

# Village of Lombard

*Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org*



## Minutes

**Thursday, March 17, 2016**

**7:30 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President Keith Giagnorio*

*Village Clerk Sharon Kuderna*

*Trustees: Dan Whittington, District One; Mike Fugiel, District Two;*

*Reid Foltyniewicz, District Three; Bill Johnston, District Four;*

*Robyn Pike, District Five; and Bill Ware, District Six*

## I. Call to Order and Pledge of Allegiance

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, March 17, 2016 in the Board Room of the Lombard Village Hall was called to order at 7:30 pm by Village President Keith Giagnorio. The Pledge of Allegiance was led by Director of Community Development Bill Heniff.

## II. Roll Call

8 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

Staff Present:  
Village Manager Scott Niehaus  
Director of Finance Tim Sexton  
Director of Community Development Bill Heniff  
Director of Public Works Carl Goldsmith  
Chief of Police Ray Byrne  
Fire Chief Paul DiRienzo  
Assistant Village Manager Nicole Aranas  
Executive Coordinator Carol Bauer

## III. Public Hearings

## IV. Public Participation

[160110](#)

### **Quarterly Lombard Town Centre Report - 1st Quarter**

Quarterly report presented by Sarah Richardt to the Village Board.

Sarah Richardt, Lombard Town Centre, provided the following overview relative to the LTC Quarterly Report:  
looking forward to the opening of Babcock's of Lombard and the Balken Bakery this spring; current Board of Directors continue to serve; 253 responses to the LTC survey in a two week period; all surveys were completed on-line; survey sent via Facebook and e-mail; LTC already using feedback from survey; feedback asked for more pre-teen activities; questions in survey included do you live or work in historic district; how often do you visit downtown; how often do you visit downtown Lombard for shopping and dining compared to other communities; have you attended any events in downtown; have you brought out of town guests to any downtown events; have your guests stayed in area hotels; is the historic look of the downtown important to you; would you donate to help fund historical preservation projects in

the downtown. LTC learned that they can not solve everything, but they can work on communication, incentives for businesses to move to Lombard and to stay in Lombard; LTC will continue their efforts on a Strategic Plan; a business survey is awaiting results; work on a downtown Lombard map; have a tool bag; and have a financial plan. Trustee Johnston thanked Sarah for her report and felt LTC was heading in the right direction. Trustee Foltyniewicz questioned the tool bag. Sarah Richardt noted the tool bag would include more information for the businesses and neighbors relative to permits and licensing. Trustee Whittington thanked Sarah for the report and update.

## V. Approval of Minutes

**A motion was made by Trustee Bill Johnston, seconded by Trustee Mike Fugiel, that the minutes of the regular meeting of the Village President and Board of Trustees of March 3, 2016 be approved. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

## VI. Committee Reports

### **Community Promotion & Tourism - Trustee Mike Fugiel, Chairperson**

Trustee Mike Fugiel, Chairperson of the Community Promotion and Tourism Committee, reported the committee met and reviewed the second round of grant requests. He will be abstaining from voting on the Ale Fest grant as he is on the Ale Fest Committee.

### **Community Relations Committee - Trustee Robyn Pike, Chairperson**

No report

### **Economic/Community Development Committee - Trustee Bill Johnston, Chairperson**

No report

### **Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson**

No report

**Public Safety & Transportation Committee - Trustee Dan Whittington,  
Chairperson**

Trustee Dan Whittington, Chairperson of the Public Safety & Transportation Committee, reported the committee met. The Committee received an overview of the Village's Long Range Plan relative to the budget. The Committee also reviewed a request for a stop sign at Grove and Park.

**Public Works & Environmental Concerns Committee - Trustee Bill Ware,  
Chairperson**

Trustee Dan Whittington, Vice Chairperson of the Public Works and Environmental Concerns Committee, reported the committee met. The committee received an overview of Long Range Plan relative to the Village's budget. The Committee reviewed the Solid Waste Contract and approved a Change Order for the Fairview Lift Station Improvements.

**Board of Local Improvements - Trustee Bill Ware, President**

No report

**Lombard Historical Commission**

No report

**VII. Village Manager/Village Board Comments**

Trustee Reid Foltyniewicz wished everyone a Happy St. Patrick's Day. Trustee Mike Fugiel commended staff for their review of bids for the banner program and the \$6,000 savings.

Village Clerk Kuderna read an announcement relative to Earth Hour scheduled for Saturday from 8:30-9:30 pm and encouraged residents to join millions of others worldwide by turning off their lights at home saving electricity and reducing the carbon footprint while playing a game by candlelight or taking a walk.

## VIII Consent Agenda

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Village Attorney Tom Bayer indicated the Board had received a revised Agreement relative to Sam's Club.

### Payroll/Accounts Payable

- A. [160102](#)      **Approval of Accounts Payable**  
For the period ending March 4, 2016 in the amount of \$853,058.04.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**
- B. [160113](#)      **Approval of Village Payroll**  
For the period ending March 5, 2016 in the amount of \$774,813.12.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**
- C. [160114](#)      **Approval of Accounts Payable**  
For the period ending March 11, 2016 in the amount of \$778,214.50.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**

### Ordinances on First Reading (Waiver of First Requested)

- D. [160071](#)      **ZBA 16-01 - 95 S. Columbine (IL Route 53)**  
Requests that the Village grant a variation from Section 155.210(A)(2) (b) of the Lombard Zoning Ordinance to allow a detached accessory building to be located in front of the principal building that is nearest to the front lot line. (DISTRICT #1)  
**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**  
Enactment No: Ordinance 7198
- E. [160107](#)      **Clark Forklift Purchase**  
Request for a waiver of bids and award of a contract to National Lift Truck in the amount of \$21,620.00; and approval of an ordinance declaring Village unit WT557 as surplus equipment and authorizing its sale at public auction. Staff requests a waiver of first reading. Public Act 85-1295 does not apply.  
**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**  
Enactment No: Ordinance 7199

### Other Ordinances on First Reading

- F. [160108](#)      **Title 11, Chapter 112, Sections 112.02 and 112.12(A) - Alcoholic**

**Beverages**

Amending Title 11, Chapter 112, Sections 112.02 and 112.12(A) in regard to the Class "M" Restaurant Liquor License definition and description.

**This Ordinance was passed on first reading on the Consent Agenda**

**Ordinances on Second Reading**

G. [150380](#)

**PC 15-21: 611 E. Butterfield Road - Sam's Club (Continued from January 21, 2016)**

Requests that the Village take the following actions on the subject property located within the OPD Office Planned Development District:

1. Approve a Major Plat of Resubdivision;
2. Approve a Map Amendment rezoning the entire property to the B3 Community Shopping District; and
3. Approve a conditional use for a planned development with the following companion conditional uses, deviations, and variations, as follows:
  - a. A conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance to increase the maximum number of principal structures on a lot-of-record from one (1) to two (2) to allow for a gasoline sales facility;
  - b. A conditional use pursuant to Section 155.415 (C)(9) of the Lombard Zoning Ordinance for gasoline sales;
  - c. A conditional use pursuant to Section 155.415 (C)(17) of the Lombard Zoning Ordinance for motor vehicle service;
  - d. A conditional use pursuant to Section 155.415 (C)(18) of the Lombard Zoning Ordinance for off-site parking;
  - e. A conditional use pursuant to Section 155.415 (C)(19) of the Lombard Zoning Ordinance for outside display and sales of products the sale of which is a permitted or conditional use in this district;
  - f. A variation from Section 155.205 (A)(c)(i) of the Lombard Zoning Ordinance to increase the maximum fence height in a business district from eight feet (8') to ten feet (10') for a loading dock screening wall;
  - g. A variation from Section 155.210 (D)(1) of the Lombard Zoning Ordinance to allow for garbage dumpsters and recycling bins to be located within a corner side yard;
  - h. A variation from Section 15.508 (C)(6)(a) and a deviation from Section 155.415 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum corner side yard setback from thirty feet (30') to twenty-five feet (25');
  - i. A variation from Section 155.706 (B)(1) of the Lombard Zoning Ordinance to reduce the minimum required landscaping of the interior of a parking lot from five percent (5%) to four percent (4%);

