



## **Board of Selectmen**

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

**Regular Meeting Minutes – Tuesday, September 11, 2018 at 7:00 p.m.**

**Present:** Selectman John E. Carroll, Selectman Michael P. Fountain, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Selectman Alan G. Whitney, Town Manager Stuart Beckley, Clerk Mary L. Midura, Ware Community TV General Manager Stanley Ciukaj.

**Meeting Opened by Chairman Carroll.** Chairman Carroll requested a moment of silence in honor of those lives lost on September 11, 2001, and in honor of those lives lost September 11, 2012 in Benghazi.

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

Selectman Kruckas stated that the minutes of August 21 are not complete, requesting that the minutes of the discussion with the Town Planner be expanded.

Selectman Carroll expressed his disappointment that there was no ceremony today for 9/11.

Selectman Fountain asked the progress of the audit of the Fire Department, requesting that the audit should include operational as well as financial.

Mr. Beckley noted that he could request 3 quotes and ask for proposals to include operational and financial for \$15,000. Selectman Kruckas questioned why this is not on tonight's agenda; Mr. Beckley noted he would send each Selectman an email.

Mr. Beckley noted that four replacement streetlights should arrive soon; Selectman Kruckas noted that lights are not working by the millyard.

Carol Zins invited the public to the Fair & Flea on Saturday, September 15 from 9am -3pm. There will be a pie contest, vendors, music and food. There is also a car show at the high school.

### **Consent Agenda**

- **Approval of Minutes of August 21, 2018**
- **Retroactive Approval of One-Day Liquor License: Workshop 13, Concert Joon, Friday, September 7, 2018**
- **Special Event Permit: Ware Fair & Flea, Saturday, September 15, 2018**
- **One-Day Liquor License: Workshop 13, One Mic Live at the Grand Hall, Friday, September 21, 2018**
- **Special Event Permit: Melha Shriners, Tag Sale/Craft Show, Friday, September 28, and Saturday, September 29, 2018**
- **Special Event Permit: Trinity Episcopal Church, Pumpkins & Ponies, Saturday, October 6, 2018**
- **Toll Road: Knights of Columbus, Tootsie Roll Drive, Saturday, October 6, 2018, Rain Date: Sunday, October 7, 2018**

- **Toll Road: Ware Fire Department, MDA Boot Drive, Sunday, October 14, 2018 or Sunday, October 21, 2018**
- **Special Event Permit: Proprietors of the Ware Center Meetinghouse, Spooky Stories in the Dark, Saturday, October 20, 2018**
- **One-Day Liquor License: All Saints Church, Parish Fall Dinner, Saturday, October 27, 2018**

**Approval of the Minutes was tabled. Toll Road application for Ware Fire Department should be corrected to Ware Fire Association. Selectman Whitney made the motion to approve the above permits/licenses; Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

### **Scheduled Appearances**

- **Discussion with Warren Board of Selectmen of Regional School Planning**  
Warren Selectmen John Nason, Dario Nardi, and Administrative Secretary Rebecca Acerra were in attendance. Chairman Carroll spoke of regionalization that would bring a savings while keeping to the mission of education of our children. Mr. Beckley stated there was an interest by Quaboag schools. Mr. Paquette, business manager of Ware schools, would need 3 quotes for a preliminary study of services. The next step would be to review the draft from the business manager from Ware schools and Warren schools. Chairman Carroll noted the State has pushed for regionalization. Selectman Nardi noted that Warren has been part of Community Compact and is always looking at regionalization through best practices. He noted the importance to look at options for the students first, and will the towns save money. Selectman Nason asked if West Brookfield will also meet with this Board; Mr. Beckley replied no, but plans to go to School Committee meetings, as any regional benefits all communities to be on the leading edge. Selectman Nardi stated that he is in favor of the study and process, and this is a starting point. Selectman Kruckas stated the need to explore the benefits to the kids. Selectman Opalinski requested public input. Mr. Beckley noted this is step 2 of 8 steps toward regionalization.

