

## COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

**May 16, 2000**

**5:30 PM**

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

**Present:** Aldermen Gatsas, Pariseau, Thibault, Hirschmann (late), O'Neil

**Messrs:** T. Lolicata, Deputy Solicitor Arnold, Chief Driscoll, Deputy Chief Duffey, D. Dydo

Chairman Gatsas addressed Item 3 of the agenda:

Appeal of taxi license denial.

Alderman Pariseau moved to enter non-public session under the provisions of RSA-91:A-3 paragraph 2(c) to discuss the appeal of a denial of a taxi driver's license. Alderman O'Neil duly seconded the motion. A roll call vote was taken. There being none opposed, the motion carried.

On motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to return to public session.

Non-public session ensued with Mr. Wollschlager, the operator; Committee members and the Clerk present. On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to approve the taxi license application and to have Mr. Wollschlager provide a letter from his probation officer for his file.

Chairman Gatsas addressed Item 4 of the agenda:

Communication from the Traffic Director requesting to meet with the Committee to discuss alternative location(s) relating to the hanging of banners.

Mr. Lolicata stated basically if you read the letter there are three locations that were involved. Based on those locations we have some problems with liability. The banners have been taken off by the wind. The lamppost can't support them and years ago we never had banners. It is a liability to the City. This past winter, two lights fell down during a storm. One banner we put up for the Palace Theatre on Hanover Street fell over and I am glad nobody got hurt. We took that banner

and tried it at City Hall. We did that for them. The wind took it and put it up in the trees. I am not saying they are the worst things in the world, but there are some instances where I have to say that at least those locations from here on in we shouldn't put them up. I was talking to Jim Hoben and some people. Those lights on Hanover are going to be changed. They are doing a bid right now for Hanover Street. The lampposts are going to be replaced with brand new ones. They are still not sufficient. What you actually need is a mast arm type deal and people make things like that but you are talking a few thousand dollars here. I don't think the City should be involved in that unless they are going to utilize Hanover Street or one part of the City for that type of a deal for Glendi or whoever. There is one here tonight, which I noticed, is going to be put up and taken down the same day. Something like that I have no problem with. I think Harry wouldn't mind either.

Chairman Gatsas asked where do you have alternative locations that you speak about in your letter.

Mr. Lolicata answered in the letter I am stating Hanover Street where they usually put up the banners or Glendi and such; City Hall Plaza because a lot of people like to use that and that is where the wind takes it. Anywhere on Elm Street is a no-no because right now we have decorations and banners along Elm Street and we have to take care of the lights during the winter time and all the other stuff that goes with it so we can't put them across Elm Street. Years ago, the City Clerk didn't allow it and we haven't done it to this day. I do know that Veteran's Park is one place utilized and Ron Ludwig stated that he would allow it only if it has something to do with Veteran's Park. That is his prerogative.

Alderman O'Neil asked we can't come up with something for Hanover Street with the new lights going in.

Mr. Lolicata answered no. The posts won't support it. Highway gave Jim Hoben a call on the type that you should be using. We did some research on this because we knew this was going to happen. We are talking here about \$2,800 just for one pole and that doesn't include the \$1,000 for putting it in cement. You are talking just for two poles to put a banner across in the vicinity of \$8,000.

Alderman O'Neil asked you can provide the labor, correct.

Mr. Lolicata answered like I said, Alderman, we are talking \$8,000 or \$10,000 and it doesn't even have to do with the City. These are other people who want to put banners up.

Alderman O'Neil stated I just find it hard to believe that we can't come up with some alternative for this on Hanover Street.

Mr. Lolicata replied that doesn't answer the question about someone wanting to put on on the west side, like CMC.

Alderman O'Neil responded we have done a few over there.

Mr. Lolicata stated I have stopped them three times until they finally put them above our lights. They were blocking them. Right now, that banner is quite a banner going across that street. It is pretty long. I have never seen one like it. All I am saying is that some day if the Traffic Committee passes these things and it goes through we are liable if something comes down and hits somebody.

