

COMMITTEE ON ADMINISTRATION

June 1, 2000

6:30 PM

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Pariseau, Thibault, and O'Neil

Absent: Alderman Hirschmann

Messrs: D. Prew, Deputy Chief Duffey, N. Letizia, R. Sherman

Chairman Gatsas addressed Item 3 of the agenda:

Referral from Committee on Community Improvement regarding the HTE system.

Chairman Gatsas stated I think we touched on the HTE process the other night but I don't know if Diane has a follow-up to what Alderman O'Neil was looking for from where the departments were.

Ms. Prew replied I was going to wrap that up in the response that we are going to provide in 15 days.

Chairman Gatsas stated I think that you were supposed to come back to us and talk to us about the referral that came from CIP in regards to the HTE system.

Ms. Prew replied apparently I had responded to that in March and when I inquired of the City Clerk why it wasn't here they couldn't find it and I send a fax. Do you have a copy of my response at this point?

Chairman Gatsas responded yes.

Alderman O'Neil stated I think my concern the other night, Diane, and I think you agreed was and I gave the Clerk a copy of what I had, there were five, six or seven items...there was a report that broke down what was HTE's responsibility and we asked them to respond in that 15 day period and there was also a section below that said City's responsibility that had approximately the same number of issues. We talked about you being away but you thought that working with your staff you could still address those within the 15 days.

Ms. Prew replied yes. If you are offering me more time, I would gladly take it.

Alderman O'Neil stated I was just concerned about you being away and when I brought it up that night I didn't realize that you were going to be away. You seemed to indicate that night that you thought you could address it via the telephone with your staff.

Ms. Prew replied quite frankly if we could address it a little bit later it would make it a little bit easier, but if need be we can address it in that time period. I will leave that to your discretion.

Alderman O'Neil responded when I made the motion originally on the 15 days, I did not realize that Diane was going to be away for at least a week.

Chairman Gatsas asked, Diane, when will you be back.

Ms. Prew answered I will be back on June 15.

Alderman O'Neil asked could we give her until June 30.

Chairman Gatsas answered that is fine. We will give you an additional 30 days; however, you shouldn't make HTE aware of the additional time that we gave you.

Alderman O'Neil stated HTE is still on the 15 days.

Alderman O'Neil moved to extend an additional 15 days to Diane Prew to get back to the Committee. Alderman Thibault duly seconded the motion. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 5 of the agenda:

Communication from Parks, Recreation & Cemetery requesting fee waiver for a fair license for fireworks at Arms Park on July 3, 2000, rain date of July 5th.

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

Chairman Gatsas addressed Item 6 of the agenda:

Communication from Margaret A. Sofio, Vice President – Law, MediaOne submitting a copy of the Fifth Annual Progress Report of Capital Spending for System Upgrades and Rebuilds for 1999 under the Social Contract.

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

TABLED ITEMS

7. Item 7 (Formalize Administrative Regulations) and Item 8 (Revise Finance Policy and Procedures Manual) of Melanson Heath & Company Management Letter dated 1/11/00 referred to Committee by Board of Mayor and Aldermen.
(Tabled 3/21/00 pending submittal of revised Policy and Procedures Manual.)

This item remained on the table.

8. Report on Animal Shelter Contract.
(Tabled 5/16/00)

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

Chairman Gatsas asked the people from the Animal Shelter to come forward.

Alderman O'Neil stated if I recall after we left really the only outstanding issue was the euthanizing of the animals. I think it was felt...I shouldn't say the only issue but I thought there was an agreement that between the Police Department and the Shelter that all other items they could reach agreement on. Deputy Duffey, are you comfortable with that statement?

Deputy Chief Duffey answered yes.

Alderman O'Neil stated so I think that is the only outstanding issue today, I believe.

Alderman Pariseau stated I have a question for Deputy Chief Duffey. I just want to get it straight in my mind the Police Department's opposition to the putting down of the animals. I was under the impression at the last meeting that if a police officer was at a scene of a violent animal attacking a child or something that the police officer there couldn't shoot that animal because of these people and I thought that was the issue, but apparently in talking with the people from the animal shelter, their only concern is once the animal is brought to the shelter you guys still want to have control over euthanizing the animal.

