



## Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street  
Regular Meeting Notice Agenda – Tuesday, September 22, 2020 at 7:00 p.m.

**Instructions for call in option:** at or before 7:00 p.m., call the phone number below and when prompted enter the Meeting ID number. The platform is Zoom Meetings.

Join online: <https://us02web.zoom.us/j/7846041861> (the online option will require a download).

Meeting ID: 784 604 1861

Phone: 929-205-6099

## Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

## Consent Agenda

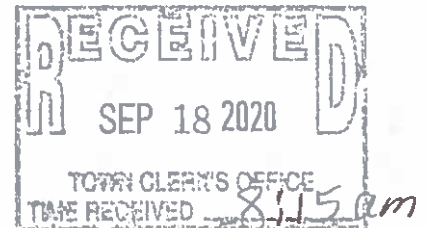
- Approval of Meeting Minutes June 23, July 7, July 21, August 6, August 18, September 2, 2020
- Domestic Violence Task Force Awareness Community Artwork Display – October/November

## Scheduled Appearances

- Dr. DiLeo – Update of Schools
- Judy Metcalf – Health Director Update
- 7:30 p.m. USDA

## Old Business

- Approval of Disclosures by Police Chief Crevier
- Solar Review



## New Business

- Reappointment of Part-Time Police Officer: Scott Underwood
- Committee for Main Street Improvement
- Easement Request
- Proposal for Renewal Fee Relief for Liquor Licensees
- Set Public Hearing: National Grid Pole Petition (West Street) – 7:05 p.m., October 6, 2020
- Approval of School COVID bills

## Comments and Concerns of Citizens

## Town Manager Report

## Adjournment

Executive Session: M.G.L. Chapter 30A, Section 21 (a) #1 Discussion of Complaints Regarding Public Employee; Section 21 (a) #6 Real Property, 114 Main Street



**Board of Selectmen**

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

**Regular Meeting Minutes – Wednesday, September 2, 2020 at 7:00 p.m.**

**Instructions for call in option: at or before 7:00 p.m., call the phone number below and when prompted enter the Meeting ID number. The platform is Zoom Meetings.**

**Join online: <https://us02web.zoom.us/j/7846041861> (the online option will require a download).**

**Meeting ID: 784 604 1861**

**Phone: 929-205-6099**

**Present: Selectman Alan Whitney, Selectman Keith Kruckas, Selectman Nancy Talbot, Selectman Thomas Barnes, Selectman John Morrin, Town Manager Stuart Beckley, Clerk Mary Midura, Town Planner Rebekah DeCoursey, Building Inspector Anna Marques, Charles Lask**

**Via Zoom: Carol Zins, Tracy Opalinski, Mark Andrews, Rick Egan, Mike Balicki, Shelley Regin**

**Absent: None**

**Meeting Opened by Chairman Whitney**

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

**Consent Agenda**

- **Approval of June 23, July 7, July 21, August 6 and August 18, 2020 Minutes**

Chairman Whitney stated these would be tabled due to questions.

**Selectman Talbot made the motion to Table to September 15, 2020. Selectman Morrin seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

**New Business**

- **Approval of Disclosures by Police Chief Crevier**

Chairman Whitney noted this would be sent to the town attorney for review and would be on the agenda of the September 15, 2020 meeting.

**Town Manager Report**

Mr. Beckley stated he used the word “threatening” in the July 21 meeting, and wished to retract as he used the wrong word, and apologized to the Board. Selectman Kruckas noted his appreciation.

Mr. Beckley noted the Governor has new guidelines regarding early childcare programs and “the Town” being responsible for this care to be ready. The new guidelines are being drafted and may be released soon.

Chairman Whitney noted the Board should wait for the guidelines from the State.

Events: State Primary, September 1, High School  
Ambulance Committee, September 2

Old Belchertown Road bridge: The construction schedule is attached.

73 West Main Street. The request for proposals (RFP) is posted. Proposals are due on October 2 for the sale of the property.

Rail Trail. The Town is also receiving quotes for the installation of hard pack and grading/drainage improvements for the trail from Gibbs Crossing to Robbins Road.

Catch basins. The DPW is hiring a company with a vacuum truck to clean catch basins in areas that have been prone to street flooding, such as Pulaski Street. This material is hazardous and must go to a disposal site.

Grants. The Town submitted a MassWorks grant for the pedestrian scale streetlights (30) on Main Street. The Town is working on the Shared streets and spaces grants described at the last meeting for parking and outdoor improvements on Pleasant Street and Veterans Parking. Additionally, the Town is looking at creating a vacant storefronts district which will provide resources for businesses. The Town was awarded a Green Communities grant of \$198,000. This will provide lighting improvements at Town Hall, DPW, and the Middle School, a new boiler at the DPW, replacement of steam traps at Town Hall, and various weatherization improvements at Town Hall, the elementary school, DPW and the Waste Water Treatment Plant.

COVID CARES funds. The Town is looking to coordinate neighborhood trash and bulky item drop-offs in order to assist residents who may be unable to pay the cost the trash removal. With the assistance of Aspen Rod and Gun, we hope to accomplish the first event in the Aspen/Vigeant/Dale area in September.

Middle School Windows. The project is going well and remains under budget. Materials for the lower windows that open will not be received by the time school opens. Windows are being created in the plywood (contractors' expense) to allow for fresh air. Windows will be replaced on second shift or weekends. The SMK boiler project was completed in the Spring.

Animal Control Shelter. The bid project produced over a dozen bids for the proposed Regional Animal Shelter to be located on land in Warren. The bid prices were too high. With adjustments to the design, the project was brought within the appropriated budget limits, however all four towns remained concerned with the loss of features (kennels, runs, interior space) with still a high price and small contingency. The Towns of Palmer and Monson, therefore, have begun to explore the rehabilitation of a former shelter in Monson. This opens two options for Ware. If possible, work with Monson and Palmer on that facility, or work with Warren on a facility. We have contacted the modular building company that constructed the facility on Greenwich Plains Road. Selectman Kruckas noted the service would be more appropriate here in town. Mr. Beckley noted the service would be for a year, currently using Palmer.

Selectman Talbot questioned the Mass Water Resources grant with October due date. Mr. Beckley noted this is a loan, not a grant, and depends on what the USDA says at the September 15, 2020 meeting. Selectman Barnes questioned what the WWTP would receive from the grant; Mr. Beckley noted the WWTP had all motors replaced at the last grant, weatherization for future.

## **Scheduled Appearances**

- **7:15 p.m. Business Community Discussion**

Chairman Whitney noted this discussion extends from the last meeting in which the idea of creating a downtown business committee to address parking as a main concern. The Committee would recommend ideas to the Board.

Charles Lask, owner of Nat Falk, noted the idea to reverse Bank Street with proper signage would be a huge help. He noted most signs are faded. Mr. Beckley noted that Ludlow Construction could make signs within a week.

Carol Zins questioned the need for a new committee as there is already the Ware Civic and Business Association and the Construction Mitigation Committee which have gathered ideas already. Chairman Whitney noted this new Committee would report directly to the Board, specifically regarding parking. Ms. Zins noted the Construction Mitigation Committee came up with all parking areas, but with no money for signs, and unable to meet recently due to Covid-19. She noted the Community Development Authority (CDA) has done that report. Chairman Whitney noted the Board has never seen that report. He noted two businessmen came to the last meeting with ideas, and the intention is to create this Committee and get this done in a month.

