

Ref: 09-155-AR

On 08-31-09 at approximately 09:00 am, I met MA DEP inspector Tim McKenna at 178 Mashapaug Road in Holland, MA. I was there to assist in an inspection on the "LaMountain" property. While parked on Mashapaug Road, I observed from my cruiser with my binoculars what appeared to be three wild turkey's being held in a wooden cage. The defendant operated his P/U Truck off his property towards my cruiser. As the defendant passed me he gave me the middle finger and yelled out the window "Fuck-You". I have never met the defendant prior to today.

I escorted DEP inspector McKenna onto the property so he could perform his inspection. As I approached the cage with the turkey's in it, with my training and experience as an Environmental Police Officer with 26 years on the job, it appeared the three turkey's were wild turkey's. I know this is a violation of M.G.L. C-131. At this time I could smell something burning. I looked to my right and observed a large pile of stumps burning. I proceeded up the hill on a dirt road and approached the burning stump piles. I observed two sperate piles of smoldering hot ashes and burning stumps.

The two burning piles were approximately 50 feet apart. One burning stump pile was approximately 6 feet high and 25 -30 feet around in diameter. The second pile was smaller. I observed a white male on the property and he was identified as JARRED HAGERTY, 268 Palmer Road, Monson, MA, DOB 03-21-91. He was operating a small Bobcat excavator approximately 150 feet away from the burning stumps. I questioned him as to who lit the fires and he stated that Jim LaMountain did. I also questioned him pertain to the three turkey's that were in the wooden cage. He stated that Jim Lamountain and his son Michael built the cage and Jim has control of the property. He further stated that Jim found the three turkey's approximately two months ago and that they were orphaned and that Jim LaMountain took possession of them.

At this time I called the Holland Fire Department to extinguish the two illegal burns. Approximately five minutes later James LaMountain returned and proceeded to the area of the open fire. James LaMountain was in the process of fueling an excavator adjacent to the fires. The excavator was being used to clear the land and to move the trees and stumps around. I called MSP for assistance and Trooper Wolanski arrived. I questioned James LaMountain pertaining if he had an open burning permit to burn the stumps and if he had any permits for the possession of the three wild turkey's. LaMountain became verbally abusive and uncooperative. He was placed under arrest and transported to MSP for Booking.

DEP has an on-going investigation and a long history with LaMountain. He is the contact person for that property that is being developed. LaMountain's son, Michael was on the property along with 3 other white males and they were cutting wood approximately 300-400 feet away from the fire.