- **Discussion: Proposed Requirements for Renewal of Class I, II and III Car Dealers**  
Mr. Beckley noted this discussion began last year with additional information requested to be considered for the 2019 renewal process. Chairman Carroll stated that comments would be heard from the audience on the proposed requirements. Selectman Opalinski noted the list of proposed items would follow law for appropriate use and good and proper use. Selectman Kruckas questioned who would enforce these requirements and stated his opinion that this would be government overstepping its bounds. Selectman Whitney questioned what other businesses would also be required to submit this information. Selectman Opalinski stated that this can be per MA law and advantageous to all departments; Selectman Whitney noted that if the Board votes to do this, it should be done by all businesses. Selectman Kruckas noted many complaints and stated this should not be a priority with items such as the Fire Department audit and other assessments, and this is overstep of our bounds. Selectman Opalinski noted that the Board should add a condition to only allow sales in town, so the town does not lose out on taxes. Selectman Carroll noted the information could be valuable. Selectman Kruckas stated there are more important issues, but a stipulation only allowing cars to be sold in town would be a good idea. Selectman Opalinski asked the process for a new car business to come to the Board for a license; Mr. Beckley noted that the start is with a special permit from the Planning Board for

zoning purposes. Selectman Whitney reiterated that if this is done, it should be done for every business. Selectman Kruckas reiterated his question as to who would enforce these requirements. Mr. Beckley noted that the requirements could make sure the exterior cap of allowed vehicles is followed.

Randall Letourneau, of RTs Welding, stated car dealers are being singled out, and his business has been singled out. Ms. Chantel Bleau noted all information has been provided in the applications when first approved. She noted that there should not be a requirement for interior schematics, as this puts a strain on a business and the public would know where everything is. She noted that no in-home business would want to publicly give such information.

Upon further discussion, the Board instructed Ms. Midura to research laws regarding adding a condition of only using a car dealer license within the Town.

**Selectman Kruckas made the motion to leave the renewal process as is; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 1 No (Selectman Opalinski).**

### **Old Business**

- **Main Street Update**

Mr. Beckley noted that Mass DOT has agreed to give back 5 parking spaces, and another 4-5 spaces may be added by extending the Veterans' lot. Selectman Opalinski noted that Mass DOT has also agreed that the construction would happen all in one season. Selectman Whitney objected to the State insistence of installation of a bike lane. Selectman Kruckas requested a breakdown of all costs of the project. Mr. Beckley noted that the project is \$2.5 million, including lights, signals, sidewalks, and street. Chairman Carroll noted it was a success to convince Mass DOT to do all construction in one season, and while the situation is not ideal, the end result meets compliance. Resident Jack Cascio stated that businesses wrote letters to Mass DOT to state how this construction will affect and disrupt their business. Selectman Opalinski noted that we fought very hard for those 5 parking spaces, and the WBCA will work on strong communication while construction is done. Resident Carol Zins noted that while she understands the concerns of residents, she wants the taxpayers' money to be spent in this town, not given to other towns. Selectman Kruckas maintained that the town could have done this without the State. Selectman Opalinski noted that signalization is needed. Resident Jack Cascio suggested the Town revisit the need for downtown improvements without the bike lanes. Resident Cathy Cascio stated that more townspeople need to be involved in this decision, and that she arrived at the public meeting over a year ago to be told the plan was a "done deal". Carol Zins stated that, at the public meeting a year ago, citizens were told the plan was not a "done deal" and that the state wanted feedback; Ms. Zins noted that this plan has been in the pipeline for a long time now. Selectman Kruckas stated he spoke to a Warren business owner who also owns property in Ware, and that owner said the design was a big mistake for his town. Chairman Carroll reiterated that there were questions and the town had meetings and that he and Stuart and Tracy met with the state, the biggest concern was parking and this design brings back 5 of the 8 lost parking spaces. Chairman Carroll noted that the Board should approve this design and move on to the next step. Selectman Whitney noted it is the town's money. Chairman Carroll noted that this design is closer to what the town wants, and the State is willing to work with us. Selectman Whitney noted his opposition to the State telling us how to run the town.

**Selectman Opalinski made the motion to accept the 5 spaces as presented in this design; Selectman Carroll seconded the motion. The motion passed on a vote of 5 Yes, 0 No.**

#### **New Business**

- **Designate Robert Lemaitre as Special Municipal Employee**

**Selectman Opalinski made the motion to appoint Robert H. LeMaitre as Consultant on Legal Matters, Special Municipal Employee; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 1 Abstention (Selectman Kruckas).**

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

DebraRose Gratton Alvarez criticized the Assessors' office and the Town Manager regarding the handling of her mother's eligibility for Veteran's Widow's Benefits. She has successfully received a positive decision from the Tax Appellate Board. Chairman Carroll noted that the Board of Assessors are elected and autonomous; the Board instructed the Town Manager to resolve this issue with the Assessors and Ms. Gratton.

Brandy Bruso stated her disappointment that there were no September 11<sup>th</sup> ceremonies.

Selectman Kruckas noted that he asked the Town Planner about grants, and the Town Planner stated he had written two grants, but that is not true. Selectman Kruckas noted that he asked the Town Planner when he is here in the building, to which the Town Planner stated he is here every day, and that is not true. Selectman Kruckas stated that the Town Planner should be doing more such as working on recycling grants and working on the solar fields moratorium, but there is no accountability. Selectman Kruckas noted that he hears many complaints about the Planning Department.

