

**RICHMOND SELECTBOARD AND BOARD OF
HEALTH
MINUTES
June 24, 2013**

Members Present: June Heston, Chair; Amy Lord, Vice Chair; Chris Granda; Ashley Lucht; Taylor Yeates

Absent: None

Others Present: Geoffrey Urbanik, Town Manager; Wright Preston, Health Officer; Linda Parent, Town Clerk; Tom Levesque, Fire Chief; Mary Houle; Donna Lyons; Tim Lyons; Cara LaBounty and no one was present to videotape the meeting for MMCTV Channel 15.

June Heston called the Selectboard to order at 7:00 PM.

1. Welcome and Public Comment

Ms. Heston asked if there was any comment from the public but there was none.

2. Discussion of Emergency Health Order of Richmond Health Officer dated June 18, 2013 pertaining to anhydrous ammonia at former Jolina Plant owned by Casing Development, LLC

The Manager asked if there was anyone present from Casing Development, LLC, but there was none. The Manager explained that he had received no request for a hearing from Casing Development on the Emergency Health Order. The Manager then entered the following into the record, to be attached to these minutes: (1) the Emergency Health Order, (2) a June 18, 2013 email from attorney Cara Cookson of Langrock, Sperry, and Wool, LLP, the Town's attorneys, transmitting the Emergency Health Order to Casing Development's registered agent, Jason Ruwet, Esq., (3) Casing Development's acceptance of service of the Emergency Health Order on June 19, 2013, signed by its registered agent, Mr. Ruwet, and (4) an e mail from Mr. Ruwet as to his agency for Casing development.

The Selectboard then convened with Wright Preston, the Health Officer, as the Richmond Board of Health.

The Manager summarized the findings in the Emergency Health Order; that for some time the creamery has sat abandoned, and it has been brought to our understanding that the anhydrous ammonia used in the refrigeration is still present in a tank. Since the property is essentially unsecured and people have been seen coming in and out of it, there is a high risk of tampering or vandalism. The condition of the section of building where the tank is located is deteriorating, the roof is collapsing, and there is a risk of damage to the tank and escape of its contents. These were the reasons for the Emergency Health Order issued by Wright Preston last week. Mr. Ruwet indicated to the Manager last week that Mr. Caswell of Casing Development was working on a plan to remove the ammonia with Environmental Products and Services ("ENPRO"). However, no contract has been provided to complete the work as required by the Emergency Health Order.

Mr. Preston explained the Emergency Health Order, and how it provided for an opportunity to request a hearing. The order compelled the owner to remove the ammonia by July 1, 2013, or the Town could do so at the owners' expense.

1 Donna Lyons suggested the town clean up more than just the ammonia. There was some discussion.
2 Mr. Preston said that the nature of the Health Order dealt only with the ammonia and there didn't seem
3 to be compelling evidence that any of the other contamination was threatening public health or safety.
4 There was some suggestion that soil contaminants might be migrating, but there was no evidence for
5 this.

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7 Mr. Granda agreed, and said that the nature of the ammonia was causing the danger, and carries the
8 most risk.

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10 Cara LaBounty asked if a fence was part of the health order, and Mr. Preston said no.

11
12 Mr. Yeates asked Tom Levesque to explain what his response would be in the case of a leak. Mr.
13 Levesque said that the state's Hazardous Materials Response Team would be called. The Richmond
14 Fire Department has no equipment to deal with this, and no one has been trained. There would need to
15 be an evacuation, since there is minimal ability to control a release. He added that it may take up to
16 1.5 hours for the Hazardous Materials Team to respond since the members are located across the state.

17
18 Ms. Lucht offered a motion to enforce the Emergency Health Order regarding ammonia at the Former
19 Richmond Creamery permanent. Ms. Lord seconded the motion, and the motion carried 5-0.

20
21 Mr. Granda offered a motion to authorize Langrock, Sperry and Wool to file a civil action for the
22 purposes of abating the ammonia hazard, if necessary, and to collect the Town's costs from the owner.
23 Ms. Lucht seconded the motion and the motion carried 5-0.

24
25 Cara LaBounty asked if VLCT could cover these costs. The Manager said no, this wasn't a claim for
26 damages and the town could use the Rainy Day Fund to cover these costs.

27
28 Mr. Granda added that the threat level that has been in place now has been there for more than ten
29 years. Does the Town have any way of identifying these sites so that they do not sit unnoticed for so
30 long?

31
32 The Manager said yes, there is a Known Contaminated Sites List as well as the Right to Know
33 hazardous substance filings. Tom Levesque agreed, and said that the state also keeps lists.

34
35 Donna Lyons asked why the town didn't have a shutdown fund for things like this. If the community
36 knew more, it would be safer. She offered an example that if a brewery was here and just dumped
37 their vats they would cause a great deal of contamination.

38
39 There was discussion on that, and the current laws. These kinds of things were prohibited now, and
40 people could report contamination and companies are held liable.

41 42 **3. Adjourn**

43 Motion by Ms. Lucht to adjourn at 7:35 p.m. Seconded by Ms. Lord. So voted.