- j. A variation from Section 155.706 (B)(2)(c)(ii) of the Lombard Zoning Ordinance to reduce the required number of shade trees within the parking lot from 125 shade trees to fifty-five (55) shade trees;
- k. A variation from Section 155.706 (C)(1) of the Lombard Zoning Ordinance to reduce the minimum required perimeter parking lot landscape area width from five feet (5') to zero feet (0');
- l. A variation from Section 155.708 (A) of the Lombard Zoning Ordinance to reduce the minimum required building foundation landscape area width from ten feet (10') to zero feet (0');
- m. A variation from Section 155.710 of the Lombard Zoning Ordinance to increase the maximum height of refuse disposal and recycling bin fence screening from eight feet (8') to ten feet (10') and to allow for masonry screening where solid wood or an equivalent material is required;
- n. A deviation from Section 155.415 (G) of the Lombard Zoning Ordinance to increase the maximum building height from thirty feet (30') to thirty-five feet and four inches (35'4");
- o. A deviation from Section 155.508 (C)(7) of the Lombard Zoning Ordinance to reduce the minimum required open space in a planned development with deviations from twelve and one-half percent (12.5%) to eight percent (8%);
- p. A deviation from Section 155.602 (A)(5) of the Lombard Zoning Ordinance to reduce the required length of a parallel parking space from twenty-four feet (24') to twenty feet (20'); (Request withdrawn by the petitioner)
- q. A deviation from Section 155.602 (A)(10)(d)(ii) of the Lombard Zoning Ordinance to decrease the minimum parking lot lighting average intensity from 2.0 foot-candles to 1.0 foot-candles;
- r. A deviation from Section 155.602 (A)(10)(d)(iv) of the Lombard Zoning Ordinance to increase the maximum height for light poles used for a parking lot from forty feet (40') to forty-two feet (42');
- s. A deviation from Section 155.602 (C)(Table 6.3) of the Lombard Zoning Ordinance to reduce the minimum required parking spaces for freestanding stores and neighborhood and community centers (up to 200,000 square feet) from four (4) parking spaces per 1,000 square feet of gross floor area to 3.93 parking spaces per 1,000 square feet of gross floor area;

- t. A deviation from Section 155.603 (A)(1) of the Lombard Zoning Ordinance to not fully screen loading berths from adjacent property in an O Office District;
- u. A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within a clear line of sight area; (Request withdrawn by the petitioner)
- v. A deviation from Section 153.505 (B)(6)(c)(ii) of the Lombard Sign Ordinance to reduce the setback from the property line for the leading edge of a freestanding sign from five feet (5') to one foot (1'); (Request withdrawn by the petitioner) and
- w. A deviation from Section 153.505 (B)(19)(a)(i)(a) of the Lombard Sign Ordinance to allow for a sixty-four (64) square foot wall sign on a façade without a street front exposure (south façade). (DISTRICT # 3)

**This Ordinance was passed on second reading on the Consent Agenda**

Enactment No: Ordinance 7200, 7201, 7202

**H. [150572](#)**

**PC 15-23: 505-537 W. North Avenue and 715-733 N. Columbine Avenue (Continued from March 3, 2016)**

Requests that the Village take the following actions on the subject property located within the B2 General Neighborhood Shopping Zoning District and R2 Single-Family Residence Zoning District:

1. Approve a Map Amendment rezoning the entire property to the B2 General Neighborhood Shopping Zoning District; and
2. Approve a conditional use for a planned development with the following companion conditional uses and deviations as follows:
  - a. A conditional use pursuant to Section 155.414 (C)(8) of the Lombard Zoning Ordinance for gasoline sales;
  - b. deviation pursuant to Section 153.504 (B)(5)(d) to allow for two (2) freestanding signs on one parcel of property, where one (1) is allowed;
  - c. deviation pursuant to Section 153.504 (B)(5)(b) to allow for the sign surface area to be forty-nine (49) square feet, where thirty (30) square feet is allowed, for each freestanding sign;
  - d. deviation pursuant to Section 153.223 (E) to allow for a motor fuel reader board at twenty-four (24) square feet, where nine (9) square feet in area, is allowed, for each freestanding sign;
  - e. a deviation pursuant to Section 155.414 (J) for the transitional yard setback to be seven feet (7'), where ten feet (10') is required;
  - f. a variation pursuant to Section 154.306 (D)(3)(b) to omit the sidewalk requirement on Broadview Avenue, where it



is otherwise required for a Major Development.  
(DISTRICT #1)

**This Ordinance was passed on second reading on the Consent Agenda**

Enactment No: Ordinances 7203, 7204

## Resolutions

- I. [150427](#) **Sam's Club - Sales Tax Revenue Sharing Agreement (Continued from October 15, 2015)**  
Recommendation for an Economic Incentive Agreement for a proposed Sam's Club retail establishment to be located at 611 E. Butterfield Road. The Agreement provides for a net present value sales tax rebate, over up to a ten (10) year period, of up to \$2,511,000. (DISTRICT #3)  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: R 20-16
- J. [160067](#) **Bluestone Economic Incentive Agreement**  
Recommendation for a sales tax revenue sharing agreement for Bluestone Single Tenant Properties, LLC for the properties at 505-537 W. North Avenue and 715-733 N. Columbine Avenue. (DISTRICT #1)  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: R 21-16
- K. [160082](#) **Fairview Lift Station Improvements, Final Balancing Change Order No. 3**  
Reflecting a decrease in the amount of \$27,874.83 to the contract with John Neri Construction Company, Inc. (DISTRICT #6)  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: R 22-16
- L. [160086](#) **Human Resources Manual**  
Recommendation from the Finance and Administration Committee to approve the revised Village of Lombard Personnel Manual as amended effective March 2016.  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: R 23-16
- M. [160111](#) **Hill Avenue Bridge, Purchase of Environmental/Pollution Liability Insurance**  
Resolution authorizing the purchase of an insurance policy in the amount of \$25,664 to fulfill the requirement of Nicor's Grant of Easement Agreement for the Hill Avenue Bridge project. (DISTRICT

#1)

**This Resolution was adopted on the Consent Agenda**

Enactment No: R 24-16

### **Other Matters**

- N.     [160008](#)     **Local Tourism Grant Application 2016 - Lombard's Civil War Re-enactment**  
Recommendation from the Community Promotion and Tourism Committee to approve a grant request from the Lombard Historical Society in the amount of \$8,550 from Hotel/Motel funds for entertainment, supplies and advertising for the Civil War Re-enactment event to be held July 22-24, 2016 at Four Seasons Park. (DISTRICT #3)  
  
This Request was approved on the Consent Agenda
- O.     **Local Tourism Grant Application 2016 - Spooktacular (This item was moved to Separate Action IX-B)**
- P.     [160118](#)     **Historical Commission - Annual Report**  
Request from the Lombard Historical Commission that the Village Board acknowledge receipt of the LHC 2015 Annual Report.  
  
This Request was approved on the Consent Agenda
- Q.     [160119](#)     **Village of Lombard Banner Program**  
Approval of Bannerville, USA for the annual installation and storage of the Village of Lombard seasonal banners in the amount of \$21,900.  
  
This Request was approved on the Consent Agenda

### **Approval of the Consent Agenda**

**A motion was made by Trustee Dan Whittington, seconded by Trustee Robyn Pike, to Approve the Consent Agenda The motion carried by the following vote**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

## **IX. Items for Separate Action**

### **Ordinances on First Reading (Waiver of First Requested)**

#### **Other Ordinances on First Reading**

- A-1.   [160120](#)     **Ordinance Amending Title 9, Chapter 99 - Street Trees**  
Requested for consideration by Trustee Foltyniewicz. This concept

was not recommended for approval by the Public Works Committee when they reviewed the matter at their January 8, 2016 meeting.

Art Frerichs spoke relative to the Village ordinance regarding the planting of trees and encouraged the Village Board to approve the proposed policy to allow and encourage more residents to plant trees in the parkway with permission. He spoke of residents taking more ownership of their property by being allowed to purchase a tree for their parkway and then caring for the tree and watering it. He said trees help flooding by absorbing water and trees helps lower utility costs in summer with their shade. He talked of Lombard being a Tree City USA community and how trees help the environment. He felt the proposed policy provided more flexibility to the residents and how the planting of trees will benefit future generations. He did not see anything negative relative to the proposed policy and stated the Village still had control over the planting of these trees.

Trustee Foltyniewicz thanked everyone who came to the Village Board meeting relative to this matter. He stated the Village was not looking at raising taxes, and that he had been pushing for this policy for over a year. He talked about giving residents and businesses the freedom of choice by allowing them to plant a tree in their parkway. He felt if a resident wanted to pay to have a tree planted in their parkway, it was a benefit to the community as well. He provided the following facts: 2,826 ash trees had been removed; 1,132 trees have been replaced; the Village will only replant 75% of the removed trees, 700-800 trees will be gone forever; more trees in the community is a positive; the proposed policy would save the Village money; residents are involved in ownership of the tree; trees can be planted in memory of someone; sees no negatives to this proposed policy. He encouraged the Village Board members to vote in favor of the proposed policy.

Trustee Ware noted that the Public Works Committee had reviewed and deliberated over the proposed policy for over an hour. The current policy allows a resident to receive a replacement tree if allowed based on species regulations within 12-18 months. They looked at the pros and the cons. The Public Works Committee felt the Village had a good policy in place and did not recommend adopting the proposed policy.

Trustee Foltyniewicz indicated this was not about short term, but about being able to beautify a space more quickly.

Trustee Ware stated that he was not in favor of changing the policy for possibly one or two residents and felt the Village policy was sufficient. President Giagnorio noted that a tree was planted at the Civic Center in memory of former Village President Mueller.

Trustee Johnston indicated he made many phone calls to departments relative to this policy and he thanked staff for taking the time to speak with him regarding the proposed policy. He did not feel there was a big demand for this policy relative to tree replacement. He asked what the real issue was. He spoke about staff doing their due diligence.

He felt that with staff being able to address a resident's request on a case-by-case basis, that was satisfactory.

Trustee Fugiel spoke of perception of one resident getting a tree and another possibly not being able to get a tree planted due to restrictions. He noted the Public Works Committee had reviewed this matter twice and did not support the proposed policy. He stated he would not be supporting the policy.

Trustee Foltyniewicz talked about the great staff communication; publicizing Lombard as a tree-friendly community; felt this policy opens up tree planting to everyone; the Village would not be the ones to pick and choose who gets a tree; and that the policy encourages residents to be a part of the Village.

Trustee Pike spoke of the Village looking at tree planting on a case-by-case basis based on location. A resident may want a certain tree, but is limited to a different tree based on size. She spoke of safety of the residents.

Trustee Whittington felt if the Village regulated the trees, it would be a win-win for the resident and the Village.

Director of Public Works Carl Goldsmith spoke of the current Village policy and that a resident can opt with the current policy to purchase a tree for their parkway and the tree would be planted during the regular tree planting cycle. If a tree was lost due to Emerald Ash Borer, the resident would need to wait for a tree. He did not feel a second policy was necessary.

Village Manager Scott Niehaus spoke of current policy where a resident is able to select a tree from a Village species list through a nursery and have the tree planted within about the same timeline.

Trustee Foltyniewicz indicated he had been talking about this policy for over a year and this was the first he heard about the tree planting program and the option for a resident to purchase a tree.

Village President Keith Giagnorio indicated there is already a case-by-case policy in place; spoke about special circumstances and memorial trees; this is not about pro-trees or anti-trees; did not see an outcry of residents asking for a change in the policy; spoke about being careful about changing a policy and what warrants changing a policy; talked of planting in his yard.

Trustee Whittington felt this was adding to the policy and not changing the policy.

**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Dan Whittington, that the ordinance amending Title 9, Chapter 99 relative to tree planting be passed on first reading. The motion failed by the following vote:**

**Aye:** 2 - Dan Whittington, and Reid Foltyniewicz

**Nay:** 4 - Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

## Ordinances on Second Reading

### Resolutions

### Other Matters

- A. [160007](#) **Local Tourism Grant Application 2016 - Lombard Ale Fest**  
Recommendation from the Community Promotion and Tourism Committee to approve a grant request from the Glenbard East Boosters for \$10,000 from Hotel/Motel funds for costs associated with the Third Annual Ale Fest to be held June 11, 2016 at West Parkside at Lilacia Park. (DISTRICT #1)
- A motion was made by Trustee Dan Whittington, seconded by Trustee Robyn Pike, that the Lombard Village Board approve the request from the Glenbard East Boosters for a grant in the amount of \$10,000 from Hotel/Motel funds for costs associated with Ale Fest 2016 be approved. The motion carried by the following vote:**
- Aye:** 5 - Dan Whittington, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware
- Abstain:** 1 - Mike Fugiel
- B. [160009](#) **Local Tourism Grant Application 2016 - Spooktacular**  
Recommendation from the Community Promotion and Tourism Committee to approve a grant request from the Lombard Town Centre in the amount of \$2,150 from Hotel/Motel funds for costs associated with the Spooktacular Event to be held on October 16, 2016 at St. Charles and Park in Lombard. (DISTRICT #1)
- A motion was made by Trustee Mike Fugiel, seconded by Trustee Reid Foltyniewicz, that the Village Board approve the request from Lombard Town Centre in the amount of \$2,150 from Hotel/Motel funds for costs associated with Spooktacular 2016. The motion carried by the following vote:**
- Aye:** 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, and Bill Ware
- Abstain:** 1 - Robyn Pike

## X. Agenda Items for Discussion

## XI. Executive Session

**A motion was made by Trustee Robyn Pike, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, March 17, 2016 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 8:34 p.m. for the purpose of discussion of Collective Negotiating Matters and Pending Litigation. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

## **XII. Reconvene**

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, March 17, 2016 in the Board Room of the Lombard Village Hall was called to order at 8:51 pm by Village President Keith Giagnorio. Upon roll call by Village Clerk Sharon Kuderna, the following were:

8 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

## **XIII Adjournment**

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**A motion was made by Trustee Bill Johnston, seconded by Trustee Robyn Pike, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, March 17, 2016 in the Board Room of the Lombard Village Hall be adjourned at 8:52 p.m. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware