Board of Selectmen
Ware Town Hall, 126 Main Street, Meeting Room

Meeting Notice Agenda
Tuesday, March 21, 2017 at 7:00 p.m.

Meeting Opened

Opening Remarks, Announcements, and Agenda review by Chair

Consent Agenda
- Approval of Meeting Minutes of March 7, 2017

Comments and Concerns of Citizens

Scheduled Appearances

Old Business
- Update of RT’s Welding Fabrication & Auto Repair, Inc.
- Approval of Resubmit for Reconsideration of Change of Manager application – Weir River Social Club, Inc. License #23

New Business
- Reappointment to Board of Registrars – Francis W. Cote, Term to March 2020
- Approval of Warrant for Annual Town Election
- Approval of One-Day All-Alcoholic Liquor License Earle F. Howe American Legion Post 123, Saturday, April 8, 2017, 4:30 pm – 9:00 pm, Schnitzle Supper
- Request for No Parking on East Court
- Request for Zoning Moratoriums - Marijuana

Town Manager Report

Adjournment

Executive Session: MGL Chapter 30A, Section 21 (a) #2, Negotiations
Board of Selectmen
Ware Town Hall, 126 Main Street, Meeting Room

Meeting Minutes
Tuesday, March 7, 2017 at 7:00 p.m.

Present: Selectman Carroll, Selectman Desmond, Selectman Talbot, Selectman Fountain, Selectman Whitney, Stuart Beckley, Mary Midura, Stanley Ciukaj

Meeting Opened by Chairman Carroll at 7:00 p.m. There was a moment of silence to honor the deaths of Richard Seveny, former Ware High School Principal and teacher in the Ware Public Schools, Edward Lavella, former co-owner of Snow’s Restaurant and Cemetery Commissioner for the Town of Ware, and Gloria Jordan, co-owner of Ware Foundry.

Opening Remarks, Announcements, and Agenda review by Chair - none

Consent Agenda
- Approval of Meeting Minutes of February 21, 2017, October 18, 2016, November 1, 2016, and November 15, 2016
Selectman Talbot moved approval of the above minutes; Selectman Fountain seconded. The motion passed unanimously (5-0).

Comments and Concerns of Citizens
- Citizen Comments RE: Pleasant Street speed and sign

Resident Mr. Jackson questioned the process for hiring the new police chief, and stated his hopes that the town would give preference to young, good officers in the town. Selectman Carroll noted that there is an internal list and an external list, and the best candidate will be considered. Resident Phil Hamel also stated his hopes that the town would promote from within the police department. Resident Cathy Cascio noted that the best candidate who will lead the department should be hired.

Ms. Cascio noted she is not running for selectman, and noted her pride as a citizen for the honor shown this past week by the Town of Ware and residents for Pfc. Brian Ordiorne and his family. Ms. Cascio questioned grants used for firefighter positions; Mr. Beckley noted that the department cannot be reduced while using a grant. Ms. Cascio questioned a police department vacancy; Mr. Beckley noted that the proposed 2018 budget does not currently fill this position.

Resident Lynn Kinner, 106 Pleasant Street, spoke of speeding, 6 accidents, and need for a speed sign on Pleasant Street. Mr. Kinner noted that the 25 MPH sign is attached to a telephone pole at present. Mr. Kinner noted extensive damage to his property, including a town fire hydrant, due to a recent accident. Mr. Kinner noted that police have not issued a BOLO and have not enforced the speed limit. Selectman Carroll offered his property to set up a speed trailer.
Scheduled Appearances

- 7:05 p.m. Healthwise Foundation, INC, Letter of Non-Opposition, Public Discussion

Mr. Beckley noted that the company withdrew the application tonight. Judy Metcalf, Board of Health Director, noted that this application situation points out that the town should develop local regulations as this issue continues to be on the radar and there should be community controls on location, advertising, and impact to the town. Selectman Desmond noted that this should be discussed with legislators and educate the public on regulations. Resident Dar Sojka quoted from the Town Master Plan regarding substance abuse and security concerns. Resident Mr. Jackson questioned if the application can be re-submitted; Mr. Beckley noted that applicants can still apply, but the Planning Board talked with Ruben Flores-Marzan regarding language modeled as liquor sales. That language would have to be approved at a Town meeting. Selectman Talbot noted that the new regulations would not be ready in time for the May 8, 2017 town meeting. Resident Roy St. George questioned if the moratorium could be brought up at the next town meeting; Selectman Carroll indicated that could be done.

