

WESTBROOK BOARD OF SELECTMEN
SPECIAL MEETING
THURSDAY, MAY 31, 2012
MULTI-MEDIA ROOM
MULVEY MUNICIPAL CENTER

CALL TO ORDER

The meeting was called to order by First Selectman Bishop at 3:40 p.m. Those in attendance included: First Selectman Bishop, Selectman Hall, Selectman Ehlert (arrived at 3:55). Also in attendance: Dennis Greci, DEEP, Marilyn Ozols, Chair WPCC, Carol Lord, Aimee Eberly, Health Dept., Becky Coffey, Press, Ron Rose. R.S., Dick Leighton, Health Department, Gary Nolf, Shellfish Commission, Dr. Bernstein, Director of Health, Andrew Urban, Director of Finance, Tony Cozza, resident, Meg Parulis, Planner, Bob Scully, CT DPH, Deb Lovelette, Director of Nurses, John Rie, Shellfish Commission, Paul Connelly, BOF Chair.

The meeting was delayed for 10 minutes to await Mr. Ehlert's arrival.

While no decisions must be made today, Mr. Bishop stressed the importance of the Westbrook Health Department and encouraged all attendees to participate in an open discussion at this afternoon's meeting.

DISCUSSION ON STAFFING OF HEALTH DEPARTMENT

Dr. Bernstein, Westbrook Director of Health, reported that the present Health Department has been supporting all of the functions of the Health Department. Dr. Bernstein introduced the Health Department including Dick Leighton, Health Agent, Mr. Leighton is an unregistered sanitarian and has many years of experience. Mr. Ron Rose, Sanitarian, provides oversight for Mr. Leighton and is a stipend/paid town employee. Ms. Aimee Eberly is the Food Inspector, provides for beach water testing and recently spearheaded a program to send water samples to the State for free testing. Ms. Deb Lovelette is the Director of the Westbrook VNA and addresses non-environmental health issues.

Dr. Bernstein continued that staffing may need to be adjusted to address the approved Sewer Avoidance Ordinance and he has reached out to the WPCC to develop a plan. He reported that while the Sewer Avoidance Ordinance needs to be managed, the "heavy handedness" of the media, and state officials has been distasteful. Dr. Bernstein is hopeful that we can move forward and find a middle ground. His intent is to work with honesty and integrity and to "keep politics out of the discussion". If the town's leadership wants changes to be made, he is more than willing to work with all parties.

Mr. Bob Scully, State Health Department, reported that his department is in charge of the environmental engineering program that deals with septic systems. Their main focus is to license septic installers, septic system cleaners, provide plan reviews, exception requests and to certify local health agents. He reported that 95% of septic systems in the State are approved locally. The goal of his department is to manage septic systems better throughout the State. Historically Connecticut septic systems were designed to be temporary until sewers were installed. However on site systems are appropriate in some areas and 40% of the State is served by on site systems.

Many years ago, the DEEP issued abatement orders and many towns did studies and elected to put in sewers. Other towns went with sewer avoidance ordinances. In some towns, septic codes are used to limit growth of towns. As property uses are expanded, septic failures result and are difficult to address. Two-thirds of seasonal areas in Westbrook do not have the ability to obtain a code compliant septic system.

Mr. Scully is involved with OPM. Funding in Connecticut is given to areas interested in "pushing growth". Mr. Scully's unit is focused on being proactive to avoid problems. The WPCC and Health Department can be involved in insuring the systems are maintained appropriately.

Mr. Scully's department has limited staffing but is willing to assist towns when possible.

Mr. Dennis Greci, DEEP, has been working with shoreline towns for 25 years. He clarified the term "sewer avoidance". Sewer avoidance is not a way to fix a problem but a way to prevent a problem from occurring. It is a management program.

Mr. Greci reported that he has not been heavy handed; he has bent over backwards to work with Westbrook productively and his department has been funding most of the studies in Westbrook.

Mr. Greci commented that Dick Leighton does not have proper certifications and cannot do some things required to “finish the job”. Mr. Scully responded that Mr. Leighton is certified but not licensed. He can fulfill 99% of the requirements. However, there is a state statute that requires towns to have the services of a registered sanitarian. While Ron Rose has experience and is a Registered Sanitarian, he is currently working in several different towns and not available regularly. His other responsibilities make it difficult for him to spend sufficient time in Westbrook.

Mr. Ron Rose disagreed and stated that he confers with the public regularly and “gets the job done”. Mr. Rose continued that he was asked over 5 years ago, by then First Selectman John Raffa, to work in Westbrook for a 3 week period.

Mr. Greci commented that the Health Department is maintaining status quo but not implementing the on-site ordinance. There are steps to the ordinance that are currently not being addressed. The purpose of the ordinance was to avoid building “a big pipe”. In 2000, the Town determined that it was not going to be part of a tri-town system with Clinton and Old Saybrook. One alternative is for Westbrook to build their own system and run it over the Connecticut River (not viable financially or politically). He has been working to manage the system here for 12 years.

Mr. Greci continued that sections of the ordinance regarding data collection are not being addressed. Carol Lord reported that the WPCC is collecting some information about systems being repaired or new installations.

Mr. Greci reported that in the 1970's/80's consultants prepared reports and determined that sewers were needed. In 2000, the issue was re-visited to determine needs. Do all the identified areas really need sewers or can they be fixed on site? The problem is determining if the systems are currently working to protect the environment.

Mr. Greci continued that record keeping has been spotty at best state wide. The plan was to collect data and re-evaluate and identify problems. Westbrook has not identified all of the problems areas to date. Westbrook is collecting some data but more is needed. Without this information, it is difficult to determine the needs of Westbrook.

Mr. Scully responded to Mr. Greci's comment that the majority of towns do not have adequate records. Mr. Scully clarified that this is inaccurate. While there is a wide disparity among the Health Departments, there is full-time staff in many towns. It is up to the Town to determine what they want/need.

Mr. Scully reported that the Carmody System is a management tool that his Department has been unable to secure funding/grants for. They have reached out to DEEP but have been unsuccessful. Currently, towns do not have access to a state-wide system. The DEEP did get funding for their systems. Mr. Scully continued that it would be less expensive to provide a state-wide initiative than to have the towns address individually.

Mr. Scully stressed the importance of communication between and requested that all parties keep his Department “in the loop” if orders are going to be re-issued.

Mr. Greci reported that Westbrook must have adequate staff (either through the Health Department or WPCC) and resources to complete the Sewer Avoidance Ordinance.

Ms. Marilyn Ozols reported that the Sewer Avoidance Ordinance is actually the first step in a much broader plan. Subsequent steps will get us to our goals. The issue is more than just being able to implement the plan.

Ms. Deb Lovelette asked if there a regulation stating that Ron Rose cannot have multiple jobs. Mr. Greci responded that there is no such regulation. Mr. Rose continued that while he does not sit in an office, he meets regularly with Mr. Leighton and reviews plans etc.

Mr. Scully commented that we should not compare Westbrook with other rural towns. Westbrook is unique. If asked, a couple hours per week of a sanitarian are not sufficient. He has been trying to get enforcement of the requirement that all towns have a Registered Sanitarian. His department has provided guidance for supervision of programs (lead, wells, food service, septic etc.). However, his department has not moved forward with regulations specifying the number of hours required of a sanitarian. He continued that many part-time health departments work adequately.

Noel Bishop asked if there is a Connecticut State Statute stating that a municipality must have a full-time sanitarian on staff? Mr. Scully responded "No".

Mr. Tony Cozza requested that a list of tasks be developed identifying exactly what Westbrook is not doing. When such a list is developed, the town can work to address any issues identified.

Ms. Carol Lord reported that she has worked for Westbrook for 3 years. She stated that Mr. Greci has been offering guidance for many years regarding sewer problems. While the WPCC has done a good job with the ordinance, the ordinance is step one and only requires pump out. It does make requirements of the public health code clear. She commented on staffing. Dr. Bernstein's staff has been working well but the structure of the Health Department does not lend itself to an on-going discussion to ensure that all is done appropriately i.e. ordinance, public health code. There is not a person in the office with control over the Health Department to make decisions and be part of an on-going discussion, on a daily basis, with the WPCC. They did attempt to have a consultant full time but that does not work unless you have a sanitarian in the office on a regular basis. She feels enforcement of the ordinance must be a joint effort. The WPCC has no enforcement ability. Only a Director of Health can issue an order for an individual to fix a septic system. Only a Director of Health or R.S. can sign a permit to discharge or construct. While these items are being done in Westbrook, they are being done at different times and in different places.

She continued that due to the difficult structure, a resident/contractor may not always have access to Health Department staff for questions, etc. The present structure does not serve the public.

Ms. Parulis, Planner, agreed and added that availability and communication is critical. Septic is always an important part of development in town. It would be optimal and more efficient if we had one individual consistently.

Mr. Dick Leighton commented that when he and Ron Rose started 3 years ago, it was for a limited time. Due to budgetary and Union issues, they remain. Their instructions include a set amount of time they can be in Westbrook (due to Union). Their time is limited. The staff in Westbrook is unique. Both Dr. Bernstein and Amiee Eberly are Health Directors. Ron Rose is an R.S. Dick has two Health Directors available to him for questions. He is available for the amount of time the town wants him here.

Mr. Leighton continued that he makes sure that communication flows to Carol Lord on a regular basis. He is comfortable issuing abatement orders and the entire Land Use Dept. works together for plan review.

Mr. Leighton has reviewed the ordinance. He commented on issues with the microfiche records and the equipment needed to access these records. Mr. Leighton does not have access to the Carmany system. Mr. Leighton reported that information is being distributed adequately.

Mr. Bishop reported that on two occasions the Town attempted to recruit a full time sanitarian to no avail.

Ms. Lord commented that there are structural problems in the Land Use issues including the lack of a computer in the Health Department. All letters/correspondence are written from Dick Leighton's home office and this makes access to this correspondence difficult. Mr. Bishop responded that the lack of a computer in the Department will be addressed.

Mr. Ehlert expressed concern that the office is not adequately equipped and is inefficient. He continued that the Union should not be holding the Town "hostage" with regard to the Sanitarian. He suggested that perhaps a Land Use Supervisor might be appropriate. He also suggested the Town re-visit the Health District option. . The BOS must examine the issues and determine staffing in the Department.

Dr. Bernstein reported that the Town investigated and voted against a Health District at a referendum several years ago. He continued that over the past 6 years, the Health Department has satisfied all state requirements.

Mr. Ehlert responded that perhaps the Town is in "a different place" now and should re-visit the Health District option as the Health Department must be adequately staffed.

John Rie requested clarification regarding what specific tasks are not getting done with regard to the Health Department.

Mr. Greci commented that Health Department's website refers H1N1 questions to the Health District. Dr. Bernstein and Ms. Lovelette responded that at the time of the H1N1 crisis, Westbrook worked in conjunction with the Health District as the State determined distribution and dispensing of the vaccine.

Mr. Hall requested that Mr. Greci provide the Town with specific "next steps".

Mr. Greci responded that the Town is maintaining the status quo but is not moving the ordinance forward. More effort needs to be placed on moving forward. The WPCC has a consultant and their report is expected near the end of summer. After data is collected and reviewed, areas needing attention can be identified and reported back to the DEEP. Mr. Greci identified the first step is to "clean up the ordinance". Carol Lord reported that a preliminary draft is in the WPCC's possession. Their intent is to have a Public Meeting in late summer/early fall. Dr. Bernstein requested that any resources needed to support the ordinance be communicated to his department.

Mr. Scully reported that the draft ordinance was submitted to his department and he requested that the report be channeled through the local Health Department.

Ms. Lord continued that the WPCC worked on corrections to the ordinance from December through April. Mr. Greci is referring to the Engineering Plan for the long term plan. The WPCC is working with a contractor to complete the Engineering Plan.

The existing approved ordinance is currently being revised. Mr. Sully has commented on this ordinance and reported back. He was unaware of the Engineering Plan and assumes this will be part of the DEEP's revised orders.

John Rie reiterated the need for a list of completed tasks as well as a list of tasks to be completed.

Marilyn Ozols reported that the technical changes to the ordinance cannot be made by the WPCC. They must come from the Director of Health. The process is cumbersome since changes must then be forwarded to the State Department of Health for review and comment.

Mr. Scully reported that there have been delays in Westbrook over the past several years caused by the part-time Health Department.

Mr. John Hall again requested that Mr. Greci provide the "next steps". Mr. Greci responded the ordinance is being updated and the facilities plan is expected by the end of summer.

The original Facilities Plan was started in approximately 2000 and was designed to review the town again to determine needs. Part of that Facilities Plan called for the ordinance and data collection. Approximately one year ago, Mr. Greci provided an amendment to the Clean Water Fund granting additional funds to complete the scope. The WPCC can supply this scope. Mr. Scully reported that Dr. Bernstein is not listed on the documents since the WPCC is the grantee. The WPCC has not supplied this documentation to Dr. Bernstein.

Ms. Lord reported that Dr. Bernstein receives the minutes from all WPCC meetings and is also invited to these meetings; however his name is not listed on communications.

Dr. Bernstein requested a list of action items be provided so that hours can be assigned and items can be addressed.

Mr. Greci will provide a listing.

Dr. Bernstein requested that the Facilities Draft, due near the end of summer, include specific action items that the Health Department can address.

Tony Cozza commented that the WPCC has been talking for years about what is not done; yet, when a list is requested, no one can provide it.

Mr. Greci can create such a list but thought a more "broad" definition of the responsibilities of a Director of Health was being requested. Mr. Rie commented that a specific list for what Westbrook needs is being requested. Mr. Greci will provide.

Mr. Scully commented that the WPCC and the Health Department should work together to develop said list. Mr. Greci will provide information regarding on-site and waste water issues only. The WPCC will provide additional information including their concerns about communication. They will offer the next steps they would like to see in the Sewer Avoidance Plan. This list will be forwarded to Dr. Bernstein for comments.

Mr. Bishop reported that approximately one year ago at a WPCC meeting, Dr. Bernstein did request that the WPCC provide a list of items not being completed. Dr. Bernstein reported that he never received such a list.

Ms. Carol Lord responded that she recalled that discussion and Dr. Bernstein, at that time, suggested adding an individual to address these issues. Ms. Lord continued that as we were already working with several part-time individuals and that structure is not working.

Mr. Bishop commented that it seems as if the WPCC wants a full time RS on staff and Dr. Bernstein feels there maybe another way to address the issues.

Ms. Lord responded that if you have one person, either full-time Sanitarian or Director of Health, in the office "most of the time" they can be responsible for the WPCC and Sewer Avoidance Plan. Someone is needed in that capacity because the WPCC cannot enforce the ordinance. The next step is to seriously investigate soil on people's property and an inventory of systems. Dr. Bernstein commented that this is the type of information he has been requesting.

Mr. Bishop reported that by the end of the summer the WPCC will gather information and forward to the Health Department. Mr. Greci will provide background information from other towns etc., and forward to the Health Department and the WPCC for comment.

Mr. Rie reiterated the need for tasks. He commented that the present structure may be appropriate.

Gary Nolf, Shellfish Commission, reported that they are interested in opening shellfish beds in Westbrook and briefly outlined the progress to date. They are in the process of getting a portion of the survey completed. As this process continues and the survey identifies areas of concern, the WPCC and Health Department may need to address areas of concern uncovered.

Ms. Ozols clarified that the Facilities Plan and the Engineering Plan refer to the same document. This project went through the application process and BOS.

Mr. Bishop requested that the BOS receive progress reports regularly.

Mr. Connelly commented that the BOS is responsible for addressing these issues.

Mr. Hall commented that decisions should not be made today as there are a lot of components to the issue. Several years ago, he sat on a committee to hire a Sanitarian and due to Union constraints, the Town was unable to find anyone. He agreed that the BOS must address the issues.

Mr. Ehlert commented that many requests are not being responded to and this is unacceptable. He felt better communication is needed. If items requested this evening are not provided in a timely manner, the request should be made again. He was also interested in opening the Shellfish beds. He was hopeful that the Union will work with the Town to address these important issues.

Mr. Bishop disagreed that the system is not working. He commented that individuals have managed, with the resources available. He asked if the health and/or safety of Westbrook have been affected by any issues discussed this evening (staffing/communication). Dr. Bernstein responded "absolutely not"; but added that "raising the bar for the residents" is important. The Department cannot stand still. He feels we have done a fine job but can do better and help residents more.

Mr. Ehlert commented that individuals are doing the best that they can but structure is a problem. While we are adequately addressing issues, if we had a serious issue, he is not sure if we could help the community.

The meeting recessed at 5:20 p.m.

The meeting resumed at 5:26 p.m.

EXECUTIVE SESSION

Mr. Bishop made a motion to go into Executive Session at 5:27 p.m. for an update on a pending investigatory matter. Mr. Hall seconded the motion. The motion passed unanimously. Invited into the Executive Session were Andrew Urban, Director of Finance and Suzanne Helchowski, Administrative Assistant.

Regular session resumed 5:37 p.m.

No action taken.

ADJOURNMENT

Mr. Hall made a motion to adjourn the meeting at 5:38 p.m. Mr. Ehlert seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Attest,

Suzanne Helchowski
Administrative Assistant

Noel Bishop
First Selectman