Selectman Kruckas noted the business owners are paying taxes and struggling, and this Board wants to hear directly from the businesses. He noted a potential grant for facades was mentioned at a recent meeting. Chairman Whitney noted this was to start brainstorming some ideas. Selectman Morrin noted the Committee will need to find funding to put ideas into action. Selectman Kruckas noted several new businesses coming to Main Street and he noted that economic development means jobs to make the town thrive as in the past.

Tracy Opalinski, from WCBA and owner of a family business, spoke of a parking survey done by Karen Cullen (former Town Planner) which, according to State guidelines must take into account all public and private lots, technically shows enough parking. Ms. Opalinski noted this report related to movement on Main Street, but people want closer parking to Main Street. She noted this survey should be in the Planning Department.

Chairman Whitney noted the parking is not where people will use it. Selectman Morrin noted the study may indicate one thing, but the business owners know the reality.

Ms. Opalinski stated the idea came to the WCBA to take a right on Main Street, and this was brought to the Town Manager. MassDOT has noted this would be allowed during the construction period.

Mark Andrews noted that downtown parking is not a problem just during construction, but all the time. He noted his four buildings with 100 employees, and liked the reverse Bank Street and signage idea. He asked that Town remove "Town Employees Only" signs.

Rick Egan, North Brookfield Savings Bank, noted a parking perception that consumers don't stop in town as parking does not appear to be sufficient.

Dennis Craig, Hanna Devines, stated the need for parking is critical to attract business. He noted employees who must stay late at night do not feel secure to walk up to the Pleasant Street lot. Selectman Kruckas noted the need to free up parking in Veterans' Park. Mr. Beckley noted that employees may park at the Speedway during construction if there are parking issues. Chairman Whitney stated this is why the committee is needed to review this for a solution.

Mike Balicki spoke of his lot (next to Nat Falk) and noted potential but engineering review indicates it would be very expensive. Selectman Kruckas asked Mr. Beckley if grants would help; Mr. Beckley noted grants may help if job creation could be tied into the project.

Shelley Regin, Country Bank for Savings, stated that the Main Office is closed due to Covid-19, therefore the lot behind the bank and area over the garage would be available. The Bank offers to pay for signage and this would offer approximately 35 parking spaces. She noted that lighting may also be considered. Board members thanked Ms. Regin.

Tracy Opalinski stated that the Town could have purchased the blue building near Town Hall for more employee parking, and noted that Otto Florist, Talk of the Town, a psychologist and dentist have all stated their clients have difficulty finding parking. She noted spaces given to the Police Department without input from the businesses. She stated the Town needs to be more user-friendly. Chairman Whitney noted cities and towns that have parking maps. Selectman Kruckas stated the building next door to Veterans' Park could provide parking.

Mr. Lask stated that the possible façade grant would be very useful to his and other businesses. Mr. Beckley noted that PVPC is looking into this for the next grant. Rebekah DeCoursey stated that the façade grant may provide up to \$10,000. Selectman Barnes noted this was done in Palmer.

Chairman Whitney noted the makeup of the new Committee. Selectman Morrin stated the need for someone who can find grants. Selectman Kruckas suggested the Town Planner. Chairman Whitney noted there should be 5 – 8 business owners. He announced that anyone interested in serving on this Committee should send a letter or email to Mr. Beckley. The Committee will be named at the September 15, 2020 meeting.

Rebekah DeCoursey informed the Board that a map with parking is online on the Planning webpage. Selectman Kruckas noted the great job done by Palmer Paving on town roads. Selectman Barnes noted the great job done by DPW and National Grid after the storm damage. Mr. Lask noted the great job done by the Parks Department at Grenville Park; Selectman Barnes noted that a great job was done at Aspen Grove cemetery. Selectman Kruckas and Chairman Whitney praised the work of police and fire departments.

**Old Business - none**

**Comments and Concerns of Citizens - none**

**Selectman Kruckas made the motion to Adjourn the Regular Meeting at 7:59 p.m. Selectman Talbot seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

Attest: \_\_\_\_\_

**Mary L. Midura, Executive Assistant to  
Town Manager  
Minutes Completed 9/3/2020**

Please Join!

The Ware River Valley Domestic Violence  
Task Force

## Flags of Hope Project

Open to everyone who lives or works in the Ware River Valley  
and cares about uplifting healthy relationships.

What Does Respect and Connection Look  
Like in Our Community? Why Does it  
Matter To You?

(respect and connect between family, friends,  
intimate partners, neighbors . . .)

**The project:** Due to COVID-19 we will not hold our Annual Domestic Violence Awareness Walk this year. Instead, we will collect Flags of Hope. We will hang these flags in rotating locations around the community starting with Veteran's Park on October 24/ 25. We will also make a video of flags for social media.

**How to participate:** Make a flag and get it to us! On a piece of cloth, answer the question above. Keep it simple or make it an inspired art project. Use words or pictures or both. Keep it 12"x12" to 36"x36". Use something waterproof so rain won't ruin your flag - like a permanent marker, or acrylic paint. You are welcome to sign your flag! Pick up blank flags and drop your completed flag off in the designated boxes at the side entrance of Ware Town Hall Mon.- Fri. 8am-4pm or the front porch of BHN/Valley Human Services, 96 South St., Mon.- Saturday, 8am-4pm. If you need supplies for a group, want Project updates, or prefer to submit a picture of your flag by email, contact the Task Force @ [wrvdvtaskforce@gmail.com](mailto:wrvdvtaskforce@gmail.com). **By giving us your flag, you consent to have it displayed and photographed for this public project.**

**Deadline:** Flags must be received by **October 17,**  
**2020**



Project funded in part by a grant awarded to the town of Ware by the MA DHCD CDBG Program.

## Midura, Mary

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**From:** DeCoursey, Rebekah  
**Sent:** Thursday, September 17, 2020 2:46 PM  
**To:** Midura, Mary  
**Subject:** FW: Flags of Hope project

I think this email means we are all set with Veterans. Thanks Mary!

Rebekah L. DeCoursey

Director of Planning & Community Development  
Town of Ware

----- Original message -----

**From:** "Avis, Mark" <mavis@townofware.com>  
**Date:** 9/17/20 9:41 AM (GMT-05:00)  
**To:** "DeCoursey, Rebekah" <rdecoursey@townofware.com>  
**Subject:** RE: Flags of Hope project

Rebekah

I do not believe you need the Council approval as you will not be interfering with any of our programs. Approval by the Board for sure is needed. If you need anything else let me know.

Mark

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**From:** DeCoursey, Rebekah <rdecoursey@townofware.com>  
**Sent:** Tuesday, September 15, 2020 2:11 PM  
**To:** Avis, Mark <mavis@townofware.com>  
**Subject:** Flags of Hope project

Hi Mark,

The Domestic Violence Task Force is not able to hold their annual Awareness Walk this year due to the pandemic. The group would like to do a public art type of installation, Flags of Hope. The idea is to put up the display the weekend of 10/24-10/25 at Veteran's Park, and maybe then move it around every weekend for the next month or so. This is a temporary project hung on string that would come down at night, constructed in a similar manner that Tibetan prayer flags are on display. We would like to start at Veteran's Park, and then have a few other locations in mind for the following weekends. Should I run this by the Veteran's Council before seeking a special event approval from the BOS? Attached is a DRAFT flyer. I'm on vacation for my wedding 9/17-9/23 and am trying to pull the final pieces together before I leave so the DVTF can get the flyer completed in the next week and distribute.





