

**MINUTES JANUARY 11, 2011
SHEPARD MUNICIPAL BUILDING**

PRESENT: Robert K. Downing, Chairman, David A. Delanski, Vice-Chairman, Robert W. Souza, Jr., Clerk, Angela Cavanaugh, Selectmen's Secretary, Press, and see attached sign-in sheet.

Chairman Robert K. Downing called the meeting to order in the Selectmen's Meeting Room at 7:00 p.m. and led the Pledge of Allegiance.

COMMENTS AND CONCERNS

None.

CORRESPONDENCE

The Board reviewed a letter from Vernon Keith regarding a recommendation to appoint Madeline Witaszek as the ADA officer. The Board tabled this until after the Administrative Secretary retires.

The Board reviewed an email from Scott Charpentier requesting to meet next week in order to discuss the 25% Design for Warren Center. The Board tabled this until January 18th at 6:30 p.m.

The Board reviewed an email from Johanna Barry informing the Board of a Regional Selectmen's meeting this Thursday, Jan. 13th at 6 p.m. in the West Brookfield Town Hall. Discussion will be on Human Resources IMA.

The Board reviewed a letter from the North Brookfield Selectmen pertaining to regionalizing Human Resources IMA.

The Board reviewed a memo from Administrative Secretary requesting a formal date for her early retirement. A motion to approve the formal date of March 10th for the Administrative Secretary's early retirement was made by Mr. Delanski; second; Mr. Souza, Jr. – unanimous.

7:15 P.M. - LEE WILCOX DOG HEARING

Mr. Delanski requested all parties who will be speaking on behalf of this hearing to take an Oath of Truth. The following took the oath; Lee Wilcox, Lauren Healy, Ed MacIsaac, Atty. Ellis, Sharon Como, and Ms. Dupuis. Mr. Stephen Ellis, Attorney at Law, spoke on behalf of his client Mr. Lee Wilcox. Atty. Ellis submitted to Mr. Delanski a copy of the rabies vaccination with an expiration date of August 2009. Mr. Delanski stated that the vaccine is expired and that usually the first vaccine is only for good one year and the second shot is good for three years. Atty. Ellis stated that his client was under the impression that the vaccine was good for three years based on the checked box on the document provided. Mr. Delanski requested that Atty. Wilcox have his clients provide the Board with proof that the vaccination for the dog, Jewels, is up to date along with proof for the other dogs he owns within the next couple of days. Mr. Downing then asked Mrs. Como to state her side of the story. Mrs. Como mentioned that on the day in question her dog was walking by 515 Keys Road and an unleashed Jack Russell Terrier came off the property and attacked her leashed dog. Mr. Downing then asked Mr. Wilcox to state his side of the story. Atty. Ellis spoke on behalf of Mr. Wilcox by stating that on 11 a.m. on New Year's Day Mr. Wilcox's dog, Jewels, was in the yard and within the perimeter of the property

Minutes January 11, 2011

unleashed. Atty. Ellis continued by stating that the complainant's dog was not on a leash was quite a distance from the owner when it entered his client's property and had a scuffle and that Jewels wasn't the aggressor she was only protecting her property. Attorney Ellis stated that his clients plan to abide by the rules of the community and that his clients do not feel that they have breeched any of these rules. Mr. Maclsaac mentioned that he lives at 515 Keys Road and that on that day he heard Jewels and saw a brown dog about 30 feet away and heard his friend, Gordy, call to Jewels and she immediately responded. Mr. Maclsaac continued by stating that the brown dog did not respond to its' owner and that it only responded when Jewels retreated. Ms. Dupuis concurred by stating that she witnessed the dogs fighting behind the dumpster. Mrs. Como questioned why no one responded when she yelled if so many people witnessed the incident. Mr. Como stated that his dog is always leashed. Mr. Souza, Jr. asked if all of Mr. Wilcox's dogs were licensed. Mr. Wilcox stated that they are not licensed now. Mr. Delanski stated that according to the paperwork he is looking at two of the dogs are licensed until March 2011. Mr. Souza, Jr. asked Mr. Wilcox if there was a third dog. Mr. Wilcox stated that he does have a third dog that is about one year old. Mr. Delanski informed Mr. Wilcox that any dog over 6 months old must be given a rabies shot and licensed with the Town. Atty. Ellis stated that he will remedy this immediately. A motion to hold on a decision on the Wilcox Dog Hearing until the Board receives confirmation of rabies shots on all three dogs and the third dog is licensed was made by Mr. Delanski; second; Mr. Souza, Jr. – unanimous. Mr. Downing spoke to Mr. Wilcox regarding the severity of this matter and the incidents of rabies found throughout the community in other animals. Mr. Delanski informed Atty. Ellis that his clients do not need to attend the next meeting and that the Board will inform of their decision via mail. Mr. Delanski continued by informing Atty. Ellis that his clients have 10 days to appeal any decision made to the courts. Mr. Souza, Jr. stated to Atty. Ellis that he would like it if the next time his client is here he could inform him to take these issues more seriously since he receives calls non-stop pertaining to these types of issues.

