



TOWN OF HADLEY
SELECT BOARD
June 20, 2012
Meeting Minutes

Meeting convened at 7:00p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Gloria DiFulvio, (Chair), Daniel Dudkiewicz, David Moskin, Brian West,
Also in Attendance: David Nixon (Town Administrator); Peg Jekanowski (Administrative Assistant);
Richard Trueswell (TV-5); Linda Sanderson, (Finance Committee); Ben Wright (Kestrel Land Trust), Willy
Danylieko, Gary Girouard (DPW Director); Officer Mitchell Kuc, (Dog Officer), Edwin Matuszko, Kevin
Jekanowski, Monica Czerwinski, Karen Czerwinski, David Czerwinski, Todd Ansaldo, Thomas Long, Elayna
Scott, Ben Storrow, (Daily Hampshire Gazette); Laura Brooks

Approval of Warrants:

A motion was made by Joyce Chunglo, seconded by Dan Dudkiewicz to approve the minutes of June 6, 2012. Motion passed by a vote of 5-0-0.

Appointment:

7:05pm – Vicious Dog Hearing – Jekanowski - 38 Roosevelt Street

(All Parties were sworn in by Chair DiFulvio: “Do you solemnly swear or affirm that the testimony to be given in this matter will be the truth, the whole truth and nothing but the truth?” All parties answered in the affirmative.)

Officer Mitchell Kuc presented facts in the case having to do with dog “Pepper” belonging to Kevin Jekanowski at 38 Roosevelt Street. In this case a tenant of Mr. Jekanowski complained that her dog had been attacked by said “Pepper” on March 11, 2012 and April 8, 2012, and that on April 9th an Order of Restraint was issued by Officer Kuc. In discussion it was stated that Ms. Wilson’s dog were not restrained at the time of the attacks. It was further reported by Officer Kuc that there have been no further incidents since April 8, 2012, and also established that the dog has never bitten a human being. Mr. Jekanowski stated that he did not dispute the facts as reported by Officer Kuc, but explained that he did not expect that his dog would have ever been aggressive toward the other dogs, that Pepper is very friendly. He did state that perhaps the dog was jealous of the “new dogs” being on his property, and took responsibility for the incident. It was further established that Ms. Wilson no longer rents the Jekanowski property, and in the future they will not allow tenants to have dogs. Joyce Chunglo made a motion to dismiss the hearing, seconded by Dan Dudkiewicz, and passed by a vote of 5-0-0. Officer Kuc was in agreement with the decision.

7:15pm Vicious Dog Hearing – Czerwinski – 79 Chmura Road

(All Parties were sworn in by Chair DiFulvio: “Do you solemnly swear or affirm that the testimony to be given in this matter will be the truth, the whole truth and nothing but the truth?” All parties answered in the affirmative.)

Officer Kuc presented the following: Hadley Police responded to complaints of the Czerwinski’s dog(s) on the property owned by Elayna Scott on August 14, 2011, September 3, 2011 and October 13, 2011. An order of restraint was issued to Mr. David Czerwinski (owner of property) on October 26, 2011. On December 6, 2011, Miss Scott photographed one of said dogs on her property. Officer Kuc then issued new orders to Ms. Monica Czerwinski (owner of dog per dog license) for violation of the Town Bylaw as her dogs were unrestrained. (New orders were issued on December 6, 2011 as the original orders were issued to Mr. David Czerwinski.) The order dated December 6, 2011 stated that further complaints of lack of restraint would result in a vicious dog hearing, requesting banishment of the dog from the Town of Hadley. Per Officer Kuc, Ms. Scott has observed the dogs unrestrained in her yard, and continues to find dog feces in her yard. One photo showed the dog near Ms. Scott’s shed, which is approximately 100 feet away from the property line. The Czerwinskis’ questioned the validity of the photos, to which Officer Kuc affirmed that at least one of the photos does show a dog on the Scott property, two of the photos were of the dogs on the Czerwinskis’



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property, but the order previously issued had stipulated that the dogs had to be restrained on their own property. Ms. Czerwinski questioned why a copy of the photo was not attached to the police report. Officer Kuc stated that the police department software generates the report, but that the photo is a separate hard copy that is attached manually and was only on the original report.