#### **Town Manager Report**

Upcoming dates:

September 14 – Dedication of new Emergency Room at Wing Hospital, 10 a.m.

September 15 - Ware Fair and Flea

September 19 – Public Forum on Ware River Recreational Path/ EQLT - Senior Center

September 24 – Palmer Planning Board hearing on Race Track Special Permit, asking to amend to reduce/eliminate noise requirements.

**Personnel.** The Town has filled all Water Department positions. The Town will hear from DEP about expectations with licensing timing. The Assistant position is open in the Assessors' department.

**Roads.** The Highway Department is using a small paver to repair small roads, starting with Hutcheson and Kelly Roads, but moving on to several others. The Town is waiting for approval from the Chapter 90 reviewers for milling and paving of the streets off South Street. If completed, the next project will be Longview and Woodland.

Thank you to residents and staff who are working to reduce the growth of weeds and crabgrass along sidewalks and roads, particularly those causing safety issues. This group of volunteers has been also working on monthly trash pickups since the Spring which has had a great visual impact on the streets.

The DPW Director and I will meet with the MassDOT District 2 Bridge engineer on Tuesday morning to discuss options for the Old Belchertown Road bridge over Beaver Brook. The State will issue closure requirements.

State Law Change. Effective February 1, Massachusetts towns will be required to meet the state safety standards which match OSHA standards. This will mean that the Town must conduct in depth surveys of its facilities and practices, establish or renew policies, and conduct safety trainings with all staff. MIIA, the Town’s liability insurance company, has established templates and some trainings to assist with preparedness. To the extent possible, the Town will use senior volunteers to assist departments with this project.

On September 19, the Open Space Committee and East Quabbin Land Trust will hold a public forum at the Senior Center to provide updates on the Ware River Valley Rail Trail. This forum will provide information on the southern and northern sections of the trail. Trail abutters will be directly notified.

Beaver Dam update. A representative from the Conservation Commission, Emergency Management Director Ed Wloch and I have been reviewing options to respond to the Beaver Dams on Coy Hill. Deputy Wloch is researching Hazard Mitigation Grants to fund the options to protect properties downstream of the impoundments.

***Ongoing Issues Update***

Main Street	To use State funding, Main Street will require Bike lanes. <b><i>Main Street project is at 75% design. Decision on lighting will be needed.</i></b> Right of Way easements need approval from Town meeting and Selectmen prior to January 2019. Scheduled for bidding August, 2019. <b><i>May 29 presentation of 75% plans. Follow up with MassDOT to request waiver for bike lanes. Meeting held on August 14</i></b>
Multifamily Inspections	Inspectors meeting held. Determined that town will be divided into 5 sectors for 5-year inspections. Based on comments from other towns, will be challenged to complete fully. <b><i>The Building Department online system was made live on July 1. Building Inspector to be present at July 24 meeting to explain system and enforcement.</i></b>
Purchase of 116 Pleasant Street	Appraisal complete. Discussions with homeowner. Moving forward with Purchase and Sale. Conducting 21E study. Closing anticipated September 28.

GPS	8 units installed. Negotiations with unions initiated on appropriate vehicles. Working with Verizon on next order of units. <b>(15 additional units acquired for \$15)</b> Budget to include cost of annual fees (\$5700). <i>DPW Director's vehicle – GPS installed. Highway Supervisor vehicle to be done. Legal response prepared for all unions.</i>
Condemned buildings	Town Meeting Article for 73 West Main Street. Community Development Authority proposing use of CDBG funds to assist with removal. Building Inspector to work with owner on sale. Has had 3 discussions with owners.
Beaver Lake Dam	Waiting to hear from MassDOT. Beaver Lake Dam will also need repair this Fall. Road closures will need coordination.
Beavers – Prendiville Road	National Grid is reviewing the situation with field crew. Will determine if they have ability to take action under utility laws. <i>Town will move forward with Conservation Commission permitting. Will coordinate with MA Department of Fisheries and Wildlife and property owner.</i>

Selectman Whitney made the motion to Adjourn Regular Session at 9:12 p.m. to go into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations, #3 Litigation, #6 Real Estate, **NOT TO RECONVENE IN OPEN SESSION**; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 5 Yes, 0 No.

Selectman John E. Carroll	Yes√
Selectman Michael P. Fountain	Yes√
Selectman Keith J. Kruckas	Yes√
Selectman Tracy R. Opalinski	Yes√
Selectman Alan G. Whitney	Yes√

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

*The next Board of Selectmen meeting will be held on Tuesday, September 25, 2018 at 7:00 p.m.*