RESIDENT INSPECTOR FOR SOUTH STREET SEWER PROJECT

The Board tabled this to January 18th at 6:30 p.m.

DOWNTOWN SIDEWALK SNOW REMOVAL

The Board tabled this until their next meeting.

CITIZEN OF THE YEAR

There was brief discussion pertaining to the nominations for Citizen of the Year 2010. A motion to award the Citizen of the Year for 2010 to John Dyjak was made by Mr. Souza, Jr.; second; Mr. Delanski – unanimous.

MINUTES

A motion to accept and sign the open session minutes of January 4th as written was made by Mr. Souza, Jr.; second; Mr. Delanski – unanimous.

WARRANTS

A motion to accept warrant #82 dated January 10, 2011 in the amount of \$31,357.18 and warrant #84 dated January 10, 2011 in the amount of \$80,296.52 was made by Mr. Souza, Jr.; second; Mr. Delanski – voted unanimously.

A motion to accept warrant #83 dated January 10, 2011 in the amount of \$354.67 was made by Mr. Souza, Jr.; second; Mr. Delanski – Mr. Downing abstained.

Minutes January 11, 2011

OTHER BUSINESS

Mr. Souza, Jr. requested permission from the Board to attend the upcoming MIIA annual meeting as the town's voting member. A motion to approve Mr. Souza, Jr. attendance at the upcoming MIIA annual meeting was made by Mr. Delanski; second; Mr. Downing – Mr. Souza, Jr. abstained.

Mr. Souza, Jr. informed the Board that he has left a message with the District Attorney's Office regarding the Noone dog and will keep the Board informed of any further resolutions to this matter.

There was brief discussion pertaining to the current situation in the Building Department pertaining to the absence of the Secretary and the inability to contact the Building Inspector. Mr. Delanski mentioned that there have been several complaints from residents stating that the Building Inspector has not been returning calls. Mr. Delanski mentioned that he is aware there are medical situations but that residents should be called back. The Board discussed the fact that there have been ongoing complaints from the residents and contractors pertaining to contacting the Building Department ever since the Secretary has been out on medical leave. The Board discussed the possibility of a cell phone for the Building Inspector. Mr. Souza, Jr. stated that he would not like to take the long road since this has been an ongoing problem and he has received complaints from residents on a regular basis over the years. Mr. Souza, Jr. continued by stating that this has only become a serious issue since the Building Department Secretary has been out of the office. Mr. Souza, Jr. stated that he is not sure if compensation or something else is the reason for this but he would like to have these concerns resolved. The Board discussed that one of the Board members should speak with the Building Inspector in order to address these issues. The Board unanimously agreed that Mr. Downing would contact the Building Inspector and discuss these concerns with him so that they may come up with a plan to resolve these issues.

There was brief discussion with Sue Como of the Finance Committee regarding the upcoming budget year. The Board requested that Mrs. Como require departments to level fund as well as 10% budget cut across the board.

Mr. Delanski requested a letter be sent to Samantha McCann to congratulate her for scoring 1,000 points and hopes that she recovers and feels better soon.

The Board briefly discussed the issues with the tower on Southbridge Road. The Board requested a letter be sent to the owner of the tower stating that the town has always been cooperative with them over the years and that they are unhappy with the owner requesting rental fees for the use of the tower for the Police Department's antenna.

A motion to adjourn the meeting at 8:00 p.m. was made by Mr. Souza, Jr.; second; Mr. Delanski – unanimous.

Respectfully Submitted,

Angela L. Cavanaugh
Selectmen's Secretary

Robert W. Souza, Jr., Clerk