Hamilton Township

Mercer County, New Jersey

HAMILTON TOWNSHIP GOVERNING BODY ANIMAL SHELTER INVESTIGATION SUBCOMMITTEE SUMMARY REPORT ON THE SUBCOMMITTEE’S FINDINGS & RECOMMENDATIONS

SUBMITTED ON MAY 7, 2019

Municipal Investigation Subcommittee
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I. Introduction and Purpose of the Animal Shelter Investigation Subcommittee

Hamilton Township, Mercer County, New Jersey is comprised of nearly forty-one (41) square miles, making it one of the largest townships in the State of New Jersey. The township has close to 90,000 residents and the population continues to increase. Just over the course of the past few years, significant construction has been completed to further build up the Hamilton Township area and its associated infrastructure. Multiple new retirement communities have been developed and constructed, as well as a multitude of new restaurants, banks, gas stations and convenience stores along the commercial corridor of the Township, Route 33. Hamilton Township continues to expand rapidly to accommodate the increase in citizens residing in the community.

Hamilton Township is governed within the Faulkner Act, formally known as the Optional Municipal Charter Law, under the Mayor-Council Plan system of New Jersey municipal government, as implemented on January 1, 1976, based on the recommendations of a Charter Study Commission. The township's government consists of a mayor and a five (5) member township council, with all elected representatives serving four-year terms of office. This form of government is codified by statute, N.J.S.A. 40:69A-31 et seq.

Pursuant to the township's form of government, all legislative and investigative functions assigned by general law to the governing body are exercised by the township council members.¹ Furthermore, the legislative powers shall be exercised by ordinance, except for the exercise of those powers that, under the Mayor-Council Plan or general law, do not require action by the mayor as a condition of approval for the exercise thereof, and may, therefore, be exercised by resolution only, which includes such power as the ability to conduct a legislative inquiry or investigation.²

As part of this legislative inquiry and investigative power(s) provided to the municipal council under the township's form of government and pursuant to general law, the township council has the ability to require any municipal officer to prepare and submit sworn statements regarding his/her official duties in the performance thereof, and otherwise to investigate the conduct of any department, office, or agency of the municipal government.³ Emphasis added.

Pursuant to these investigatory power(s) provided by law, the Township Council of Hamilton Township believed it was necessary for the health, safety, and overall general interest and welfare

¹ N.J.S.A. 40:69A-32(b).
² N.J.S.A. 40:69A-36(c)
of the residents of the township for the council to investigate the issue(s) which had recently come to light regarding the Hamilton Township Animal Shelter. Due to those issues, the Hamilton Township Council voted to adopt Resolution #18-217, which authorizes the formation of this governing body investigation subcommittee to conduct this herein investigation.

Before we delve into our factual findings and key recommendations, it is important to note and place on the record the inordinate number of hurdles and obstacles the subcommittee faced during this investigation process, from securing witness availability to obtaining what should be readily-available information from the administration. These delays and hurdles have done nothing but hurt this process in not allowing the subcommittee to fully investigate all of the facts in puts somewhat of a hindrance on the completion of the investigation and this report. Notwithstanding those obstacles, the subcommittee was able to review an appropriate amount of documentation, as well as interview a reasonable number of individuals in order to gain a very appreciable understanding of how the animal shelter functioned both before the state inspection, and how it now functions moving forward.

A. The State’s Inspection Report

The impetus for this herein legislative investigation was the July 16, 2018 inspection and subsequent report issued by the New Jersey Department of Health.⁴ Although the report highlighted a number of deficiencies associated with the Hamilton Township Animal Shelter, there was a number of issues and/or deficiencies reported which, this subcommittee was unaware, and which this subcommittee fully believes, as a result of said investigation, that most people were unaware. Although it is agreed by this investigation subcommittee that all of the issues and/or deficiencies identified in the State’s report are important and need to be fully addressed by the Animal Shelter moving forward, those issues which this report tends to highlight and focus on are as follows:

- Issue(s) concerning the euthanasia of animals at the Animal Shelter and the practice(s) and procedure(s) associated therewith;⁵

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⁴ A complete copy of the State’s inspection report for the inspection conducted on July 16, 2018 is attached to the appendices of this report as Appendix A.
⁵ Section 1.10(a)(1) and 1.11(c), (e) & (f) of State’s inspection report for inspection conducted on July 16, 2018 by Linda Frese and Dr. Colin Campbell of the New Jersey Department of Health (Appendix A); see also N.J.S.A. 4:19-15.16.
Issue(s) concerning the ordering, inventory (record keeping), access and disposal procedures as it pertains to the medication(s) and other drug(s) which were kept on-site at the shelter location;\(^6\) and,

- The structure and organization of the Hamilton Township Animal Shelter, which includes the staffing levels of the shelter, the procedures in place as it pertains to record keeping at the shelter, and the quality/level of management and training provided to the animal shelter employees.

This investigation subcommittee does recognize, and this report will also briefly touch upon, some of the other issues and/or deficiencies either found by the aforementioned State of New Jersey inspection dated July 16, 2018, or through the investigation conducted by this investigation subcommittee. These include, but are not limited to the procedure(s) regarding volunteer rescue organization groups’ participation at the animal shelter and some of the actual “physical” deficiencies with the animal shelter building itself, the cleaning procedures previously implemented and associated therewith, and recommendations moving forward. Although those issues may not be fully set forth in this report and highlighted as a specific issue and/or key recommendation herein, this subcommittee does realize and understand the importance of same and the need for those issues to be remedied and improved as the animal shelter continues to operate in the future.

II. Goals and Principles of the Investigation

As previously set forth, this investigative subcommittee is provided with the statutory authority to conduct these types of investigation(s), and it was the goal of this subcommittee and continues to remain the goal of this subcommittee, to identify the issues, gather all of the necessary and relevant facts associated with those identified issues, and provide a summary of said information obtained, and recommendations on how to improve those issue(s) moving forward. It continues to remain the goal and principle of this investigation subcommittee to uncover the facts and identify potential solution(s) moving forward, as well as to help correct and reverse those issue(s) and deficiencies identified. This bi-partisan investigation subcommittee can agree that any and all politics have been put aside, and only the best interests of the animals at the shelter, those animals who will be sheltered at the facility in the future, the Hamilton Township residents and the efficient utilization of taxpayer’s funds are the primary concern and focus. As previously mentioned, although the investigation had some roadblocks and stumbling blocks in terms of gathering the documentary information relevant to the investigation, this subcommittee believes this summary report achieves

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\(^6\) Section 1.9(a) of State’s inspection report for inspection conducted on July 16, 2018 by Linda Frese and Dr. Colin Campbell of the New Jersey Department of Health (Appendix A).
said goals and principles of the subcommittee and should assist in making the animal shelter even better than it was before.

III. Key Findings of the Investigation

The key findings that the investigation subcommittee has highlighted in this report and which the investigation concluded were as follows (Please note that these key findings are further summarized at the end of this report preceding the recommendations portion):

1. The Hamilton Township Animal Shelter needs better organization and structure. Written policies and procedures need to be established and implemented, as well as written and defined job descriptions for all positions staffed by the shelter.

2. The Hamilton Township Animal Shelter needs better supervisory leadership from the top and accountability for all employees. This will insure a better work product at the shelter and a better sense of morale amongst the employees.

3. The Hamilton Township Animal Shelter needs to upgrade and put into place more efficient processes and procedures, such as record-keeping and inventory of medications and other products, which includes adequate, proper and consistent training of the shelter employees as to these process(es) and procedure(s) to maintain consistency, accountability and sustainability; and,

4. The Hamilton Township Animal Shelter must continue to prohibit owner surrenders of animals and must continue to prohibit any and all euthanasia practice(s).

IV. Hamilton Township Animal Shelter- Historical Background

The municipal investigation subcommittee felt that it was important, not only to the integrity of the investigation, but for the public’s benefit, to provide the historical background as to the Hamilton Township Animal Shelter to assist in putting the forthcoming matter(s) into context.

The Hamilton animal shelter located on Sylvan Avenue was constructed in 1971 with an addition added in 1989. The shelter expansion, which had its grand opening in 2015, was designed to increase the animal capacity. The new addition to the facility increased the dog kennels from twenty (20) to thirty-six (36) kennels, and doubled the number of room space for cats from twenty-five (25) to fifty (50). According to the township administration, the expansion was to include a larger animal medical area, two (2) new adoption rooms and a much-needed grooming area.
What initially sparked this investigation was an inquiry from the governing body wanting to better understand why the euthanasia rates at the Hamilton Township Animal Shelter had not improved, even though the shelter staff and administration had made previous pronouncements that the newly renovated and expanded shelter would do just that. This inquiry and subsequent July 2018 New Jersey Department of Health inspection revealed the ongoing issues and problems which the animal shelter has only now begun to address. We also believe that this investigation should also assist in improving the efficiency and operation(s) of the facility and the quality of life of the animals sheltered therein.

A. Structure & Organization of the Hamilton Township Animal Shelter

One of the main issues in which this investigation subcommittee looked into and directed much of our inquiry was to the overall structure and organization of the Hamilton Township Animal Shelter, both prior to the date of the New Jersey Department of Health’s July 16, 2018 inspection and, after said inspection, if any change(s) have been made.

The previously mentioned July 16, 2018 state inspection did yield some deficiencies which brought one of the main focuses of our investigation into the structure, organization and management of the animal shelter. Prior to and subsequent to the July 16, 2018 state inspection, the number of overall personnel/employees associated with the Hamilton Township Animal Shelter has not changed.

Currently, the structure of the animal shelter remains at approximately twelve (12) to thirteen (13) employees, ranging from mostly part time employees and some full-time employees. Under the overall supervision and direction of the Director of the Department of Health, the ACO Supervisor is the individual responsible for the supervision and management of the employees, and who is at the animal shelter on an everyday type basis. The Shelter Manager/ACO Supervisor, along with the Assistant Shelter Manager, oversees the employees of the animal shelter, who consist of the other Animal Control Officers (“ACO”), vet techs, animal attendants and other support staff. The following demonstrates the current organizational chart of the Township animal shelter.

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7 Sections 1.8(a), 1.8(c), 1.9(a), 1.9(b), 1.11 and 1.13 of State’s inspection report for inspection conducted on July 16, 2018 by Linda Frese and Dr. Colin Campbell of the New Jersey Department of Health (Appendix A).
Unfortunately, there were no individual, written job descriptions for any of the positions located within the Hamilton Township Animal Shelter. As evidenced by the interview testimony provided (as summarized below) during the course of this investigation, it became apparent that it was/is extremely difficult for all of the animal shelter employees to work consistently well together and efficiently if there are no established, written job duties and responsibilities. The lack of such descriptions and duties also tends to lead to a lack of ownership and responsibility when certain required tasks are not performed. The need for the immediate provision of written job descriptions outlining the individual job duties and responsibilities is one of the recommendations that this investigation committee is providing as part of its conclusions associated with this investigation.

In addition, the sworn, interview testimony and the results of the State Health Department inspection also revealed a lack of animal shelter written policies and procedures as to the overall operation of the facility. This included the failure to have adequate written, cleaning procedures in place which is extremely important when running an animal shelter as well as written job descriptions clearly defining the associated job duties and responsibilities. These are some of the examples of the types of issues which became apparent during the interviews of the individuals which became a major concern and, ultimately, the source for the key findings and recommendations set forth in this investigation report of the investigation subcommittee. It does appear that since the July 2018 state inspection that such cleaning type procedures have been established in writing and are now posted throughout the animal shelter facility. Again, this is a positive step moving forward in ensuring that the facility is being properly run and maintained.
V. Summary of Interviews Conducted by the Subcommittee

Certainly and most importantly, the main component in gathering the requisite information for the subcommittee to understand the issues surrounding the Hamilton Township Animal Shelter and to begin to figure out ways to improve and correct those issues moving forward, was to have certain individuals come in for interviews, which interviews were recorded and in which sworn testimony was provided by each individual who was interviewed. Please further note that the investigation subcommittee will provide its opinion as to the testimony provided and the credibility established therein. The subcommittee does thank all of those witnesses who took the time to provide truthful testimony to the subcommittee in furtherance of its efforts. Without the testimony of the witnesses, this report would not be as fully complete and accurate.

