

**PUBLIC SAFETY and  
WELFARE COMMITTEE  
SEPTEMBER 10, 2007**

The Public Safety and Welfare Committee of the Board of Aldermen held a meeting on Monday, September 10, 2007. Chairman J. Garbus called the meeting to order at 5:05 p.m.

MEMBERS PRESENT

J. Garbus, Chairman  
V. Ditchkus  
J. Patterson  
B. Lambert  
J. Politi (5:15 p.m.)

ALSO PRESENT

Mayor James L. Richetelli  
Chief L. LaVecchia (Fire)  
Chief K. Mello (Police)  
Dr. A. Dennis McBride

Chairman Garbus welcomed those present and stated the purpose of the meeting was to review a recent call to 155 Hill Street, Robert Shaw and Mayflower Place and the remediation activities at Robert Shaw. Chairman Garbus deferred to Mayor Richetelli for comment.

Mayor Richetelli extended a good afternoon greeting to all and thanked the department heads and agencies for being present for this discussion.

Chairman Garbus stated they were here to discuss an incident that occurred July 2, 3 & 4, 2007.

Mayor Ricehtelli added they also present were representatives from the agencies who took part in this incident. He stated he would ask each group to come forward and explain their part in the incident. He also explained they work under the Incident Command structure and did so for this incident. He also stated under State Statute, Chief LaVecchia is responsible for the scene.

Chief LaVecchia stated the Fire Department was the lead agency with overall responsibility to the Chief. He stated there were actually two incidents here. He explained Captain Begley responded to the site on Hill Street at which time there was an incident reported of a colored substance in the stream. He stated one of the Battalion Chief's was contacted and responded as well as DEP. He gave a detailed explanation of the testing of the water. He stated through their investigation this call came back to material at Robert Shaw at which time more testing was done. He stated DEP was called to assist with the testing and that the Fire Department Haz Mat team was also contacted.

Mayor Richetelli stated Robert Shaw is located at 155 Hill Street where the spill originated. He also stated that ERM Corporation was present and could elaborate as to the testing conducted.

Chief LaVecchia also explained that a cleaning process was going on at Robert Shaw at the time and that a "brown field" was noted which was determined to be a cleaning agent being used.

Ald. Lambert asked if the public was notified about the remediation and if they did and there was a problem what did they then do.

Chief LaVecchia stated they would notify the public agencies and that was done. He also noted that Captain Begley was on the site prior to any spill. Chief LaVecchia stated Robert Shaw did all the notification and that Captain Begley oversaw it. He explained it was after that when Captain Begley was on vacation and some of this was seen on Mayflower Place. He stated an engine company responded and that DEP was notified and responded. He stated he was a neutral substance that was found and it was determined it was some kind of dye. He stated when Captain Begley returned from vacation he contacted the Battalion Chief and began to put things together that this was probably coming from Robert Shaw.

Ald. Lambert asked why so much fire equipment and police officers if this was so low grade and why were the police there all night and a donut to control the substance. She expressed her concern about the measures if this was so low key.

Chief LaVecchia explained the testing and concentration in parts per million. He stated when the Fire Department responds they take all calls seriously. He stated the biggest risk was that this was a corner street and they did not want to have cars coming around the corner and run into one of their trucks.

Mayor Richetelli asked if the protocol on any call is that the police department provides security for the site. He also stated it was his understanding the departments were working to make sure the site was secured while the site was cleaned and maintained. He also stated he wished to address a comment made by Ald. Lambert that an officer stated to her that "he was not at liberty to say" and asked if this is a proper response to make.

Chief LaVecchia stated updates generally would come from the Hazmat Officer and Department Safety Officer.

Captain Begley introduced himself. He stated the initial clean up at 155 Hill Street was permitted through the DEP. He stated he could only speak to the calls they received. He explained he first became aware of this at the beginning of June through the Fire Marshal's Office that this clean up was going to happen. He stated he notified the Battalion Chief's Office and also had a member of the Hazmat team walk the site. He stated when he returned from vacation he spoke with Battalion Chief Edo who told him they had a call at 64 Mayflower Place of some type of red liquid. He stated that DEP and the Regional Water Company were also contacted to see if they were doing work in the area. He stated everything came up as neutral. He also explained that on June 2, 2007 he received a call from ERM that they had a small spill they cleaned up on site and that some had gotten into the storm drain. Captain Begley stated he spoke with John Aceto (DEP) and that they met at the site with ERM, Timothy Pac, Manager at the site. He explained their meeting at the site and their discussions let them to believe this could be what was found on Mayflower Place. Captain Begley went on to explain what they found at Mayflower Place and their procedure when they respond. He stated Mr. Pac identified the material as what was coming from Robert Shaw and that was when the clean up began. He stated he also had the Police Department notified and the Engineering Department. He stated the Police Department responded right away, as they always do, which is procedure. Captain Begley stated it was his decision to close Mayflower Place because of the vac trucks that would be in place and that he knew it could possibly take several days. He continued with a detailed explanation of the clean up.

Ald. Lambert commented it was her understanding that Robert Shaw has an open drain and asked if that is a direct route to that drain.

Chief LaVecchia replied storm drains are only open during severe storms. He explained they have a very strict policy as to when it comes to spills. He stated they take these types of calls very serious. He explained the normal process as to a known or unknown chemical. He stated the MSDA sheet determines the notification and also explained the department procedure with notification and appropriateness.

Ald. Ditchkus commented what he is hearing is that procedure was followed and if it were serious the public would have been informed the same as if this were a sewer storm.

Chief LaVecchia explained the use the references they have installed in the hazmat truck and explained the software contained in a database in the truck.

Ald. Ditchkus commented as to the MSDA data sheets.

Chief LaVecchia stated they go beyond the MSDA sheet and explained how they use those sheets.

Ald. Lambert stated this was June 6, 2007 was when the remediation was to start and that it was June 23, 2007 when it actually started. She asked how they know what concentrations were released. She commented kids play in that area and she knows for a fact that a child was in that water. She also commented that all the chaos upsets the neighborhood.

Chief LaVecchia responded that testing was done the very first time it was found and that it was neutral and that it is really no different than testing your own swimming pool. He reiterated it was tested that very first night. He stated testing showed it was neutral and there was no environmental affect. He also commented State DEP takes these things very seriously, as well as his own department.

Mayor Richetelli stated June 6, 2007 was the approximate date of the start of the clean up with notification made weeks before. He stated further the clean up was under the direction of a licensed clean up company. He asked if all the proper protocols were followed.

Chief LaVecchia responded yes, they were.

Mayor Richetelli spoke as to the levels of notification and commented there have been other times when there have been more serious calls and the fire department has gone door to door.

Chief LaVecchia explained the first step is to protect within. He stated the call would have had to be far greater before they would ask anyone to leave their homes.

Mayor Richetelli asked how many calls came into dispatch regarding this call.

Captain Begley responded there was only one call that came in and that it was on June 23, 2007 and it came through DEP. He stated all other calls were initiated through him.

Ald. Lambert stated she called the Health Department and the Mayor's Office.

Captain Begley stated he was answering the question of the Mayor. He also stated she was mixing up the timeline.

Mayor Richetelli asked the Chair and the Committee if they could move along as there were several other agencies present that wished to provide their overview.

From the Milford Police Department, Chief K. Mello, (along with S. Fournier, Russell, Hoff and Bothwell). Chief Mello stated Sgt. Bothwell was the patrol supervisor that evening. Chief Mello explained that on July 2, 2007 at 2:45 p.m. they were notified by the Fire Department of a possible chemical spill on the property adjacent to 64 Mayflower Place. He explained the protocol the police department follows. He stated Sgt. Bothwell also responded to Robert Shaw to see what the other information the fire department would need. He stated as it had been stated earlier that the responsibility of the police department was to provide protection to that site.

Mayor Richetelli asked if all proper protocols were followed and time lines followed.

Chief Mello stated he conducted a review of the call and was confident every protocol was followed. He stated it was important to understand that his police officers are trained and many times they have limited knowledge of what is taking place, but have a role in the incident. He stated they operate under the National Standard of Uniformed Police and that it is one collective voice. He continued with a lengthy explanation. He stated that in speaking with his officers there were several that inquired as to what was going on and explained there was a mother that was concerned her child could be playing in those woods. He stated he personally went onto the site and inquired as to what she should look for.

Ald. Garbus commented it seems they were quite thorough and that he was satisfied.

Ald. Politi asked what happens if a neighbor is concerned and they call the department and who would steer them to someone or do they have to wait.

Chief Mello stated this falls under the Uniformed Command Model and explained how a call is handled.

Ald. Ditchkus asked what would happen if someone called just because they had questions, would they be steered to the incident information officer.

Chief Mello replied yes. He stated they get a lot of general inquiries and reiterated they still operate under the one voice system. He stated public safety is at the top of their list.

Ald. Lambert stated that Officer Duff was polite but stated he was not at liberty to stay. She stated she identified herself and explained she was an alderman from that district.

Mr. John D'Agostino, Parter ER< and Maureen Leahy, biochemist from ERM.

Mayor Richetelli asked if they could provide a brief overview of the work they were doing.

Mr. D'Agostino explained there is a LAP designed for the project and that he is not. He also stated with regard to the public notice that they performed in accordance with the State DEP Regulations.

Ald. Lambert asked the date of the notification.

Mr. D'Agostino replied it was December 28, 2006 and explained the clean up of the site.

Ald. Garbus asked the next step.

Mr. D'Agostino stated Tim Pack made him aware of the release on July 2, 2007. He explained that Captain Begley and Mr. Pack responded to the area. He stated they contacted an emergency response abatement contractor for the cleanup and taking began taking steps to prevent this from happening again.

Ald. Lambert asked if OSHA was called to the scene.

Mr. D'Agostino replied they notified DEP.

Ald. Lambert asked if people on the site were affected by the spill.

Mr. D'Agostino replied no.

Ald. Lambert asked if there was a fine.

Mr. D'Agostino responded he was not aware of one.

Ald. Lambert asked if he was aware of high waters on July 4, 2007.

Mr. D'Agostino stated he was there on July 3, 2007 and there was no storm water.

Ald. Lambert asked if there was a chance this could happen again.

Mr. D'Agostino replied steps were taken so this could not.

Mayor Richetelli asked the timeline.

Mr. D'Agostino stated the date they started inspection activities was June 13, 2007.

Ald. Ditchkus asked if during the clean up they used sodium or potassium.

Mr. D'Agostino replied they used both.

Ald. Ditchkus asked if they were cutting holes through slab.

Mr. D'Agostino responded they were. He explained they did pre-drill activities and that there were several ways the leaks could have entered.

Ald. Politi asked about the press release from the Health Department and asked who helps in releasing that information. She also noted the people who have testified thus far have stated the substance was neutral.

Mayor Richetelli stated the Health Department is present and he would prefer to have them address it when they come forward.

From the DEP, John Aceto, DEP Emergency Responder, Matt Arman, Supervisor and Doug Zimmerman.

Mr. Aceto stated on June 23, 2007 they were contacted by a resident at 64 Mayflower who believe there had been a diesel spill adjacent to her property. He explained he observed a purplish substance and went on with a lengthy explanation as to the process that is taken when the DEP is on scene. He also stated they conducted field-testing on the site and were able to safely determine it was not a toxic substance. He stated the initial reaction was that they were dealing with some type of a dye. He also noted they did not receive any follow up from anyone in the neighborhood or the fire department after June 23, 2007 until July 2, 2007 when he was contacted by Captain B. Begley of the Milford Fire Department. He explained the procedure from that point which related to contacting Robert Shaw, Mr. D'Agostino and then resulted in remediation as necessary. He stated the ERM cooperated 100%. He stated Clean Harbors was brought in for the clean up and coordinated with the fire department. He also stated that ERM conducted their own investigation and found where the holes were.

Chairman Garbus noted it appeared they did everything they could rapidly and that steps were taken immediately to remediate.

Ald. Ditchkus asked if there are any other uses for permanganate and if it could be used in streams, ponds, etc.

Mr. Williams responded it really was not a question he could answer.

Ald. Ditchkus commented it sounded as though all procedures were followed.

Mr. Aceto commented once they are aware of a situation they coordinate with the fire department. In this instance he stated they also sought assistance from Environmental Protection to make sure the property had not been affected.

Mr. Zimmerman added that permitting is required by State statute and that the statute requires people putting chemicals into the soil to seek a permit. He referenced Section 22A-6K of the Connecticut General Statutes. He also spoke as to the use of sodium permanganate. He explained the process and the procedure to mitigate the spill and stop discharging the permanganate, which they were not doing. He stated they also asked them to follow up with a report as to findings. He stated they also asked ERM to go back and determine the affect of the remediation and that those findings were submitted to them.

Ald. Lambert thanked DEP commenting they did a marvelous job and stated she is very happy and proud of DEP. She also commented they answer questions and she appreciated that.

Chief LaVecchia asked if they could tell the Board how often they respond to leaks and spills, both known and unknown and when it requires response to the public.

Mr. Aceto replied in over 20 years he has responded to thousands of calls. He stated there were several residents that stopped by and commented they made themselves public throughout this call. He also

commented the fire department provided an up and above the board job as they always do. He stated they should be commended for their efforts.

Mr. Williams applauded the officer that did not give out information. He stated it is important that information is provided in a proper and efficient manner. He stated when they have a situation such as this, it is very often appropriate to have the information disseminated in an appropriate manner and that it should not be done until all information is in place.

Mayor Richetelli spoke regarding the issue of the press release. He stated he was advised that at no time were any human beings at risk therefore personal notification was not necessary. He stated he took it upon himself to notify the newspapers and had personal notification been required, it certainly would have been done. He further stated if any of the agencies had stated there was any doubt, certainly the homeowners would have been notified. He also commented that they checked their telephone logs and the only person that called as Ald. Lambert, Chief LaVecchia and the Health Director.

Ald. Beirne commented it was his understanding the purpose of this meeting was to see if proper protocol was followed.

Mr. Aceto reiterated that DEP followed all protocols and procedures.

Ald. Ditchkus commented it appeared the command structure regarding dissemination of information was followed. He also commented as to how they would answer questions as compared to the police department.

Mr. Williams remarked that under the Uniformed Command System that officer followed protocol.

Mayor Richetelli commented it appeared textbook. He summed up the services of the fire department personnel for this incident as well as the police department who provide the security and addressed traffic concerns. He noted there was concern because the incident involved a corner lot where visibility could have been difficult. He asked about the MSDA sheets and how they are used.

Mr. Williams explained the role of the DEP, which is to assess environmental damages and assess public safety. He stated they provide information on a concentrated form elaborated as to use of the sheets. He also spoke as to the chemical found at this incident. He gave statistics as to the potential affects if this particular chemical were ingested. He stated there are no other affects with just contact by this chemical. He also noted they knew it was water-soluble and that it had been injected into a brook. He stated he believed Mr. Aceto used all proper protocols in notifying the local health department.

Ald. Lambert asked if the report referred to earlier would be forwarded to the Mayor and also to the Board of Aldermen.

Mr. Zimmerman noted they still have a polluted site, which is being cleaned up, and that the permit has been suspended at this time. He asked if she was talking about the Robert Shaw report. He also stated he agreed with ERM to take additional tests of the swell at Mayflower Place and that he would provide those reports to the Mayor.

Chairman Garbus thanked the gentlemen from DEP and stated he appreciated all they did.

Health Department – Present Dr. A. Dennis McBride and Bob Grives, Sanitarian.

Mayor Richetelli commented when he was notified on July 2, 2007 his next call was to Dr. McBride and this immediately followed to the process.

Dr. McBride agreed yes, the Mayor had called him on July 2, 2007 and that later that evening he drove over to the scene. He stated the next day he went to the site and met with Capt. Begley and Mr. Aceto and that he also went over to the Mayflower Place area. He spoke as to the substance being discussed tonight, permanganate and also explained his letter dated July 23, 2007 to Ald. Garbus and his press release. He spoke as to the concern addressed by Ald. Politi in her comments and the statement made and explained he got together with the fire department and developed a brief press release. He also addressed the activity at the scene. He spoke regarding the color of the dye and noted if you stepped into it you would have it on your clothes or skin. He noted it was already in a diluted state. He stated it is always best to be cautious and that they felt the need to relay the information they had for informational purposes and that they also notified the hospital as an informational piece. He stated he just wanted the local folks to understand. He stated he believed the whole incident was quite successful and that he believed they answered all the questions being asked by Ald. Lambert and that they were open to the public. He stated by the end of the day the spill had been contained and they were quite comfortable with the situation.

Ald. Ditchkus commented he read the press release and basically it said people to err on the side of caution from what he read.

Ald. Lambert stated she called Dr. McBride on July 3, 2007 after receiving several calls from neighbors. She explained her conversation with Dr. McBride and stated she had felt this was something that should be public. She expressed her appreciation to all the departments tonight and stated they had done an excellent job. She stated she felt the problem was notification and that it came a week late. She commented the earlier you give people information is always better. She applauded the efforts, but stated it should have been more forthright.

Chief LaVecchia stated jurisdiction falls under the fire department and state statute. He stated he too has lived here all his life and also has children and grandchildren that live in this town. He commented if this spill happened next door to his grandchildren he still would have handled the situation the same exact way. He stated he believed there was not reason to notify the public.

Ald. Lambert asked if he was saying the newspaper should not have been notified.

Chief LaVecchia responded this particular situation did not warrant notification. He stated they need to gather all the facts and be able to provide accurate information. He spoke as to a telephone messaging system that would help to disseminate this information, but reiterated this situation still did not warrant that.

Ald. Ditchkus stated it was his impression the reason they were here was because of notification and that it has been answered. He also commented there is a big difference going to the press afterwards and from what he had seen and heard all protocols were followed.

Chairman Garbus stated he was satisfied with the handling of this incident.



Ald. Lambert commented it was her understanding the Mayor was working on a protocol for notification so apparently he must think it is important.

Mayor Richetelli stated he would be working with the Chief regarding a notification system, however not specific to hazmat spills. He spoke as to the school system's connect ed and how they are able to notify all families. He also spoke of the connect CTY and reverse 911 and more recently of a company called Code Red. He stated they were looking at the cost and would continue to investigate. He thanked all the agencies for being present tonight and also for their time and efforts on this incident and stated he appreciate it. He stated it bears repeating this was a textbook operation and that all the agencies interacted at their best. He also thanked Ald. Lambert and reiterated his thanks to the agencies when there is a call like this. He also commended all for attending this hearing and noted it was useful because it points out the great level of safety in place to protect our citizens. He also as to a comment that somehow this was labeled as mismanaged and that he takes great offense to a comment like that. He stated he believed all the agencies involved handled this well.

Chairman Garbus reiterated the reason for this meeting and added the City did act properly.

Dr. McBride added they use the knowledge gained from this and also spoke as to the level of cooperation between the local folks and State DEP. He expressed his hope they could profit from this type of relationship, as it is very important to keep the lines of communication open. He stated this was the long answer to a short question, which was yes.

Ald. Lambert stated she was very happy this meeting was held adding you cannot put a price on health. He stated she would like to see this Committee convene on other matters as well.

Ald. Ditchkus and Ald. Politi made and seconded a motion to adjourn at 6:50 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber  
Recording Secretary