Alderman O'Neil asked, Mr. Chairman, can't we get a form that they sign to assume liability. I mean if they are putting the banner up...

Chairman Gatsas interjected I assume it is their liability.

Deputy Solicitor Arnold stated what we generally do is they would have some liability, but the City may have some liability also so we generally get either a certificate of insurance showing that they have adequate insurance to cover any loss or we ask for an indemnity agreement. Now, the problem with an indemnity agreement is it is not worth much if they don't have the funds to pay you should there be a loss. It doesn't wipe out the City's liability, it is just a mechanism for making sure that if the City is found liable that there are...

Chairman Gatsas interjected who makes the choice of whether it is an indemnity agreement or if it is a show me a certificate agreement.

Deputy Solicitor Arnold replied that is done on a case by case basis. Usually, I think it is Harry Ntapolis who makes that determination.

Mr. Lolicata stated Hanover and Elm Street should not be considered whatsoever. The lampposts cannot support them on Hanover Street and Elm Street has too much stuff on it already. Also, City Hall Plaza shouldn't be used because the wind is horrendous between these two big buildings and it could rip them right up. Other locations should be looked at. Years ago, they weren't allowed at all.

Chairman Gatsas asked when you say years ago, what do you mean.

Mr. Lolicata answered I am going way back. I am talking over 20 years ago.

Chairman Gatsas asked what about within the last five years.

Mr. Lolicata answered in the last 10 years people have been coming out and asking to put up certain banners in certain places and it hasn't been allowed. I have noticed that these things have been happening lately and that is why we are starting to look at it.

Alderman Thibault asked are you telling me, Tom, that we cannot find a way to indemnify the City.

Deputy Solicitor Arnold answered I am not saying that there is no mechanism for the City to be indemnified. I am just saying that the indemnity agreement is only as good as the party backing it.

Chairman Gatsas stated so what we should be doing is asking for a certificate of insurance and that ends all problems.

Alderman O'Neil moved to require a certificate of insurance, approved by the Risk Manager, for any banners to be hung in the City. Alderman Pariseau duly seconded the motion. Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

Alderman O'Neil stated I find it hard to believe that we can't come up with something on Hanover Street to put these banners on.

Chairman Gatsas asked do we charge fees.

Mr. Lolicata answered no. Most of these companies get their own people to put these up. I have helped in a few emergencies with our bucket trucks. All I am saying is that because of what was there before they were falling over that's all and these new ones going in don't have the strength, according to the specs that we have received, to put the types of banners that these people are putting up. That is something that you should be thinking about. I am just concerned right now about those three locations. Hanover, Elm and City Hall Plaza. That is where we have had trouble.

Chairman Gatsas stated well I don't think anyone wants to put one on Koszioso Street because there is certainly not enough traffic. You are saying that the cost is about \$10,000 to do it so that we have the ability to hang the banners.

Mr. Lolicata replied if you want to put something stable in one particular location and you want to pay for that, yes.

Chairman Gatsas asked when you say one location is that just running north to south on Elm Street.

Mr. Lolicata answered the most visible spot that most people use is either Elm Street, near Victory or Hanover south. Now they are using CMC on the west side. Those are your three major spots.

Chairman Gatsas asked so basically what you are saying is that there is a \$10,000 expense per location to put them up. Can you send something back to this Committee or can I get a motion to have him send something to this Committee as to what it would cost for the three locations and a recommendation and maybe a nominal fee to put up a banner that would help offset the cost.

Mr. Lolicata answered they all bring their own banners and have their own people put them up so I don't know about that.

On motion of Alderman Thibault, duly seconded by Alderman O'Neil, it was voted to have Mr. Lolicata send a report to the Committee on the cost of putting up poles at the three mentioned locations, along with a recommendation for a nominal fee for putting up banners.

