Board of Selectmen
Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Notice Agenda – Tuesday, September 24, 2019 at 7:00 p.m.

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

Consent Agenda
- Approval of August 13, 2019 and September 3, 2019 Minutes
- Approval of One-Day Beer & Wine License: Workshop 13, Northeast Fine Arts Exhibition, September 28, 2019
- Toll Road Application: Ware Fire Department for MDA, Sunday, October 6, 2019
- Toll Road Application: Ware Knights of Columbus Council 183 Tootsie Roll Drive, Saturday, October 12, 2019
- Special Event Permit Application: Grenville Woodland Playground Committee Presents Zombie 5K Run/Walk, Saturday, October 19, 2019
- Special Event Permit Application: Ware Knights of Columbus Halloween Parade, Friday, October 25, 2019
- Toll Road Application: Ware Rotary Club, November 2 & 3 or November 9 & 10, 2019

Old Business
- Review: Dangerous/Nuisance Dog, Westbrook Avenue

New Business
- Application for Sewer Abatement – Laverdiere
- Update on DPW projects
- Police Chief Request: Civil Service Candidate List for Two Vacant Full-Time Police Officer Positions
- Resignation: Josh Kusnierz, Cannabis Committee
- Resignation: Brenda Cooper, Community Development Authority
- Application for Appointment: Ware Cultural Council – Lynn Rude, Term to Expire September 30, 2022
- Open Warrant for Special Town Meeting November 18, 2019
- Set Public Hearing for 7:05 p.m. Tuesday, October 15, 2019 for Transfer of License #00011-RS-1326, Change of Manager, and Transfer of Common Victualler License # 4, Proposed Licensee: Mak-8-Mass, Inc. d/b/a Debbie Wong Restaurant, Proposed Manager: Ho Mak
- Approval of Main Street Traffic Rules
- Acknowledgement of Open Meeting Law Complaint

Comments and Concerns of Citizens

Town Manager Report

Adjournment

Executive Session: M.G.L. c 30A, Section 21 (a) (3) To Discuss Litigation Strategy With Respect To Clearly And Imminently Threatened and/or Demonstrably Likely Litigation By Fire Chief Thomas Coulombe. Voted May Be Taken.
Board of Selectmen
Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Minutes
Tuesday, August 13, 2019 at 7:00 p.m.

Present: Selectman John E. Carroll, Selectman Keith J. Kruckas, Selectman Tracy R. Opalinski, Selectman Alan G. Whitney, Town Manager Stuart Beckley

Absent: Selectman Nancy J. Talbot, Clerk Mary L. Midura

Meeting Opened by Chairman Carroll

Opening Remarks, Announcements, and Agenda review by Chair
Selectman Whitney questioned why the Water Treatment Plant was projected at $7.5 million by Mr. St. George-Sorel at the last meeting; Mr. Beckley noted that the estimate presented at Town Meeting was $6 million, but now is projecting at $6.5-7 million. The USDA grant process in October may be a key option for what is additionally needed with a loan at 2%. Selectman Kruckas noted the need for real numbers. Selectman Opalinski questioned why the amount was so changed; Mr. Beckley noted that the $6 million was at the master plan level. Selectman Carroll noted updated changes in the overall plan.
Selectman Kruckas thanked all DPW, Fire, Police, and Parks employees for their hard work and good job at National Night Out on August 6, 2019.

Consent Agenda
- Approval of Meeting Minutes of June 18, July 2, and July 16, 2019
- Special Event Permit: Friends of the Ware Dog Park Presents Doggie Dip-N-Dive, Saturday, August 31, 2019
- Special Event Permit: Ware Family Center presents Ware Junior Car Show, Saturday, September 7, 2019
- Special Event Permit: Grenville Woodland Playground Committee Presents Nerf War, Sunday, September 22, 2019

Selectman Whitney made the motion to approve the consent agenda; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

David Powers spoke about the Nerf War and Car Show events.
Cathy Cascio noted the Patricia Orszulak Memorial 5K Run/Walk to Cure ALS on August 24, 2019 at Grenville Park.
Brandy Bruso spoke about the 3rd Annual Doggy Dip N Dive to benefit the Ware Dog Park.
Scheduled Appearances

- **7:05 p.m. Review of Dangerous Dog Hearing**

Chairman Carroll noted this review of the dangerous dog at Westbrook Avenue and invited Mr. & Mrs. Hill to speak. Mr. Hills noted the efforts of the owner, but stated that the dog got out again on July 18. He reported this to the police and to the ACO. On July 26, both dogs were again out and not in the kennel. He is not asking to euthanize the dog, as this is not the fault of the dog, but steps to safety are needed. The dog does not get along with other dogs. The dog training is a great step, but other than a fence, there are no options. Chairman Carroll noted the situation sounds better, but not great. Mr. Hill noted the dog chased another dog into the police officer’s residence. A fence would be best as the dog appears to be high energy. Mrs. Hill noted that the owner seems to be doing her best, but her concern is to protect her puppy who is now defensive since the original attack. She commended the efforts and communication from the owner.

Animal Control Officer Sydney Plante stated that she has not visited the dog, but has talked to the trainer and gave a citation on July 18. The dog is not stimulated and a fence at the doors is advised. The trainer has told Ms. Plante that the dog is rude and does not interact well with other dogs. The training has not happened and the leash law needs to be obeyed as anytime the dog is not controlled is a violation.

Jen Baker stated that she has been in and out of the hospital and had to reschedule the training. She brought the dog to interact with other dogs at her relative’s in Belchertown. She bought a muzzle and the trainer has advised that the dog must work for food. The dog is a rescue approximately one year old, and her husband and daughter are also at the house.

Selectman Opalinski questioned how both dogs got out on July 26; Ms. Baker was not able to explain, but stated she bought the harness and better leashes.

Selectman Whitney suggested the bark collar as it changes the behavior, including using a buzzer to deter.

Chairman Carroll noted improvement, but not satisfactory, and suggested this be reviewed in three months.

Emma Monahan, Ware River News reporter, asked if the ACO will visit the dog. Ms. Plante stated she could do that, but stated a need to evaluate the dog. Ms. Plante stated she did not think the owners were taking the situation seriously.

Selectman Whitney suggested the review be done in 90 days, with the ACO to observe the training. Selectman Opalinski suggested the trainer evaluate and report to the Board of Selectmen. Mrs. Hill requested that the owner must muzzle the dog in order for residents to feel safer if the dog gets outside again. She noted the original complaint was filed when the dog grabbed her dog by the collar and would not let go. Ms. Plante noted the owners must take advantage of the trainer’s time and experience.

Selectman Whitney made the motion to review in 90 days, with use of a muzzle when the dog is outside, and to conduct training and an assessment by the trainer and ACO; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).
Old Business

- Public Safety Report on Request for Handicapped Parking Sign at 33 Pulaski Street
Liam Grant was present. Chairman Carroll noted the positive recommendation from the public
safety officer and Police Chief Crevier. Mr. Beckley noted the installation of the sign may take a
month or so.

Selectman Whitney made the motion to direct the DPW to install the Handicapped Parking
sign at 33 Pulaski Street; Selectman Kruckas seconded the motion. The motion passed on a
vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

New Business

- Discussion to Hire Part-Time HR
Chairman Carroll brought this discussion as he believes the Town Manager is overwhelmed with
HR issues. Selectman Opalinski questioned how the Town Manager is overwhelmed, to which
Chairman Carroll noted new OSHA and legal issues. When asked, Mr. Beckley noted that
one-third to one-half of his time is devoted to these important issues as he is directed by the Town
Charter. Mr. Beckley noted several cases of FMLA with important timelines. He noted that not
many towns have this position as it is very costly.
Selectman Kruckas stated that he believes some problems become bigger when not handled quickly.
He noted the need to spend more time on training and stated the town population has not changed
and he found this position hard to justify. He further stated he believes the Town should consider a
new labor attorney as well as new town counsel. He noted that Mr. Beckley is here “all the time”
but problems start small and get bigger.
Selectman Whitney noted that requirements of documentation for local, State and Federal levels
have increased. He would not be against this position if it gave the Town Manager more time to
deal with other issues. Selectman Kruckas noted that the Town Manager’s assistant is now
full-time and there is now a Planning Director and her assistant. Selectman Opalinski noted the
continued need for an employee manual, not just past practices. She stated she would like to see
time periods for appointments with the Town Manager to be better organized, not just an open door,
as this takes up a lot of the Town Manager’s time and she often sees someone in his office.
Selectman Opalinski questioned if Mr. Beckley is giving more duties to his assistant; Mr. Beckley
answered yes. Chairman Carroll suggested the HR position be shared with another town; Mr.
Beckley noted that most towns cannot afford this position and noted this position could be discussed
again at budget preparation next Spring.
Cathy Cascio stated this is a great idea as the town manager has a lot on his plate. She stated there
should be a paper trail for discipline, and questioned if positions in Town Hall could be
cross-trained.
Selectman Opalinski suggested using MMA as they are focusing on HR fiscal and risk
management; Mr. Beckley noted the Town is on MHR and listserve as well as MIIA insurance
training. He noted that his assistant has become proficient working with MIIA and attends
seminars for licensing with the Alcoholic Beverages Control Commission (ABCC).
MassLive reporter Jim Russell questioned why there is no employee manual; Mr. Beckley noted
many drafts of this over the past 10-15 years. Mr. Russell questioned if there are exit interviews;
Mr. Beckley noted that exit interviews are voluntary. Mr. Russell questioned how many full-time
and part-time employees the Town has; Mr. Beckley noted he can get that figure.
Chairman Carroll noted the Board can revisit this idea before the next budget.
• Approval of Appointment of Treasurer/Collector

Mr. Beckley introduced Erica Brunell. He noted her impressive interview with the financial team, and while she does not have municipal experience, she has supervisory and software experience and will have a mentorship program within the Town and resources such as the UMass seminar she has just attended. Chairman Carroll asked Ms. Brunell to speak. Ms. Brunell stated that she supervised 50 employees at Wal-Mart before joining Country Bank for Savings for 8 years. She is experienced with payroll and software, and will learn laws and compliance.

