



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street

Regular Meeting Minutes – Tuesday, September 25, 2018 at 7:00 p.m.

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

Selectman Whitney made the Motion to Adjourn Regular Session at 6:30 p.m. to go into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations, #3 Litigation, #6 Real Estate, TO RECONVENE IN OPEN SESSION AT 7:00PM; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

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

Selectman Whitney made the Motion to Adjourn Executive Session at 6:49 p.m. TO RECONVENE IN OPEN SESSION AT 7:00 PM; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

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

Regular Meeting Opened by Chairman Carroll at 7:00 p.m.

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

Absent: Selectman Keith J. Kruckas

Opening Remarks, Announcements, and Agenda review by Chair

Chairman Carroll read aloud a Commendation for Officer Paul Skutnik for his 18 years' of service to the Ware Police Department.

Selectman Opalinski asked about the light bulbs for Main Street lights; Mr. Beckley noted the lights had not yet arrived. Selectman Opalinski noted that it has been 7 months and is now embarrassing.

Consent Agenda

- **Approval of August 21, 2018 Minutes**

Selectman Whitney made the motion to approve the minutes of August 21, 2018; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

Scheduled Appearances - none

Old Business

- **Car Dealer Renewal Documents, Add Condition: Business Operations in Ware Only**
Selectman Opalinski made the motion to approve adding the condition to the car dealer renewal documents that car dealer businesses operations must be conducted only in the Town of Ware; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

- **Review of Marijuana Regulations**

Mr. Beckley noted that the marijuana bylaw requires a license from the Board of Selectmen. Based on town quota of 7 allowed Section 15 Off-Premises package stores, Ware is only allowed 2 marijuana retail establishments. The Board of Selectmen may set the license fee; the Board discussed setting the fee in line with package stores. Chairman Carroll noted that \$7.2million should be the fee, as he does not support this.

Selectman Opalinski made the motion to approve a \$750 annual license fee for retail marijuana business, to increase in conjunction with Section 15 Off-Premises licenses; Selectman Whitney seconded the motion. The motion passed on a vote of 3 Yes, 1 No (Selectman Carroll), 1 Absent (Selectman Kruckas).

- **Review of Fire Department Audit RFP**

Mr. Beckley noted that the audit is limited, and the Town should give a narrative of what it wants addressed for our \$15,000. Selectman Opalinski noted that this would leave out ambulance, inter-facility transfers and billing, payroll, authorization of payroll, stipends, overtime as compared to stipends, and the Hardwick agreement. Mr. Beckley noted that the ambulance billing is done by a private company.

Selectman Whitney made the motion to add the above items and instructed the Town Manager to send out this menu for quote; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

- **Approval of Purchase and Sale, Pleasant Street**

Mr. Beckley presented the purchase and sale as drafted by town counsel, at a cost of \$120,000, and to move or demolish; Closing is expected October 5, 2018.

Selectman Whitney made the motion to approve the Purchase & Sale of 116 Pleasant Street; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

New Business

- **Request by Chief Crevier: Civil Service List**

Chief Crevier requested the civil service list as of October 3, 2018. Officer Skutnik is leaving to take a position with Mass. Parole Board; Chief Crevier asks that the Board approve Officer Skutnik on a part-time status.

Selectman Whitney made the motion to approve the civil service list as of October 3, 2018; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

Selectman Whitney made the motion to approve Officer Skutnik on a part-time status; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

- **Discussion with Fire Chief – Inspections - Postponed**

- **Application for Sewer Abatement: Cherry Street Realty Trust, 17-23 Cherry Street – Postponed to October 30, 2018**

- **Appointment: Delegate Alternate to PVPC**

Selectman Opalinski made the motion to approve Joseph Knight as Delegate Alternate to PVPC; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

- **Consideration of Order – 33 Vigeant Street**

Mr. Beckley asked that the Board declare the property as public health hazard. The CDA and PVPC recommend request for quotes to remove and the owner will be charged and liens applied. **Selectman Whitney made the motion to declare 33 Vigeant Street as a Public Health Hazard, to request for quotes to remove, and to charge liens to the owner; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).**

- **Bargaining Unit Contract Approval - Postponed**

- **School Regionalization Study Proposal**

Mr. Beckley noted the proposed protocol submitted by Dr. DiLeo and himself. This is preliminary to the 2-3 year regionalization process. The estimated cost of \$15,000 could be presented at town meeting, or a possible regionalization grant may be found. The School Committee must vote on this. Selectman Whitney noted that #4 Financial Analysis of Current Budget should be first. Mr. Beckley stated that he could ask the State, as that item is not currently in the budget. Chairman Carroll noted that the items are not in proper order and the Board needs more information before a decision is made. Mr. Beckley noted that the preliminary fact-finding report may be reviewed by School Committee and Board of Selectmen. A Regional Planning Committee may also be formed. All can give recommendations at town meeting. Selectman Opalinski questioned the cost of items #3 and #4; Selectman Whitney suggested we do #3, #4 then public surveys and public hearings. Chairman Carroll questioned

why Quabbin was not included; Mr. Beckley noted letters were sent to all surrounding schools, only Palmer, Belchertown and Quaboag demonstrated interest. Selectman Opalinski noted that we should contact Pathfinder and Monson; Mr. Beckley stated he could ask the School Business Manager to do so.