## **TOWN OF WARE**

**Town Manager**

126 Main Street

Ware, MA 01082

413-967-9648 x100

To : Board of Selectmen  
G. St. George-Sorel, DPW Director

From : Stuart Beckley, Town Manager


Subject: United States Department of Agriculture presentation

The USDA will attend Tuesday's meeting to give an update on their infrastructure funding program. They will present the program parameters, history/status of current funding and next steps – should Ware want to pursue application in FY21. They will address any questions that come up.

We will request that the Town's engineers also attend.

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

<b>PUBLIC EMPLOYEE INFORMATION</b>	
Name of public employee:	Shawn C. Crevier
Title or Position:	Chief of Police
Agency/Department:	Ware Police Department
Agency address:	22 North Street, Ware MA. 01082
Office Phone:	413-967-3571
Office E-mail:	crsh@townofware.com
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>	
Describe the issue that is coming before you for action or decision.	<p>I am the Chief of Police of the Ware Police Department. My son, (Jacob F. Crevier) was appointed full-time Police Officer for the Ware Police on July 21, 2020. He will start the Full-Time Police Academy on September 28, 2020. I currently oversee the operation of the Ware Police Department on numerous fronts. I approve pay roll and I am involved in departmental contractual negotiations, also enact disciplinary action when needed.</p> <p>As Police Chief I supervise all police officers under my command, including my son, and my responsibilities in that regard include: assigning/approving work shifts, overtime, detail work assignments, trainings, vacation requests, sick leave, personal days, scheduling and all other aspects of command and supervision of police officers.</p>
What responsibility do you have for taking action or making a decision?	I am the decision maker for the Ware Police Department and I administer disciplinary action under the Civil Service guidelines.
Explain your relationship or affiliation to the person or organization.	Father of Jacob F. Crevier
How do your official	I approve payroll, investigate complaints, administer discipline, select and assign

actions or decision matter to the person or organization?	interdepartmental positions, trainings and involved in contract negotiations.  Direct Supervision of my son will be assigned to Sgt. Scott Lawrence for any internal investigations pertaining to him.
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	The Ware Police Department's Officers and Sgts. have a union and current contract, which addresses salaries, training and shift assignments. Contract negotiations is overseen by the Town Manager and ultimate approval by the Select Board.
If you cannot confirm this statement, you should recuse yourself.	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  <input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	 9-11-2020
Date:	August 21, 2020

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST  
AND DETERMINATION BY APPOINTING AUTHORITY  
AS REQUIRED BY G. L. c. 268A, § 19**

	<b>MUNICIPAL EMPLOYEE INFORMATION</b>
Name:	Shawn C. Crevier
Title or Position:	Chief of Police
Municipal Agency:	Town of Ware
Agency Address:	22 North Street Ware MA. 01082
Office Phone:	413-967-3571
Office E-mail:	crsh@townofware.com
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from the Select board, my appointing authority, that my financial interest is not so substantial as to be deemed to affect the integrity of the services which the Town expects me to provide.
	<b>PARTICULAR MATTER</b>
Particular matter  E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract claim, controversy, charge, accusation, arrest, decision, determination, or finding.	<p>Please describe the particular matter.</p> <p>I am the Chief of Police for the Ware Police Department. My son, (Jacob F. Crevier) was appointed full-time Police Officer on July 21, 2020. I handle the day to day operation of the Ware Police Department. I am responsible for approving payroll, shift assignments, trainings, departmental position selection, and involved in contract negotiations.</p> <p>The Officers and Sgts. of the Ware Police Department do have a Police Union.</p> <p>The direct supervision of my son will be assigned to Sgt. Scott Lawrence for any internal investigations pertaining to him. Sgt. Lawrence will be assigned the ability to take any needed/required disciplinary action against my son under the guidelines of Civil Service.</p>
Your required participation in the particular matter:  E.g., approval, disapproval, decision, recommendation, rendering advice, investigation other.	<p>Please describe the task you are required to perform with respect to the particular matter.</p> <p>I am looking to continue normal operation as Chief of the Ware Police Department as the result of my son being hired.</p> <p>Any possible future issues will be brought to the Town Select Board.</p>
	<b>FINANCIAL INTEREST IN THE PARTICULAR MATTER</b>

<p>Write an X by all that apply.</p>	<p><input type="checkbox"/> I have a financial interest in the matter.</p> <p><input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter.</p> <p><input type="checkbox"/> My business partner has a financial interest in the matter.</p> <p><input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter.</p> <p><input checked="" type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.</p>
<p>Financial interest in the matter</p>	<p>Please explain the financial interest and include a dollar amount if you know it.</p> <p>All contract negotiations are conducted by Town Manager and approved by the Select Board. I will be involved in the future negotiations of the contracts for the Ware Police Union.</p> <p>I approve payroll, which is covered under the Ware Police Union contract. My son is a newly appointed Ware Police Officer under my command/supervision as set forth herein and in my section 23(b)(3) disclosure filed herewith.</p>
<p>Employee signature:</p>	<p><i>Chief Philip Crown</i></p>
<p>Date:</p>	<p>09-14-2020</p>

**DETERMINATION BY APPOINTING OFFICIAL**

<p align="center"><b>APPOINTING AUTHORITY INFORMATION</b></p>	
<p>Name of Appointing Authority:</p>	
<p>Title or Position:</p>	
<p>Agency/Department:</p>	
<p>Agency Address:</p>	
<p>Office Phone:</p>	
<p>Office E-mail</p>	
<p align="center"><b>DETERMINATION</b></p>	
<p>Determination by appointing authority:</p>	<p>As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.</p>
<p>Appointing Authority</p>	

signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012



## **TOWN OF WARE**

**Town Manager**

126 Main Street

Ware, MA 01082

413-967-9648 x100

To : Board of Selectmen  
From : Stuart Beckley, Town Manager  
Subject: Downtown Parking Committee

Requests for membership for Committee to review and recommend parking options in the downtown area.

Dennis Craig, Hanna Devine, Copy Center  
Charlie Lask, Nat Falk's  
Shelley Regin, Country Bank  
Gary O'Grady, Quaboag Valley CDC  
Rebekah DeCoursey, Town Planner

Waiting to hear about interest from a few other property/business owners.