Old Business

- Disposition of South Street School

Mr. Beckley stated there is interest in the property, and if put out as RFP, bids would have to be returned by April 14, 2017 and acted upon by April 18, 2017. Mr. Beckley noted that the Board may consider a demolition permit in the RFP.

Michael McCarthy and Christian Boysen of Optimus spoke to the Board regarding their interest in building a senior living facility such as Arbor Village or Coldbrook Village. The 100 bed facility would be self-contained, with independent living, assisted living, and memory care living facilities. Discussion with BMLH regarding land parcel between to be sold as part of this development. The facility would be for working middle class and private pay. The business plan would bring approximately 50 new jobs for a four-story facility. The plan would also be to take down the existing building and ask for a TIF.

Selectman Carroll stated his hopes that this works out for the benefit of the town. Selectman Talbot noted that all plans must conform per Chapter 30B.

Resident Roy St. George noted the positive economic impact to the town, families will visit, it may boost real estate, and may help keep the hospital here.

Resident Cathy Cascio noted that this area has lacked a facility for dementia.

Planning Board member Chris DiMarzio noted that the Planning Board has had discussions regarding this proposal.

Selectman Talbot thanked Mr. McCarthy and Mr. Boysen for considering Ware for this project.

Selectman Desmond moved to approve the request of the Town of Ware to apply for a demolition permit; Selectman Talbot seconded. The motion passed unanimously (5-0).

Selectman Desmond moved to approve the issuance of a request for proposals for the sale of the property; Selectman Talbot seconded. The motion passed unanimously (5-0).
• Vote of Revocation of License No. 00029-RS-1326 – Annual All Alcoholic Restaurant, JHN Enterprises, Inc. d/b/a Snow’s Restaurant, 136 Pleasant Street, Ware, MA (licenses/permits not paid, real estate taxes outstanding), and revocation of Common Victualler License, Entertainment License, and Automatic Amusement Devices License

Mr. Beckley noted that the correct process to give notice to the licensee has been tracked. There are outstanding taxes and liens still due on the property.

Selectman Talbot moved to REVOKE Annual All Alcoholic Restaurant, JHN Enterprises, Inc. d/b/a Snow’s Restaurant, 136 Pleasant Street, Ware, MA, and to REVOKE Common Victualler License, Entertainment License, and Automatic Amusement Devices License; Selectman Whitney seconded. The motion passed unanimously (5-0).

• Update of RT’s Welding Fabrication & Auto Repair, Inc.
Selectman Talbot moved to postpone discussion to March 21, 2017 at 7:05 p.m.; Selectman Whitney seconded. The motion passed unanimously (5-0).

New Business
• Request to change Tax Restriction, Workshop 13
Chris DiMarzio noted the culture of Workshop 13 and the robust board of directors with many offerings of events for the community. The next step would be to purchase the building under the non-profit status of Workshop 13, and this would give potential to many grants. Workshop 13 is a benefit and value to the community. Mr. DiMarzio also offered to pay for the recording of the lifting of the deed restriction. Resident Cindy LaBombard spoke in favor of this request as Workshop 13 has been a great boost to music, theater and education. Resident Jack Cascio spoke in favor of the beautifully restored building, Open Mic nights, entertainers like James Montgomery, and stated that “Workshop 13 has been compared to the nightlife of Northampton”. Resident Carol Zins spoke in favor of this request, noting that there was no tax base in the past use as a church. Resident Tracy Opalinski spoke in favor of this request on behalf of the WBCA.

Selectman Desmond moved to remove the deed restriction; Selectman Talbot seconded. The motion passed unanimously (5-0).

