Town Council Meeting Minutes

Thursday March 26, 2015, at 7:00 PM, in the
James Mastricola Upper Elementary School All-purpose Room
26 Baboosic Lake Road

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Woods, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

Chairman Harrington, on behalf of the Town Council, extended condolences to friends and family of Robert Brundige who passed away on March 12th at the age of 85. Mr. Brundige was elected as a New Hampshire State Representative for six terms, was a Merrimack Selectman from 1979 to 1994, and a member of the Planning Board, Budget Committee, Parks & Recreation Committee, Action Board, Adult Community Center Board of Directors, and founder of the Merrimack Veterans Memorial Park in 1982 of which the entrance was proclaimed Robert W. Brundige Way. His contributions were many. He will be greatly missed.

The Town Council observed a moment of silence in memory of Robert W. Brundige.

Regular meetings of the Town Council will be conducted on Thursday, April 9th and April 23rd at 7:00 p.m. in the Matthew Thornton Room.

Voting Day is Tuesday, April 14th between the hours of 7:00 a.m. and 7:00 p.m. at the James Mastricola Upper Elementary School All Purpose Room.

Absentee ballots for the second session of the Town and School District Meeting (Voting Day) are available at the Town Clerk's office. Any voter who will be unable to appear at any time during the polling hours of 7:00 a.m. to 7:00 p.m. due to employment, will otherwise be absent from town on election day, or is unable to go to the polls due to a physical disability or religious observance may vote by absentee ballot.

Voters must send a signed, written request for an absentee ballot to the Town Clerk or download and complete an absentee ballot request form from the Town's website in the Town Clerk's section under Elections and Voting. Absentee ballots can only be given or mailed directly to the person making the request.

1. **Kinder Morgan – Proposed Northeast Energy Direct (NED) Pipeline Project**
   Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon

Chairman Harrington informed the viewing audience the Town Council has purposely placed this topic at the beginning of agendas. The process followed has been discussion of any additional informational

reports and/or updates and a status update of actions items. Given the presentation being provided by representatives of Kinder Morgan, she stated the intent to forego that process for this meeting.

Chairman Harrington remarked it was previously stated that following the PowerPoint presentation questions/comments would first be solicited by members of the Council, followed by Town departments, and then residents. The decision has been reached to change the order so that residents are given the opportunity immediately following members of the Council. If time permits, questions/comments from Town departments could be presented. If no time remains, questions from Town departments would be submitted, in writing, to Kinder Morgan, and any responses received would be posted to the Town's website.

Chairman Harrington opened the floor for public comment.
No one from the public expressed a desire to provide comment.

Comments From the Press and Public - None

Recognitions, Resignations and Retirements

1. **Acceptance of Resignation of Cynthia Warhola from the Agricultural Commission**
   Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon
   The Town Council to accept the resignation of Cynthia Warhola from the Merrimack Agricultural Commission where she has served as a member since May 2009.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to accept, with regret, the resignation of Cynthia Warhola from the Merrimack Agricultural Commission

ON THE QUESTION

Councilor Boyd thanked Ms. Warhola for her six (6) years of service to the Agricultural Commission. He commented Ms. Warhola was a key component of starting the Farmer's Market in Town.

MOTION CARRIED 7-0-0

Appointments - None

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

President Obama has approved the Disaster Declaration for the January 26th snowstorm. The Town requested reimbursement for approximately $47,000, and are waiting for word from the State with regard to when reimbursement will be received. Once received, a request will come before the Council for approval and acceptance.

At its last meeting, the Council approved the expenditure of up to $2,000 for electronic message boards to advertise for the April 14th election. Town Manager Cabanel stated the Public Works Department has arranged to borrow electronic message boards from surrounding communities at no cost.

Consent Agenda - None

Old Business - None

New Business

1. **Donation Acceptance for the Merrimack Police Department**
   Submitted by Lieutenant Denise Roy
   The Town Council to consider the acceptance of a donation of a ballistic S.T.R.I.K.E Armor vest from the Rotary Club of Merrimack valued at $677.79 to be utilized by the Police Department's School Resource Officer assigned to the Merrimack High School, pursuant to RSA 31:95-e and Charter Article 8-15.

Lieutenant Denise Roy, Merrimack Police Department, informed the Council the department was approached by the Merrimack Rotary and questioned if there was equipment they could purchase and donate to the School Resource Officer (SRO) at Merrimack High School. One thing the SRO is lacking is S.T.R.I.K.E body armor. The SRO wears a protective vest daily, which is similar to that worn by all officers. Those ballistic vests only stop certain handgun rounds. The armor weighs approximately 20 pounds when all ballistic plates are included. Because of its weight it is not something officers wear daily. Other officers have access to these vests in the trunks of their cruisers, and they are readily available if needed. The SRO, however, does not have that availability at the High School. The donated vest would be specifically for the SRO. It would be kept locked in the office, and readily available to him if needed. The vest would allow for protection from high caliber handgun ammunition as well as rifles.

Maureen Mooney, President-Elect, Rotary Club of Merrimack, remarked the Rotary is pleased to be able to fundraise for the community, and provide this service to the Merrimack Police Department and the community-at-large.

Lieutenant Roy noted the total cost for the vest, to include the carrier and armor plates, is $677.79.

Councilor Boyd requested clarification the vest would be worn in an active shooter tactical situation, and was informed that is correct. Lieutenant Roy added the hope is the only time it ever has to be used is during training. The only other time would be if there was an active shooter incident within the school.

MOTION made by Councilor Mahon and seconded by Councilor Koenig to accept the donation of a ballistic S.T.R.I.K.E Armor vest from the Rotary Club of Merrimack valued at Six Hundred Seventy Seven Dollars and Seventy Nine cents ($677.79) to be utilized by the Police Department's School Resource Officer assigned to the Merrimack High School, pursuant to RSA 31:95-e and Charter Article 8-15. MOTION CARRIED 7-0-0

2. **Consideration of Proposed Zoning Ordinance Amendments [First Reading]**
   Submitted by Community Development Director Tim Thompson
   The Town Council to consider the proposed Zoning Ordinance amendments as recommended by the Planning Board regarding references to "Board of Selectmen", revisions to Junkyard, Zoning Administrator, Zoning Board, and other minor revisions to various sections (Sections 1, 2, 3, 5, 6, 7, 8, 9, 14 and 17).

Timothy Thompson, Director, Community Development Department, noted, last summer, his department was requested by staff within the Town Manager's Office, to make changes to the junkyard section of the Ordinance, e.g., update it concurrent with updated State statutory language. In doing so, it was noted there were several references to the former Board of Selectmen. A decision was reached to amend that reference throughout the Ordinance. During that process, and at the encouragement of the Planning Board, staff determined they would examine the entire Ordinance to amend any outdated references to State law, sections of the Ordinance where references had not been updated, and making corrections that related to the current departmental structure.

What was proposed was a series of amendments to Sections 1, 2, 3, 5, 6, 7, 8, 9, 14 and 17. The only substantive change is a slight modification to the definition of junk; to add additional items that would qualify to be considered junk under the junkyard Ordinance. Outside of that the proposed amendments are clarifications and corrections to references in sections of State Law.