Alderman Hirschmann asked is it going to cost us \$10,000.

Chairman Gatsas answered they are saying that the posts are not sturdy enough to hang the banner anywhere on Elm Street, Hanover Street or in the Plaza.

Alderman Hirschmann asked did the posts come down. We have been hanging banners for years. What happened?

Mr. Lolicata answered the poles fell down on Hanover Street and they are putting brand new ones up and they are going to be the old lamplight posts that they had before only newer ones and they don't go by specs. We find out by investigating that we have a spec for those types of banners that are being used in Manchester and the spec calls for something a little thicker and a little better and imbedded.

Alderman Hirschmann asked whose banner was that.

Mr. Lolicata answered I forget whose banner it was, but I still have it in Traffic. It fell off.

Alderman Hirschmann stated the CMC Hospital just put up a brand new beautiful banner and it has holes in it so the wind blows through it. That thing probably cost a few thousand dollars alone.

Mr. Lolicata replied I have nothing against that. I stopped them and asked them to raise it above the lights. It is just these three locations that I am talking about.

Chairman Gatsas asked maybe you can come back with some specifications for banners.

Mr. Lolicata answered sure.

Chairman Gatsas addressed Item 5 of the agenda:

Communication from Kim Moore on behalf of Healthsource NH, Annual Healthsource Corporate Road Race, requesting the placement of a banner across Elm Street marking the start of the race at approximately 5:00 PM; such banner to be removed immediately after runners and walkers have passed on August 10, 2000.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to approve this request.

Chairman Gatsas addressed Item 6 of the agenda:

Report from Finance, if available, on development of a form for fiscal impacts to future budgets.

On motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to table this item.

Chairman Gatsas stated I will expect that when there is an agenda item in this committee that somebody from that department is going to be here. I would assume that they recognize that, Clerk.

Clerk Bernier stated I just sent out a letter this afternoon to address that issue from Alderman O'Neil's committee noting that they need to be present whether it is a controversial or non-controversial item.

On motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to send a strong letter to Finance telling them that they are expected to be at the next Administration meeting to address the above item.

Chairman Gatsas addressed Item 7 of the agenda:

Report from City Solicitor regarding the Animal Shelter.

Deputy Solicitor Arnold stated I pretty much outlined the present status of negotiations in my cover letter, which was sent to each Committee member. Other than the fee to be paid by the City to the Friends of the Manchester Animal Shelter for the services they are going to be rendering, that having no authority I did not deal with. The other three points of disagreement between the Police Department

and the Friends of the Manchester Animal Shelter are outlined in my letter. If anybody has any questions, I would certainly be happy to answer them. I will note that representatives from both the Police Department and the Friends of the Manchester Animal Shelter are here.

Alderman O'Neil stated I am not clear on this. Does the group, Friends of the Manchester Animal Shelter agree with those four points?

Chairman Gatsas replied no. I think they are agreeing with the lease that Tom drew up. Tom, do you have any problem with the lease you drew up?

Deputy Solicitor Arnold responded those leases were a product of me and Stuart Richmond who represents the Friends of the Manchester Animal Shelter working together. I don't have a problem one way or the other with some of the issues. I think that both parties had valid points. From a legal perspective, as I say I don't have an opinion.

Chairman Gatsas stated let me have you have an opinion. Do you have a problem with the City being protected in these agreements?

Deputy Solicitor Arnold replied I think the City is adequately protected if that is the question.

Chairman Gatsas asked so the City is protected and you have no qualm with the way the agreements are drawn up, you are just addressing us saying that the Police have a problem with the lease that has been presented. Is that correct?

Deputy Solicitor Arnold answered yes, that is essentially correct.

Chief Driscoll stated I am going to yield in a moment to Deputy Chief Duffey who has the responsibility of the Animal Shelter. We have looked at a draft of the lease and I assume it is only a draft. There are a number of issues in there that we think need to be refined.