• Planning & Community Development: Request for Subordination
Mr. Brad DiMiero appeared before the Board to request subordination for the full $42,000, stating that he has already put $20,000 into home improvements.
Selectman Desmond move to approve request for subordination of $5,000 as recommended by Planning & Community Development; Selectman Talbot seconded. Mr. DiMiero stated that was not what he understood to be done.
Selectman Desmond withdrew his motion; Selectman Talbot withdrew her second.
Selectman Talbot moved to table this item, applicant should consult Planning & Community Development Office; Selectman Whitney seconded. The motion to table passed unanimously (5-0).
• Request to Open Warrant for Special Town Meeting

• Request to Open Warrant for Annual Town Meeting

Selectman Talbot moved to open the Warrant for Annual Town Meeting May 8, 2017 and to open the Warrant for Special Town Meeting May 8, 2017, to begin March 7, 2017 and to close at 12:00 p.m. March 30, 2017, review on April 4, 2017; Selectman Desmond seconded. The motion passed unanimously (5-0).

• Approval of One-Day Liquor Licenses for Workshop 13 – Saturday, March 18, Friday, March 24, Friday, April 7, Saturday, April 8, Friday, April 21, 2017

Selectman Talbot moved approval of the one-day liquor licenses as noted; Selectman Desmond seconded. The motion passed unanimously (5-0).

• Request for Intermunicipal Agreement/Joint Meeting – Town of Hardwick

Mr. Beckley explained that this is a request from Ware Fire Department for the Ware Board of Selectmen to meet with Hardwick Board of Selectmen to discuss WFD providing of ambulance service to Hardwick. Fire Chief Coulombe noted that this would charge an upfront fee for service. Chief Coulombe noted many area towns working together in Regionalization to provide needed services. Resident Cathy Cascio stated that this town should take care of its own and not use budget money for other towns, also noting ambulance transport restrictions and cost factor to the town. Chief Coulombe noted that the ambulance previously transported 24/7, but was told by the Board of Selectmen to only do transports from 8:00 am – 5:00 pm. Mr. Beckley noted that WFD already provides service to Hardwick, and this fee should cover the cost to the town. Regionalization would benefit both towns. Ambulance funds are offset by ambulance receipts. Mr. Beckley was asked to set up a meeting with Ware and Hardwick Boards of Selectmen.

Town Manager Report

Mr. Beckley noted that the Board is invited to the Pathfinder Budget Meeting on Wednesday, March 15, 2017 at 7:00 pm. All departments, veterans, State and Local officials and residents did a wonderful job paying tribute to Private First Class Odiorne. The Town is extremely grateful for the support.

The RFP for solar power on Robbins Road landfill and Banas property will be advertised on March 15, 2017.

The IAC has received a proposed premium increase of 14.7%. Most towns have at least a 10% increase. The IAC has a representative from each of the eight unions and retirement, and employees work very hard to keep costs down. The Town, through its consultant, will seek quotes from three other insurance carriers.

Resident Phil Hamel asked if there had been any noise complaints from the solar panels; Mr. Beckley noted there had been a power surge at the facility and Comcast was working on the issue. Resident Mr. Jackson questioned what happens after the 20 year life of the panels; Mr. DiMarzio noted that the Planning Board had a clause for discontinuance and disposal.

Mr. Beckley noted the Attorney General’s office conducted a conference call which the Town and the Quaboag Valley Community Development Corporation participated in. There are possible programs through the AG which would apply to the removal of decrepit buildings such as 73 West Main Street; this is a very long process.
Mr. Beckley gave the Board of Selectmen copies of the Preliminary Budget that was submitted to the Finance Committee. A full copy with department proposals will be available on Monday.

Ware Community Television has filmed a 26 minute informational video with Jac Piatrassi and John Zienowicz to introduce the Quaboag Connector. The video will air at 6:00 pm beginning March 8, 2017 and will run Monday through Friday for two weeks.

A Selectmen’s Candidates Forum will be held on Saturday, March 25, 2017 at 10:00 am at Ware Town Hall in the Selectmen’s Hearing Room. There are five candidates for the two available selectmen’s seats in the April 10, 2017 Annual Election. The debate will be a question and answer format. It will be shown live and residents are welcome to attend. Residents are also encouraged to send questions to Ware River News Editor Eileen Kennedy at ekennedy@turley.com as she will be asked the questions of the candidates.