Councilor Boyd referred to Section 1.03 Definitions, and questioned the proposed amendment to #6 Aquifer; addition of the language ", or as most recently published by USGS." He questioned whether anything has been published. Director Thompson stated his belief nothing has been updated since the previous reference (1977). The desire was to avoid the need to amend the ordinance each time maps and references are changed.

Under #12, Community Development Director, he questioned whether the term "administrator" is proper. Director Thompson stated the only change was to the title, which previously read "Planning Director".

Under #28 Junk, he questioned the enforcement aspect. Director Thompson referred to #29 Junk Yard, noting the language speaks to anything exceeding 200 sq. ft. in area is where the definition becomes applicable for enforcement purposes.

Number 43, Planning & Zoning Administrator, references "An appointed official". However, the position is a hired position. Director Thompson stated that is one of the reasons for the proposed amendment for a complete change to the section on Planning & Zoning Administrator (page 7-1).

Councilor Boyd noted Section 5 - Junk Yards, #5.02 - Commercial and Industrial Districts and 5.03 - Licensing include the language "licensed by the Town Council". He noted the Town Council has delegated authority to the Town Manager to have discretion over licenses, and questioned whether there is the need for language elsewhere within the Ordinance identifying the Town Council as the ordaining authority. Director Thompson responded he does not believe that necessary as that has been operating for the past several years, even though that responsibility has been delegated to the Town Council with the language "Board of Selectmen" written in the Ordinance.

Councilor Boyd requested clarification on #8.04 - Variance - Special Exception Validity Period, and was informed the proposed amendment would include the language of new State law, which was enacted in 2014.

Under Section 6 -Building Inspector, #6.01 - Appointment, the language reads "the Town Council shall appoint a Town Buildig Official". Director Thompson stated, if so desired by the Council, the language could be changed to be consistent with the Planning & Zoning Administrator section. Councilor Boyd stated that to be his preference. Chairman Harrington echoed his remarks.

MOTION made by Councilor Boyd and seconded by Councilor Woods to move the proposed Zoning Ordinance, with modifications, to a second reading. MOTION CARRIED 7-0-0

Director Thompson commented, if the item could be added to the Council's April 23rd agenda, both he and the Assistant Planner, Donna Pohli, are already slated to be in attendance at that meeting for another matter.

MOTION made by Councilor Boyd and seconded by Councilor Mahon to recess until the conclusion of the Presentation by Kinder Morgan. MOTION CARRIED 7-0-0

The Town Council recessed at 7:30 p.m.

Town Moderator, Lynn Christensen, made the following statement:

"This meeting will be run under the rules of order that we use at our town meetings, with a couple of modifications.

Since there are quite a few people who wish to ask questions and speak, we will limit each speaker to the traditional 3 minutes. You may come back after others have had their chance at the podium and speak a second time. I would ask that you have your thoughts in order so that you may be able to express them in this timeframe.
I would also remind you that there are a number of different opinions represented in this room and that you recognize that not all may be agreeable with you. Despite that, I will require you to be considerate of those with differing opinions, acknowledge their right to them, and treat all with the respect that the Town of Merrimack residents have always done in public forum. Civility has always prevailed here in Merrimack and will do so in this meeting tonight.

I will also expect Kinder Morgan representatives to adhere to these principals. And since they have established the limited time that they will be here, I will ask that they provide concise answers to questions and not go into broader more expansive answers than the question requires.

There is a list on the table at the front of the room where you entered that enabled you to sign up as wishing to ask a question or speak. I will be using that list to recognize Merrimack residents first to speak. If you have not signed up, feel free to do so at any time during this meeting. Brian has a second list that I will be drawing from.

If you are from another town and wish to speak, you will be allowed to do so after Merrimack residents have had a first shot at it. You will need to sign the list, as again, I will be recognizing people from this list only."

Moderator Christensen introduced the representatives of Kinder Morgan as Matt Abdifar, Public Affairs Manager, Curtis Cole, Business Development Director, Mark Hamarich, Project Management, and Jim Hartman, Right of Way Agent.

A PowerPoint presentation was provided (can be viewed here). Mr. Abdifar stated Kinder Morgan is the largest midstream energy company, which means they do not drill for energy or sell it. They are the transporter, e.g., the largest pipeline company in North America. A map was projected identifying existing pipelines throughout North America. He stated the focus of the meeting to be on the pink line titled TGP (Tennessee Gas Pipeline). The next slide identified the TGP as 14,000 miles of pipeline

beginning in the northeast and extending to the southeast. Highlighted on the map were the Marcellus and Utica Shales. Mr. Abdifar stated the Marcellus Shale is the most prolific Shale Play in all of North America. It is where all of the gas that comes into New England currently comes from.

The following slide identified TGP's existing shippers (customers) in New England. The first identified, Liberty Utilities, is the largest gas provider in the State of New Hampshire. Identified next were the municipalities within New Hampshire that currently have existing TGP lines. Mr. Abdifar noted they have been operating in the State of New Hampshire for 60 years. Displayed were photos of existing Rights-of-Way in New Hampshire followed by photos of existing valve, meter and compression stations, which are common structures associated with pipelines. It was noted there would not be a compression station located in Merrimack. One is cited closer to New Ipswich.

With regard to New Hampshire assets, Kinder Morgan operates approximately 50 miles of pipeline, and currently pays $1.7 million to State and taxing bodies based on the value of infrastructure (pipe and structures).

Mr. Cole presented a slide that identified the current sources of natural gas coming into New England. He remarked, when the TGP was constructed it flowed on a south to north basis all the way into New England. That is the way it has always flowed. They used to get the bulk of the gas offshore. That has all changed because of the Marcellus Shale. It has completely changed the plumbing on the system. Currently, gas comes in and flows south. It is completely full coming in because there is such a high demand for low-cost gas from Marcellus. There is no room. That is why the Northeast Energy Direct (NED) project is being built.

In 2008, the Northeast received only 14% of its natural gas from Appalacia/Eastern U.S. sources such as the Marcellus Shale. It is estimated by 2022 the Northeast will receive 92% of its gas supply from Eastern U.S. sources. In addition, on the power generation side, New England went from 5% 15 years ago up to 52% in 2012.

Mr. Cole pointed to the slide, which included a quote from the President and CEO of ISO-NE, which states the problem as "an already constrained natural gas infrastructure". Mr. Cole stated, when that happens and temperatures are cold, and you don't get gas to the power generators, prices increase. He stated gas and electricity are highly correlated; as gas prices go up electricity prices go up.

Mr. Cole stated Competitive Energy Services (CES) did an analysis and provided a report, which basically said if you add 2.4 billion cubic feet (Bcf)/day of pipeline capacity to the region you eliminate what they call the pricing differential or basis differential between Pennsylvania and New England. New England has the highest energy prices in the contiguous United States. That is largely due to not enough low cost gas being able to go towards power generation. CES estimated the addition of 2.4 Bcf/day would result in a savings of $3 billon/year.