- **Approval of State Election Warrant November 6, 2018**

Selectman Whitney made the motion to Approve the State Election Warrant of November 6, 2018; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

Comments and Concerns of Citizens

Bill Jackson stated that a spruce tree at 3rd and 4th Street is leaning into wires and the Town should get the State to cut this. He stated that Selectman Opalinski seemed to have a vendetta against the company near the Swift River and should make it easier to keep a business in town; Selectman Opalinski answered that all businesses should follow the same rules, and her proposed changes did not pass.

Jen McMartin questioned whether the taxes have been paid for 33 Vigeant Street, and noted that this is a public safety issue, but she is uncomfortable as the Town is using CDBG funds for this one property. She noted the house in disrepair across from Jane Alden.

Cathy Cascio noted the beaver damage issue above Quarry Street; Mr. Beckley stated that the town has continued to have weekly meetings at the site and the dam has lowered, and the use of a beaver deceiver may be done.

Devin Peterson questioned whether the Town has looked into whether the police department can do without another position? Chairman Carroll stated the Ware River News police report shows high activity. Mr. Peterson questioned this as a budget concern to be reviewed; Selectman Opalinski stated this was a great idea. Mr. Beckley noted past Police Chiefs have increased the department.

Frank Moryl from Holy Cross Church stated that APR has still shown disrespect of its neighbors and parked junk vehicles nearby. He said the Board should look into compliance and unregistered vehicles should be away from waterways. Mr. Beckley noted that the Building Inspector sent a letter to document her disagreement with the owner's attorney's calling the business a freight business. The owner may appeal to the Zoning Board of Appeals. Mr. Moryl stated that wrecked trailers are parked close to the church, and now are moved further down with added trailers and containers. Mr. Moryl stated the property is now a junkyard and stated "APR stands for All Purpose Rubbish". Cathy Cascio interrupted to say that the owners are not APR, the owners are Maple Street Power. Mr. Moryl stated the owners have no respect for the town. Selectman Opalinski questioned the process of fines on unregistered vehicles. The Board discussed a plan of action to address the concerns stated.

Selectman Whitney made the motion to instruct the Town Manager to instruct the Building Inspector to immediately begin to issue fines to Maple Street Power for all unregistered vehicles; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

Town Manager Report

Upcoming dates:

September 24 – Palmer Planning Board hearing on Race Track Special Permit

Mr. Starodoj noted that Palmer Motorsports Park is asking the Palmer Planning Board to reduce noise standards to State standards. There is current litigation with the existing special permit; test was done September 8, and recommendations will be available in November. Residents continue to complain about quality of life.

October 4 – Manufacturing Showcase, 4 p.m., E2E

October 6 – Domestic Violence Awareness Walk, 1 p.m. Veterans Park

October 17 – Forum on Rail Trail, Senior Center, 6 p.m.

Personnel. The new DPW Water workers are starting training to get their next level of licenses. The first level distribution and treatment class is being held in Ware. The Town has been notified that Steve Butcher will be retiring from the Wastewater Treatment Plant. Steve has served the Town for 30 years. Officer Paul Skutnik is moving on to his next career after serving Ware for 18 years. The Town is accepting applications for Department assistant in the Assessors office and Quaboag Connector drivers.

Roads. MassDOT approved the Chapter 90 funds for the project that will include Lois, Benham, Marjorie and Laurel area.

MassDOT will likely issue the bridge closure notice for the Beaver Brook bridge in the coming week. Town departments have met to discuss signage, alternative routes and public notice. A project planned for the repair of the Beaver Lake Dam will be discussed with the Association and its contractor on Tuesday morning.

The Town was notified by the solar developer of the Robbins Road landfill of seepage of sand from the cap. The DPW director and I have walked the site to verify that the cap is not breached and there is no further points of damage. Upon the Board of Health's review, the Town will work with forefront Solar and DEP to correct the issue in accordance with the lease.

On October 17 (postponed from 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.

The Town has ordered approximately 800 LED streetlights for installation late this Fall. Working with the Metropolitan Area Planning Commission, the lights and a company to complete installation. This work is funded by the Green Communities program.

The Department of Ecological Resources approved the grant paperwork to proceed with the design of a second culvert on Old Poor Farm Road. Similarly the Department of Energy Resources approved moving ahead with Motor replacement at the WWTP. This project will be broken into two phases to allow staff to shift operations from one side of the plant to the other after winter. Staff are cleaning and repairing the opposite side basins for use.

Chairman Carroll noted there is one vacancy on the Zoning Board of Appeals. There will be not Board of Selectmen meeting on October 2, 2018.

Selectman Whitney made the Motion to Adjourn Regular Session at 8:29 p.m.; Selectman Opalinski seconded the motion. The motion passed on a roll call vote of 4 Yes, 0 No, 1 Absent (Selectman Kruckas).

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

The next Board of Selectmen meeting will be held on Tuesday, October 16, 2018 at 7:00 p.m.