Deputy Chief Duffey replied I think that pretty fairly summarizes it. I don't think there is any issue to the euthanizing of animals on the street when it becomes necessary. In an instance like that I don't think we have any dispute. I guess the problem arises from a couple of City ordinances that this contract would be contradicting, primarily 90:18 which talks about any dog that has been impounded has to be turned over to the City after the seven day waiting period. Now for a dog that is clearly not a problem, we have no problem with turning over such an animal and I think that was represented by Chief Driscoll last time. Where we are at odds is an animal that Officer Dydo or Officer Walsh has determined would be dangerous that we are not comfortable and will not abdicate the responsibility of that type of animal because of the potential liability to the City and would seem as though the City ordinances would back that position and also just another one 90:13 may also be a problem because that talks about a dog that has bitten someone three times and we have to have a hearing at the Police Department for the purposes of determining whether or not that dog should be put down. That is also an ordinance. It would seem as though we are at loggerheads on this issue and I would respectfully suggest that perhaps there may need to be a change in the ordinance and that would solve the problem.

Alderman Pariseau asked can I back up to where you said Officer Dydo and the other officer felt that an animal was a danger to the public. Is that after that animal is brought to the shelter?

Deputy Chief Duffey answered that is correct.

Alderman Pariseau stated but I thought the Police didn't have any control after that.

Deputy Chief Duffey replied we do still by ordinance.

Alderman Pariseau asked so you are saying the contract the way it is written is violation of City ordinances.

Deputy Chief Duffey answered in my humble opinion it is, yes.

Alderman Pariseau asked so we should change the ordinance.

Deputy Chief Duffey answered I think that is going to be the only way to resolve this issue, yes.

Alderman Pariseau asked have you contacted the City Solicitor to recommend the changes that you felt were necessary.

Deputy Chief Duffey answered I have been in constant contact with Tom and I think that we probably are trying to work this thing out and are just getting to the point now where Tom would have to look at that.

Ms. Letizia stated if I may just a couple of weeks ago Atty. Arnold did say that he had no problems with any legal issues in the proposed contract which at that time read that the animals would become our property after seven days.

Alderman Pariseau asked after seven days.

Ms. Letizia answered seven days is the legal waiting period according to the RSA's.

Alderman Pariseau asked so you are saying that if Officer Dydo feels that the animal should be destroyed prior to the seven days that they shouldn't be able to do it.

Ms. Letizia answered they cannot be destroyed legally before the seven day period. That is my understanding. They have to be held for seven days.

Deputy Chief Duffey stated unless it is under the circumstances that you described earlier – an on the street type of thing.

Ms. Letizia replied right.

Deputy Chief Duffey stated or if an animal is injured.

Ms. Letizia stated during that seven day period that animal is at the shelter being really constantly assessed by our volunteers who walk it, our vet who sees the animal...there is much more intimate contact with the animal by the people at the shelter than by the ACO's at that point in time.

Alderman Pariseau asked what do you mean by intimate contact with the animal.

Ms. Letizia answered feeding, medicating, and walking.

Alderman Pariseau asked can't the Police take care of the feeding like they do now.

Ms. Letizia answered they don't now. The volunteers do. We have 50 volunteers out there and the shelter has become such a big business that is why it has become a shelter instead of a pound as it was at one time. The ACO's couldn't possibly do their job on the street and feed and take care of the animals. That is all being done by volunteers and pretty much has been since the new shelter opened.

Alderman O'Neil stated in the last few weeks I have been giving some thought to some of these examples that come up and I just want to make sure that...we had a case at one time and Deputy you can correct me if I am wrong where Officer Santos shot a dog that was...the dog did not die, correct? It was still alive and got brought to the shelter. I am trying to think back on all of these...

Deputy Chief Duffey interjected I don't remember. I shot a dog once. I can remember that pretty well.

Alderman O'Neil stated unfortunately what we are talking about is maybe six dogs a year that this...it is minimal.

Deputy Chief Duffey replied 12-15 actually.