Executive Session: MGL Chapter 30A, Section 21 (a) #3, Litigation

Selectman Talbot moved to Adjourn Regular Session at 8:49 p.m., to move into Executive Session per MGL Chapter 30A, Section 21 (a) #3, Litigation, NOT TO RECONVENE IN OPEN SESSION; Selectman Whitney seconded. The motion passed on a Roll Call Vote of 5 Yes, 0 No:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>John E. Carroll</td>
<td>Yes</td>
</tr>
<tr>
<td>John A. Desmond</td>
<td>Yes</td>
</tr>
<tr>
<td>Michael Fountain</td>
<td>Yes</td>
</tr>
<tr>
<td>Alan G. Whitney</td>
<td>Yes</td>
</tr>
<tr>
<td>Nancy J. Talbot</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Attest: 
Mary L. Midura, Executive Assistant
February 27, 2017

RT’s Welding Fabrication & Auto Repair, Inc.
730 Belchertown Road
Ware, MA 01082

Dear Mr. Letourneau:

This letter is to inform you that RT’s Welding Fabrication & Auto Repair, Inc. will be a topic of discussion at the March 7, 2017 meeting of the Ware Board of Selectmen. This discussion is based on the enclosed letter sent to you on December 22, 2016.

You are invited to attend this meeting to provide updated information to the Ware Board of Selectmen.

Sincerely,

Mary L. Midura
Executive Assistant to Ware Town Manager

Enclosure
December 22, 2016

RT's Welding Fabrication & Auto Repair, Inc.
730 Belchertown Road
Ware, MA 01082

Dear Mr. Letourneau:

At the December 20, 2016 Board of Selectmen meeting, your Class II and Class III Car Dealer licenses were among the licenses to be approved for renewal for 2017. The Board of Selectmen did approve renewal of these licenses.

An email from Bob and Anne Krasnecky was brought to the attention of the Board of Selectmen, and the email was considered by the Board before approval of the renewals. That email is attached to this letter.

The Board of Selectmen, based on the concerns of Mr. and Mrs. Krasnecky, request that you address these concerns and report the progress and/or completion of these issues to the Board of Selectmen by March 1, 2017. Also, please provide a schedule for the installation of the required property fence.

Sincerely,

Stuart Beckley
Town Manager

Sb/mlm

Enclosure
Good morning Stuart,

Regarding RT'S Welding informational update for tonight's meeting.

Operations: working past hours on license in building with south side garage doors open past 6pm M-F and after 2PM on Saturday.

Junk yard clearly visible from River Rd.

Sundays: showing people cars that are for sale, specifically on 11/20/2016 3:00 PM showed a car, opened and started car, they let the people drive it and then came back for all of them to go into the garage at 730 Belchertown Rd.

16 foot high shelving unit, you can see from route 9 with car parts stacked on it.

Property not purchased. No fence.

Big Boys Toys operated by Wayne Henrichon: Asking to change hours of operation from 8:00 - 4:30 to 8:00 - 6:00 PM. This business should be decreasing not increasing due to junk yard being shortened with junk.

Thank you for your time. Hopefully you can bring this up at the meeting.

Bob and Anne Krasnecky
6 River Rd Ware
967-0911
<table>
<thead>
<tr>
<th>Call Number</th>
<th>Time</th>
<th>Call Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-4472</td>
<td>0327</td>
<td>Phone - Disturbance</td>
<td>SERVICES RENDERED</td>
</tr>
</tbody>
</table>

**Call Taker:** Detective CHRISTOPHER B ADAMS  
**Location/Address:** 6 RIVER RD  
**Calling Party:** KRESNICKY, ROBERT ANTHONY  
**Narrative:**

CALLER REPORTS THAT THE INDIVIDUALS AT THE AUTO BODY SHOP ARE TOWING VEHICLES AROUND THE PROPERTY. HE REPORTS THAT IT IS KEEPING HIM UP.

011 DISPATCHED.

011 AND 014 REPORT OFF SCENE THEY REPORT THERE IS A TOW TRUCK ON SCENE ALSO. 011 ADVISES THAT HENRY'S TOWING FROM FRAMINGHAM IS DROPPING OFF A VEHICLE THAT THEY JUST TOWED WITH A FLAT TIRE FOR THE SHOP TO FIX IN THE MORNING. 011 REPORTS NO MACHINERY RUNNING UPON THEIR ARRIVAL TOW TRUCK HAS LEFT THE AREA.
Memo

To: Board of Selectmen
From: Mary L. Midura
cc: Stuart Beckley, Town Manager
Date: March 21, 2017
Re: License #23 Weir River Social Club, Inc.

A Change of Manager application for License #23 Weir River Social Club, Inc. was approved by the Board of Selectmen on December 16, 2014. The application was returned to this office on February 18, 2015 because a Department of Revenue (DOR) Certificate of Good Standing had not been submitted with the application.

It was brought to my attention by the licensee, upon renewal of the license this November, that this application was never approved by the Alcoholic Beverages Control Commission.

If the Board would please take a vote to RESUBMIT FOR RECONSIDERATION this application, I will send all information, including the DOR Certificate of Good Standing, to the ABCC.

Thank you!
The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

LOCAL LICENSING AUTHORITY REVIEW RECORD

00023-CL-1326
WARE
12/16/2014
ABCC License Number City/Town Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):
- New License
- Transfer of License
- Change of Manager
- Change of Beneficial Interest
- Change of Corporate Name
- Change of D9A
- Alteration of Licensed Premises
- Change of Location
- Pledge of Collateral (i.e., License/Stock)
- Change of Class (i.e., Annual/Seasonal)
- Change of License Type (i.e., club/restaurants)
- Change of Category (i.e., All Alcohol/Wine, Malt)
- Change of Corporate Structure (i.e., Corp/LLC)
- Change of Hours
- Issuance/Transfer of Stock/New Stockholder
- Management/Operating Agreement

APPLICANT INFORMATION
Name of Licensee: WEIR RIVER SOCIAL CLUB, INC.
D/B/A
Address: 6 EAST STREET CITY/TOWN: WARE STATE: MA ZIP CODE: 01082
Manager: CHARLES R. NIEDZWIECKI

$12 Club

Type
(i.e., restaurant, package store)

Annual

Class
(Annual or Seasonal)

All Alcoholic Beverages

Category
(i.e., Wines and Malts / All Alcohol)

LOCAL LICENSING AUTHORITY DECISION
Please indicate the decision of the Local Licensing Authority: Approves this Application
Please indicate what days and hours the licensee will sell alcohol:

If Approving With Modifications, please indicate below what changes the LLA is making:

Changes to the Premises Description

Indoor Area

Floor Number

Patio/Deck/Outdoor Area

Total Square Footage

Square Footage

Number of Entrances

Number of Rooms

Seating Capacity

Number of Exits

Abutters Notified: Yes ☑ No ☐ Date of Abutter Notification: N/A Date of Advertisement: 

Please add any additional remarks or conditions here:

CERTIFICATE OF GOOD STANDING HAS BEEN PROVIDED.

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

3/21/2017
Date APPROVED by LLA
March 16, 2017

Board of Selectmen
126 Main St.
Ware, MA 01082

Dear Selectmen:

I am requesting to be reappointed to the Board of Registrars as my current term expires on March 31, 2017.

This will be a three (3) year appointment per state law. Thank you for your consideration.

Sincerely,

Francis W. Cote
139 W Main St.
Ware, MA 01082
March 16, 2017

Board of Selectmen
126 Main St.
Ware, MA 01082

Dear Members:

Please find attached the Warrant for the Annual Town Election which must be approved by you.

Tonight the board must vote to set the hour of opening and insert on the warrant (page 2) prior to signing.

The polling hours are set by statute and the polls must close at 8 PM, however the polls can open as early as 7 A.M. but must be open no later than 12 Noon.

Thank you.

Sincerely,

Nancy J. Talbot
Town Clerk

cc: Annual Town Election -2017

T/
Hampshire, ss.