Mr. Cole stated the Governors have asked the New England States Committee on Electricity (NESCOE) to come up with a solution to fix the power generation problem.

On March 5, 2015, Kinder Morgan announced it had reached agreement with key local natural gas distribution companies throughout New England to transport approximately 500,000 dekatherms (Dth)/day of long-term firm transportation on the Northeast Energy Direct Project route. They are the customers that approached them and asked to get all the way back to Marcellus' lowest cost gas.

Mr. Abdifar stated the Federal Energy Regulatory Commission (FERC) is the overseeing organization for all of these projects across the country. The proposed timeline with FERC was highlighted. The project is currently in the pre-filing phase. Open houses conducted in New Hampshire were part of the pre-filing phase. Town meetings are not part of the formal process, but are being conducted because the company wants to answer questions from community members and be responsive.

The pre-filing process will continue through the remainder of the year. FERC filing will likely be in September 2015. FERC approval would be anticipated in the 4th quarter of 2016. Proposed start of construction activity is January 2017 and proposed in-service is November, 2018.

Mr. Abdifar spoke of regulatory oversight noting FERC is the overarching agency that oversees these projects. Also at the Federal level are the U.S. Army Corps of Engineers - New England District, and numerous others listed in the presentation. In addition to Federal agencies, are numerous State agencies such as the New Hampshire Department of Environmental Services (NHDES). Local agencies having oversight are the New Hampshire town Conservation Commissions. When filing in the fall, Kinder Morgan will file concurrent permits at both the Federal and State level.

Mr. Hamarich provided an overview of the project scope stating the project begins in Pennsylvania, comes across New York, in through Massachusetts, and into New Hampshire. He noted the presentation includes a chart depicting the FERC review process, which can also be viewed online at http://www.ferc.gov/. He spoke of the numerous opportunities for public participation during the process. The presentation outlined the New Hampshire towns impacted by the process.

With regard to the construction process, the 400-mile process will be broken into spreads. Contractors will come in and utilize separate crews for each spread to run through the process, e.g., wagon train process. They will stake the right of way, start with clearing, grading, stringing the pipe, welding, installing the pipe, backfill, clean-up, and then restoration.

Kinder Morgan has a team of right-of-way agents that will be with the project all the way through construction. Speaking to the issue of co-location, Mr. Hamarich directed attention to the slide titled Right-of-Way Layout, which provided a diagram showing the existing power lines (shaded in green; 65') and the area just outside of the power line (shaded in red; 35') is the area of the pipeline. To the right of that is additional work space that will be needed during construction (aqua stripes), which will revert back to a 50' easement. The desire is to utilize as much of the power line easement as possible. Discussions continue in that regard, e.g., defining locations of poles. Kinder Morgan remains in the process of fine tuning the route.

Horizontal Directional Drilling (HDD) is being proposed to cross the Merrimack River, from Merrimack into Litchfield. Currently it is laid out as a 2,300' drill. They would set up on one side with drilling equipment, drill a pilot hole, which is all controlled with a GIS system so that they can hit the stake within 2-3' on the other side along a curved radius that the pipeline can eventually be pulled through. There is a reaming process, which is a non-intrusive process, although there is some surface distance (approx. 200'-250' on each side). Nothing in between is disturbed.

There is one proposed compressor station planned for New Hampshire (not in Merrimack). With regard to environmental considerations, Kinder Morgan considers environmental issues from the day the route evaluation is started. One of the things they are currently working on is conducting field surveys. They are seeking permission to get out and obtain the necessary data to put the environmental impact

statements together. Environmental inspectors are part of the project, through construction, restoration, and several years after to ensure everything has been restored and back to normal.

Mr. Hamarich spoke of Kinder Morgan's commitment to safety noting safety and environmental issues are non-compromised values of Kinder Morgan, and a primary focus to ensure they drive safety and environmental to all levels. With regard to safety in construction, all welds are x-rayed, all pipe is hydrostatically tested (water is placed in the pipe and test to a pressure higher than will ever be operated). During the life of the project the operations team monitors the project from gas control center, aerial patrols, and other comprehensive safety programs.

The route in Merrimack follows the power line for the most part; deviates a little at the highway crossing and the drill across the river. The Town maps handed out show a 400' survey corridor. The alignment sheets included in the presentation are included in the FERC filing, and provide additional detail.

Mr. Abdifar spoke of project benefits. He noted the expectation of an additional $11.2 million to local taxing bodies in New Hampshire. The project should result in the creation of an estimated 3,000 construction-related jobs. Mr. Abdifar stated Kinder Morgan has already signed Memorandum Agreements with the Labor Unions across the five states that are part of this project. Other benefits would be gas supply, energy reliability, and increased capacity for the region particularly in New England where energy costs are high.

Their largest customer in New Hampshire, Liberty Utilities, is looking at expansion throughout the State, and has been for some time. This project would enable them to expand into towns, support more businesses, keep businesses here in New Hampshire, etc.

Mr. Abdifar spoke of the outreach efforts that have occurred, and referred to a slide detailing those efforts.

Town Moderator, Lynn Christensen, opened the floor for comments/questions from members of the Town Council.

Councilor Boyd directed attention to FERC's Resource Report (RR) #11; specifically section 11.2.1 – Pipeline Design Specifications, and questioned the class of pipeline being proposed. Mr. Hamarich responded the pipeline is still under design. If a high density area it would likely be Class 3, but the engineering company is doing the population study (based on population along route and high consequence areas). The June filing will identify class and valve locations.

Councilor Boyd spoke of the letter submitted to FERC, which included abutter information as it relates to every abutter along the pipeline (names considered confidential), and questioned if the list is still being completed. He commented, with his understanding of how the class pipelines are designed, Kinder Morgan should be able to ascertain whether they intend to put a Class 2 or Class 3 pipeline along the route, based on abutter information.

Mr. Hamarich responded that is something the engineering company has not yet completed. Councilor Boyd stated the question was not related to engineering, but whether the intent is for a Class 2 or a Class 3 pipeline, the difference being a Class 2 does not use an odor and a Class 3 does. That is an area of concern for Merrimack residents. Mr. Hamarich stated the entire pipeline would be odorized. It will be odorized when it leaves New York State. Councilor Boyd requested clarification that would be the case

regardless of whether the pipeline is a Class 2 or Class 3. Mr. Hamarich responded "regardless if it is Class 2 or Class 3."

Town Moderator, Lynn Christensen, opened the floor for comments/questions from residents of Merrimack.

Debra Huffman, 60 Amherst Road, Merrimack

Stated last year the New England Governors commissioned a report on New England's energy needs. The report concluded the need for additional gas in the coming years. The call went out and proposals came in. There are now enough pipeline proposals to fill our future gas needs many times over. New England will be getting lots of gas from projects like Atlantic Bridge, Access Northeast, etc.

Those other projects use existing pipeline easements. They are mostly projects to replace smaller pipes with larger ones. Kinder Morgan is the only company that wants to dig a brand new trench cutting across the State, cutting through people's yards, farms, conservation lands, etc.

She remarked with all of the other projects being proposed that would provide abundant gas, why would anyone support the proposed NED project. Mr. Cole responded they had the power line as one of the alternate routes from the very beginning. They have analyzed 9 different paths. While in Massachusetts the more they looked at this route as the alternate route and the more they worked with regulators and stakeholders and analyzed the impact to landowners, they determined there to be less of an impact than if going along the existing line. The other pipeline projects spoken of also have looping and some greenfield. Some of it is taking out a 26" diameter pipeline and putting in a 42" pipeline. A lot of that is because there is nowhere else to go. Any pipeline project impacts people. This project actually minimizes the impact to landowners more than any other route they could have chosen.

It was suggested he may have misinterpreted the question, and Mr. Cole continued by stating Kinder Morgan responds to what customers request, e.g., they don't construct a 2.2 Bcf, 36" pipeline unless they have 2.2 Bcf of market. There is no pipeline project allowed by FERC that would simply install whatever the filer desires. The project proposed by Spectra Energy, Access Northeast, doesn't have any customers just yet. They will get customers. He remarked they both expect power generation customers to be added for both pipelines because that is what the problem is all about; getting more gas capacity to the region.

Michele Watson, 21 Whittier Road, Merrimack

Remarked this was her third time listening to Kinder Morgan representatives, and she is of eth belief they are missing a lot of information in their presentation. The presentation highlights the beautiful photos of the rights-of-way, but not its appearance during construction. She spoke of walking through her neighborhood, viewing the power lines and where the construction would go, and noted it will go through her neighbors' backyards. None of those situations are highlighted with photographs.

People are listening to the presentation on how much energy is needed, how the project will result in reduced costs, etc., but the whole picture is not being shown. There are no photos of what the construction phase will look like.

She remarked during the presentation in Litchfield it was mentioned Kinder Morgan will bring the energy to New England, yet they also informed the public individuals could not find out when they would get natural gas because they are only a transmission service. She questioned how they could speak of reduced energy costs when they are not the distributor.

Ms. Watson questioned what is meant by energy, e.g., natural gas, oil, propane, or all together? She commented she finds it hard to believe that California's prices are less than those in New Hampshire. When speaking to New England in general, she questioned where New Hampshire falls in that regard, more or less expensive than the rest of the region.

Mr. Hamarich responded there is short-term disturbance during construction. As far as the way the construction is done and the right-of-way isolated, they keep people off and work safely. He commented the point is a good one, and they will take that as far as showing what construction is, what blasting is, what they are doing in wetlands and residential construction. He stated appreciation for the comment.

Mr. Cole stated Kinder Morgan has 500,000 Dth/day of executed agreements with Local Distribution Companies (LDCs). The first thing they have to do, and something Liberty Utilities has already done, is turn the agreement into the Public Utilities Commission (PUC) with the statement of belief it is what is believed in the best interest of its customers. There is the requirement for them to prove that statement. If unable to, the PUC will not approve the agreement. They are out trying to secure franchise rights, are looking at areas along the pipeline, have purchased a gas/propane facility in Keene, have expansion plans to serve portable pipeline facilities, refueling facilities, etc. They have plans. There is no guarantee.

He noted Liberty Utilities has plans to serve the Town of Pelham. He remarked you cannot distribute gas unless you have an interstate pipeline to serve it. You have to have infrastructure in order for LDCs to come in. In the northwest part of Massachusetts, there is no gas. You will see gas there and gas in southern New Hampshire; when, he could not say because it is up to the LDCs to decide to commit. It may not even be Liberty Utilities. Another could secure a franchise.

Mr. Cole stated the cost estimates for existing residents are in the 50% reduction range because of this low-cost gas. For converting over to propane and fuel oil, he believes it to be in the area of 60% and 70% reduction. On electricity prices, the estimate is a 60% decline. It could be 30% or 20%. Projections are just that, projections based on the best available information. These companies have to demonstrate that their data is the best available information.

<u>Wendy Thomas</u>, 10 Wildcat Falls, Merrimack

Spoke of photos included in the presentation; specifically of the compressor station in Pelham, NH. She suggested the photo is disingenuous because it is actually the photo of a very small utility building that is next to the compressor. She provided some photos of what is called the compressor. It was stated what was depicted is part of the compressor station. When asked to identify the compressor station, the photo on the bottom left of the slide was identified as the auxiliary building/compressor station.

Ms. Thomas spoke of an incident that occurred recently where a 1" gas pipeline located in Merrimack was damaged and began to leak. A shopping plaza and streets in a neighborhood had to be evacuated. She questioned the area that would need to be evacuated if a leak occurred in a 36" pipeline. Mr. Hamarich responded it would depend on the circumstance, type of topography, pressure in the line, etc.

When asked for an estimate, he stated it would be inappropriate for him to give any kind of estimate on the distance as it may be either misleading or misunderstood.

Bruce Bradshaw, 54 Whittier Road, Merrimack

Stated he would prefer to pay higher prices in exchange for the safety and environmental concerns for the Town.

He questioned alternate routes that were considered through Merrimack that would avoid blasting through the nature preserves and putting over half of the Town's drinking water at risk, and why one of those routes were not chosen.

Mr. Hamarich stated they have an exchange of maps with the Merrimack Village District (MVD) and are looking at those areas at this time. The project is still early in the process as far as pre-filing. They have the route on the map, but have not done any field surveys at this point. They are gathering additional data through aerial views and consultations with the communities, etc. to see what resources would be impacted and what construction techniques could be used through those resources. He remarked they have crossed through aquifers and near wells before. Different construction techniques have been used. He reiterated they are still early in the process to see if they can fit a route through those areas. They have looked at many alternatives since the start of this process, and will continue to do that.

Mr. Bradshaw questioned the timeframe for publishing the route. Mr. Hamarich responded they have filed their first set of alignment sheets with the Resource Reports that were filed on March 13th. In June, they will file a second set. The filing of the preferred route will be in September of this year. That is when, if they get the market and depending on the size of the market the project would be sized; 30" or perhaps 36". They cannot file without the market. Between now and then they will be working on fine tuning the route; trying to get survey permissions, get on the ground, new aerial flights, etc. They have consultants working on the directional drill designs and are consulting with the different resource managers in the State and local to identify all of the locations to help fine tune the route.

As far as blasting, that is a process, they have done it before, it is a controlled blast, and only so deep for the fracturing. Those are things that would have to be evaluated.

Mike Brody, 41 Whittier Road, Merrimack

Requested additional information on what occurs with regard to monitoring lines after project completion. He also questioned if the Town would be reimbursed in the event a response was required due to a catastrophic event, etc. He also questioned what causes catastrophic events.