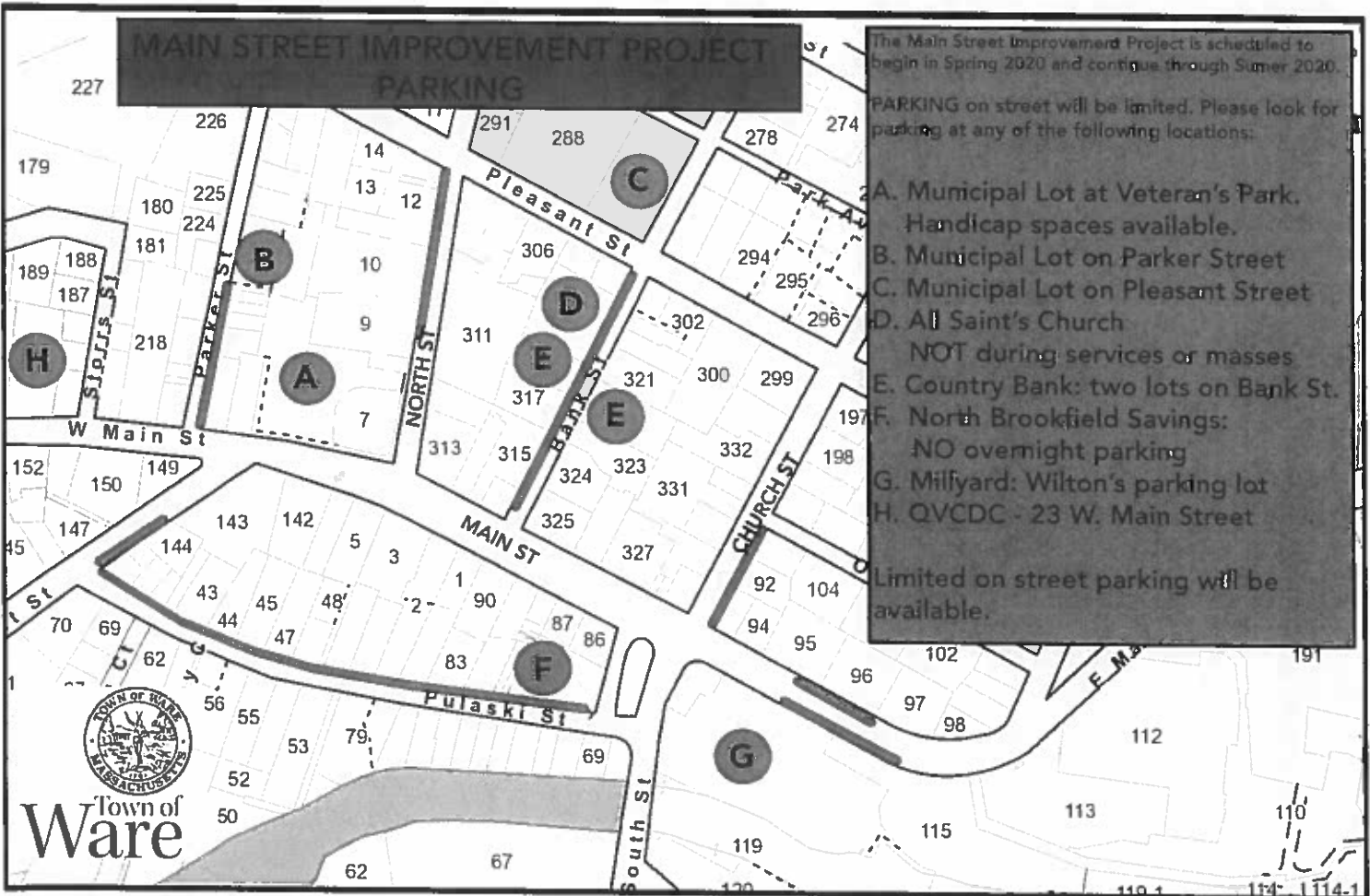
# MAIN STREET IMPROVEMENT PROJECT PARKING

The Main Street Improvement Project is scheduled to begin in Spring 2020 and continue through Summer 2020.

PARKING on street will be limited. Please look for parking at any of the following locations:

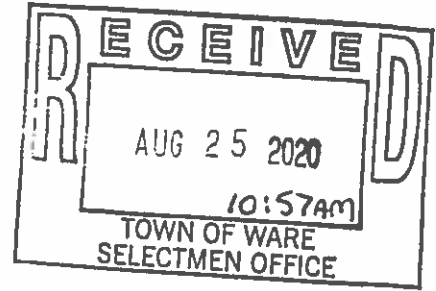
- A. Municipal Lot at Veteran's Park. Handicap spaces available.
- B. Municipal Lot on Parker Street
- C. Municipal Lot on Pleasant Street
- D. All Saint's Church  
NOT during services or masses
- E. Country Bank: two lots on Bank St.
- F. North Brookfield Savings:  
NO overnight parking
- G. Millyard: Wilton's parking lot
- H. QV CDC - 23 W. Main Street

Limited on street parking will be available.





Nicole A. Durand-Cloutier  
Zachary J. Cloutier  
127 Church Street  
Ware, MA 01082



8/25/20

Board of Selectmen and Town Manager,

We are sending this letter to request that the easement for the overflow pipe at 127 Church Street be abandoned due to the fact that the pipe has not been in use for several decades. I spoke with the Director of Public Works, Gilbert St. George-Sorel, and he stated that was in favor of our request since the pipe is no longer utilized by the town.

We appreciate your consideration regarding our request.

Sincerely,

Nicole A. Durand-Cloutier

A handwritten signature in black ink that reads "Nicole A. Durand-Cloutier".

Zachary J. Cloutier

A handwritten signature in black ink that reads "Zachary J. Cloutier".

## Midura, Mary

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**From:** Gibby Sorel  
**Sent:** Tuesday, August 25, 2020 2:14 PM  
**To:** Midura, Mary  
**Cc:** Beckley, Stuart  
**Subject:** RE: Written opinion

Hi,

I asked Ms. Durand-Cloutier to send a letter, or email to the Town Manager and Board of Selectmen to initiate the process of extinguishing this easement. Since government rarely gives up any of its interest in land, I've never had to extinguish an easement; usually we take easements. I'd like to have Stuart, or you, forward this request to Town Counsel to see what will be required, so we can tell the Cloutiers what will be needed for the Town to act on this. Since this is an interest in real property, I think it will require a Town Meeting Warrant Article, probably authorizing the Board of Selectmen to sign some recordable document that says the easement isn't there anymore. To the best of my knowledge, this easement contains an 8" diameter cast-iron pipe installed in 1938 to drain the old open reservoir on Church Street, or to control the water level in the reservoir during unusually heavy rainfall events. The old reservoir was discontinued in 1980 and the pipe no longer serves any useful purpose; therefore, I have no problem extinguishing the easement that contains it. I think the Cloutiers want to build something on their property, but they can't build it because of the easement.

Feel free to forward this email to the Cloutiers after your review.

Gibby

**From:** Midura, Mary <mmidura@townofware.com>  
**Sent:** Tuesday, August 25, 2020 1:50 PM  
**To:** Gibby Sorel <gsorel@townofware.com>  
**Subject:** Written opinion

Gibby – Stuart requests your written opinion on the attached. Please send that to me by September 10<sup>th</sup>. It will be on the September 15<sup>th</sup> agenda of the Board of Selectmen.

Mary L. Midura  
Executive Assistant to  
Ware Town Manager  
413-967-9648 ext. 101

Office Hours: 8:00 am – 4:00 pm  
Monday – Friday

*Live Simply...Give generously*

## Midura, Mary

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**From:** Gibby Sorel  
**Sent:** Friday, September 11, 2020 10:13 AM  
**To:** Beckley, Stuart  
**Cc:** Midura, Mary; David Wojcik; Goodrow, Kayleigh  
**Subject:** FW: Easements

Hi Stuart,

Kayleigh and I did some research on this easement. Part of the problem is the easement was not called out on either of the two tracts that had been recently conveyed by Patierno to Nicole Durand and Zachary Cloutier and the assessors had no record of any easement on this property. Which tract was it even on? The deed does mention subject to any rights of way of record; but the right-of-way is on Tract 2.