A. Summary of Interview of Jeff Plunkett (10/09/18) (11/09/18)

During the October 9, 2018 special meeting regarding the Hamilton Township Animal Shelter, Mr. Jeff Plunkett, Township Health Officer and Director of Health, Recreation, Senior & Veterans Services made statements at a Hamilton Council meeting regarding the township’s animal shelter. Mr. Plunkett was subpoenaed, placed under oath and further questioned before the investigation subcommittee during the November 9, 2018 meeting.

During the discussions regarding the construction and renovation of the animal shelter, Mr. Plunkett testified that he had little to no involvement in any of the decision making and throughout the construction phase of the project. As the Township Health Officer at the time, Mr. Plunkett had testified that he did sit in on the bi-monthly meetings with the construction company and other Township officials, but he basically did not have any input. According to Mr. Plunkett, those meetings were chaired by the Engineer and were not attended by the Mayor. When questioned further about his role in the process as the Township Health Officer in determining whether or not the proposed plans and construction met with State code regarding animal shelter facilities, Mr. Plunkett advised the subcommittee that the construction plans did comply with state code regarding the animal shelter facility. Mr. Plunkett further stated he could not recall signing off on any of the plans. Mr. Plunkett also testified that he was not involved in the decision making of whether to expand the existing animal facility or build a new facility. He did advise the subcommittee that he was responsible for exploring satellite sites within the township which was part of the process to determine if the shelter could have been built elsewhere. This process was done to help the township determine which option would be best to pursue. He participated in this process, but stated he was not involved in the decision making.

8 Subject to all applicable law(s), copies of the tapes of the interview proceedings may be made available upon request.
Hamilton Township

HAMILTON TOWNSHIP GOVERNING BODY ANIMAL SHELTER INVESTIGATION SUBCOMMITTEE
SUMMARY REPORT ON THE SUBCOMMITTEE’S FINDINGS & RECOMMENDATIONS

Regarding the July 16, 2018 State of New Jersey Department of Health inspection, the subcommittee brought to Mr. Plunkett’s attention some of the issues brought up during said inspection regarding the improper ventilation in certain rooms and the construction standards of the same. Mr. Plunkett advised that when he became the Director after the construction work had been completed, it appeared that said issue would be something to discuss with the Engineer, Mr. Neville, who drafted the specifications and drawings for said work. The subcommittee was attempting through its inquiry to determine exactly who was the individual responsible for signing off, and approving the plans and drawings. This was due to the fact that this work was ultimately found to be in violation per the New Jersey Department of Health’s July 2018 inspection. No direct response was ever provided to this subcommittee to this inquiry which is both disturbing and puzzling. Mr. Plunkett stated he does not recall signing off on any plans. This question of ultimate responsibility for the construction of the animal shelter still looms large and continues to be unanswered, and also remains a concern for the subcommittee in how this shelter expansion construction project was managed from the start. There appears to be a lot of finger pointing and claims that there was little to no involvement, or that the individual was not there when the initial decisions were made regarding this project. However, what this subcommittee does know is that on March 23, 2012, Under Mayor John Bencivengo, the township council approved a $24,000 contract for a redesign of a new building. That award went to the architect firm of Wayne A. Neville of West Berlin, NJ. In the March 23, 2012 Trentonian Article, the township was looking to remove the aging facility and replace it with a brand-new facility.

Essentially, Mr. Plunkett’s sworn testimony to the subcommittee was that he essentially had little to no role in the construction/renovation of the animal shelter facility. His sole role discussed would be to essentially pay invoices provided to him after the construction department and/or construction official signed off on that portion of the work. He did mention he had a limited role in that he would relate any suggestions offered by any of the Township Animal Control Officers (ACOs’s) to the company performing the construction and Engineer at the bi-monthly meetings. When asked how often this type of instance occurred, the subcommittee was advised that this happened in very rare instances with Mr. Plunkett being able to only recall a couple of times.

Mr. Plunkett stated that he visits the shelter 2 to 3 times a week. When asked if he is doing those number of visits after the state inspection, he replied that he’s been doing that always, a statement that is contradicted by other employees who were subsequently interviewed. Mr. Plunkett was asked if he held regular staff meetings with the ACOs and animal shelter staff, to which he replied, “no.” When asked by Councilmember Rick Tighe if he had regular meetings with leadership, Mr. Plunkett asked Mr. Tighe to rephrase the question. Mr. Tighe then asked if he had regular meetings with leadership and or his staff to which Mr. Plunkett stated he has regular meetings with the administrative staff and with the animal shelter, contradicting what he said earlier when he was asked if he had regular staff meetings with shelter employees, he had stated no.
Regarding animal shelter inspections, Mr. Plunkett stated that he was aware of the state law requiring yearly inspections of the shelter. Mr. Plunkett stated that he did not inspect the shelter because he believed that it was a conflict of interest. When asked how the shelter receives its license, he stated that it is issued by the Department of Health which he oversees. He stated that it is in the code that the shelter has to be inspected, but he believed it to be a direct conflict of interest. He said he contacted the state and expressed his concern of being a direct conflict of interest, Mr. Plunkett stated that the state recommended he call another municipality. Mr. Plunkett called West Windsor who performed an inspection of the shelter prior to the inspection of the state. It is important to note that for all the years Mr. Plunkett has been the Health Officer, he has never inspected the shelter knowing he was in violation of the state law. Failure to inspect the animal shelter was a direct violation of the state law N.J.S.A. 4:19-15.8. It was the impression of the subcommittee that Mr. Plunkett did not seem to be too overly concerned over not performing inspections, even statutorily required inspections. It seems to the subcommittee that his level of concern was only first raised in the summer of 2018 when the shelter came under fire for its high kill rate and other concerns that were being raised publicly by residents of the township and animal activists. The investigation subcommittee believes that because the shelter’s record was under fire that Mr. Plunkett decided to contact the state department for guidance as to what he should do regarding inspections. West Windsor Health department conducted an inspection of the animal shelter on July 11, 2018. The West Windsor inspection was conducted by Ms. Cheryl Wnek, REHS. Ms. Wnek’s inspection found no significant findings and gave the shelter a satisfactory rating. The West Windsor report was signed off by their Health Officer, Ms. Jill Swanson. It is important to note for this report that the validity of the West Windsor inspection report came under scrutiny following the findings of the state inspection.

Regarding training at the animal shelter, Mr. Plunkett stated that “no one in the state of NJ at the Health Officer and REHS level that has ever received specific training. Continuing ed in NJ are the privy of the Health Officer, on state website there is no training for any animal control issue.” According to Mr. Plunkett’s statement, there are no trainings offered by the state of NJ. Mr. Plunkett advised that Dr. Boden (the newly hired veterinarian) had agreed to provide training to the ACO’s in terms of euthanasia. Although Mr. Plunkett expects there to be no further euthanasia procedures being performed at the township animal shelter, the New Jersey Department of Health July 2018 report did request that the ACO’s be further trained in euthanasia for any potential emergency situation which may arise in the future. Therefore, in order to adhere to what the State is requesting and for those emergency situations, Mr. Plunkett did advise the subcommittee that any associated training would be conducted by Dr. Boden. Again, this is a positive step moving forward and is one of the subcommittee’s recommendations. The subcommittee would like to see much more training provided to the ACO’s and other animal shelter staff besides euthanasia training. Based upon some of the other interviews conducted of the employees, this is a glaring issue which must be addressed better moving forward than what has been testified to. Consistent
and ongoing training is important and crucial, given the nature of the jobs the animal shelter employees are performing. They must be kept up to date with any changing procedures, laws, regulations, techniques, etc. The Director of Health and shelter supervisor /manager has overall responsibility for making sure this happens and should be held accountable when things are not being done.

When questioned on October 9th about the progress of the animal shelter’s standard operating procedures (SOP’s), Mr. Plunkett advised at the time that the draft of same is being reviewed by the new supervisory veterinarian, Dr. Boden, who was in the process of making edits to same. He advised that he anticipated that the SOP’s would be finalized and signed off on in the very near future. This was a major concern of the subcommittee in conducting this investigation in finding out that there were no formal SOP’s in place, especially as it pertained to the sanitation and record keeping operations at the facility. Mr. Plunkett at the October 9, 2018 interview was not forthcoming in admitting there were no SOPs in place. He had to be asked numerous times until he finally admitted SOPs did not exist. As the Health Officer and as the Director of Health with the responsibility of overseeing the animal shelter, it was apparent to the subcommittee that Mr. Plunkett did not seem concerned that no standard operating procedures for the animal shelter existed and it was only now, when the shelter and its operation were under scrutiny, that he took any form of action to begin the process of drafting SOPs. Again, this is another key recommendation that this subcommittee will be setting forth in this investigation report in that written SOP’s need to not only be in place, but also remain in place with consistent and continuous review and/or updating. As of the writing of this report this subcommittee has been provided with only a draft copy of proposed SOPs. The subcommittee has made numerous request via email for copies of the final SOPs at the shelter, but as of the completion of this report the administration has failed to provide the latest copy which leads the subcommittee to question whether Mr. Plunkett has followed through and finalized the SOPs at this point in time, which is now approaching ten (10) months since the July 2018 state inspection.

Regarding record keeping, Mr. Plunkett advised the subcommittee that the electronic forms had been updated and are now “online” within the computer system and are functional as part of the animal shelter processes and procedures. There were issues raised as to protecting and safeguarding the system from fraud so there is legitimate accountability and transparency so anyone can determine when reviewing the documents who would be responsible for certain actions. As of the writing of this report the system that was originally put in place was changed to a new system, Pet Point system which is a web-based program. The subcommittee was not notified of this change by anyone in the administration. It was not until a regular township council meeting in February 2019 that the council was told by the Township Business Administrator, Mr. Dave Kenny, that the change was made because the original digital system that the township IT department under the direction of Mr. Marty Flynn, implemented was not operating the way they
would have liked. It is important to note that at the writing of this report the township administration has not responded to the emails of the subcommittee requesting specific information regarding Pet Point and its implementation. Therefore, although it appears that steps are being taken to implement these much-needed records keeping systems, those steps are very small and much more work needs to be accomplished in this area.

The subcommittee further questioned Mr. Plunkett regarding the re-inspection report of October 2018. According to Mr. Plunkett, Ms. Linda Frese and Dr. Campbell from the State of New Jersey conducted the re-inspection. At that inspection, Mr. Plunkett, Mr. Bencivengo and Mr. Kohlke were present from the Township with Mr. Kenny arriving during the inspection. A question arose during this re-inspection regarding the medication procedures at the facility. This is another issue of concern which is touched upon later in this report and which needs to be closely monitored moving forward in terms of inventory of medication(s), etc.

After the re-inspection, it was determined that there should not be any part-time ACO’s administering medication during the evening hours when the part timers are the only ACO’s working. To satisfy this concern, Mr. Plunkett testified that Dr. Boden is currently implementing new medication controls/procedures to alleviate these concerns. Essentially, the full time ACO who works during the day time hours will be the individual responsible for administering the medication to the animals. The subcommittee is awaiting to confirm that these procedures have been implemented in the allegedly newly drafted SOP’s. It is important to note that to date this subcommittee is still awaiting final copies of the alleged SOP’s. When Mr. Plunkett was asked about how many volunteer organizations the shelter was working with Mr. Plunkett stated they were working with AFEW who was not only working with the shelter, but also provides significant financial support to the shelter. He stated the ACO supervisor calls many others but he could not give specific number or could he name those organizations.

At the October 9, 2018 meeting, when Mr. Plunkett was asked if he could explain what a no kill shelter is, he said that is a subjective question that everyone else has a different opinion on. He then went on to state that he was not asked by Council President Carabelli to give opinion on any policy or subjective issue. When read the definition of a no-kill shelter by Councilman Rick Tighe, he was then asked by Mr. Tighe if he would describe the Hamilton Township animal shelter as a no kill shelter and he said “under the definition you read me, yes” and that they did not perform any euthanasia. When asked what measures have been taken to reduce the kill rate, Mr. Plunkett stated they are no longer taking owner surrenders.

When Mr. Plunkett was asked about those owner surrenders, he confirmed that when an owner would bring in their pet to be euthanized, they did not question the owner. They just honored the request to euthanize the pet. Mr. Plunkett also stated this on the TV show, Chasing News. This statement contradicts the sworn statement(s) made by Mr. Todd Bencivengo and other ACOs who
stated that they would collect the owner’s veterinarian paperwork before euthanizing an owner surrendered pet. Based upon his own sworn statements, Mr. Plunkett was aware of the state’s seven (7) day hold period (N.J.S.A. 4:19-15.16) yet he felt the township was performing a service. Mr. Plunkett being aware of the state’s seven (7) day hold period violated the law by euthanizing owner surrendered animals, along with failure to review any documentation regarding the animal’s health. Mr. Plunkett as the township Health Officer and as the Director of Health allowed this practice to occur at the shelter for a substantial period of time. One must consider that some owner surrenders were done not necessarily because the animal was sick, but scenarios could have existed where the owners simply wanted to get rid of the animal out mere “convenience.” It is reasonable to assume that healthy animals may have been unnecessarily euthanized based upon this practice.

The issue as to the animal shelter not having the appropriate size scale to weigh large dogs has been alleviated as Mr. Plunkett advised the subcommittee that the animal shelter had just received the larger scale and it is now in the facility and functioning. The committee later learned the shelter did not in fact have a functioning large dog scale at the time of Mr. Plunkett’s statement. Apparently after the July 2018 initial state inspection, the shelter had ordered a scale which ended up still being too small and they had to re-order a larger scale. That issue is now rectified which was important in terms of operating the shelter in a responsible and proper manner. This was also confirmed by the subcommittee in its interview with other shelter employees as noted throughout this report. It is important to note, the shelter operated without a proper scale from the time Mr. Plunkett took over as Director of Health. Failure to have proper size scales throughout the years under Mr. Plunkett’s leadership raises serious concerns as to animals being euthanized without the proper amount of medication as the required dosage was to be based upon the actual weight of the animal. Mr. Plunkett denied in his testimony that such a scenario could happen, but the facts, which are stated in the state report (i.e. no scale, stethoscope present in the euthanasia room during inspection, improper documentation, including improper documentation of medications along with expired medications), raises serious concerns regarding proper execution of euthanasia.

The State inspection report cited that there were numerous bottles of expired medications that have been prescribed by various animal hospitals to animals that were housed at the shelter, but there were no medication administration logs or other treatment records available to indicate why those medications had not been administered as prescribed on the prescription label. There were medications expired from 2013, 2015, and 2017. This raises serious concerns and indicates a lack of oversight for dangerous controlled substances at the shelter.

**B. Summary of Interview of Marty Flynn (11/09/18)**

Mr. Marty Flynn was subpoenaed, placed under oath and interviewed by the subcommittee during its meeting of November 9, 2018. Mr. Flynn testified that he previously served as the Director of Health, Recreation, Senior and Veteran Services for the Township which the animal shelter fell
under his purview as the Director of Health. He stated in his interview he was “directly responsible for the animal shelter.” He began in July 2013 and subsequently held that position until the fall of 2015. At that time, he moved over to the office of Economic Development. However, during the years associated with his involvement with the animal shelter as the Director of Health, Mr. Flynn advised the subcommittee that he took an “active” role in making sure making the shelter was supervised in a proper manner.” This “active” role consisted of “making sure that the shelter ran well.” He stated he did not get involved in the day to day operations. He advised the subcommittee through his testimony that he left a majority of the overall day to day responsibility to the supervising veterinarian to whom the Township would contract with as an outside contractor and not an employee of the Township of Hamilton.

When Mr. Flynn was overseeing the shelter, there were approximately five (5) to six (6) total employees working at the shelter. When asked about the laws concerning the animal shelter, Mr. Flynn advised that he was aware of the laws and its changes during the course of time to which he was the Director of Health.

When questioned about the fact that there were no SOPs or written policies at the shelter, Mr. Flynn stated that fell under the supervising veterinarian. He stated that he “made sure that those administrators involved did their job”, to which the subcommittee took as he assumed the supervising veterinarian was doing his job. Mr. Flynn also admitted to having no meetings with the animal shelter staff to review policies and/or procedures. Mr. Flynn testified that he did have conversations with employees regarding the operation of the shelter, but he never had requested for the employees to show him forms, or how certain procedures were performed, most importantly being the euthanasia procedure(s). He advised the investigation subcommittee that he would rely upon the supervising veterinarian to implement such processes and procedures associated with the operation of the animal shelter, as same was part of the veterinarian’s contract with the Township. The fact that there were no SOPs and no written policies in place ultimately does fall under the Director; yet throughout his interview Mr. Flynn avoided taking any responsibility for the failure to have any SOPs or written policies in place and continued to place such responsibility on the contracted veterinarian.

Regarding inspections, Mr. Flynn stated there was never an indication that there were any issues, including any shelter inspection issues. He stated that he “always worried about making sure that everything that was supposed to be done up to code was done.” He believed that all of the Township employees were doing their job, and he relied on them to do their respective jobs and that he would be contacted if needed. He testified that he worked collaboratively with all Township officials and with the department employee(s) to insure that the shelter was running up to and accordance with the applicable laws and up to applicable code(s). He continued to testify to the
subcommittee that he had no reason to believe or think that the shelter employees were not doing their respective job(s).

When further questioned about inspections and that prior to this year, the shelter has been operating without an inspection, the health department believed inspecting its own shelter presented a conflict of interest and only this year when the issues with the shelter gained attention did the health department reach out to West Windsor department of Health to conduct an inspection. Prior to all those years the health department was just issuing a license with no inspection. Mr. Flynn stated, “I was not aware that there were no inspections.” Mr. Flynn failed to accept any responsibility regarding the failure to have the animal shelter inspected as required by law. Again, as before in his testimony, Mr. Flynn continued to put the responsibilities on the supervising vet and took zero responsibility.

Director Flynn’s claim that he did not have any knowledge or understanding of any of the problems set forth in the July 2018 state inspection is baffling. His statements to this subcommittee while under oath reflected a lack of consistent management and supervision. This lack of accountability and oversight appear to have directly led to the poor conditions reflected in the state report.

Although Mr. Flynn never personally asked to see the paperwork and/or processes and practices in place, he believed the shelter was being operated in a positive manner, since there had been no real complaints over the years that he was serving as the Director. It appears to this subcommittee from the testimony provided that there were some higher-level discussions with Mr. Flynn as the Director and the supervising veterinarian, and there was consequently a lot of trust placed in the hands of the contracted veterinarian to essentially ensure the shelter was running in accordance with all applicable law(s). Mr. Flynn in his statements placed all responsibility on the veterinarian basically passing the buck for any shortfall on him as Director. This is not the best way to oversee and manage a department. It is clear that there was a true lack of direct oversight and an active supervisory role/approach being taken by the Director. This must be corrected moving forward to ensure things are being done properly and that there is accountability amongst the animal shelter staff.

Next, Mr. Flynn provided testimony regarding the renovation/expansion of the animal shelter facility. He testified as to the collaborative effort involved in the coordination and construction of the animal shelter addition. According to Mr. Flynn, the bid process was completed and the approved plans were already in place prior to Mr. Flynn taking over the Director’s position in 2013. Therefore, he was not part of the initial discussions concerning whether or not the project would be an expansion/addition or if it would be a new construction; the decision had already been made. Mr. Flynn said he did see the plans and when he arrived “it was a package ready to go.” He said he was involved in the construction piece.
Mr. Flynn was then questioned by the investigation subcommittee regarding the actual construction of the facility expansion and the renovation of the older portion of the facility. Mr. Flynn was unaware of the apportionment amounts budgeted for the expansion versus the renovation portion of the project. According to Mr. Flynn, the building construction was inspected and was acceptable based upon said inspections. There was nothing that didn’t pass inspection pursuant to the construction code. There were bi-monthly meetings during the construction phase with the Architect, Engineer, Purchasing Agent, himself and the ACO’s to ensure that all was going in accordance with the plans and specifications. Mr. Flynn was asked if Mayor Yaede attended any of the meetings and he replied saying, “no.”

Regarding the new animal shelter expansion there were issues with the isolation rooms not having adequate isolation rooms. Mr. Flynn stated he did not know there was a problem with the HVAC, and that no one had told him there was a problem with it. The room could not be heated about 40 degrees Fahrenheit. He stated he was not notified. Mr. Flynn stated he was not aware of the issue even though he was the main contact person for overseeing the construction and the main contact person according to Mr. Wayne Neville from the engineering company. Mr. Flynn stated, “there was nothing that did not pass inspection.” As of the writing of this report the administration has yet to produce documents confirming that inspections were completed and signed off by appropriate personnel.

Currently, Mr. Flynn serves as the Director of Economic Development & IT and is the Chief of Staff to the Mayor. He was questioned by the subcommittee as to his new role and responsibilities as it relates to the animal shelter, to which he advised that he is part of the process in the shelter now digitalizing the forms associated with the processes involved. He was unaware at the time of his interview as to the current status of that project, although he testified, he was involved in same. As of the writing of this report a new system, Pet Point, has replaced the original digital system Mr. Flynn said was being implemented. To date, the subcommittee has yet to receive any of the information requested regarding the new Pet Point system.

Overall, the subcommittee had a very similar feeling coming away from this interview as it did with Mr. Plunkett. There appears to not have been a lot of supervision and direction from the administration and department head(s) for what appears to be a very long period of time until the state came in and performed its inspection in July 2018. A clear failure on the part of Mr. Flynn and Mr. Plunkett to accept any responsibility regarding the findings and conditions of the animal shelter. This absolutely needs to be addressed and rectified moving forward and is one of the subcommittee’s key recommendations.
C. Summary of Interview of Todd Bencivengo (11/09/18)

Mr. Todd Bencivengo was subpoenaed, placed under oath and interviewed by the subcommittee at their meeting of November 9, 2018. Todd Bencivengo was the ACO supervisor and an ACO himself with the Township\(^9\). He testified that he has been employed by the Township since 1982 when he was first employed as an animal attendant. He has since become an assistant ACO, a full time ACO and now the supervising ACO for the Township.

Mr. Bencivengo was asked by the subcommittee as to the changes that have occurred at the animal shelter since the July 2018 state inspection. Mr. Bencivengo advised and confirmed of the new record keeping system being implemented at the shelter, as well as new chemicals and cleaners being used for sanitation purposes and the more training to be implemented for the staff. Again, all of these purported and/or proposed changes are what the Township and this investigation subcommittee is looking for in moving forward with the animal shelter facility. In addition, Mr. Bencivengo also advised that the only drugs/medications administered by the supervising veterinarian are on site at the shelter, but locked in a safe. This again appears to be the correct procedure now being implemented at the animal shelter. In terms of current staffing at the shelter, Mr. Bencivengo testified that there are twelve (12) to thirteen (13) current employees of the shelter who consist of ACO’s, vet and animal attendants and other support staff. As the ACO Supervisor, Mr. Bencivengo stays inside the shelter to ensure that the day-to-day operations as the facility are functioning properly and to assist with any questions/issues from the staff and public.

In terms of training, Mr. Bencivengo is a certified ACO and still attends training on a regular basis. In training of employees, Mr. Bencivengo admitted that the responsibility falls upon him and that any dereliction of duties on the part of the staff would be his responsibility. It was clear from Mr. Bencivengo’s testimony that he had no disciplinary power, or, alternatively, failed to exercise same as the supervisor of the shelter. It appears that mistakes were permitted to be made over and over on a consistent basis with no consequence(s) for the employees nor himself. When asked what corrective measures he would take as the Supervising ACO if an employee was not doing their job correctly or documenting properly Mr. Bencivengo stated that, “they would just continue doing it until they got it right.” Mr. Bencivengo at no time during his interview took any responsibility for his failure to properly hold any employee accountable. This is something that must be changed moving forward so there is more accountability and, thus, more pride in each shelter employee’s work.

Mr. Bencivengo also discussed that there is always an ACO on duty, even when the shelter is closed to the public and on holidays. The calls from the public are still being answered and tended

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\(^9\) Please note that during the course of this investigation and after this testimony was provided at the 11/9/18 meeting, Mr. Bencivengo resigned from the employment of Hamilton Township.
to during those times, as well as tending to the needs of the animals at the shelter. He also testified that the new division of labor amongst the ACO’s (1 ACO committed to medication administration while the other ACO focuses on handling the calls) is working well and seems to be helping in correcting the medication distribution issues and other office efficiency issues that existed prior to the July 2018 inspection.

Next, the topic of euthanasia was discussed with Mr. Bencivengo. According to Mr. Bencivengo, the medications utilized for the euthanasia procedure were the responsibility of the ACO performing that euthanasia procedure, even though the shelter had no formal written policy regarding euthanasia. However, he did admit that there was an ongoing issue with regards to the paperwork associated with those medications and the proper tracking of same. In addition, there was an issue with the proper dosage of the euthanasia medication being distributed to the animals, as the animal shelter did not have a scale to weigh the larger dogs. Mr. Bencivengo stated that the weight of the animal would be on the veterinarian’s paperwork and if not in those situations, they would simply estimate the weight of the animal and administered the euthanasia medication accordingly.

In the years Mr. Bencivengo worked at the shelter and in his current position as Supervising ACO, he had failed to take any corrective measures to address the failure to have a proper scale. He was fully aware that a scale for larger animals did not exist, yet took no initiative on his part to correct the issue. This issue was only corrected after the state’s inspection. He knew medications were being given in many cases as “estimated” doses yet took no corrective measures to change this. In fact, Mr. Bencivengo advised the subcommittee that he was not even aware that there were expired medications and medication dosages missing and was not first made aware of same until the July 2018 state inspection. This clearly highlights the fact that Mr. Bencivengo, as Supervising ACO, failed to oversee proper documentation and tracking of medications and failed to hold any employee accountable. He did advise upon questioning that owners for all euthanized animals were asked to bring in all associated paperwork and that the paperwork was attached to the animal shelter’s paperwork for that particular animal. He advised that all owner surrenders had paperwork from their veterinarian. When asked if that paperwork would all be there if audited, Mr. Bencivengo advised that it should be all there for at least the recent euthanasia procedures, which the last euthanasia performed by the shelter was back in August 2018. However, when the subcommittee requested documentation for all owner surrenders for 2018, most of the documents provided had little to no documentation from the veterinarian which was a direct contradiction to Mr. Bencivengo’s testimony as well as Mr. Plunkett’s testimony. Mr. Bencivengo seemed to be fully aware of his responsibilities, yet he consistently failed to make sure he and his staff were properly recording and maintaining documents.

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10 Mr. Bencivengo advised that he considered a large dog to be one over 50 lbs.
Again any and all responsibility for the proper administration and training in these procedures admittedly was that of Mr. Bencivengo, and all he could advise the subcommittee during his testimony was that he would try his best to correct those issues with his staff; although he never provided any examples of any disciplinary action being taken for such errors.

Mr. Bencivengo was then asked about the hoarder incident in May 2017 involving approximately forty-six (46) cats from a single home. He testified that there was no room for the forty-six (46) cats and that each one had an upper respiratory infection (URI) and ringworm and were in bad shape. When asked who determined that the cats had URI and ringworm, he stated he did, then at the shelter they used ultraviolet rays to diagnose the ringworm. He also testified that they called two (2) animal hospitals and it was determined that capacity was an issue. He, along with the Director of Health, Mr. Plunkett, made the determination to euthanize all forty-six (46) cats. Instead of attempting to call other shelters, or rescue organizations, Mr. Bencivengo advised that he first tried the two (2) vet hospitals who could not assist and he also stated when asked about AFEW, he stated he did not reach out to them. He did not try any of the other avenues when questioned. It is important to note that both ringworm and/or URI are treatable conditions which do not require the animal to be euthanized.

Finally, Mr. Bencivengo was asked about the rescue organizations to which the animal shelter works with. Mr. Bencivengo advised that the Hamilton Township animal shelter works with a number of rescue organizations. He immediately pointed out the following organizations to the subcommittee: AFEW, Tabby’s Place, Bucks County ASPCA, and Wild Paws.

Mr. Bencivengo testified that the current policy in place in terms of rescue organizations is that if a rescue organization wants to pull a dog from the shelter and another rescue organization has already invested money into that animal, the organization should be reimbursed for its expenses. Furthermore, Mr. Bencivengo advised at the time of the interview that adoptions at the animal shelter are going really well and they are averaging about 5-10 adoptions per week.

Regarding Mr. Todd Bencivengo’s personal dog per the advice of legal counsel, the subcommittee was asked not to publicly discuss the issue. It is important for purposes of this report to note that on August 3, 2018, Councilwoman Ileana Schirmer made a visit to the animal shelter. While at the shelter, in the new kennel area was a dog that she was told belonged to Mr. Bencivengo. When Mrs. Schirmer questioned the employee why was Mr. Bencivengo’s dog there at the animal shelter, she was told that Mr. Bencivengo was in the process of moving so he had brought the dog in for a little while. Mrs. Schirmer emailed the Township Administrator asking for an explanation as to why Todd’s dog was being brought to the shelter to which responses received from Mr. Deve Kenny and Mr. Jeff Plunkett were inconsistent. Subsequently, on August 8, 2019, Mr. Kenny responded in an email that “Todd adopted “Nate” after he was found injured and wrapped up in a chain. The owner agreed to let Todd have the dog. Nate has trouble acclimating because of his
earlier treatment. He does not like to be indoors, so Todd lets him remain outside at the shelter as part of his rehabilitation.” On the same day in an email from Mr. Plunkett, he stated, “Dave, they bring them for visit with kids and community service because they are very friendly.”

Later, on August 18, 2018 for Clear the Shelter Day, sub-committee members visited the shelter once again. In the very same area of the kennel, Mr. Bencivengo’s dog was present again. Subcommittee made numerous requests from the administration to provide proof that Mr. Bencivengo’s dog was used for visits with kids and community service, neither Mr. Kenny nor Mr. Plunkett was ever able to provide any proof or documentation. They basically ignored the subcommittee’s emails requesting that information. Based on the fact that the subcommittee received conflicting stories and based on the fact that no proof was ever provided by the administration demonstrates a lack of willingness to cooperate leading the subcommittee to conclude that Mr. Bencivengo was allowed by the administration to bring his personal dog to the shelter and use the taxpayer funded facility to house his dog at his convenience. Based on these facts the subcommittee concluded that Mr. Bencivengo knowingly and willingly used township resources for his personal benefit. This type of practice needs to be corrected moving forward.

Overall, the subcommittee came away from this interview and testimony that Mr. Bencivengo failed to take any action to assure that the shelter had written policies and procedures, proper tracking and documentation of medications. It was also evident from the state’s inspection report that Mr. Bencivengo knowingly failed to execute any supervisory authority. The subcommittee believes that bad practices based on this lack of supervision permeated through the animal shelter for many years and that many of the staff adopted a similar attitude and that this attitude appears to come from the top down. Again, this goes to the issue of accountability and discipline for those not performing their tasks or not performing those tasks appropriately. With new management, policies and procedures in place, the animal shelter will be on track for much better improvement.

D. Summary of Interview of Marian Munford (11/28/18)

Ms. Munford was subpoenaed, placed under oath and interviewed by the investigation subcommittee on November 28, 2018. Ms. Munford is currently employed by the Township as a full-time ACO and she currently works the day time shift at the shelter.11 She was first hired by the Township back in 2011 and began working part time. She became a full-time employee at the animal shelter back in 2013. In addition to her duties and responsibilities as an ACO, Ms. Munford is also a Vet Tech which is important in that she can work with the animals at the shelter in administering vaccines and other medications to the animals. She indicated in her testimony that she was not present for the July 2018 State of New Jersey inspection.

11 Please note that during the course of the investigation Ms. Munford was promoted to the position of Assistant Manager of the Animal Shelter.
When asked about the structure and organization of the animal shelter, Ms. Munford advised that Mr. Bencivengo was her supervisor and direct report. She did have some minor interaction with Mr. Plunkett when asked about same, but Ms. Munford only spoke about that interaction once the July inspection occurred and they needed to discuss changes with the shelter. Due to Ms. Munford’s Vet Tech experience, she typically remains in the animal shelter facility during her shift, only going out on the road for calls when necessary. Her supervisor and direct report, Todd Bencivengo one of the remaining two ACO’s at the animal shelter, also remains at the shelter tending to paperwork and dealing with the public and does not go out on the road to respond to calls according to Ms. Munford. That would leave the third ACO, Anthony Agabiti, to be the ACO responsible to go out on the road and respond to the calls for assistance.

Ms. Munford was asked by the subcommittee if she was aware of the state law regarding the mandatory seven (7) day hold as it pertains to the euthanizing of owner surrendered animals to the shelter. Ms. Munford testified that she was unaware of State law. When asked again if anyone instructed her regarding a hold period she stated yes, it was her supervisor and someone who doesn't work there anymore. When further questioned about who had trained her at the shelter, she indicated that she was initially trained when she first hired in 2011. Besides this initial training, Ms. Munford could not point to any other training she had received at the animal shelter since she has been employed.

Next, Ms. Munford was asked how the shelter dealt with an owner-surrender of an animal for ultimate euthanasia purposes. Ms. Munford advised that she would collect proof of ownership, copy of driver’s license, $100 owner surrender fee, and would have them sign the waiver/euthanasia form. She also said she would check to see if the owner had the animal’s medical records. She indicated she would make a copy of the documents and place them in the file. When pressed by the subcommittee as to whether there was certainty if medical documentation evidencing that the euthanasia was necessary was always provided by the owners attempting to surrender their animals, Ms. Munford was a bit evasive and could not fully respond to the question. She seemed as if she did not want to provide a truthful response as to this field of inquiries.

She was then asked if she was required to seek approval to perform the euthanasia, to which she indicated she would get approval from a supervisor. When the subcommittee followed up on this area, Ms. Munford once again became evasive, responding that she didn’t know if she sought the approval/authorization of the supervisor every time a euthanasia was performed at the shelter.

As to the actual euthanasia process, Ms. Munford testified that she would go get the medication from the safe to which she had the code. When asked where the code was kept, she claimed the code was in her head, but she could not remember it at the time of her testimony. In terms of logging the amount of medication, Ms. Munford advised that it was logged in the euthanasia log, the pen sheet and the log in sheet. However, in neither of these places did it note which individual
was performing the euthanasia. In terms of determining the appropriate amount of medication to give to the animal to be euthanized, since the animal shelter did not have a scale to weigh the bigger dogs, Ms. Munford testified that she would take every dog to be weighed at Dr. Carter’s office. She stated that was not documented now everything is documented. When asked how many animals would be euthanized in a week, she said it would depend on what comes in. This testimony is not consistent with the other testimony provided throughout the investigation that the dog’s weight was estimated for those bigger animals that they could not weigh on the small cat scale that was only available at the animal shelter. When asked by the investigation subcommittee if that was everyone’s policy to take the animals to Dr. Carter, she said she did not know. The subcommittee felt that this testimony was not truthful regarding this line of inquiry. Ms. Munford was asked which methods of euthanasia she would perform and she indicated two (2) methods; intra-cardiac and intravenous. She was trained in euthanasia by Dr. Samet at Yardville Animal Hospital, but she could not recall the year in which she was certified. When asked if she had performed euthanasia on animals when she was a part time ACO from 2011-2013, Ms. Munford could not recall as she was not sure the year in which she was certified by Dr. Samet.

In terms of the frequency of the euthanasia being performed at the animal shelter, Ms. Munford could not estimate approximately how many animals she had euthanized over her time as an ACO at the shelter. When asked to provide an estimate as to an average per year, per month or even per week, Ms. Munford could not provide any response. She said it was not a set number. When questioned as to whether documentation existed which would illustrate the number of euthanasia procedures performed, Ms. Munford testified that the euthanasia logs should provide the information.

Ms. Munford was then asked to describe her general duties as an ACO she advised that since she works mostly in house at the shelter (as described above) she works with the public and assists in dispatching the other ACO’s to the calls.

Dr. Carter was seen only occasionally at the shelter according to Ms. Munford. However, she was quick to indicate that the new veterinarian at the shelter, Dr. Boden, visits the shelter on a weekly basis, which is much better than with Dr. Carter in the past. This change in supervising veterinarian has been a positive thing for the shelter according to Ms. Munford.

Ms. Munford was then asked her thoughts about the State inspection. Ms. Munford testified that she was surprised that so many things were wrong. She claimed that whatever had occurred during the period in which she was on maternity leave she was unaware and could not testify. She seemed as though many of the issues had occurred only during her maternity leave.
However, since her return from maternity leave and State inspection, she indicated that things at the animal shelter have improved. She could not be too specific, but when pressed further by the subcommittee, she talked about the new pen sheet and log sheets, and cleaning procedures.

In terms of medications, she is permitted to dispense the medication but she does not give the actual medication to the animal. The animal attendants are the individuals who administer the medications. From what Ms. Munford could remember, there were five (5) animal attendants, four (4) of which are part time attendants and one (1) full time. In terms of accessing the medication, she no longer remembers the code so she needs another animal shelter employee to open the safe when she needs to access the medication. She advised that the employee is typically Anthony Agabiti, another full time ACO. Ms. Munford was vague in explaining her role in dispensing medication. She stated there was no controlled medication at the shelter. When asked what is kept in the safe, she stated she wasn't sure then when pressed provided additional information.

When questioned how often do they have regular staff meetings, Ms. Mumford stated when a problem occurred, they would talk about it, she would meet with her supervisor, Mr. Bencivengo as needed.

She was asked if they walked the dogs, Ms. Mumford stated they did and they did it out of love but it was not documented anywhere in the facility.

When asked if she has enough guidance and support in her position, she responded in the affirmative. She did think that there should be some additional training provided to the animal shelter employees. She was unaware of any ACO training and did not know if there was any training provided at the shelter. This is something that is clearly an issue which needs to be addressed moving forward and a key recommendation moving forward.

Overall, the subcommittee felt that the testimony provided was somewhat truthful but was also lacking and vague in many respects. Ms. Munford almost testified as on the defensive, which was not the goal of the subcommittee or what the investigation was intended. The subcommittee really hoped that more information as to what needed to be improved would have been provided. At the end, they believed much of the testimony was deflective and unproductive to the goals of the investigation.

**E. Summary of Interview of Anthony Agabiti (11/28/18)**

Mr. Agabiti was subpoenaed, placed under oath and interviewed by the investigation subcommittee on November 28, 2018. Mr. Agabiti is currently employed by the Township as a full-time ACO, and he currently works the day time shift at the shelter. He is one of the animal shelter’s full time Animal Control Officers who typically works the road and he responds to most of the calls. He was first hired by the Township back in 2011 and began working part time. He
became a full-time employee at the animal shelter back in 2014. His hours are Monday through Friday, 7:30 a.m. to 3:30 p.m.

He became certified as an ACO by taking the appropriate course(s) at Mercer County College in 2010. He became certified in euthanasia by Dr. Samet back in 2013 along with his fellow ACO, Marian Munford. In terms of his job duties and responsibilities, he advised that he handles dangerous animals, stray animals, dead animals and works with the animal shelter. In terms of placing a percentage on the animal control duties vs. animal shelter duties on a daily basis, Mr. Agabiti could not provide a percentage as he explained it changes on a daily basis. He is the only ACO on the road responding to calls during the morning hours. However, if there are no road assignments, he will stay at the shelter to do desk work, which he explained is voluminous. He said there is always work to be done at the shelter so he tries his best to help out when he is not out on calls.

When asked who he reports to he advised Todd Bencivengo. When asked who gives him assignments, he advised that it is basically whoever answers the phone and takes the call will give him the assignment. That could be either Todd Bencivengo, Marilyn Munford or himself. They all answer the phones and assist with the paperwork.

In terms of his involvement in medications, Mr. Agabiti testified that he has no involvement with the medications and has not since he became full time back in 2014. He did admit, however, that when he was part time, he would work holidays and snow days and be the only person on duty so he would have to administer medication.

Mr. Agabiti admitted he was involved with the euthanasia being performed at the animal shelter. Since the training received in 2013 by Dr. Samet, he has not received any further training in euthanasia. He was not aware of the owner surrender seven day (7) mandatory hold period until after the State inspection. When further asked why he was not aware of the law, he advised he was under the impression that the old law was still in effect, which was only a seven day (7) mandatory hold for strays, not for owner surrendered animals. In fact, he brought to the interview pages from his ACO certification course back in 2010 which taught the old law as stated above. However, he testified that he has just since learned that the law changed sometime around 2012 to require the mandatory seven day hold period for owner surrendered animals.

When asked about his access to the safe, Mr. Agabiti testified that he has access to the safe. He testified that everyone has had the code and access to the safe at some point, but most may have forgotten the code, because they always ask him to open the safe for them. He confirmed that the code is not written down or kept anywhere, but he has been able to remember it since it was told to him. He testified that the code has never changed since he has learned of it. He advised that the safe is currently stocked with syringes, certain medications and whatever the new supervising
veterinarian believes should be in there. He further testified that Todd Bencivengo and the supervising veterinarian put Ms. Munford in charge of the medication. When asked if Ms. Munford can access the safe herself, Mr. Agabiti advised that she can and that he has observed her in the past do so.

In terms of owner surrendered euthanasia, there was no written policy or procedure in the shelter regarding same. However, it was known that they performed euthanasia at the shelter for a $100 fee. He did testify that they would not just accept any animal for euthanasia; they owner would have to demonstrate that the animal was dangerous or extremely old and sick. Paperwork demonstrating ownership was provided. Mr. Agabiti stated that if it was an owner surrender and... "if they didn’t have any records, they didn’t have any records, we didn’t push it.”.

Mr. Agabiti was asked about whether he had to obtain authorization to perform a euthanasia. He stated it all depended on the situation. He testified that it varied which the subcommittee has taken to mean that it was not required on every occasion. Mr. Agabiti stated, “if an owner surrender came in to surrender a dog because they couldn’t care for it, etc., they would try to adopt it out. Yeah generally, any adoptable dog certainly, don’t want to load the shelter up with pitbulls that are going to sit there for years.”

Furthermore, in terms of obtaining the weight of the animal to determine the appropriate amount of medication to administer, Mr. Agabiti testified that they would try to find the weight on any of the paperwork provided by the owner or they would sometimes go weigh the dog at the veterinarian’s office up the road. He did testify that they did also estimate the weight sometimes. In those instances, he would always give a bit more medication to ensure that he did not underestimate the weight of the animal.

Next, Mr. Agabiti testified regarding the animal shelter’s policies and procedures surrounding stray animals. He advised that they would wait seven (7) days and then book the appointment with the veterinarian.

Since the State inspection, Mr. Agabiti testified that things have changed for the better at the shelter. The new supervising veterinarian is great and she comes into the shelter once a week to see the animals and give them their shots which helps tremendously. They no longer euthanize animals, which everyone is happy about at the shelter according to Mr. Agabiti. They no longer euthanize feral cats, and they now refer those calls to various trap, neuter release (“TNR”) programs for assistance and referral. They also have better cleaning procedures and instructions for cleaning are now posted throughout the animal shelter.

Regarding missing medication stated in the State’s report, Mr. Agabiti stated that he believes it was a paperwork issue, human error, basically a documentation issue. When asked if any new written directives or policies have been developed and/or disseminated, he stated there are written
policies for cleaning and disinfecting. When asked if there were any other written policies, he stated, no. He stated that nobody notifies them with changes with the laws. Overall, no one communicates to them of changes that affect their individual job duties and responsibilities.

In terms of improving the shelter, Mr. Agabiti testified that there could be more training on the new laws and regulations. In addition, staffing should be improved as there are too many part time employees and not enough full-time employees for the size of the shelter. He noted that before the animal shelter doubled in size, they had five (5) full time employees. Now the shelter is double the size, but yet they are down to four (4) full time employees.

All in all, the investigation subcommittee felt that Mr. Agabiti’s testimony was credible. Again, the clear lack of training was evident, as well as the lack of written policies and procedures in place. Finally, the subcommittee felt that better supervision from a manager would benefit the shelter which was evident when listening to Mr. Agabiti’s testimony. Overall, Mr. Agabiti’s testimony was helpful and also confirmed much of the prior testimony and the subcommittee’s beliefs as to how the animal shelter was functioning prior to the July 2018 state inspection.

**F. Summary of Interview of Jay Schutz (10/24/18)**

During the October 24, 2018 special meeting, Jay Schutz, part time ACO for the animal shelter was the only subpoenaed witness to appear. He advised the subcommittee that he was not notified of the subpoena to come testify before the subcommittee until just noon the very same day by the Township Administrator, Dave Kenny. Mr. Schutz was given the option to not go forward with the interview. Mr. Schutz opted to delay his testimony until such time that he conferred with an attorney. Since Mr. Schutz was a part time employee, and was not part of the union and therefore, had no union representation, the subcommittee decided to not move forward with interviewing Mr. Schutz.

**G. Summary of Interview of John Kohlke (12/12/18)**

On December 12, 2018, the investigation subcommittee met and interviewed Mr. John Kohlke, who currently is employed by the Township as the full-time animal attendant at the animal shelter. He was placed under oath prior to the commencement of the interview session.

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12 It is important to note that Mr. Kohlke was advised that he was entitled to have his union representative available to sit with him during the interview. This was also expressed in writing to Mr. Kohlke. However, Mr. Kohlke was advised on the date of his interview that a union representative was present prior to the scheduled interview time and someone from the Township advised the union representative that they were not permitted to be present, unknowingly to this subcommittee. As of the date of this investigation report, the subcommittee still has not found out the identity of that individual or individuals.
Mr. Kohlke advised the subcommittee that he began working at the Hamilton Township Animal Shelter in 1992 and was first placed in the position of “light laborer.” The duties associated with that job title appear to be almost consistent with the job duties and responsibilities Mr. Kohlke still maintains as the full-time animal attendant at the shelter.

According to his testimony, Mr. Kohlke cares for the animals at the shelter in that he is responsible for feeding the animals, making sure that the areas throughout the shelter are clean, and assists the public when they come into the animal shelter in terms of preparing and filing paperwork (intake forms, pen sheets, etc.). He also testified that he gives the prescribed medications to the animals and has been doing so since he started back in 1992.

He does not, nor had he ever had access to the safe where the medications are held. He also denied any involvement in any of the euthanasia procedures. He did say that any involvement, if any, solely consisted of him being in the room (not participating during the euthanasia procedure) and then taking the animal when the euthanasia was performed, placing the animal in a bag and bringing the animal outside to the outside freezer. There the animal would remain and would be picked up by the regular garbage collection. He advised that this was always the procedure for as long as he could remember. When further questioned about documenting any of these procedures, Mr. Kohlke noted there were not documents to evidence this limited involvement. In addition, when questioned about whether there was any paperwork kept as to the inventory or tracking of what was placed in the outside freezer, Mr. Kohlke advised that no such paperwork existed.

He testified that his supervisor was Todd Bencivengo. He also testified that when euthanasia was performed at the animal shelter that it was done by the Animal Control Officers. He himself was never trained in euthanasia as he did not perform the procedures.

Next Mr. Kohlke was about the typical intake procedures at the animal shelter. If an ACO would bring in animal in from a call, that ACO would be the individual logging in the animal and performing the intake. If a member of the public brought an animal in, Mr. Kohlke would then prepare the intake forms and handle the log in procedures associated therewith.

If he had to rank the top three (3) things that he performs on a daily basis he advised that it would be: taking care of the animals, making sure the medications are provided to the animals, and making sure that the building is clean.

The subcommittee then asked about shelter staff meetings to which he advised that there were never staff meetings that he was aware of prior to any changes being made before the State of New Jersey inspection in July 2018. Since that time however, Mr. Kohlke has seen a difference in the frequency in which he sees administration, such as Mr. Plunkett and Mr. Flynn. According to Mr. Kohlke’s testimony, prior the July 2018 state inspection, he estimated that he would see Mr. Flynn approximately one (1) to two (2) times per month and saw Mr. Plunkett about the same or less.
However, now he testifies that he sees both gentlemen approximately one (1) to two (2) times per week. In addition, they are following up more with him to make sure that the paperwork and the new forms are being filled out properly and put into the computer properly now that the intake and filling system has gone electronic. There appears to be more supervision over the shelter employees from members of administration ever since the July state inspection.

Ever since the state inspection, Mr. Kohlke advised that the place is a lot cleaner, the paperwork seems to be more on track and being filled out properly. Apparently, in the past there was a lot of misfiling, or improper placement of information on the forms. In terms of training, there was some initial training by Todd Bencivengo at the time of hiring, but there has been no annual or quarterly training since that Mr. Kohlke was aware. He himself has not received any additional training since his initial training received back in 1992. Evidence of this lack of training was confirmed when he was asked about the seven (7) day hold period. When questioned, Mr. Kohlke testified that he was only aware of the seven (7) day hold period for stray cats. He was unaware that there was also a mandatory seven (7) day hold period for owner surrendered animals before euthanizing the animal. This testimony confirms what the other animal shelter employees knew, which appears to be a lack of understanding or knowledge of the current, most up-to-date laws and regulations concerning animal shelters. Again, this goes towards one of the key recommendations of this investigation: the necessity that the animal shelter employees receive some sort of consistent, annual or bi-annual training with regards to the various facets of their job duties and responsibilities. This especially includes both the full time and part time animal control officers, who must be knowledgeable of the current laws and regulations as they respond to calls and deal primarily with the public and cur Township residents.

When asked about Mr. Bencivengo responsibilities, Mr. Kohlke testified that he gives out jobs to the ACO’s, assists Mr. Kohlke with the paperwork (filing of forms, OPRA requests, etc.) and assists with the public. However, in the past, Mr. Bencivengo did not have such an active role in making sure the filing and paperwork was being done properly.

When further questioned about the euthanasia procedures, Mr. Kohlke advised that euthanasia is no longer being performed at the animal shelter. However, when it was being performed at the shelter, he advised that typically it was Todd Bencivengo who would be the individual responsible for making that decision. The subcommittee then followed up concerning how the bigger dogs were weighed to determine the appropriate amount of medication to provide them for the euthanasia procedure. Mr. Kohlke affirmed Mr. Agabiti’s testimony that typically in those situations the dog’s weight was estimated. This is contrary to the testimony provided by Ms. Munford, which this subcommittee finds said portion to not be fully truthful. According to Mr. Kohlke, the method most used was intracardiac.
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When asked about his personal thoughts when he read and saw the state inspection report from the July 2018 inspection, Mr. Kohlke testified that he was surprised to see how many things the state had cited as being deficient. He was surprised to see the issues related as it related to the expired medications, the inadequate filing, and the overall cleanliness of the facility. What troubled him the most, however, was finding out about the shelter now knowing about the seven (7) day mandatory hold period for owner surrendered animals.

In terms of owner surrendered, Mr. Kohlke testified that he was involved in the paperwork process. If he was involved, he would request veterinarian records from the owner and he testified that a majority of the owners would in fact have such records. According to Mr. Kohlke most of the owner surrenders were animals which were old and terminally ill and which their owners wanted put down. Mr. Kohlke was clear that this was one of the most upsetting things about working at the shelter over the years. He is happy to see that the shelter is no longer performing this type of procedure at the shelter.

When questioned about the expansion of the shelter he was asked if he ever participated in any of the meetings, Mr. Kohlke stated he had one meeting with Ms. Kathy Tramantano, who at that time, was the Director of Recreation for the Township and one meeting with Mr. Jeff Plunkett and Mr. Marty Flynn. He stated they discussed what was needed for the building. Mr. Kohlke stated that there was supposed to be adoption rooms and quarantine room, when asked if he knew why that was not completed at the shelter, he stated he did not know.

Mr. Kohlke testified that the new heating and cooling system installed in the facility during the recent renovations is inadequate for that building. There are issues in both the cold, winter months and in the hot, summer months. He said they had a thermometer and would get readings of 55-50 degrees Fahrenheit. Heaters were brought in by the township to help warm up the kennel areas. He stated eventually the township put in supplemental heaters in the kennels by the inside of the door. He advised that there was some work performed in installing a supplemental heating unit and that the issues were communicated to the administration on several occasions prior to any of the issues being resolved.

When questioned if volunteers were told they were not allowed to take and post pictures on Facebook, Mr. Kohlke stated, “he never heard that in his life, that makes no sense.” He stated “he heard that at a council meeting and that was complete BS.”

Regarding adoptions Mr. Kohlke was asked if there was ever a concerted effort to put measures in place to help increase adoptions at the facility to which Mr. Kohkle replied in the negative. He stated that AFEW would put them on their website, but that was it.

The subcommittee questioned Mr. Kohlke about the hoarding situation regarding the forty-six (46) cats. Mr. Kohlke stated that he was working that day, he stated “he was cleaning when that was
going down.” He saw them bring the cats in to the euthanasia room, now called the veterinarian’s room. He stated he was not involved with the forty-six (46) cats. When he was questioned regarding feral cats and whether the shelter was releasing cats to feral colonies, he stated that was not true. Mr. Kohlke stated that feral cats are given to rescue groups.

Finally, Mr. Kohlke was asked to advise as to what he believes has been the overall improvements at the facility since the July 2018 state inspection. He advised that the shelter is much cleaner, the adoption rate has improved, and that now they are putting animals on the township website where before they did not have access to it. He stated that he loads the pictures onto the website along with Anthony Agabiti. With the implementation of the new electronic documentation, he stated that has made documentation easier. The intake forms are completed by hand and then he enters them into the system. When asked if there is documentation to track how often dogs are walked, he stated that is not documented, they only document if the dog is aggressive. He did confirm prior testimony that the new supervising veterinarian now comes in weekly and that all of the animals are being seen on an expedient and timely basis, which is a big improvement from past practices. He stated that Dr. Carter would come to the shelter maybe once a month. He stated if an animal arrives to the shelter in bad shape, they are taken directly to Columbus Hospital.

Mr. Kohlke also confirmed that all of the animal control officers have access to the safe and he has seen all of them since the July 2018 state inspection have access to the safe. He also advised that there was a meeting with the ACO’s and Mr. Plunkett after the state inspection, but nobody ever sat down with him to discuss what he needed to do moving forward. This is something that should be done given Mr. Kohlke’s daily duties and responsibilities at the animal shelter.

In conclusion, Mr. Kohlke wanted the subcommittee to understand the voluminous nature of the pending OPRA requests which were/are very cumbersome and wanted to advise that he hopes the animal shelter keeps improving and getting better and better as it has since the July 2018 inspection. Overall, the subcommittee felt that Mr. Kohlke was forthcoming with his answers.

H. Summary of Interview of Marilyn Hondorp from AFEW (11/28/18)

On November 28, 2018, the municipal investigation subcommittee had a discussion with Ms. Hondorp, president of the rescue group AFEW, a 5013C non-profit organization working with the Hamilton Township Animal Shelter. Ms. Hondorp stated her organization was established in 1993, she herself has been involved in animal rescue work since the 70s. According to Ms.Hondorp, she started working with the shelter in 2003. She stated that AFEW has dedicated thousands of dollars and man hours into helping the Hamilton animal shelter. She also stated that she has about three (3) to four (4) volunteers who to the shelter every day, they walk and train dogs to help make them more adoptable. Her organization does not provide foster services.
Ms. Hondorp said she became involved with the shelter after she received a call from one of her volunteers that informed her that the Hamilton animal shelter needed some help. This was during former Mayor Glenn Gilmore’s tenure. According to Ms. Hondorp, Mr. Gary Hill at that time was the shelter manager. She said that she was told, at that time, that the shelter was having problems with other rescue groups. She said the shelter was not working with any other rescue group when she began working with the shelter.

Ms. Hondorp informed the subcommittee that she does not work with other shelters because they have had a lot of problems with other rescues and she prefers to not work with them. Regarding her assistance to the shelter, she stated that over the past three years AFEW has spent $11,000 to $12,000 a year at our shelter. She raises money through fundraising and grants. The money she raises go towards spayed and neutering along with assisting in paying for medical treatments and surgeries. Concerns had been brought to the subcommittee’s attention by members of the public and other rescue groups that animals that were spayed and neutered by AFEW were being kept at the shelter until AFEW can adopt them out, these animals were not allowed to be adopted out by rescue groups unless they compensate AFEW for the investment they made to the spayed and/or neuter. Ms. Hondorp stated that any member of the public and adopt out an animal that they had spayed and neutered by rescue groups had to pay the cost of the spayed and/or neuter because, according to Ms. Hondorp, these rescue groups can turn around and sell those dogs and for a cost. This practice allowed by the shelter management has created a perception in the public’s view that these animals were the property of AFEW.

The subcommittee felt that the testimony of Ms. Hondorp’s was somewhat helpful in understanding the relationship with the shelter’s management and employees. The subcommittee is concerned that the Health Officer/Director of Health and Supervising ACO have placed the responsibility of spaying and neutering animals on AFEW. The township Dog Trust Fund should be used to cover the cost of spaying and neutering animals. Clarifying the use of this fund needs to be clarified by updating Township Ordinance, Chapter 108:108-10. AFEW should not be the only rescue group the shelter should be working with. Shelter management must work to build relationships with numerous rescue and foster groups, not only locally but throughout the county and state. Building these relationships and connections should help to increase the adoption rate and if needed, these rescue groups can also work with shelter, as needed, to provide any financial assistance, if they are able to do so, that may be needed if not covered by the Dog Trust Fund.

I. Summary of Interview of Terri Pfeiffer of Ruff-Life (10/17/18)

During the October 17, 2018 meeting of the municipal investigation subcommittee had a discussion with Ms. Terri Pfeiffer, a volunteer of Ruff-Life, who had been to the Hamilton Township Animal Shelter on a number of prior occasions in the past. She was able to provide testimony to the investigation subcommittee as to how a rescue organization, such as Ruff-Life,
handles a situation where they wish to foster a dog at the Hamilton Township Animal Shelter. She actually had a recent example on how her interaction with the current Animal Shelter Manager went where she was interested in fostering a dog which was at the shelter.

Her specific situation involved a certain dog, which was taken in by the shelter back in April 2018. Over the course of a number of days, Ms. Pfeiffer worked with this particular dog and made strides with the dog’s stress, aggression, etc. For example, Ms. Pfeiffer advised that she would come to the shelter on a daily basis and read aloud to the dog for at least a one-hour period in order for the dog to hear a soothing voice and get used to same. Ultimately, due to the strides made, Ms. Pfeiffer was looking to foster the dog, and ultimately find it a home through the Ruff-Life rescue organization. After spending time with the dog over a period of those four to five days, Ms. Pfeiffer approached the shelter manager, who advised that she was not permitted to take the dog to foster and ultimately find a home for. According to Ms. Pfeiffer, the shelter manager stated something along the lines of that the shelter needed adoptable dogs.

Ms. Pfeiffer expressed her dissatisfaction and further explained to the subcommittee how the rescue organizations do pay for spay and neutering of the animals, the shots, food and whatever medications are needed and that there was no fee or expense on the part of the Township Animal Shelter. However, for some unknown reason to Ms. Pfeiffer, her request was denied by the animal shelter manager. He did allow Ms. Pfeiffer to continue to come in and walk the dog to which Ms. Pfeiffer continued to do for a couple of months until such time that the dog was adopted out by another rescue organization, A.F.E.W. This completely “baffled” Ms. Pfeiffer due to the aforementioned comment previously made by the animal shelter manager about the shelter wanting to keep adoptable dogs. The dog was ultimately at the shelter for an additional three months than it had to be in this particular situation which is troubling.

It is also important to note that Ms. Pfeiffer had no prior interaction with the animal shelter manager prior to these communications discussed. She was also taken a bit aback that the Township Animal Shelter never collected any information about her, about her level of knowledge, skill base, etc., while she continuously visited the shelter and ultimately began walking this particular dog. There was also one recent instance in which Ruff Life did request to foster another dog from the shelter which had some medical issues and would have relieved the Township Animal Shelter from paying the ongoing medical bills moving forward, but that request to foster was also denied by the Township Animal Shelter.

In terms of comparison to other animal shelters, other shelters seem to continuously and consistently request the rescue group(s) to come in and take the animals so they can be rescued to a good home. However, this appears to not be the case with Hamilton Township according to the testimony.
Ultimately, Ms. Pfeiffer thought that moving forward there should be some vetting with the volunteers who are involved in interacting with the animals at the shelter. In addition, it appears that there should be more of an ability on the part of the animal shelter to foster out the dogs to the various associated rescue group(s) who are willing to work with the animal shelter. These steps appear to do nothing but benefit the shelter and the animals contained therein.

J. Summary of Interview of Dr. Marian Boden (1/9/19)

On January 9, 2019, the investigation subcommittee was able to interview the current contracted supervisory veterinarian, Dr. Marian Boden, VMD. Dr. Boden, like the other individuals providing testimony to the subcommittee, was placed under oath at the time of the interview.

Dr. Boden became involved as the contracted supervisory veterinarian somewhat out of her desire to help the animals. Albeit she is getting paid to do the job, but she initially took on the job because she knew the animal shelter was without such a supervisory veterinarian and she could see the toll it was taking on the animal shelter. For the time in which the animal shelter was without a veterinarian she would see that the shelter had to bring the animals directly to Columbus hospital for all services, including routine, non-emergency services. Dr. Boden is also employed by Columbus hospital so she was able to see this happening during this period.

According to Dr. Boden, Columbus hospital had declined to be the supervisory veterinarian for the animal shelter when they were approached by the Township upon Dr. Carter's resignation. She stated that the township owed Columbus hospital monies and the hospital did not want to get involved with the township until the bills were paid. She was then approached and asked if she could do it, to which she agreed. She initially agreed that she would be able to come and visit the shelter on a monthly basis; however, since she has started, that visitation time has changed into something much more regular, one (1) to two (2) times per week. This was also confirmed by the testimony of the animal shelter employees.

Dr. Boden has been a veterinarian for twenty-three (23) years and has always worked at Columbus hospital as a veterinarian. She has been working with the Hamilton Township animal shelter as the supervising veterinarian since the end of October 2018.

Prior to her starting at the animal shelter, Dr. Boden had a meeting with Mr. Plunkett, the Township Attorney and Business Administrator at the animal shelter to which she was given what the typical responsibilities were of the supervising veterinarian, a copy of the state inspection report from July 2018 and a copy of the draft SOP’s.

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13 For a period of approximately a couple of months, the animal shelter was without a supervisory veterinarian as Dr. Carter had resigned and the shelter was forced to take the animals to Columbus hospital for all services, including non-emergency services, which was an extreme cost.
Dr. Boden was able to show the subcommittee some draft versions of the policies and procedures and disease control program documents and she testified that they were at that time continuing to revise and edit the documents accordingly. To date, the subcommittee has yet to see the final version of what was presented during the testimony.

Dr. Boden explained the reasoning behind the medications being shipped to her own address, rather than at the shelter itself which was a procedural issue which appeared could be rectified in the near future so the subcommittee was satisfied with her testimony on that issue.

Furthermore, Dr. Boden also testified as to the improvements she has implemented and has begun seeing since her time at the shelter began in October 2018. She confirmed that the paperwork is getting better in terms of volume and efficiency of same. She also confirmed that the medications are being inventoried and that they are working on a better system for that. In addition, there is no longer controlled dangerous substances being stored at the animal shelter. All other medications are being kept in the safe. Again, all things which should have been done in the past, but at least are beginning to get done now moving forward.

Although it is a work in progress, Dr. Boden did confirm that there needs to be better record keeping moving forward at the facility, that job descriptions should be set with defined roles, including a table of organization (as well as a divisible role between ACO and other shelter staff) and that regular training be provided to the animal shelter staff. These were exactly the recommendations that the subcommittee felt should be implemented immediately and Dr. Boden’s testimony has confirmed.

It appears Dr. Boden has the best interests of the animals and the shelter at heart which appears to be why she agreed to take on this responsibility and job in addition to her job as a veterinarian at Columbus hospital. Only time will tell, but it appears that the addition of Dr. Boden should significantly improve the overall quality of the animal shelter and its staff. Concerns of the subcommittee is that the current management will put the responsibilities of operating the shelter on Dr. Boden since the current and previous Director of Health took no responsibilities for the conditions of the shelter instead placed it on Dr. Carter. The operation of the shelter is the responsibility that falls under the Health Officer/Director of Health and shelter supervisor/manager.

K. Former Township Contracted Veterinarian, Dr. William J. Carter

Although numerous attempts were made by the subcommittee to arrange a meeting with Dr. Carter and a meeting was scheduled then canceled at the last minute by Dr. Carter, subcommittee was never able to secure a meeting with Dr. Carter. On August 17, 2018, Dr. William J. Carter, former supervising veterinarian of the Hamilton Township Animal Shelter, resigned as the township’s emergency vet, Dr. Carter in his resignation announcement posted on his Facebook post stated;
“This weekend, I resigned as the Emergency Veterinarian for the Hamilton Animal Shelter after many years providing services for them in my practice,” Carter said in his Facebook post. “The allegations that have been made against the shelter are serious and a plan should be put in place to correct them. The misrepresentation of facts by the shelter’s leadership, along with the spin they have put on this situation, has led to my decision to resign. The accusations that I or anyone on my team provided diagnosis or authorizations for euthanasia over the phone are completely false.”

VI. Recommendations

After careful review and consideration of all of the materials received by the subcommittee, the interviews which were conducted and reviewing what has occurred both prior to the State of New Jersey inspection in July 2018 and the changes that have begun to take place since, the subcommittee has the following recommendations to provide to the Township and its governing body for consideration and potential action:

🌟 Recommendation #1—Structure and Organization-

Regarding the structure and organization of the animal shelter, changes are needed at all levels of the organization. This is an area where Mayor Yeade’s administration has neglected to provide oversight and/or accountability and has failed to provide clarity regarding the chain of command. For the past several years, the shelter has been overseen by the chief animal control officer. This manager is overseen by the Health Officer. The Health Officer is supposed to be overseen by the Director of Health; however, the current Health Officer is also currently serving as Director of the departments of Health, Recreation, Senior Services and Veterans Services. Ultimate oversight responsibility rests with the Mayor.

It is our recommendation that the roles of Director of Health and Health Officer be separated. This will facilitate more stringent oversight of the entire Health Department, including the animal shelter. Animal control officers and the animal shelter staff both perform important work to ensure the health and safety of our community. Because the duties and the mindset for each of these jobs are distinct from one another, we recommend the complete separation of the animal control officer staff and the animal shelter staff. This will allow each of these groups of employees to more fully focus on their mission and will eliminate much of the inefficiency and potential duplication/overlapping of job duties, functions and/or responsibilities. An experienced shelter manager should be hired. This manager will have the unique skillset and experience needed to handle the compliance, administrative and record keeping duties of a shelter manager, plus the tact and communication skills needed to work with members of the public and volunteers, while maintaining a focus on the health and humane treatment of the animals in our shelter’s care. This manager will strengthen and expand relationships with the many volunteer organizations that foster animals and thus facilitate a higher adoption rate (and a lower kill rate).
The subcommittee believes that by expanding the number of volunteer and rescue groups the shelter is actively working with, the Township can gain a better result in successful adoptions and also realize a cost savings. Any “investment” made in any animal residing at the shelter should be made with no strings attached and should not become a hindrance to placing such animals with new owners or with other rescue organizations.

Many residents are willing to donate time, money and material resources to the shelter. The subcommittee was shown no system for credibly tracking donations to the shelter. A system with multiple levels of accountability should be implemented to track all donated money and items.

**Recommendation #2 – Adequate, Consistent Training & Accountability**

Not one of the individuals which the subcommittee interviewed could point to any training that has been given to the shelter staff to assist them in improving their professional knowledge base. One of the duties of a qualified animal shelter, when hired, will be to implement a regular training program to ensure that all employees are given the opportunity to implement best practices and to be made aware of how their jobs are affected by an ever-changing regulatory landscape. Training and any refreshers shall be discussed and reviewed on an annual basis to ensure that all employees associated with the animal shelter are brought up to speed with the current law(s) and/or regulation(s).

**Recommendation #3 – Better record keeping system; inventory of medications**

It is important to note that when the subcommittee requested from the administration documents from the animal shelter, they were not always provided in a timely manner. Many times, numerous requests had to be made by the subcommittee. This subcommittee also reviewed documents onsite at the animal shelter. During the review of shelter documents provided and/or inspected onsite, it quickly became apparent that there were no processes and/or procedures in place to assure proper record keeping and inventory of medications. Documentation in many cases was sloppy, inadequate, illegible, and there were many inconsistencies in documenting animal information, euthanasia, as well as little to no documentation for tracking medications. In addition, there was no electronic record keeping when the subcommittee investigation began. Although Council and the subcommittee were assured that a new electronic record keeping system had been implemented, the administration in February of 2019 informed the subcommittee and the public that the original system did not work out the way they believed it would. Subcommittee was informed that a new electronic system, Pet Point, had been implemented in 2019. It appears that in the rush to assure the public that all problems had been fixed, the IT Department under the direction of Mr. Marty Flynn, did not do their respective due diligence to properly research the types of system(s) currently in use at shelters throughout shelters in New Jersey. It appears the administration rushed into a digital system that in the end did not properly work, which cost
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countless hours of man power and Township resources. As of the completion of this report, the
subcommittee has yet to receive the information requested on the new electronic record keeping
system, Pet Point. The subcommittee has not been able to confirm if the administration has
developed a written policy, or whether employees have been trained on this new system.
Implementation of written policies and procedures along with training is a crucial in order to
achieve efficient record-keeping and inventory of medications and other products.

Recommendation #4 – No More Owner Surrenders; Euthanasia Procedures-
The policy of owner surrendered animals has ended at the shelter. Euthanasia procedures are no
longer being performed by the shelter staff and will only be performed by the supervising
veterinarian or at a veterinarian hospital. Staff should be trained and certified in euthanasia
procedures by the supervising veterinarian, as recommended by the state, in events of emergencies.

VII. Summary of Findings

This subcommittee has found that over the past several years, residents repeatedly brought
concerns about the high kill rate and other issues at the shelter to the Mayor’s attention. The
Mayor and her administration did not acknowledge the existence of the multiple inadequacies
and violations that were repeatedly brought to their attention by members of the public until after
the Trentonian ran a story with details of the state inspection. No discernable changes were
made at the shelter by the Mayor or her administration until after the violations found during the
State inspection were made public. The response by the Mayor and her administration was
initially to deny the findings, to attack the credibility of the state inspectors and to attack the
credibility of the members of Council who voiced concerns on this matter on behalf of members
of the public.

The following were some of the serious findings during the subcommittee’s investigation:

- The animal shelter was operating for years without state mandated yearly inspections
- Shelter licenses were granted by the Health Department while violating state law which
required mandatory yearly inspections.
- Animals were euthanized before the seven (7) day hold period in directly violating state
- Owner surrenders were accepted without documentation of the animal’s health. Therefore,
animals were euthanized without confirmation of their health status.
- For years, the animal shelter lacked a large scale for weighing larger animals. Conflicting
  testimony was given with regards to how larger animals were handled. Some statements
  made stated that the weight was estimated, while another statement was that all larger
animals were taken to Dr. Carter's office and weighed, yet while another individual testified that sometimes they are taken to Dr. Carter. It is evident to this subcommittee that there were cases when weight was estimated and/or additional medication was given to make sure enough medication was given for the size of the animal. Since there were no written policy at the shelter, it was obvious that employees did as they wished with no supervision and/or consequence(s). In cases reviewed by the subcommittee, many had no weight recorded on the animal's information sheet.

- The animal shelter operated for years without Standard Operating Procedures (SOPs). The shelter lacked written policies and procedures. Documentation overall throughout the shelter was poor.

- Missing and expired medications noted in the state’s July 2018 inspection excused by many of the staff and the Administration questioned as a case of poor documentation and/or human error. Again, management failed to have written policies and procedures in place to protect against this issue occurring.

- Cats that were removed from a hoarding situation in May 2017 were diagnosed by Supervising ACO, Todd Bencivengo, to have ringworm and upper respiratory infections, all treatable conditions. The supervising ACO testified that he, along with the Director of Health, Mr. Jeff Plunkett, made the determination to euthanize all forty-six (46) cats on the same day. No rescue groups were called for assistance. All the cats were euthanized the day they were brought to the shelter, before the seven (7) day hold period, violating state law; specifically, N.J.S.A. 4:19-15.16.

- It was brought to the subcommittee's attention during the interviews that after the construction was completed issues concerning the HVAC systems were discovered. Temperature issues were found in both the cold, winter months and in the hot, summer months. Apparently, this was brought to the administration's attention. Mr. Marty Flynn testified that he was not aware of the issue even though he was the main contact person overseeing the construction. Although Mr. Flynn stated he was not aware of the issues, someone in the township authorized the auxiliary heating that was added to the kennel areas.

- Isolation rooms lacked proper ventilation. In review of construction plans it was clear that what was originally designed by the architect was not what was constructed. Administration failed to provide the subcommittee proof of who signed off on the final contraction plans. Both the Health Officer, Mr. Jeff Plunkett and former Director of Health, Mr. Marty Flynn could not recall if they signed off on any plans but both stated everything passed inspection. Mr. Flynn admitted that he did review the original plans and he did shepherd the entire project. He was responsible for overseeing the project but could provide no explanation and/or clarify why the final construction did not include the rooms.
that were in the original plans and the rooms that were stated by the administration in news articles.  

- A Supervising ACO who admitted that mistakes were made, yet he took no action to correct them. Some of the issues found by the subcommittee included but not limited to; no SOPs, improper documentation, lack of documentation, poor cleaning and sanitation procedures, improper documentation of medications, missing medications he could not account for but blamed the other ACOs for failing to document, accepting owner surrenders with no proof or lack of animal veterinary records and in most cases no veterinary records collected at all. No scale for bigger animals, euthanizing animals before the seven (7) day hold period, including euthanized forty-six (46) cats from a hoarding situation.

- The supervising ACO utilized the township’s shelter kennels to house his personal dog on numerous occasions. This subcommittee personally witnessed his personal dog at the shelter during a couple of surprise visits to the shelter. Business Administrator, Dave Kenny, Mr. eff Plunkett and an employee at the shelter all provided conflicting stories as to why the dog was there. Since the administration failed to provide any proof as to why the dog was allowed to be at the shelter, it is the conclusion, of the subcommittee, that the Supervising ACO was allowed to keep his dog at the shelter and utilize for free, tax payer funded kennels and possibly other Township and shelter resources. Since the Supervising ACO adopted this dog from the shelter, he waived his own adoption fee. The subcommittee believes the Supervising ACO took it upon himself to waive the adoption fee for his dog.

- Shelter employees lacked training and many expressed their lack of knowledge regarding the seven (7) day hold period. It was the subcommittee’s impression that although employees were aware of issues, no steps were taken by any of them to raise those issues and concerns to upper management. Instead, they all seemed content working in an environment they knew was less than optimal. The subcommittee is concerned that these employees did not express any drive or desire to take and/or make corrective measures at the shelter or to even express concerns over how things were done and being done. This raises concerns that if significant personnel changes are not implemented the same attitudes that have persisted throughout the years will continue to exist.

It was apparent during the course of this investigation that the mayor herself lacked involvement in the planning phase, construction phase, and overall operation of the animal shelter.

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In the course of this investigation, the subcommittee was met with resistance from the administration. Their lack of willingness to cooperate led the subcommittee to issue subpoenas for the directors and employees who were interviewed.

Numerous times emails sent to the administration by the subcommittee requesting documents/information had to be sent over and over, up to three (3) to four (4) times before a response from the administration would be received. Many times, information requested was not always fully provided.

Unannounced, surprise visits to the shelter by subcommittee members were met with resistance and hostility by the Business Administrator, Dave Kenny. Any time a member of the subcommittee visited the shelter it was apparent that an immediate call was placed by a shelter employee to the Business Administrator who would then send a representative from the health office or he himself would show up.

On July 16, 2018, the State of NJ conducted an unannounced inspection of the shelter. Councilmembers were informed of the inspection through an article in the Trentonian dated July 19, 2018. The administration purposely failed to notify council members of the inspection. Mr. Dave Kenny stated publicly since there was no report so there was no reason to notify council.

As of the writing of this report, the subcommittee, sent an email to the administration requesting updates and current documents at the shelter. Mr. Jeff Plunkett was included in the email. To date, the administration has yet to provide any of the requested updates and documents. Therefore, this subcommittee cannot verify the reforms the administration claims to have made.

**VIII. Recommendations for Personnel Action**

As of the writing of this report, Mayor Yaeed has made no significant personnel changes at the shelter, nor has the Subcommittee been notified that any disciplinary action been taken or considered. As noted in the Trentonian, Mr. Todd Bencivengo retired as of March 1, 2019. Mr. Bencivengo retired without the administration ever taking any disciplinary action against him for his job performance. The Business Administrator was quoted as referring to Mr. Bencivengo’s retirement as “a normal retirement.”

The subcommittee recommends the administration and Council review the findings of this report and strongly recommends the mayor seek the appropriate avenues in which to consider disciplinary action, including suspension or termination of the employment of those in charge. Employees at the animal shelter should also be held accountable and possible disciplinary action be taken, including suspension or termination for their lack of documentation and/or their failure to raise

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issue(s) or concern(s) over the operation of the shelter. We further recommend mandatory retraining for all shelter employees who at the direction of management may have participated in some of the processes and procedures that have been outlined here and in the state report.

Mayor Yaede is ultimately responsible for the events and the findings at the animal shelter. Therefore, Mayor Yaede, is ultimately responsible for an animal shelter that experienced a high kill rate, a Director of Health who issued a yearly animal shelter license without conducting the mandatory yearly inspection required by law, an animal shelter who euthanized animals before the required seven (7) day hold period violating state law, a shelter that functioned without proper documentation, including improper tracking and documentation of medications and permitted a construction project to move forward without proper oversight.

IX. Looking Ahead to the Future

Looking with an eye towards the future in Hamilton Township, it is the recommendation of the subcommittee that the shelter operations must be elevated to a level that would allow for a better overall efficient and well-structured operation. The shelter must lay out its purpose, vision and mission in writing. The shelter should also consider having an experienced shelter manager to oversee operations, qualified and trained ACOs, and animal attendants, each with clearly identified roles and responsibilities. It is essential that the shelter increases its use of volunteers, and utilize individuals who are willing to give of their talents and skills to help provide better animal interaction and training along with developing and increasing a web and social media presence all for the purpose of increasing adoptions.

As a result of pressure on the administration from the public and this investigation, it appears that the quality of life for the animals housed at the shelter is improving. It is imperative that the Mayor and the administration take serious steps to make further improvements, including reforming the chain of command, brining in qualified candidates for management positions and empowering staff members with clearly defined roles. Management must be held accountable for implementing and maintaining high standards. We do believe that the hard work and dedication of the animal shelter employees should assist in the endeavor. We will continue to provide oversight and look forward to seeing an improved facility in the future.

Now that the facts have been exposed, it is still not clear what plan has been put in place by the Mayor and her administration to improve the overall operations at the Hamilton Township animal shelter. It appears that the quality of life for the animals housed at the shelter is improving as a result of this investigation and pressure from the public. It is imperative that the Mayor and the administration take serious step to staff the shelter with experienced professionals with clearly defined roles. Management that must be held to high standards and accountability. This will have to come through a consistent approach and commitment from those individuals in supervisory
positions overseeing the shelter and staff. We do believe that the hard work and dedication of the animal shelter employees should assist in this endeavor and we hope that this investigation has done nothing but good for the shelter and that the recommendations brought forth in this report are strongly considered and implemented. We look forward to seeing an improved better facility in the future.

Submitted to Mayor Kelly Yaede on May 7, 2019

*Municipal Investigation Subcommittee*

Ileana Schirmer- Hamilton Councilwoman

Rick Tighe- Hamilton Councilman