

**BOARD OF SELECTMEN  
MINUTES OF OCTOBER 7, 2014  
SHEPARD MUNICIPAL BUILDING**

PRESENT: Mr. David A. Delanski, Chairman, Mr. Robert E. Lavash, Sr. Vice-Chairman and Mr. Dario F. Nardi, Clerk  
ATTENDEES: See list (attached)

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**Chairman Delanski called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance in the Selectmen's Meeting Room in the Shepard Municipal Building.**

Representative Ann Gobi spoke briefly before the Board and audience about her candidacy for State Senate. She spoke briefly on the recent news that National Grid would be raising rates and encouraged residents to contact their reps on this matter. She made mention of the proposed rail that would unit Western Mass and the benefits that could of it. Ms. Gobi feels this is an exciting time for us as a community. Mr. Delanski brought to Ms. Gobi's attention that one major concern still in the minds of residents in Warren is the loss of local news channels such as Channel 22 and 40 out of Springfield.

**OLD BUSINESS:**

None:

**COMMENTS AND CONCERNS:**

Mrs. Kathy Kuprycz asked if there had been any contact with the Board of Health Chairman, Ken Lacy relative to the Town Hall and a re-inspection following remediation work done thus far. Mr. Nardi stated he would reach out to Mr. Lacey.

Mr. Jim McKeon spoke to the demonstration earlier in the evening of the CERT Regional Truck which was open to the public to show how it has been outfitted to respond in the event of emergencies. He additionally inquired as to the status with obtaining information regarding insurance coverage for CERT volunteers. Mr. Delanski added that he was informed that Channel 12 WCAT would run the coverage on the CERT Truck for those residents at home. Mr. McKeon added that equipment used to outfit the CRT was purchased through a Homeland Security Grant.

**CORRESPONDENCE:**

The Board members reviewed the following:

1. Correspondence from Atty. Damien D. Berthiaume re: his client's position on 1378 Bemis Road – Drainage Issue. *Mr. Nardi read the letter in its entirety.*
2. Notice from Mr. Tim Czub, President West Warren Fireman's Association – they will be hosting their annual Halloween Parade and Party on Friday, October 31, 2014. Parade line up at 6:30 PM on North Street to proceed to Fire Station on Albany St. Party & Costume judging to follow. *A motion to hold Trick or Treat hours from 5:00-6:30 PM on Friday October 31<sup>st</sup> was made by Mr. Lavash; second: Mr. Nardi – unanimous.*

Chairman Delanski announced that it was time to begin the posted hearing. He also announced that tonight's meeting was being both video and audio taped and requested anyone in the audience to disclose if they are recording.

**7:15 PM – Wittenbert Dog Hearing**

**Present: ACO, Sara Prideaux, Ann Hall, Jennifer Wittenbert;**

Mr. Delanski opened the hearing and asked that parties involved be seated up front and state that under oath that the testimony they would present would be the truth. An affirmative was given by the parties present.

Mr. Delanski asked ACO, Sara Prideaux to begin the discussion.

Ms. Prideaux gave testimony that her first notice of the dog bite was via a letter from Ms. Ryan's attorney. She contacted hospital to obtain the "Dog Bite Incident Report" which indicated that Ms. Ryan had been bitten in Rhode Island. She followed up with Ms. Ryan to obtain her statement. Ms. Prideaux stated that Ms. Ryan admitted she misrepresented information as to where the dog bite had occurred. Ms. Prideaux reached out to Ms. Jennifer Wittenbert to obtain her statement as to the event complained of by Ms. Ryan. Ms. Prideaux confirmed from Ms. Wittenbert that her dog "Lucy" had in fact bitten Ms. Ryan on the leg. Since the initial notice of the incident, Ms. Prideaux has attempted to reach Ms. Ryan's attorney and has provided his office with her initial report/findings; however to date has had no further contact with him. Ms. Prideaux informed the Board members that the Lucy "the Dog" is licensed and up to date on shots.

7:21 PM – Ms. Karen Ryan entered the room and was asked that she state under oath that the testimony she would present would be the truth. She affirmed yes.

Ms. Ryan was asked to give her accounts on the matter: She does not remember the date of the event. She stated that her neighbor Ms. Wittenbert had asked her to come over; she states she was at the entrance to Ms. Wittenbert's home at which time she noticed the dog was growling at her; she stated she had no interaction with the dog and within seconds the dog bit her on her leg- her pants were covered with blood. Ms. Ryan approached the Board members with photos of her injury and various reports from the hospital where she has sought treatment. Mr. Delanski asked Ms. Wittenbert if she was disputing that the dog bite occurred. Ms. Wittenbert confirmed that the bite occurred; therefore Mr. Delanski stated the photos and medical records provided by Ms. Ryan were not necessary and returned them to her. Ms. Ryan added that she called the ACO and has been dissatisfied with her response to the situation. She further stated that she has ongoing infections due to the bite and feels the dog should be required to be restrained.

Ms. Wittenbert was asked to give her accounts on the matter: She stated her dog was on the couch by the door, she was on a couch further into the room when Ms. Ryan came in between the screen door and door. She stated that Ms. Ryan walked towards her (while still on the couch) when dog bit her – "dog's instinct to protect". Ms. Wittenbert stated she had not invited Ms. Ryan in. She further stated that since the event she has received irate messages from Ms. Ryan – she offered photos of text messages received. The Board declined, as not necessary to the hearing. Mr. Delanski inquired as to the licensing and vacation of the dog. Ms. Wittenbert confirmed both current and informed the Board that the dog had been moved to another residence within Town – as she was in the process of relocating from her current location.