We went back to the deed from Thoma to Patierno. No easement called out on either tract. We went back to the deed from Skypeck to Thoma. Same thing.

We went back to the deed from Wagner to Sypeck. No easement called out on either tract. It says "subject to any rights of way of record, or otherwise if same now exist." Where is the easement and on which tract?

We went back to Ware Woolen to Wagner. Nope. I then began to wonder if the Town actually took the easement. So I asked the Town Clerk for the Town Meeting warrants for 1938 which corresponded to a high reservoir project proposed for that year.

There it was. Article 5 of the September 7, 1938 Special Town Meeting Warrant. We then looked at the MacCann deed from MacCann to the Ware Woolen. There it was. But there's no tracts mentioned, just one parcel.

I have attached a copy of the deeds and the actual easement the Town acquired. It appears to be on what is now Tract 1. I confirmed this during a site visit last Tuesday. I also spoke with Ms. Durand-Cloutier and told her I have no objection to discontinuing the easement; however, it'll be up to Town Counsel as to what information will be required for the Town to act on it. I expect it will have to go back to Town Meeting at some point. The easement appears to be only 6.04' wide and there's a garage built on top of it. It serves no purpose since the old open reservoir was discontinued 40 years ago.

Apparently, no actual survey was done of these tracts, since there's no reference to a plan book.

Please forward to the Selectboard as you wish. Since there appears to be a problem with the scanner to the computer, I'll bring the information to the Town Hall.

Gibby

**From:** Gibby Sorel  
**Sent:** Thursday, September 3, 2020 4:40 PM  
**To:** Beckley, Stuart <sbeckley@townofware.com>  
**Cc:** Goodrow, Kayleigh <kgoodrow@townofware.com>  
**Subject:** RE: Easements

Hi Stuart,

I have quite a few documents related to this easement. I'm waiting for Nancy to give me a copy of part of the warrant for a 1938 town meeting that mentions this easement and the project to create a high-level water system on Church Street. When everything is together, I'll send it to you and you can forward it to David, or I can include him in my email. I think it answers many of his questions. There had to be Town Meeting action on this and there was.

I'd like to thank Kayleigh for all her great work getting all this information from the Registry of Deeds. It took a while to figure it out, but I think we got it. Kayleigh's going to check with the Registry to see if there's any more information on the easement under Town of Ware.

I'll explain it when I send the information. I may have to stop by 127 Church Street and take a few measurements, just to make sure.

I'll be off tomorrow, but maybe Tuesday.

Gibby

**From:** Beckley, Stuart <[sbeckley@townofware.com](mailto:sbeckley@townofware.com)>  
**Sent:** Monday, August 31, 2020 3:19 PM  
**To:** Gibby Sorel <[gsorel@townofware.com](mailto:gsorel@townofware.com)>  
**Subject:** FW: Easements

For 127 church Street. Any more detail that would guide David?

Thank you

**From:** David Wojcik <[dwojcik@chwmlaw.com](mailto:dwojcik@chwmlaw.com)>  
**Sent:** Monday, August 31, 2020 3:06 PM  
**To:** Beckley, Stuart <[sbeckley@townofware.com](mailto:sbeckley@townofware.com)>; Andrew DiCenzo <[adicenzo@chwmlaw.com](mailto:adicenzo@chwmlaw.com)>  
**Subject:** RE: Easements

**CAUTION:** This email originated from outside of the Town of Ware organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stuart,

Generally the abandonment of an easement is governed by G.L.c.40 sec 3, 15 or 15A and requires some preliminary steps and then a TM vote – generally a 2/3 vote BUT the process varies depending on how the property right was acquired by town – purchase/ eminent/ domain etc and the use. A lot of exceptions and special circumstances. If a street easement is involved that requires a lot more process. So would need to know the specific easements involved, current use, Town officer/department in charge of that property right, method by which Town initially acquired each such easement etc. Never a simple answer!!!

david

## **David A. Wojcik**

Christopher, Hays, Wojcik & Mavricos, LLP  
370 Main Street, 9<sup>th</sup> Floor  
Worcester, MA 01608  
Tel: 508-792-2800 x227  
Fax: 508-792-6224  
[dwojcik@chwmlaw.com](mailto:dwojcik@chwmlaw.com)



## MEMO

**To:** Board of Selectmen  
**From:** Mary L. Midura  
**Date:** September ~~15~~<sup>22</sup>, 2020  
**Re:** License Renewals for Liquor

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Before you tonight is a proposal to give a 25% discount to Section 12 licensees (On-Premises: Restaurants, Clubs, General-on-Premises) in November for 2021 renewals. The reason is to grant relief to businesses that were forced to be closed during months of COVID-19.

If approved, the Town would forgive approximately \$3,338 in renewal fees.

For further consideration, Weir River Social Club, Melha Shriners, and Gabryel Narutowicz are still closed per Governor Baker's Orders. These fall under Phase 4 of the Reopening Plan, with a date not yet known. Rollaway Lanes was allowed to open on July 6, 2020 under Phase 3. You may wish to decide to give a further discount to these establishments.

Your approval tonight would greatly help me to give clear amounts due to licensees when I mail the renewal documents to licensees on October 1, 2020.



## TOWN OF WARE

### TEMPORARY POLICY CHANGE ON ALCOHOL FEES AND INACTIVE LICENSES DUE TO COVID-19

Due to the inability of alcohol licensees in the Town of Ware to open and fully operate during the Covid-19 pandemic, the Board of Selectmen (Licensing Authority) proposes the following **temporary** policy changes with regards to fees and inactive licenses:

- 1) That all section 12 (On-Premises: Restaurant, Club, General-on-Premise) alcohol licensees be credited one fourth of their alcohol fee for the next alcohol fee renewal period due in November for 2021; this credit would cover the closure period of three months in 2020;
- 2) That this credit does not apply to section 15 (Off-premises: Package Store) licensees as they were allowed as essential operations and allowed to be fully open in 2020;
- 3) That section 12 licensees who have been unable to reopen and/or have chosen to be closed during the pandemic, will be allowed to hold their licenses as inactive and may reopen during 2020 or in 2021, with the necessary inspections needed.
- 4) That section 12 licensees who are not open or have chosen to be closed, will not be required to pay a renewal license fee but should they reopen during 2020, pay a portion of the fees due for the year per month they are open in 2020 and the renewal fees due in November for 2021.
- 5) That these **temporary** changes in policy be reviewed as changes to the Governor's orders are amended or added as necessary and reviewed in November 2020 before the alcohol renewal period.

**TEMPORARY POLICY CHANGE ON ALCOHOL FEES AND  
INACTIVE LICENSES DUE TO COVID-19**

Signed this 22<sup>nd</sup> day of September, 2020.

