

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, August 30, 2017

6:00 PM

Council Chambers

Members Present:

Janis O. Manwaring, Chair
Stephen L. Hooper
Gary P. Lamoureux

Members Not Present:

Randy L. Filiault, Vice-Chair
Robert J. O'Connor

Staff Present:

Medard Kopczynski, City Manager
Thomas Mullins, City Attorney
Captain Todd Lawrence, Police Department -
Administrative Division
Barry Hilton, Animal Control Officer/Traffic
Light Technician

Chair Manwaring called the meeting to order at 6:00 PM, welcomed the public, and explained the rules of procedure.

1) Departmental Presentation – Animal Control – Police Department

Chair Manwaring welcomed Captain Todd Lawrence of the Keene Police Department (KPD) and Barry Hilton, Animal Control Officer (ACO) and Traffic Light Technician in the Bureau of Special Services. Captain Lawrence explained they were at the meeting to present on Animal Control within the City of Keene, for which Mr. Hilton is the backbone, having served as ACO since 1988.

Captain Lawrence explained that Mr. Hilton works 40 hours per week (Monday-Friday, 7:00 AM -3:00 PM) but often flexes his work hours depending on when animal complaints occur. He investigates all animal complaints while on duty whether for cases of animal abuse, neglect, or nuisance. The most common complaints are for dogs left in motor vehicles and dogs barking excessively. Mr. Hilton provides guidance and mediates many dog complaints before the issuance of a Notice of Forfeiture; this includes mediating animal complaints between neighbors and other residents. He is also responsible for picking up dead animals, both wild and domestic. Additionally, Mr. Hilton will help facilitate the use of Have a Heart traps by private landowners for feral cats and wild animal complaints, in some cases. Most wild animal complaints are statutorily addressed by the NH Fish and Game Department but sometimes must be addressed sooner when they are a safety concern. Because of a Mutual Aid Agreement, Mr. Hilton is sometimes dispatched to other communities to assist in their animal complaints. Captain Lawrence continued that in his daily activities, Mr. Hilton monitors the daily dispatch log and follows-up on animal complaints that came in while he was

off-duty. He facilitates the billing process between the City of Keene and the Monadnock Humane Society (MHS); upon receiving a bill, he will cross reference the data from MHS with the police log to verify whether or not the dog came from Keene or another community.

Captain Lawrence continued that Mr. Hilton is also the City's Traffic Light Technician meaning he is responsible for addressing and coordinating the maintenance of traffic lights. He spends approximately 10% of his work week on these tasks; he is often called to check computer systems when there are reports of lights taking too long. He also assists in many other aspects of the KPD such as mobile radar placement and assessment, bike and other evidence pick-ups, and he is a member of the accident reconstruction team.

Councilor Lamoureux asked if Mr. Hilton has had less time demands for traffic lights since the change to LED lights occurred in 1999. Mr. Hilton replied yes, before he was changing at least four light bulbs per week. The LED lights were expensive but well worth it; now his time demands are more for addressing technological errors with those lights.

Captain Lawrence continued explaining the details of Animal Control in the City of Keene. The City of Keene is billed for every dog (\$100) or cat (\$10) brought to the MHS from Keene not claimed by its owner within seven days; the fee goes toward the cost of care for these animals. Mr. Hilton is responsible for checking the KPD records to facilitate this process, for which there is a line item in the budget. Captain Lawrence anticipates it costs the MHS much more than these fees to care for these animals, but this is to help offset those costs.

All dogs in the City of Keene are required to be licensed through the City Clerk's office by June 1 each year. After the deadline, the Clerk's office will send out letters to all people with unregistered dogs, which had been registered the previous year. Any remaining delinquent licenses are addressed by Mr. Hilton who makes home visits to determine whether the dog is still present in the home.

Captain Lawrence continued explaining the City has adopted an Ordinance for animals under KCO Chapter 10 and presented each section of that Ordinance.

Referring to that portion of the Ordinance relating to impoundment of dogs, Captain Lawrence specified that the City of Keene and KPD *do not* authorize disposal of any animal. The MHS is a no-kill shelter and all dogs placed in their care will not be euthanized unless under special circumstances determined by the MHS. This section simply allows the City to place the unclaimed dogs in the custody of the MHS. The KPD and ACO make every attempt possible to reunite dogs with their owners, including posting photos of found dogs on their Facebook page.

Referring to that section of the Ordinance, relating to nuisance fees; Captain Lawrence stated the fees are based on NH State statute. In extreme circumstances of a vicious dog,

the KPD or ACO cannot simply remove the dog on a third offense, it must go through the district court and it is difficult to order the removal of a dog. If a dog has mauled a child, for example, there is a clause that the owners can be taken directly to court so the dog is unable to cause further harm.

Captain Lawrence continued describing the number of animal calls for service the KPD has received in the last three years. While it may seem the KPD responds to a much higher proportion of these call, it must be considered that the ACO only works 40 hours per week while the KPD are on call 24/7:

- 2014 – 828 calls for service
 - 321 – handled by ACO
 - 507 – handled by KPD
- 2015 – 700 calls for service
 - 257 – handled by ACO
 - 443 – handled by KPD
- 2016 – 674 calls for service
 - 237 – handled by ACO
 - 437 – handled by KPD
- Three Year Average
 - Calls for service – 734
 - ACO – 271.6 (37%)
 - KPD – 462.3 (63%)

Captain Lawrence continued explaining an issue with feral cats in the City of Keene. Current City Ordinance on Animal Control does not account for cats, which basically makes them unregulated. According to state statute the governing body of a municipality may vote to license cats in a similar manner as it licenses dogs.

Chair Manwaring asked why there are rules for dogs and not cats in Keene. ACO Hilton replied because unlike dogs, cats can find shelter when outdoors in bad weather; also, cats are less likely to form groups and attack people or animals the way dogs can in some instances. Cats are also required by state law to be vaccinated; for him, though, the licensing of dogs ensures to him that a dog is seeing a veterinarian at least every three years. Cats can be an issue, but legally there is nothing the City can currently do about them.

Councilor Hooper asked if there is any municipality in NH that licenses cats. ACO Hilton recalled there was one municipality that tried but it only lasted three months because it is hard to enforce. If there is a law to license cats, people will do so, but it is much harder to enforce than with dogs and demanding that people license a cat does not mean there is a law saying they cannot be unrestrained. He took on the \$10/cat fee with the MSH so that people can trap and bring loose cats to the MHS. If cats were licensed, the fee could increase because the law would say unrestricted cats must be picked up. Many citizens trap loose cats privately because the City cannot. Councilor Hooper said that makes sense and asked about dog licensing compliance. ACO Hilton replied compliance is high; the

list of notice of forfeitures used to be close to 900 and is now down to approximately 200, which is much more manageable considering he has to go door-to-door. The process began to work better when the Clerk's office started sending out reminder letters and compliance is improving every year.

The City Manager asked the age of traffic control devices. Mr. Hilton replied there are new controllers (computers), approximately 3-4 years old. In areas where there are still old solid wires, there have been instances of them shorting out, resulting in flashing lights. Less heavy wires are needed now with LED lights, but not all have been replaced due to cost.

The City Attorney asked if the City has considered investing in a dog microchip reader to more easily return loose dogs to their owners. Mr. Hilton replied yes, he used to have one, but it simply returns a bar code and does not provide the specific owner information that the MHS has access to. The City is not charged by the MHS for chip reading within the seven days.

Chair Manwaring recognized Vicki Morton, 275 Water Street, Keene. As a cat owner, she urged the City to consider what can be done to monitor cats. She believes there is little reason for cats to be allowed outdoors besides for the pleasure of the cat. She argued cats should not be allowed outside because they kill birds, chipmunks, snakes, rabbits, etc. They clear wildlife from neighborhoods. Additionally, they use people's gardens as litter boxes. She cited data from the Smithsonian Conservation Biology Institute which showed that cats kill an estimated 1.4-3.7 billion birds and 6.9-20.7 billion mammals annually and that cats alone could be endangering some species in certain areas all together. She stated there are at least six loose cats that wander in her yard alone. Mr. Hilton suggested she trap the cats and deliver them to the MHS; he can provide home owners with Have a Heart traps for such efforts, as he is not allowed to do so by law. She will discuss this with Mr. Hilton, but still asserted that because of the problems with cats in her neighborhood, the City should not allow cats to be outside. If she has to set traps she will, but feels it is cruel and unusual for them to be trapped and scared overnight. She said it is not the cats fault but the owners fault; Mr. Hilton agreed.

Chair Manwaring recognized Councilor Philip Jones. He expressed gratitude for these departmental presentations, as he and the other councilors learn a lot. He asked if the ACO will respond to a call for a bat or snake in a home. Mr. Hilton replied only if it is a safety concern, otherwise it should be addressed by NH Fish and Game. Councilor Jones asked how the City handles the difference between Service Animals and Emotional Support Animals in public spaces. Captain Lawrence noted it is hard to enforce and in most cases Emotional Support Animals will be treated as Service Animals unless they cause a problem. Councilor Jones noted a proposal came before the Council 10-12 years ago for cat licensing but it was denied because of the staff time it would require. He continued asking if there is any way for the City to work with the state to get traffic lights to coincide throughout the City. Mr. Hilton replied some lights in the City have been linked together with the help of the state, but not all. Councilor Jones said a good police

force is not necessarily measured by what is happening, but by what is not happening; a lot is not happening in the City and he thanked the KPD and ACO for their work.

Chair Manwaring suggested, despite the time constraints, working with the MHS to educate the public on keeping cats indoors as well as having them spayed and neutered. Mr. Hilton will speak with the MSH but there will still likely be a problem; even if there were a law to keep them inside many people may not abide and there is also a problem with cat abandonment by college students, for example. If citizens trap cats and bring them to the MHS they will not be charged, the City will. If anyone is charged by the MHS for bringing in a cat, Mr. Hilton should be notified.

Ms. Morton said that while cats are difficult, messy, and emotional to address something should be done because they are a nuisance to the residents, City, and staff. Mr. Hilton agreed it is an issue in every City but the question is what to do and how. If citizens can take some responsibility and help trap them it will contribute to easing the problem. Chair Manwaring agreed citing a lack of education about care, spaying, and neutering.

The City Attorney promoted the MHS noting that they only charge \$50 to spay or neuter cats, whereas many veterinarians charge close to \$300.

Councilor Lamoureux made the following motion, which was seconded by Councilor Hooper.

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee accepts the presentation on animal control as informational.

2) **Adjournment**

Hearing no further business, Chair Manwaring adjourned the meeting at 6:57 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker

Additional edits by,
Terri M. Hood, Assistant City Clerk