Mr. Hamarich responded there are different causes for events. As an example he spoke of an event that occurred on the TGP in Ohio in 2011 where there was a failure at one of the welds in a line. The line was in place for approx. 40 years, but it was built in an area where there were landslides. Those landslides put pressure on the line. The line moved and opened. There were flames. There were no injuries. The emergency response worked properly. The lines were equipped with shutoff valves. In an emergency, these valves shut off. He stated the NED project would be designed with shut-off valves either sensing or remotely controlled. The gas is isolated and then dissipates. The primary role of emergency responders is to come in and isolate the area, evacuate, and then the gas company isolates the valve. Mr. Hamarich stated it is a very rare event. When a new pipeline is built you start with the

construction process; steel, and once the line is in you have safety systems in. One system is the valves, should you have a rare event it shuts in and the gas can be isolated and the area evacuated.

With regard to maintenance, he stated his belief the program is one where every 7 years you go through and check for damage. To prevent corrosion when installing the line you want 100% coated, but you can't always have 100% so you have a Cathodic Protection (CP) system that puts an electrical current on the line.

Mr. Brody questioned, in the event of an incident, if the first response would be that of the Town, would the Town be reimbursed, and does the Town have the capacity to respond to something like that.

Mr. Hamarich stated if the event is on Kinder Morgan the Town would be reimbursed. He noted Kinder Morgan works with emergency responders in all towns they operate in. The responders are aware of the location of the lines and understand their role in an event, Kinder Morgan's role, etc. Kinder Morgan has mock emergency exercises, which sometimes include responders from the Town.

Mr. Abdifar added just as they would do with industrial and manufacturing facilities in Town, emergency responders would tour the facility. He noted the pipeline company would come in, regardless of who it is, and would conduct trainings. They would explain the process for responding, what responders should be doing, who they should be contacting, etc. There is work the pipeline companies do to work with first responders to ensure they are prepared.

Dan Bogdan, 19 Fairway Drive, Merrimack

Remarked about 45 years ago the area behind his parents' home was dug up and a transmission line run. Now there is no evidence it is even there. There have been no incidents. He commented he has watched the Town of Merrimack grow. He has also watched gas and electric bills increase. He is in support of the proposed pipeline and the northern pass. The power is needed. He spoke of residents having fought the extension of Continental Boulevard going through to Pennichuck Water Works. There were pros and cons associated with that. Everybody uses it and the residents on Thorntons Ferry are happy now because their neighborhoods are nice and quiet. He spoke of other projects in Town that faced opposition, which turned out for the better.

He questioned the amount of gas spoken for and how much free space there would be on the line for future expansion. Mr. Cole stated, at present, there 500,000 is out of 1,200,000. If a 30" pipeline were installed, 1.2 Bcf/day, they have sold 0.5. They are still securing customers. Those are what they call anchor shipper customers. They are anchoring the project and additional customers are coming on board. They anticipate a very healthy power generation market. He commented 24 gas fired power plants have been added to serve New England, but no pipeline capacity has been added. They are there and ready to run. Two developers are looking at siting a power plant along this 345Kb line and the gas line to replace the Vermont Yankee nuclear facility. In their eyes, they know that a wind farm takes 55,000 acres of land to replace Vermont Yankee Nuclear facility. They think they can replace that facility with a gas fired generation facility using Tennessee Gas and jumping on the Public Service of New Hampshire power line. Those are things people look at once you get interstate pipeline and have access to the grid. There is space on the pipe right now at 700,000 on a 30". That 700,000 they believe will be spoken for, it will just take more time.

He remarked the solution to serving the power grid to provide reliability is not an easy fix. They are very confident it will be fixed and they have space to serve those power generators.

Mr. Bogdan suggested consideration be given to what will be needed in the future so that some 30 years down the road we are not then having another disturbance to put in a larger pipe. Mr. Cole stated the reason they are looking at a 36" pipe is exactly that. They filed with FERC for up to 36". They intend to file based on what they determine the market need to be. That decision will not be made until they file at the end of September.

George May, 157 Naticook Road, Merrimack, representing the Souhegan Watershed Association

Stated the desire to point out once the pipeline comes into New Hampshire it is entering the Souhegan Watershed. The Souhegan River is a protected river in the State. It requires major protection. Kinder Morgan will be making a very complicated river crossing in Greenville. They will run down through Amherst and cross the river 4 times around Souhegan High School, which seems insane to him. From there, they will come into Merrimack, cross into the Horse Hill Nature Preserve (HHNP), White Pines Swamp, etc., which is all part of the Souhegan Watershed. Heading east you veer away from the Souhegan and head directly for the Merrimack River, which is another protected river. Extreme caution will be needed.

He stated his understanding there is to be a compressor station somewhere out to the west. Mr. Hamarich stated New Ipswich to be the primary site being looked at. Mr. May continued by stating his understanding compressor stations are required every 40 miles. Mr. Hamarich responded it is approximately every 40 miles. There is one planned in Ipswich and another in Dracut; nothing in between.

Mr. May spoke of a rumor that suggests 20-25 years from now compressor stations will be required every 20 miles. Mr. Hamarich responded the way the system is he could not guarantee there would never be a compressor station between New Ipswich and Dracut. Mr. May questioned what 20 miles would be from the last compressor station in New Ipswich, and suggested Merrimack would be a possibility. Mr. Hamarich stated if that were ever to be, there would be a whole new siting process required. He added he cannot say in 20 or 30 years when the pipeline is here that there is not a need for more gas. One of the ways to expand capacity on a pipeline is to put compression in between. That is very speculative.

Mr. May spoke of the river crossings and questioned whether there would be valve stations on either side of the river.

Mr. Hamarich stated in Amherst, they would cross the Souhegan four times. But have 2 directional drills planned. The valve spacing would likely be about 8 miles apart. Typically they don't place a valve station in each side of the river; they stay with normal valve spacing. At this time, there are no plans to put valves on either side of the rivers at these crossings. He added they are deep (could be 30-40' deep) and there is not a need to isolate those particular areas. They are not subject to any kind of 3rd party damage or anything else.

Mr. May spoke of the existing line in Massachusetts, and stated a great many people would be pleased if Kinder Morgan were to go back to that route.

Mr. Cole commented one of the benefits of the current design is that it serves other customers on the 200 line as well. By tying into Dracut they are not only serving all of the customers in northern Massachusetts and New Hampshire, but they increase the pressure it has already lost in traveling that

distance, fills that 200 line back up, and allows for increasing deliveries to customers in Massachusetts. Hydraulically it is the best solution to serve the most customers.

Eber Currier, 9 Peaslee Road, Merrimack

Spoke of owning a small farm in Merrimack; property that is within the 50' right-of-way. Kinder Morgan has an easement through it. He questioned what would be allowed in that 50' easement for farming, which is maintained by tractors, bush hogs and so forth on a yearly basis.

Mr. Hartman questioned if Mr. Currier has been visited by representatives of Kinder Morgan to discuss survey permission. Mr. Currier provided the example of apple farms, noting typically there are roots that go down about 5', and touched upon the amount of fruit produced and revenue gained from its sale. He questioned the amount of land that would be lost to farmers. Mr. Hartman remarked the reason he questioned the survey is because trees on top of the easement are a problem for Kinder Morgan. They would like to align the pipeline in conjunction with some of the roads or along the property line to be able to minimize future impact to growth. In general, hang activity, corn, agricultural activities are all allowed. It is the trees that can be problematic. He reiterated alignment can be modified to try to minimize impact based on the current rows and where access roads are.