Board of Selectmen:

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Alan G. Whitney, Chairman

---

Keith J. Kruckas, Vice-Chairman

---

Thomas H. Barnes, Clerk

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Nancy J. Talbot

---

John J. Morrin

<u>License #</u>	<u>License Type</u>	<u>Licensee</u> <u>LICENSOR LICENSEES</u>	<u>Address</u>	<u>Manager</u>	<u>Annual FEE</u>	<u>75%</u>	<u>25%</u>
1	AA Club	Aspen Street Road & Ginn Club	58 Aspen St	David R. Fox, Jr.	\$800	\$600.00	\$200.00
24	AA Club	Weir River Social Club, Inc.	6 East St	Charles R. Niedzwiecki	\$800	\$600.00	\$200.00
4851	AA Club	Melba Shriners	126 W. Main St	Russell Mitchell	\$800	\$600.00	\$200.00
9	AA Rest	Teresa's Restaurant of Ware, Inc	305 Palmer Road	Dina Fortunato	\$1,215	\$911.25	\$303.75
46	AA Rest	Wong Chen, LLC db/a/Asian Garden Restaurant	124 E. West St	Quang T. Huynh	\$1,215	\$911.25	\$303.75
48	AA Rest	Garlic, Inc db/a Mexican Grill	148 West St	Dolores Nunez	\$1,215	\$911.25	\$303.75
43	AA Rest	BRZ Enterprise, Inc./Hanna Devines Rest & Bar	91 Main St	Kimberly Chang	\$1,215	\$911.25	\$303.75
4086	AA Rest	Gabyel Nantowicz, Inc.	11 East Main St	Kim M. Tripoli	\$1,215	\$911.25	\$303.75
4741	AA Rest	Wicked Wings Ware Inc. db/a Wicked Wings Co.	146 Pleasant St	Andrew Norton	\$1,215	\$911.25	\$303.75
5325	AA Rest	Mak-8-Mass, Inc. db/a Debbie Wong Restaurant	54 West Main St	Ho Mak	\$1,215	\$911.25	\$303.75
12	W&M Rest	GINK, Inc. db/a Astronaut Pizza House	197 West St	Suzanne Karanikis	\$550	\$412.50	\$137.50
49	W&M Rest	Christina Christodoulou db/a Niko's Pizza	118 Main St	Christina Christodoulou	\$550	\$412.50	\$137.50
40	W&M Rest	Ying Xuan Chen db/a New United China #1	164 West St	Ying Xuan Chen	\$550	\$412.50	\$137.50
41	W&M GOP	Alan S. Josefiak (Rollaway Lanes)	140 West St	Alan S. Josefiak	\$800	\$600.00	\$200.00
					\$13,355	\$10,016.25	\$3,338.75
							25% Discount total
15	AA Pkg	Sarkarian and Sons, Inc. db/a Ware Package	51 Main St	Saiman Hans	\$750		
16	AA Pkg	Broso Liquor Mart, Inc.	144 Main St	Richard S. Brosa	\$750		
34	AA Pkg	Ware-48 West St Corp/ Lane Alden	48 West St	Krunalkumar Patel	\$750		
18	W&M Pkg	Westborough Rev. Corp/Walmart	Palmer Road	Wendy Hubbard	\$700		
22	W&M Pkg	Brookside Mart, Inc.	131 West St	Peter J. McKeowney	\$700		
26	W&M Pkg	Peter J. Kozol db/a Peter's Package	100 East St	Peter J. Kozol	\$700		
					\$4,350		





## **TOWN OF WARE**

**Town Manager**

126 Main Street

Ware, MA 01082

413-967-9648 x100

To : Board of Selectmen

From : Stuart Beckley, Town Manager

Cc: : Town Accountant  
School Business Manager

Subject: COVID School Services bills

In accordance with the attached information from the Department of Local Services (pages 5-6) and the Ware School District, would the Board please approve the payment of school bills for services that were funded through the end of the school year. The required documentation and certifications by the vendors were received by the school department. The School Committee voted approval on August 19<sup>th</sup>. The motions can be adapted for the Select Board.

Thank you.

## Invoices to be Paid - Chapter 92 of the Acts of 2020

First Student Inc	80,797.86	April 2020	invoiced
First Student Inc	80,797.86	May 2020	Encumbered - no invoice
First Student Inc	80,797.86	June 2020	Encumbered - no invoice
Van Pool	83,084.10	March 2020	invoiced
Van Pool	51,201.94	April 2020	invoiced
Van Pool	55,068.45	May 2020	invoiced
Van Pool	38,369.63	June 2020	invoiced
Van Pool	1,040.50	June 2020 NCLB	invoiced
Amherst Public School	13,155.66	Feb-Apr 2020	Invoiced
Amherst Public School	7,694.82	May-Jun 2020	Invoiced
CAPS Collaborative	5,444.82	7/9/19-8/5/19	Invoiced
CAPS Collaborative	13,884.30	8/27/19-11/1/19	Invoiced
CAPS Collaborative	13,884.30	11/4/19-1/21/20	Invoiced
CAPS Collaborative	13,884.30	1/22/20-3/31/20	Invoiced
CAPS Collaborative	13,884.30	4/1/20-6/11/20	Invoiced
Collab for Educ Serv	5,644.50	March 2020	Invoiced
Collab for Educ Serv	5,644.50	April 2020	Invoiced
Collab for Educ Serv	5,644.50	May 2020	Invoiced
Collab for Educ Serv	5,644.50	June 2020	Invoiced
LPVEC	4,400.00	April 2020	Invoiced
LPVEC	5,500.00	May 2020	Invoiced
LPVEC	3,850.00	June 2020	Invoiced
North River Collaborative	1,200.00	Pmt #3 of 3	Invoiced
SWCEC	13,152.60	Open PO	Encumbered - no invoice



**To:** Marlene DiLeo, Ed.D. Superintendent  
**Cc:** Ware School Committee  
**From:** Andy Paquette, SFO, CGFM, HRSM  
**Date:** August 19, 2020  
**RE:** Chapter 92 of the Acts of 2020

**Background:** The Department of Revenue's Division of Local Services issued directions related to "An Act Relative to Municipal Governance during the COVID-19 Emergency, Chapter 92 of the Acts of 2020 (the Act)."

Sections 12 and 13 of The Acts allows for cities, towns, and regional school districts to approve payment for services not rendered or partially rendered on an existing contract. In order to process the attached invoices, the following vote needs to be taken by the school committee:

**Motion:** I move that the Ware School Committee accept Sections 12 and 13 of Chapter 92 of the Acts of 2020 as described in the attached bulletin.

**Motion:** I move that the attached invoices be processed in accordance with Sections 12 and 13 of Chapter 92 of the Acts of 2020.



## Bulletin

BUL-2020-08

### An Act Relative to Municipal Governance During the COVID-19 Emergency

TO: Local Officials  
FROM: Patricia Hunt, Chief, Bureau of Municipal Finance Law  
DATE: June 2020  
SUBJECT: Guidance on Municipal Finance Law Issues

This Bulletin provides guidance to local officials regarding changes in municipal finance laws included in An Act Relative to Municipal Governance During the COVID-19 Emergency, Chapter 92 of the Acts of 2020 (the Act). Unless otherwise noted below, these changes became effective on June 5, 2020, upon Governor Baker's signing the Act into law. Please review the Act in its entirety for other provisions related to cities and towns.

#### I. Town Meetings

##### A. Power of Boards of Selectmen to Reduce Town Meeting Quorum

**Section 7** - Section 7 of the Act allows a board of selectmen or select board (both referred to herein as "board"), with the approval of the town moderator, to reduce the quorum required for any town meeting (includes both open town meetings and representative town meetings) held during the governor's March 10, 2020 declaration of a state of emergency, to a number not less than 10 per cent of the number that would otherwise be required. There are several procedural requirements necessary to implement a quorum reduction. The board must publish<sup>1</sup> notice of its intention to consider an adjustment of town meeting quorum requirements not less than 7 days before the board's vote. The board must also provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the board on making a quorum adjustment as those deliberations are occurring. And, not less than 10 days after a vote of the board to adjust the quorum requirement, the town clerk must notify the attorney general of the adjusted quorum requirement.

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<sup>1</sup> Due to the time constraints in implementing this section before fiscal year end, we do not think the legislation intended to require notice by newspaper publication. In other cases where the legislature required publication in a newspaper, it so stated. See G.L. c. 60, s. 1, definition of "publication" for purposes of chapter 60, means "printing it once in a newspaper...." G.L. c. 35, s. 28B(c) - "... notice thereof to be published in a newspaper of general circulation...." G.L. c. 200A, s. 9A(c) and (d) - "published in a newspaper of general circulation." We suggest, at a minimum, posting notice (i) in a prominent location on the town's website, (ii) where the town meeting warrant is usually posted, and (iii) where board of selectmen meeting notices are posted.

Towns are reminded that under G.L. c. 41, s. 15A, town clerks are required to certify appropriations to the assessors and the town accountant as soon as "a vote appropriating money becomes effective." If a town meeting (either a reduced-quorum town meeting or any town meeting) is continued to a date after June 30, appropriations approved prior to the continuance of the meeting may not be in effect if they are subject to reconsideration at the continued town meeting. Towns are urged to consult with their town clerk, local counsel and town moderator, in advance, to determine if this could be an issue for your town. Some towns have local bylaws that limit reconsideration of approved articles that could apply to allow the town clerk to certify approved appropriation votes even if the town meeting is not dissolved but continued to another date.

Towns that may not have approved budgets on June 30 are reminded to review Bulletin 20-6, regarding the procedures for obtaining deficit spending authority from the director of accounts for continued operations beginning July 1, 2020 as authorized by St. 2020, c. 53, s. 5.

## **B. Conducting a Representative Town Meeting through Remote Participation**

**Section 8** - This section provides a process to allow representative town meetings to be conducted remotely during the governor's March 10, 2020 declaration of a state of emergency. This section does not apply to open town meetings. Under this section, if the moderator determines that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies, the moderator may request that the select board or board of selectmen of the town call for a representative town meeting to be held through remote participation. Section 8 establishes detailed approval and notification procedures as well as minimum requirements for the video or telephone conference platform and how registered voters may participate in the remote town meeting. If your town is interested in holding a representative town meeting through remote participation, we urge you to consult with your moderator and your local counsel to ensure compliance with the requirements of section 8.

**Section 17** – This section provides that if the Act does not take effect at least 15 days prior to the date of a scheduled representative town meeting, the actions of a town moderator, select board or board of selectmen and town meeting that are substantially consistent with the requirements of section 8 shall be ratified as if the Act had been in place prior thereto.

## **C. Holding a Town Meeting Outside the Geographic Location of the Town**

**Section 9** – This section allows a select board or board of selectmen (both referred to herein as "board") with the approval of the town moderator to hold town meeting outside the geographic limits of the town if the board determines that it is not possible to adequately conduct town meeting in a location within the geographic limits of the town in a manner that ensures health and safety. This section does not apply to a meeting for the election by ballot of federal, state or other officers or the determination of other matters to be determined by ballot at an election. The board must publicly post notice of the location of town meeting to be held outside the geographic limits of the town not less than 10 days before the date of the meeting.

## II. Stabilization Funds

### A. Suspension of Dedication of Revenues to Stabilization Funds

**Section 10(a)** – Section 10(a) provides a local option for a city or town to suspend for FY2021 the dedication of revenues to one or more stabilization funds created under G.L. c. 40, s. 5B. This option also applies to the dedication of revenues to a special fund pursuant to a special act. This option does not apply to revenues or receipts credited to other funds, such as departmental revolving funds under G.L. c. 44, s. 53E ½, enterprise funds under G.L. c. 44, s. 53F ½, cable or PEG funds under G.L. c. 44, s. 53F ½ or G.L. c. 44, s. 53F ¾ or any other fund created under the general laws. The option is exercised in a town with a town meeting form of government by a 2/3 vote of its select board, board of selectmen or town council and, in a city, by a 2/3 vote of its city or town council with the approval of the mayor or manager. If a city/town chooses this option, the suspension is effective for FY2021. Upon the exercise of this option, the funds which would have been so dedicated are credited to the general fund of the city or town. The option may be exercised at any time before the FY2021 tax rate is set and, once exercised, will be effective as of July 1, 2020 through June 30, 2021.

### B. Appropriation from Stabilization Funds or Special Funds Established by Special Act

**Section 10(b)** – Section 10(b) provides a local option for a city, town or district, for FY2021, to appropriate funds from any stabilization fund created under G.L. c. 40, s. 5B or a special fund established by special law for any lawful purpose notwithstanding the specified purpose of the fund. Therefore, the existing fund balance of a special purpose stabilization fund can be appropriated for expenses other than for the purposes for which the fund was originally established.

The option is exercised in a town with a town meeting form of government by a 2/3 vote of its select board, board of selectmen or town council and, in a city, by a 2/3 vote of its city or town council with the approval of the mayor or manager. This section applies only to stabilization funds created under G.L. c. 40, s. 5B and special funds created by special act. This section does not apply to other funds, such as departmental revolving funds under G.L. c. 44, s. 53E ½, enterprise funds under G.L. c. 44, s. 53F ½, cable or PEG funds under G.L. c. 44, s. 53F ½ or G.L. c. 44, s. 53F ¾ or any other fund created under the general laws. An appropriation under section 10(b) from a stabilization fund established for educational purposes also requires approval of the city's or town's school committee.

Because section 10(b) does not provide for an alternate method of appropriation for a district, districts must appropriate under this section through a 2/3 district meeting vote under G.L. c. 40, s. 5B; however, the district meeting may appropriate under section 10(b) from any stabilization fund for any lawful purpose notwithstanding the specified purpose of the fund.

While section 10(b) does not establish a substantially different process for cities or districts to change the purpose of or appropriate from stabilization funds; it does so in a town. Under this section, in a town, the legislative body (town meeting) is removed from the process. As a result, we suggest, when determining whether to exercise the option under section 10(b), that a select board consider the stated intent of the Act - "to protect ... both public health and the viability of town meetings in the face of the state, national and global public health emergencies existing as a result of the COVID-19 pandemic..." As a result, this option should be used to help fund the FY2021

town budget and other necessary FY2021 expenditures and not items that the town meeting would not itself fund.

Appropriations under section 10(b) may be made during FY2020 or FY2021; however, they must be for a fiscal year 2021 expenditure.

Appropriations and alterations of the purpose of a stabilization fund may still be made by a city, town or district in the manner described in G.L. c. 40, s. 5B – by a 2/3 vote of the legislative body of the city, town or district, subject to charter. As a result, if a town meeting is held, the town meeting may, by a 2/3 vote, alter the purpose of and appropriate from stabilization funds following the procedure of G.L. c. 40, s. 5B. For more information regarding Stabilization Funds, see IGR 17-20.

We note that while a suspension of the dedication of revenue to a stabilization fund under section 10(a) is only for FY2021 and not permanent, an appropriation from a stabilization fund under section 10(b) results in a permanent reduction of the funds in a stabilization fund unless the legislative body later votes to appropriate funds to replenish the stabilization fund.