Chairman Gatsas asked when you say a number do you mean other than the ones that we have discussed here. The ones that you wrote that Tom Arnold has discussed with us in the letter he sent us?

Chief Driscoll answered there are some sharp edges if you will, a couple of errors and some issues that I think need further discussion. Basically, there are four issues in the lease that I think need considerable discussion.

Chairman Gatsas replied let's start.

Chief Driscoll asked you would like to review those.

Chairman Gatsas answered which ones do you have concern with.

Chief Driscoll replied I will yield to Deputy Chief Duffey then.

Deputy Chief Duffey stated I am not going to address number one in this, I guess, because that is a determination for you to make as to what kind of payment they are given. The lease had said \$40,000 a month and if that is going to be the fee, I will do it myself. That is a lot of money. I assume that is a typographical error.

Deputy Solicitor Arnold replied I would point out that it is a typographical error. That error was corrected in the copy that I have. That was the only amendment made. I thought I e-mailed the Police Department with that amendment, but that has been caught and corrected.

Deputy Chief Duffey stated the expenses to the Police Department for the shelter for your information ran about \$11,000 a year I believe.

Chairman Gatsas asked that is not including the labor correct.

Deputy Chief Duffey answered correct.

Chairman Gatsas asked and that is with two police officers there.

Deputy Chief Duffey answered two ACO's, not police officers. The second one is probably the biggest bone of contention and has been, frankly, in our workings with the group and that has to do with euthanizing animals. The way it works by Ordinance and State Statute is that there basically are three or four different ways that an animal comes into the shelter. Sometimes an animal is picked up and is perfectly harmless and it is brought to the shelter and there is no dog license and it is held for seven days and if nobody comes forward the dog or cat is put up for adoption. We don't have any problem with those. The ones we have a problem with are those that in Officer Dydo or Officer Walsh's judgment are deemed to be vicious or unsafe to the community and they make a determination that that dog has to be euthanized. That clearly is their responsibility and it should remain their responsibility. They are the ones after all who are in the field and they are the ones who are assessing and evaluating that. The third type would be a little bit more straight forward and that is where a court order would come in directing the euthanizing of an animal and that does happen on occasion. I guess that gives rise to two different issues. Number one, how we are going to handle the protocol for that.

Chairman Gatsas asked do you know how it is handled in Nashua right now.

Deputy Chief Duffey answered I have no idea.

Chairman Gatsas asked do you want me to tell you.

Deputy Chief Duffey answered okay.

Chairman Gatsas stated the animal is turned over to the shelter and the shelter takes care of it. The officer has no say in it.

Deputy Chief Duffey replied we have no interest in doing that.

Chairman Gatsas asked do you know how it is done in Keene.

Deputy Chief Duffey answered no I don't.

Chairman Gatsas replied it is done the same way.

Deputy Chief Duffey stated we have no interest in abdicating that responsibility.

Chairman Gatsas replied the responsibility obviously would be deemed with a veterinarian. Do you think that a veterinarian would have the same expertise as your ACO?

Chief Driscoll responded I think he would have less expertise in that issue than our ACO.

Chairman Gatsas asked is your ACO certified.

Chief Driscoll answered he has 20 years experience.

Chairman Gatsas asked has he gone for certification.

Chief Driscoll answered no, not to the best of my knowledge.

Deputy Chief Duffey stated the determination of euthanasia, there are two different determinations. Number one from the field perspective as to whether or not the dog should be put up for adoption and then of course the process of euthanasia. Officer Dydo has used a veterinarian for the actual process before and we have no problem with using one for that process but we are not interested in committee votes though on whether or not an animal is going to be returned back to the community and potentially hurt someone. Our faith is in the ACO who, as the Chief mentioned, has 20 years experience in determining that. They haven't made very many mistakes of which I am aware so I guess there has to be a protocol established as to how that particular aspect is going to be handled.

Chairman Gatsas replied I think there has been. I think that no place else in that State is that protocol established in any other way other than the shelter takes care of it. No place in the State.

Deputy Chief Duffey responded that is probably true.

Chairman Gatsas stated I understand that this is the number one City in the northeast to live in, but there should be other issues other than protocol on disposing of an animal.

Chief Driscoll replied for many years the Animal Control Division ran our facility there that was concerned with animal control. We have now broadened, or the City is about to broaden those responsibilities to animal care and animal sheltering. That is fine and we support that. We have embraced these people for the last two or three years. They have provided a tremendous service, but we don't think at the Police Department that we should turn our back on our responsibilities of animal control and identifying those animals that don't meet the level of safety that they should be put back in the community. We believe and will continue to believe that Officer Dydo and Dennis Walsh are the people who are best capable of making that decision. We further believe that as the way the Ordinances are written now, for the first seven days the responsibility for that animal rests with the Animal Control Division. Certainly, it would be appropriate to have the shelter volunteers or the folks that will assume the animal sheltering responsibility to care for those animals and we would like to see that happen, but in cases where a stray is found the City has the responsibility for that animal for seven days. In the case of a dog bite, the City has the responsibility for that dog or animal for 10 days. We have responsibilities to hold that dog after notification for four days. Certainly, if there is an animal that is deemed so dangerous by Animal Control Officers, the City would want to retain that responsibility to take appropriate action to see that the animal is not a continued threat to anyone in our community.

Alderman Hirschmann stated I think even the animal care providers would agree to this point. There are some vicious animals. There are pitbull terriers that have bitten police officers and have gotten bullets in their hip and thrown down three flights of stairs and they are still coming at you type of thing. I am not saying that you have to put them to sleep, but if a judge brings a court order saying that pitbull terrier bit a child on Cedar Street, I think we have to...

Chairman Gatsas interjected I agree with you and I think that is what we are saying, but I think when you deem it for every animal in the shelter that is not right.

Alderman Hirschmann replied I agree with you on that point. I guess there has to be a coming of the ways here where if a judge brings an order that an animal is dangerous or if Officer Dydo tells a judge that an animal is dangerous, we have to respect that and all other animals shouldn't be euthanized.

Alderman Pariseau asked, Chief, are you saying that you want your Animal Control Officers to make that decision in every case.

Chief Driscoll answered I want him to retain authority over that animal as written in the...as Deputy Duffey said if we bring in Floppy the poodle for running at large and it is sitting in...

Alderman Pariseau interjected does the officer have the right to shoot it.

Chief Driscoll replied absolutely not. Be assured that we would not take that step. If the animal is not a risk to the community, then we are going to sign off on that animal at our earliest convenience and turn it over to them for adoption, but if in fact it is that pitbull that Alderman Hirschmann was talking about, I think the City would be making a grave mistake if they abdicated responsibility for that animal and put it up to a committee decision and certain individuals fell in love with that animal and didn't do what the right thing for the community was. David Dydo has done that for years.

Alderman O'Neil stated I have known Dave Dydo an awful long time and know the work that he has done. I have known Dennis a long time, but I can speak personally of Dave because I have two dogs and in their younger days they had a tendency to like to take a run once in awhile and Dave knew them pretty personally. My experience with him is he uses great judgment. I think it is important...I have some problems with this committee format because it is easy for someone that wasn't there and doesn't know what they went through to get the dog. There was just something in the paper a week or so ago where you had a heck of a time getting a couple of dogs. They know what these dogs under many different conditions are capable of doing and having two dogs, my dogs are really pussycats in the house but one time they got into a chicken coop, David, do you remember that and it wasn't very nice. My point is that I put a lot of weight on his judgment because he has to get the dogs in the field and he knows more so and I don't single out just Dave because it could be Dennis but they are out there in the field. I think they can give a true judgment of the behavior of that dog more so than a veterinarian who comes in two or three days later. That is my personal opinion.

Alderman Thibault asked wasn't it just this week or last week sometime that there were two pitbulls that Officer Dydo had a problem with.

Chief Driscoll answered that is correct.

Alderman Thibault stated at that point, I looked at that and said wow. I would hate to be caught in that situation. How did he handle this and what did he do with those animals?

Chief Driscoll replied he could probably tell you better than I, but those dogs eventually made their way home on their own with the help of a neighbor or a friend. They, I am sure, will be summonsed for allowing their dogs to run at large but certainly those are two dogs that are very serious but have not yet reached the plateau I don't believe, where he would make a decision. I think in regards to what Alderman O'Neil said, certainly if there was a dog that was injured we would certainly, Alderman Gatsas, yield to a vet who had greater expertise medically.

Chairman Gatsas asked how many dogs a year do you deem as being dangerous.

Mr. Dydo answered to date we have picked up 105 stray dogs and 2 were euthanized because of behavior problems.

Chairman Gatsas asked so what you are saying is that there are two animals...now of the 105 are you talking from January to present.

Mr. Dydo answered yes. I am speaking from January 1 to the present.

Chairman Gatsas asked so there is no reason to have had control of 103 dogs if you only euthanized two.

Chief Driscoll answered I strongly disagree, Sir.

Chairman Gatsas stated let me get back to the question and this is a yes or no answer. This is a very simple question and should have a very simple answer. The question is this. Alderman Pariseau asked you a question. Do you want control over all of the animals brought to the shelter? Yes or no.

Chief Driscoll replied yes, initially. There needs to be a decision made. If I can explain, it is hard to answer yes or no.

Chairman Gatsas asked how many dogs have you euthanized in the course of a year.

Mr. Dydo answered last year's figure was 12 or 13 dogs.

Chairman Gatsas asked is that because they weren't adopted or because you deemed them as...

Mr. Dydo interjected we don't put dogs to sleep because they are not adopted. We leave them there until they are. We are only talking about vicious dogs.

Chairman Gatsas asked so last year you found 13 vicious dogs.

Mr. Dydo answered dogs that were considered a threat to put back into the community, yes.

Deputy Chief Duffey stated the third item talks about...in the lease agreement we had a small problem with the language that said the FMAS shall make a good faith effort. I think that they have to be held to the same standard of hours that currently we service the public. I think if you put good faith who knows when.

Chairman Gatsas replied I should have brought ex-Alderman Rivard with me today so he could have addressed that question. He would say that he called there several times with no answer on the phone to get a skunk recovered. I hope you are not saying that we need to give them the same service if there is an Animal Control Officer that is out picking up a stray and there is nobody there to answer the phone. I assume that is not what you are saying.

Deputy Chief Duffey responded I am talking about the hours that the shelter would be open for the public to appear and undertake adoptions or the public bringing in animals. When those hours are posted, somebody is there. We are just suggesting that they should be held to the same standard.

Chief Driscoll stated there shouldn't be less service to the community then there is now I guess is our issue.

Deputy Chief Duffey stated on the next page, Item 4 states that the FMAS shall have sole control over the services of any veterinarian retained by FMAS. The real problem isn't with that. The problem is with the room that the veterinarian uses. On occasion, Officer Dydo has to utilize that room for a rabid animal to remove it's head and send it to the State Lab for testing and he would have to still have the ability to do that because there really isn't any place else where he could do that. That is part of his responsibility and he has to do it on a fairly frequent basis.

Chairman Gatsas asked are you opposed to a vet doing that.

Chief Driscoll answered if the vet wanted to go to court...well I guess you could respond better than I could David.

Mr. Dydo stated in reference to that, it is a time issue. Often times we are called to pick up possible rabid rabies suspects and I can't see getting a veterinarian out of bed at midnight to come and decapitate an animal when I am right there and I have been doing it for a number of years. It is nothing more than working in a safe, clean environment. That room would be utilized to decapitate where there is

running water and the tools are accessible. It is well lit and it is a medical room so it is the perfect situation and perfect room for that.

Chief Driscoll stated in conclusion, we want this to work and we want to turn over the sheltering of animals and allow them to run all of the programs, but we also want David Dydo to be able to continue with his responsibilities to be able to service the community as he has done for so many years and work in harmony with the folks at the shelter. To walk away from our responsibilities or to abdicate our responsibilities...

Chairman Gatsas interjected I don't think anybody is asking you to do that. Obviously there are no other communities in the State that do it. Nobody is asking you to do that. I am just looking to why we would want to be any different than anybody else in the State.

Deputy Chief Duffey replied because we do it better.

Chairman Gatsas stated that is not necessarily true.

Deputy Chief Duffey responded that is my opinion.

Chairman Gatsas replied okay but I think we may hear a difference of opinion coming up behind you.

Chief Driscoll stated that is fine. I would tell you that I think we do it economically too. I really believe that. David has done an outstanding job in my opinion and I thank Alderman O'Neil for his remarks and I concur with his remarks. The City can be very proud of what David has done and the level of safety that he has provided for this community.

Chairman Gatsas replied I certainly agree with that.

Chief Driscoll stated we would like to continue to work on those issues as the Committee sees fit to come up with an agreement that works for the City, the Police Department and the Friends of the Manchester Animal Shelter.

Chairman Gatsas asked the Friends of the Manchester Animal Shelter to come forward.

Ms. Nancy Letizia, President of the Friends of the Manchester Animal Shelter, stated I want to say how strongly we all support and respect Dave Dydo and Dennis Walsh for what they do. It is a very, very difficult job. The euthanasia issue is obviously a very sensitive issue for us because our major goal is to give life to these animals and a quality of life if we can. We certainly understand that there are animals that need to be euthanized. A perfect case in point are the

pitbulls that were in the paper the other day. We all felt that if someone had to shoot one of those dogs in the field that would have had to be done because the public was obviously in eminent danger. I think actually Article 11 addresses that. It gives Dave Dydo and Dennis Walsh the authority to do that when they need to and when they have to. It is perfectly understood. However, once an animal comes to the shelter I really believe that an animal will be better evaluated by a committee of professional people who are able to see the animal in perhaps a quieter environment. These are people with experience. They are not volunteers who are going to have puppy love with a dog there. There is an animal behaviorist and a veterinarian involved and people who have worked with animals for years and years and get a chance to look at them over a period of time as opposed to picking an animal up in a stressful situation and making a decision. If I may, Alderman O'Neil, your example of your dogs was a perfect example of a dog that may have been picked up in a situation killing chickens and deemed to be a dangerous animal that should not be on the loose and you said they are pussycats at home. Bringing them to the shelter and having us have an animal behaviorist and someone else look at them would probably discover that these are not dangerous animals but they were just animals out having fun.

Alderman O'Neil stated the point is that Officer Dydo made that call anyway.

Ms. Letizia replied I am glad he did but we can't always guarantee that one person can make that call and we feel that it is in the best protection of the animals and the public. We have no desire to adopt out dangerous animals to the public. We are fully aware that there are animals that cannot be adopted. We want to find the best matches that we can for animals and homes. Our interest is truly in the interest of the public and the animals and we believe strongly enough that we are able to do this that we are accepting liability to do this by virtue of carrying liability insurance and taking on the responsibility ourselves of doing this.

Alderman O'Neil stated I think the three items that the Police Department pointed out, Items 7 and 9 certainly can be resolved fairly easily. Would you folks agree with that?

Ms. Letizia replied I do. We have discussed Item 9 and we have no problem just dropping that. We both need access to the room at the shelter and we certainly agree with that. Item 7 we have discussed with our attorney who unfortunately couldn't be here tonight and making a good faith effort to be there during public hours of course we will, but we are human and we know that things happen and we certainly don't want to be in breach of contract if someone is half an hour late showing up for work and can't open the shelter at 11 AM.

Alderman Pariseau asked what are the current hours at the shelter.

Mr. Dydo answered Mondays from 8 AM – 6 PM, Tuesdays from 8 AM – 4 PM, Wednesdays from 8 AM – 4 PM, Thursdays from 8 AM – 6 PM, Fridays from 8 AM – 6 PM, Saturdays and Sundays from 8 AM – 4 PM and we have extended adoption hours on Tuesdays and Thursdays from 6 PM – 8 PM.

Ms. Letizia stated I would respectfully submit that the shelter is not manned.

Alderman Hirschmann stated there is nobody up there at 8 AM all the time.

Chairman Gatsas asked is there somebody there every day at 8 AM.

Mr. Dydo answered we are usually there by 8:30 AM.

Alderman Hirschmann stated I would like to strike Item 4 from the lease. It is a City owned building and it always will be so we should strike Item 4. There are never going to be real estate taxes on the building I don't believe. They are leasing you the building for \$1/year and it addresses real estate taxes and there shouldn't be any.

Chairman Gatsas asked do you have a problem with that Mr. Arnold.

Deputy Solicitor Arnold answered it is just there to make clear that the lessee won't be responsible for real estate taxes. I could put it in a different form if you want, but I think that is the intent.

Alderman Hirschmann stated there are no real estate taxes on that building right now. It is a City owned building.

Deputy Solicitor Arnold stated there aren't now but there are provisions under State Statute where the City leases a building to make provision for the payment of real estate taxes. For instance, out at the Airport even though they may be City owned buildings, they are leased and the lessee do pay real estate taxes on those. This provision is just to make sure that that is not the intent here.

Alderman Hirschmann replied it is a non-profit anyway. They are not in the business of making profit on what they are doing that I know of.

Deputy Solicitor Arnold responded that is what this term says. It says they are not going to pay real estate taxes.

Alderman Hirschmann replied it says the lessor shall pay all real estate taxes assessed against the lease premises. I want that whole thing erased because I don't think it applies. It is a City owned building on City owned land and it will never be taxed. I don't care what the State says.

Alderman Pariseau moved to have the Police Department and FMAS get together and work out Item 11.

Chairman Gatsas stated I think they have been at an impasse now for an awful long time and I think they are bringing it back to this Committee to get some resolution to it.

Alderman O'Neil asked could we table this. I want to get a little more information on Item 11. Do you have information from these other communities in writing or did you just make some phone calls?

Chairman Gatsas asked do you folks (FMAS) have any other information from communities.

Ms. Letizia answered I have an e-mail from the Nashua Human Society which addresses...if you would like me to just read the pertinent paragraph on that. "Once an ACO brings an animal to us" meaning the Nashua Humane Society which services many more animals and communities than our shelter does, "they have relinquished all future responsibility for the animal. Of course, State law requires that we hold stray dogs for seven days, stray cats with id's for seven days and stray ferrets for seven days. After the seven-day period is up, the unclaimed animal becomes our property. The only time that differs is if an animal is brought in under a court case then we retain joint custody with the City's prosecuting attorneys and Police Department until the case is adjudicated. There has never been a difference of opinion in euthanasia opinions. The City does not get involved in those issues because the animal is our property immediately upon relinquishment." Apparently, they have never had any problems.

Alderman O'Neil moved to table this item and get some of the information from other communities in writing.

Chairman Gatsas stated so we will leave the rest of the contract as is and just address the euthanasia item.

Deputy Solicitor Arnold stated I believe on Item 9 that the Animal Shelter agreed that the Animal Control Officer could use the two rooms at issue.

Ms. Letizia replied correct.

Alderman O'Neil asked are you folks (FMAS) going to be able to get written information from the other facilities and forward it to the City Clerk who will then pass it on to us.

Ms. Letizia answered we certainly can.

Alderman Pariseau duly seconded the motion. Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

There being no further business to come before the Committee, on motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee