

Board of Health
Meeting Minutes
March 28, 2013

	Business
6:35 p.m.	Meeting called to order. Present: Allen Hoffman, Donna Clark, Gary Menin and David Favreau
Performance Review BOH Agent...David Favreau	<p>Before the review started, Gary Menin asked to be excluded from the review process, but read a letter concerning his personal review. Gary Menin asked that this be attached to the performance review as well as two (2) items from Oakson ,Inc. in which Gary Menin stated that David Favreau represented his own company and not the Town. This Gary feels is a conflict of interest.</p> <p>David Favreau stated that his testimony had been made prior to his employment to the Town of Sterling and that he would act immediately to have his name removed from the Oakson handout. Allen Hoffman requested that he report on this issue at the next BOH meeting on April 11, 2013.</p> <p>Gary Menin requested his letter of review be attached to the Minutes of March 28, 2013</p> <p>At the end of review, Gary Menin requested to be informed of dates to accompany David Favreau on inspections. Allen Hoffman cautioned that with the recent conflict of interest associated to the relationship Gary Menin has with Mike Cove and Mike McDermott that it would be best advised not to accompany on such related inspections, further comment to this request is that there continues to be perception to undermine the authority of the Agent with respect to the duties and regulations of the Board of Health. Gary Menin agreed that he need not be included for "Cove" associated inspections and further that his intent is for observations only and would not interfere with the agent's duties...but he needs this involvement to better understand our ongoing workload. David Favreau stated that sometimes inspection requests are requested as "urgent", however he would try to inform the Board as a whole of inspections when possible. Gary Menin recommended that David Favreau take courses to enhance his knowledge in BOH activities outside of Title 5 issues such as epidemiology, community health, food service health, etc. in a public health degree program. Towards this end the Board asked David to put together a suggested program of study to accomplish same.</p> <p>David Favreau stated he would also try to inform the Board Members of any upcoming seminars and meetings that may be of interest to the Board of Health Members.</p>
7:45 p.m.	Adjourned

March 28, 2013

TO: Sterling BOH

RE: Health Agent Performance Review

I hereby would like to abstain from a point by point review of our agent's performance as I feel I would be considered little more than a "Johnny-One-Note" - but rather regretfully request that this letter be attached as an addendum to the subject review.

My first impressions of Dave – were of a very personable professional - well spoken and well suited for the job – and not likely to let his emotions get the best of him. Indeed, I wish I could say the same of myself.

However, as I consider the Board to be the Agent's Manager/Supervisor – I have made and will continue to make recommendations in what I consider to be the best interest of the Board that might not endear me to the agent. One of those recommendations was during last year's budget discussion – wherein I indicated that I believed that we didn't need to maintain the current staffing levels. Based on what I have experienced since, I continue to maintain this position.

This lack of endearment, however understandable, notwithstanding - does not warrant the outright ignoring of my requests – the most pertinent of which was to be engaged in some of Dave's daily inspection activities to better understand the work load. Towards this end I have requested over the last couple of years, Dave's weekly schedule and then followed up with my own schedule to facilitate this involvement. To date I have been ignored. So I ask my fellow Board members - what am I to believe? OK, it may be convenient for each of you to visit the office – one morning or afternoon each week – but as for me, a phone call or an email is far more convenient.

However it is not only these sort of dismissals that are of concern – it's the overall attitude and direction that the Board has taken over the last year and a half.

- (1) It has always been my intent for fair and equitable application of BOH regulations with minimal private intrusion. I strongly believe that we should always either ask the owner's permission to enter their property for investigation or seek a warrant. In the case of Sherwood Drive – we did neither – indeed the Agent waited a full year before he informed the Board of punitive actions he was taking. If it is ever a case of imminent danger to life or health the agent should call 911.
- (2) In my previous three years on the Board we had in my opinion a far more serious condition of break-out on a neighbor's property. We worked it out without the need for Housing Court. Now it seems we jump at the opportunity for Housing Court - having been to court three times in the last several months and threatening another resident with same should he run his hydronic heater one day over the season.

- (3) The case at Sherwood Drive was never a danger to life and health any more than many other septic systems in town that just have yet to go through a property transfer. It was simply a case where the Title 5 inspector missed a system. Indeed our 1835 building's system is undoubtedly in the ground water and we have State reports that systems on East Lake Washacum are in failure mode and are polluting the lake – yet we as a Board take no action.

It is this misplaced zealousness and disproportionate application of the standards that has caused me concern for a long time. I hope it will change. Psychologists will tell you that three people in a room can convince a fourth that an apple is truly a pear. I feel like that fourth person. I remain unconvinced – and will continue to push for fair and equitable application of our statutes – with minimal intrusion – for as long as I'm on the Board.

Respectfully submitted: Gary C. Menin, Sr.