

Town Manager: Stuart Beckley  
sbeckley@townofware.com



**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

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**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

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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,

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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

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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**