### **III. Extension for Mayors to Submit FY21 Annual Budget to City Council under Statutory City Budget Process of G.L. c. 44, s. 32.**

**Sections 11 and 18** – Section 11 extends the time for a mayor in a city to submit the annual budget to the city council under G.L. c. 44, s. 32, if the mayor is unable to do so as a result of the outbreak of COVID-19 and the effects of the governor's March 10, 2020 declaration of a state of emergency. Ordinarily, section 32 requires a mayor to submit an annual budget to the city council within 170 days after the annual organization of the city government in any city other than Boston. Section 11 extends the time periods for submitting the budget and for the council to act on the budget; provided that the mayor must submit the FY21 annual city budget to the city council within 30 days after the termination of the declaration of emergency or on July 31, 2020, whichever is earlier.

An overview of the statutory city budget process under G.L. c. 44, s. 32 is needed to understand how to implement section 11. In summary, under section 32, once a mayor has timely submitted the annual budget to the city council, the council has 45 days to act on the mayor's budget by approving, reducing or rejecting the amounts recommended in the mayor's budget. If a mayor does not timely submit the annual budget to the city council, the city council, on "its own initiative," prepares the annual budget. The council then votes on the amounts contained in its budget within 15 days, by approving, reducing or rejecting the amounts. If the city has not approved an operating budget for the fiscal year due to "circumstances beyond its control," the mayor may submit to the city council a continuing appropriation budget on a month by month basis for a period not to exceed three months; that is, for July, for August and for September. For more information on the statutory city budget process, please see DLS's City Budget Process Frequently Asked Questions (FAQs).

For example, if the mayor timely submits the budget to the council on July 31 under section 11, the city council will have 45 days after July 31 to act on the mayor's budget by approving, reducing or rejecting the amounts recommended in the budget. If the mayor does not submit the budget to the city council on or before July 31, 2020, the city council, on "its own initiative," prepares the annual

budget. The council then votes on the amounts contained in its budget within 15 days, by approving, reducing or rejecting the amounts. To ensure that the city will have spending authority on July 1 if the budget is not yet approved, section 11 provides that a mayor may submit a continuing appropriation budget to the city council on a monthly basis for July and for August and for September. If it is anticipated that a budget will not be approved before July 1, the mayor should submit a continuing appropriation budget to the city council for the month of July.

Section 11 is effective on May 1, 2020.

#### **IV. Local Option Approval of Payments on Contracts for Educational Services**

##### **A. Description of Local Option - Sections 12 and 13**

Sections 12 and 13 provide a local option to allow cities and towns and regional school districts to approve payment, notwithstanding that services have not been rendered, on an existing service contract for school or education-related services entered into by the school committee or a service contract renegotiated or modified by the school committee in order to maintain the availability of and access to the services secured under the underlying contract between the parties when the underlying service contract was in effect before March 10, 2020 and the service contractor was unable to perform services under the contract as a result of the disruptions caused by the outbreak of COVID-19 and the effects of the governor's March 10, 2020 declaration of a state of emergency. This option applies to education-related contracted services such as transportation, custodial, food services as well as payments to education collaboratives, non-residential vocational enrollments, and inter-district tuition agreements.

This option is available to approve payment notwithstanding the provisions of G.L. c. 41, s. 52 and 56 that require that services under a contract must be rendered before payment may be approved.

This option applies only:

- (i) if the underlying service contract was in effect before March 10, 2020;
- (ii) if the service contractor was unable to perform services under the contract as a result of the disruptions caused by the outbreak of COVID-19 and the effects of the governor's March 10, 2020 declaration of a state of emergency;
- (iii) to payments for the period from March 10, 2020 through the remainder of the fiscal year; and
- (iv) if there are sufficient unencumbered available funds remaining for such payment in the appropriation for the purpose.

This option does not apply to tuitions and rates set by the bureau of purchased services within the operational services division pursuant to section 22N of chapter 7 of the General Laws.



## **B. Exercise of Option**

This option is exercised by approval of payment on a contract subject to sections 12 and 13 as follows:

(a) In a city, by: (i) vote of the school committee; (ii) city auditor, accountant or other officer having similar duties; and (iii) the mayor (unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.)

(b) In a town, by: (i) vote of the school committee; (ii) town accountant or other officer having similar duties; and (iii) vote of the board of selectmen (unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.)

(c) For a regional school district, by: (i) vote of the regional school committee and (ii) the business manager, assistant superintendent for business or other employee with title of similar import and responsibilities as those of a town accountant.

The above committees and boards may not delegate authority to one of its members to exercise the option under sections 12 and 13 or delegate approval authority to one of its members for payments under sections 12 and 13.

## **C. Payment Requirements**

Before any payment, the service contractor must present to the above approving authorities, a sworn statement reporting grants, discounted loans or other financial support that the service contractor has received from a state, federal or local government as a result of the outbreak of COVID-19 or, if the service contractor has not received any such grants, discounted loans or other financial support, affirming that the service contractor has not received, and shall not receive thereafter, any such grants, discounted loans or other financial support. If the service contractor reports it has received grants, discounted loans or other financial support from a state, federal or local government, the payments to the service contractor made pursuant to sections 12 and 13 must not exceed the total amount to which the service contractor is eligible under the service contract less the amount the service contractor received in such grants, discounted loans or other financial support and the sworn statement shall include an attestation that the payment is not in excess of that amount.



## **TOWN OF WARE**

### **Town Manager**

126 Main Street  
Ware, MA 01082  
413-967-9648 x100

### **Town Manager Updates September 15, 2020**

**Human Resources.** The Town has hired Patricia Barnes to assist with Human Resource functions on a part-time basis. She will begin on September 25. She will review town procedures and policies as well as be available to employees as needed. She will be in Town Hall on Fridays.

**Solar.** The Board of Health's environmental engineer walked the Robbins Road site to determine any needed repairs for ForeFront to accomplish. National Grid held a webinar last week with a follow up this week. The topic is about the connection studies and timing of solar project completions. There is substation work required. Generally, there is 1-2 years of engineering to be completed, followed by 3-5 years of construction of the improvements. Towns that participated requested a list of projects included in the first two rounds of engineering studies. National Grid may be able to provide this.

The Cemetery Commission is working on moving forward with the layout of the next area for use at the Aspen Grove Cemetery.

Town employees are working on the third stage of the State's Cybersecurity training program. This includes identifying phishing and malware methods. IT director David Grace has taken the lead .

Thank you to the police and fire departments for hosting a thoughtful September 11 remembrance ceremony.

Through the Treasurer's office, the Town is moving forward with Land Court on a few additional properties . These properties are those for which there has been interest in the private acquisition of the property once the Town has ownership or properties that have generated large amounts due to the Town.

The State, through the Lt. Governor has issued its Community Compact IT grant . The Town's IT and financial departments will pursue updated software through this grant. The software is expensive, so the grant will be helpful in taking the first step.

Between daily meals at the Senior Center (1000 per month), meals for students through the schools, and monthly food distributions with assistance from the Amherst Survival Center and the Food Bank of Western Mass, the Town has consistently supported the availability and delivery of food to many residents. The Food Bank distribution is Tuesday, September 15 at Grenville Park at 1 p.m.

Using the model of the food distribution at Grenville, the Knights of Columbus hope to plan and hold a safe Trick or Treat drive through at the end of October. While planning, additional rules will likely come from the State regarding this type of gathering.