There was a brief question and answer period between the Board members and both Ms. Ryan and Ms. Wittenbert. Mr. Delanski asked if there were any closing remarks. Ms. Prideaux stated she has no history of this dog biting anyone and has never been called to the home for any reason. Ms. Wittenbert reaffirmed that her dog "Lucy" was on the couch in her own home. Ms. Ryan added that prior to this event dog is "never on a leash and messes on her lawn."

Mr. Delanski stated that the Board members would consider matter further and reserve their findings until their next scheduled meeting in two weeks. In the interim, the ACO was asked to visit the residence where the dog has been placed for the time being and issue a report back to the Board before their next meeting. ACO agreed. The hearing closed at 7:44 PM all parties involved left the meeting room.

**CORRESPONDENCE:** - Concluded

3. Correspondence from Neil Kiley, Firstwind Solar Group – in response to recent representations to the Town and local newspapers. *Mr. Nardi read this correspondence in its entirety. Ms. Jen Roberts requested copies of both letters read. Ms. Prokop provided at the conclusion of the meeting.*
4. Fire Chief Report – May – September 2014. *Noted, the Board Thanked the Chief for a thorough report*
5. Correspondence from Board of Cemetery Commissioners seeking consideration on upcoming grant solicitations for a new barn and water pipe replacement. *Board requested that this be forwarded to Planning for discussion with Town Planner.*

**KIRT MAYLAND – HOUSATONIC SOLAR 1 LLC – TAX AGREEMENT**

Mr. Mayland informed the Board members that the project has gone through the local permitted process. At this time, they would like to present a Tax Agreement for \$16,500.00 for each 1 Megawatt proposed plant. In his opinion the offer to the Town is more than is being paid in surrounding communities. He would like the Board to support an Article on the upcoming Special Town Meeting to enter into the Tax Agreement(s). He is hoping the request is timely to make it on the Warrant and then work out the

particulars on the Agreements. Both Mr. Lavash and Mr. Nardi were in agreement that a proposed Article could be placed on the Warrant; however the Agreement would need to be completed before the meeting.

**STM – ARTICLE INTENTIONS- HIGHWAY; SEWER DEPT.**

Highway Surveyor addressed the Board with his two requests for Articles on the STM Warrant. He explained the need for the new equipment and the benefit to the Department. There was consensus of The Board to include the Articles on the Warrant.

Mrs. Prokop informed the Board that Sewer Commissioner Joan Lavigne had come into the office and provided the Board with a memo in support of their request for an Article. They would not be present tonight as the meeting was too late in the evening. The Board reviewed the memorandum and asked Mrs. Prokop to follow up with Town Accountant to confirm Article request was appropriate; if so, there was a consensus of the Board to include in the Warrant.

**TOWN CLERK – NOVEMBER 4<sup>TH</sup> ELECTION WARRANT**

A motion to sign the Election Warrant made by Mr. Nardi; second: Mr. Lavash – unanimous.

**M.G.L. CH 138 §15 SUNDAY HOURS – WARREN PACKAGE STORE – CHANGE OF HOURS REQUEST**

Motion to approve the request for change of hours from applicable establishments under CH 138 §15; made by Mr. Delanski; second: Mr. Lavash – unanimous

**TREASURY WARRANT(S) AND INVOICES**

Motion to accept warrants #26 and #27 dated September 29, 2014 in the amounts of \$38,098.22 and \$557,168.88 respectively was made by Mr. Nardi ; second: Mr. Lavash – unanimous.

Motion to accept warrants #28 and #29 and #30 dated October 2, 2014 in the amounts of \$32,142.78; \$99,683.83 and \$26.79 respectively was made by Mr. Nardi ; second: Mr. Lavash – unanimous.

**MINUTES**

A motion to approve the open meeting minutes of September 23, 2014 as written made by Mr. Nardi; second: Mr. Lavash – unanimous.

**OTHER BUSINESS**

Mr. Lavash offered a brief update on the THRC meeting on Phase II work. The committee met and is working on finding a solution to water tight the cellar and avoid moisture. Contact has been made to Lenard for input. He announced that Park and Rec would again be hosting a Haunted House – more info to follow.

Mr. Nardi announced that the 1<sup>st</sup> staff meeting went well, and proposed the next meeting to be November 18<sup>th</sup>.

Mr. Delanski asked Chief Adam Lavoie to give a brief update on the Ambulance. Chief Lavoie stated that he had an opportunity to tour the facility where the new vehicle is being built from the ground up. He was able to confirm that the current ambulance is still in use and maintenance is up to date.

Lastly, Mr. Delanski informed Finance Committee members in the audience that the Articles listed on the STM Warrant would be written with monetary figures in them.

**NEXT MEETING DATE:**

Mr. Delanski announced the next scheduled meeting: Tuesday, October 21, 2014 at 7:00 PM.

Motion to Adjourn made by Mr. Lavash; second: Mr. Nardi – unanimous at 8:12 PM.

Respectfully submitted,

Lorena Prokop  
Administrative Secretary

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Dario F. Nardi, Clerk