Greetings:

To any of the Constables of the Town of Ware, in said County:

In the name of the Town of Ware, you are hereby required to notify and warn all of the Inhabitants of the Town of Ware, Precincts A, B, & C, qualified to vote in the election of Town officers, to meet at the Town Hall, 126 Main St., on Monday, April 10, 2017 then and there to act on the following:

ARTICLE 1. To choose by ballot Two (2) Selectmen for Three Years, One (1) School Committee for Three Years, One (1) Board of Assessors for Three Years, One (1) Board of Health for Three Years, One (1) Cemetery Commissioner for Three Years, One (1) Cemetery Commissioner for a Two Year Unexpired Term, One (1) Park Commissioner for Three Years, One (1) Planning Board Member for five Years, One (1) Ware Housing Authority Member for Five Years and One (1) Ware Housing Authority Member for a One Year Unexpired Term.

The polls will open from ______ AM in the forenoon until eight o'clock in the evening.

And you are further directed to serve up this warrant by posting attested copies at the Ware Town Hall and at the Post Office and by publishing on the Town of Ware website an attested copy of this warrant at least seven (7) days before such meeting and make due return of this warrant with doings thereon, to the Town Clerk of Ware on or before the time of said meeting.
Given under our hands this 21st day of March, 2017.

__________________________
John E. Carroll - Chairman

__________________________
John A. Desmond - Vice Chairman

__________________________
Nancy J. Talbot - Clerk

__________________________
Michael P. Fountain - Member

__________________________
Alan C. Whitney - Member

Hampshire, ss.

By virtue of this warrant, I have posted attested copies at the Town Hall and the Post Office and have caused to be published one attested copy on the Town of Ware website.

__________________________
Constable of Ware, Massachusetts

Date: _________________________
**MGL CHAPTER 138, SECTION 14**
**TOWN OF WARE**

**Name:** Earle F. Hawe American Legion Post 123

**Effective Date(s) of License:** April 8, 2017  SATURDAY

**Hours of Service (In conformity with MGL):** 4:30 - 9:00 pm

**Event (describe activities):** Schütze Supper

**Anticipated Attendance:** 60

**Sponsoring Organization:** Post 123

**For Profit:** Beer & Wine (only)  Non Profit: All Alcoholic  X  Beer & Wine

**Address (include Street & Number):** 47 Maple St:

**Names of All Servers (bartenders) for this event:** Members & Auxiliary

---

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

**Signature of Applicant:**

---

**Social Security # or Federal ID #:** 04-6170001, R1039254A

**Fire Inspection Date:** 4/30/16  EFFECTIVE TO 4/30/2017

**Building Inspection Date:**

---

**Date Received:** 3/19/17

**Application Fee:** $25.00

**Insurance Certificate:** EFFECTIVE TO 5/5/2017

**Action Taken:** Approved  Denied  Date: 3/13/17

**Police Chief Review and Action**

---

Kenneth Kowalski
Police Chief

---

Kenneth Kowalski
March 12, 2017

To The Safety Officer
Ware, MA

RE: EAST COURT

East Court is a very narrow street that three properties use to access their homes. It is a public way for \( \frac{3}{4} \) of the way and then is a private driveway for the residents of 36 and 38 East Court. The public way is used by the tenants at 44 East Street to access the back parking lot.

Recently, #32–34 East Court was sold and the new owners/tenants park in the street, blocking most of the road that is used for access to #36–38; as well as for the tenants who reside at 44 East Street.

The owners/tenants of 32–34 do not seem to have any consideration for the parking ban or for the other residents that live on East Court. There seems to be 3–4 vehicles daily that park on the left side, using most of the public road. This is a dangerous situation and does not allow room for delivery trucks, safety vehicles or trash removal vehicles to get to the two properties that use East Court.

For the public safety of all, kindly consider putting a sign at the beginning of East Court stating: DEAD END, NO PARKING ON EITHER SIDE

Thank you,

Donald Pulchtopek
36 East Court
Ware, MA 01082
413-519-1284

cc: Board of Selectmen
    Town Manager
    DPW Director