Mr. Czerwinski stated that by law he does not have to restrain his dogs when they are on his property, to which Chair DiFulvio stated that the issue that the hearing has to do with is when the dogs leave the Czerwinski property. Officer Kuc responded by stating that Mr. Czerwinski is correct in that the leash law does not require him to restrain his dog on his property, but when an order is issued by the Town because of an ongoing issue, he is required to abide by the order. Ms. Czerwinski demanded to know about the law and asked where it is stated – Chair DiFulvio stated that it is Mass General Law. Brian West, speaking to Ms. Scott for clarification, asked if the complaint stems from the Czerwinskis' dogs being on her (Ms. Scott's) property. Ms. Scott affirmed that is correct.

At this time in the hearing Ms. Scott showed the Select Board photographs of the dog on her property, and states that (at least) one of the photos was taken after the order of restraint was issued. Ms. Scott then stated that the dogs are on her property regularly and often "use her yard as a bathroom." She states she feel threatened (by the dogs) on her own property. She stated that she doesn't want "anything bad" to happen to the dogs but she wants to be able to feel safe on her own property.

A supporter of the Czerwinski stated that he has never seen the dogs on Ms. Scott's property. Ms. Monica Czerwinski stated that the issue has arisen since she obtained her lab mix, a dog that resembles a pit bull. She stated that he is not vicious in that he "lets a nine month old crawl into his food bowl while he is eating." She stated that Ms. Scott "never once came over and asked (for them) to come over to clean the poop that is in her (Ms. Scott's) yard." Ms. Czerwinski further stated that "...yelling from your porch is not going to get my attention to come over to your house and pick up my dogs' poop." She went on to state that "confronting me like an adult, would have gotten me to take a pail and shovel, walk into her (Ms. Scott's) yard, pick up my dog's poop and keep track of it." A supporter of Ms. Scott's stated that they should not have to ask someone to come and get dog feces out of their yard.

Mr. Czerwinski stated that there are no dogs charging people or viciously showing their teeth.

Officer Kuc stated that there were a few separate orders issued, and that the order issued on December 6, 2011, specifically states that any future violation will result in immediate application to the Board of Selectmen for a public hearing at which point he would request the Board ban the dogs from the Town of Hadley. The Czerwinski's were aware of what the next step would be.

Dan Dudkiewicz asked why the dogs were not restrained when they are out with them. Ms. Czerwinski stated "Our dogs listen to us, when we see them over there we yell and they come back." Discussion ensued regarding Ms. Scott's ability to take a photo of the dogs on her property, and Ms. Czerwinski stated "you couldn't get the photo because I called them, and they came back." Ms. Scott's partner asked "Why should the dogs have to be called back? They should not have been there to begin with."

Mr. Czerwinski stated that they are looking into installing a fence. Joyce Chunglo stated "the law is the law and the dogs have to be kept in the yard...if it means putting up an electric fence to keep the dogs on your property, that is what you are going to have to do," and went on to state, "Everyone has to be responsible dog owners." Officer Kuc stated that he would agree to an electric fence but asked that the order to ban the dog be entered with a stay, and that if the electric fence is activated within 30 days, the ban be lifted. Ms. Scott stated that she is fine with this as long as she is safe to be on her property. Ms. Karen Czerwinski stated that she has an appointment with an electric fence company on the following Thursday, June 28, 2012. ***Joyce Chunglo made a motion that the order to ban the dog is entered with a stay; and that if the electric fence is***



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activated within 30 days, the ban will not be required. Until such time that the fence is activated and the dogs trained, the dogs must be restrained as ordered by Officer Kuc. Motion was seconded by Brian West, and passed unan. by a vote of 5-0-0. Ms. Chunglo further instructed Ms. Karen Czerwinski to stay in touch with Officer Kuc about the status of the installation of the electric fence.

7:30pm – Riverscapes Project

Tom Long, a professor of architecture and design from Hampshire College and Director of project called Riverscaping appeared before the Board. The Board had approved use of the site at West and North Street at a meeting last year. A competition was held and artist Laura Brooks was the winner of the competition. Ms. Brooks presented the Board the concept which consists of a 60' walkway, raised up from the ground with cut outs which are designed to provide views of the river and the streets around it, the intention is to make people look differently at the view and think more about what they are looking at. It will allow people to see the river without having to walk up on the dike. The design in meant to be interactive and get people to stop.

