

REPORT OF FINDINGS

A. INTRODUCTION

We were retained by the Town of Hamden, through Mayor Craig Henrici, to conduct an independent investigation into the facts and circumstances leading to reports published on February 22, 2008, concerning the disposal of domestic animal carcasses in a remote area of the Hamden Transfer Station.

It is undisputed that domestic animal carcasses were dumped at the Transfer Station by Town Animal Control Officers and that the carcasses remained unburied for a substantial period of time. The animal carcasses were eventually buried by Department of Public Works (DPW) personnel, but only after news reports disclosed the existence of the unburied animal remains.








Hamden Animal Control Officer Christopher Smith and Assistant Animal Control Officer Steve Gimler admitted to the Legislative Council February 25, 2008, that they had dumped the carcasses of several dogs and cats at the Transfer Station on December 12, 2007. They claimed that they were acting pursuant to a policy issued by Mayor Henrici in September 2007 and pursuant to directives of Police Chief Thomas Wydra. They claimed that they believed that the Public Works Department was responsible for burying the animals.

Chief Thomas Wydra acknowledged that he had authorized the *burial* of domestic animal carcasses in an effort to save money but that he had not known that animal carcasses were dumped at the Transfer Station without being buried. Prior to December, 2007, the town had been paying for the cremation of deceased animals; a private vendor had been performing the cremation services.

Members of the Legislative Council and the public expressed dismay and disbelief concerning the dumping of domestic animals. Town council members questioned whether the animals had indeed been dumped in December, since photographs published in the Hamden Daily News appeared to show that the dog carcasses were quite intact despite having been exposed for well over two months. The preservation of the dog carcasses prompted speculation that the dogs had been dumped more recently and that there were other, more sinister reasons for the dumping of the dogs. Council members also expressed skepticism as to the financial rationale behind the burial policy.


Chief Wydra informed the Council that the policy of attempting burial of domestic animals had been reversed in light of the February 22, 2008 disclosures, and that both domestic animals and small wild animals would be routinely cremated in the future; only deer carcasses would be dumped at the Transfer Station.


B. SUMMARY OF FINDINGS

-  Reports filed by Smith and Gimler pursuant to Connecticut law contain inaccuracies and inconsistencies, and those reports have been filed outside statutory time limits.
-  Records indicate that four (4) of the dog carcasses and one cat carcass deposited at the Transfer Station site had been euthanized at the North Haven Animal Hospital pursuant to standard procedures; records indicate the remaining animals deposited there were dead when found.
-  It could not be confirmed that the carcasses were dumped on December 12, 2007, and remained there undisturbed until February 21, 2008, when they were allegedly photographed. However, we have found no basis to conclude that Smith and Gimler dumped the carcasses at a later date. Moreover, we find no rational motive for Smith and Gimler to fabricate the statement that the carcasses were dumped on December 12, 2007, and not later.
-  The decomposition of animal remains occurs most rapidly when flies and other insects are active and laying eggs. Fly larvae, when present, cause rapid decomposition. It is reasonable to believe that flies were not active in the period December 12, 2007-February 21, 2008, as weather records indicate that in the period from December 12, 2007, through February 21, 2008, ambient temperatures were generally at or near freezing every night, and were substantially below freezing on multiple nights.
-  Connecticut Chief Medical Examiner Dr. Wayne Carver has provided an opinion that “the degree of preservation of the carcasses is consistent with the reported interval of 2 months 10 days,” given the winter weather conditions of that 70-day period. We, therefore, find it most likely true that the animal carcasses were dumped on December 12, 2007, and remained substantially intact until their burial on February 22, 2008.
-  Smith and Gimler have contended that the Hamden Department of Public Works employees at the Transfer Station were responsible for the burial of the animal carcasses and failed to do so. However, we find that the Transfer Station employees were not adequately informed of the existence of the animal carcasses, their number and their location, and that the Transfer Station employees did not become responsible for burial until they were made aware of the existence and location of the carcasses.
-  Smith and Gimler failed to inform the DPW personnel that they had a substantial number of animal carcasses, including domestic animals, in their van when they arrived at the Transfer Station on December 12, 2007;

- 🐾 Smith and Gimler pushed animal carcasses, including dogs, cats, and a coyote, over a steep incline near the northern boundary of the Transfer Station;
- 🐾 Because Smith and Gimler pushed the carcasses over the edge of the embankment, the carcasses were not visible from the area traveled by DPW personnel;
- 🐾 By pushing the animal carcasses over the edge of the embankment so that the carcasses rolled away from the base of the embankment, Smith and Gimler made it difficult to bury them;
- 🐾 Smith and Gimler failed to inform the DPW Transfer Station personnel on December 12, 2007, as they left the Transfer Station property, that they had dumped the animals over the incline at the north end of the Station;
- 🐾 Smith failed to articulate a timely request to the DPW personnel that the animals be buried.
- 🐾 ACO Smith also apparently failed to communicate effectively, and in a timely manner, with his supervisor in the Hamden Police Department concerning the disposal of the animal carcasses.
- 🐾 ACO Smith's direct supervisor, Hamden Police Captain Ronald Smith, refused to cooperate with our investigation. It was not possible, therefore, to determine whether, and if so when, he was made aware of the disposal of the domestic animal carcasses at the Transfer Station.
- 🐾 DPW truck driver Frank Roche saw the exposed animal carcasses on or about February 19, 2008, and reported the sighting to his supervisor, David Rhone. Rhone promptly informed Superintendent of Sanitation Dave Lockery¹, who promptly contacted ACO Smith.
- 🐾 ACO Smith acknowledged to Lockery that he had dumped the carcasses. However, ACO Smith failed even at this date to request immediate burial of the carcasses. Instead, he requested that the matter be kept quiet.
- 🐾 ACO Smith failed to inform his superiors in the Hamden Police Department on February 19, 2008, of the DPW discovery of the unburied carcasses.
- 🐾 We are not aware of any evidence that DPW Transfer Station personnel knew of the existence of the unburied carcasses prior to February 19, 2008.
- 🐾 Once the DPW became aware of the unburied carcasses, however, DPW personnel were not promptly mobilized to bury the carcasses.

¹ Lockery also serves as Acting Superintendent of Buildings.



 Hamden Daily News journalist Sharon Bass entered the Transfer Station on February 21, 2008, and took photographs of the animal carcasses. Although DPW personnel are supposed to check each Transfer Station visitor upon arrival, Bass claims that she drove into the Transfer Station without being challenged. She claims that no employee of the Transfer Station showed her the location of the animal carcasses, although she admits that she has a poor sense of direction and that it is unlikely she could have found the dumping spot without assistance. However, she claims that she was led to the spot by an individual who just happened to be at the Transfer Station and near the dumping location when she arrived.²

 All DPW employees interviewed denied having contacted or assisted Bass in disclosing the existence and location of the unburied animals.

C. LEGAL FRAMEWORK.

The Hamden Charter provides in pertinent part at Section 10-4, Dog Warden, that “The Mayor shall appoint and may remove a Dog Warden and such assistants as may be necessary whose term of office and duties shall be as provided by the General Statutes. The Dog Warden shall be responsible to the Police Chief in the performance of these duties.”

The General Statutes provide that animal control falls under the jurisdiction of the Connecticut Department of Agriculture (DAG). *See* Connecticut General Statutes Title 22, Chapter 435, “Dogs and Other Companion Animals, Kennels and Pet Shops.” The statutes:

-  Govern the appointment of municipal animal control officers, requiring, among other things, that a town with more than 25,000 residents *shall* employ a full-time animal control officer³;
-  Establish the powers of such officers to make arrests for the “violation of any law relating to dogs or to any domestic animal in the same manner police officers or

² Bass also claims that she was informed, by one or more unnamed source(s), *several weeks prior to February 21, 2008*, that animal carcasses had been dumped and were exposed. If true, this could indicate that one or more employees at the Transfer Station was aware of the exposed carcasses substantially before February 19, 2008. However, Bass has provided no corroboration of this claim; she has specifically denied that her source(s) are employed by the DPW; and DPW employees uniformly deny having known of the unburied carcasses for more than a short period before the public disclosure. Since Bass does not claim to have visited the Transfer Station for purposes of reporting on the disposal of animal carcasses until February 21, 2008, two days after the carcasses were noticed by Frank Roche and reported to his supervisors, we do not credit Bass’s claim to have been tipped off earlier. The source of the disclosure to Sharon Bass is unknown, and even if this investigation had been granted subpoena powers, a journalist is protected from compelled disclosure of information that the journalist claims to be confidential except under special circumstances. Conn.Gen.Stat. § 52-146t.

³ See Conn. Gen. Stat. § 22-331(a).

constables may exercise in their respective jurisdictions;” Conn. Gen. Stat. § 22-330; and

- Provide the authority for animal control officers to seize and impound stray animals. C.G.S. § 22-332.

Connecticut General Statutes § 22-332 provides authority for an animal control officer to take into custody and impound a dog that is roaming; lacks a rabies tag, or is “found injured on any highway, neglected, abandoned or cruelly treated.” A dog that is “so injured or diseased that it should be destroyed immediately” may be mercifully killed by a licensed veterinarian or disposed of as the State Veterinarian may direct.”

The animal control officer is required to notify the owner or keeper of any impounded dog; if the owner is unknown, “the officer shall immediately tag or employ such other suitable means of identification of the dog or other animal as may be approved by the Chief Animal Control Officer and shall promptly cause a description of such dog or other animal to be published once in the lost and found column of a newspaper having a circulation in such town.” *Id.*

If the dog is not claimed by and released to the owner within seven days after the date of publication, the animal control officer:

“upon finding such dog or other animal to be in satisfactory health, may have a licensed veterinarian spay or neuter such dog and sell such dog or other animal to any person who satisfies such officer that he is purchasing it as a pet and that he can give it a good home and proper care. The municipal animal control officer may retain possession of such dog or other animal for such additional period of time as he may deem advisable in order to place such dog or other animal as a pet and may have a licensed veterinarian spay or neuter such dog. If, within such period, any dog or other animal is not claimed by and released to the owner or keeper or purchased as a pet, the officer shall cause such dog or other animal to be mercifully killed by a licensed veterinarian or disposed of as the State Veterinarian may direct. Any veterinarian who so destroys a dog shall be paid from the dog fund account. No person who so destroys a dog or other animal shall be held criminally or civilly liable therefore . . .”

C.G.S. § 22-332(b).

Other statutes and regulations will be referenced where pertinent.

D. FACTUAL BACKGROUND.

For approximately 27 years, the animal control function in Hamden was performed by Jean Murray, who retired in February, 2007. Before her retirement, the Town hired Gina Cahill as her assistant, first on a part-time and later on a full-time basis. After Murray’s retirement, Christopher Smith was hired as the Animal Control Officer

and Cahill served as the Assistant Animal Control Officer (AACO). Cahill's employment was terminated in December, 2007, and Gimler was hired as the AACO.

1. Wild Animal Carcasses.

Wild animal carcasses ("road kill") have been dumped at the Hamden Transfer Station on Wintergreen Avenue (formerly the Town Landfill) for years. Pursuant to Connecticut Public Health Code § 19-13-B23(b), "[t]he carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration or other method approved by the local director of health."

Over the years, the Town had developed a general division of responsibility and labor concerning wild animal carcasses. Large animals (i.e., deer) would be picked up by DPW employees. The DPW would also pick up smaller wild animal carcasses found on public rights-of-way. The Animal Control Officer (ACO) would pick up dead wild animals on private property. Both the DPW and the ACO would deliver wild animal carcasses to the Transfer Station for disposal there.

The Transfer Station, formerly a landfill, serves as the site for the gathering and sorting of recyclable paper, glass, metals, building materials, and various other discarded items; and for the storage and composting of organic materials, primarily fallen leaves. The leaves are heaped in long windrows in an elevated, northern portion of the Transfer Station property. The northern boundary of the Transfer Station includes a wetlands area. Between the area used for leaf composting and the wetlands is a steep embankment running in an east-west direction. At the bottom of the slope is an area of brush and brambles.

The area that has been used for animal carcass disposal is near the northern boundary of the Transfer Station between the leaf windrows and the wetlands area. A Google Earth satellite image of the area is attached to this report.

Jean Murray states that over the years while she was the ACO, she would bring road kill carcasses to the Transfer Station and either take them to the designated burial site and leave them for later burial by DPW employees, or, if so directed by the DPW employees, she would leave the animal carcass in the bucket of a bucket loader. The operator would later bury the animal. Murray had a good relationship with the DPW employees at the Transfer Station, and the DPW cooperated with her in disposing of the animal remains.

Murray and her former assistant Gina Cahill state that when they took animal carcasses to the designated burial spot at the Transfer Station, they would leave such carcasses at the top of the slope, wrapped in black plastic garbage bags. A DPW bucket loader operator -- whose normal task is to move leaves and other recyclable materials -- would subsequently scoop out a hole, drop the animal carcass in the hole and bury it, or take a bucket load of sand or sand/leaves and push the carcass over the edge of the slope and drop the dirt on top. Deer carcasses picked up by the DPW were disposed of in the

same area. Such carcasses would normally be wrapped in plastic tarps when picked up and would remain so wrapped upon burial.

2. Domestic Animal Remains.

The state DAG has promulgated regulations concerning dog pounds that provide in pertinent part that "Any dead dog shall be immediately removed from the dog pound area. A dead dog shall be preserved in a properly operating refrigerator at a temperature of not more than forty (40) [degrees] Fahrenheit or freezer at a temperature of not more than thirty two (32) [degrees] Fahrenheit until such time as the dog is transferred for purposes of diagnostic testing or disposed of by cremation or burial." Conn. Agencies Regs. § 22-336-25.⁴ The DAG statutes and regulations do not directly address the disposition of domestic animals found on public roads.

According to Jean Murray and Gina Cahill, domestic animal carcasses were routinely cremated during their employment as animal control officers. The cremation was either handled through an animal hospital where an animal was euthanized and sent for cremation, or through a proprietary animal cremation service, Trail's End Pet Crematory.

For many years, Merryfield Animal Hospital served as the Town's Animal Shelter on a contractual basis. The Town rented kennel space from Merryfield. After the owner of Merryfield terminated the contract, the Town made temporary arrangements with neighboring towns before leasing space from the Town of North Haven.

The North Haven Animal Shelter (NHAS) leases approximately six (6) kennel spaces to Hamden. The Hamden ACO also uses an office at the NHAS for processing animal adoption paperwork and similar matters; and both towns store deceased domestic and small wild animals in a freezer located within the NHAS. North Haven charges \$10 per diem for each animal kenneled by Hamden.

Prior to December 12, 2007, ACO Smith had followed the same procedure that Jean Murray and Gina Cahill had followed with respect to the disposal of domestic animal remains, i.e., such remains were cremated.

3. Record Keeping

Pursuant to C.G.S. § 22-334, each municipal animal control officer is required to file a report by the tenth day of each month with the chief administrative officer of the town, with a copy to the Commissioner of Agriculture. The report shall be a "sworn statement of the services rendered" by the ACO "in the performance of official duties during the previous month," on a form provided by the Commissioner.⁵ Copies of

⁴ This regulation appears to conflict with the public health code section cited above, inasmuch as the health code does not contemplate the refrigerated storage of an "animal not killed for food."

⁵ The Municipal Animal Control Officers Report is referenced herein as a "MACOR Report."

MACOR reports for portions of the 2007 calendar year and the first two months of 2008 are attached to this report.

Although the MACOR reports are the only reports that are required by law concerning the ACO functions, Hamden's animal control functions also generate records as follows:

- 🐾 Records of advertisements published in the New Haven Register for stray dogs and cats impounded by the ACO;
- 🐾 Invoices from the NHAS to the Town of Hamden for the boarding of animals;
- 🐾 Invoices from the North Haven Animal Hospital for the veterinary treatment of animals; and
- 🐾 Notes maintained by ACO Christopher Smith and Assistant ACO Steven Gimler reflecting daily activities. These notes are not maintained in any formal manner.

Copies of the above-referenced records are attached to this report.

E. CHRONOLOGY OF EVENTS CONCERNING THE DISPOSAL OF DOMESTIC ANIMAL REMAINS AT THE HAMDEN TRANSFER STATION.

The following chronology, developed in the course of the investigation, outlines many of the events and circumstances surrounding the disposal of animal remains. Where indicated, the statements are attributed to interviews ("IV"s) with those who cooperated with the investigation. Where the listed information is found in a report, the report is identified. It should be apparent that in many instances, interviewees had differing recollections of the dates of meetings and of the participants.

- 02/16/07 Jean Cahill retires as Hamden Animal Control Officer.
- 02/26/07 Christopher Smith is appointed Animal Control Officer. His prior experience was in insurance restoration, dealing with fire/water damage. He had no prior experience in animal control issues. (ACO Smith IV). He learned on the job and from Assistant ACO Gina Cahill. He received no formal training. He reports to Captain Ronald Smith, Deputy Chief Bo Kicak, and Chief Wydra. (ACO Smith IV) While Gina Cahill served as assistant animal control officer with ACO Smith she had a number of disputes with him because she believed ACO Smith was euthanizing dogs that were adoptable. (Cahill IV).

- 04/27/07 ACO Smith signs MACOR report for January, 2007, under oath. No euthanizations reported. ACO Smith also signs MACOR report for February, 2007, under oath. No euthanizations reported.
- 05/09/07 ACO Smith signs MACOR report for March, 2007, under oath. One euthanization reported
- 05/10/07 ACO Smith signs MACOR report for April, 2007, under oath. One euthanization reported. He supplies a cover letter: "To whom it may concern, Enclosed please find the April monthly report for the town of Hamden. As we are still sorting through our records, and trying to get everything in order, you will notice that some dates are not in the correct order. I believe that starting in the May report all dates will match up with the file/case numbers. Please don't hesitate to call me with any questions."
- 06/28/07 ACO Smith signs MACOR report for May, 2007, under oath. Two euthanizations reported.
- 07/24-07 ACO Smith signs MACOR report for June, 2007, under oath. No euthanizations reported.
- 08/**/07 Sometime in August, 2007, a resident complained of a dead cat somewhere on Morse Road on a late Friday afternoon. DPW crews were off duty, and ACO Smith was not available. The DPW claimed it was the police department's responsibility. (Wydra IV) Police Chief Wydra called DPW and spoke with Busca, and demanded that DPW pick up the cat. Busca refused, stating that the DPW would incur overtime expense for three workers for minimum of four hours each, and that it was not the DPW responsibility to pick up dead cats. (Busca IV)
- 08/**/07 Also in August, there was a problem with feral dogs that were living in and near the Hamden Transfer Station and were seen around the SCSU campus. (ACO Smith IV) ACO Smith worked with state and SCSU officials on rounding up feral dogs. MACOR reports show that three dogs from the Station were impounded on August 9-10, 2007. The feral dogs were trapped at the Transfer Station. Smith contends that some of the Transfer Station employees were resistant to the trapping, while others assisted. Smith believes that all but one of the feral dogs was trapped and removed; a large Shepard-Husky mix male remains loose in the area. Smith believed that the feral dogs were feeding off the remains of deer carcasses that were dumped at the Transfer Station and dug up by feral dogs and coyotes. (Smith IV)

08/**/07 From late August until December ACO Smith was by himself in handling animal control issues. (ACO Smith IV). Gina Cahill took medical leave for repair of a shoulder injury. (Cahill IV)

09/04/07 **Dog # 27.** Stray Male Pit Brindle. Complainant Latoya Dukes, Butler Street. Dog picked up 9/04/07; advertisement ran 9/09/07, dog kenneled until euthanized 01/11/08 after four month stay. (MACOR Reports September –January).⁶

09/**/07 Mayor Henrici recalls that Police Chief Wydra asked in late August or early September, “Hey mayor, if we get a domestic animal that’s road kill and it’s not claimed, do you mind if we bury it where we bury the dead deer when they get killed, the other road kill that the public works bury at the landfill.” Henrici stated that he had no problem with this but it prompted him to call a meeting.

09/06/07 Mary Beth Perry attended a meeting with Mayor Henrici; Chief Wydra; Deputy Chief Cappiello; DPW Director John Busca; and Asst. DPW Director George Jerolman,⁷ to discuss “Uniform Road Kill Response Policy.” According to Perry, the meeting was prompted by her receipt of several calls while running the “Help Desk” in which there were delays in responses to residents’ calls about dead animals. “It was just part of trying to solve residents’ problems.” The purpose was “to get a better response from the DPW.” There was no discussion prior to or during the meeting about what would or should be done with the dead animals once they were picked up. (Mary Beth Perry IV)

Mary Beth Perry drafted a brief memo as follows: “Town will respond and act within eight hours of resident complaint whether animal remains in street, gutter or front yard and regardless of condition (bagged, moved, etc.) Dead domestic animals (cats, dogs, other pets): Notify HPD or ACO for removal; ACO to maintain record to inform public lost pets; Dispose of remains according to policy. Dead wild animals: Notify PW for removal; HPD will notify PW immediately of any mercy kills; Dispose of remains according to policy.” (Draft Uniform Road Kill Response Policy)(Mary Beth Perry IV)

⁶ This dog was not among the animals that were dumped at the Transfer Station. This dog was impounded a few days before a meeting between Hamden and North Haven town officials concerning Hamden’s lease of the NHAS; at that meeting, North Haven officials contended that Hamden’s ACO was keeping unclaimed dogs for longer period than would the North Haven officials. Despite this criticism, Dog # 27 was kept a total of 128 days at \$10/day; ultimately, as no one adopted the dog, it was euthanized. The Town incurred \$1,280 in boarding charges for this dog.

⁷ George Jerolman described a meeting at which these policies were discussed but recalled that it occurred in October. John Busca also stated he recalled such a meeting but that it did not occur until after Gina Cahill was terminated as AACO. That termination occurred in December, 2007.

Mayor Henrici recalls that Chief Wydra, George Jerolman, Deputy Chief Cappiello, and Mary Beth Perry attended the meeting; but he is unsure that Busca attended. The memo was drafted by Mary Beth Perry and Mayor Henrici. There was no discussion at the meeting regarding the disposal of euthanized domestic animals nor was the disposal of euthanized domestic animals addressed in the memo. ACO Smith did not attend the September 6, 2007 meeting.⁸ (Mayor Henrici IV)

Chief Wydra recalled that there was a meeting with Mayor Henrici and John Busca regarding getting a clear understanding of the DPW and HPD responsibilities for picking up dead animals. Wydra could not recall the specific date of the meeting. Wydra believes the issue came up because there had been a delay in picking up a dead cat in front of someone's house. He does not recall any discussion of burial of animal carcasses. (Chief Wydra IV)

ACO Smith recalls attending an informal Meeting at Mayor's office between Mayor Henrici, Chief Wydra, possibly Deputy Chief Cappiello, and possibly John Busca, regarding a new policy on domestic animals; but he could not recall the date. (ACO Smith IV)

Quinnipiac Health District Director Lesley Balch was not consulted at any time regarding changes in the policy. (Balch IV)

The Mayor Henrici 09/07/07 Memo was typed by Mary Beth Perry. She used a previously-created memo as the form for the Henrici Memo. The document is listed on Perry's computer under a folder of "Department Letters." The computer lists it as a Microsoft Word document of 21 Kilobytes internally labeled "a-busca-01.doc, and "last modified" on September 7, 2007, at 11:17 a.m. (Print of screen shot). The document has an automatic date code, so that whenever the document is called up and printed, the date reflects the date printed. Mary Beth Perry demonstrated this by printing the document on 4/16/08. She believes she printed an extra copy of the document for John Busca on October 19, 2007. (See entry for 10/19/07)(MBP IV).

The text of the September 7th Henrici Memo is as follows:

The following directive is effective immediately to provide a uniform response to the disposal of dead domestic and wild animals.

⁸ It remains unclear whether ACO Smith did or did not attend the meeting. He recalled attending a meeting at which animal disposal policies were discussed; however, he was uncertain if it was the meeting on Sept. 6, 2007. It is likewise unclear why a meeting would have been convened to discuss the pickup and disposal of animals in his absence, as he has responsibilities in this area.

1. The Town shall respond to all resident complaints within four (4) non-overtime hours of notification call regardless of location of remains.
2. Dead domestic animals shall be removed by the HPD/ACO, who shall retain the remains for three (3) days to determine ownership of animal.
3. If domestic animal remains are not claimed within three (3) days, the ACO shall dispose of same in accordance with PW policy.
4. Deceased wild animals shall be removed by PW and disposed of according to policy.
5. HPD shall notify PW immediately after any mercy kills.
6. PW shall immediately notify HPD/ACO of domestic animal calls it receives; HPD/ACO shall immediately notify PW of wild animal calls it receives.

The United Public Service Employees Union (UPSEU), which represents the Town's Public Works employees, was not informed of any change in Public Works procedure, to the extent, if any, that it was reflected in the Mayor's Memo. (Damian Colaiacovo interview)⁹

09/07/07 Memorandum from Mayor Henrici to Chief Thomas Wydra re: "Forwarding of Calls to Animal Control Office." "As discussed, when the ACO and Deputy ACO are on the road and the office is unmanned, incoming calls to the ACO line shall be forwarded to HPD dispatch and the ACO or Deputy ACO contacted accordingly by dispatch."

09/10/07 Monday. The 9/07/07 Henrici Memo was received at Hamden Police Department. See Time Stamp on HPD copy of document. Chief Wydra wrote on the document, "CC: Capt. Smith," and passed it to his secretary to give to Smith. (Wydra IV).

ACO Smith received a copy of the Henrici Memo bearing Mayor's initials and Chief Wydra's note, "CC: Captain Smith." At paragraph # 3, which states: "If domestic animal remains are not claimed within three (3) days, the ACO shall dispose of same in accordance with PW policy." Smith wrote on document: "Take to landfill." (ACO Smith IV).

⁹ Mr. Colaiacovo is vice president of the DPW employees' union. He noted that if animal carcasses were to be buried, the appropriate machine would be a backhoe, a machine that he operates.

09/10/07 Mayor Henrici, Chief Tom Wydra, ACO Smith and Town Attorney Sue Gruen met with North Haven officials regarding Hamden's use of their facility. North Haven informed Hamden officials that Hamden exceeded its capacity; kept dogs longer; allowed dogs to be adopted that North Haven would not; and raised questions about cleaning the cages. (Sue Gruen Memo to Chief Wydra, 09/25/07). ACO Smith attended this meeting. (ACO Smith IV #2) Mayor Henrici recalls that the meeting involved a discussion of the continuation of the Town's lease agreement for the NHAS. He does not recall any discussion of euthanization. He does recall that Dave Carney and his then-assistant Steve Gimler were there, along with the (former) North Haven First Selectman and a town attorney; and that North Haven officials indicated they were upset with the Assistant Animal Control Officer (Gina Cahill) because she was making the case to adopt dogs that should not be adopted. Mayor Henrici recalls that at the end of the discussion it was left up to the discretion of Animal Control Officer Smith and North Haven ACO Dave Carney to determine if an animal is adoptable. (Henrici IV) (See also entry 9/25/07 regarding memo by Sue Gruen concerning this meeting.)

09/11/07 A copy of the Henrici 09/07/07 Memo is date-stamped in the DPW offices. The document was located by Joe Velardi in a Hamden DPW file cabinet. (Velardi IV)¹⁰

09/14/07 ACO Smith signs MACOR report for July, 2007, under oath. Euthanizations: none specifically reported, but the report shows a count of one.¹¹

09/25/07 Memo to Chief Wydra from Sue Gruen, Town Attorney, re: "Animal Control Facility – North Haven."

"The following summarizes our meeting of September 10, 2007, with North Haven officials regarding Hamden's use of their facility."

1. Under the terms of the old agreement Hamden was permitted up to 6 cages at the North Haven facility. North Haven stated we exceeded this limit regularly and had not made arrangements for our overflow animals. We agreed to abide by that agreement and further agreed to inform them of our protocol for where we would send overflow animals.

¹⁰ John Busca claims he never saw the memo and does not believe that it was created on or about September 7, 2007. However, he says he recalls the same memo that is dated October 19, 2007. (Busca IV). Velardi stated that he had never seen the memo when he appeared at the Feb. 25 Legislative Council meeting; however, at a subsequent interview he agreed to search DPW files and subsequently located a copy of the memo date-stamped by the DPW on 9/11/07.

¹¹ This is an example of inaccuracy in the sworn MACOR reports. A box is checked to indicate that an animal had been euthanized, but there was no indication of a particular animal that was euthanized.

2) North Haven stated that the average stay for Hamden animals exceeded the average stay for North Haven animals. We agreed to promptly place notices in the newspaper and develop and implement a policy for euthanizing animals that was more consistent with North Haven's policy.

3) North Haven stated that Hamden allowed dogs to be adopted that they would not have permitted to be adopted. They further stated that these dogs often ended up being returned to their facility. We agreed to review our standards for adoption and to be more consistent with North Haven as to the adoptability of the animals at the facility.

4) North Haven asked for and we agreed that communication between the ACO's as far as who and when the cages would be cleaned out is crucial.

(Sue Gruen Memo to Chief Wydra, 09/25/07). Sue Gruen does not believe that she sent a follow-up letter; Sue Gruen IV.)

- 10/03/07 ACO Smith signs MACOR report for August, 2007, under oath. Two (2) euthanizations reported.
- 10/04/07 ACO Smith signs MACOR report for September, 2007, under oath. Three euthanizations reported, one of them a cat.
- 10/05/07 Complaint of Roaming Dog, Wintergreen Ave, White and Brown Pit, Male. **Dog #47**. (MACOR October)
- 10/09/07 MACOR Report indicates ad ran 10/09/07 re **Dog #47**, White and Brown Pit, Male.
- 10/18/07 George Jerolman states he met around this date with Mayor Henrici, Chief Wydra, Deputy Chief Cappiello, and DPW Director John Busca regarding the removal of dead animals. At the meeting, Jerolman recalls, the Mayor and the Police Chief wanted DPW to pick up dead dogs, but Jerolman refused, on grounds that DPW would not have the resources to find the owners of a dead dog. (Jerolman IV)

John Busca claims he attended meeting at Mayor's office at which the topic of having DPW pick up dead dogs was discussed; but Busca insists this meeting was "after Gina Cahill was let go, after the election in November." Busca recalls that the issue of DPW picking up dead dogs came up because ACO Smith was on his own and was stressed out working by himself. Busca states that he refused to have DPW crews pick up dead dogs because it was "not our job." He said that he felt that there

would be a big uproar from pet owners and that it was not part of the DPW's duties. Busca claims there were only three persons at the meeting, himself, Mayor, and George Jerolman. Busca reports that Jerolman was adamant about not getting involved picking up dogs. Busca states that the DPW couldn't afford the overtime that would be incurred by sending out DPW crews to pick up a dead domestic animal. "We would get charged for a supervisor and two workers, for a minimum of four hours." The Mayor said "He'd get back to us." (Busca IV).

10/19/07 Friday. The Henrici Memo of September 7 is reprinted but with this new date. The content is exactly the same as in the 09/07/07 Memo. Mary Beth Perry states that the October 19 Memo was the same as the memo issued 09/07/07 but that Busca had requested a copy, and when it printed out on that date from her computer, the automatic date code replaced the original date with this date. (Mary Beth Perry IV) Chief Wydra stated he received the 10/19 memo; Capt. Smith reminded him that the memo had come in. Wydra believed the Mayor was reinforcing the earlier (9/07) directive. (Wydra IV)

Busca recalls seeing the October 19 memo. (Busca IV) However, Busca states that he was on vacation on October 19, 2007, at a wedding in Poland. (Busca IV)

10/25/07 October MACOR report indicates **Dog # 47**, Male Pit, Wintergreen Ave., **Euthanized.**

10/31/07 North Haven's bill to Hamden for Hamden Animal Boarding lists **Dog #47**, Male Pit, white and brown, 14 days of boarding. (Bill from North Haven to Hamden for Month of October, date stamped as received Hamden Finance Department 11/27/07.)

11/09/07 Stray picked up at Waite and Whitney, Male Pit, Brown/White. **Dog # 73.** (MACOR, November, 2007.)

11/12/07 North Haven Animal Hospital record shows "Boxermix" euthanized this date. "Euthanasia-Town/Crem. \$36.00." This dog does not appear on the MACOR report for November. The NHAS invoice for Animal Boarding, November, lists Impoundment # 58 as a "Boxer mix" with a nine (9) day boarding period.

ACO Smith states that this dog was left off the state report by accident; he recalled that the dog had been kenneled in Ansonia briefly and had bit a kennel worker there before being brought to the NHAS, where it sank its teeth into North Haven ACO Dave Carney's shoe. Despite these memorable activities, Smith acknowledged that the November MACOR report omitted any reference to the dog.

- 11/14/07 Male Jack Russell mix, blk/wht, stray, picked up on Gaylord Mountain Road, Dog # 77. (MACOR November report signed January 8, 2008, by Steven Gimler).
- 11/20/07 North Haven Animal Hospital Invoice to Hamden Animal Control has entry for "Pitmix Invoice # 66401 1 Euthanasia-Town/Crem \$36.00." No dog number listed.
- 11/21/07 1615 Shepard Ave. Black and White Cat DOA.
- 11/26/07 ACO Smith Notes: "90 Marlborough St Tan Pit X. DOA." This notation indicates that the animal was found dead. There is no entry in the MACOR for November, 2007, reflecting that this animal was picked up. Although the state statutes make no explicit provision for recording that a dead dog has been picked up by the ACO, the MACOR report form includes a category for animals that are "DOA."
- 11/30/07 ACO Smith Notes: Jack Russell Mix. Euthanized. #77. According to ACO Smith, this was one of the animal carcasses dumped at the Transfer Station 12/12/07.
- North Haven Animal Hospital Invoice to Hamden Animal Control has entry for "Jackruss Invoice # 66796 1 Euthanasia-Town/Crem \$36.00." (No dog #). According to Dr. Lewis Jolly, the notation "Euthanasia-Town/Crem" is intended to signify that the North Haven Animal Hospital performed euthanization and that it also sent the remains to Trails End Pet Crematory for cremation. However, according to ACO Smith, this animal was one of the animals dumped at the Transfer Station. Dr. Jolly stated that the Animal Hospital notation may be inaccurate.
- Town of North Haven Animal Boarding Invoice Detail for November, 2007, reflects charge of \$160 for 16 days of boarding for Dog # 77, "Jack Russell mix, brown and white, male."
- Boarding charges do not include any listing for Dog # 73. (Attachment to Invoice # 78-47 dated 1/11/08). MACOR Report for November shows Dog # 73 (Waite and Whitney Stray M. Pit Brown/Wht). The MACOR report lists this dog as 'redeemed' (i.e., adopted); however, ACO Smith states that this dog was listed in error as being redeemed and that it was euthanized.
- 12/03/07 Gina Cahill "not reappointed" as Assistant Animal Control Officer by Mayor Henrici.

- 12/07/07 Mayor Henrici letter to Civil Service Commission requesting temporary appointment of Steve Gimler as Assistant ACO for a 5 month period or until a permanent appointment is made. (Personnel File)
- 12/11/07 Tuesday. Steven Gimler start date as Acting Assistant ACO; temporary appointment by Mayor Henrici. Normal working hours 20+. (Gimler IV)
- 12/12/07 Wednesday. ACO Smith and Steve Gimler empty the Hamden animal carcasses that were stored in the North Haven Animal Shelter freezer, place them in the ACO's van. (ACO Smith IV)

ACO Smith states that he made notes of the animals that were loaded in the van and taken to the Transfer Station. His notes list the following:¹²

- “Gray & White male cat, 34 Bagley Street (very sick) Dec. 4, 07 euthanized;
- mallard Oct. 30 euthanized ½ bill;
- 1615 Shepard Ave. Nov. 21, 07, Black and White cat DOA; Orange and white tabby, 314 Shepard Ave, 11/19/07, DOA;
- feline Oct. 15, black and white, DOA, 152 Circular Ave;
- **Brown and White #73 Waite and Whitney, euthanized 11/20/07;**
- **Boxer X male, 890 Dunbar Hill, Orange and White, 11/03/07, ad 11/06/07;**
- **Male pit Wintergreen Ave., brown and white, tazer, euthanized 10/25/07;**
- **Jack Russell Mix, Nov. 30, 07, euthanized 77; 90 Marlborough St., Nov. 26, 07,**
- **Tan Pit X, DOA.**
- Wild E. Coyote, DOA on 11-17-07.”

ACO Smith drove to the Transfer Station about the middle of the day with Gimler. There were two DPW employees present when Smith and Gimler arrived at the Transfer Station. Smith does not recall who the DPW employees were, but they were male. Smith told the DPW employee(s) at the entrance that he had some animal carcasses. He did not tell the DPW employees that he had dog and cat carcasses. He just said they were animal carcasses, and the DPW employee(s) said, “Well you know where to take them.” Smith replied, “OK have a good day,” or something like that, and drove up to the location where the animals had been brought in the past. The animals were in plastic bags and were frozen solid. He

¹² ACO Smith's notes do not list the animals in any particular order. Please refer to the copy of Smith's notes.

pulled the van alongside the embankment, and they opened the sliding doors on the van. (ACO Smith IV)

ACO Smith and AACO Steve Gimler removed the animals from the plastic bags because they thought it was environmentally correct, since they believed the plastic bags would not break down. The animal carcasses were rolled down the embankment.

Smith is sure this was the date that they dumped the carcasses because he got the van stuck that day and had to be towed out. He asked the DPW employees, but the DPW employees were reluctant in case something damaged the van if they were using their machine [to pull the van out of mud]. (ACO Smith IV)

DPW employee Dominic DeFelice recalls an occasion in December, 2007, when ACO Smith's van was stuck in the mud and that Smith asked for a tow with the DPW bucket loader. DeFelice states that he was concerned that the bucket loader would damage the van in the process of extricating, so he declined to assist. Smith called the Town's towing contractor. DeFelice had no discussion with Smith about burying animal carcasses. (DeFelice IV).

The van got stuck a short distance away from the area where ACO Smith and Steve Gimler had dropped off the animals; the tow truck operator had no opportunity to view the animals where they had been dropped off. (ACO Smith IV)

DPW employees on duty: Dave Massaro; E. Colaiacovo; Dom DeFelice; Sal Schaivone; Harry Slauson; Rob Romandetti was there only a half day, and took 4 hours vacation. (Sanitation/DPW Time Book and Payroll record).

Auto Sports, Inc., towed vehicle stuck in mud at Transfer Station. (Auto Sports Inc., tow slip #2369).

12/**/07 Chief Wydra states that he may have had a discussion in December with ACO Smith about his relationship with employees at the Transfer Station. Smith told Wydra that he had experienced some issues re personality problems. Some of the DPW employees were not receptive to the trapping of the feral dogs; some of the DPW employees had taken a liking to the feral dogs and were feeding them. This caused resentment between Smith and the DPW guys. (Wydra IV)

12/20/07 ACO Smith signs MACOR report for October, 2007, under oath. Two euthanizations reported, one dog, one injured kitten.

- 01/**/08 ACO Smith was on vacation; AACO Steven Gimler was on duty; he states that he became concerned about the number of carcasses in freezer and that he would get stuck dropping carcasses at the dump. Gimler claims he spoke with Chief Wydra and got permission to use the Trails End cremation service to dispose of the animal carcasses. (Steve Gimler IV) Wydra does not recall such an authorization.
- 01/04/08 Friday. Steve Gimler's notes have an entry: "Trails End." Gimler believes this was the date that Trails End picked up Hamden carcasses that were in the North Haven freezer. (Steve Gimler IV and Notes) His notes indicate six animals were taken for cremation, including Brindle Male Mastiff euthanized 12/27/07; Orange tabby 12/12/07 doa; female terrier cross euthanized 12/21/07; black lab d. vs car, 12/26/07; sea gull and a turkey. (SG Notes)
- The MACOR for December lists a Male Mastiff X Brindle as having been euthanized on 12/21/07; a "female terrier cross lt. Blk" euthanized 12/21/07. The report contains no listing of the "black lab d. vs. car, 12/26/07."
- 01/08/08 AACO Gimler signs MACOR report for November, 2007, under oath. One (dog) euthanization reported.
- 01/08/08 AACO Gimler signs MACOR report for December, 2007, under oath. Two (2) dog euthanizations reported.
- 01/11/08 Dog #27 Euthanized after more than four months. (This dog was picked up 9/04/07; see note on entry of that date.)
- 01/15/08 Busca terminated as DPW Director. (Busca IV) Busca was replaced by Joseph Velardi. (Velardi IV)
- 01/**/08 Sharon Bass claims that she got a call sometime in mid-January that Smith had been dumping dog carcasses at the Transfer Station. (Bass IV)
- 02/05/08 AACO Gimler signs MACOR report for January, 2008, under oath. Four (4) dog euthanizations reported.
- 02/05/08—
02/06/08 Steve Gimler states that on either February 5th or 6th he took the partial remains of a possum to the Transfer Station. When he reached the disposal area, he saw that the dogs that were dumped in December remained still unburied. Gimler states that on his way out he asked DPW employees if it was "possible to get a hole dug," and was told 'no.' (Steve Gimler IV).

Tuesday, 02/05: DPW employees on duty at Transfer Station on 2/5: D. Massaro; E. Colaiacovo; Dom DeFelice; R. Romandetti; S. Schaivone; H. Slauson; (Sanitation/DPW Time Book and Payroll record).

Wednesday, 02/06: DPW employees on duty at Transfer Station on 2/6: D. Massaro; E. Colaiacovo; Dom DeFelice; E. Gilliard; R. Romandetti; S. Schaivone; H. Slauson; R. Romandetti ; Supervisor Dave Lockery. (Sanitation/DPW Time Book and Payroll record).

02/14/08 Jack Barletta returns to work at Transfer Station after workers compensation leave. (Sanitation/DPW Time Book and Payroll record).

02/18/08 Monday. President's Day Holiday; Town Offices closed.

2/19/08 Tuesday. Charles Baltayan calls DPW first thing in the morning because there was a dead deer on Ridgewood Court. Baltayan's wife saw that the deer was removed by a DPW crew shortly after Charles Baltayan's call. (Baltayan IV).

Dave Rhone, DPW Supt. Trees and Parkways, recalled that a Hamden resident on Ridgewood Court (small street that is half in North Haven) had been calling about a dead deer. Rhone thought the day was a Monday, but could not recall the week or month. Frank Roche was sent to pick up deer. (Dave Rhone IV).

Frank Roche picked up a deer sometime in February but could not recall the date or location. It was the first time he had picked up a deer for several weeks, possibly two months or so, because deer are not often found dead in road in winter months; they are more frequently found dead after the rutting/mating season starts. Roche took the deer carcass up to the Transfer Station for burial; it was wrapped in a tarp. When he got there he saw dead dogs. He thought they were dead pit bulls. Roche could not provide a date or time. Roche called Dave Rhone, his supervisor, and reported there were dead dogs out in the open at the bottom of the slope; he thought they were possibly dumped by a dog fighting ring. (Frank Roche IV).

Dave Rhone received a call from Frank Roche up at Transfer Station stating that when he brought the dead deer up for burial he saw a bunch of dead dogs. Rhone was at the DPW Garage/HQ when he got the call from Roche.

Dave Lockery, Supt. Sanitation, was sitting in the same room when Roche called. Rhone asked Lockery: "do you know about dead dogs up at Transfer Station?" Lockery said he did not. (Dave Rhone IV)

Dave Lockery called ACO Smith, who told Dave Lockery that Smith was ordered to do it.

Dave Lockery states he was told by Dave Rhone that Frank Roche found dead dogs down at the Transfer Station and thought they may have been dumped by a pit bull fighting ring. Lockery states he called ACO Smith on his cell phone and reached him. "He was kind of evasive, and finally, he said he was told to dump the dogs down there." ACO Smith told Dave: "Don't say anything, it's supposed to be quiet." Lockery recalls that ACO Smith said, "Yeah Dave, I was told to dump the dogs, it's supposed to be kept quiet, nobody's supposed to know about it."

Dave Lockery states that ACO Smith did not ask that the dogs be buried. Dave Lockery states that after the phone call with ACO Smith he then called over to the Transfer Station and talked with one of the Transfer Station DPW workers; he believes it was Rob Romandetti, and just told him the story that Chris has told him. Lockery states that he told Romandetti to "stay out of it until we get some more information." (Dave Lockery IV). Rob Romandetti was working at Transfer Station on Monday Feb. 19, 2008. (DPW Payroll Records). Also on duty that date were Barletta; Masssaro, Colaiacovo, Cohens, and Sal Schaivone.

Rob Romandetti states that he did not receive such a call from Lockery, and denies knowledge of the dead dogs prior to the news story. (Romandetti IV)

Barletta, who serves as supervisor of the Transfer Station, denies receiving such a call from Lockery.

ACO Smith confirmed that he received a call from Lockery about the discovery of the dead dogs; he could not recall the date. He stated that Dave Lockery "said I should come up to the landfill to check this out because they think that people are fighting dogs and then dumping them up at the landfill. That's when I told him that I was disposing of the domestic animals up there and --dogs --and dumping them up there, that's what I was told to do."

Smith at first denied telling Lockery that it was supposed to be kept quiet, but stated: "I don't recall saying [that], not in so many words, I think that was said was that I was not making, I was not broadcasting that I was bringing these animals up there because I wasn't really in agreement with it and I just had a feeling that the public outcry would be as it has been. . . . I believe [what] I said was, you know, 'we're not making, we're not making, or this is something that we're not trying to do behind anybody's back but we just don't want to make it public record that we're doing it . . . or public knowledge,' something along those lines."

"I just said this is...you know we're going this and we're just not you know going around bragging about it, we're not going around telling everybody that we're doing this. And as I mentioned before that was based on the reluctance of the people down there to some of the people down there not wanting to work with us to help us catch the feral dogs."

ACO Smith admitted that he never had a discussion with anybody in Public Works about specifically getting the dog carcasses buried. He did not even take the occasion of Lockery's phone call to ask Lockery, the Transfer Station superintendent, to make sure the animals were buried. "No, I thought, I assumed again they would do their job and bury the carcasses."

ACO Smith claims he talked to Lesley Balch at Q. Valley Health District regarding disposal of dogs at the Transfer Station. (ACO Smith IV)

02/20/08 Wednesday. ACO Smith claims he dropped a skunk at the Transfer Station; he noticed once again the dogs were uncovered. (ACO Smith IV)

DPW employees on duty at Transfer Station on 2/20: J. Barletta; D. Massaro; E. Colaiacovo; Odell Cohens; R. Romandetti. (Sanitation/DPW Time Book and Payroll record).

02/21/08 Thursday. DPW employees on duty at Transfer Station on Thursday 2/21: J. Barletta; D. Massaro; E. Colaiacovo (4 hours/ sick); DeFelice; R. Romandetti (4/V); Sal Schaivone; Dave Lockery. (Sanitation/DPW Time Book and Payroll record). Romandetti states he worked in the morning, took a half-day vacation; (Romandetti IV).

ACO Smith claims he dropped off a possum and a rabbit at the Transfer Station about mid to late-morning. On the way in, one of the DPW employees spoke to him in a loud voice about dropping off more animal carcasses. (ACO Smith IV)

Jack Barletta was on duty as supervisor at the Transfer Station. (Sanitation/DPW Time Book and Payroll record).(Barletta IV) Shortly after he returned to work, on a Thursday (he could not be certain of the date), Anne DeMatteo of the New Haven Register showed up at the Transfer Station and said, "We have a report the Police Department is dropping off stray dogs here." Barletta stated that he did not know what she was talking about. He was aware that the Animal Control Officers had been trying to get the wild dogs out of the Transfer Station area in the summer-fall of 2007. Barletta states that DeMatteo left and then returned

about 3:30 asking, "Where's the dogs?" Barletta states that he did not see Sharon Bass enter the Transfer Station property. (Barletta IV).¹³

Sharon Bass claims she went to Transfer Station about 1:30 p.m. She claims she was driving her Kia Sephia, a small front-wheel drive vehicle; that she drove past the trailer at the entrance (where all visitors are supposed to stop and provide identification as a Hamden resident for purposes of using the recycling facilities) and that she was not stopped or challenged. She says that she then drove up to the top "near the leaves." She got out of the car and started walking.

"Once I was up there, I met someone by chance who said he had seen the Animal Control Officer go up there in his vehicle and that the ACO had rolled a dead animal down the embankment." She claims that once she reached the area near the windrows of leaves, "this guy saw me walking, and said, "I know what you're looking for." She said that this unidentified person showed her the spot where the animals were dumped. Although, by her account, this person's presence at the site was mere happenstance and not a prearranged meeting with a confidential source, she has refused to identify the individual who showed her the location of the carcasses.

She states that she took photographs with a Fujifilm E510 digital camera. Although the camera is equipped with a date code program so that the date of each photograph can be automatically inserted, she was not aware of the date coding function. (Bass permitted an examination of the camera, which revealed that the date was set at January, 2004.) She states that she took the pictures by herself. She states that she did not go down the embankment to get close to the dog carcasses; she did not touch the carcasses; and she did not examine them except from the top of the embankment.

Sharon Bass admits that she has a terrible sense of direction, and that she could not point out the location of the dogs at the Transfer Station on a map. She states that after she took the photographs she had trouble finding her way back to her car. She claims that she left about 2 p.m., so that by her account she was present at the Transfer Station for about 30 minutes.

She states that she called Gina Cahill and Jean Murray to discuss the dogs and that she called and left messages for ACO Smith. She also talked to Deputy Chief Bo Kicak, who told her that the PD had new freezers that animal carcasses were stored in. She says that Wayne Gilbert subsequently told her that the dumping of the animal carcasses was "done on the q.t."

¹³ DPW employees were aware as of February 19 that there were unburied dogs at the Transfer Station.

About 3 p.m., Anne DeMatteo of the New Haven Register showed up at the Transfer Station about 3 p.m., asking, "Where are the dogs?"¹⁴

On the Thursday before the story broke, Lesley Balch at Quinnipiac Valley Health District states that she received a call from ACO Smith asking, "Is there any law governing the disposal of dog carcasses.?" Balch faxed over a copy of Public Health Code regulations. (Balch IV)(copy of faxed document as provided by Balch) Balch did not retain faxed copy or cover sheet; there is no record showing the date of transmission, but it is her best recollection that the call from Smith and her response occurred on the Thursday, the day before the story of the dog dumping appeared. She states that ACO Smith first asked about disposal, and then called back and asked if there was anything in writing. She then sent an excerpt from the Health Code, section 19-B-23. (Balch IV)

About 5 p.m., George Jerolman called Joe Velardi and stated that a reporter, Anne DeMatteo, had been trying to get into the Transfer Station to "see the dead dogs." Velardi said: "Who's been dumping dead dogs?" and Jerolman said, "I don't know." Velardi called the Mayor's house, then got his cell phone number and called on the cell phone, told him there was a reporter trying to get in to the Transfer Station to see dead dogs. The Mayor said that "Public Works is supposed to be burying them," referring to the dead dogs. (Velardi IV)

02/22/08

Friday.

The Hamden Daily News article appears with photographs.

Mayor Henrici recalls that he was told that were pictures of dead dogs in the Hamden Transfer Station. He said, "That's ghoulish, we will get to the bottom of it tomorrow." Mayor Henrici states that he has never looked at the pictures of the dead dogs on the Hamden Daily News website and that he has made it his policy not to read the Daily News.

Mayor Henrici states that he called George Jerolman and said, "Bury the dogs."

George Jerolman went to the Transfer Station to make sure the dog carcasses were buried. It was snowing quite hard. They (George Jerolman and a DPW employee) had to dump many yards of soil there to cover the animals. (Velardi IV)

¹⁴ It is reasonable to conclude that the February 19 observation of the dog carcasses by Frank Roche and the subsequent confirmation by ACO Smith that he had dumped the carcasses led to the tips to the news media.

A WTNH-TV story is broadcast at 6:05 p.m., with Sharon Bass on camera stating: "This person told me that they had seen the animal control officer take a dead dog, what appeared to be a dead dog, out of his truck and throw it down the cliff."

A staff member at Quinnipiac Valley Health District told Lesley Balch to look at the Hamden Daily News website. Balch decided to send one of her sanitarians out to check to see if the dumping of animal carcasses posed a public health threat. (Balch IV) A New Haven Register reporter called Balch at home about the matter.

Mayor Henrici states that he met with ACO Smith and Chief Wydra. ACO Smith told Mayor Henrici that the Public Works guys had been giving him a hard time. ACO Smith told the mayor quote "I don't think they like me too much." Smith provided no explanation of why the dogs were not buried.

02/25/08

(Monday) Chief Wydra went to the Transfer Station. He asked employees at the Transfer Station where the dogs had been found. They said they didn't know. Wydra asked a couple of other basic questions, his intention was to get a basic understanding and not to conduct an investigation. He asked if they saw Sharon Bass at the Transfer Station on Thursday 2/21; they denied knowing anything about the Sharon Bass visit. (Wydra IV)

George Jerolman returned to the dog dumping site to make sure that they were covered. On Friday it had been snowing hard and it was impossible to see whether the dogs were fully covered. The snow turned to rain and then stopped. On Monday, he found that the dogs were not fully buried. He climbed down the slope and physically picked up dog carcasses to get them closer to the slope so that dirt pushed over the slope would properly cover them. He found the animal carcasses essentially intact and stiff, either frozen or in rigor mortis. The difficulty in burying the dogs stemmed from the fact that they were on flat ground away from the base of the embankment. It was therefore difficult to push dirt far enough over the slope so as to reach and cover the carcasses. (Jerolman IV).

Chief Wydra submits "Open Letter on Animal Control and Disposal." States in part: "These animals were brought to the landfill by our Animal Control Officers with the intention of them being expeditiously and properly buried, in accordance with Connecticut laws, accepted practices and Town policies."

Legislative Council committee meeting questions Wydra, ACO Smith, AACO Gimler, DPW Director Velardi.

- 02/27/08 Quinnipiac Health District Sanitarian made a site visit at Transfer Station, met with Joe Velardi and George (Jerolman). They viewed the “cliff/slope area that drops to what appears to be a wetland or wetted area. All fresh, wetted dirt/soil. No dead animal carcasses or odors observed. Skeletal remains of a deer (per Mr. Velardi) at bottom of slope.” (Quinnipiac Valley Health District Complaint Assignment Sheet.)
- 02/2*/08 (Date uncertain) Mary Beth Perry spoke with ACO Smith about the dog disposal issue. Her impression from what he told her was that the DPW had shrugged him off; Smith told her that the DPW employees did not want to be bothered when he took the dead dogs to the Transfer Station — that they told him to “f___ off.” He told her he got the impression that the dogs were going to be buried; but that “DPW guys did not do their job.”
- 03/05/08 AACO Gimler signs MACOR report for February, 2008, under oath. One dog, one cat euthanizations reported.
- 03/12/08 Quinnipiac Health District Sanitarian Complaint Assignment sheet reflects note “Closed 3/12/08”

F. OBSERVATIONS AND CONCLUSIONS

1. Qualifications and Training.

Pursuant to a job description prepared by the Hamden Personnel Department, the Hamden Animal Control Officer holds a “sworn position responsible for the enforcement of statutes and ordinances pertaining to animals. This position also has the responsibility for making decisions within detailed written or oral instructions dealing with the enforcement of animal control statutes.” The position is one of only a few that the Mayor may fill. *See* Hamden Charter, Section 10-4.

Pursuant to the Personnel Department job description, the Job Functions of the Hamden Animal Control Officer include:

“Takes appropriate action to enforce State and local animal control laws. Captures, impounds stray and uncontrolled animals, examines injured and mistreated animals, and obtains proper veterinary care. Issues warnings and summons.

“Keeps files up to date including impoundment records and quarantine reports.

Qualifications for the position include:

“Considerable knowledge of animal care and handling, especially dogs. Considerable knowledge of safety practices in handling domestic and wild

animals. Good working knowledge of State and local animal control laws. Good knowledge of report writing and record keeping, use of computers and ability to communicate effectively, orally and in writing.

ACO Smith is a pleasant and genial individual who cooperated extensively with our inquiry. However, when he became employed as the Hamden ACO, Christopher Smith lacked knowledge in handling animals, and had no working knowledge of State and local animal control laws. He was unfamiliar with the correct procedures for preparing and filing MACOR reports. While Police Captain Ronald Smith is ACO Smith's direct supervisor, there is no evidence of Smith providing ACO Smith with any substantive training or supervision. Indeed, ACO Smith states that he was not provided any formal training in any of the functions of the position.¹⁵ He states that he received some informal training from David Carney, the North Haven Animal Control Officer who has considerable experience and was trained by the Connecticut Humane Society, but who has no responsibility to provide training to Hamden's personnel. ACO Smith also learned the ropes from Gina Cahill, his assistant; and Cahill had learned what she knew of the job from the former ACO, Jean Murray; and ACO Smith received some guidance from State Animal Control Officer Barbara Goodejohn and from animal control officers in nearby towns. ACO Smith's assistant, Steven Gimler, appears to have had more training and experience when he was hired by the Town as a part-time (and later, full-time) ACO than did ACO Smith.

Mayor Henrici was aware that ACO Smith lacked experience when he was appointed. The Mayor stated that he had known Smith a long time, and that neither Murray nor Cahill had had experience before they were hired. The Mayor felt ACO Smith was capable of doing the job.

Smith's lack of training and experience may account for some of the shortcomings in his performance and judgment. It may also account for some of the discrepancies in the MACOR reports.

2. Record Keeping

¹⁵

From IV with ACO Smith:

Q- "In any event you didn't get any training?"

A- Not any formal training.

Q- Did you get any training in the laws that apply to Animal Control functions.

A- I have literature. I have books that give me all that information, so whatever tickets that we're are allowed to issue that are animal related it's pretty well spelled out on what the guidelines are and how the laws are meant to be followed and interpreted.

Q- There's nobody in the police department that sat down with you and said, 'Chris here's a training program'?

A- No. A lot of people had really no idea what animal control entailed. And they're learning that there's a lot more to it than just going out and catching stray dogs. How I would seek information or try to get a right answer, is I would contact either other people who are other animal control officers who have been in the business a lot longer, or I'd contact people on the State level and consult with them to find out how things are correctly handled.

As indicated above, we found several discrepancies in the MACOR reports, and those reports have not been filed in a timely manner. Each report is required to be filed by the 10th of the month, summarizing the animal control officers' business of the preceding month. ACO Smith acknowledged that on at least one occasion, i.e., in connection with the "Boxer X male, 890 Dunbar Hill, Orange and White," the impoundment of the animal and its subsequent euthanization were left off the report entirely. We did, however, find a record that the dog's impoundment had been advertised in the New Haven Register. We do not find willful errors or omissions in the MACOR reports. However, it would be extremely difficult, if not impossible, to verify all information in the reports.

We requested, from the Hamden Police Department, the records of advertisements that were placed in the New Haven Register for stray dogs and cats that were impounded by ACO Smith.¹⁶ The records received appear to be incomplete. In some instances, the Police Department had invoices from the Register but did not have tearsheets showing that the ads for which invoices were submitted had run. There were a number of ads without matching invoices; and there was a batch of ads that were matched correctly with invoices. ACO Smith typically calls in the advertisement to the Register, providing a brief description of the animal; he then lists on the MACOR report the date of the ad; but his report does not include a copy of the ad. In connection with the animals that were dumped and ultimately buried at the Transfer Station, the Police Department produced copies of ads for the "Brown and White #73 Waite and Whitney, advertised 11/14/07; the Boxer X male, 890 Dunbar Hill, Orange and White, advertised 11/6/07; and Dog #27 Stray Male Pit Brindle; advertised 9/9/07. Documentation was lacking on the "#47 Male pit Wintergreen Ave., brown and white, Tazer," and the Jack Russell Mix, 11/18/07.

We received, from the Town's Finance Office, copies of invoices from the North Haven Animal Hospital for the fiscal year ending June 30, 2007 and for the period July 1, 2007 through February, 2008. The NHAH invoices reflect the dates and summaries of treatment of animals brought for care by the Hamden ACO. However, there is no indication that the invoices are verified by the ACO, and the NHAH invoices do not consistently use the Impoundment Number that is used by the ACO when an animal is impounded. Also, it does not appear that the ACO checks the NHAH description of treatment against ACO records. For example, the NHAH invoices on several occasions indicated that animals that were euthanized were also cremated; but other records showed that euthanized animals were taken from the Hospital, stored, and then later cremated (or, on December 12, dumped at the Transfer Station).

We also received copies of invoices from the Town of North Haven for kenneling of animals impounded by Hamden. In general, the North Haven Animal Shelter records appeared clear and, so far as could be determined, accurate.

¹⁶ We note that the Hamden Animal Control Office now uses the on-line Petfinder service to help with the placement of impounded animals; this may be more effective than running a small newspaper classified advertisement, but Connecticut law continues to require publication of a newspaper ad.

Finally, we requested copies of some of the informal notes made by ACO Smith and ACO Gimler. Both use standard steno pads to make their notes. They stated that they make up handwritten labels that are stuck on the plastic bags that are used to contain deceased animals when stored in the freezer, and when the animals are disposed of, they peel the labels off the plastic bags and stick them on their notepads to keep a record of the animal. The records are inconsistent in listing the Impoundment Number, however; and this informal system does not facilitate verification of the officers' activities.

3. The Sept. 7 Memo.

The September 7 Memo issued by Mayor Henrici does not address the disposition of *euthanized* domestic animals. Mayor Henrici stated that the September 6 meeting that preceded issuance of the memo did not address the question of euthanized animals and was intended only to deal with road kill, including dogs and cats. This is consistent with the text of the Memo, which states that "*Dead* domestic animals shall be removed by the HPD/ACO, who shall retain the remains for three (3) days to determine ownership of animal. If domestic animal remains are not claimed within three (3) days, the ACO shall dispose of same in accordance with PW policy." See Memo (emphasis added). Nowhere does the memo address *live* domestic animals that are impounded as strays and subsequently euthanized.

Chief Wydra appears not to have considered any material distinction between euthanized domestic animals and "road kill." Chief Wydra told the Legislative Council February 25:

"There was a policy change in September of 2007, with how our animal control officers dispose of dogs and cats. Most people consider those domestic animals. I will refer to them as domestic animals. The change occurred so that we would continue to be in line with Connecticut law, and that we would also continue to keep in line with what is deemed as appropriate and decent. And the change was for domestic animals to be disposed of at the Hamden Landfill for burial, within the 24 hour time frame that is required.

Chief Wydra added: "This was also done to save money. Make no mistake, that was part of the decision."

None of the participants in the September 6 meeting, nor any of the Town officials who were involved in implementing the policy, consulted with Lesley Balch, Director of the Quinnipiac Valley Health District. It was not until ACO Smith and others in the Administration became aware that news reporters were looking into the animal disposal issue that Balch was consulted. ACO Smith stated that he called Balch to discuss the legality of the carcass disposal; he acknowledged that he has access to Town Attorney Sue Gruen, but that he did not consult her.

ACO Smith states that he "assumed" the memo required him to dispose of euthanized domestic carcasses at the Transfer Station. However, ACO Smith also has

stated that he was troubled by the policy, but that he never clarified it in order to ascertain that his interpretation was correct.

We find no foundation for suggestions (articulated separately by Sharon Bass and by John Busca) that Mayor Henrici's September 7, 2007, was somehow concocted at a later date in order to justify the animal carcass disposal after the fact. Mary Beth Perry's computer at Town Hall contains metadata showing that the document was prepared and stored on her computer. The document is listed on Perry's computer under a folder of "Department Letters." The computer lists it as a Microsoft Word document of 21 Kilobytes internally labeled "a-busca-01.doc, and "last modified" on September 7, 2007, at 11:17 a.m. There is no reason to believe that the document was created at a later date; nor is there any apparent motive, as the Sept. 7 Memo does not directly address the disposal of euthanized domestic animal carcasses.

Some confusion about the provenance of the document undoubtedly stems from the fact that it was reprinted and distributed on October 19, 2007, with that date on the memo. This appears to result from the use of an automatic date code in the word processing software used in creating the document, so that whenever the document is called up and printed, the date reflects the date printed. In an IV on April 16, 2008, Mary Beth Perry printed the document, and when she did so the document printed out with the April 16 date on it.

John Busca was the Public Works Director in September, 2007 and contends that he did not receive the September 7 Memo that month. He acknowledged, however, that he did see it on or about October 19 when it was reprinted. Busca's recollections offer no evidence that the document was not prepared and issued on September 7. The Police Department's copy is date stamped September 10, 2007, and a DPW copy is date-stamped Sept. 11, 2007. Busca contended that date-stamps could easily be manipulated, but there is no basis to doubt that the document was created and distributed on Friday, September 7, 2007; Busca either failed to perceive that the document had been received in his office, failed to recall that it had been received, or could not find it when he looked for it in October, prompting him to request another copy.

Whether Busca received the September 7 Memo in September or October, there does not appear to have been any effort at any time to apprise rank and file DPW employees of any change in policy or to establish procedures for the burial of animal carcasses. In fact, none of the participants attempted to coordinate the Animal Control Officer and the Public Works Department in accomplishing the task of burying dead animals.

4. Cost Savings.

If the purpose in delivering domestic animal carcasses to the Transfer Station was to save money, there is no evidence of an effort to analyze the potential savings. Cremation costs appear to be a very small part of the overall costs of the animal control function. North Haven Animal Hospital invoices to the Town for the euthanization *and*

cremation of dogs typically indicate a charge of just \$36.00 for both activities, which include the veterinarian's time for the euthanasia, the use of a controlled substance to inject the animal, and the disposal of the remains. Dr. Lewis Jolly, the veterinarian in charge of the North Haven Animal Hospital, stated that his office does not charge the Town separately for the cremation of remains, and he was not sure how much Trails End Pet Crematory charged for its services. As indicated above in the Chronology, it is unclear whether NHAH actually sent euthanized Town-impounded animals for cremation, or incorrectly listed cremation on its invoices.

The Town of North Haven's invoices to Hamden show that Trails End charges \$11.00 for cremation of a cat or possum. An invoice for the cremation of three (3) dogs weighing between 51-100 pounds in February, 2008, indicates the total cost was \$60.00, or \$20 per animal. These charges are small when compared with the costs of veterinary care for the treatment of sick or injured animals, for testing of animals suspected of being rabid, and for the kenneling of dogs and cats.¹⁷ In addition, there are costs to the Town associated with delivery of animal remains to the Transfer Station and burial of those remains by DPW personnel even if the burial were properly carried out.

5. The Preservation of the Remains.

As set forth above, we find no basis to believe that the euthanized domestic animal carcasses that were found unburied in February, 2008, had not been delivered there by ACOs Smith and Gimler on December 12, 2007. While Hamden experienced relatively mild weather over the winter months, the available weather summaries indicate that night time temperatures were generally below freezing. As indicated by Dr. Wayne Carver's report, insects are not active in the winter months. In an IV, Dr. Carver noted that flies and fly larvae expedite the decomposition of flesh. They are not normally present and active during cold weather; and if other scavengers such as turkey vultures are absent,¹⁸ it is reasonable to believe that animal remains could evade decomposition.

Assistant Public Works Director George Jerolman, the only person who is known to have touched the carcasses, states that he moved some of the carcasses on February 25, 2008, when he was working to get them buried. He stated that the carcasses that he moved were rigid and stiff at that time, as if either frozen or in rigor mortis. However, he did not undertake an examination of the carcasses; he was focused on burying them.

The photographs of the carcasses appeared on the HDN website Feb. 22, 2008. Sharon Bass states that she took photographs with a Fujifilm E510 digital camera. Bass's digital camera has the capacity to insert a date code in each photograph, but she has not enabled that function and, in an interview, expressed ignorance of the date-coding function. She states that she took the pictures by herself. She states that she did not go down the embankment to get close to the dog carcasses; she did not touch the carcasses; and she did not examine them except from the top of the embankment. Metadata

¹⁷ It is outside the scope of this investigation to audit these expenses. The attached copies of invoices provide information concerning the monthly expenses incurred by the Town.

¹⁸ Turkey vultures generally migrate away from Connecticut in winter time.

gathered from the photographs does not reveal the date when the photographs were taken. However, there is no reason to suspect that the photographs were taken at an earlier time than February 21, 2008.

Bass's article on February 22 stated that "there were actually *four or five* dead dogs at the bottom of that cliff on Thursday [February 21]." (emphasis added). Bass admits that she did not examine the carcasses more closely, preferring not to risk going down the embankment to where the carcasses lay; and her article was imprecise as to the number of dogs. Although two of the animals appear, in the Bass photographs, to be well-preserved, one reason for Bass's imprecise statement as to the number of animals – i.e., "four or five" – appears to result from the fact that the photographs are insufficiently clear for the viewer to be certain about the images that appear.

The photograph labeled by Bass as "Black 004" appears to show a carcass of a white dog with black markings in the foreground, and two larger dogs in the sunlight. Above them is a carcass that appears likely to have been a coyote; there is another shape that may or may not be an animal carcass; these latter shapes suggest a greater degree of decomposition.

Further signs of decomposition of the animals may have been more evident had the photographs been taken from other angles, or even if Bass had taken and retained more photographs. Bass stated that she retained only three digital shots, all of which appeared in her Hamden Daily News cyber publication. Via email, she forwarded the "raw" and unedited photographs she retained; but the photographs reveal no greater detail than is present on the HDN website.

In short, although the photographs give an impression that at least two of the carcasses were well-preserved, the photographic evidence is insufficient to make any valid assessment of the degree of their preservation. We are not aware of any credible evidence that any domestic animal carcasses were deposited at the Transfer Station after December 12.

6. The Failure to Accomplish Burial of the Remains for Seventy Days.

Since we find no reason to believe that domestic animal carcasses were deposited at the Transfer Station *after* December 12, 2007, it must be concluded that the animal carcasses were dumped and left unburied for 70 days. This constitutes a violation of the Connecticut Public Health Code § 19-13-B23(b), which requires that "[t]he carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration or other method approved by the local director of health."

ACO Smith and AACO Gimler have pointed to the DPW Transfer Station employees as having failed to bury the animal carcasses. However, they admit that they did not inform the DPW employees when they arrived on December 12 that they had four dead cats, five dead dogs, a dead coyote and a dead mallard in their van. As they entered

the Transfer Station property, they merely told the DPW employee who was at the entrance that they had some animal carcasses, and that they were told merely, "Well, you know where to take them."

Smith and Gimler had the opportunity to discuss the matter with the DPW employees. Their van got stuck in the mud that day, and Smith talked with Dominic DeFelice about getting a DPW vehicle to pull them out. Since DeFelice operates a bucket loader at the Transfer Station and would normally be involved in burying dead animals, Smith certainly had the opportunity to talk with DeFelice about the burial task. But he did not say a word about it.

Smith and Gimler both indicate that they had misgivings about dumping the domestic animal carcasses. Among Smith's concerns were that he had spent considerable time capturing feral dogs at the Transfer Station and that delivering animal carcasses could contribute to the problem in that feral dogs might scavenge the carcasses. But if Smith had this concern, he did not act on that concern by ensuring that the carcasses were buried deeply enough that no scavengers could reach them.

Indeed, by pushing the carcasses over the edge so that they rolled down and away from the bottom of the embankment, Smith and Gimler made it more difficult to bury the carcasses.

If Smith and Gimler had left the carcasses at the top of the embankment so that they would be in plain sight when a DPW employee reached the area, it would be reasonable to pin responsibility for subsequent burial on the DPW. Had they followed the procedure that had been established by Jean Murray and that had been followed by Gina Cahill and had left the carcasses at the top of the embankment in plain sight, the DPW would have been on sufficient notice of the existence of a substantial number of animal carcasses requiring burial.

Since Smith and Gimler did not inform the DPW employees of the number of the carcasses or that the carcasses were large and included domestic animals and since the animals were placed so that they could not be seen (without peering over the edge of a muddy embankment), we find it unreasonable to blame the DPW for the failure to bury the animal carcasses, at least until the DPW became aware of their existence.

Gimler stated that he went back to the disposal site on either February 5th or 6th to drop off the partial remains of a possum. He stated that on his way in to the Transfer Station he asked a DPW employee if it was "possible to get a hole dug," and was told "no."

Gimler:

"One of the gentlemen that I talked to said you know where to go, you know what to do, and that's when I in turn asked him if it was possible to get a hole dug by some of the equipment that's up there to make it easier on us, and easier for them to go ahead and bury them when we were done, and I was told no, in not so those polite words.

Q- What'd they say?

A- I was told "No we don't have fucking time for that, just go throw them where you normally do."

None of the DPW employees at the Transfer Station acknowledged such a conversation with Gimler. But even if he made such a request in the manner as he described it, the request does not demonstrate that the DPW was made aware of the existence of the animal carcasses dumped on December 12. Gimler's recollection suggests that the DPW employee with whom he spoke was surly, but the conversation (such as it was) apparently concerned the animal carcass that Gimler was delivering that day (i.e., parts of a possum), not the carcasses that had been dumped on December 12.

Gimler states that while he was at the Transfer Station he saw that the animal carcasses deposited December 12 remained unburied. But he did not address any of the DPW employees about this on his way *out* of the Transfer Station. Moreover, after he left the Transfer Station that day (February 5th or 6th), he states that he spoke with ACO Smith about the fact that the animal carcasses remained unburied. Yet, neither of them claims to have taken any action to obtain cooperation from the DPW in getting the carcasses buried.

Gimler stated that he was concerned that the chemicals used in euthanizing the animals could poison a scavenger animal and that he and Smith called someone at the North Haven Animal Hospital to ascertain whether the chemical residues might pose the potential for harm.¹⁹ But they did not ask Public Works Director Busca, his deputy, George Jerolman, or Transfer Station Superintendent Dave Lockery for assistance and cooperation in getting the carcasses buried. It remains unclear what information was given to Captain Smith in the Police Department, as he refused to cooperate with this inquiry. However, ACO Smith and Gimler do not contend that they articulated any concerns about the unburied carcasses until the news media began inquiries on February 21, 2008.

We have identified February 19, 2008 as the date that the DPW became aware of the existence of the unburied carcasses, i.e., only two days before Sharon Bass entered the Transfer Station and took photographs and Ann DeMatteo of the Register showed up demanding access.²⁰ If the DPW had become aware of the unburied carcasses significantly earlier than February 19, 2008, it could more reasonably be held responsible for the failure to mobilize resources to get the carcasses buried. This date is based on the statement of Charles Baltayan, who was firm in his recollection that he called the DPW early that day. The DPW employees involved had no independent recollection of the

¹⁹ Dr. Jolly did not recall any mention of such a call or concern; in any event, he indicated that the drugs used in euthanasia would not create a hazard to scavenger animals.






²⁰ Although DeMatteo was apparently informed that dog carcasses had been dumped at the Transfer Station, she did not gain access to the area where the carcasses lay exposed.

date, but David Rhone recalled that a call for removal of a deer carcass came from Ridgewood Court and Baltayan was located and provided information about the incident.

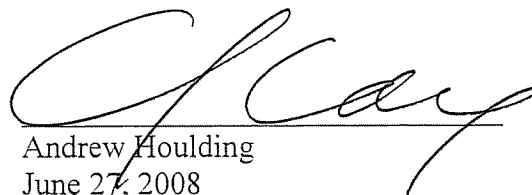
It is noteworthy that ACO Smith did not mention, in his appearance before the Legislative Council February 25, that he had been called by Dave Lockery with the report that Frank Roche had "discovered" the animal carcasses. Of course, no question was posed to ACO Smith that would have required this disclosure.

It is also noteworthy that, once the DPW was unequivocally aware of the fact that several dog carcasses lay exposed in the north end of the Transfer Station, it did not promptly bury the carcasses. It may reasonably be concluded that Frank Roche's discovery led proximately to the visits on Feb. 21 by Sharon Bass and Ann DeMatteo. This does not mean that someone employed in the Public Works Department called the media with the story, and we found no evidence that a DPW employee did so. Clearly, however, the matter was not kept quiet, and the animal carcasses were not buried until after the news media reports.

G. RECOMMENDATIONS

-  As noted above, Captain Ronald Smith flatly declined to be interviewed in connection with our inquiry. The extent of Captain Smith's knowledge concerning the animal carcasses -- i.e., what did he know and when did he know it?-- could not be ascertained. In the event of any further proceedings on the subject matter of this report, we recommend that Captain Smith be questioned closely about his training and supervision of the Animal Control Officers.
-  The National Animal Control Association (NACA) is a national organization that aims to provide profession training and standards for animal control officers. The Town should consider enrolling its animal control officer in a NACA training program or otherwise improving the officers' professional skills and establishing standards.
-  The Town should consider establishing uniform standards and policies for tracking the animals that come under its care, so that all vendors that deal with the Town's animal control function use the same terminology, where possible.
-  The Town should ensure that MACOR reports are completed promptly and accurately as required by state law.
-  If the Town were to revert to a program of burying deceased animals, it should ensure that all participants, including those at the operational level, are aware of the program and knowledgeable of their roles in it.

We appreciate the opportunity to have conducted this inquiry. We are prepared to answer questions about aspects of our report. In addition, we have transcribed our interviews with ACO Smith and AACO Gimler, and will make the full transcripts available upon request.



Andrew Houlding
June 27, 2008