

WARRANT FOR ANNUAL TOWN MEETING  
TOWN OF WARE  
COMMONWEALTH OF MASSACHUSETTS

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C qualified to vote on Town affairs to meet at the Ware High School Auditorium, 237 West Street Ware, on Monday May 13, 2019, at seven (7:00 PM) o'clock in the evening, then and there to act on the following articles:

Consent articles (1-10)

CONSENT AGENDA – EXPLANATION

Warrant articles on a Consent Agenda are exceptions to the general process of Town Meeting. The Select Board, Moderator, and Finance Committee can identify, for Town Meeting consideration, those articles that they believe should generate no controversy and can be properly voted upon without debate. These articles are put on the Consent Agenda to allow motions under these articles to be acted upon as one unit and to be passed without debate. At the call of the Consent Agenda, the Moderator will read out the numbers of the articles, one by one. If one or more voters object to any particular article being included in the Consent Agenda, they say "HOLD" in a loud voice when the number is called. The article will be removed automatically from the Consent Agenda and restored to its original place in the Warrant, to be debated and voted under the usual manner.

After the calling of the individual items in the Consent Agenda, the Moderator will ask for a motion that the voters pass all items remaining AS A UNIT on one vote. Use of the Consent Agenda process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

THE CONSENT AGENDA WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE ANNUAL TOWN MEETING ON MONDAY, MAY 13, 2019. Please review the list of articles and motions proposed for each Consent Item which follows:

**MOTION:** Move that the Town take Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 out of order and that they be "Passed by Consent" in accordance with the Motions shown on the Consent Agenda distributed this evening.

SINGLE EXCEPTION WILL REMOVE ARTICLE FROM CONSENT AGENDA.

For Articles 1-10

Recommended by:	Board of Selectmen	Yes
	Finance Committee	Yes
	Town Manager	Yes

- Article 1.** I move that the Town accept the report of the Finance Committee as printed in the Annual Town Report and available on the Town Web site and at this meeting.
- Article 2.** I move that the Town authorize the Treasurer/Tax Collector with the approval of the Board of Selectmen to enter into Compensating Balance Agreements during Fiscal Year 2020 as permitted by Massachusetts General Laws, Chapter 44, §53F
- Article 3.** I move that the Town authorize the Treasurer/Tax Collector, with the approval of the Selectmen to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2020, beginning July 1, 2019 in accordance with the Provisions of Massachusetts General Laws, Chapter 44, §4, and to renew notes or notes payable as may be given for a period of less than one (1) year in accordance with Massachusetts General Laws, Chapter 44, §17.
- Article 4.** I move that the Town accept and appropriate any Grant Funds awarded to the Town of Ware under the Massachusetts Community Development Fund Program by the Executive Office of Housing and Economic Development and to authorize the Board of Selectmen and Community Development Authority to expend the funds in accordance with the Terms and Conditions of the Grant Agreement.
- Article 5.** I move that the Town accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2020 to be expended by the Pathfinder Regional Vocational Technical High School District.
- Article 6.** I move that the Town vote to accept all State and Federal Educational Grants in any amount as may be awarded for the direct educational expenditures for Fiscal Year 2020 to be expended by the Ware Public Schools
- Article 7.** I move that the Town authorize the Board of Selectmen and Town Manager to apply for, accept, and expend any grants or donations from state or federal governments or private agencies, individuals or institutions.

**Article 8.** I move that the Town appropriate Four Hundred twenty-seven Thousand five hundred eighty-three dollars and no cents (\$427,583.00) to be expended for road repairs in anticipation of reimbursement by the Commonwealth of Massachusetts Highway Department under the Chapter 90 State Highway Aid Program and to meet said appropriation by authorizing the Treasurer to borrow the sum of Four Hundred twenty-seven Thousand five hundred eighty-three and no cents (\$427,583.00) under provisions of the Massachusetts General Laws Chapter 44, §6 and/or any other relevant sections of the Massachusetts General Laws Chapter 44.

**Article 9.** I move that the Town establish FY2020 spending limits for the revolving funds listed in the Town’s General bylaw and to authorize such expenditure limits to remain in place from fiscal year to fiscal year unless revised by Town Meeting prior to July 1 for the ensuing fiscal year as follows:

Authorized Revolving Fund	Fiscal Year Expenditure Limit
Senior Center Rental	20,000.00
Ware Public School Athletic Advertising	100,000.00
Community Development Septic Repair	25,000.00
Community Development	120,000.00
Cemetery Maintenance and Burial	10,000.00
Bulky Waste	15,000.00

**Article 10.** I move that the Town vote to fix the salaries of the several Elected Officers of the Town for the Fiscal Year 2020 as follows:

Town Moderator	\$ 250.00
Chairman, Selectmen	\$2,652.00
Members, Selectmen	\$2,232.00 each member
Board of Assessors, Chair	\$3,800.00
Board of Assessors Member	\$3,100.00 each member
Planning Board Members	\$400.00 each member
Board of Health Members	\$654.50 each member

And, further that no Town Board or Commission shall be authorized to employ any of its members for an additional salary or compensation except for the Board of Registrars, Finance Committee, Planning Board, and Recreation Commission, and further provided that the Board of Health may appoint one or more of its members to witness percolation tests and deep hole tests and to perform other paid functions required by the Board of Health.

**Article 11.** I move that the following sums be appropriated for the Water Enterprise Fund for FY 2020:

Salaries	\$301,481.00
Operating Expenses	\$399,700.00
Budgeted Surplus to Separate Reserve Fund	<u>\$179,107.00</u>
	\$880,288.00

And that \$880,288.00 be raised from Department Receipts

**Recommended by:** Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 12.** I move that the following sums be appropriated for the Sewer Enterprise Fund for FY 2020:

Salaries	\$243,000.00
Operating Expenses	\$507,350.00
Budgeted Surplus to Separate Reserve Fund	<u>\$ 25,754.00</u>
	\$776,104.00

And that \$ 776,104.00 be raised from Department Receipts.

**Recommended by:** Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

*The Water and Sewer Budgets are shown on the following page.*

**Article 13.** I move that the Town raise and appropriate from taxation \$29,194,052.00 and Transfer \$38,954.00 from Ambulance Receipts Reserved for a total appropriation of \$29,233,006.00 to defray the charges and expenses of the Town, including Debt and Interest for the Fiscal Year 2020.

**Recommended by:** Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Explanation:** Article 13 sets the general budget for the Town. The following pages include the Budget narrative, School Department accomplishments, and the proposed general budget for adoption.

Insert Water/Sewer budgets

**Article 14.** I move that the Town appropriate Twenty Thousand Dollars (\$20,000.00) to fund the Employee Compensated Absences Reserve Fund .

**Explanation:** This article funds a reserve fund to cover the costs of Employee retirement.

**Recommended by:** **Board of Selectmen**      **Yes**  
**Finance Committee**      **Yes**  
**Town Manager**      **Yes**

**Article 15.** Move the Town amend the Zoning Bylaw by amending the Zoning Map Ware Zoning Map and Bylaw by changing 4 parcels from Downtown Commercial (DTC) district to the Mill Yard (MY) district as defined by Sections 3.1.7 and Section 3.1.8, of the Zoning Bylaw, Said properties are listed on Assessor's Map 57-0-64, 57-0-65, 57-0-66, and 57-0-67.

**Explanation:** This article changes the zoning of a mill building and property to Millyard district, allowing more flexible use of the property. A map of the parcels is on the following page

**Recommended by:** **Board of Selectmen**      **1 Yes, 1 No, 1 Abstain**  
**Finance Committee**      **Not Financial**  
**Town Manager**      **Yes**  
**Planning Board**      **Yes**

**Article 16.** Move that the Town amend the Zoning Bylaw for a zoning use change to allow self-storage facilities by right in Residential Business (RB) District in accordance with the attached petition.

**Explanation:** This Zoning Amendment would allow Self Storage Facilities in the Residential Business District by right with Site Plan Review by the Planning Board. Zoning Map attached.

**Recommended by:** **Board of Selectmen**      **2 Yes, 1 abstain**  
**Finance Committee**      **Not Financial**  
**Town Manager**      **Yes**  
**Planning Board**      **Yes**

**Article 17.**

(petition) Move that the Town of Ware authorize the Selectman to petition the Legislature for a special Act of Legislation exempting Christopher Scott Romani, who has already taken the Civil Service Exam, from the maximum age requirement for applying for Civil Service appointment as a Police Officer in the Town of Ware. The Legislation seeks to allow the appointment of Christopher Scott Romani as a Ware Police Officer despite the fact that he surpasses the 32 year age limit on March 28, 2002. This vote specifically authorizes the Board of Selectman to petition the Legislature for a Special Act of Legislation as follows:

Whereas the deferred operation of this Act would tend to defeat its purpose, which is set forthwith exempt Christopher Scott Romani from the maximum age requirement for applying for civil service appointment as a police officer in the Town of Ware, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Section 1. Notwithstanding Chapter 31 of the General Laws or any other general or special law or rule of regulation to the contrary regulating the maximum age of an applicant for appointment as a police officer, Christopher Scott Romani of the Town of Ware, shall be eligible to have his name certified for original appointment to the position of police officer in the town of Ware notwithstanding his having reached the age of 32 before taking any Civil Service Examination in connection with that appointment. Christopher Scott Romani shall be eligible for appointment to the position of police officer in the Town of Ware provided that he meets all other requirements for certification and appointment to this position.

Section 2. This Act shall take effect upon its passage.  
And further that the Town of Ware authorize the Legislature to reasonably vary the form and substance of this requested Legislation within the scope of the general public objectives of this petition.

**Explanation:** This article would waive the Civil Service age requirement for Officer Romani, so that at a time in the future, he may apply to be a member of the Ware Police Department.

Recommended by: Board of Selectmen: Yes (Selectman Kruckas, Selectman Opalinski), No (Selectman Carroll)  
Finance Committee Not Financial  
Town Manager No

**Article 18.** Move that the Town appropriate Two Thousand dollars (\$2,000.00) for the support of veterans through the Brookfield Institute Care for the Troops program and to meet said appropriation by transferring Two Thousand dollars (\$2,000.00) from available free cash.

**Explanation:** Article is explained by Letter on the following page.

Recommended by: Board of Selectmen Yes (Selectman Carroll), No Recommendation  
(Selectman Kruckas, Selectman Opalinski)  
Finance Committee No Recommendation  
Town Manager Yes

**Article 19.** Move that the Town appropriate \$85,000.00 for the engineering, design and installation of water mains and appurtenant works at the Barnes Street Pumping Station to meet said appropriation by transferring \$85,000.00 from the Water Enterprise Reserve.

***Explanation: The purpose of this article is to create a 24" diameter loop at the Barnes Street Pumping Station. Water will be pumped through the loop and back into the 12" water main that leaves the pumping station. The purpose of the loop is to provide sufficient chlorine contact time in order to meet the requirements of the groundwater rule. It will also allow the Town to re-open the valve in the rear of the Pumping Station and re-establish the loop that sends water from Barnes Street to Pleasant Street and West Main Street. Currently, all the water is pumped out to Pleasant Street, rather than to Pleasant and to West Main Street. The valve had to be closed to allow all the water to go out to Pleasant Street in order to meet the contact time under the groundwater rule. This will also enable the Town to remove the chlorine monitor and other equipment that has been placed in #116 Pleasant Street so the town can dispose of the house; all the monitoring equipment will be in the Barnes Street facility.***

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 20.** Move that the Town will appropriate \$8,000.00 to fund the purchase of an overseeder for the Parks and School Departments, and to meet said appropriation by transferring \$8,000.00 from available free cash.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Explanation:** An over seeder will allow for more efficient care of the Town's ballfields.



**Article 21.** I move that the Town will appropriate \$60,000.00 to be expended for the replacement of water service lines and appurtenant works to the buildings on Main Street as part of the Main Street Reconstruction Project and to meet said appropriation by transferring \$60,000.00 from the Water Enterprise Reserves.

**Explanation** *Funds will address the cost of replacing 23 water service lines on Main Street from the water main to the sidewalk and discontinuing three services that are no longer used. This will include new water service lines, curbstops and curbboxes as well as temporary and permanent trench patch. These funds will be appropriated from Water Enterprise Retained Earnings. If appropriated, MADOT will be notified by certified letter that funds have been appropriated and MADOT will include this work as “non-participating items” in the construction contract for the project.*

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 22.** Move that Town appropriate \$53,000.00 for the purchase and outfitting of a police vehicle, and to meet said appropriation by transferring \$53,000.00. From available free cash.

**Explanation** This hybrid SUV vehicle will replace the last Police Crown Victoria vehicle.



**Information attached.**

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 23.** Move the Town appropriate **\$5,800.00** for speed control signs for the Police department, and to meet said appropriation by transferring \$5,800.00 from available free cash. Information on following page

Recommended by: Board of Selectmen Yes  
Finance Committee No  
Town Manager Yes

**Article 24.** Move the Town appropriate **\$15,000.00** for the improvements to the telephone system for the Police Department, and to meet said appropriation by transferring **\$15,000.00** of available free cash. Explanation on previous page.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Explanation and Pictures for Articles 25-27 are included on the following pages.**

Article 25. Move the Town will vote appropriate \$165,000.00 to be purchase an excavator for the Department of Public Works and to meet said appropriation by transferring \$140,000.00 from free cash and \$25,000.00 from Water Enterprise Reserve..

*Explanation* *This will replace the backhoe purchased in 2004. Since this machine is used by the Water Enterprise for water service repairs and other work, some money can be taken from Water Enterprise Retained Earnings to offset the cost.*



Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 26.** Move that the Town appropriate **\$255,000.00** to purchase a dump truck for the Department of Public Works and to meet said appropriation by authorizing the Treasurer with the approval of the Board of Selectmen to borrow up to the sum of \$255,000.00 under Massachusetts General Laws, Chapter 44, §7

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 27.** Move that the Town appropriate \$36,500.00 to fund the purchase and outfitting of a pickup truck for the Department of Public Works and to meet said appropriation by transferring \$36,500.00 from available free cash.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 28.** Move that the Town appropriate \$13,000.00 for the Town's share of the construction of the Ware Dog Park on Pleasant Street, and to meet said appropriation by transferring \$13,000.00 from available Free Cash.

**Explanation:** The Town of Ware received a grant from the Stanton Foundation for the design (\$14,000) and construction (up to \$225,000) of a Dog Park on Pleasant Street. A plan of the Park is shown on the following page. The Town is required to provide 10% of the construction costs and committed to some grading, paving and the installation of the water line. Bids came in at \$181,000.

Recommended by: Board of Selectmen Yes (Selectman Opalinski), No (Selectman Carroll, Selectman Kruckas)  
Finance Committee No  
Town Manager Yes

**Article 29.** Move that the Town will appropriate \$162,000.00 to fund its share of the construction of a Regional Animal Control Shelter, and to meet said appropriation by authorizing the Treasurer with the approval of the Board of Selectmen to borrow up to the sum of \$162,000.00 under Massachusetts General Laws, Chapter 44, §7 .

**Explanation** The Town has been working with the Towns of Palmer, Monson and Warren to provide Animal Control services through an intermunicipal agreement. This has been in operation for over two years. During that time, the Animal Shelter in Palmer has also been shared. This Shelter, like ones previously used in Ware and Warren will not meet State standards. A grant was used to design a shelter, and a location was chosen in Warren. A state grant was secured toward the construction of the facility. Site and building drawings are attached.

Recommended by: Board of Selectmen Yes (Selectman Carroll), No (Selectman Kruckas, Selectman Opalinski)  
Finance Committee No  
Town Manager Yes

**Article 30.**

Move that the Town appropriate \$49,000.00 to fund the purchase and outfitting of a pickup truck for the Parks department and to meet said appropriation by transferring \$49,000.00 from available Free Cash.



**Explanation:** This article would replace 2006 Ford F350 that has 54,650 miles . The vehicle is responsible for day to day work in the park system as well as a plow route in winter. Park truck was rear-ended last summer and was almost considered a total loss due to overall value. The replacement will be an F250 and will be outfitted with a new plow.

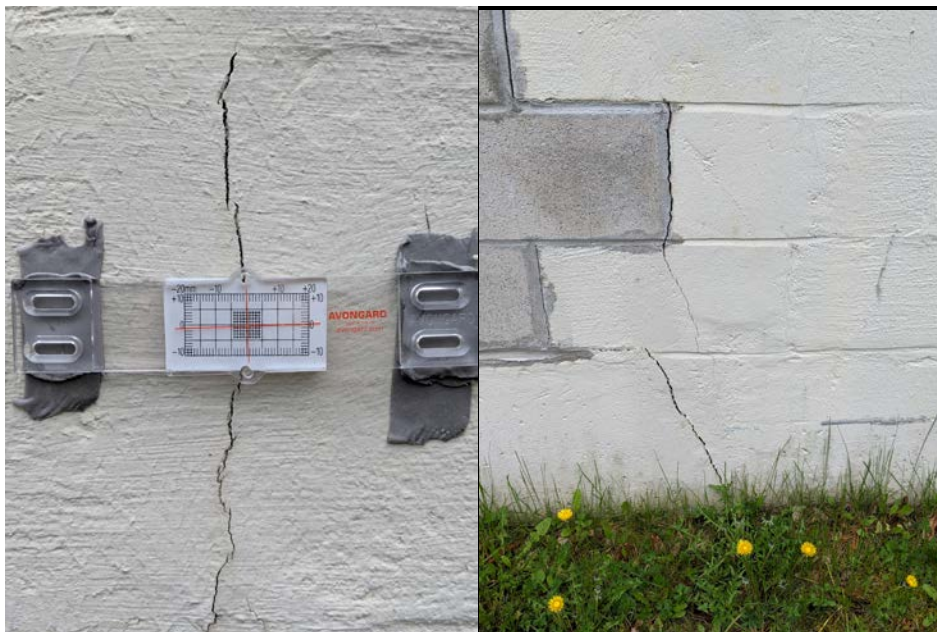
Recommended by:	Board of Selectmen	Yes
	Finance Committee	Yes
	Town Manager	Yes

**Article 31.** Move that the Town raise and appropriate \$20,000.00 from taxation to fund the purchase of personal computers for various Town departments.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 32.** Move that the Town appropriate \$14,000.00 to fund the engineering review related to the structure and foundation of the Ware Senior Center, and to meet said appropriation by transferring \$14,000.00 from available free cash.

**Explanation:** As is evidenced by the pictures on the following page, the Ware Senior Center building has some serious structural damage that needs to be addressed. The first step being analyzing the cause and extent of the current damage and then creating a plan to address the repairs. The gauges in the pictures were placed by an engineering firm to study the speed and scope of the buildings movement over time. They were placed on the building on 4/25/19 and are monitored weekly via photographs to create a time lapse collage. In the meantime we have taken steps to better control the flow of rain water around the foundation from the roof and ground. The DPW built up the surrounding ground level to create a pitch that would allow the water to flow towards Robbins road. An estimate is being pursued on installing rain gutters and downspouts to channel water runoff away from the foundation.



Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 33.** Move that the Town appropriate \$44,000.00 to fund the purchase and outfitting of a pickup truck for the Fire Department, and to meet said appropriation by transferring \$44,000.00 from available free cash.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 34.** Move that the Town appropriate \$25,000.00 for the replacement of AIR SCDA units, breathing/air tanks and gear, for the Fire Department, and to meet said appropriation by transferring \$25,000.00 from available Free Cash.

***Explanation:*** The Fire Department air tanks and gear are at the end of their intended 10-year usefulness. The Department has applied for a grant to replace the units, but this appropriation is needed should the grant not be approved.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 35.** I move that the town raise and appropriate from taxation \$20,000.00 to fund the operations of the local and regional transportation service, the Quaboag Connector.

***Explanation:*** The Quaboag Connector is a local and regional transportation service developed cooperatively by the Town and the Quaboag Valley Community Development Corporation. It has been funded by State grants and donations by regional foundations. The service has grown to provide approximately 900 rides per month via three vans. Funds will be used for transportation operations.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 36.** Move that the Town authorize the Board of Selectmen to approve a Preservation Restriction on Ware Town Hall to be held by the Massachusetts Historical Commission subject to the Town's participation in the Massachusetts Preservation Projects Fund.

*Explanation* An historic preservation restriction is required by the Massachusetts Historical Commission on buildings that receive grant funding. A restriction will require future construction projects such as roof or building repairs or window replacements to be reviewed by MHC. The Town has applied for grant funding for an architectural review of the building. Once this review is complete, the Town may apply for restoration funding.

Recommended by:	Board of Selectmen	Yes
	Finance Committee	Yes
	Town Manager	Yes

**Article 37.** Move that the Town will vote to accept a revised layout of Buckley Court and to authorize the Board of Selectmen to record said layout in the Hampshire County Registry of Deeds.

Recommended by:	Board of Selectmen	No Recommendation
	Finance Committee	Not Financial
	Town Manager	No Recommendation

*Articles 38-40 authorize the Selectmen to accept negotiated Payments in Lieu of Taxes for three Solar projects in town. In total, the projects would generate approximately \$91,000 in personal property taxes annually.*

**Article 38.** Move that the Town authorize the Board of Selectmen to accept the proposed Payment in Lieu of Tax program as presented on March 29, 2019 by Goldilocks Capital, UC to the Town of Ware involving a dual-use solar plus agricultural project on land owned by Terrance Smith & Ivy Peritz-Smith at 209 Greenwich Plains Road, Ware, as presented in the attached petition..

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 39.** Move that the Town authorize the Board of Selectmen to enter into a tax agreement pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authorizing, for personal property in the annual amount of \$11,900 per MW DC escalating at 1.2% annually, associated with a privately owned and operated solar photovoltaic facility to be located on the property located at 313 Palmer Road and referred to as parcel ID 10-0-105 in the Assessor's database and filed in the Hampshire County Registry of Deeds in Plan Book 8803 Page 60, for a term of 20 years; and to take all actions as may be necessary on behalf of the Town to undertake the purpose of this article.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes

**Article 40.** Move that the Town authorize the Board of Selectmen to ratify and approve an agreement made between the Town of Ware and CS Ware West LLC or subsidiary pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes for a 20 year period relative to a parcel of land located at 417 Belchertown Road; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 1.79 megawatts and may be executed in conjunction with a Massachusetts Solar Net Excess Generation Credit Purchase Agreement, or take any other action relating thereto.

Recommended by: Board of Selectmen Yes  
Finance Committee Yes  
Town Manager Yes