It was noted that the structure is not handicap accessible. Discussion ensued about the structure, the view it offers and the materials that will be used...all wood. A sign will be provided explaining the project. This is intended to be a temporary installation lasting 1-2 years. Discussion of personal injury would be covered by property insurance. Next steps include obtaining municipal permits. *David Moskin made a motion to approve the construction of the Riverscape structure pending permitting, motion seconded by Brian West. Motion passed with a vote of 4-1-0. (Dan Dudkiewicz dissenting.)* (Dan Dudkiewicz stated that he would like to see the structure handicap accessible.)

Old Business

1. Next Steps – 5-10 Year Planning Meeting of School/Finance/Select Board

Chair DiFulvio announced that the Select Board, School Committee and Finance Committee met last week to begin conversations about a 5-10 year financial plan for the Town. They are now in the process of reading several reports in order to move on with discussions.

2. Select Board Priorities Review

Chair DiFulvio asked Board Members to present their individual priorities. Joyce Chunglo stated the following priorities: the Verizon Tower and Communication Center, and the second completing the Dwyer's Bridge project. (It was stated that regarding this project –everything having to do with the water line-is complete.) Other priority include fixing the budget at Fall Town Meeting, getting back on track with contract negotiations, public safety, addressing Town Buildings (North Hadley Hall conclusion as to what will happen with that building, the Senior Center, Russell School, and Town Hall.) Other capital issues include water line replacement and extending sewer lines.

Dan Dudkiewicz stated that he wants to level fund next year's budget, cut CPA taxes from 3% to 1%. He stated that in this economy it may be necessary to lower the CPA tax rate.

Brian West stated that his priority is to grow revenue by looking for economic development/ new growth. He further stated that the Town Buildings need to be addressed and the Fire Department requires changes that will keep it functional for the next 15-20 years.

David Moskin stated that he would like to look at structure and how to give the Town Administrator more support to move things forward and increase communication with departments to discuss items regularly. Also, create a working template to keep priority items in front of them, and possibly reframe the agenda.

Gloria DiFulvio stated that her main focus is the work on financial planning for the Town with the School Committee and Finance Committee. She also stated that the Fire Management study is important and the Board needs to focus on those needs. She stated that overall the Town needs to create revenue to realize the



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Town's vision. David Moskin stated that the Board needs to formalize goals and objectives to be able to measure growth and achievements.

New Business

8. One Day Special Permit – Blue Print Gallery grand opening (taken out of order)

Tim Brewer, owner of Blueprint Galleries, LLC was present to review his application for a one day special permit to sell wine and beer for the grand opening of his gallery. Chief Hukowitz has approved the application. *Joyce Chunglo made a motion to approve the one day wine and malt special permit to Tim Brewer of Blueprint Gallery, seconded by Dan Dudkiewicz.* Discussion included concern of parking and the Board advised Mr. Brewer to get in touch with the police, especially if he is inundated with unruly crowds. Mr. Brewer was in agreement. *Motion passed by a vote of 5-0-0.*

7. Chapter 90 (taken out of order)

Chair DiFulvio explained that Chapter 90 money is delayed in conference committee at the state level. Mr. Girouard presented the Select Board with a list of roads for work repair (stone seal) including:

- Hockanum Road
- Route 47 South from Mitch's Way to South Hadley Town Line
- French Street
- West Street
- North Branch Road
- Knightly Road

Funding will come from Chapter 90 from last year. *Joyce Chunglo made a motion, seconded by Brian West to sign the list of roads for repair. Motion passed by a vote of 5-0-0.*

Mr. Girouard presented the results of bids on a truck dump body that needs replacement. *Brian West made a motion to accept the low quote, seconded by Joyce Chunglo, and passed unan. by a vote of 5-0-0.*

In other DPW business, Mr. Nixon announced that the Town received an earmark in the transportation bond bill in the amount of \$400,000.00 for road improvements. It still has to go through the Senate and be signed by the Governor, but it is an excellent first step. Mr. Nixon thanked the DPW staff and special thanks to Representative John Scibak for his hard work. Also, regarding Chapter 90, authorization should have been received in April in order to go out to bid with an expectation of starting on July 1st. Mr. Nixon asked the Board to contact State Representative Scibak and Senator Rosenberg and ask them to do whatever is possible to move Chapter 90 along.

NOTE: At this time Select Board member Joyce Chunglo left the meeting due to other obligations.

2. End of year warrants and encumbrances

Brian West made a motion declaring that July 13, 2011 is the last warrant of FY2012, seconded by Dan Dudkiewicz and passed by a motion of 3-0-0. (David Moskin absent at time of vote.)

Mr. Nixon also stated that in terms of encumbrances, departments have been given clear instructions and guidelines.



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3. FY 2012

• **FY 2012 Transfers**

The Fire Department has had an increase in overtime and expensive equipment repairs amounting in a \$15,500.00 shortfall. Within the benefits line (Medicare) there is \$33,000.00 that is available for transfer. **Brian West made a motion to approve a transfer of \$15,500.00 from the benefits line to the Fire Department, motion seconded by David Moskin.** Mr. Nixon stated that if the deficit is not dealt with in this way it becomes a burden to the taxpayers as the money would have to be raised at special town meeting and then it becomes a deduction in next year's free cash. Mr. Moskin asked if there is any risk in taking it from the Medicare fund; Mr. Nixon explained that there will still be a reserve in the Medicare fund and it is unlikely that it will be a problem. **Motion passed with a vote of 3-0-1 (Dan Dudkiewicz abstaining.)** This now needs to go to the Finance Committee to be acted on before July 13, 2012.

• **FY 2013 Town Administrator's Contract**

Town Administrator David Nixon requested that the Board defer any pay increase due under the Town Administrator's contract, until such time that nonunion people are worked out in the Fall. The expectation is there would be a COLA retroactive to July 1, 2012.

• **FY 2013 Park and Rec Budget Adjustment**

Mr. Nixon stated that there was an issue with their school use custodial budget item of \$7,000.00. Park and Rec also uses this for incidental supplies, but it was listed under salary. The short term fix is that the Board allows that the Park and Rec needs to spend money for these expenses under their expense account. The long term is to make an adjustment at Special Town Meeting.

Brian West made a motion, seconded by David Moskin, to accept the short term and long term solution to the Park & Rec Budget issue as presented by the Town Administrator. Motion passed with a vote of 4-0-0.

Linda Sanderson asked for feedback from Department Heads as to their impression of VADAR. Mr. Nixon has asked staff to keep track of comments, and he will give feedback as warranted.

1. APRs

The Board reviewed APRs including Handrich, Wancyk, Thayer and Waldorf School (Hartsbrook). **Brian West made a motion to accept all APRs and coholders agreements and any other paperwork thereto, seconded by David Moskin, and unan. passed by a vote of 4-0-0.**

4. Appointment of Town Officials and Volunteer Board/Committee Members

Brian West made a motion to appoint all Town Officials and Volunteer Board and Committee Members as listed on the attachment here labeled "Hadley Select Board: Appointments 2012" except for the Fire Department, Historical Commission, Capital Planning Committee, and TV-5 Advisory Board, that were discussed separately. Motion passed unan. by a vote of 4-0-0.

Regarding the Historic Commission – Dan Dudkiewicz stated he objected to reappointing Historical Commission members due to the following: He stated that it all has to do with the proposed Verizon Cellular Tower-that the Historic Commission had a vote and were subsequently asked by the Select Board to come in to a meeting to explain their vote on the tower. The Historical Commission declined this invitation from the Select Board, and Mr. Dudkiewicz stated that in his opinion a commission should not decline an invitation from the appointing Board. He stated he is not telling them (Historic Commission) how to vote, but felt that the Board and the Town as a whole deserved an explanation of that vote. He also suggested that if the two people (Ginger Goldsbury and John Silvestro) wanted to submit resumes they were free to do so.

Ms. DiFulvio stated that her opinion is that they do an important job and a good job and the types of conversations Mr. Dudkiewicz suggests should be ongoing and not at the moment of appointment. Mr. Moskin stated that he was reluctant not to reappoint them due to an interpretation of their minutes; he feels they are doing a good job. He encouraged the Board to appoint them and have them come in for a discussion,



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and further stated it is hard to get volunteers. Mr. West stated that it is not personal, that an invitation to discuss a matter before the Board was rebuked by the commission, and the only recourse the Board has is in its ability to appoint. Mr. Moskin suggested a compromise in making the appointments with the understanding that they come in to meet with the Board. ***Mr. Moskin made a motion to appoint Ginger Goldsbury and John Silvestro to the Historic Commission with the understanding that they agree to meet with the Select Board when asked; motion was seconded by Gloria DiFulvio. Vote was split 2-2-0 (Brian West and Dan Dudkiewicz dissenting) and matter was continued to the July 18, 2012 Select Board meeting.***

Regarding the Capital Planning Committee, the Select Board is waiting to hear back from Assessor's Office about a representative as Mr. Omasta has not been able to attend the Capital Planning meetings. ***Brian West made a motion to reappoint all member except Daniel Omasta, pending notification of a representative from the Assessor's Office. Motion seconded by Dan Dudkiewicz and passed with a vote 4-0-0.***

Regarding the TV-5 Advisory Committee, Diane Scherrer has expressed that she is no longer interested in serving. ***Motion was made and seconded to appoint all members except Diane Scherrer, and passed by a vote of 4-0-0.***

Regarding the Hadley Fire Department, Chair DiFulvio stated that Fire Chief Kicza had requested that the Select Board not reappoint several members. However, Chair DiFulvio requested the Board reappoint all current fire fighters for a six month period as the Fire Department goes through transition. ***Gloria DiFulvio made a motion to appoint all Fire Department members for a six month period and revisit the appointments prior to December 31, 2012, as the Fire Department transitions; motion seconded by Brian West and passed with a vote of 3-0-1 (Dan Dudkiewicz abstaining.)***

5. Review Bids

a. Electrical Services

The Board reviewed bids received for Electrical Services for the Town of Hadley. ***Dan Dudkiewicz made a motion to accept the low bidder for Routine Electric Service, Clark & Falcetti, Inc. of Holyoke MA, motion seconded by Brian West.*** Mr. West asked if there was any feedback on this company. Mr. Nixon stated that this company currently does work for the Waste Water department, and at a recent staff meeting there were no objections. ***Motion passed by a vote of 4-0-0.***

b. Plumbing and Gas Services

The Board reviewed bids received for Plumbing and Gas Services for the Town of Hadley. ***Brian West made a motion to accept Richard Watling Plumbing and Heating of Northampton as the low bidder for Plumbing and Gas Service, motion was seconded by Dan Dudkiewicz and passed with a vote of 4-0-0.***

6. Municipal Hearing Officer Contract with the City of Northampton

Brian West made a motion to approve the contract with the City of Northampton for a Municipal Hearing Officer; motion seconded by David Moskin, and passed unan. with a vote of 4-0-0.

9. One Day Special Permit-PVPA Charter High School Alumni Reunion

The Board reviewed an application for a one day special permit to sell wine and beer for the PVPA Charter High School Alumni Reunion. Chief Hukowitz has approved the application. ***Brian West made a motion to approve the one day wine and malt special permit to Ellen Moorhouse of PVPA alumni committee, seconded by Dan Dudkiewicz. Motion passed by a vote of 4-0-0.***



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10. Spindle City Precious Metals – Transient Vendor License

The Board reviewed an application from Spindle City Precious Metals for a transient vendor permit. ***David Moskin made a motion to approve the permit, seconded by Brian West, motion passed unan. by a vote of 4-0-0.***

Announcements:

Gloria DiFulvio announced that there will be a swearing in ceremony for all Town appointees on July 11, 2012 at 6:00 pm at Town Hall. Light refreshments will be served. Appointees unable to make the ceremony must be sworn in by the Town Clerk during regular business hours.

Also, the new town website is up and running (www.hadleyma.org) where you can sign up for Town Alerts, pay bills etc. Residents are encouraged to take a look.

Dan Dudkiewicz invited members of the public to the Hadley Young Men's Club on Monday nights during the summer for "Cruise Night" to view classic cars.

David Nixon stated that resulting from the recent meeting of the School Comm, Finance Comm and Select Board; a letter must be sent out to DOR requesting a financial management review. ***David Moskin made a motion to send a letter to DOR requesting a financial management review for the Town of Hadley, seconded by Brian West, and passed unan. by a vote of 4-0-0.***

At 9:35 pm Dan Dudkiewicz made a motion to adjourn the meeting, seconded by Brian West, motion passed with a vote of 4-0-0.

Meeting adjourned at 9:35 pm.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant