

**MINUTES OF THE VICIOUS DOG HEARING RE: "BILBO"  
OCTOBER 18, 2001  
PORTSMOUTH POLICE DEPARTMENT**

A public hearing was conducted on Thursday, October 18, 2001 at 2:00 PM at the Portsmouth Police Department to determine if "Bilbo", a Glen of Imaal Terrier owned by William and Susan Manfull, is vicious according to City Ordinance 6.710 of the City of Portsmouth, NH.

Committee Members Present:

- Chair: Bradley J. Russ, Chief of Police
- Robert Sullivan, City Attorney
- Mort Schmidt, DVM
- Marion "Mimi" Clark, Resident of Portsmouth/Appointed by the Mayor

Others in Attendance:

- Austin Wallace, Animal Control Officer, Portsmouth Police Department
- William and Susan Manfull, 12 South Street, Portsmouth, NH
- Jack Sanders, Attorney for the Manfull's
- Christine and David Hallowell, 437 Marcy Street, Portsmouth, NH
- Deidre Butler, 4 Stimson Street, Kittery, ME
- Catherine Stone, 28 South Street, Portsmouth, NH
- Rod Paul, 27 Franklin Street, Portsmouth, NH
- Clare Kittredge, 27 Franklin Street, Portsmouth, NH
- Gail Fisher, 83 Gilhaven Road, Manchester, NH
- Wendy Bergeron, 357 Montelona Road, Goffstown, NH
- Mark Hatch, 58 River Road, Lebanon, ME
- Carol Bryant, Executive Assistant, Portsmouth Police Department

The chairman called the hearing to order at 2:05 PM. The City Attorney outlined the procedures for the hearing.

- Animal Control Officer Austin Wallace presented his case.
- The victim, Christine Hallowell spoke about the attack and her injuries. Mr. Hallowell also spoke on behalf of his wife.
- Attorney Jack Sanders spoke on behalf of the Manfull's. Susan Manfull spoke on behalf of her family and Bilbo and apologized for the attack, accepting full responsibility for the incident. The following individuals then spoke on behalf of Bilbo:
  - Mark Hatch
  - William Manfull
  - Deidre Butler
  - Gail Fisher
  - Wendy Bergeron
  - Katherine Stone
  - Rod Paul

Committee members, the Hallowell's and the Manfull's were allowed to ask questions throughout the hearing. At 3:50 PM the committee called a recess. At 4:21 PM the hearing reconvened. After the break, the committee asked a few more questions of the Manfull's

City Attorney Sullivan then noted that an agreement was reached between the Hallowell's and Manfull's during the recess and that they would like to present that to the committee. He indicated that if the committee approved of the agreement, including input from the Animal Control Officer regarding his opinion on the agreement, that they could postpone making the decision as to whether or not Bilbo is vicious. This decision would be postponed indefinitely, with the understanding, however, that the committee would reconvene and make the decision at the request of any of the parties, including the Animal Control Officer.

Mr. Hallowell spoke regarding the proposed agreement. Attorney Sanders stated that the Manfull's have proposed, and the Hallowell's have agreed that:

- Bilbo will be allowed to return to the Manfull's home immediately.
- Bilbo will be kept inside for a period of three months (three months from 10/18/01).
- Bilbo will be walked only by Bill or Susan Manful or Deidre Butler.
- A gentle leader, as described by Wendy Bergeron, will be used when Bilbo is being walked.
- Bilbo will not be walked by the Hallowell house and will be kept as far away from the Hallowell house as possible.
- Bilbo will not be left free in the back yard for a period of three months.
- These restrictions will be in place for three months and the restrictions will then be lifted.
- By postponing making a decision at today's hearing regarding Bilbo, it was agreed that the committee could reconvene the hearing at any time during the remainder of Bilbo's life, if necessary.

Animal Control Officer Austin Wallace noted his opposition to the committee postponing their decision. Committee member Mimi Clark noted her concerns regarding the dog being walked outside of the Manfull's property with a soft lead.

The chairman called a brief recess for the Committee to meet in private at 4:47 PM. At 4:51 the hearing reconvened. City Attorney Sullivan noted that the committee has agreed to endorse the agreement reached by the Hallowell's and the Manfull's with an additional condition that the committee would like a report from the Hallowell's after the initial three-month period of Bilbo being brought home. There were no objections to this additional condition.

In summary, the City Attorney noted that the Committee will postpone this proceeding indefinitely, with the understanding that the proceeding would be reinstated on the request of the Hallowell's, the Manfull's or the Animal Control Officer. The Committee would then, at that time, vote as to whether Bilbo is a vicious dog. If there is no request, the hearing will remain postponed. It was noted for the record that the Animal Control Officer objected to this arrangement.

Dr. Schmidt moved to postpone this hearing indefinitely based upon the conditions noted above. Seconded by Ms. Clark.

On a Roll Call Vote: Dr. Schmidt, Ms. Clark and Chief Russ each voted yes.

Dr. Schmidt moved to adjourn the meeting at 4:55 PM.

Seconded by Ms. Clark

On a Roll Call Vote: Dr. Schmidt, Ms. Clark and Chief Russ each voted yes.

(Two cassette tapes documenting this hearing are on file for reference.)

Respectfully submitted by Carol L. Bryant, Executive Assistant