Board of Selectmen
Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Notice Agenda – Tuesday, April 7, 2020 at 7:00 p.m.

Instructions for call in option: at or before 7:00 p.m., call one of the phone numbers below and when prompted enter the Meeting ID number. The platform is Zoom Meetings. This information and the web link will also be provided on the Board of Selectmen website. Join online: https://zoom.us/j/723818832 (the online option will require a download).

Meeting ID: 723 818 832

Phone (use any of these):
929-205-6099
253-215-8782
301-715-8592

Meeting Opened
Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda
• Approval of March 24, 2020 Minutes

Scheduled Appearances

Old Business
• Analysis of Water Treatment Plant Costs, DPW Interim Director
• Attorney Opinion - Town Meeting Warrant Article: Change Title from Board of Selectmen to Select Board
• Attorney Opinion - Town Meeting Warrant Article: Strong Chief, Civil Service
• Request to Advertise Vacancy: Board of Registrars

New Business
• Request for New Hires – Police Chief
• Appointment: Open Space Committee – James Kadra, Term to Expire June 30, 2023
• Reappointment: Historical Commission – Lynn Lak, Term to Expire June 30, 2023
• Reappointment: Tax Increment Financing Authority – Gerald Fountain, Jr., Term to Expire June 30, 2023
• Reappointment: Zoning Board of Appeals – Gregory W. Eaton, Term to Expire June 30, 2023
• Reappointment: Capital Planning Committee – Clayton Sydla, Term to Expire June 30, 2023
• Reappointment: Capital Planning Committee – Jennifer McMartin, Term to Expire June 30, 2023
Board of Selectmen
Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Notice Agenda – Tuesday, March 24, 2020 at 7:00 p.m.

Instructions for call in option: at or before 7:00 p.m., call one of the phone numbers below and when prompted enter the Meeting ID number. The platform is Zoom Meetings. This information and the web link will also be provided on the Board of Selectmen website. Join online: https://zoom.us/j/638463865 (the online option will require a download).

Meeting ID: 638-463-865

Phone (use any of these):
929-205-6099
253-215-8782
301-715-8592

Present: Selectman Alan G. Whitney, Selectman John E. Carroll, Selectman Keith J. Kruckas, Selectman Nancy J. Talbot, Town Manager Stuart B. Beckley, Acting Fire Chief Chris Gagnon

Remote Participation: Selectman Tracy R. Opalinski

Meeting Opened by Chairman Whitney. Chairman Whitney explained that items on the agenda not discussed tonight will be tabled to April 7, 2020.

Consent Agenda
• Approval of February 4 and February 18, 2020 Minutes
• Applications for Approval, contingent upon Governor’s Order:
  ○ One-Day Liquor License: Workshop 13, Open Mic, Friday, April 17
  ○ One-Day Liquor License: Workshop 13, Trailer Park Concert, Saturday, May 9
  ○ One-Day Liquor License: Workshop 13, Open Mic, Friday, May 15
  ○ Toll Road: Ware Lions Club, Saturday, June 13; Alternate Date Saturday, June 20
  ○ Special Event Permit: Workshop 13, 4th Annual Music Festival, Saturday, June 20
  ○ One-Day Liquor License: Workshop 13, Art & Music Festival, Saturday, June 20
  ○ One-Day Liquor License: The Beer Guy, Workshop 13, Art & Music Festival, Saturday June 20
  ○ Special Event Permit: Ware Lions Club Presents Fireworks Display, Saturday, June 27, 2020
  ○ Special Event Permit: Tyson Delrosario Presents Hope for Home, Sunday, June 28, 2020, alternate date Sunday, July 12, 2020

Selectman Kruckas made the motion to approve the Consent Agenda. Selectman Talbot seconded the motion. The motion passed on a vote of 5 Yes, 0 No.
Old Business

- Approval of Cash Handling/Turnover Policy
  Mr. Beckley explained that minor changes have been made, and the policy has the support of the town auditor.

Selectman Kruckas made the motion to approve the Cash Handling/Turnover Policy. Selectman Talbot seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

New Business

- Declaration of Emergency

Selectman Talbot made the motion to approve the Declaration of Emergency. Selectman Carroll seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- Approval of Town Election Warrant – April 13, 2020

Selectman Kruckas made the motion to approve the Warrant. Selectman Carroll seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- Application for Sewer Abatement
  Mr. Beckley explained that this was due to an error in billing.

Selectman Talbot made the motion to approve the Sewer Abatement refund of $988.99. Selectman Opalinski seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

- Complete Streets Prioritization Plan
  Selectman Kruckas stated this should have had input from the DPW Director and Safety Officer. Chairman Whitney objected to #2 bike lanes. Director of Planning Rebekah DeCourcey spoke (via Zoom) to state that the bike lanes and racks were part of the general list and this list is not in priority order. Selectman Opalinski stated that an electronic sign for town hall should be added to this list. Chairman Whitney stated this list must be in priority order, other departments must give input, and the Board of Selectmen must approve such a list. Mr. Beckley noted the plan is to increase all modes of transportation. Ms. DeCourcey stated this was the conceptual plan, created from research and feedback from the community. Selectman Opalinski asked if a raised crosswalk at West Street could be added/considered; Ms. DeCourcey noted the cost of such a crosswalk was too high. Ms. DeCourcey noted the final list was to be presented to the engineers on Thursday. Chairman Whitney noted that a full list should be presented to the Board of Selectmen for review before any further action.

Selectman Kruckas made the motion to table the Complete Streets Prioritization Plan, pending input from departments. Selectman Carroll seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Comments and Concerns of Citizens - none
Town Manager Report
Projects:
Main Street reconstruction – Has been Dig Safed. Have not heard of start dates. Many DOT projects have been put on hold.
Barnes Street pipe extension – contract signed. Materials being ordered.
Longview/Westbrook road pavement – Waiting for asphalt plant to open. This should be an early project.
Spring and Elm Street – also waiting for asphalt plant.
Bids for 73 West Main Street – due April 7.
Dog Park – work to continue next week
Old Belchertown Road Bridge – Have requested an updated cost estimate. State approvals are complete. Could be bid for a summer project.
13 Parker Street has been vacated and boarded. Town will move toward ownership and funding for removal.
Town applied for grant from Mass Historical Commission for re-pointing of the Town hall and roof/drainage repairs. Will require a Town Meeting match.

The Town’s State Legislators are in regular contact regarding needs and changing legislation. The State budget will be delayed this year and funding levels will be affected by the response to the coronavirus.
Moving the DPW collections to the tax collector’s office is anticipated to commence with the May water/sewer billing. The DPW director’s presentation regarding the costs of the water treatment plant will be posted on line tomorrow.
Coronavirus: The Health Department and State agencies provide materials and updated information. The Town has provided for non-essential personnel to work at home, although most come in for certain tasks. The DPW divisions are dividing into alternating crews, allowing personnel time for distancing. Tonight’s Emergency declaration moves the Emergency Management team toward opening an Emergency Operations Center. The use and intensity of the center will be determined by how the virus spreads and needs grow. Chief Gagnon is in charge of the set-up. Town buildings, the library, schools and playgrounds remain closed at least through April 6.

Chairman Whitney asked Mr. Beckley to give an update status at each meeting. Selectman Kruckas thanked first responders, health workers, grocery workers. The Board requested information to be posted on the town website regarding available services. Selectman Opalinski noted a letter from the Friends of Ware Town Hall requesting funds from Curaleaf.

Selectman Carroll made the motion to Adjourn Regular Session at 7:41 p.m.
Selectman Kruckas seconded the motion. The motion passed on a vote of 5 Yes, 0 No.

Attest: _____________________________________________
Mary L. Midura, Executive Assistant to Town Manager
Minutes VIA Video Recording and TV15

Page 3 of 3

BOS Minutes of March 24, 2020
Approved by BOS ___________________
March 13, 2020

Board of Selectmen
126 Main Street
Ware, MA 01082

RE: PROPOSED WATER TREATMENT PLANT FUNDING

Dear Board Members:

Enclosed please find a 11” X 17” sheet entitled “Town of Ware – Enterprise Funds History” for the Water Enterprise provided by the Town Accountant and a draft copy of correspondence from the United States Department of Agriculture (USDA) regarding an application for Loan and Grant Funding to construct an iron and manganese removal facility at the Barnes Street public water supply.

