**MINUTES**

**EMERGENCY SELECTBOARD MEETING**

**Thursday, December 26, 2019 @ Town Hall 5 PM**

The Chair called the meeting to order at 5:00 PM

Present: Selectboard: Chair Joe Pollio, Cathy Siano-Goodwin, Al Sands, Stan Mack, and Chris Wallace.

Others present: Rich Thompson Fire Chief (FC) and Town Health Officer (THO) and Bill Kearns Town Administrator.

1. Agenda. Motion to approve the agenda was made by Stan Mack, second
2. Discussion – Grafton Fire Chief/Town Health Officer: status report on the site known in town as the CIC Building at 3992 Rte. 121 East in Cambridgeport – all is under control but need to let Selectboard know contingency plans. No Public Health or safety concerns at this time. The Chair called on the FC/THO Rich Thompson. Rich stated that he asked for this meeting to inform the Selectboard about what he, along with the Div. of Fire Safety, VOSHA, State Hazardous Materials Officer and Dept of Environmental Conservation had found when inspecting the CIC Building at 3992 Route 121 East (Saxtons River Road) in the village of Cambridgeport in Grafton, to let them know what is going on with enforcement and monitoring of the event. There has been aa chemical company, MatrixChem operating in the building for some time without any permits or building code or VOSHA inspection or permits. (The State was informed of the non-permitted use of the building and non-inspected state of the premises by the Town in March 2018, in connection with the PUC permit application for a solar project, and, until now, had not taken any investigative or enforcement action.) A few weeks ago one of the tenants of the building had become alarmed because of what he considered unsafe and unhealthy operation of the chemical business and an impending “run” of a process by persons in the premises next door and had alerted the town. The State DFS, VOSHA, HazMat Tier II, were alerted by the Town Administer of the complaint. The agencies visited the site on December 18, when they could not get into the premises of the Chem company, and on Dec 26 when they did get in with the owner of the building, the owner/operator of the chemical company, and at least one tenant. Concern was raised that morning because the owner of the chem business had told state agencies she would be out of the area till mid-January, she showed up at the site at the request of Clean Harbors, whose personnel were there to remove chemicals and required a signature to do so. When she arrived, to her surprise the State officials were there. Also, despite that owner’s assurances to the agencies and to the building owner that the business would stop operating at the site, a truck arrived that Dec 26 morning with a delivery of chemicals for her business. The state agencies VOSHA, Tier II and DEC all toured the premises. VOSHA was represented by Deb Kingsbury, Tier II by Todd Cosgrove, and Shawn Donovan DEC. These folks and Rich Thompson entered the premises with the owner and found many drums, 22 +/-, of Ethyl Acetate and many drums of unknown chemicals, no safety feature or architectural structures to provide a safe environment for workers, no fire suppression system, a totally inadequate site for the work being performed there and determined that air-quality inside the building was off the charts bad. It was further determined there has been no Tier II filing, no permits from DFS or VOSHA. There were many violations of State regulation and law. VOSHA opened a case file, as did the other agencies and all agencies, including DFS, are following up with actions against the site and all considered this a high priority, though none of them consider the site, when not in operation, imminently dangerous or hazardous to public health or welfare outside the building, and inside the building only if occupancy was longer than a working shift. The agencies told the owner she must not operate the business until fully compliant with VOSHA, DFS, DEC, and Tier II and has permits and okays from each agency to operate. She stated she would cease operating and would not operate. Based on this and on the fact that the agencies with the expertise having determined there was no imminent danger or hazard to the public outside the building, the FC/THO determined he would not close the building. However, if she operated the business, he as THO would determine the threat to public health and based on that determination immediately inform all the agencies and take action to close the entire building. Baring her trying to operate, the State agencies have opened files and will follow up on investigation and compliance and the FC/THO will follow the progress until it is cleaned up. He wanted to inform the Selectboard of his action and intended actions, and that was the reason for this meeting. The Town attorney was apprised of the situation and informed that the agencies told the FC/THO he alone of all of them had authority to close the building if there was imminent public health concerns, and that operating the business under these circumstances would be such an event. She agreed. MOTION: After discussion it was moved by Al Sands, second Stan Mack that whereas the hazardous situation at the CIC Building has been brought to its attention, the Selectboard expects that the FC/CFO will use his powers as authorized to take action, including closing the building, and he will keep the Selectboard and attorney informed of his actions; and further agreed that the Selectboard would back him if the FC/THO determined that the situation is detrimental to and imminent danger to public health he may close the building. There was further discussion, including that the THO fill out the necessary paperwork to document his visits and what occurred to back his position if action is necessary at a future date. The Motion was called, and the motion passed unanimously.
3. Executive Session if deemed necessary. No Executive session occurred.
4. Action taken, if any. See Motion above.
5. Public Comment - None
6. Other Business-None
7. Date of Next Regular Selectboard Meeting: January 6, 2020
8. Adjourn. Motion Stan Mack, second Chris Wallace to adjourn and the meeting adjourned at 5:40 PM.

Respectfully presented,

William G. Kearns