Selectman Opalinski questioned Mr. Beckley how to make sure Ms. Brunell would not leave after training; Mr. Beckley noted Ms. Brunell is being given a great opportunity to grow substantially. Ms. Brunell noted she is not a hopper and not looking to leave. Resident Cathy Cascio stated she hoped new employees are trained at pay grade and increase; Mr. Beckley noted that is part of the agreement.

Selectman Kruckas made the motion to approve the appointment of Erica Brunell as Treasurer/Collector; Selectman Opalinski seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Mr. Beckley noted that Ms. Brunell will start employment with the Town of Ware on August 26, 2019.

• Consideration of Appointment of Acting Fire Chief

• Labor Attorney Consideration

Mr. Beckley noted the contract with Sullivan, Hayes and Quinn has expired. Selectman Opalinski asked for recommendations. Selectman Kruckas stated that different attorneys and options should be considered. Chairman Carroll stated this should be tabled so that Mr. Beckley can present more information.

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

• Town Manager Goals Update

Mr. Beckley noted the chart provided to Selectmen with updates. He is working on the personnel manual and department head evaluations. Selectman Opalinski suggested Mr. Beckley send proposed changes/procedures to department heads for review. Mr. Beckley noted there are 9 GPS units to be installed per the GPS policy. Selectman Opalinski noted there should be progressive discipline in personnel files. Selectman Kruckas noted that record keeping needs improvement with crucial information. Cathy Cascio questioned the use of evaluation tools and department head goals. Mr. Beckley noted he has the tools but has not completed reviews or goals with department heads. Selectman Opalinski questioned the next review of the Town Manager’s goals; Mr. Beckley offered review in late October.
• Set Public Hearing for 7:05 p.m. on Tuesday, September 3, 2019 for National Grid/Verizon New England Petition for Joint or Identical Pole Locations, Sherman Hill Road

Selectman Whitney made the motion to set the public hearing as noted above; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

• Request Reverter Clause
Mr. Beckley explained that Ware Senior Living, LLC has progressed with the foundation and much further on construction and requests the release of the reverter clause.

Selectman Whitney made the motion to Release the Reverter Clause of Ware Senior Living, LLC; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Comments and Concerns of Citizens:
Emma Monahan, WRN reporter, questioned why the above item about the acting fire chief was not addressed; Chairman Carroll noted the town counsel advised not to address.

Cathy Cascio questioned why the fire chief could not be assigned to other tasks instead of a paid six-month vacation, and why is he not working. The Board did not offer answers.
Ms. Cascio questioned land being sold; Chairman Carroll stated the land was private land, not owned by the Town. Ms. Cascio noted there is talk of more low-income housing; the Board has no knowledge of this.

Ms. Cascio questioned the management of Town offices. Ms. Cascio stated residents come in to pay tax bills and find offices closed; she stated the Town must be more customer service oriented with cross-training and possibly one night until 6 pm. Ms. Cascio stated that current Town Hall hours of 8 am – 4 pm are not convenient to working residents.

Jim Russell, MassLive reporter, questioned the hiring of a part-time HR position; Chairman Carroll replied this discussion will come up with the next budget. Mr. Russell questioned Ms. Brunell’s salary; Mr. Beckley replied the full-time Treasurer/Collector will earn $58,000 annually.

Laurie Whitney questioned the progress of addressing the Gould Road issue; she witnessed a father and his children walking along Gould Road with no safe place to walk. Mr. Beckley noted the Town is working toward a Complete Streets grant for sidewalks for Gould Road.

Selectman Kruckas noted the monthly report of the Director of Planning and Community Development, and questioned why the police details were not arranged by the public safety officer. Selectman Opalinski noted that PVPC determines a low traffic area and looks at the whole scope of projects. Mr. Beckley noted daily police details on Spring Street and Elm Street.
Town Manager Report

The limit on residential watering to before 9 a.m. or after 5 p.m. continues to be in effect.

Bidding/contracts/projects
No bids were received for 73 West Main Street, however two parties continue to be interested. The Town may extend the time for bids.

The sludge removal project at the Pollution Control Plant was very successful and is nearing completion. A small area of sludge is to be removed and the walls cleaned by the contractor. Spring Street has had a base coat of pavement placed. Sidewalks and cleanup work are being completed. The top coat will be placed in the Spring. The Contractor has moved to begin work on Elm Street.

The Highway Department has completed shimming work in preparation of stone seal on several streets. Nearly 10,000 tons of material were placed by the Highway crew.

A quick meeting was held with the Ware and Pathfinder busing companies and the contractor for the Beaver Lake. The contractor will close the bridge daily from approximately 7 a.m. to 3:30 p.m. The buses will create alternative routes for the Fall. Work will begin after Labor Day. Coordination in the area will be necessary this fall as the Town will be doing stone seal work and sections of Babcock Tavern will be paved.

The design for the Old Belchertown Road bridge is moving forward. Permitting with the Conservation Commission was delayed as Beaver Brook has an endangered species. This may require some design modification, but will not slow the project milestones.

The Building Inspector noted the metal spline in the clock tower had become detached. The Town hired a roofing company and crane to repair the metal. Unfortunately, the metal piece detached over the weekend, so a new spline was fabricated. While at the tower, the metal worker also secured another spline that was loose and removed plants from the tower bricks.

The senior living construction on South Street has progressed to the point that the developer has requested that the Town release the reverter agreement. A form for the Chair is included in the signature file if the Board is agreeable.

Personnel
In addition to the Treasurer/Collector on the agenda tonight, the Town has promoted Donna Longtin to the Assistant Tax Collector position. The Town is nearing the selection of the collections assistant to be shared by DPW and the Tax Collector office.

Thank you to all who participated in National Night Out last week and for all who attended.
August 20 is a scheduled Board meeting. Currently no agenda items.

Selectman Whitney made the motion to cancel the August 20, 2019 meeting of the Board of Selectmen; Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Selectman Whitney made the motion to Adjourn Regular Session at 8:32 p.m. Selectman Kruckas seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Talbot).

Attest: __________________________
Mary L. Midura, Executive Assistant
Via Ware Community TV video
Board of Selectmen
Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Minutes – Tuesday, September 3, 2019 at 7:00 p.m.

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

Absent: Selectman Alan G. Whitney

Meeting Opened by Chairman Carroll

Opening Remarks, Announcements, and Agenda review by Chair
Selectman Opalinski noted that parishioners from Holy Cross Church have asked for an update regarding the trailers parked across the street (Maple Street). She would like an update at the next meeting. Selectman Opalinski noted she was curious to know why no Executive Minutes have been approved, and she requested that the town attorney review all Executive Minutes for approval. Selectman Talbot stated that the Chairman can also review and if negotiations or personnel matters are settled, the Chairman can do so. Selectman Opalinski stated that the town attorney would know this information and she would like to see that started. Selectman Opalinski also noted that Daigle Law was hired in March, and it is now September; she would like to see a report and the investigation should be completed.

Consent Agenda

- Approval of August 13, 2019 Minutes
- One-Day All-Alcoholic License Application: St. Mary’s Church, Snitzel Dinner, Saturday, September 14, 2019
- One-Day Beer & Wine License Application: Workshop 13
  - Saturday, September 14, 2019 – Concert (Heart Collectors)
  - Friday, September 20, 2019 – Open Mic
  - Friday, October 18, 2019 – Open Mic
  - Saturday, October 26, 2019 – Concert (Blue Honey, Blues Band)
  - Saturday, November 2, 2019 – Concert (Livio)
  - Friday, November 15, 2019 – Open Mic
  - Sunday, December 15, 2019 – Concert (Ware Community Jazz Band)
  - Friday, December 20, 2019 – Open Mic
- Special Event Permit Application: Proprietors of the Ware Center Meetinghouse Presents Ware Fair & Flea, Saturday, September 21, 2019 (Rain Date Sunday, September 22, 2019)
- One-Day Beer & Wine License Application: Jasnocha 25th Anniversary Weekend Family Celebration @ St. Mary’s Church
Selectman Kruckas made the motion to approve the Consent Agenda, except to Table the August 13, 2019 Minutes for Corrections; Selectman Talbot seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Whitney).

Scheduled Appearances
- 7:05 p.m. Pole Petition Hearing: #28370695 NATIONAL GRID and Verizon New England, Inc. for Joint or Identical Pole Location at Sherman Hill Road
Selectman Kruckas read the public notice. Diane Clowes was present for National Grid. This is a new pole due to low wires.

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

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

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

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

Selectman Opalinski asked Mr. Beckley if this was a timeline issue and can it wait. Deputy Fire Chief Edward Wloch stated that he is doing his and the Fire Chief’s jobs, the busy season has begun, and there are rules and documents that only a Fire Chief can sign, such as ABCC inspections, ambulance licenses due by September 30, medications carried on ambulances, and other documents. Mr. Beckley noted the description by Civil Service for a Provisional Promotion. Again, Selectman Opalinski questioned why this issue cannot wait. Chairman Carroll stated the Board is not sure how long the investigation will take and he noted the Fire Department must continue to function at best. Selectman Opalinski noted that the Board is the appointing authority, but Town Manager has the authority to clarify the job description. Mr. Beckley noted that the Fire Chief appoints the Deputy Fire Chief. Selectman Kruckas noted that the Deputy Fire Chief should have the same power as the Fire Chief in his absence.
Mr. Beckley stated that the Board may affirm the Provisional Promotion to give power to the Deputy Fire Chief to sign agreements in place and asked Civil Service to verify. The Fire Department and all firefighters understand the chain of command has not changed drastically, but Deputy Chief Wloch is doing extra work. Selectman Opalinski noted the need for clarity. Deputy Chief Wloch noted that certain documents must have the Fire Chief's signature, or Provisional Interim Chief, so there is no legal problem or legal challenge later. Selectman Opalinski questioned why the Town Manager could not affirm this. Deputy Chief Wloch noted that he has not been able to do all fire safety inspections, agreements for ambulance licenses must be signed, agreements for state controlled substance licenses on the ambulances, and general ability to move forward with department operations. Selectman Kruckas noted that the department should be able to function. Mr. Beckley noted the recommendation by Civil Service. Selectman Opalinski stated she preferred to wait until September 17 meeting to have Selectman Whitney present; Chairman Carroll asked Town Manager Beckley to check with the State to confirm. Selectman Opalinski stated she wanted Town Manager to check first, and she wanted Selectman Whitney present at this discussion.

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

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

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

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

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

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

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

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

- Reappointment of Part-Time Police Officer Skutnik

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

Comments and Concerns of Citizens

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

Town Manager Report
The limit on residential watering to before 9 a.m. or after 5 p.m. continues to be in effect. This will last until September 30th.

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

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

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

Spring Street reconstruction is near completion. The top coat of pavement will be installed in the Spring. The Elm Street project is 60% complete.
The attached sheet on Eastern Equine Encephalitis was provided by the Board of Health and will be posted on the website. The State Department of Public Health and Department of Agriculture control air spraying based on human cases. To our knowledge there are no plans to spray in the area. The Board of Health and Parks Commission are staying in close contact regarding the decision to curtail evening activities. The School Building Committee will be meeting on September 9 to review the two building projects.

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

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

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

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

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

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

Attest:

Mary L. Midura, Executive Assistant
APPLICATION FOR SPECIAL SERVICE OF ALCOHOLIC BEVERAGES
MGL CHAPTER 138, SECTION 14
TOWN OF WARE

Name: Workshop13  Application Date: 09/09/2019

Contact Phone: 413-277-6072  Email: info@workshop13.org

Effective Date(s) of License: September 28, 2019

Hours of Service (In conformity with MGL): 12-7 pm

Event (describe activities): Northeast Fine Arts Exhibition

Anticipated Attendance: 75

Sponsoring Organization:

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

Address (include Street & Number): 13 Church St., Ware, MA

Names of All Servers (bartenders) for this event  Lisa DiMarzio & Pat Goudreau

Estimated Number of Attendees  65

Crowd Control Manager  Roc Goudreau

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 53C, 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 I.D. #:

Fire Inspection
Date: 12/13/2018

Building Inspection
Date: 12/13/2018

Date Received: 9/9/19  Insurance Certificate: 7/9/2020

Application Fee: $30  Action Taken: Approved  Denied Date: 09/07/19

Police Chief Review and Action

Shawn Crevier, Police Chief
TOWN OF WARE
BOARD OF SELECTMEN

APPLICATION FOR THE CONDUCT OF A "TOLL ROAD"

Wex Fire Department
Name of Organization
200 West St
Address

Date Organization Established

Chairperson/Person in Charge:
Name: Jacob Persson
Title: Firefighter/EMT-B
Address: 397 Palmer Rd
Telephone #: 413-544-3777
Email: PerronG13@gmail.com

Date Requested: 10/6/19
Time Requested: 8 to 12
Purpose: To raise money for the MDA

Number of Participants: ___________________________ (Please attach a separate paper listing names, addresses and ages of all participants.)

Attached herewith is a certificate of insurance for the event which designates the Town of Ware as an additional named insured for the event.

I have been provided with a copy of the "Toll Road Policy and Map" and am aware of the requirements associated with its provisions of conduct.

Signature of Chairperson/Person in Charge: ___________________________ Date: 9/9/19

Application Approved by Board of Selectmen on: ___________________________

Clerk to Board of Selectmen: ___________________________

cc: Toll Road Approved Applications File
Police Department
Fire Department
TOWN OF WARE  
BOARD OF SELECTMAN  

APPLICATION FOR THE CONDUCT OF A "TOLL ROAD"

[Signature]  
Name of Organization:  
PO Box 88, Ware, MA 01082  
Address:  

Date Organization Established:  

Chairperson/Person in Charge:  
Name: Gerry Fountain  
Title: Board Member  
Address: 116 Fisherdick Rd, Ware, MA  
Telephone #: 413-436-5001  
Email: g.fountain@grandstrandfountain.com  

Date Requested: 10-12-19  
Alternate Date:  

Time Requested: 8:00 Am to 12:00 Noon  

Purpose: Tootsie Roll Drive  

Number of Participants: 12  
(Please attach a separate paper listing names, addresses and ages of all participants.)  

Attached herewith is a certificate of insurance for the event which designates the Town of Ware as an additional named insured for the event.  

I have been provided with a copy of the "Toll Road Policy and Map" and am aware of the requirements associated with its provisions of conduct.  

[Signature]  
Signature of Chairperson/Person in Charge:  
Date: 9-18-19  

Application Approved by Board of Selectmen on:  

[Signature]  
Clerk to Board of Selectmen:  

cc: Toll Road Approved Applications File  
Police Department  
Fire Department
SPECIAL EVENT PERMIT APPLICATION
(To be posted or made available at event)

Return to: Board of Selectmen, Town of Ware, 126 Main Street, Ware, MA 01082

APPLICATION PACKET MUST BE RECEIVED NO LATER THAN 30 DAYS PRIOR TO THE EVENT.

Event Name: Zombie 5K Run/Walk
Event Producer: Groveville Woodland Playground Committee

Primary Contact Information:
Primary Contact Name: Pauline O’Malley
Fax: 413-967-6689
Non-Profit Organization / Event: Yes  No
Day Phone:  Cell Phone: 508-451-3673
E-mail: O’Malley.EAC1.com  Website

Event Information:
Event Address / Location: Groveville Park, 73 Church St
Starting Date: 10/19/19  Time: 9 AM  Ending Date: 10/19/19  Time: 12 PM
Total attendance expected: 50  Rain plan: N/A
List any streets to be closed for special event: N/A

Summary of Event - Please describe the special features of the event within the box below.

Registration will be from 9-9:45 am. The 5K run/walk will begin at 10 am and make 2 laps through the park. Participants will encounter volunteers dressed as zombies throughout the park. All proceeds from the event will benefit the replacement of playground equipment at Groveville Park.

Page 5 of 6
SPECIAL EVENT PERMIT APPLICATION
(To be posted or made available at event)

Return to: Board of Selectmen, Town of Ware, 126 Main Street, Ware, MA 01082

APPLICATION PACKET MUST BE RECEIVED NO LATER THAN 30 DAYS PRIOR TO THE EVENT.

Event Name: ____________ Event Producer: ____________

Primary Contact Information:

Primary Contact Name: ____________ Fax: ____________

Non-Profit Organization / Event: Yes X No__

Day Phone: ____________ Cell Phone: ____________

E-mail: ____________ Website: ____________

Event Information:

Event Address / Location: ____________

Starting Date: 10/25/19 Time: 5:30 PM Ending Date: 10/25/19 Time: 9:00 PM

Total attendance expected: ____________ Rain plan: ____________

List any streets to be closed for special event: ____________

Will food be prepared and/or sold at the event: ____________

Summary of Event - Please describe the special features of the event within the box below.
09/18/19

To the Board of Selectman Town of Ware,

The Knights of Columbus would like to hold the annual Halloween Parade for the children of Ware on the evening of October 25th 2019. Your permission and support would be greatly appreciated. The parade route would be the same as last year. Veterans Park to the Shriner’s pavilion on West Main Street. As in the past we will disperse treat bags and refreshments at the pavilion.

Thank You
Paul Harper
Parade Chairman
TOWN OF WARE
BOARD OF SELECTMAN

APPLICATION FOR THE CONDUCT OF A “TOLL ROAD”

Ware Rotary Club  
Name of Organization
PO Box 177, Ware  
Address
abt 1928  
Date Organization Established

Chairperson/Person in Charge:

Name  Kathleen Deschanps  
Title  President
Address  11 Cottage St. Ware  
Telephone #  413-519-9815
Email  kate3754@comcast.com

Date Requested  Nov. 2-3  
Alternate Date  Nov. 9-10

Time Requested  8 am to 12 noon

Purpose  raise funds to pay for Holiday Flair  
and Christmas decorating

Number of Participants  24  
(Please attach a separate paper listing names, addresses and ages of all participants.)

will provide before the event

Attached herewith is a certificate of insurance for the event which designates the Town of Ware as an additional named insured for the event.

I have been provided with a copy of the “Toll Road Policy and Map” and am aware of the requirements associated with its provisions of conduct.

Kathleen Deschanps  8-23-19
Signature of Chairperson/Person in Charge  Date

Application Approved by Board of Selectmen on

Clerk to Board of Selectmen

cc: Toll Road Approved Applications File
Police Department
Fire Department
To the Board of Selectman:

We write to ask that you expedite a resolution in the dangerous dog hearing that was continued until November 19, 2019. The dog of concern, Gunnar, belongs to Jesse and Jennifer Baker at 20 Westbrook Avenue in Ware, MA.

Today at approximately 4:15 PM, Bill was walking our leashed dog just entering the rail trail from Westbrook Avenue when we noticed a black Ford truck driving in reverse exiting from the rail trail toward Westbrook Avenue. Running at full speed in front (or in back as it was in reverse) of the truck was the dog Gunnar, trailing a leash but not muzzled.

Our options for exiting the area were limited. Bill was not going to outrun Gunner, especially with our dog in tow. In an effort to protect our dog, Bill moved into the shrubbery on the side of the trail and picked him up to keep Gunnar from attacking him, a strategy which had previously worked in June of this year. Gunnar initially ran past Bill at what appeared to be nearly full speed. Once he had run past Bill, Gunnar turned on a dime, and in an attempt to attack our dog, Gunnar leapt up against Bill’s body while he was holding our dog, similar to what he had done in June of this year. Bill was in the weeds at the side of the entrance of the trail to be out of the way of Mr. Baker’s truck. The forces of the leaping angry dog and his twisting motion to protect our dog caused him to fall.

Gunnar attacked our dog, who was released from Bill’s grasp when he fell. Our dog fought back. Gunnar had his back to Bill exposing his leash, so he was able to grab Gunnar’s leash and pull him off of our dog, preventing him from latching onto our dog’s neck again. Unfortunately, Bill slipped while Gunnar lunged forcefully, and the dogs continued to fight. Mr. Baker exited his truck and took control of Gunnar’s leash. Bill regained control of our dog. Without exchanging a word, Mr. Baker took Gunnar, put him back into his truck, and continued to drive back to his home down the street.

At the time, there were several witnesses: Karen had been a little further on the trail, and closer to the Clark’s house, where she retreated to an enclosed pool deck, with our other dog, hoping to prevent him from being targeted. In addition, another neighbor was outside with her grandchildren and alarmed by the loud fighting sounds. And, an additional neighbor came from around the wooded corner, concerned by the loud commotion.

We are asking the Board of Selectman to move the dangerous dog hearing up in your agenda to a closer date to the present, not waiting until November 19, 2019. There are three attacks on our dog on record since March and another incident with a neighbor’s dog this summer. The day immediately following our last hearing Gunnar was out and running the neighborhood, trailing his leash, without a muzzle. Not 12 hours had elapsed! According to our last hearing and in a letter delivered to us and the Baker family by the Town of Ware, “Selectman Whitney made the motion to review in 90 days, with use of a muzzle when the dog is outside, and to conduct training and an assessment by the trainer and ACO. The motion was passed with a vote of 4 yes, 0 no, 1 absent.” Today, with the same disregard for the assurances made before the Board of Selectman, Gunnar was again loose in the neighborhood without a muzzle.
We believe whatever training Gunnar has received to date has not yet been enough to stop him from attacking a dog defenseless in the arms of its owner and clearly, in a position where Gunnar was not being threatened by my dog. True, Mr. Baker was able to regain control of Gunnar before serious harm occurred to my dog today, but what of the next time? Despite the assurances made before the Board of Selectman, the actions of Mr. Baker are clear. Approximately every four weeks Gunnar can be found running the neighborhood, without a muzzle, trailing his leash. We don’t know when, of course, so the only way to avoid another situation is not to walk our leashed dogs in our neighborhood or on the rail trail.

In our opinion, Gunnar would be better served living in an environment without proximity to dogs not in his “pack.” It is not just our dog he has gone after. This summer he has also chased an elderly lab into its home where the homeowner had to shut Gunnar’s nose in the sliding glass door. Three times Gunnar has had the opportunity to bite Bill and hasn’t. We believe he has a problem with other dogs, not humans, and is worth the investment of a different location.

Whatever Gunnar’s lineage, when faced with the threat of an imminent forest fire the “Pit Bulls and Parolees” cast were clear to separate and isolate some dogs from others. Some dogs just don’t tolerate other dogs not in their pack even when placed in the most caring and supportive environments. Since Mr. Baker is unwilling to muzzle Gunnar, is not fencing his property, and seems unable to fully control him once every four weeks or more while exiting the vehicle, we believe Gunnar should be placed elsewhere.

This suggestion is in lieu of euthanizing Gunnar, for which we do not advocate. We believe locating a place for Gunnar where he can exercise freely and is without the distraction of neighborhood dogs would be in his best interest. As of yet, no human has been markedly injured while Gunnar asserts himself over neighborhood dogs. As of yet, no canine has been markedly injured since March of this year due to quick thinking and luck. Bill has received scrapes on both arms and injured his back twice now. His watch was torn off during the incident yesterday as well. Our dog received puncture wounds in March and again yesterday. Relocating Gunnar before a tragedy occurs or some young child is inadvertently injured while Gunnar doggedly asserts his dominance over other dogs seems to us to be in Gunnar’s best interest.

We can be available any Tuesday other than September 17, 2019 if you need to hear further from us. We would appreciate a resolution as soon as is possible.

Sincerely,

Bill and Karen Hill

Bill and Karen Hill

3 Susan Drive

Ware, MA
For Date: 09/11/2019 - Wednesday

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Call Taker: Patrol BRANDON M BLAIR  
Location/Address: 20 WESTBROOK AVE  
Calling Party: Unknown 413-668-6167  
HILL, KAREN & ***UNKNOWN*** - WARE, MA 01082

Narrative:
KAREN REQUESTS TO SPEAK WITH ACO BECAUSE JENNIFER BAKERS DOG JUST ATTACKED HER DOG AGAIN.

ATTEMPTED TO CONTACT ACO SYDNEY, NO ANSWER

Narrative:
CONTACT WAS MADE WITH ACO SYDNEY WHO WILL MAKE THE PROPER CALLS
August 29, 2019

Board of Selectmen
126 Main Street
Ware, MA 01082

RE: SEWER ABATEMENT – LAVERDIERE – ACCOUNT 13-0590

Dear Board Members:

Attached please find an Application for Sewer Abatement from Roger Laverdiere, 12 Walnut Street, Ware, MA and supplemental information.

Mr. Laverdiere is requesting a bill adjustment for water use that does not enter the sewer system, not an abatement. In order to qualify for an abatement, the bill must be paid in full (Mr. Laverdiere has paid only $133.59) and it must fall outside the current billing cycle.

Additionally, sewer abatements are not allowed for watering of lawns and gardens. This is stated on the application.

Bills for this commitment period can be adjusted by either the Administrative Assistant, or myself, for just cause until the next bill is generated on, or about November 4th.

Had I thought this bill needed to be adjusted, I would have done so. Since I didn’t, it means that no adjustment was appropriate.

Mr. Laverdiere came to my office and explained that he has a garden and lawn behind his house that he waters. This is reflected in his bill for August (the meters are read in July) that tends to run higher than his other bills (See attached water billing account information).

I suggested he install an irrigation meter for next year to account for the water that is used on his lawn and garden and is not discharged into the sanitary sewer system. It is pointless to do this now since the November bill will reflect consumption for July, August and September.
Should we adjust that bill too, since the same situation exists?

Under no circumstances should the Board become involved in adjusting bills, or the agenda will fill up with customers, who are told “no” by this office.

Therefore, I recommend you deny this request.

Mr. Laverdiere’s check for $15.00 will be returned.

Yours truly,

[Signature]

Gilbert St.George-Sorel, INTERIM DPW DIRECTOR

cc: SB/TM
GSS/gss
laverdiereabatement
Application for Sewer Abatement

To the Board of Sewer Commissioners:

NAME OF APPLICANT: Roger Laverdiere  DATE: 8/8/2019

ADDRESS: 12 Walnut Street

The above named person hereby applies for a sewer abatement.

NAME OF PERSON ASSESSED: Roger Laverdiere

(If different from applicant)

LOCATION OF PROPERTY: 12 Walnut Street

ACCOUNT NUMBER: 13-0590

(See Water Bill)

REASON FOR ABATEMENT: SEE INSTRUCTIONS
Examples: Pool Filling, Agriculture, Broken Pipe, Reading Error

DESCRIPTION: Owner believes sewer bill is too high - very old meter to be replaced on 8/15/19 by DPW - Water Dept.

BEGINNING READING ___________ ENDING READING ___________

USAGE/VOLUME _______ 100 CU FT @ _______

Please note if usage/volume is estimated

DPW Authorized Signature: ________________________________

Signature of Applicant: ________________________________

Sewer Commissioners Approval: ___________________________
Sewer Abatement Instructions

Sewer abatements may be granted by the Board of Sewer Commissioners under Section 2.5 of the Town of Ware Regulations.

1. Sewer abatement applications are available from the Sewer/Water billing clerk.
2. Sewer abatements are to be applied for only after bill is paid in full.
3. Sewer applications shall be completed and returned to the billing clerk accompanied by a check for $15.00 payable to the "Town of Ware Sewer Division."
4. Only an authorized Town Employee will do water readings for abatement purposes.
5. Authorized Town Employees may estimate water usage only if true water readings are unavailable.

Sections from Town of Ware Sewer Regulations Concerning Sewer Abatements

Section 2.5(C) Sewer Abatement Request
1.) The applicant requesting sewer abatement must complete an Application for Sewer Abatement form approved by the Board and submit that form to the Board or designee, within thirty (30) days after the billing period. The applicant must provide a written description as to the reasons why he/she feels the abatement should be granted.

2.) A processing fee of $15.00 shall be charged for all sewer abatement applications submitted for consideration. The fee shall be attached to the application and shall not be refundable if the application is denied.

3.) The Board will determine whether or not to issue an abatement. Abatements are issued in the form of a credit on the applicant’s next bill.

Section 2.5 (D) Sewer Abatements Considered for Approval

1.) Agriculture or Horticulture Use
Water not discharged to the sewer system. Abatement requests are considered for dwellings that are designated as Agriculture or Horticulture facilities and are used for the purpose of raising animals or commercial crops when a common water meter is used for the purpose of the farmhouse and livestock watering. The sewer use fee will be based on an average home of similar size and usage.

2.) Filling Swimming Pools
Sewer abatements for the purpose of filling new swimming pools or replacement liners in old pools, will be granted by the Board if the abatement value is greater than the cost associated for the Town to process the abatement. The DPW Division will charge a $35.00 service fee for meter readings and man-hours associated with the request for the sewer abatement.

3.) Excessive Usage from Broken Water Pipes
In the event a meter reading is excessive due to broken water pipes, the homeowner may request a sewer abatement if he/she can prove within a reasonable doubt that the excess water did not enter the sewer system.

4.) Inaccurate Readings
Sewer adjustments for inaccurate readings shall be subject to the Water Department confirming the error. The sewer fee charged will be proportional to the corrected water meter reading.

Section 2.5 (E) Sewer Abatement Not Allowed
Sewer Abatement will not be granted for the following use:

1.) Watering of gardens
2.) General wash-down of automobiles, buildings, driveways, etc.
3.) Watering of lawns
4.) No water meter reading or use (the minimum charge will apply unless the water meter has been removed.)
5.) Any other reason determined by the Board after review

Section 4.14 Water Adjustments Considered for Approval

1.) Inaccurate Reading
Water Department personnel will confirm the error. The billing office will correct the inaccurate reading and recalculate corrected reading and submit corrected bill.

2.) Flushing Adjustment
Under extreme circumstances, the Water Department may allow for flushing adjustments due to discolored water on dead end mains. This must be approved by the Director of Public Works or his/her designee.
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CURRENT

REVIEW CHOICE # or <ENTER> MORE HISTORY:
**TOWN OF WARE**  
2019 WATER/SEWER BILL CYCLE #2  
BILL DATE: 05/03/2019

**Account:** 13-0590  
**Meter:** 13-0590  
**Service:** 12 WALNUT ST

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**AMOUNT DUE BY 06/03/2019:** 381.57

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**Due Date:** 6-3

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**Due Date:** 6-3

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**TOWN OF WARE**  
2019 WATER/SEWER BILL CYCLE #2  
BILL DATE: 05/03/2019

**Account:** 13-0590  
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**Service:** 12 WALNUT ST

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**Due Date:** 6-3

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**TOWN OF WARE**  
2019 WATER/SEWER BILL CYCLE #2  
BILL DATE: 05/03/2019

**Account:** 13-0590  
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**Service:** 12 WALNUT ST

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**AMOUNT DUE BY 06/03/2019:** 381.57

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**Due Date:** 6-3

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**TOWN OF WARE**  
2019 WATER/SEWER BILL CYCLE #2  
BILL DATE: 05/03/2019

**Account:** 13-0590  
**Meter:** 13-0590  
**Service:** 12 WALNUT ST

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**TOWN OF WARE**  
2019 WATER/SEWER BILL CYCLE #2  
BILL DATE: 05/03/2019

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**Due Date:** 6-3
TOWN OF WARE  
2019 WATER/SEWER BILL CYCLE #3  
BILL DATE: 08/05/2019

Account: 13-0590  
Meter: 13-0590  
Service: 12 WALNUT ST

WATER 260.98  
SEWER 273.16  
CODE: 0.00  
CODE: 0.00  
CODE: 0.00  
ABATEMENT: 0.00  
PREVIOUS BALANCE: 0.00  
PENALTY: 0.00

AMOUNT DUE BY 09/06/2019 534.14

RATE CODE: R-R RATE CODE
WATER $34.00 MIN TO 500 UNITS, $5.20 PER HUNDRED CUBIC FEET
SEWER $44.00 MIN TO 500 UNITS, $5.25 PER HUNDRED CUBIC FEET

METER #: 13-0590  
PRIOR 142760  
CURRENT 147625  
WATER 260.98  
CODE: 0.00  
SEWER 273.16  
CODE: 0.00  
12 WALNUT ST  
ACCOUNT: 13-0590

For Payment inquiries call: 413-967-9620  
For Reading inquiries call: 413-967-9620

WEBSITE: WWW.TOWNOFWARE.COM

Interest Penalty Information
This bill is due and payable without penalty if received by the due date.  
Any portion of the bill unpaid after this date is subject to a 14%  
per annum late charge from the due date. All unpaid charges will be liened to your tax bill.

MAKE PAYMENTS TO:  
MAKE PAYMENTS TO
TOWN OF WARE  
4 1/2 CHURCH ST., PO BOX 89 Usage Period  
WARE, MA 01082 4/2019-6/2019
HOURS: 8:00 AM TO 4:00 PM  
MONDAY-FRIDAY

ROGER LAVENIERE  
ANDREW LAVENIERE  
12 WALNUT STREET  
WARE MA 01082

BILL NUMBER 6315

ROGER LAVENIERE  
ANDREW LAVENIERE  
12 WALNUT STREET  
WARE MA 01082
**Expected Water Use Per Quarter**

<table>
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<tr>
<th>Household size (persons)</th>
<th>Use Per Quarter in Cubic Feet</th>
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<tr>
<td></td>
<td>State Standard 65 gpcd*</td>
<td>Town Average 50 gpcd</td>
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<tr>
<td>1</td>
<td>782</td>
<td>602</td>
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<tr>
<td>2</td>
<td>1,564</td>
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<td>3</td>
<td>2,346</td>
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<tr>
<td>4</td>
<td>3,128</td>
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<td>3,008</td>
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<tr>
<td>6</td>
<td>4,692</td>
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</table>

**Notes:**
1 cubic foot = 7.48052 gallons
* gpcd = gallons per capita day
assumes 90 days on average per quarter

**Fun Facts**
A household faucet flows at approximately 2 gpm
Older toilet use between 3.5 and 7 gallons per flush, new ones use 75 to 80% less
A leaky toilet can waste 200 gallons of water per day which equals 2,406 cubic feet per quarter
PROJECTS:

Spring Street

- CDBG project has been substantially completed for this year, with the exception of one retaining wall that has to be replaced and some punch list items.

- The project involved replacing the existing water and sewer lines, installing new drainage, installing new granite curb, sidewalks and wheelchair ramps, etc.

- The contractor will return in Spring 2020 to finish the project, i.e. correct any problems that arose during the winter, raise castings to the final grade and place the top course of asphalt on the street.

Elm Street

- Project should be substantially completed by the end of September, early October.

- This project also involved replacing the existing water and sewer lines, improving drainage, installing new sidewalks and wheelchair ramps, resetting existing granite curb, etc.

- The contractor will return in Spring 2020 to finish the project, i.e. correct any problems that arose during the winter, raise castings to the final grade and place the top course of asphalt on the street.

- This project was completed using water and sewer enterprise and Chapter 90 funds and is on time and close to budget.
Aeration Tank Cleaning

- The winter side of the aeration basin (tanks #2 and #4) at the WWTP has been totally cleaned. The Town received a good bid of $203,000 to do the work.

- While that side was drained, a drain valve from tank #2 was repaired and work has been scheduled on two old plug valves at the rear of the tank that cannot be turned. It makes sense to do these things as part of the project.

- Our consultants, Tighe & Bond, also inspected the tank, since it hasn't been emptied and cleaned in a long time. They took some samples of the concrete from the sides and bottom of the tanks to see how stable the tank is after 37 years and examined the steel supports for the aerator platforms, the piping systems in the tank and the aerator platforms. They will issue a report with recommendations for future repairs to maintain the integrity of this side of the overall aeration tank.

- This tank is critical to the future operation of the plant and will have to be modified to meet expected new permit limits for nitrogen.

- The tank will be refilled beginning November 1st and the other side will be drained.

Guardian Energy Project

- This project at the WWTP has been completed and the Town has been reimbursed for its expenditures, except for enterprise funds which were used as the Town's match.

- The project involved the installation of new motors, variable frequency drives on the motors, additional SCADA equipment to monitor operations, and dissolved oxygen probes in the aeration tanks.

- The Town was required to prepare a final report and include an informational flyer in each water and sewer bill describing the project.

Water Filtration Plant

- We are working with Town Counsel to prove we have title and access to the property the Town has owned since 1886.

Main Street Reconstruction Project

- MassDOT published notice to bid project on August 20th.
• May be a requirement to encumber FHA portion of project before expiration of Federal fiscal year on September 30th.

• Start date is unknown, but most likely Spring 2020. Maybe!!! Possibly!!!

**Old Belchertown Road Bridge**

• Our consultants, Tighe & Bond Engineers, have prepared a NOI for the Conservation Commission for the project.

• May be considered when ConCom meets on October 9th.

• Once that’s completed the design for the repairs will be submitted to MassDOT. Mass DOT will review the plans, make any recommendations and will issue a Chapter 85 permit to make the repairs.

• Timeframe for repairs is uncertain and depends on whether the project will be approved by District #2 in Northampton, or will be sent to Boston.

• The cost of the design is $62,100.00. The cost of repairs may increase because there is an endangered species at the bridge and additional precautions may be required during the construction phase of the project. Preliminary estimate was approximately $283,000.000.

**OTHER:**

**Water:**

Distribution flushing is taking place and will continue through October. Zone 1 has been completed and flushing is taking place in Zone 2.

A leak detection survey of all 42 miles of the water distribution system has been completed. The purpose of such a survey is to:

• Reduce unaccounted for water which must be reported on the Annual Statistical Report.

• Comply with Water Management Act requirements to complete such a survey every 3 to 3½ years.

• Find and repair leaks during the warm weather rather than waiting until the leak suddenly surfaces in the middle of winter and it has to be repaired immediately at higher cost.

The last survey was done in 2012.

• On August 26th, MADEP performed a Sanitary Survey of the water system. All of the system components, i.e. production, treatment, distribution and storage are
evaluated to see if they comply with the drinking water regulations of Massachusetts.

- All six well pumps at Barnes Street were tested and evaluated. A report will be issued for each pump describing its performance and suggested repairs. The last test was done in 2011.

- The meter modernization program continues. The goal is to eventually have all the water meters converted to the remote reads, just like the electric meters.