Mr. Currier remarked in some of the information provided he is aware future maintenance could involve use of herbicides, etc. He questioned if trees located within 10' of the proposed route of the pipeline could remain. Mr. Hartman reiterated part of the process through the easement acquisition is negotiation for those easement rights and damages that are paid for compensation for those easement rights. In his case, with the crop, it takes on a little different flavor because he has an annual crop that has a planned life expectancy, and the replanting of those trees has a certain growth and yield until they come back up to production. The damages they would discuss with him are really crop based.

David Batt, 2 Woodhaven Circle, Merrimack

Mr. Batt questioned the number of miles of natural gas pipeline currently under control or ownership of Kinder Morgan, and was told 70,000. When asked how many environmental impact incidents they have experienced in the last ten years, Mr. Hamarich stated the information is published on their website. There were several. When asked about the ratio per mile, he stated he did not have that statistic readily available. He commented there are approx. 35 measures that they are measured against their peers; environmental incidents, pipeline incidents, OSHA safety, etc. Their current posting in February indicates they are outperforming their peers 30 out of 35; one is environmental incidents, which is based on 1,000 mile of pipeline ratio.

When asked about EPA fines, Mr. Hamarich responded there may be; however, he did not have that information in front of him, but could acquire it. He reiterated that information is posted on the website.

Mr. Batt questioned if any of the gas that would flow through Merrimack would be utilized in Merrimack. Mr. Hamarich stated right now Kinder Morgan is looking at interconnect with Liberty Utilities for their 116/day in Amherst, but in discussions with Liberty they are looking at potential sites in Merrimack to actually put a meter station. That is another facility that is not filed for, but the question was asked if the gas would be in Merrimack. There is a chance.

When asked if all of the pipeline would be underground in Merrimack, Mr. Hamarich stated it would, but there may be a valve site. That spacing has not been done. There is a chance there would be a valve station aboveground. It would be in the right-of-way. Instead of being directly under the power lines it

may move over. It is about a 50 x 50 site, perhaps smaller. If they put in what they are talking about now with remote control valves, there may be some out buildings with some communication on it.

Mr. Batt questioned what would happen if rare species or archeological digs were encountered. Mr. Hamarich stated that is one of the things they do their surveys on. The environmental permitting process with FERC, is very stringent on what they walk through. They have to identify any threatened or endangered species, any cultural sites, etc. If you encounter such items there are different ways to handle it such as avoidance. He commented they have had projects where they encountered threatened and endangered species where they had to replant them/bring them back. Mitigation could be a solution.

Mr. Batt questioned why the market size is not yet known. Mr. Cole stated they started the process before having any customers signed up. Building a pipeline, any pipeline/infrastructure takes a lot of time and effort. They know 500,000, which is a huge number, and their customers have asked for it. They are still working on a number of fronts including the State of Maine. They are heavily involved in the FERC process. They are also working on the power generation market. They are very confident the investment is the right thing to do. When asked about profitability, Mr. Cole stated there are two things you need to build a pipeline; there has to be a market and the project has to be able to be permitted. If those two things are not present in the fall they will not file. He commented there are hundreds of files they have not filed. When filing, they have not been denied by FERC. He spoke of a project that was just cancelled, which had been worked on for two years.

Carolee Dalton, 22 Joey Road, Merrimack

Questioned if exports are considered part of the market they are going after. Mr. Cole responded they don't go after market, they are talking to everybody. There are potential projects that have been looked at for exporting. Downeast LNG off the state of Maine has been looking at importing Liquefied Natural Gas (LNG) for ten years. They are also now talking about exporting LNG. They have not moved forward with that project yet. Kinder Morgan is an open access transporter regulated by FERC. Anyone that comes to them and is willing to sign a 20 year agreement, long term, binding with credit, they are obligated to sell them capacity. They sell to the point of Dracut. They also sell down in Massachusetts on their system. They don't have any LNG customers signed up on this project. In order to do that you would have to also go and sign up on the Maritimes or the Spectra pipeline to get it up to a proposed facility.

Ms. Dalton commented there was discussion of shut off valves being 8 miles apart and in Amherst they could be up to 20 miles apart. Mr. Hamarich stated it could be up to 20. Here he is saying 8-15. If it is a Class 2 it would be 15 miles, if a Class 3 it would be 8 miles. It could be up to 15 miles apart, likely would not be up to 20 miles apart because of the population density.

Ms. Dalton remarked it has not yet been determined the thickness of the pipelines for the class it will be. Mr. Hamarich remarked if it is 36" pipe and they get the grade that is X70 they could calculate the wall thickness. They are determining now what the class locations are, what the valve spacing is, and what the pipe wall thickness would be for those class locations. That will be identified in the June filing. When asked he stated it is based on code, population, and other factors. When doing a directional drill you will use heavier wall pipe because you need to make sure the pipe can handle the bend stresses. Typically at road crossings, by code, you put heavier wall pipe. It is not all population related.

When asked about ground shifting, he remarked when you dig the trench, whether blasted or trenched, it is dug wider than the pipe. The pipe is padded all around (clean backfill). Should there be any kind of

shifting the pipe is flexible. Ground shifting is not an issue for the way the pipeline is built because it is not rigid into the ground.

Ms. Dalton spoke of earthquakes occurring in Merrimack. Mr. Hamarich commented if on a fault line they may do something wider. They will do geological studies to ensure they are not on fault lines. The way the pipe is designed you don't see damages resulting from earthquakes because of the way the pipe is able to move.

Sharon Ripka, 14 Brek Drive, Merrimack

Speaking with regard to the compressor station, Ms. Ripka stated her understanding the pipeline is already open access, which means it has to, by law, accept gas from drilling sites along its entire route. She questioned why there would be a need, once having gone through FERC, to have another site evaluation if there were a need for a compressor station in Merrimack. Doesn't open access mean you simply get to put another compressor station in?

Mr. Hamarich responded the way the project is filed it is a complete filing and includes all of the facilities identified on the map, all the way back to Pennsylvania. There may be changes between now and filing in September. However, the basic premise of the project will not change. They will determine the customer base and design. If they don't get the full amount of customers they may even put less horsepower at some of the stations. Once the timeline starts they are on a timeline, customer-based, to get the pipeline in in 2018. Once the filing is changed and a new facility is put in, that changes the whole project. It would either bring this project back to the slowest component, which might be that new compressor station or that customer may have to wait, we build it, and then it will go through a whole separate process for a whole separate FERC filing, siting, everything. Even though it is open access, there is a time that it has to close for this project, we built it, and then for the next project if it requires new facilities, they would have to file. There may be capacity here for some additional customers without adding the facilities. That is why now they have the biggest footprint design (36" with large compressor stations).

