



## **Board of Selectmen**

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

**Regular Meeting Minutes – Tuesday, September 3, 2019 at 7:00 p.m.**

**Present: Selectman John E. Carroll, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Selectman Nancy J. Talbot, Town Manager Stuart B. Beckley, Clerk Mary L. Midura**

**Absent: Selectman Alan G. Whitney**

**Meeting Opened by Chairman Carroll**

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

Selectman Opalinski noted that parishioners from Holy Cross Church have asked for an update regarding the trailers parked across the street (Maple Street). She would like an update at the next meeting. Selectman Opalinski noted she was curious to know when last Executive Minutes had been approved; upon research, she found that Selectmen have not approved Executive Minutes since 2005. Selectman Opalinski requested that the town attorney review all Executive Minutes for approval. Selectman Talbot stated that the Chairman can also review and if negotiations or personnel matters are settled, the Chairman can do so; some items would still need labor attorney review. Selectman Opalinski stated that the town attorney would know this information and she would like to see that started. Selectman Opalinski also noted that Daigle Law was hired in March, and it is now September; she would like to see a report.

### **Consent Agenda**

- **Approval of August 13, 2019 Minutes**
- **One-Day All-Alcoholic License Application: St. Mary's Church, Snitzel Dinner, Saturday, September 14, 2019**
- **One-Day Beer & Wine License Application: Workshop 13**
  - **Saturday, September 14, 2019 – Concert (Heart Collectors)**
  - **Friday, September 20, 2019 – Open Mic**
  - **Friday, October 18, 2019 – Open Mic**
  - **Saturday, October 26, 2019 – Concert (Blue Honey, Blues Band)**
  - **Saturday, November 2, 2019 – Concert (Livio)**
  - **Friday, November 15, 2019 – Open Mic**
  - **Sunday, December 15, 2019 – Concert (Ware Community Jazz Band)**
  - **Friday, December 20, 2019 – Open Mic**
- **Special Event Permit Application: Proprietors of the Ware Center Meetinghouse Presents Ware Fair & Flea, Saturday, September 21, 2019 (Rain Date Sunday, September 22, 2019)**
- **One-Day Beer & Wine License Application: Jasnocha 25<sup>th</sup> Anniversary Weekend Family Celebration @ St. Mary's Church**

**Selectman Kruckas made the motion to approve the Consent Agenda, except to Table the August 13, 2019 Minutes for Corrections; Selectman Talbot seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

#### **Scheduled Appearances**

- **7:05 p.m. Pole Petition Hearing: #28370695 NATIONAL GRID and Verizon New England, Inc. for Joint or Identical Pole Location at Sherman Hill Road**

Selectman Kruckas read the public notice. Diane Clowes was present for National Grid. This is a new pole due to low wires.

**Selectman Talbot made the motion to approve Pole Petition #28370695; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

#### **Old Business**

- **Labor Attorney Consideration**

Mr. Beckley noted the proposal from Sullivan, Hayes, and Quinn that was presented on August 13, 2019. He asked the Board if the Board would like a Request for Proposal (RFP) to be advertised for other proposals. Mr. Beckley noted that 30 days is the required advertising time. Selectman Opalinski noted there are several really good attorneys from the MMA Conference. Selectman Opalinski asked that there be an interview process; Mr. Beckley recommended an interview process.

**Selectman Opalinski made the motion for Town Manager to advertise an RFP for new labor attorney consideration for October 1, 2019; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

- **Confirmation of Deputy Fire Chief Duties**

**Selectman Talbot recused herself. Selectman Kruckas questioned Selectman Talbot's reason for recusal: Selectman Talbot stated she has not been part of this process as it was begun in February, and she stated she believes the Deputy Chief's duties are clearly outlined.**

Selectman Opalinski asked Mr. Beckley if this was a timeline issue and can it wait. Deputy Fire Chief Edward Wloch stated that he is doing his and the Fire Chief's jobs, the busy season has begun, and there are rules and documents that only a Fire Chief can sign, such as ABCC inspections, ambulance licenses due by September 30, medications carried on ambulances, and other documents. Mr. Beckley noted the description by Civil Service for a Provisional Promotion. Again, Selectman Opalinski questioned why this issue cannot wait. Chairman Carroll stated the Board is not sure how long the investigation will take and he noted the Fire Department must continue to function at best. Selectman Opalinski noted that the Board is the appointing authority, but Town Manager has the authority to clarify the job description. Mr. Beckley noted that the Fire Chief appoints the Deputy Fire Chief. Selectman Kruckas noted that the Deputy Fire Chief should have the same power as the Fire Chief in his absence.

Mr. Beckley stated that the Board may affirm the Provisional Promotion to give power to the Deputy Fire Chief to sign agreements in place and asked Civil Service to verify. The Fire Department and all firefighters understand the chain of command has not changed drastically, but Deputy Chief Wloch is doing extra work. Selectman Opalinski noted the need for clarity. Deputy Chief Wloch noted that certain documents must have the Fire Chief's signature, or Provisional Interim Chief, so there is no legal problem or legal challenge later. Selectman Opalinski questioned why the Town Manager could not affirm this. Deputy Chief Wloch noted that he has not been able to do all fire safety inspections, agreements for ambulance licenses must be signed, agreements for state controlled substance licenses on the ambulances, and general ability to move forward with department operations. Selectman Kruckas noted that the department should be able to function. Mr. Beckley noted the recommendation by Civil Service. Selectman Opalinski stated she preferred to wait until September 17 meeting to have Selectman Whitney present; Chairman Carroll asked Town Manager Beckley to check with the State to confirm. Selectman Opalinski stated she wanted Town Manager to check first, and she wanted Selectman Whitney present at this discussion.

Resident Julianne Cappe questioned why this issue must wait. She noted that DPH certifies medications for ambulances. She questioned why the signature is an issue. Selectman Opalinski noted the question was from a legal opinion of the labor attorney.

Resident John Desmond stated "we are reasonably sure of misconduct" and noted the Board knows the allegations and it has been 26 weeks with no answer, costing the Town \$2,000 per week, and asked how long this will last. He stated something should happen and should be submitted to town counsel, not leave this issue open-ended. Selectman Kruckas stated this is why he believes it is time for a different counsel and labor attorney. Mr. Desmond stated the Board should have a motion to have public review, this may become a case study, and he hoped the Board moved forward.

Chairman Carroll noted the Board cannot discuss, as the Fire Chief is not present, and noted the Board must wait for the investigators to get back to the Board. Mr. Desmond stated this issue should not take so long and needs review by town counsel. Chairman Carroll thanked Mr. Desmond for his comments.

**Selectman Opalinski made the motion to Table the Discussion to September 17, 2019;  
Chairman Carroll seconded the motion.**

Resident Brandy Bruso questioned if the discussion is just for clarification, why the Board keeps tabling this issue, and if Civil Service recommends this action, the Board needs to "get off the toilet" and let the Fire Station and Hardwick service run properly. Mr. Beckley noted that the Board is asking if the provisional appointment is necessary. Chairman Carroll noted to amend the motion to include "and to check if the State will accept Deputy Chief's signature with or without this provisional appointment".

**Selectman Opalinski made the motion to Table the Discussion to September 17, 2019 and to check if the State will accept Deputy Chief's signature with or without this provisional appointment, and that the Town Manager affirm Deputy Chief's job description in the Fire Chief's absence. Selectman Carroll seconded the motion. The motion passed on a vote of 2 Yes (Selectman Carroll, Selectman Opalinski), 1 No (Selectman Kruckas), 1 Recused (Selectman Talbot), 1 Absent (Selectman Whitney).**

#### **New Business**

- **Application for Sewer Abatement – Laverdiere – Request to Table to September 17, 2019**

**Selectman Talbot made the motion to Table to September 17, 2019; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

- **Reappointment of Part-Time Police Officer Skutnik**

**Selectman Kruckas made the motion to Reappoint Part-Time Police Officer Skutnik; Selectman Opalinski seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 1 Abstention (Selectman Talbot), 1 Absent (Selectman Whitney).**

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

Jim Russell, MassLive Reporter asked to confirm that Daigle Law is the investigating firm regarding the Fire Chief; Mr. Beckley confirmed.

#### **Town Manager Report**

**The limit on residential watering to before 9 a.m. or after 5 p.m. continues to be in effect. This will last until September 30<sup>th</sup>.**

Mr. Beckley noted the department head reports submitted, and noted the excellent work by departments such as the road work and police drug investigations.

The attached document describing projects around Beaver Lake was posted on the Town's website, the Beaver Lake Association Facebook page and residents in the area received a call. The DPW has been very busy shimming area roads in preparation for stone sealing, and improving drainage ditches in preparation of paving of Babcock Tavern Road. Mr. St. George-Sorel will attend the next meeting to provide more in depth updates to these and other projects.

Selectman Kruckas would like a sign posted at the end of Old Belchertown Road, to warn residents of work ahead and to save those drivers from having to go all around to get to Route 9. Selectman Talbot questioned if the affected residents could receive the robo-call; Mr. Beckley noted that could be done when the work begins.

Spring Street reconstruction is near completion. The top coat of pavement will be installed in the Spring. The Elm Street project is 60% complete.

The attached sheet on Eastern Equine Encephalitis was provided by the Board of Health and will be posted on the website. The State Department of Public Health and Department of Agriculture control air spraying based on human cases. To our knowledge there are no plans to spray in the area. The Board of Health and Parks Commission are staying in close contact regarding the decision to curtail evening activities. The School Building Committee will be meeting on September 9 to review the two building projects.

As mentioned previously, the East Quabbin Land Trust and the DCR received a grant for the Town for the planting of 1000 trees. This week the Tree Warden, Planning Department and Parks Department will consider locations in or near Grenville Park for an October tree planting.

The Massachusetts Historical Commission approved the Town's Request for Proposals for an Architectural Study of Town Hall. The Town will release the RFP and will select an architect in the first week of October. The study will be complete by the end of January.

The Town, through the Water Department, will hire an underwater firm to survey and clean the cistern at Barnes wellfield. Next year, the firm will clean the interior of the two water storage tanks.

Selectman Kruckas would like to see a listing of backup personnel when someone is out, and questioned why there is no backup in every department. Selectman Opalinski noted the need for cross-training. Selectman Kruckas noted it should be laid out who is next in charge; Selectman Opalinski stated that there is a lack of job description.

Selectman Kruckas asked Town Manager Beckley to look for grants for summer programs. Mr. Beckley noted that the contractor for the Ware Dog Park may start this month, and that Dr. DiLeo has found a grant that may be very beneficial for summer programs. Selectman Kruckas stated that an indoor center and pool would benefit seniors and children. Selectman Opalinski asked for progress on the dog shelter; Mr. Beckley state that the ACO and State Inspector will meet with Mrs. DeSantis to review requirements, including dogs found by the ACO must be separated from the kennel. Proponents of the regional animal shelter may wish to speak to the Board in the near future. The RFP for Main Street has not yet been posted by MassDOT, and the State must confirm the signs. Selectman Opalinski requested that Mr. St. George-Sorel prepare a report before town meeting; Mr. Beckley stated that Mr. St. George-Sorel will present an analysis of receipts at the September 17 meeting. Selectman Kruckas asked the status of the bylaw regarding Veterans' Park; Mr. Beckley noted that the Attorney General asked for a one-month extension to September 30, 2019.

**Selectman Kruckas made the motion to Adjourn Regular Session at 7:53 p.m. Selectman Talbot seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).**

Attest:   
Mary L. Midura, Executive Assistant