**Wastewater:**

- NPDES Permit expired in September, 2018; operating on an expired permit.

- Not sure when we will receive a new permit.

- Could result in significant expenditures; existing WWTP was designed in 1978 and constructed in 1983 – it’s old; it was designed to reduce the strength of the wastewater (BOD) by 85%, to reduced suspended solids (SS) by 85%, to convert ammonia nitrogen (NH₄) in human waste to nitrite (NO₂) and nitrate (NO₃) nitrogen by aeration and to reduce phosphorus by adding salts of aluminum – that’s it!!!!

- Most likely the town will receive a nitrogen limit it can’t meet. This could involve a substantial expenditure of funds.

- See attached preliminary evaluation by Tighe & Bond.

**Highway:**

Stone Sealing of various roads will begin on Friday, September 27, 2019, as follows:

**2019 – ROADS FOR STONE SEALING**

1. **Osborne Road:** Beginning at the intersection of Doane Road and Osborne Road, then 11,000 feet along Osborne Road to the intersection of Old Poor Farm Road and Osborne Road – average width = 22’.

2. **Old Poor Farm Road:** Beginning at the intersection of Old Poor Farm Road and Osborne Road, then 2,300 feet along Old Poor Farm Road to the unnamed brook – average width = 18’.

3. **Doane Road:** Beginning at the intersection of Doane Road and Walker Road, then 2,000 feet to the intersection of Doane Road and Greenwich Plains Road – average width = 20’.

4. **Dugan Road:** Beginning at the intersection of Dugan Road and Anderson Road, then 3,900’ along Dugan Road to the end of the paved road – average width 16’.
5. **Shoreline Drive**: Beginning at the intersection of Shoreline Drive and Babcock Tavern Road, then 5,700 feet along Shoreline Drive to the end of the paved road - average width = 24’.

6. **Old County Road**: Beginning at the intersection of Old County Road and Monson Turnpike Road and Old County, then 615 feet to the intersection of Old County Road and Beaver Road - average width = 18’.

7. **Babcock Tavern Road**: Beginning at the intersection of Beaver Lake Road, then 1,250’ along Babcock Tavern Road to the intersection of Babcock Tavern Road and Shoreline Drive – average width = 22’.

8. **Horseshoe Circle**: Beginning at the intersection of Monson Turnpike Road and Horseshoe Circle, then, 3, 168 feet along Horseshoe Circle back to Horseshoe Circle – average width = 22 feet.

9. **Indian Hill Road**: Beginning at the intersection of Horseshoe Circle and Indian Hill Road, then 815’ to the intersection of Indian Hill Road and Horseshoe Circle – average width = 22 feet.

- Prior to stone sealing, DPW employees placed approximately 900 tons of bituminous concrete with a rented paver on select sections of the roads that were severely rutted, or filled with potholes and that had been repeatedly patched; the roads were then thoroughly swept and patched by hand. Wherever possible, roadside ditches were cleaned and culverts were repaired.

- Resurfacing and related work is scheduled to take place in October on Woodland Heights and Longview Avenue and on Babcock Tavern Road from Route 9 to Coldbrook Drive in November, weather permitting.

- Future projects include resurfacing and related work on Church Street, from the former Kozioł farm to the culvert near the high-tension electric lines, and on Greenwich Road from Muddy Brook to North Street (I've submitted the attached a warrant article and motion to use some money set aside for this purpose):

**Warrant Article for November 18, 2019 Special Town Meeting**

**Article:**

To see if the Town will vote to appropriate a sum of money to be expended for resurfacing and related work on Greenwich Road and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or any combination thereof, or take any other action relative thereto.
Explanation:

This article will allow the DPW to use funds from the Robinson/Roach escrow deposit fund for resurfacing and related work on a section of Greenwich Road. This money comes from payments made by the owners of the Robinson/Roach gravel pit for gravel removed from the pit and must be used on Greenwich Road. The money will be combined with Chapter 90 funds. Currently, there is $28,981.67 in the fund.

Motion:

I move that the Town vote to appropriate the sum of $28,981.67 for resurfacing and related work on Greenwich Road and to meet said appropriation by authorizing the use of $28,981.67 from Town Accountant line item 4000-000-2885 Escrow Deposit – Robinson/Roach.

- Prior to winter there are plans for drainage improvements on Sheehy Road and for improvements to a portion of Lee Road. Some money was set aside by the developer of the property along Lee Road to upgrade the portion of the road above the former Cloutier/Bilz property.
CURRENT CHALLENGES

1. Cumbersome Alkalinity Addition
2. Aluminum and Copper Order
3. TP to 1.0 mg/L (summer only)
4. TN to 83.4 lb/d (future annual average)

GOALS

1. Meet all current and future permit limits
2. Simplify Operations
3. No new Tankage
4. Utilize BNR to minimize Chemical Use
Ware Wastewater Treatment Plant Total Nitrogen Discharge (2014 - 2018)

- N lb/day Monthly Avg.
- "Rolling" Annual Average 1
- Target Load = 83.4 lbs/day
1. Cyclic Aeration
2. Ludzack - Ettinger

Aeration Basins

Influent Wet Well

Aerobic Zone

Anoxic Zone

Secondary Clarifiers

RAS Pumps

Tighe & Bond
3. Modified Ludzack - Ettinger
## COMPARISON SUMMARY

<table>
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<tr>
<th>ALTERNATIVE</th>
<th>CAPITAL COST</th>
<th>OPERATING COST</th>
<th>NITROGEN GOAL</th>
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<th>CONS</th>
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<tr>
<td>Cyclic Aeration</td>
<td>$</td>
<td>$</td>
<td>Moderate Removal</td>
<td>- Little to no cost to try</td>
<td>- Solids Deposition</td>
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<td></td>
<td></td>
<td>- Some alkalinity recovery</td>
<td>- Requires piloting</td>
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<td></td>
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<td></td>
<td>- Increased stress on equip / shorter life</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>- Not easily adaptable to flow variations</td>
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<tr>
<td>Ludzack-Ettinger</td>
<td>$$$</td>
<td>$</td>
<td>Moderate Removal</td>
<td>- More alkalinity recovery</td>
<td>- Modify Internal Wall</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Improve clarifier settling (less PACI needed)</td>
<td>- Requires supplemental mixing</td>
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<td>Modified Ludzack-Ettinger</td>
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<td>$$$</td>
<td>Most Effective Removal</td>
<td>- Most alkalinity recovery</td>
<td>- Modify Internal Wall</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Easiest to modify for Bio-P removal</td>
<td>- Requires nitrate recycle pump &amp; mixer</td>
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</table>
PHOSPHORUS REMOVAL ALTERNATIVES

1. **Flow pace chemical**
   - Reduce chemical usage
   - Reduce effluent Al concentration
   - Reduce sludge generation

2. **Switch to Ferric Chloride**
   - Removes Phos without Al addition
   - Safety & Equipment Corrosion issues
   - Increased alkalinity consumption

3. **Bio-P**
   - Challenging with current process configuration
ALKALINITY ADDITION IDEAS

1. **Continue Manual Soda Ash Addition**
   - Less quantity with Nitrogen Removal Upgrades
   - Limited operational control

2. **Automate Soda Ash Addition**
   - Dissolve soda ash in water tank that drains to headworks
   - Less manual labor
   - Improves control and reliability

3. **Install Caustic Feed/Storage System**
   - Completely automated feed system
   - No routine solution make up
   - Material Safety Concerns
   - Highest Capital Costs
TO: Board of Selectmen  
FROM: Chief Shawn C. Crevier  
DATE: September 20, 2019  
RE: Civil Service Candidate List

I am requesting that the Board of Selectmen request a Civil Service Candidate list for two (2) vacant full-time Police Officer positions.

Thank you,

Chief Shawn C. Crevier  
Ware Police Department
September 9, 2019

Board of Selectmen
126 Main St.
Ware, MA 01082

Dear Board Members:

I am in receipt of the resignation of the following individual from the Cannabis Committee:

Josh Kusnierz

Mr. Kusnierz served on this committee as the Chairman also. His resignation is effective immediately (a copy of the resignation is attached).

When the appointments of members to this committee were made, there was no date of expiration.

Sincerely,

Nancy J. Talbot
Town Clerk

cc: 2019 Resignation File
Good Friday evening,

I would like to let you all know that I have come to the decision that because of the many activities and organizations that I am involved in, I feel as I am taking away from the progress of the committee. Also as chairman, I feel that I have not served you and the residents of Ware strong enough. I thank each of you for selecting me to lead the committee, I just would like to lighten my load (just a little). I will still continue to serve the town in other aspects such as the planning board etc. This decision certainly has not come easy, it took some time to realize that there is just not enough time in the day and we only get so many trips around the sun. I hope to be able to attend a meeting here and there with you all or see you in a PB meeting. Again while it was only for a short time, I can see the passion you all share and want to take to make Ware as efficient as possible for this new upcoming industry. Please anytime feel free to call or text even just to say hi. 413-687-4714.

Josh Kusnierz

Ware Planning Board

PVPC Commissioner

Town of Ware, Tree Warden

"Bloom where you are planted"

"I speak for the trees, for the trees have no tongues." ~ Dr. Seuss

“Only when the last tree has died, the last river has been poisoned, and the last fish has been caught will we finally realize we cannot eat money.” ~ Cree Proverb
September 9, 2019

Board of Selectmen
126 Main St.
Ware, MA 01082

Dear Board Members:

I am in receipt of the resignation of the following individual from the Community Development Authority (a copy of her resignation to the Director of Planning and Community Development is attached).

Brenda Cooper

Ms. Cooper was appointed to this committee several years ago and her term was to expire June 30, 2021.

Sincerely,

Nancy J. Talbot
Town Clerk

cc: Planning and Community Development Department
    2019 Resignation File
Please see below for the resignation of Brenda Cooper from the Community Development Authority.

Thank you,

Rebekah L. DeCourcey

Director of Planning and Community Development
Town of Ware
126 Main Street
Ware, MA 01082
413-967-9648 x118

All,
It is with a heavy heart I will have to resign from the CDA.
The demand at my work has increased as my company is seeking out a management certification program that is demanding my time.
This makes it impossible for me to attend the September meeting as well as upcoming future meetings for the next 3 months.

Once this is past, I will re-evaluate my personal time and hopefully fulfill a post that benefits the town of Ware and its residents.
It has been a privilege to be a part of this dedicated group over the past 4 plus years.
I apologize to resign so suddenly, but my work must come first.
Warm Regards
Brenda Cooper
Director of Quality

Quabbin Wire & Cable Co., INC.
10 Maple Street
Ware, Ma.01082-1597
Office: 413-967-6281 ext.324
Cell 978-880-0371
brendac@quabbin.com
Board of Selectmen
Town of Ware
126 Main Street
Ware, MA 01082

Dear Board of Selectmen:

I am writing to express my interest in becoming a member of the Ware Cultural Council. I have been recruited by Mary Healey, co-chair on the local council. We have discussed the issues and responsibilities of membership and I would like to be considered for an appointment. The 3-year term of my membership will be from October 1, 2019 – September 30, 2022.

I am a long-time resident of Ware residing at 47 Horseshoe Circle. I look forward to supporting culture in our community and would be an active contributing member.

Thank you for your consideration.

Sincerely,

[Signature]

Lyndi Rude
WARE CULTURAL COUNCIL, P.O. Box 1432, Ware, MA 01082
wareculturalcouncil@yahoo.com

September 9, 2019

Board of Selectmen
Town of Ware
126 Main Street
Ware, MA 01082

Dear Board of Selectmen:

I am writing in support of the nomination of Lynn Rude to serve as a member of the Ware Cultural Council for a three-year appointment beginning October 1, 2019 through September 30, 2022. Lynn Rude resides at 47 Horseshoe Circle, Ware, MA.

Ms. Rude has expressed interested in serving our community through our council and we are eager to have her appointed as quickly as possible. She will be an asset to our group and will be an active contributing member.

Should you require any further information, please leave a message at 413-967-7329.

Thank you for your consideration and support.

Sincerely,

Mary Healer
Co-Chair
Ware Cultural Council
Mr. Stuart Beckley  
Town Manager  
Town Hall, Suite J  
126 Main Street  
Ware, MA 01082

August 21, 2019

Dear Mr. Beckley,

Enclosed with this letter are three originals of a Traffic Control Agreement for the Safety Improvement Project regarding intersections at Main Street, West Street, North Street, South Street and Church Street in the Town of Ware. This Agreement is required by the Federal Highway Administration in accordance with Title 23 USC, Sections 109(d) and 116. The purpose of these Agreements is to assure that the ways within and adjacent to the project will be operated and maintained by the municipality as planned. Failure on the part of any municipality to execute and fulfill the terms of the Agreement may cause disqualification from participation in future Safety Improvement Projects.

This Agreement has been discussed with the project design engineer and municipal representatives. The proper officials, including the Town Counsel, are required to sign all three originals of each Agreement and affix all attests and seals.

It is requested that all pertinent traffic regulations be enacted. In the instance where existing municipal regulations are in conflict with the Agreement, action must be taken to bring them into compliance with the Agreement.

Please submit to this office the three signed originals of each Agreement and three signed, dated and executed originals of the regulation establishing the "Specific Provisions Section" as detailed in the Traffic Control Agreements. If any of the "Specific Provisions Section" is in effect, please provide a copy of the regulation. Upon completion please forward all required documents to: State Traffic Engineer, Room 7210, Ten Park Plaza, Boston, MA 02116, Attention: Joseph J. Amato, for processing.

If you have any questions regarding this matter, you can contact Joseph J. Amato of the Highway Safety Division at (857)368-9653.

Sincerely,

[Signature]

Neil E. Boudreau  
State Traffic Engineer

Ten Park Plaza, Suite 4160, Boston, MA 02116  
Tel: 857-368-4636, TTY: 857-368-0655  
www.mass.gov/massdot
AGREEMENT, made this ____ day of __________, 2019 by and between the Massachusetts Department of Transportation, hereinafter called "MASSDOT," and the TOWN of WARE, hereinafter called the "TOWN," pursuant to the provisions of 23 U. S. C. §§ 109(d) & 116, and in accordance with the official standards of MASSDOT, which have been adopted in conformity with the provisions and recommendations of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Department of Transportation, Federal Highway Administration, hereinafter called "STANDARDS."

WHEREAS, MASSDOT and the TOWN have agreed that MAIN STREET, WEST STREET, NORTH STREET, SOUTH STREET & CHURCH STREET, being in whole or in part a town way, has qualified to participate in the Federal Aid Program with the work being financed in part by the Federal Government; and

WHEREAS, the United States Government, through its Department of Transportation, Federal Highway Administration, requires that the project area upon completion will be operated and maintained in an adequate manner; and

WHEREAS, the TOWN approves the proposed plans for the improvements and upon completion of the project will be the responsibility of the TOWN.

NOW, THEREFORE, in consideration thereof, the TOWN hereby agrees to conform to the following provisions:

GENERAL PROVISIONS

A. All information, regulatory or warning signs, all traffic control signals, flashing beacons, traffic islands or other traffic control devices and all pavement or other markings within the ways located in the project area shall be designed, located and operated in accordance with the STANDARDS of MASSDOT for such devices.

B. The Police Department of the TOWN shall be the enforcement agency for traffic regulations established in accordance with this AGREEMENT and the traffic devices installed in connection therewith.

C. Signed, dated and attested copies of amendments to the TOWN traffic ordinances necessary for the enforcement of any specific provisions will be forwarded forthwith by the TOWN to MASSDOT.
SPECIFIC PROVISIONS

NO LEFT TURN R3-2

West Street nb at Main Street (1 sign)
West Street nb at Main Street (1 sign on mast arm)
Bank Street sb at Main Street (2 signs)

NO U-TURN R3-4

Main Street wb at Church Street/South Street (1 sign)

RIGHT ONLY R3-5R

West Street nb at Main Street (2 signs)

LEFT LANE MUST TURN LEFT R3-7L

Main Street eb at North Street (2 signs)
Main Street eb at Church Street/South Street (2 signs)
Main Street wb at West Street (1 sign)

DO NOT ENTER R5-1

Bank Street at Main Street (2 signs)

ONE WAY (ARROW LEFT) R6-1L / ONE WAY (ARROW RIGHT) R6-1R

Bank Street sb/nb at Main Street (2 signs each direction)

ONE WAY R6-2L / ONE WAY R6-2R

Parker Street sb/nb at Main Street (2 signs)

BIKE LANE R3-17

Main Street eb at approx. Sta 14+00 (1 sign)
Main Street eb at approx. Sta 16+50 (1 sign)
Main Street wb at approx. Sta 16+93 (1 sign)
Main Street eb at approx. Sta 23+25 (1 sign)
Main Street wb at approx. Sta 24+30 (1 sign)

AHEAD (Bike Lane) R3-17aP

Main Street wb at approx. Sta 24+30 (1 sign)
ENDS (Bike Lane) R3-17bP

Main Street wb at approx. Sta 16+93 (1 sign)
Main Street eb at approx. Sta 23+25 (1 sign)

TWO HOUR PARKING R7-5

Main Street wb at approx. Sta 21+80 (1 sign)
Main Street eb at approx. Sta 21+70 (1 sign)
Main Street eb at approx. Sta 17+20 (1 sign)
Main Street wb at approx. Sta 23+30 (1 sign)

RESERVED PARKING R7-8

Main Street eb at approx. Sta 20+55 (1 sign)
Main Street wb at approx. Sta 21+45 (1 sign)

TWO HOUR PARKING (LEFT ARROW)/NO PARKING ANYTIME (RIGHT ARROW) R7-200L

Main Street (west of Bank Street) wb at approx. Sta 20+70 (1 sign)
Main Street (east of North Street) eb at approx. Sta 19+20 (1 sign)
Main Street (east of Bank Street) eb at approx. Sta 21+35 (1 sign)
Main Street (west of Church Street) wb at approx. Sta 23+95 (1 sign)
Main Street (west of Parker Street) wb at approx. Sta 14+90 (1 sign)

NO PARKING ANYTIME (LEFT ARROW/TWO HOUR PARKING (RIGHT ARROW) R7-200R

Main Street (east of Storrs Street) wb at approx. Sta 13+65 (1 sign)
Main Street (east of North Street) wb at approx. Sta 19+40 (1 sign)
Main Street (west of South Street) eb at approx. Sta 23+20 (1 sign)

NO TURN ON RED R10-11a

North Street sb at Main Street

ACCESS AND EGRESS

Within the limits of the Federal Aid Project, neither additional driveways (residential or commercial) nor relocation or alteration of existing driveways shall be permitted unless they are in conformance with MASSDOT STANDARDS and receive prior written approval from MASSDOT.
TRAFFIC ISLANDS

Traffic islands or median islands and traffic devices thereon are not to be installed, altered or removed without the prior written approval of MASSDOT. Parking is prohibited on and adjacent to all traffic islands and median islands within the Federal Aid Project area.

TRAFFIC CONTROL SIGNALS

A. Traffic Control Signals shall be operated in strict accordance with the requirements of the applicable permit.

B. Changes in the operation of the traffic control signals located in the Federal Aid Project area are not to be made without the prior written approval of MASSDOT.

C. Traffic Control Signals, the operation of which is pertinent to the Federal Aid Project area covered by this AGREEMENT, will be installed to control traffic as shown on the plans for this Federal Aid Project. All power charges for the operation of the installation will be the responsibility of the TOWN as well as charges for maintenance and control. The traffic control signals listed below will be under the ownership and control of the TOWN.

MAIN STREET AT WEST STREET
MAIN STREET AT NORTH STREET
MAIN STREET AT SOUTH STREET

MISCELLANEOUS

Traffic Controls or regulations instituted whether by the MASSDOT or the TOWN on ways or parts thereof within the Federal Aid Project are to remain in force and effect until proposed future changes have been approved in writing by MASSDOT.

MASSDOT will not approve any future proposed traffic control changes within the Federal Aid Project, which will in the opinion of MASSDOT, lessen to any degree the efficient utilization of the highway for traffic purposes.

MAINTENANCE

The TOWN, in accordance with the provisions of 23 U.S.C. §§ 109(d) & 116, will properly maintain the way and all traffic control devices and pavement markings under the control of the TOWN within the project area. This obligation includes features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities. This requirement does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

PENALTY

Continued and willful failure on the part of the TOWN to fulfill its responsibility in the proper maintenance and operation and the enforcement of the traffic regulations of the completed project may disqualify the
TOWN from participation in future Federal Aid Projects in which the TOWN has maintenance responsibility, as provided in Title 23 USC.

Such failure may result in the withholding or withdrawal of the unexpended balance of any funds assigned to the TOWN, under the provisions of MASS. GEN. LAWS Ch. 90, § 34.

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT on the day and year first written.

TOWN OF WARE

[Signature]
TOWN MANAGER

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

[Signature]
HIGHWAY ADMINISTRATOR

LEGAL CERTIFICATION

This will certify that the TOWN has complied with all applicable State Laws and its By-Laws and Ordinances as they apply to this AGREEMENT and that this AGREEMENT is a valid, binding Agreement with the TOWN.

DATE

[Signature]
TOWN SOLICITOR

CERTIFICATE OF SIGNATORY

This will certify that the below named individuals are duly authorized and empowered to execute and deliver this Agreement on behalf of the TOWN.

NAME

Stuart Beckley

TITLE

TOWN MANAGER

DATE

ATTEST (SIGNATURE)

[Signature]
Nancy J. Talbot
CITY CLERK
September 18, 2019

VIA MAIL & E-MAIL: Town of Ware
C/O Mr. Stuart Beckley, Town Manager
Town Hall, Suite J
126 Main Street
Ware, MA 01082

Open Meeting Law Complaint

Dear Mr. Beckley,

As you know, My Attorney notified the Board of Selectmen (BOS) of the Town of Ware on 1/25/19 to consider all electronic communications and messaging to be on litigation hold. I filed FOIA requests through Ware’s Public Information Officer, you, 2/27/2019 requesting all emails, cell phone text messages, letters and memos from and between yourself, the BOS as a group and each individual member of the Board and Deputy Chief Edward Wloch.

It wasn’t until 9/7/2019 when you delivered to me your own email files, partial response to the above FOIA request, that it became clear through my review of emails that Ware’s Board of Selectmen continues to violate the OML.

Consider this to be a formal new complaint that the Town of Ware Board Of Selectmen individually and as an entity violated the Open Meeting Law, M.G.L. c. 30A, §§ 18-25:

1) From 7/1/17 up to and including present date; but specifically up to and including through 2/19/19, by failing to include sufficient detail of Exec Session topics, both in the notices and in the meeting verbal announcements prior to entering executive sessions

   -by failing to provide written notice to me, the subject of the Exec session(s).

   i. With the exception of 12/4/18 and 1/8/19, meeting notices and stated purposes of executive sessions from 7/1/2017 through 2/19/19 were stated as MGL c. 30A, §21(a) #2 Negotiations or #3 Litigation”. 12/4/2018 Exec Session reasons included Purpose #1. Neither I nor Brian Coulombe received notice. We received notice of the 1/8/2019 Exec Session that included Purpose #1; however, that meeting with us was rescheduled to 1/29/19 (and ultimately cancelled via consensus decision by emails). 1/29/19 was also cancelled via email consensus. The BOS discussed me at a 2/19/19 Exec Session (no Purpose #1) voting to place me on Administrative Leave.

   ii. I was never notified prior to any discussions pertaining to me outside of any Board Meeting, by the Town Manager nor was I provided notice of their planned and confirmed discussions in open or Executive Sessions; specifically on 10/11/18, 1/25/19, 2/19/19

2) The aforementioned email files of 10/11/18, 10/15/18, 10/16/18, 1/4/19, 1/23/19 through 1/25/19, 2/19/19 illustrate the Board of Selectmen’s further violating the OML by
conducting discussions or determining actions outside of formal meetings altogether (through email discussions among all members of the Board via their personal emails, the Town’s Labor Attorney and Town Manager), reaching consensus and determining action plans of:

   a) conducting an investigation of us  b) interviewing potential investigators  
   c) developing and distributing via discoverable unprotected email RFP questions to 
   investigators that included our names, charges that are stated as fact  
   d) reaching consensus regarding executive session discussion of us and later to cancel 
   executive sessions that was to be “for interviews” of us regarding complaints or 
   charges when the Board learned I may be requesting said interview in open session

3) Lastly these email files, illustrate that from 7-18-17 to 10-15-18 to 1/22/19 by 
   misrepresenting their intended use of funds authorized by ATM of 5/14/2018, Article 20, “to see 
   if the Town will vote to raise and appropriate a sum of money ($15,000) for the purchase of 
   conducting one or more departmental financial and operational audits” while never having any 
   intention of conducting an audit and instead proceeding with a planned investigation targeting 
   me and my son, Brian Coulombe.

Two news articles appeared on the Mass Live Website, “Ware selectmen make numerous 
emails public in hopes of avoiding Open Meeting Law violations” dated December 26, 2017, and 
“Ware selectmen chairman urges attendance at upcoming Open Meeting Law training” Dated 
February 3, 2018. These articles referenced that The Republican reporter, Jim Russell, had filed a 
FOIA request forcing the Town to release 126 pages of E-mails exchanged between the Board of 
Selectmen that demonstrated clear violation of the OML. The Board of Selectmen, in the hopes 
of avoiding an OML complaint, were encouraged by then Board of Selectmen Chair, Nancy 
Talbot, to participate in formal training of the OML. In fact, the March 6, 2018 scheduled 
meeting of the Board of Selectmen was cancelled for the members to attend formal OML 
training. Four of the current members of the board were board members during the time frame 
involving the E-mail violations (Carroll, Opalinski, Fountain and Whitney); yet the Board, as 
evidenced by the email files continues to violate the OML with full knowledge of the law. It is 
obvious via these emails that despite its training, members of the Board (Opalinski, Carroll, 
Fountain, Whitney and Kruckas) continue to blatantly and willfully disregarding the OML.

This serves as notice that I am formally requesting that the Board of Selectmen address and 
respond to this complaint.

Sincerely,

[Signature]
Chief Thomas W. Coulombe
Town Manager Updates  
September 24, 2019

October 7 – Bike and Pedestrian Plan Forum, 7 p.m.  
October 17 – East Quabbin Rail Trail Ribbon cutting, 4 p.m. at Frohloff Farm

Mary Midura has placed minutes from the following Committees on the Town’s website. Council on Aging, Community Development Authority, Cemetery Commission, Finance Committee, Historical Commission, Parks and Recreation Commission, Conservation Commission, Cannabis Committee, and Open Space Committee.

Mary, with cooperation from the Police Department, also organized the disposal sale of a surplus Crown Victoria cruiser. Using the municipal bid system, the sale price was $1450.

Maple Street Vehicles. The truck parked on town property on Maple Street has been removed. Many unregistered vehicles remain on the adjacent properties. The building inspector will issue another round of orders and fines. This is occurring on other properties in Town as well.

The Beaver Lake Dam project is reported to be on schedule. The Lake Association is addressing the issues of the area’s residents. The Conservation Commission is holding the wetlands hearing on the Old Belchertown Road bridge on October 9.

I attended the Mass Municipal Human Resources Conference and the Western Massachusetts legislative forum on transportation and a presentation of the State’s Economic Development Plan with the Secretary of Housing and Economic Development. There is a large focus on designing and implementing services for rural areas of the State.

The Planning, Parks, and Water Department met with designer and project contractor regarding the Ware Dog Park to be constructed on Pleasant Street. The Town will install the required water pipe. Neighbors using the parking lot will be notified to move their vehicles to a specific area during project operations. Construction will commence on September 30.

With the Parks Commission’s permission, a film company used the Reed Pool on Sunday for a short scene.

Gypsy moths and other insects and blights in the past few years significantly damaged the health of the Town’s tree canopy. The Cemetery Commission reviewed the trees in Aspen Grove last week. There are approximately 30-35 trees which should be removed. This is in addition to the
hundreds of trees along town streets that were damaged and are now dangerously weak. Some work can be done by the DPW crew, and some by National Grid, but some work will require a tree contractor. The Tree warden, Parks Manager, and Highway Supervisor will work on a proposal to bring to Town Meeting for funding.

The Treasurer, building Inspector, Parks Manager and Planning Director have reviewed the tax taking properties in town, including those that the Town has already taken possession. Recommendations were made as to whether the town should (1) take and hold the property for future projects, (2) auction the property, or (3) auction the debt (majority). The Treasurer will start the procedure for debt auction. The departments will also meet with the Town’s takings attorney to prioritize final takings.

The SMK Elementary boiler project is moving along and should be completed on schedule with final completion scheduled for October 15. The Middle School windows and doors project is being reviewed by the School Building Committee. Bidding should occur in December.

The Insurance Advisory Committee will begin their monthly meetings beginning September 25.