fifty (50) accrued sick days you will have the option of trading in four (4) days for use as one (1) personal day. This option will be available to you for each quarter of the fiscal year. Should you choose to avail yourself to this option, the personal day must be taken during the next quarter. Trading in sick days for a personal day will not count as a use of sick time.

### **SICK LEAVE CONVERSION**

The quarters for conversion of sick time to personal days is as follows:

July 1 <sup>st</sup> through September 30 <sup>th</sup>
October 1 <sup>st</sup> through December 31 <sup>st</sup>
January 1 <sup>st</sup> through March 31 <sup>st</sup>
April 1 <sup>st</sup> through June 30 <sup>th</sup>

You shall be eligible to receive a one hundred and no cents (\$100) bonus for non-use of any sick leave within any the period of July 1 through June 30. This bonus would be payable no later than July 30<sup>th</sup> of the next fiscal year.

### **PERSONAL DAYS**

You shall be granted three (3) paid personal days during the fiscal year. Personal day may be used in the fiscal year earned. In your first year, if you are hired before November 1<sup>st</sup>, you will receive 3 personal days; if hired between November 1 and March 1, you will receive 2 personal days, and if hired after March 1, you will receive 1 personal day. Any unused personal leave shall be forfeited at the end of the fiscal year and upon termination or retirement. In the event of termination of any employee using more personal time during the current fiscal year than earned, the excess used will be charged against accrued vacation or deducted from final pay as necessary.

### **JURY DUTY**

An employee who is required to report for jury duty on days that he or she is scheduled to work shall be paid their regular wages for the first three (3) days of jury duty provided:

- (1) the employee notifies his or her supervisor that he or she has received a notice to report for jury duty within twenty-four (24) hours of receiving such notice;
- (2) the employee reports for work as regularly scheduled on days when the court is not in session or reports for work after the court recesses on a particular day; and
- (3) the employee furnishes evidence satisfactory to the Town that he or she reported to court and served as a juror.

### **BEREAVEMENT**

You are entitled up to five (5) consecutive days leave up to and including the day of the funeral and a day of interment, if it should occur, with pay for the death of a spouse, son, daughter, mother, or father. You are entitled up to three (3) days of leave with pay for the death of a brother, sister, grandparent, grandchild, parent-in-law, or any member of the family residing in your home. You are entitled to one (1) day leave during each fiscal year for the death of a brother-in-law, sister-in-law, aunt and uncle. You must notify the Town Manager promptly of any absences.

### **LEAVE OF ABSENCE**

Employees who have worked for the Town for at least twelve (12) months and who have performed at least one thousand two hundred fifty (1,250) hours of work during the year preceding the commencement of the leave, may be eligible for up to (12) weeks of unpaid leave during a twelve (12) month period pursuant to the Family Medical Leave Act for following purposes:

- Birth of employee's child;
- Placement of a child with the employee for adoption or foster care
- When the employee is needed to care for the employee's parent, spouse or child with a serious health condition; or
- When the employee has a serious health condition, which renders the employee unable to perform the essential functions of the job.

The leave shall run concurrent with the use of all accrued time (e.g., vacation, holiday, sick time, etc) . This leave shall be without pay except that employees must use all accrued time during the leave.

Employees shall submit all requests for leave on an approved form with accompanying medical documentation on the Certification of Health Care Provider Form, as far in advance of the leave as possible, and not less than thirty (30) days before the first day of leave requested when such leave is foreseeable. Leave of absence and medical certification forms will be available from the Town Manager's Office Town Hall.

The twelve (12) month period for calculating leave will be a twelve (12) month rolling period computed backwards to the date the employee uses any leave.



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The Town shall continue to pay its portion of the employee's group health premium, during the approved leave period unless the employee declines such coverage, fails to pay the employee's portion of the premium in a timely fashion, notifies the employer that he/she will not return from leave.

An unpaid leave of absence may be requested by an employee and may be granted at the discretion of the Town Manager.

### Service Member FMLA Leave:

In 2008, the FMLA was amended and now entitles eligible employees to take leave for a covered family member's service in the Armed Forces.

### Leave Eligibility and Duration:

Eligible employees may take service member leave for either (or both) of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty, or
- Call to active duty in the Armed Forces in support of a contingency operation.

### Leave Duration:

- Up to twelve (12) workweeks of leave during any twelve (12)-month period to care for a covered family member ("next of kin") who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.
- Up to twenty-six (26) work weeks of leave during a single twelve (12)-month period. (Leave may not exceed twenty-six (26) weeks in a single twelve (12)-month period when it is combined with other FMLA-qualifying leave).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state and local law.

### Small Necessities Leave:

A benefits eligible employee is entitled to up to 24 hours of unpaid leave during a 12-month period, in addition to leave available under the Family and Medical Leave Act, for the following reasons:

- To participate in school activities directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school. ("Child" is defined as son or daughter: biological, adopted or foster child, a stepchild, a legal ward, a child of a person standing in the place of a parent who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.
- To accompany your child to a routine medical or dental appointment, such as check-ups or vaccinations, etc.
- To accompany an elderly relative to routine medical or dental appointments and for other professional services related to the elder's care, such as interviewing at nursing or group homes. (An "elderly relative" is defined as one who is sixty (60) years of age or older and related by blood or marriage.)

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### **EQUAL EMPLOYMENT OPPORTUNITY**

Employees in the performance of their duties will not discriminate against any person because of race, color, religion, age, sex, sexual orientation, disability, national origin, military or veteran status and genetic information. The employee will take affirmative action to ensure that all person to whom services are provided are treated without regards to race, color, religion, age, sex, sexual orientation, disability, national origin, military or veteran status and genetic information.

**STANDARDS OF CONDUCT:** The Town of Ware Standards of Conduct is provided to all employees.

### **UNLAWFUL HARASSMENT, DISCRIMINATION AND SEXUAL HARASSMENT**

It is the goal of the Town of Ware to promote a workplace that is free of sexual harassment and any other form of harassment or discrimination. Sexual harassment and any other form of prohibited harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town of Ware. Further, any retaliation against an individual who has complained about sexual harassment, prohibited harassment, discrimination, or retaliation against individuals for cooperating with an investigation of a sexual harassment or other harassment or discrimination complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, discrimination and other forms of harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Ware takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Furthermore, although this policy addresses sexual harassment, harassment or discrimination based on any protected class is also prohibited. The reporting procedures in this policy may be used to file a complaint of harassment or discrimination involving any protected class. Legally protected classes include: race, color, religion, nation origin, sex, sexual orientation (not including where the object of the orientation involves minor children), genetic information, ancestry, age, handicap or disability, and service in the uniformed military service.

### **Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this:

“sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, request or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,

## 7.1.13 - TOWN OF WARE NON-BARGAINING EMPLOYEE BENEFITS & GUIDELINES

- (h) such advances, request or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances--whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons; e-mail, screen savers or computer graphics
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquires into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Ware.

### **Complaints of Sexual Harassment, Discrimination or Harassment Based on Membership in Another Protected Class**

If any of our employees believes that he or she has been subjected to unlawful harassment or discrimination, including sexual harassment, the employee is encouraged to file a complaint with the Town of Ware. This may be done in writing or discussed orally.

If you would like to file a complaint you may do so by contacting either: the Town Manager at 126 Main Street, Ware, MA; tel: (413) 967-9648 x100 . The Town Manager is available to discuss any concerns you may have and to provide information to you about our policy on unlawful harassment and discrimination including sexual harassment and our complaint process.

If an employee brings the matter to the Town Manager and does not believe that the situation has been satisfactorily resolved, the employee should then bring his/her complaint to the Chair of the Board of Selectmen, at Town Hall, 126 Main Street, Ware, Massachusetts; Tel. (413) 967-9648 x101.

**Unlawful Harassment and Discrimination Including Sexual Harassment Investigation**

When we receive the complaint of unlawful harassment or discrimination including sexual harassment, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action up to and including termination.

**Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

**State and Federal Remedies**

In addition to the above, if you believe you have been subjected to unlawful harassment or discrimination, including sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

**The United States Equal Employment Opportunity Commission (“EEOC”)**

One Congress Street, 10th Floor  
Boston, MA 02114  
(617) 565-3200

**The Massachusetts Commission Against Discrimination (“MCAD”)**

Boston Office  
One Ashburton Place  
Room 601  
Boston, MA 02108  
(617) 727-3990

Springfield Office  
436 Dwight Street  
Room 220  
Springfield, MA 01103  
(413) 739-2145

The Town’s Sexual Harassment Policy shall be distributed to all employees annually by the Town Manager’s office. Employees shall acknowledge receipt and understanding of the policy.

**CONFIDENTIALITY**

As an employee of the Town of Ware you will have access to information that we consider confidential. Keeping sensitive information confidential is essential to maintaining our credibility with those that we serve. Protect this information by safeguarding it when in use, filing it properly when not being used and discussing it only with those who have a legitimate business need to know.

### **CONFLICT OF INTEREST**

Employee covenants that he/she has no interest, nor shall he/she acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of services. The conflict of interest law (Chapter 268A) covers all municipal employees, whether elected or appointed, full or part-time, paid or unpaid. The law also regulates the activities of former employees and business associates of current and former employees.

Examples of activities which violate this law include:

- requesting or accepting anything of "substantial value" from anyone with whom you have had or are likely to have official dealings even if the motivation for the gift is to express gratitude for a job well done or to foster goodwill. The courts and the Commission have deemed "substantial value" to be \$50 or more, in most cases
- using the resources of The Town for personal gain, and
- using your position in The Town for personal gain.

If you are unsure about whether an activity might violate this policy, or if you have any questions please talk to your immediate supervisor or the Town Manager, or you may contact the State Ethics Commission directly.

### **COMPLIANCE WITH LAWS**

As an employee for the Town of Ware you shall comply with all applicable federal, state, and local laws and bylaws, as well as applicable rules and regulations promulgated by federal, state, local and national boards, bureaus, and agencies.

### **PAYMENT UPON DEATH**

In the event of the employee's death, his/her designated beneficiary shall receive, on the basis of the employee's current wages, full compensation for any unused vacation for the fiscal year during which the death occurred.

### **OTHER BENEFITS**

You are also eligible for the following benefits which may be subject to change by the Town:

#### ***Health Insurance:***

Health Insurance will be provided in accordance with the policy and summary plan description. Currently, health Insurance is through Blue Cross Blue Shield with the following employee contributions:

- Employee contribution of 25% for blue Care Elect PPO or similar
- Employee contribution of 20% for HMO Blue or similar

Insurance coverage is mandatory in the Commonwealth of Massachusetts. If an employee declines insurance proof of coverage by other insurance is required.

***Dental Insurance:***

Dental Insurance is available through Blue Cross Blue Shield at the expense of the employee.

***Life Insurance:***

Life Insurance is available through Boston Mutual Life Insurance Company (\$5,000 basic) with a 10% employee contribution.

***Retirement:***

All full-time employees are automatically enrolled in the Hampshire County Retirement System. A 457b Smart Plan Retirement through Great West Services is also available.

***Optional Insurance:***

Optional insurances offered (with total employee contributions) are:

- Additional Life Insurance (to \$40,000);
- Short and long term disability;
- Term life;
- Universal life;
- Accident and cancer insurance.

The Town offers employees the option of a Flexible Spending Account to pay for medical expenses.

For more information on these benefits, please contact the Payroll Department.

**INDEMNIFICATION**

The Town shall indemnify and save harmless by the Town from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars (\$1,000,000) arising out of any claim, demand or suit or judgment by reason of any act or omission, except intentional violation of the civil rights of any person under any law, if the employee, at the time of such act or omission, was acting within the scope of his/her official duties. This provision shall survive any termination of employment with regards to acts omissions occurring during the term of the employment.

**TERMINATION**

The Town may, for good cause, discharge an employee provided that employee has been informed of the nature of the charge(s) and has been given an opportunity for a hearing before the Town Manager in accordance with M.G.L. Chapter 39 Section 23B. The employee shall be given written notice of such hearing at least forty-eight (48) hours in advance of the hearing and the notice shall provide a statement of the charge(s) in sufficient detail to place him/her on notice as to the general basis for the proposed discharge. The Town Manager may place the employee on administrative leave with or without pay pending a hearing in the event the circumstances warrant such action.

## 7.1.13 - TOWN OF WARE NON-BARGAINING EMPLOYEE BENEFITS & GUIDELINES

Good cause shall be deemed to include, but shall not be limited to: incompetence, inefficiency, inability to maintain a positive working relationship with the Town Manager or other Town employees or officials, physical or mental incapacitation, insubordination and conduct unbecoming or any other legitimate business reason. This shall not supersede any termination provisions contained in the employee job description or bylaws.

Should the employee wish to terminate his/her employment with the Town of Ware in good standing shall serve notice upon the Town no less than thirty (30) days prior to termination.

In the event of termination, all original documents, data, papers, studies and reports prepared by the employee shall become employer property. The employee agrees to deliver to the Town Manager or her designee, actual possession of the above mentioned within three (3) business days of written notice of termination.

Any dispute over the meaning, interpretation or application of this termination section of the employee benefits and guideline document or cessation of employment of the employee with the Town shall be submitted to final and binding Arbitration. Either party may file for arbitration. The parties agree that arbitration shall be the sole and exclusive avenue for challenging any action relating to termination of an employee by the Town Manager or the cessation of the employment relating to the employment of the employee. The arbitration shall be conducted under the auspices of the American Arbitration Association's National Rules of Resolution of Employment Disputes. The costs, fees and expenses of any arbitration shall be borne equally by both parties.

### **APPLICABLE LAW AND EXCLUSIVE FORUM**

Any dispute over the meaning, interpretation or application of the employee benefits and guidelines shall be submitted to final and binding arbitration. The parties agree that arbitration shall be the sole and exclusive avenue for challenging any action of the Town. The Arbitration shall be conducted under the auspices of the American Arbitration Association and in accordance with the American Arbitration Association's National Rules for the Resolution of employment disputes. The costs, fees and expenses of any arbitration shall be borne equally by both parties.