Alderman O'Neil asked does anybody remember that situation. I thought the dog got brought to the shelter and it was still alive. Maybe I am wrong. Let me bring up another one. There have been on occasions and fortunately you folks have done a great job with the drug business so I don't think it is as common as before but unfortunately our citizens take dogs and try to have them as guard dogs in the drug business and it is unfortunate for the poor animals. You guys do a drug raid and a dog is involved...you know you seize a dog that obviously was trained to defend the drug dealers. That dog now has to go up to the shelter for seven days and then there is an assessment made when really there is a situation where that dog is a threat?

Deputy Chief Duffey replied correct.

Ms. Letizia stated it has to be assessed by someone whether it is an ACO...I mean somebody has to make the decision.

Alderman O'Neil responded but in that seven day time period, I mean they do a drug raid, the dog bites an officer and I don't know the specifics...I know that dogs have been involved in drug raids.

Deputy Chief Duffey replied those things have happened.

Alderman O'Neil asked is it the Animal Control Officer's call on whether or not that dog should be put down or does that dog under the law have to wait seven days.

Ms. Letizia answered they have to wait seven days.

Deputy Chief Duffey replied unless using Alderman Pariseau's example and it was something where action had to be taken. The ordinance clearly says that the dog would be held seven days. The dog then becomes the property of the City and the City is represented by Officer Dydo. That is what the ordinance says and there is no getting around it.

Ms. Letizia responded I believe that the State law, which probably overrides the ordinance, I am not sure, says that if it is turned over to either the ACO or the people running the shelter it has to be held for seven days.

Alderman Pariseau stated but if we say the Animal Control Officer, then you people are off the hook if that is what the ordinance says.

Ms. Letizia replied we don't want to be off the hook. We want to be involved in making these decisions and if I could just point out that we have always talked about aggressive dogs here, but there are other animals at the shelter that are potential victims of euthanasia and that is perhaps an animal that comes in that has been hit by a car or an animal that is deemed to be too old by perhaps an animal control officer or any other number of reasons that decisions have been made, not necessarily at our shelter but at other shelters that do kill for purposes that have nothing to do with aggression and we feel that we put our love, time and money into these animals and we should have some input into whether they are put to sleep. We feel that we can put our money into medical expenses and adopt out a lot of animals that might otherwise be deemed unadoptable.

Alderman O'Neil stated I am not questioning dogs that are too old or dogs that have been injured. I think we are all in agreement on that.

Ms. Letizia replied but they fall under that same euthanasia policy unfortunately.

Alderman O'Neil stated what concerns me is this aggressive dog and I mean it has bitten somebody, whether it be a police officer or they respond to a call where it is...they see it has bitten one person or two people. Can the Animal Control Officer make a decision right then and there that the animal is a danger?

Ms. Letizia replied if he is in the field. If he is bitten in the act of say taking this dog during a drug raid he can shoot that dog but once it comes to the shelter it is my understanding that it must be held for seven days before any determination is made.

Alderman O'Neil responded so the only way that would not happen is if for some reason an officer has to in the field kill the animal.

Ms. Letizia replied right.

Deputy Chief Duffey stated it is also important to realize that what we are talking about here is only a dog that Officer Dydo or Officer Walsh feels may be a threat to the community in their experience. That is what we are talking about and we are talking about 12-15 animals a year otherwise we don't have a problem. However, regardless of whether or not we agree, I think there would have to be a change to the ordinance anyway. Right now, they go to the City period. That is what the ordinance says.

Deputy Solicitor Arnold stated I am not quite sure what you are asking. The two ordinances do refer to being impounded by the Police Department and a dog, which is impounded for seven days, will be turned over to the City dog officer. Our ordinance imposes a requirement of notice of an additional four days. It would probably be wise to change those two ordinances to accommodate the agreement. I could certainly draft those changes for you and submit them.

Alderman Thibault stated seeing that Deputy Chief Duffey and the Solicitor are already working on that I think they should come up with a recommendation and come back to the Board.

Chairman Gatsas asked right now if there is an animal that they deem as dangerous, you bring it in and even if the officer at the end of the second day said this dog must be put down, by law you can't do it until after the seventh day.

Deputy Chief Duffey answered correct.

Chairman Gatsas asked even in transportation to the shelter.

Deputy Chief Duffey answered my experience and estimation tells me that once that dog has been taken into the van the seven days starts.

Chairman Gatsas stated let me understand. If Officer Dydo brings an animal to you folks and says this animal we deem as being dangerous to the community and we think that animal should be put down, however, we can't do it for a seven day period, do you have objection with that?

Ms. Letizia replied we wish to have the animal assessed by a Committee of people as set forth in the contract, which includes professional behaviorists, and people who have been involved with the animal for that seven day period.

Chairman Gatsas responded let me ask you. Obviously you have supplied letters from other communities.

Ms. Letizia replied they have never had problems with that kind of policy, but they do state if an animal has come in and it has bitten someone and it is involved in a lawsuit or something the animal is held in joint custody by the shelter and the Police until the case is adjudicated. It is not a question that we could adopt an animal out that was in question or that we would put an animal down that was in question until a legal issue was settled.

Chairman Gatsas stated basically your concern is from the City side that if you turn over an animal to them that you may deem dangerous they come back and say it is not and that animal is then adopted out and bites somebody again then you feel that the City is at risk. That is really where we are coming from?

Deputy Chief Duffey replied that is the practical concern but you also have the ordinance to deal with.

Chairman Gatsas asked, Tom, the agreement that you drafted up takes all of the responsibility from the City side and puts it on to the Friends of the Manchester Animal Shelter right.

Deputy Solicitor Arnold answered it certainly provides for insurance and that type of thing. There is not, for instance, an indemnity agreement here that if that type of thing should take place...

Chairman Gatsas interjected who drew up the agreement.

Deputy Solicitor Arnold stated both the Animal Shelter attorney and I worked together on it.

Chairman Gatsas asked so what you are saying is that you are bringing up an agreement to this Committee right now that doesn't have an indemnity agreement when you have been looking at this thing for the last four months and you just decided now that there should be an indemnity agreement.

Deputy Solicitor Arnold answered I was asked what was in the agreement, Mr. Gatsas.

Chairman Gatsas replied I said did you draw the agreement up. Have you read it before tonight?

Deputy Solicitor Arnold answered yes.

Chairman Gatsas asked why do you bring up the indemnity agreement...if you feel that is a sufficient point to protect the City why didn't you bring it up in the past. Why are you bringing that up tonight? Don't you think that should be something that we address way before this?

Deputy Solicitor Arnold answered I felt that the insurance provisions in the contract were adequate protection for the City.

Alderman O'Neil stated the Police Department picks up a dog that is aggressive, brings it to the shelter and nothing can be done for seven days and maybe through the calming process of not being in the environment it was removed from it calms down and the Shelter, through the Committee, reviews it and thinks the dog can be adopted, the dog gets adopted and now bites someone. Is the City liable in any way for that or is all of the liability then with the Friends of the Animal Shelter? I guess my question is once the City brings a dog to the shelter does the City have anymore liability with that dog?

Deputy Solicitor Arnold replied I think that once the dog is turned over to the Friends of the Manchester Animal Shelter the City's liability is certainly minimized. I couldn't tell you there is none. I would tell you that there are insurance requirements in this agreement in the amount of \$1 million for general liability with the City as an additional named insured.

Chairman Gatsas asked so that is as good as an indemnity agreement.

Deputy Solicitor Arnold answered it says that there is \$1 million out there with the City as an additionally named insured. I think it adequately protects the City, yes.

Chairman Gatsas stated let me ask you the question in a different way. The question I have is is that as good as an indemnity agreement with us being named additionally insured? Yes or no?

Deputy Solicitor Arnold replied to the amount of \$1 million, yes.

Chairman Gatsas stated well obviously being the City we don't need insurance to cover ourselves. If we did the same thing today and that dog went out and bit somebody we are at the same risk but they can't sue us because we are a City. So what you are saying is that as far as you are concerned the protection is there for the City. The only thing you think that could additionally cover the City is an indemnity agreement.

Deputy Solicitor Arnold replied yes, I think the protection is there and I felt that the protection was sufficient and that is why I didn't address an indemnity agreement. Could an indemnity agreement provide additional protection? Yes, but I don't think it is necessary in the context of this agreement.

Alderman O'Neil asked the reference in the contract to the committee, if you can only get two people together will those two people make the decision.

Ms. Letizia answered no. We have very specific requirements for the committee, including a veterinarian, probably the lead member of our dog team as we have people who are with these dogs all of the time and who are very experienced with dogs. We have a professional behaviorist who comes in from outside the shelter.

Alderman O'Neil replied I am not questioning the make-up of the Committee. My question is do all members of the committee have to be present.

Ms. Letizia responded they don't all have to be present at the same time, but they would all...

Alderman O'Neil interjected if it takes you an additional week to get everyone together or are you going to set a schedule that says on Mondays would you please be available.

Ms. Letizia replied that is correct. It wouldn't be done by just whatever two people would there. We would want input from everybody on the Committee and it wouldn't have to be all at the same time. We get written assessments from everyone and then the decision is made.

Alderman O'Neil asked, Deputy Chief Duffey, does the Police Department still want to participate as a member of the committee.

Deputy Chief Duffey answered no.

Alderman O'Neil asked does the shelter have a problem with that.

Ms. Letizia answered no. We feel that we have adequate and very trained people making this decision. We are very comfortable with that.

Alderman O'Neil asked should those three words be removed from the contract then.

Ms. Letizia answered if the Police Department agrees with that, that is fine with us.

Alderman O'Neil asked Deputy are you comfortable with that.

Deputy Chief Duffey replied I guess the best way I can answer your question and I am really not trying to be contrary but we don't have any intention of abdicating the responsibility on vicious dogs unless we have to because the ordinance says we have to keep it. The only way to get around this is to either change the ordinance and there are two involved because there is the one where the Police Department has to have a hearing on dogs that have bitten three times and that

occasionally happens so that is one and then there is the seven day period. Now were we able to come to an agreement that Officer Dydo could designate a dog as vicious and make a determination and we are talking about 12-15 dogs a year, we wouldn't have to change the ordinance because all of the other dogs Officer Dydo would say to FMAS he is yours and it wouldn't be an issue. Under the way it is written in this contract, we have a problem one way or the other. The easiest way for everybody might be to just change the ordinance.

Alderman O'Neil asked if the ordinance is changed, if I understand it the language is still in there that says the committee consists of an Animal Control Officer. Would you want that taken out?

Deputy Chief Duffey answered you can take that out and change the ordinance and we will go happily along our way.

Alderman Pariseau stated relative to the section, Mr. Chairman, where it says the City will pay the FMAS \$40,000 a year are you people going to reimburse the Police Department for their transporting of these stray animals. I don't want to get into the vicious ones, but just regular stray dogs that they bring in.

Ms. Letizia asked reimburse them.

Alderman Pariseau answered yes. If you are going to take over the whole thing, why should we run a taxi service for dogs.

Ms. Letizia stated well the City has a responsibility to keep dangerous animals off the street.

Alderman Pariseau replied but you want that authority.

Ms. Letizia asked what authority.

Alderman Pariseau answered keeping dangerous animals off the street. You don't want the Police involved in that so why don't you just sever that relationship.

Ms. Letizia stated it is a City facility even though we have a service contract with the City.

Alderman Pariseau stated if you people are getting the \$40,000 plus you are going to keep all of the money from adoptions and all of that other stuff, don't you feel that the Police Department should be reimbursed for the taxi service.

Ms. Letizia replied no. I think we are doing the City a great service. If you see what other cities pay other shelters to maintain their animals...

Chairman Gatsas interjected, Alderman, when you say a taxi service do you mean picking up a stray.

Alderman Pariseau replied picking up a stray and bringing it to the shelter.

Chairman Gatsas asked what are they going to do with it. What would they do with it otherwise? Do you want them to take it to the Police Station and have them pick it up from the station?

Alderman Pariseau answered the Police could still provide that service but where these people are coming into the process and getting everything, the \$40,000 plus adoption fees, etc...

Chairman Gatsas interjected when they went through...when they gave us a comparison on what Nashua pays the Nashua rate is about \$100,000 for the same service.

Alderman O'Neil stated in my opinion I think that financially this is a pretty good deal for the City in my opinion.

Ms. Letizia stated we have about 60 people working out at the shelter for free.

Chairman Gatsas replied all I am saying is that normally the per capita is \$1 per person for residents for shelters. That is how they are reimbursed.

Alderman O'Neil stated I just want to make sure we are clear on this. We want to do the right thing and make the right decision and I am a dog owner so...

Chairman Gatsas asked can we...obviously the Police don't want anybody on that committee. Would you be opposed...I think you have made some accommodation for the Alderman of that ward to be a director on your board?

Ms. Letizia answered yes.

Chairman Gatsas asked is there any way that you could put him as a member of that committee.

Ms. Letizia answered certainly if he is willing to do that.

Chairman Gatsas stated my concern is that there is somebody there that Officer Dydo may...and maybe this is going to take some of the strain away but Officer Dydo could call the Alderman who may sit on that committee and says I think this animal is a risk potential. If the Police don't want to participate in that process, at least it gives the City a link. The Alderman doesn't have to do the assessment of

the animal, but he is aware of where that assessment is going. If we are only talking about 12 animals, that takes away any burden or risk that anybody else is going to say well you need to assess 200 animals this year instead of 12 or 15. I am just saying it would give us a link for somebody to make that assessment.

Alderman O'Neil asked are you saying on the assessment committee or just being informed of the assessment.

Chairman Gatsas answered I am saying if he is on the assessment committee as a bipartisan participant. I think that may give Deputy Duffey an opportunity to have a little bit of a comfort zone.

Deputy Chief Duffey stated I think it is important to recognize that we are willing to retain the responsibility that we have now. We will still do it and we don't have a problem. You are talking about 12 dogs.

Ms. Letizia replied it is not just 12 dogs to us. Every life is very important to us. That is why we are out there doing what we do and we feel very, very strongly that every animal deserves to be assessed individually.

Alderman O'Neil stated I just want to clarify. Deputy, if the two ordinances are changed and the three words "Animal Control Officer" are removed from Section 10 which is the assessment committee, it is the position of the Manchester Police Department that that would be satisfactory?

Deputy Chief Duffey replied we have to go by the ordinance so whatever you come up with would be fine. We would like to be involved in the drafting of the new ordinances though.

Alderman O'Neil moved to approve the service contract and lease agreement subject to the ordinance revisions and with "Animal Control Officer" taken out of Item 10 of the service contract and replaced with "Alderman from Ward 12." Alderman Pariseau duly seconded the motion. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Deputy Solicitor Arnold stated the only point I wanted to make is that this agreement also has to go to the CIP Committee under the procurement code so you might want to refer it there at the same time you make your motion.

Alderman O'Neil asked wouldn't it be better to refer it to CIP after we revise the ordinances.

Deputy Solicitor answered that would be preferable. I am just sensitive to the time issues.

Alderman O'Neil stated it could be another six months before this gets finalized.

Chairman Gatsas asked it can't be referred to the full Board.

Alderman Pariseau answered it would have to go to Bills on Second Reading and I don't know if there is a public hearing necessary to change the ordinance.

Deputy Solicitor Arnold stated I don't think a public hearing is necessary to change the ordinance. Obviously though the revisions have to go to the full Board for action.

Alderman Thibault asked why not bring it to the full Board right away then.

Deputy Solicitor Arnold answered if you want to send it to the full Board I think as long as we are not talking about next Monday I could certainly have the proposed amendments ready.

Deputy Chief Duffey stated I have a suggestion for you. This contract is for one year and we are banking on the experience of people who have been on the job for 22 years and these people do a great job and we are talking 12-15 dogs. My suggestion to you is this. We allow that authority to remain with Officer Dydo for the year of this contract and FMAS can track every animal put down and if they are not happy with it at the conclusion of one year, then we can change the ordinance. Absent that, we can have an agreement tonight and you don't have to go to all these committees and do all of these things. To me, that only makes sense. We don't have to change a thing. I have full confidence in Officer Dydo's assessment. He is very cautious when it comes to euthanasia and I think they would concede that.

Ms. Letizia replied we have been out at the shelter now for about three years and this has been an issue and we have approached the Manchester Police Department in the past and asked to form a euthanasia committee to make it a more comfortable decision for all of the volunteers who do work so hard out there and have, at times, had issue with some animals that were put down and at that time we were told that the reason the City couldn't do that was because the animals were still the property of the City so the decision had to be the sole decision of the City because the City was still liable. Well, now we feel we are talking on the liability of these animals and we wish to have a say in the decision of the animals at the shelter. It is what we do, sheltering and assessment animals. We are willing to wait a few more weeks to have this done.

Alderman O'Neil stated knowing the speed of City government and the number of committees it will have to go through, it is going to be more than a couple of weeks. It wouldn't go to the full Board at the earliest until July.

Deputy Solicitor Arnold stated the ordinance changes will have to be done by the full Board, but I point out that under the procurement code this particular agreement still has to go to CIP.

Alderman O'Neil asked can we in one night change the ordinances.

Deputy Solicitor Arnold answered that is not the usual practice, but yes you can do it.

Chairman Gatsas stated if we are talking about 12 or 15 animals, would it be possible that we could, before an animal is...in other words I wouldn't expect Officer Dydo to go in on the seventh day and say that animal is going to be put down tomorrow because the seven days has ended. I would assume that he should at least give the people up there that are taking care of the animals some sort of notice that he feels that an animal is in jeopardy.

Ms. Letizia replied which he does in all due respect to Officer Dydo, but the ultimate control still rests in the hands of one person basically.

Chairman Gatsas stated then we can go along with this agreement if you allow Officer Dydo the jurisdiction over 12 or 15 animals for a period of time until we change the ordinance which could be shorter than a year but obviously would put you in a position that July 1 would allow you through that process to go so he would have jurisdiction for maybe two or three months until the process moves along. Do you have a problem with that?

Ms. Letizia answered I don't believe so. We have to have our board vote on it.

Chairman Gatsas stated my suggestion to you is that you encourage the board that that is the position that you should take.

Ms. Letizia replied yes. We have a meeting on Wednesday night.

Chairman Gatsas asked next Wednesday night. Can you call an emergency board meeting so that we can get this on the agenda for Monday?

Ms. Letizia answered I can contact everyone by e-mail and get a vote.

Chairman Gatsas stated we won't do the ordinance changes right now. We will allow Officer Dydo to continue his position so we can get into the agreement for the fiscal year starting July 1. We can eliminate that paragraph and come back in and change that as we go through the ordinance process.

Alderman O'Neil asked is everybody comfortable with that.

Chairman Gatsas stated those are the rules we have to follow so that is what we need to do. We are going to do it as quick as possible.

Ms. Letizia stated I will contact the board members tomorrow.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to refer the service contract and lease agreement to the CIP Committee.

9. Report from City Clerk, Finance Officer and Human Resources Director regarding policy form for future financial impacts of construction projects. (Tabled 5/16/00)

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

Chairman Gatsas asked who from the City Clerk's Office is responding. This thing has been sitting around and thank goodness Alderman Hirschmann is not here.

Alderman O'Neil stated well Randy Sherman is here.

Chairman Gatsas stated probably three months ago Alderman Hirschmann brought in a thing that says...

Alderman Pariseau moved to advise the City Clerk, Finance Officer and Human Resources Director that it is the policy of this Committee and make the recommendation to the full Board that we do, in fact, get this.

Chairman Gatsas replied let me just clear up what he was looking for. I hear what you are saying but I believe that Alderman Hirschmann was looking for a form that would be a standardized form that if somebody said we are building a new police station what is the impact not only for the \$1 million that we are approving for the building of it, but what is the impact of the number of employees and what will the health costs be, etc.

Alderman Pariseau responded that should be part of the policy.

Chairman Gatsas stated I don't think there is one in there from Finance. That is an example from Alderman Hirschmann. I don't think any of those departments have ever come back with a sheet. Correct me if I am wrong, Randy.

Alderman Pariseau stated we should have an impact statement outlining personnel necessary to implement whatever, general expenses, capital expenses, chargebacks and have everybody review it.

Chairman Gatsas replied but that is only one form that was presented. He wanted an individual form. One from Finance, one from Human Resources and one from the Clerk's Office.

Aldemran O'Neil asked what is wrong with it being on one form.

Chairman Gatsas answered I agree with you, but they were each supposed to devise a form and then they were going to come back.

Alderman Pariseau stated the way I understand it, once a project has been initiated, whatever department is initiating the project...say it is building a fire station, he will complete this form, put down the number of personnel, salaries, etc. and then it would go to the Finance Department and Human Resources to verify what the department head has told us.

Chairman Gatsas replied I hear what you are saying, but what he was looking for was a form, a straight form so that every time we look at it no matter where it is coming from, it would have the same information on it. That is not the form. That is a guide.

Alderman O'Neil asked, did you guys (Finance) develop a form.

Mr. Sherman answered no. We were under the impression in talking to HR and the City Clerk's Office that what the Alderman was looking for was a policy that the Board could adopt stating that this is what...that we should be doing a costing of these projects and that is what we have been tracking. If you want us to develop a form, we can come back with a draft of a form in a week. That is not going to take us that long. That is a textbook type item. Alderman Hirschmann's letter was actually drafted after talking to the Finance Officer.

Chairman Gatsas stated if that meets what he is asking for, I don't have a problem with it.

Alderman O'Neil stated they do have to plug numbers into it.

Mr. Sherman replied we can come up with a standard form. Again, we thought that we were looking to adopt a policy and we were looking for a policy statement versus a form, but we can develop a form.

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to have Finance come up with a form.

Alderman O'Neil asked how are we doing with the manuals.

Mr. Sherman answered we have a number of feelers out to other communities to try to get them to send us their policies and we are waiting for those at this point.

Alderman Gatsas stated I will tell you that on August 1 this Committee will meet again and I will expect to see a policy in place by that time.

Alderman Pariseau asked what are we doing with the cable.

Chairman Gatsas answered the cable is not ready yet.

Deputy Solicitor Arnold stated I have a few comments to make on that.

NEW BUSINESS

Communication from Brian Tremblay of the Manchester Boys & Girls Club requesting fee waiver for a business license for Dobles Chevrolet Annual Corvette Car Show.

Alderman Pariseau moved to deny the request.

Alderman O'Neil stated we just waived a fee earlier.

Chairman Gatsas replied but that was for the City.

Alderman Pariseau stated it is bad enough that they are non-profit not paying a dime to the City. Dobles Chevrolet can pay the \$200 for a permit. I can have a fundraiser and say I am going to give 15% to a charity.

Alderman O'Neil asked what is the precedent. What have we done before?

Alderman Pariseau answered we haven't done that. You are going to have every Tom, Dick and Harry down here having somebody else sponsoring something and saying just tell the Board you will give us 20%.

Alderman Thibault duly seconded the motion. Chairman Gatsas called for a vote. The motion carried with Alderman O'Neil duly recorded in opposition.

Deputy Solicitor Arnold stated with respect to cable, just to bring the Committee up-to-date, with respect to the audit that has been ongoing for some time now my understanding is the portion dealing with most of the franchise fee is complete. We also started to audit the advertising revenues to make sure that we are getting the appropriate share of those revenues and they are being appropriated appropriately. There has been a problem with that in the past. The auditor requested to see the contracts that the advertising revenues are based on and

MediaOne is taking the position that that is confidential information. I have had several conversations with Jennifer Farrell making clear that it is the City's position that under the provisions of our contract we are entitled to view that information even if it is proprietary and we will pursue that in the immediate future and take whatever action is appropriate to obtain that information if it is not forthcoming from MediaOne. The other thing that I wanted to make the Committee aware of is that while I was reading through the contract I ran across a kindly put very buried provision that provides that the franchisee, MediaOne, is to pay the City's reasonable cost and expense in negotiating a renewal of the franchise. For those who weren't here back when we sent a letter to MediaOne about a year ago asking that they pay for that they said that they would not. We will be sending those bills to them for payment.

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

A True Record. Attest.

Clerk of Committee