The Barnes Street public water supply (PWS ID # - 1309000G) consists of the following components:
1. a stone and brick collection cistern that served as the original public water supply when it was first developed in 1886 (PWS ID #1309000-04G),
2. a gravel-packed well installed in 1965 (PWS ID # 1309000 – 02G), and
3. three additional gravel packed wells (#1, #2, #3) installed in 1980 (PWS ID # 1309000 – 01G).

There are also two other gravel-packed wells designated as 2R and 3R that were drilled in 2015 as replacement wells for #2 and #3; however, these wells have never been connected to the system. The project will include connecting these two new wells to the system and discontinuing the two existing wells. Alterations to the existing wells is also included in the project.

Over the past 20 years the levels of iron and manganese in the collection cistern have steadily increased and are now well beyond the Maximum Contaminant Level (MCL) of 0.3 mg/l for iron (Fe) and 0.05 mg/l for manganese (Mn). Iron and manganese are considered secondary contaminants that do not pose a health risk but can result in discolored water and stained clothes and plumbing fixtures when the levels exceed the MCLs.

This is especially noticeable after long periods of low use, such as during the winter months. When use increases in the spring and water begins to move at a higher velocity in the water distribution system, or during a fire, or water main break, slugs of accumulated iron and manganese also move and the discoloration becomes more pronounced in certain areas.
Iron and manganese are present at some level in all groundwater supplies as soluble iron (Fe$^{2+}$) and manganese (Mn$^{2+}$). When soluble iron and manganese come in contact with chlorine, and chemicals designed to increase the pH of the water to comply with the action levels of the Lead Copper Rule, the iron and manganese are converted to Fe$^{3+}$ and Mn$^{3+}$. These form insoluble oxides of iron (FeO, Fe$_2$O$_3$) and manganese, i.e. rust, which is carried out into the distribution system.

There are few ways to remove this from public water supplies. One method is chemical sequestration. This occurs when a specific chemical – generally long-chain phosphates, is added to the system at the source. According to the Guidelines for the Design of Public Water Systems, these chemicals block the reaction from occurring and are effective when the combined concentration of iron and manganese are less than, or equal to 1.0 mg/l. Ware’s combined level is substantially greater than 1.0 mg/l.

The second method involves the installation of an iron and manganese treatment system that removes the iron and manganese by oxidizing it onto a filter using chlorine, or potassium permanganate. Originally, potassium permanganate was the preferred chemical method of removal, because it is a rapid oxidizing agent, but as of late, in order to comply with the Groundwater Rule (GWR), chlorine is now used as an oxidizing agent and the residual carries out into the water distribution system to meet the requirements of the GWR. Essentially, the same reaction occurs, but instead of being carried out into the distribution system where it causes problems, the iron and manganese are trapped on a filter.

A third method is to install microfiltration; however, microfiltration is more expensive than the conventional iron and manganese removal system.

The Ware Water and Sewer systems operate as Enterprise Funds under the provisions of Massachusetts General Laws, Chapter 44, Section 53F½. An Enterprise Fund is a full-cost accrual system of accounting; revenues and expenses (both direct and indirect) accrue to the individual enterprise fund, rather than to the general fund, like real estate taxes and excise taxes. It establishes a subsidiary ledger within the Town’s general ledger.

For example, when the Town hires a police officer, the officer’s salary is charged to the police budget, but other costs, such as group/life medical, Hampshire County Retirement and other personnel costs are charged to a separate line item in the general operating budget. When the Town hires an employee for the Water, or Sewer Enterprise, all those costs are charged to the fund. The same situation takes place with debt; principal and interest costs are charged to the Enterprise Funds, rather than to a separate line item in the general operating budget. These funds operate like private businesses. As you can see in the spreadsheet, $219,909.16 in indirect costs were charged to the Water Enterprise Fund during Fiscal Year 2019.

Likewise, any surplus funds (revenues exceed expenditures) remain with the Enterprise Fund, rather than reverting to the General Fund and included in so-called “Free Cash”. In Fiscal Year 2019, the Water Enterprise made a profit of $214,722.56. The current surplus in the Water Enterprise that was certified by the Massachusetts Department of Revenue on October 16, 2019 was $1,268,284.00. This does not include expenditures charged to the Water Enterprise at the Special Town Meeting on December 9, 2019. These expenditures totaled $73,110.00; therefore, the certified surplus is reduced by this amount.

The surplus in the Sewer Enterprise that was certified by the Department of Revenue on October 16, 2019 was $108,449.00. I have attached a copy of the email sent to the Town Accountant by the Department of Revenue.
In order to evaluate the affordability of the proposed water treatment plant, I used the profit of $214,722.56 for Fiscal Year 2019.

If the Town were to go forward with the plant the loan amount of $5,847,000.00 from USDA at 1.75% would require an annual principal and interest payment of approximately $213,767.00 for 40 years (See page 3 item 4 of the USDA correspondence). As a condition of the loan, the Town would also have to establish a short-lived asset reserve fund that would require an additional $28,333.00 be deposited each year into the fund for the life of the loan (40 years) to pay for repairs and/or replacement of major system assets, such as filter media (See page 4, item 9a. of the USDA correspondence). It is the Town’s responsibility to assess and adjust that amount to meet those needs as costs increase.

If we add the $213,767.00 and the $28,333.00 together, the total is $242,100.00. This would eliminate the current profit of $214,722.56 and would result in an annual retained earnings deficit of $27,377.44.

The Water Enterprise would also have to pay $91,740.00 in interim financing (See page 2 of 32 on the USDA correspondence). If the Town were to build this facility, the Town Treasurer would issue short-term bond anticipation notes (BANS) to finance the construction of the facility, which would take approximately 2 years. Once the facility is constructed and all costs, including retainage, are paid, USDA would “buy” the long-term note issued by the Town for the cost of construction. Typically, a private bank, or, some other lending institution would “buy” the note for the most favorable interest rate, but in this case, USDA would “buy” the note and repayment would take place over 40 years.

If the Town were to finance the debt itself, Chapter 44, Section 8 (4) would limit the borrowing to 30 years, thereby increasing the annual principal and interest payments. Chapter 44, Section 8 (4) reads as follows:

Section 8: Cities and towns; purposes for borrowing money outside debt limit

Section 8. Cities and towns may incur debt, by a two-thirds vote, outside the limit of indebtedness prescribed in section 10, for the following purposes and payable within the periods hereinafter specified or, except with respect to clauses (1), (2), (3A), (9) and (18), within such longer period not to exceed 30 years determined by the director to be the maximum useful life of the public work, improvement or asset being financed under any guidelines issued under section 38:

(4) For the construction or enlargement of reservoirs, the construction of filter beds, the construction or reconstruction or making extraordinary repairs to standpipes, buildings for pumping stations including original pumping station equipment, and buildings for water treatment, including original equipment therefor, and the acquisition of land or any interest in land necessary in connection with any of the foregoing, 30 years.

In addition to the above, the Town would also have to make a contribution of $116,740.00 (See page 2 of 32 on the USDA correspondence) toward the project. I think the Town assumed the purchase of the house at the corner of Barnes Street and Pleasant Street (116 Pleasant Street) would fulfill this obligation; however, at a previous meeting, officials of the USDA were not clear how this purchase related to the construction of the filtration plant. This needs to be clarified.
This does not include additional operating costs. USDA included additional costs of $153,000.00 in process chemicals, $1,000.00 in administrative costs, $107,000.00 in energy costs, $10,000.00 in monitoring and testing, $5,000.00 in professional services and $10,000.00 in miscellaneous services with a 1.6% increase in inflation for $14,793.00 (these are identified on the last two sheets of the USDA correspondence). I do expect additional costs because we will be heating a 60' X 80' pre-engineered metal building with propane, and there will be several more pumps than we have now that are pumping at a higher head, but we are already paying some of these costs. I have attached a copy of the proposed Fiscal Year 2023 operating budget for the Water Enterprise.

It is also unclear as to what the Massachusetts Department of Environmental Protection (MADEP) will require for operator staffing. Our current staffing plan requires a primary treatment operator and a secondary treatment operator for 2 hours a day in addition to primary and secondary distribution operators for 7 hours per day. At a minimum, MADEP will probably require 4 hours per day of primary and secondary operator coverage. The plant will be graded a T-2 facility and the operators will have to acquire this grade of license; currently Ware is classified as a D-2, T-1 system. MADEP will most likely make this determination when it issues a permit to actually operate the facility; currently we have a permit to construct the facility.

Just to have a number to work with, I have included additional operating costs of $100,000.00 per year; this may be too high, or too low, since energy and chemical costs are difficult to predict.

If this is added to the projected retained earnings deficit of $27,377.44, the total project deficit would be $127,377.44 per year. This deficit would be applied to the surplus retained earnings which would decrease by that amount each year and would eventually disappear.

Additionally, this would leave no money for other needed system improvements, or to comply with new unfunded regulatory mandates. For example, the Town’s water storage tanks on Anderson Road and Church Street were painted in 1998 and 2000 respectively. Generally, water storage tanks should be painted every twenty years and updated to meet new regulatory requirements. These tanks cost $415,000.00 to paint twenty years ago; today the cost could approach $1 million. There would be no money to replace old water mains some of which date back to the late 19th century. Additionally, there may be new requirements for PFAS testing and changes to the Lead/copper Rule coming in the near future that will cost money, while indirect costs for health insurance and other indirect costs keep increasing.

Fiscal 2019 revenues include the first year of a three-year water rate increase and ⅘ of a year of the second year of a three-year water rate increase. The third increase took place with the February, 2020 water and sewer bill. As you can see from the revenue part of the Fiscal Year 2021 budget, I have used very conservative revenue projections. In fact, the Fiscal Year 2021 revenue projection are the same I used for Fiscal Year 2020; we’re just not selling a lot of water for a number of reasons:

- Water quality is not good because of the iron and manganese in the supply.
- Annual watering bans have reduced consumption.
- The number of houses – especially multi-family houses, that are in disrepair, abandoned, burned-out, or are in various stages of foreclosure is simply staggering.
- No new water services are being added. Last year, a new service was added for the Cedarbrook facility on South Street and one new service was added for a house on Gould Road. That’s it!!! A contractor has already paid the connection fees for two new homes on Malboeuf Road, but that’s all for now. We’re shutting off far more services in decrepit buildings than we’re adding.
I believe the revenue from the rate increases was based on a daily consumption of approximately 850,000 gallons per day. Currently we are only pumping about 530,000 gallons per day and some days the pumping rate is less than 500,000 gallons per day. This is only 25% of the total system’s (Barnes Street and Gilbertville Road) capacity of 2,000,000 gallons per day.

Therefore, I do not see a financial path forward to construct this facility given the above-mentioned financial considerations. Additionally, the motion to construct the facility indicates the cost will be funded by Enterprise Fund Receipts (See attached motion). It is very unlikely bond counsel would approve this financing method. Bond counsel is there to assure USDA the Town will be able to make the payments. If a deficit occurred and there were no retained earnings to make up the deficit, then the costs would revert to the Town as the corporate entity; this would affect the Town’s Free Cash, if not previously accounted for when developing the revenue picture for the Town’s budget.

In order to continue to make progress, the following path forward has been initiated:

- Our consultant on the plant will provide an updated construction estimate.
- Our consultant will also provide an updated estimate of anticipated annual operating costs.
- The Town will re-apply for a USDA loan, once these costs have been updated. There must be a significant grant award in order for this project to go forward. There is simply no way I could recommend the Town undertake this project given the information I have provided unless the Town is willing to financially commit to help construct the facility.
- Once these three items have been completed, the Town will have to decide how it wants to proceed and will have to return to Town Meeting to appropriate any additional funds. Unfortunately, I don’t see any way to solve this problem without a filtration plant. Ware is not alone; many communities with old groundwater supplies are facing the same problem due to changes in surface and subsurface conditions that influence water quality.
- DPW Water Division employees will continue to flush the distribution system twice per year to remove accumulated sediments; once in the spring commencing on, or about April 15th and once in the fall commencing on, or about October 15th. This has dramatically reduced calls about discolored water; however, it is time consuming. It takes 6-8 weeks to thoroughly flush the 42 miles of water pipes in the system and employees are frequently diverted by other calls for service.

Some progress has been made. USDA requires Town Counsel to attest to the fact the Town owns and has good title to the property the facility will be constructed on. A title report and plan have been completed to Town Counsel’s satisfaction. This, in itself, was time consuming.

It should also be noted that very few contractors actually build these facilities and this drives costs upward. The few contractors who do build these facilities are not located in this area and must factor in travel costs for their employees and equipment. Additionally, obtaining materials takes time because there only a few manufacturers of this equipment in the United States; therefore, some of these materials must be imported and are subject to the uncertainties of international trade.
Should you have any questions, do not hesitate to call the undersigned.

Gilbert St. George-Sorel, Interim Public Works Superintendent

cc: SB/TM
    RP/Wright-Pierce

GSS/gss

nr1R-20waterplantfunding
### WATER ENTERPRISE FUND

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| 5100 Salaries          | 294,766.67  | 291,343.16  | 272,577.29  | 217,715.72  | 220,362.97  | 222,438.77  |
| 5150 Overtime          | 20,000.00   | 23,694.73   | 18,613.75   | 22,524.39   | 24,597.83   | 21,249.63   |
| 5180 Licenses          | 495.00      | 50.00       | 625.94      | 78.99       | 562.00      | 75.00       |
| 5190 Clothing Allowance| 1,507.38    | 1,487.44    | 1,391.77    | 1,400.00    | 1,334.96    | 1,049.99    |
| 5200 Purchase of Services| 190,300.27  | 157,798.17  | 161,018.19  | 189,823.94  | 220,977.02  | 146,105.48  |
| 5400 Supplies          | 128,245.96  | 195,549.14  | 156,764.89  | 117,370.05  | 118,626.11  | 112,287.41  |
| 5710 Other Charges     | -           | -           | -           | -           | -           | -           |
| 5800 Capital Outlay    | -           | -           | -           | -           | 1,786.70    | 1,933.21    |
| Extraordinary/Unforeseen| -          | -            | -            | -           | -           | -           |
| **TOTAL**              | 635,315.28  | 669,822.74  | 612,021.53  | 548,811.09  | 588,137.59  | 505,139.49  |

| Indirect Costs         | 210,754.88  | 267,555.67  | 288,580.73  | 250,261.00  | 262,063.00  | 221,370.07  |

<p>| Profit/Loss            | (395,982.66)| (321,805.53)| (47,085.09) | 207,242.60  | 120,868.69  | 268,026.11  |</p>
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Town of Ware
Attn: Stuart Beckley, Town Manager
126 Main Street
Ware, MA 01082

SUBJECT: Recipient Name: Town of Ware
          Project Name: Treatment Plant
          Water Application
          CFDA NUMBER – 10.760

          Loan: $ 5,847,000 (1.75%)
          Grant: $ 25,000 from PPG
          Applicant: $ 116,740 from PPG and current application

Dear Mr. Beckley,

This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to your application. The loan will be administered on behalf of the Rural Utilities Service (RUS) by the State and Area staff of USDA Rural Development, both of which are referred to throughout this letter as the Agency. Any changes in project cost, source of funds, scope of project, or any other significant changes in the project or applicant must be reported to and concurred with by the Agency by written amendment to this letter. If significant changes are made without obtaining such concurrence, the Agency may discontinue processing of the application.

All conditions set forth under Section III – Requirements Prior to Advertising for Bids must be met within three (3) months of the date of this letter. If you have not met these conditions, the Agency reserves the right to discontinue the processing of your application.

If you agree to meet the conditions set forth in this letter and desire further consideration be given to your application, please complete and return the following forms within fifteen (15) days:

Form RD 1942-46, “Letter of Intent to Meet Conditions”
Form RD 1940-1, “Request for Obligation of Funds”

The loan will be considered approved on the date Form RD 1940-1, “Request for Obligation of Funds” is signed by the approving official. Thus, this letter in itself does not constitute loan and/or grant approval, nor does it ensure that funds are or will be available for the project. When funds are

Rural Development • Hadley Service Center
195 Russell Street, B7 • Hadley MA 01035
Voice (413) 585-1000 Ext 4 • Fax (855) 596-7672
TDD (413) 253-4590

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by mail at U S Department of Agriculture, Director, Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, S W, Washington, D C. 20250-9410, by fax (202) 690-7442, or email at program.intake@usda.gov
available, the Form 1940-1 will be provided to you for your signature. After you sign and return the form to the Agency, the request will be processed and loan funds will be approved and obligated.

Extra copies of this letter are being provided for use by your engineer, attorney, bond counsel and accountant. All parties may access information and regulations referenced in this letter at our website located at www.rd.usda.gov.

The conditions are as follows:

SECTION 1 - PROJECT DETAIL

1. Project Description – Funds will be used to construct a new water treatment plant that will treat the Barnes Street Well sources. The treatment plant will be utilizing GreensandPlus™ to treat the high levels of iron and manganese in the water.

Facilities will be designed and constructed in accordance with sound engineering practices and must meet the requirements of Federal, State, and local agencies. The proposed facility design must be based on the Preliminary Engineering Report (PER) as concurred with by the Agency.

The design work will cover the design of the filter system, chemical system, water storage, backwash waste handling, and water pumping system. The construction will entail building the new water treatment plant and the infrastructure to connect to the Barnes Street Well Sources. The approved project costs are outlined in Section 3, Project Budget.

The preliminary design is set to be complete by December, 2017 and approved by Mass DEP by March 2018. Bidding will then finish in May, 2018, with construction beginning that month. Construction is estimated to take approximately one year, with the treatment plant being fully operational by May, 2019.

2. Project Funding – The Agency is offering the following funding for your project:

   Agency Loan - $5,847,000 for the current application
   Agency Grant - $25,000 for the previously approved PPG

This offer is based upon the following additional funding being obtained.

   Applicant Contribution - $116,740
   $25,000 for previous PPG
   $91,740 for interim interest

TOTAL PROJECT COST - $5,988,740

This funding is offered based on the amounts stated above. Prior to loan closing, any increase in non-Agency funding will be applied as a reduction to Agency loan funds.
Any changes in funding sources following obligation of Agency funds must be reported to the processing official. Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. If actual project costs exceed the project cost estimates, an additional contribution by the Owner may be necessary. Prior to advertisement for construction bids, you must provide evidence of applicant contributions and approval of other funding sources. This evidence should include a copy of the commitment letter. Agency funds will not be used to pre-finance funds committed to the project from other sources.

3. **Project Budget** – Funding from all sources has been budgeted for the estimated expenditures as follows:

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<th>Project Costs:</th>
<th>Total Budgeted:</th>
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<td>Construction</td>
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<td>Contingency</td>
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<td>Engineering Fees</td>
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<td>Includes:</td>
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<td>PER, ER, Pilot Study for PPG</td>
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<td>Resident Project Representation (Inspection)</td>
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<td>Interest - Interim</td>
<td>$91,740</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,988,740</strong></td>
</tr>
</tbody>
</table>

Obligated loan or grant funds not needed to complete the proposed project will be deobligated prior to start of construction. An amended letter of conditions will be issued for any changes to the total project budget.

**SECTION II – LOAN AND GRANT TERMS**

4. **Repayment** – The interest rate will be the lower of the rate in effect at the time of loan approval or the time of loan closing, unless you request otherwise. Should the interest rate be reduced, the payment will be recalculated to the lower amount.

Your loan will be scheduled for repayment over a period of 40 years. Payments will be equal annual amortized installments, beginning **one year after closing**. For planning purposes, use a 2.00% interest rate and an amortization factor of 36.56, which provides for an annual payment of $213,767. The precise payment amount will be based on the interest rate at which the loan is closed, and may be different than the one above.

The payment due date will be established as the day that the loan closes. Due dates falling on the 29th, 30th, and 31st day of the month will be avoided.
5. **Security** – The loan will be secured by a General Obligation bond in the amount of $5,847,000. The bond will be fully registered as to both principal and interest in the name of the United States of America, Acting through the United States Department of Agriculture.

The bond and any ordinance or resolution relating thereto must not contain any provision in conflict with the Agency Loan Resolution, applicable regulations, or its authorizing law. In particular, there must be no defeasance or refinancing clause in conflict with the graduation requirements of 7 U.S.C. 1983.

Additional security requirements are contained in RUS Bulletin 1780-27, “Loan Resolution (Public Bodies).” A draft of all security instruments, including draft bond resolution, must be reviewed and concurred in by the Agency prior to advertising for bids. The bond resolution and Loan Resolution must be duly adopted and executed prior to loan closing.

6. **Electronic Payments** – Payments will be made on the day your payment is due through an electronic preauthorized debit system. You will be required to complete Form RD 3550-28, “Authorization Agreement for Preauthorized Payments,” for all new and existing indebtedness to the Agency prior to loan closing. It will allow for your payment to be electronically debited from your account on the day your payment is due.

7. **Construction Completion Timeframe** - All projects must be completed and all funds disbursed within five years of obligation. If funds are not disbursed within five years of obligation, you must submit to the Agency a written request for extension of time with adequate justification of circumstances beyond your control. Requests for waivers beyond the initial extension will be submitted to the Assistant Administrator for concurrence decision.

8. **Disbursement of Agency Funds** - Agency funds will be disbursed into the borrower’s depository account through an electronic transfer system. SF 3881, “ACH Vendor/Miscellaneous Payment Enrollment Form,” must be completed and submitted to the Agency prior to advertising for bids.

Any applicant contribution will be the first funds expended, followed by other funding sources. Interim financing or Agency loan funds will be expended after all other funding sources unless a written agreement is reached with all other funding sources on how funds are to be disbursed prior to start of construction or loan closing, whichever occurs first. Interim financing funds or Agency loan funds must be used prior to the use of Agency grant funds. In the unlikely event the Agency mistakenly disburses funds, the funds will be remitted back to the Agency electronically.

9. **Reserves** – Reserves must be properly budgeted to maintain the financial viability and sustainability of any operation. Reserves are important to fund unanticipated emergency maintenance and repairs, and assist with debt service should the need arise. The following reserves are required to be established as a condition of this loan:

a. **Short-Lived Asset Reserve** – You must establish a short-lived asset reserve fund. Based on the preliminary engineering report, you must deposit at least $28,230 into the short-lived asset reserve fund annually for the life of the loan to pay for repairs and/or replacement of
Stuart and Dick,

Apologies in the delay in getting this out to you, I wanted to make sure that I was covering everything, and I believe that this email is comprehensive with both attachments and instructions. I will be out of the office tomorrow morning, but feel free to contact me any other time with questions or concerns.

Moving forward to the bidding phase, please reference the requirements in the letter of conditions on what is required PRIOR to bidding. Section III addresses many of these requirements, but they are located throughout the letter, I will summarize some of the important items below:

- ¶ 5: A draft bond resolution must be submitted for review, along with a draft (or executed), Loan Resolution
- ¶ 8: you completed an SF 3881 for the previous disbursements, but we require an updated one for this project.
- ¶ 11: we have the agreement and amendment signed previously, please update should there have been any changes in the interim.
- ¶ 13: Agency approval is required on draft contract documents, final plans, specs, and draft bid documents, prior to advertising for bids. Please note, that due to being short on staff, Agency approval through our State Office Engineer may take significant time. I am recommending that documents be submitted NO LATER than 30 days prior to when you want to go out to bid, if not sooner.
- ¶ 14: copy of the legal services agreement, with evidence of concurrence with the town, and also drafts of the required legal forms.
- ¶ 15: evidence of control of the property. Dick, I know you asked me previously about the potential purchase of a home with an RD mortgage. I’m not sure that I got back to you, but the owner of the home should have had the information. Please let me know if you require additional assistance on that aspect.
- ¶ 16: copies of draft policies for the service and use of the system.
- ¶ 18: interim financing agreement.
- ¶ 20: certification that the number of users on the system.
- ¶ 21: evidence that the $116,000 for applicant contribution is currently available, or has already been paid out for parts of the project. This amount includes the applicant contribution from the PPG. For budgeting, we should track the PPG and the full construction as one whole project.
- ¶ 22: updated proposed annual operating budget. See below for what was put together for O&M during the underwriting phase for the project.
- ¶ 23: evidence of permits prior to bid.
- ¶ 24: you may used the attached letter to certify the VA/ERP requirement.

O&M Budget:

We had to make some adjustments to the O & M that was provided in the application. We look for the O & M for the entire water system, not just the new project. As such, I combined the numbers from the 2017 Budget that you sent me on 2/23/17, plus O&M from PER (short lived assets not included), and an increase for inflation at 1.6%.

Expenditures:

Salaries: 256,088.00
Overtime: 21,500.00
Licenses: 1,000.00
Clothing Allowance: 1,050.00
Purchase of Services: 190,000.00
Supplies: $162,000.00 +$1,000 Administrative Costs + $153,000 Process Chemicals = $316,000
Other Charges: $1,900.00
Extraordinary/Unforeseen: $5,000.00x
Energy Cost: $107,000
Monitoring and Testing: $10,000
Professional Services: $5,000
Miscellaneous: $10,000
Inflation at 1.6%: $14,793

Total O&M: $939,331

Jennifer R. Sharrow
Community Program Specialist
Rural Development
U.S. Department of Agriculture
195 Russell Street, Suite B7 | Hadley, MA 01035
P: 413-923-3243 | F: 855-596-7672
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Draft Operating Budget

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Massachusetts Department of Revenue Division of Local Services
Christopher C. Harding, Commissioner
Sean R. Cronin, Senior Deputy Commissioner of Local Services

10/16/2019

NOTIFICATION OF FREE CASH APPROVAL - Town of Ware

Based upon the un-audited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2019 for the Town of Ware is:

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<td>Enterprise Sewer</td>
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This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be emailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an email address is reported in DLS’ Local Officials Directory. Please forward to other officials as you deem appropriate.

Sincerely,

Mary Jane Handy
Director of Accounts
Massachusetts Department of Revenue

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this mail in error please notify the postmaster at dor.state.ma.us.
CERTIFIED COPY OF VOTE

At a legally held meeting of the qualified voters of the Town of Ware, held on Monday – May 8, 2017, the following action was taken under:

ARTICLE 14. Passed by greater than 2/3 Majority * in favor with 3 opposed that the Town appropriate $6,000,000.00 for the purpose of the design and construction of an Iron and Manganese Removal Plant and that the Town Manager be authorized to file on behalf of the Town of Ware any and all applications determined necessary or appropriate for grants and/or reimbursements from the United States Department of Agriculture Rural Development Programs and under any other applicable Massachusetts or Federal grant reimbursement or other assistance programs available to fund the work within the scope of this article, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow up to the sum of $6,000,000.00 under Massachusetts General Laws, Chapter 44, §7 and/or any other borrowing authority and said costs of borrowing, principal/interest, shall be funded by the Water Enterprise Receipts.

A true copy attest: ____________________________
Nancy J. Talbot – Town Clerk, Ware, MA

September 15, 2017

* As allowed by the Town of Ware – Special Town Meeting November 14, 2016, Article 2 And MGL, Chapter 39, §15. Attorney General Approval on January 24, 2017.
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>FY18 ACTUAL</td>
<td>FY19 ACTUAL</td>
<td>FY20 BUDGET</td>
<td>FY21 REQUEST</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5700 Other Charges</td>
<td>372.97</td>
<td>749.00</td>
<td>500.00</td>
<td>500.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dues &amp; Subscriptions</td>
<td>2,038.32</td>
<td>919.00</td>
<td>2,000.00</td>
<td>5,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Training &amp; Seminars</td>
<td>3,056.75</td>
<td>8.26</td>
<td>500.00</td>
<td>100.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Travel</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total Other Charges</td>
<td>5,468.04</td>
<td>1,676.26</td>
<td>3,000.00</td>
<td>5,600.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5800 Capital Outlay</td>
<td>20,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Please detail:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replace existing 1988 air compressor with new compressor, hose reel, hose and hammer.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Outlay</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extraordinary/Unforeseen</td>
<td>-</td>
<td>-</td>
<td>5,000.00</td>
<td>5,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>338,849.49</td>
<td>396,305.49</td>
<td>375,200.00</td>
<td>395,900.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Water Enterprise Fund

## SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>FY18 Actual</th>
<th>FY19 Actual</th>
<th>FY20 Budget</th>
<th>FY21 Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Salaries</strong></td>
<td>225,528.13</td>
<td>234,347.67</td>
<td>325,981.00</td>
<td>281,466.47</td>
</tr>
<tr>
<td>% Change</td>
<td>-15%</td>
<td>4%</td>
<td>39%</td>
<td>-14%</td>
</tr>
<tr>
<td><strong>Operating Expenses</strong></td>
<td>338,849.49</td>
<td>396,305.49</td>
<td>375,200.00</td>
<td>395,900.00</td>
</tr>
<tr>
<td>% Change</td>
<td>8%</td>
<td>17%</td>
<td>-5%</td>
<td>6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>564,377.62</td>
<td>630,653.16</td>
<td>701,181.00</td>
<td>677,366.47</td>
</tr>
<tr>
<td>% Change</td>
<td>-2%</td>
<td>12%</td>
<td>11%</td>
<td>-3%</td>
</tr>
</tbody>
</table>

## Estimated Revenues

<table>
<thead>
<tr>
<th></th>
<th>FY18 Actual</th>
<th>FY19 Actual</th>
<th>FY20 Budget</th>
<th>FY21 Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>User Fees</td>
<td>871,712.73</td>
<td>998,860.02</td>
<td>1,044,000.00</td>
<td>1,044,000.00</td>
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<tr>
<td>Water Liens</td>
<td>78,359.82</td>
<td>87,426.15</td>
<td>73,525.00</td>
<td>80,000.00</td>
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<tr>
<td>Penalties &amp; Interest</td>
<td>10,665.59</td>
<td>10,469.93</td>
<td>10,000.00</td>
<td>10,000.00</td>
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<tr>
<td>Construction</td>
<td>15,977.81</td>
<td>6,523.87</td>
<td>10,000.00</td>
<td>7,500.00</td>
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<tr>
<td><strong>Total Est Revenues</strong></td>
<td>976,715.95</td>
<td>1,103,279.97</td>
<td>1,137,625.00</td>
<td>1,141,500.00</td>
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</table>

## Direct Expenses

<table>
<thead>
<tr>
<th></th>
<th>FY18 Actual</th>
<th>FY19 Actual</th>
<th>FY20 Budget</th>
<th>FY21 Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Expenses</strong></td>
<td>764,636.72</td>
<td>850,562.32</td>
<td>958,518.00</td>
<td>917,366.47</td>
</tr>
</tbody>
</table>

## Surplus/(Deficit)

<table>
<thead>
<tr>
<th></th>
<th>FY18 Actual</th>
<th>FY19 Actual</th>
<th>FY20 Budget</th>
<th>FY21 Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Surplus/(Deficit)</strong></td>
<td>212,079.23</td>
<td>252,717.65</td>
<td>179,107.00</td>
<td>224,133.54</td>
</tr>
</tbody>
</table>
Hi Stuart,

I am back.

Both the General laws (Chapter 41 section 1 and many other statutes) as well as the Charter reference Selectmen and/or Board of Selectmen. The Charter specifically, repeatedly and exclusively refers to Board of Selectmen. Certainly the argument can be made that the terms “Board of Selectmen” and “Selectmen” are anachronisms but those terms have been – and still are – universally used to describe the executive officers of towns. There is nothing in the general laws that I see that recognizes the office of “Select Board”. G.L.C. 41 sec 1 stated that “every town” shall elect “three or more selectmen…” I do not think that a town has the authority to change the name of this municipal office on its own. Maybe Ware could amend the Charter to state that the Board of Selectmen shall be referred to as the Select Board and that Selectmen shall be referred to as Select Board Members but bear in mind that we would probably end up doing a lot of footnoting on legal documents, deeds, town meeting records, court filings etc to make it clear that in Ware the Board of Selectmen is called the Select Board and that Selectmen are called Select Board Members. This is going to get tedious very quickly.

In my view the better approach is to bring this issue to the attention of Senator Gobi and Representative Smola and ask them to bring the statues up to date and that henceforth boards of selectmen are called select boards and individual selectmen are select board members. Undoubtedly there will be other ideas about appropriate modern sex/gender etc neutral terms but at least you will start the conversation… if it has not already been started. Keep in mind that if Ware goes its own way on this and then a year or two down the road the Statehouse goes a different route we will have even more confusion.

Bottom line I think that we make life more difficult/confusing by forging ahead on our own path with this. Best course is to push the Legislature to address this on a uniform basis.

David A. Wojcik
Christopher, Hays, Wojcik & Mavricos, LLP
446 Main Street, 8th Floor
Worcester, MA 01608
Tel: 508-792-2800 x227
Fax: 508-792-6224
dwojck@chwmlaw.com
The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act changing the name of the board of selectmen in the town of Lexington to the select board.

PETITION OF:

<table>
<thead>
<tr>
<th>NAME:</th>
<th>DISTRICT/ADDRESS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michelle L. Ciccolo</td>
<td>15th Middlesex</td>
</tr>
</tbody>
</table>
The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act changing the name of the board of selectmen in the town of Lexington to the select board.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 215 of the acts of 1929, as most recently amended by section 1 of chapter 132 of the acts of 1989, is hereby further amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 2. The first sentence of the first paragraph of section 3 of chapter 215 of the acts of 1929, as appearing in section 2 of chapter 179 of the acts of 1978, is hereby amended by striking out the words "boards of selectmen and" and inserting in place thereof the following words:- select board and board of.

SECTION 3. Section 5 of said chapter 215 is hereby amended by striking out the word "selectmen" and inserting in place thereof the following words:- select board.
SECTION 4. The second sentence of section 8 of said chapter 215, as appearing in chapter 108 of the acts of 2008, is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof the following words: select board.

SECTION 5. Section 1 of chapter 753 of the acts of 1968 is hereby amended by striking out the words “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the following words: select board.

SECTION 6. Said section 1 of said chapter 753 is hereby further amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words: select board.

SECTION 7. Subsection (a) of section 2 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words: select board.

SECTION 8. Subsection (b) of said section 2 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words: select board.

SECTION 9. Subsection (d) of said section 2 of said chapter 753, as appearing in section 1 of chapter 284 of the acts of 1976, is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words: select board.

SECTION 10. Subsection (e) of said section 2 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words: select board.
SECTION 11. Subsection (f) of said section 2 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 12. Section 4 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 13. Section 5 of said chapter 753 is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 14. Section 6 of said chapter 753 is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 15. Section 7 of said chapter 753, as amended by section 5 of chapter 120 of the acts of 1985, is hereby further amended by striking out the words “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 16. Said section 7 of said chapter 753, as so amended, is hereby further amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 17. Section 8 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.
SECTION 18. Subsection (h) of section 9 of said chapter 753 is hereby amended by striking out the words "board of selectmen" and inserting in place thereof the following words:- select board.

SECTION 19. Said section 9 of said chapter 753 is hereby further amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 20. Section 10 of said chapter 753 is hereby amended by striking out the word "selectmen" and inserting in place thereof the following words:- select board.

SECTION 21. Section 11 of said chapter 753 is hereby amended by striking out the word "selectmen" and inserting in place thereof the following words:- select board.

SECTION 22. Section 12 of said chapter 753, as appearing in section 6 of chapter 120 of the acts of 1985, is hereby amended by striking out the words "board of selectmen" and inserting in place thereof the following words:- select board.

SECTION 23. Said section 12 of said chapter 753, as so appearing, is hereby further amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 24. Section 13 of said chapter 753, as so appearing, is hereby amended by striking out the words "board of selectmen" and inserting in place thereof the following words:- select board.
SECTION 23. Said section 13 of said chapter 753, as so appearing, is hereby further amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 24. Section 14 of said chapter 753 is hereby amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 25. Section 17 of said chapter 753 is hereby amended by striking out the word "selectmen-town manager" and inserting in place thereof the following words:- select board-town manager.

SECTION 26. Said section 19 of said chapter 753 is hereby further amended by striking out the words "board of selectmen" and inserting in place thereof the following words:- select board.

SECTION 27. Section 19 of said chapter 753 is hereby further amended by striking out the word "selectmen", each time it appears, and inserting in place thereof the following words:- select board.

SECTION 28. Said section 19 of said chapter 753 is hereby further amended by striking out the word "selectmen-town manager" and inserting in place thereof the following words:- select board-town manager.

SECTION 29. Notwithstanding any general or special law to the contrary, the executive body of the town of Lexington, previously known as the board of selectmen, shall be known as
the select board and shall have the powers and authority of a board of selectmen under any
general or special law.

SECTION 30. This act shall take effect upon its passage.
The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter of the town of Chelmsford to change the name of the board of selectmen to select board.

PETITION OF:

<table>
<thead>
<tr>
<th>NAME:</th>
<th>DISTRICT/ADDRESS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas A. Golden, Jr.</td>
<td>16th Middlesex</td>
</tr>
<tr>
<td>David M. Nangle</td>
<td>17th Middlesex</td>
</tr>
<tr>
<td>James Arciero</td>
<td>2nd Middlesex</td>
</tr>
<tr>
<td>Tami L. Gouveia</td>
<td>14th Middlesex</td>
</tr>
<tr>
<td>Michael J. Barrett</td>
<td>Third Middlesex</td>
</tr>
</tbody>
</table>
An Act amending the charter of the town of Chelmsford to change the name of the board of selectmen to select board.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1-3 of the charter of the town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof, the words “Select Board”.

SECTION 2. Section 2-8 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the words “select board”.

SECTION 3. Subsection (a) of section 2-17 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the words “select board”.
SECTION 4. The second paragraph of subsection (a) of section 2-18 of said charter is hereby amended by striking out the word “Selectmen” and inserting in place thereof, the words “Select Board”.

SECTION 5. The third paragraph of said subsection (a) of said section 2-18 of said charter is hereby further amended by striking out in the words “Board of Selectmen” and inserting in place thereof, the words “Select Board”.

SECTION 6. Subsection (c) of said section 2-18 of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof, the words “select board”.

SECTION 7. Subsection (b) of section 2-19 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 8. Subsection (a) of section 3-20 of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof, the words “select board”.

SECTION 9. Section 3-21 of said charter is hereby amending by striking out the words “Board of Selectmen” in the title of the section and inserting in place thereof, the words “Select Board”.

SECTION 10. Subsection (a) of said section 3-21 of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof, the words “select board”.
SECTION 11. Subsection (b) of said section 3-21 of said charter is hereby amended by striking out the words "board of selectmen", each time it appears, and inserting in place thereof, the words "select board".

SECTION 12. Subsection (c) of said section 3-21 of said charter is hereby amended by striking out the words "Board of Selectmen", each time it appears, and inserting in place thereof, the words "Select Board".

SECTION 13. Subsection (d) of said section 3-21 of said charter is hereby amended by striking out the words "board of selectmen" and inserting in place thereof, the words "select board".

SECTION 14. Subsection (a) of section 3-24 of said charter is hereby amended by striking out the words "Board of Selectmen", and inserting in place thereof, the words "Select Board".

SECTION 15. Subsection (b)(ii) of section 3-31 of said charter is hereby amended by striking out the word "selectmen", and inserting in place thereof, the words "select board".

SECTION 16. Subsection (c) of said section 3-31 of said charter is hereby amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, the words "select board".

SECTION 17. Said subsection (c) of said section 3-31 of said charter is hereby amended by striking out the words "board of selectmen", and inserting in place thereof, the words "select board".
SECTION 18. Section 4-32 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 19. Said section 4-32 of said charter is hereby amended by striking out the words “selectmen”, and inserting in place thereof, the words “select board members”.

SECTION 20. Section 4-33 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 21. Section 4-34 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 22. Paragraph (m) of said section 4-34 of said charter is hereby amended by striking out the word “selectmen”, and inserting in place thereof, the words “select board”.

SECTION 23. Section 4-35 of said charter is hereby amended by striking out the words “board of selectmen”, and inserting in place thereof, the words “select board”.

SECTION 24. Section 4-36 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 25. Section 4-37 of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

5 of 6
SECTION 26. Section 4-38 of said charter is hereby amended by striking out the words "board of selectmen", each time it appears, and inserting in place thereof, the words "select board".

SECTION 27. Said section 4-38 of said charter is hereby further amended by striking out the word "selectmen" and inserting in place thereof, the words "select board".

SECTION 28. Section 5-39 of said charter is hereby amended by striking out the words "board of selectmen", and inserting in place thereof, the words "select board".

SECTION 29. Section 6-42 of said charter is hereby amended by striking out the words "board of selectmen", each time it appears, and inserting in place thereof, the words "select board".

SECTION 30. Section 6-45 of said charter is hereby amended by striking out the words "board of selectmen", each time it appears, and inserting in place thereof, the words "select board".

SECTION 31. Section 6-48 of said charter is hereby amended by striking out the words "board of selectmen", and inserting in place thereof, the words "select board".

SECTION 32. Subsection (a) of Section 8-57 of said charter is hereby amended by striking out the words "Board of Selectmen", each time it appears, and inserting in place thereof, the words "Select Board".

SECTION 33. This act shall take effect upon its passage.
Hi Stuart,

It is my understanding that the Town has accepted G.L.c. 48 sec 42 the strong chief statute which provides that Fire chief not the BOS appoints the deputy chief and "such officers and fireman as he may think necessary..." Rescinding the strong chief statute and accepting the weak chief statute would not apply to an incumbent chief but would apply to the next chief. But even this would not do what BOS wants since they are looking only for appointment authority and not all the authority that BOS would have under the weak chief statute. The only way I see of doing what the BOS want is by a special act which would provide something along the lines of:

"Notwithstanding the provisions of G.L.c.48 sec 2 the selectboard of the Town Ware shall serve as fire commissioners in the Town of Ware for appointment of all fire officers and firefighters. Upon and after acceptance of this Special Act by the Town of Ware The selectboard acting as fire commissioners shall have sole authority to hire and promote all firefighters and fire officers in the Town of Ware. The fire chief shall retain all other powers, duties and responsibilities set forth in G.L.c. 48 sec 42."

Getting this done would require an article for next TM to petition the Legislature to enact special legislation along these lines and if such a special act was passed it would then have to be accepted by another TM. I just do not see any other way of doing this since sec 42 clearly gives the fire chief the appointment authority.

David A. Wojcik
Christopher, Hays, Wojcik & Mavricos, LLP
446 Main Street, 8th Floor
Worcester, MA 01608
Tel: 508-792-2800 x227
Fax: 508-792-6224
dwojcik@chwmlaw.com

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Hello David,
April 2, 2020

Board of Selectmen
126 Main St.
Ware, MA 01082

Dear Board Members:

Mr. Francis Cote has decided not to request reappointment to the Board of Registrars after serving many years.

Under the law the Board of Selectmen must advertise to fill the vacancy – but there are requirements under the law:

MGL Chapter 51 §18 requires that there be representation of the two leading parties (Democrat and Republican), currently Mrs. Irene Orszulak and Mrs. Sheryl Adamczyk, who continue to serve, are members of the Republican party; therefore the individual who will be appointed must be a Democrat so as to maintain party balance.

The appointment unlike others will be for three years and the term will end on March 31, 2023.

Thank you.

Sincerely,

Nancy J. Talbot – Town Clerk, Ex Officio Member Board of Registrars

cc: Board of Registrars
Communication file – Registrars

t/
TO: Board of Selectmen
FROM: Chief Shawn C. Crevier
RE: Police Vacancies
DATE: March 30, 2020

I would like to request the Board of Selectmen authorize the Town Manager, Stuart Beckley to call for the MA. Civil Service Police hiring list for three (3) vacant positions here at the Ware Police Department. Chief Burns of the Palmer Police Department indicated that his department could perform the interview/selection of candidates.

Thank You,

Chief Shawn C. Crevier
Ware Police Department
Town of Ware
Application for Appointment to
Boards and Committees

Name: James Kadcz
Address: 84 Ordesne Rd
Email: jkadcz@vmail.com
Home Phone: 967-5249  Work:  Cell: 413-594-5555
Occupation: Real Estate  Years lived in Ware: 30
Ware Resident: Yes  No

Please indicate the Committee(s) you have interest in serving on: (Appointment subject to vacancies)

<table>
<thead>
<tr>
<th>Ware Agricultural Commission</th>
<th>Ware Cultural Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Commission</td>
<td>Finance Committee</td>
</tr>
<tr>
<td>Board of Registrars</td>
<td>Historical Commission</td>
</tr>
<tr>
<td>Capital Planning Committee</td>
<td>Open Space Committee</td>
</tr>
<tr>
<td>Community Development Authority</td>
<td>Tax Increment Financing (TIF) Committee</td>
</tr>
<tr>
<td>Conservation Commission</td>
<td>Zoning Board of Appeals</td>
</tr>
<tr>
<td>Council on Aging</td>
<td>Other:</td>
</tr>
</tbody>
</table>

What skills and experience will you bring to this Board/Committee:
(attach additional sheet or resume if desired)

I am interested in the preservation of open spaces, and in encouraging others to use and appreciate them.

Are you currently serving or have you served on any Town committee:  Yes*  No
(if yes, please state what committee)

Required: Please read the following. By signing below, you state that you understand and agree:
The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years.
Being appointed to a committee, board or commission means that I am considered a Municipal Employee
under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial
Disclosure Law MGL Chapter 268B, as well as Open Meeting Law. I understand that I will take the conflict
of interest test after being appointed and that I also must be sworn in by the Town Clerk. IMPORTANT: Once
this form is submitted, it becomes a public document. If there is information you do not want open to the
public, please do not include it on this form!

Signature: James Kadcz  Date: February 11, 2020

Please return this form to Stuart Beckley, Town Manager, 126 Main Street, Ware, MA 01082 or email to sbbeckley@townofware.com.

7/25/2017
To: Board of Selectmen
From: Rebekah L. DeCourcey, Director of Planning and Community Development
Date: February 12, 2020
RE: Open Space Committee Appointment

At the meeting of February 10, 2020 the Open Space Committee voted to recommend to the Board of Selectmen the appointment of Jim Kadra to the Open Space Committee.

Mr. Kadra is a resident of Ware and has been active in discussions of solar bylaw development. He and his wife own a tree farm in town, have land protected in Chapter 61, and recognize the function and value of protection open space within the Town of Ware. Mr. Kadra was able to attend the February meeting.

I write this memo on behalf of the Open Space Committee members, Denis Ouimette and Paul Opalsinski.

Thank you for your time and consideration.
To Whom it may concern,

My name is James Kadra, I live at 84 Osborne road. My wife, Claudia, and I own and operate a Certified Tree Farm on chapter 61A land that we inherited from my in-laws.

I am writing to express my interest in filling a vacancy on the town of Ware Open Spaces Committee. As the owner of a large forested property, I am keenly interested in protecting other such properties in our community and in providing opportunities for community members to utilize and enjoy the natural spaces that the town provides.

My educational background is in Wildlife Biology and I work daily managing our Tree Farm. I am an avid hunter and fisherman and I believe that I have the proper outlook to be a contributing member of this committee.

Thank You for your consideration.

James Kadra
84 Osborne Rd.
Ware
413-519-5555
Hi, Mary,
I'd like to be reappointed to the Ware Historical Commission. Thank you. Lynn Lak

Sent from my iPad
March 1, 2020

Lynn Lak
310 Beaver Lake Road
Ware, MA 01082

Dear Ms. Lak:

Our records show that your term as a member of the Historical Commission is due to expire on June 30, 2020. Please confirm in writing if you would or would not like to be reappointed to this position.

If you have any questions or concerns, please contact me at 413-967-9648, extension 101 or email me at mmidura@townofware.com.

Sincerely,

Mary L. Midura
Executive Assistant to Town Manager
March 1, 2020

Gerald Fountain, Jr.
116 Fisherick Road
Ware, MA 01082

Dear Mr. Fountain:

Our records show that your term as the Board of Assessors member of the Tax Increment Financing Authority is due to expire on June 30, 2020. Please confirm in writing if you would or would not like to be reappointed to this position.

If you have any questions or concerns, please contact me at 413-967-9648, extension 101 or email me at mmidura@townofware.com.

Sincerely,

Mary L. Midura  
Executive Assistant to Town Manager

Will take another Term

3-16-2020
March 1, 2020

Gerald Fountain, Jr.
116 Fisherick Road
Ware, MA 01082

Dear Mr. Fountain:

Our records show that your term as the Board of Assessors member of the Tax Increment Financing Authority is due to expire on June 30, 2020. Please confirm in writing if you would or would not like to be reappointed to this position.

If you have any questions or concerns, please contact me at 413-967-9648, extension 101 or email me at mmidura@townofware.com.

Sincerely,

Mary L. Midura
Executive Assistant to Town Manager
Dear Ms. Midura,

I would like to be reappointed as a member of the Zoning Board of Appeals.

Sincerely,

[Signatures]
March 1, 2020

Gregory W. Eaton
270 Old Gilbertville Road
Ware, MA 01082

Dear Mr. Eaton:

Our records show that your term as a member of the Zoning Board of Appeals is due to expire on June 30, 2020. Please confirm in writing if you would or would not like to be reappointed to this position.

If you have any questions or concerns, please contact me at 413-967-9648, extension 101 or email me at mmidura@townofware.com.

Sincerely,

Mary L. Midura
Executive Assistant to Town Manager
Hi Mary,

I sent this to Stuart on February 26, 2020 hopefully he sent it to you, if he didn't you have it now.

Thanks

Clayton Sydla

-------- Original Message --------
From: CLAYTON SYDLA <syd79@comcast.net>
To: Stuart Beckley <sbeckley@townofware.com>
Date: February 26, 2020 at 8:53 AM
Subject: Capital Planning Committee Reappointment 2020

Hello Stuart,

I see that my term on the Capital Planning Committee is expiring on June 30, 2020. I've been a member of this Committee since it was established in 2007. I've been a lifelong resident of Ware and I would like to continue to serve on this very important Committee for the citizens of the Town of Ware.

Sincerely,
Clayton Sydla
March 1, 2020

Clayton Sydla
13 Highland Street
Ware, MA 01082

Dear Mr. Sydla:

Our records show that your term as a member of the Capital Planning Committee is due to expire on June 30, 2020. Please confirm in writing if you would or would not like to be reappointed to this position.

If you have any questions or concerns, please contact me at 413-967-9648, extension 101 or email me at mmidura@townofware.com.

Sincerely,

Mary L. Midura
Executive Assistant to Town Manager
Dear Mr Beckley
I am writing to request that I be given the opportunity to continue to serve the town of Ware as a member of the capital planning committee.

Thank you very much,
Jennifer McMartin

Sent from my iPhone
March 1, 2020

Jennifer McMartin
117 Church Street
Ware, MA 01082

Dear Ms. McMartin:

Our records show that your term as a member of the Capital Planning Committee is due to expire on June 30, 2020. Please confirm in writing if you would or would not like to be reappointed to this position.

If you have any questions or concerns, please contact me at 413-967-9648, extension 101 or email me at mmidura@townofware.com.

Sincerely,

Mary L. Midura
Executive Assistant to Town Manager
You are correct.

From: Midura, Mary
Sent: Wednesday, February 5, 2020 10:33 AM
To: Zienowicz, John <jzienowicz@townofware.com>
Subject: Council on Aging

John – my records show that Janet Ciejka’s term on COA is done on June 30, 2020. I understand by the COA rules that she cannot be reappointed as this ends her second term and because she must take a year off. Do you agree? If so, I’ll write her a letter stating this. Thanks very much!

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
March 1, 2020

Janet Ciejka  
278 Palmer Road  
Ware, MA 01082

Dear Ms. Ciejka:

Our records show that your term as a member of the Council on Aging is due to expire on June 30, 2020. The Council on Aging rules state that you must take a year off after your second term. Therefore, you will not be reappointed at this time, but you are welcome to reapply for a new term as of June 30, 2021.

If you have any questions or concerns, please contact me at 413-967-9648, extension 101 or email me at mmidura@townofware.com.

Sincerely,

Mary L. Midura  
Executive Assistant to Town Manager
March 23, 2020

Board of Selectmen
126 Main St.
Ware, MA 01082

Dear Board Members:

I am in receipt of the resignation letter of the following individual from the Council on Aging:

Carol A. Brundige
Term Expiration: June 30, 2022

A copy of her letter is attached for you to see, her resignation is effective as of March 17, 2020.

Sincerely,

Nancy J. Talbot
Town Clerk

Attachment – Letter of Resignation

cc: Resignation File 2020
Council on Aging – John Zielenowicz

t/
March 17, 2020

Town of Ware Selectmen Board:

After four years on the COA committee, I am resigning my position, effective March 17, 2020. I feel the center is not moving in a positive direction that would benefit our seniors. The reason being the lack of support, guidance, and structure.

With great regret,

Carol A. Beauregard

RECEIVED
MAR 23 2020
TOFFT WARD'S OFFICE
2/20/20 Cannabis Committee Meeting

Attending: Andrew Stoddard, Richard Fly, Bill St. Croix, Keith Krukas and Jon Hogan

Minutes from the 1/16/20 Cannabis Committee Meeting were reviewed and approved.

Prior to our 2/20 meeting the Cannabis Committee members assembled at Curaleaf’s new Ware retail cannabis site for a tour. Store manager Kristen Aiesi let the group know that pending the final inspection of the Curaleaf site which is scheduled for later in the week, the site should be open for business next month.

The Committee discussed the status of formally changing the name of our Committee from the Cannabis Committee to the Cannabis Advisory Committee. Keith Krukas let the group know that he discussed this with Marie Midura, the assistant to the Ware Town Manager Stuart Beckley, who said that this should not be a problem.

Bill St. Croix said that similar to slow progress with the Cannabis Control Commission efforts to grow hemp in the area which has to be approved by the Massachusetts Department of Agriculture (“MDAR”), have been moving at the same frustrating pace.

Especially concerning social equity and micro-business applications Committee chair Andrew Stoddard suggested that the group draft a letter to the CCC and to MDAR alerting them to the slow progress contrasted to the success that bigger more corporate businesses like Curaleaf are having. (The three other sites in Ware that have host agreements with the CCC remain in limbo).

Next Cannabis Committee meeting to be held Wednesday 4/1/20.
New Business

- **Treasurer’s Policy**
  Erica Brunell, Treasurer/Collector, presented the new policy to streamline departmental procedures. She consulted other towns and noted safety issues, timely deposits done weekly, locked vaults, and the importance of consistency.
  Selectman Kruckas questioned that water department deposits should also be made in Town Hall; Mr. Beckley noted that plan is still in process. Selectman Opalinski questioned reconciliations and checks and balances; Ms. Brunell noted she consulted with the Town of Amherst, and will be consulting with Newburyport. Selectman Carroll questioned use of money orders; Ms. Brunell noted this policy addresses intake of money only. The Board requested that Ms. Brunell confirm the policy with the auditors; the Board will then approve the policy. Selectman Opalinski praised Ms. Brunell for her research and contact with other communities.

- **MMA Resolutions**
  The Board discussed the proposed MMA resolutions. Selectman Opalinski and Town Manager Beckley will attend the MMA Annual conference on January 24-25, 2020.
  Selectman Kruckas questioned a proposed gas tax. Mr. Beckley noted language related to regular school transportation. Chairman Whitney noted this year’s receipts over state budget. Selectman Carroll noted that the resolutions throw in good points and bad.

Selectman Opalinski made the motion to support the MMA resolutions at the annual MMA conference. Selectman Kruckas seconded the motion. The vote passed on a vote of 3 Yes, 1 No (Selectman Carroll), 1 Absent (Selectman Talbot).

Comments and Concerns of Citizens

Selectman Kruckas noted that the Cannabis Committee met on January 16, and a suggestion was discussed to change the committee name to Cannabis Advisory Board. The committee would like to request a letter be sent to the State regarding the long delay in license approval; the Board noted the committee should draft the letter and bring to the Board of Selectmen for review. Selectman Opalinski noted that applicants who are non-profits would want to apply for funding; Mr. Beckley noted that the Board of Selectmen determines how 3% is spent and who receives funds. Mr. Beckley also noted an estimated $2 million in sales, 3% would go to the General Fund and 3% to impact the community.

Town Manager Report

January 23 – Public Forum, Complete Streets, Plan and Priorities
February 20 – Invitation Curaleaf tour with Cannabis advisory committee

Mr. Beckley noted the governor’s budget will be announced on January 22, 2020 with an increased 2.8% possibly for education.

**Personnel:** The DPW assistant position will be filled by Kayleigh Goodrow, formerly the assistant in the Assessors Department.

The Town is accepting Christmas trees at Robbins Road until this Saturday, January 25. The Town has received a small grant from the MA Department of Environmental Protection to establish a mattress recycling program.