Ms. Ripka asked for clarification to add in a smaller pipeline with another compressor station after the fact would require another FERC filing, site evaluation, etc. Mr. Hamarich stated that to be correct. Ms. Ripka questioned, if another compressor station were added that was close to Merrimack would there be another meeting? Mr. Hamarich stated it would be a whole new process. He noted FERC is scheduling scoping meetings in the next several months. There will be somewhere in the area of 16 scoping meetings.

When asked, Mr. Hamarich stated 2018 to be the planned in-service date. Ms. Ripka questioned if that went through and happened, how long is it believed the portion of the Marcellus Shale fracking would be projected to be piping through New Hampshire, e.g., how long would it be profitable for? Mr. Cole commented the interesting thing about their business is that they transport gas; they don't drill it, buy it, sell it, or care what the price is. They only make money by selling space on the pipe. The Marcellus is projected to have a 100-year life. He has seen studies that say 75, and believes anything over 20 in a field like that is a long time. Ms. Ripka stated the entire field isn't going to be supplying the New Hampshire part of the pipeline. Mr. Cole responded they don't tell Liberty Utilities where they get their gas. How it works is they might say I found a good package of gas down in Texas, transport the gas up

from Texas for me. He reiterated Kinder Morgan does not care what the cost of gas is, only where you want to take it into the pipe and where you want to take it out. It can come from anywhere.

Ms. Ripka questioned if the pipeline is in for 100 years who plans on taking it out at the end of life? Mr. Hamarich stated FERC has an abandonment process. This is a 7C filing and FERC has a process for 7B. As a company you would have to file with FERC to discontinue service because you have to provide that service. You would have to file to discontinue service and would also have to file to abandon use of that pipeline. That abandonment may be you just empty the gas, fill it with inert and leave it in the ground, which would be less of an environmental impact or you may be required to take the pipeline out.

Donald Miner, 82 Peaslee Road, Merrimack

Stated he is an abutter and owns a farm. He does not have fruit, he has livestock. For the past two years he has been negotiating with Public Service to utilize their privately owned property underneath the power lines to graze animals. When Kinder Morgan begins staging he will have to remove the fence, which will cost him money. Planning ahead, he beefed up his inventory to put in this space. At this point in time, he has to hold off. His well is about 30' off the property line. Kinder Morgan is saying they will blast shallow. His well is 400' deep and will be affected as will his septic system. He also has an in-ground swimming pool. All of these items will be affected by a shallow blast. He remarked he owns an excavator and cannot dig further than 3' anywhere in his yard because of ledge.

As an abutter he has not seen any maps produced by Kinder Morgan to show the potential impact zone as described by Title 49, CFR, §192.905 (c). He questioned how far a home has to be from the pipeline to be considered safe if there were an explosion?

Mr. Hartman responded Kinder Morgan will work with him regarding the fencing and use of land. It will be their responsibility as part of their construction. He suggested Mr. Miner move forward with what he needs to do in today's world with Eversource. When and if the pipeline is constructed, Kinder Morgan will work with him to adjust whatever fencing, to make sure livestock is not being impacted by construction activities, etc. It will be their responsibility for the relocation of those fences to get them to meet his needs for his livestock. That will be part of the negotiation they would have.

With regard to the issues raised regarding the well, septic, and pool, Mr. Hartman stated those to be legitimate concerns, and legitimate concerns for Kinder Morgan as well. He stated he is hopeful they have requested a survey. One of the processes that helps identify the particular issues is getting onto the property. By getting onto the property, talking to the property owner, and identifying the concerns they have the ability to minimize impact whether that be by routing, construction technique, etc.

Mr. Miner spoke of a representative of Kinder Morgan who visited him and requested a survey. He stated she visited on a Friday and the following Thursday there were survey personnel in his snowbanks. They were supposed to be in Amherst. He lives about a 1 mile away from Amherst. He stated concerns with the ineptness of the surveyors.

Mr. Hartman stated the activities the surveyors were doing at that time were working within the road right-of-way. When asked, Mr. Hartman stated they should not have been in his front yard, and if they were he apologized as that is not supposed to be happening. He stated if they do not have permission to be on his property they should not be on the property. He promised that would not happen again. Mr. Miner stated he has denied access at this point because of that.

Mr. Hartman remarked an information exchange that is helpful for Kinder Morgan is to let the property owners know what they can do as part of their construction design to minimize the impact to the property. If at some point during the process he reconsiders allowing a survey, Mr. Hartman provided his promise everything would be done right for him.

Mr. Hamarich stated a desire to respond to the safety question. With regard to how close is safe, he stated, by the pipeline industry and Kinder Morgan, they believe the pipelines are safe and your home is safe next to the pipeline. The way the code is designed they feel all homes and businesses next to the pipeline will be safe. With regard to the potential impact radius, that would depend on where it is, what type of incident, etc. The potential impact radius became part of the code for the DOT because they wanted to identify high consequence areas. They used to just have Class 1 based on population density in a running mile, Class 2, Class 3. They introduced the high consequence area to identify the PIR so in that area if there are 20 homes or in that area there is a large gathering place, e.g., church, hospital, school, that high consequence area becomes a Class 3 pipe and has more stringent integrity management programs as far as how often you review the line, how you monitor it, etc. It was brought in to identify areas so that the pipeline can be designed and maintained more safely.

Mr. Miner stated his property is in a low consequence area, and questioned if that means he will get a lesser pipe. Mr. Hamarich stated it is based on risk, but all pipe is quality pipe, it is not less safe.

Mr. Miner questioned, as an abutter, at what point in time he would know about the high consequence area. He remarked he is seeing 900' which goes to Bates Road, which has 3 residences on it. He remarked it sounds like they will get a Class 1 pipe. Mr. Hamarich stated it would be inappropriate for him to give that answer here. Mr. Miner stated there is a human element as far as welding is concerned.

<u>Bruno Walser</u>, 2 Gerard Drive, Merrimack

Stated rather than talking about how to expand infrastructure for fossil fuels it may be better to talk about how to expand infrastructure for alternative energies or reduce energy use.

He is an abutter in an area that does not include a church, etc., and questioned if there were a catastrophic event like an explosion and homes were impacted, would Kinder Morgan have liability? Mr. Hartman stated if the event were the result of Kinder Morgan's operation and maintenance, yes they would be liable. It would be their responsibility. He added the question arises, of course, if there is involvement by a third party. Third party activities are one of the leading causes of incidents with natural gas pipelines. He explained someone may think they know where the pipeline is and begin some form of work in the area and not realize they hit the pipe and damaged the coating, which could occur with a shovel. A backhoe could put a gouge in the coating. At that point, they bury it and say oh no one will know. The problem is that over the next several years the pipe could start to corrode or with a gouge the pipe can move like a coat hanger and you stress it so many times that it breaks. That is why they have a damage prevention team and why calling 811 before you dig is so important. Every time someone calls 811 and is working within 25' of the pipeline the damage prevention team is present the entire time.

Mr. Walser commented, at the end of the day the concern is not who is at fault, it is the damage to the home and having someone who will take care of it. If the problem is caused by a small construction company it may be that they cannot pay the damage. Then who pays? Mr. Hartman commented Kinder Morgan would probably be included in it and it would probably be an insurance issue. It would likely require a different environment to decide.

Mr. Walser requested the information on the expected electricity rate reduction be provided again. Mr. Cole responded Kinder Morgan and Tennessee Gas do not get into the forecasting business, but he has seen studies that indicate electricity rates in this region could drop 50-55%. When asked if that has been witnessed in other areas, Mr. Cole stated it has. He added any time you add infrastructure prices drop.

Jill Manfield, 44 Whittier Road, Merrimack

Stated her property abuts the proposed route, and spoke of safety concerns. She questioned where the odor would be added and how it would be monitored. Mr. Hamarich stated there would be an odorization station in New York State. He is unsure if there would be monitors at the pressure stations. However, at the metering, odorant would have to be put in and they would have to ensure it has a certain odorization when it comes to the take stations/customers. Typically the LDCs add additional odorant at that time. Ms. Manfield questioned how the public would understand it is there. Mr. Hamarich stated that information will be disclosed. When the odorant is added it stays with the gas. When asked, he stated it has a certain life expectancy, but the odorization station continually drops the odor in.

Dawna Worcester, 41 Wintergreen Drive, Merrimack

Commented she does not believe that the people of Merrimack will save one dime after this pipeline goes through. She spoke of being around when the Seabrook Nuclear Power Plant was put in, and can remember the false promises of how much money would be saved in electricity. She remarked she does not want to think that the pipeline will save her 50% on her electricity; that will never happen.

Tom Kolb 5 Sharon Avenue, Merrimack

Stated he has resided in Merrimack for nearly 35 years and has natural gas heat and underground utilities in his neighborhood. He questioned the typical pressure in the pipe. Mr. Hamarich stated it would be designed for 1,460 pounds (maximum allowable operating pressure for the design). Mr. Kolb questioned if most of Kinder Morgan's pipes around the country have a similar pressure, and was informed there are some elsewhere, but not in the northeast. This is higher pressure. There is a line that runs across Pennsylvania where they start in this area, which is a 1,170 pound system. This system is a 750 pound system. When asked what a typical coverage over the top of the pipe is, Mr. Hamarich stated it is varied. The standard is 3' minimum. They typically try to get it deeper.

Mr. Kolb asked for clarification the contracts that are being signed are 20-year contracts to move gas. Mr. Cole stated they are, and that they typically have roll-over rights. Mr. Kolb stated his certainty they believe they will make a profit for a long time because if they can get the gas a little cheaper than they have historically, people will buy from them. He added he cannot believe all of those companies who are in the business of selling gas believe they will be selling at a lower price, and therefore consumers are likely to benefit.

Charles Shepard, 8 Jade Road, Merrimack

Spoke of the slide (#33) that states the TGP has been operating safely in the northeastern U.S. for over 50 years. However, it makes no mention that from 2006-2014 the pipeline had 92 significant incidents with its pipeline systems resulting in $88 million in property damage and 19 federal enforcement

actions. He questioned whether Kinder Morgan believes all of the safety incidents occurring outside the northeastern U.S. are irrelevant to the safety of this project, and if not, why does the presentation make no specific mention of the incidents and the specific corrective actions that will be taken on this project to address those? Mr. Hamarich stated he could not dispute the numbers because he did not have the information in front of him. He commented the $88 million figure seems off. Mr. Shepard stated the information comes directly from the Department of Transportation (DOT) website. Mr. Hamarich stated some of these incidents are situations such as a relief valve blows, and has to be reported. He reiterated in 30 of 35 measures they outperform their peers. They always work to get better. Kinder Morgan does disclose those figures.

Mr. Shepard spoke of concerns with safety noting he would like to see concrete antidotal examples of a corporate culture that goes above and beyond regulatory compliance. He suggested inclusion of that information in the presentation could be helpful.

Mr. Shepard questioned how, other than yearly tax revenue, Kinder Morgan would compensate taxpayers for public land that is taken for the right-of-way for the project, specifically land within the HHNP. Mr. Hartman responded the negotiations for any private or public entity is paid to that owner. The public entity would depend upon who had control.

Douglas Whitbeck, 756 Brookline Road, Mason

Stated the opportunity was missed to address a comment from the union representatives when they appeared in Mason. The discussion came up about jobs and hiring local firms. He suggested it would seem there would be local surveying companies available.

Mr. Whitbeck stated the industry likes to reference a 100-year lifespan for Marcellus, but many studies have been completed, utilizing Department of Energy (DOE) information, indicating that is highly optimistic. Some say if all of the pipelines coming up through the northeast are opened up you can exhaust the Marcellus Shale in 7 years; more typical figures run 10-15 or 20 years. By the time this pipeline is built how long can we expect it to stay in service? Mr. Cole commented the beauty of our system is you don't have to get your gas from Marcellus, Utica, or the Barnett Shale; they run through some of the largest Shale Plays in all of North America. They have a network. They tie into other pipelines. Transporting natural gas is the safest form of transporting energy by far. It is a network of systems. If Marcellus ran out in two years it would not matter.

Eric Postpischil, 16 Woodhaven Circle, Merrimack

Questioned if Tennessee Gas Pipeline Co., LLC is the legal entity that would be responsible for the safe operation of the pipeline, and was told it is. He questioned the net value of the company, and was informed that information was not readily available, but could be made available. Mr. Postpischil stated his desire to understand it has the money to pay in case of damages and won't just say well we are bankrupt and that is it. Mr. Cole responded the capital enterprise value is $110 billion. Mr. Postpischil question liability in an instance a third-party damages the pipeline, e.g., is the pipeline operator legally responsible for detection and abatement before an incident occurs? Mr. Hamarich remarked there are so many variables involved, and any hypothetical could be discussed. He remarked what is important to know is if it is their responsibility they absolutely will be liable for it.

Mr. Postpischil provided the example of someone damaging the pipeline, which increases over time, and is something that could have been detected, and asked if Kinder Morgan would be responsible for detecting it and doing something about it. The response was that is where it gets gray. It would depend on how long it was there, what damage was done, how it occurred, etc. Mr. Hartman stated if a landowner who has entered into an agreement with Kinder Morgan so desires, they would put in writing they will hold the land owner harmless and that they are responsible for the actions of the operation and maintenance of the pipeline.

Jody Vaillancourt, 35 Greenleaf Street, Merrimack

Stated the proposed path currently does not run through her backyard. However, it will run through the aquifer where she gets her drinking water from. It will be running through the HHNP, which was purchased with her tax dollars for preservation purposes. From what she is hearing the route could change dramatically so it could be in her backyard before all is said and done.

One of her biggest concerns is trying to nail down what the process is and the timeline. She commented she finds information is very vague. She spoke of the maps distributed identifying the proposed current path, and stated concern with the potential impact radius, which she believes was agreed to as 1,902' based on a 36" pipeline. She asked for clarification. Mr. Hamarich stated a number was not provided as it would be inappropriate.

Ms. Vaillancourt remarked you didn't agree to the Code of Federal Regulations that is the appropriate number for a 36" pipeline with the pressurization you are proposing? