

MEMORANDUM

TO: NICHOLAS KEPPLER, ESQ. & EDWARD O'CONNELL, ESQ. & LIEUTENANT BRETT MAHONEY

FROM: ERIC W. CALLAHAN, ESQ.

DATE: July 1, 2014

RE: ANIMAL CONTROL FACILITY – EAST LYME, WATERFORD, MONTVILLE

On July 20, 2014, Attorney Ed O'Connell, Lt. Brett Mahoney and I met related to the Animal Control Facility. Because Attorney Kepple was unable to attend and Lt. Mahoney had to leave before the meeting concluded, I have attempted to summarize our meeting in this Memorandum. Ed and Brett, if I have misstated or omitted anything, please feel free to supplement.

- Prior to the meeting, Nick circulated a draft "Letter of Agreement between The Connecticut Department of Correction and the Town of Waterford". Copies were distributed. Of note, page 4 references CGS § 18-90a which appears to allow for Town(s) to utilize prisoner labor at inmate compensation rates so long as such employment does not result in displacement of employed workings and/or impair existing contracts for services.
- Rather than creating a new organization/entity, each Town will be an independent party to this arrangement to maintain current employment relationships.
- A lease arrangement with the State would be preferred to help minimize the risk of early/unanticipated termination by the State. The lease, however, should be at nominal cost (\$1/year).
- This project needs to be analyzed from a financing, design, construction and operations perspective. Discussion ensued as to whether each Town should pick one of the design, construction and operations components of the project and take the lead on same.
- There needs to be an agreement between the Towns as to each of the design, construction and operation components. The design and construction could likely be combined into one agreement, and operations in a separate agreement between the three towns.
- Ed indicated that First Selectman Formica is willing to have East Lyme take the lead on the construction component of matter. He will also donate the services of the East Lyme engineer.
- Is Waterford willing to take on the design lead? Is Montville willing take on the operations lead? Is Montville willing to donate the cost of the building permits?
- Brett confirmed that \$55,000 has been appropriated by Waterford towards the design, and that the funds should be accessible after July 1, 2014.
- Brett indicated that the East Lyme/Waterford donation source is willing to contribute towards ¼ of the design/construction, with the other ¾ contributed by the 3 towns. The amount of donations from East Lyme and Waterford has not been separately allocated.
- Based on his conversations with East Lyme and Waterford, Brett has a general design concept in mind, but still needs to discuss with the Montville ACO. We need to fine tune what it is that we are actually building? Do the Town's envision a simple cinder block with a roof facility? Or,

a more functional building that will sustain over time? Should it be built with anticipation that more Towns will join? It makes sense to get all of the ACOs together, along with the agricultural department, representatives from the donation sources, and representatives from each Town together to reach a meeting of the minds on building concept.

- Is Montville willing to take the lead on “operating” the facility. We would need to fine tune what operations means? Would there be an employee on site that helps to run the facility? Or, would each Town maintain its current status such that the only difference would be that the ACO reports to this facility rather than the former facility? Would there be mutual aid between the Towns (For instance, if the Waterford ACO is on site, and the owner of an impounded Montville dog shows up, what is the procedure? Does the Montville ACO need to be contacted to handle, or can the Waterford ACO assist?). We need to fine tune how each Town expects the facility to operate. How would the cost of operations be allocated? How do we integrate Town employees, volunteers and prison labor?
- Prior to our meeting, Mayor McDaniel indicated to me that Ledyard and Preston may have an interest in participating. I don’t believe the details of their potential participation have been addressed, and we should not let it hold up the arrangement between Montville, East Lyme and Waterford.
- Discussion ensued between us as to whether Ledyard and Preston are willing to contribute to the capital investment vs. just operations. If they only want to participate in the operations component, it would be inequitable to the other Towns making capital investments (as it is anticipated that operations expenses would be rather minimal (consideration prison operational labor, food donations, etc) as compared to the capital investment. We would need to fine tune the details of participation of Towns other than Waterford, Montville and East Lyme.

Ultimately we concluded that we need a lot of answers from our respective Town CEO’s, and that we should try to arrange a follow up meeting with them either before or after their next SECCOG meeting when they will all be together.