

Town Manager: Stuart Beckley
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**Board of Selectmen
Ware Town Hall, 126 Main Street, Meeting Room**

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

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

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

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

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

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

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

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

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

Consent Agenda

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

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

Comments and Concerns of Citizens

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

New Business

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

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

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

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

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

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

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

Scheduled Appearances

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

Chairman Talbot read the Public Hearing Notice aloud.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

town also need repairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Business

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

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

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

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

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

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

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

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

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

Town Manager Report

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

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

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

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

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

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

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

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

Attest: 
Mary L. Midura, Executive Assistant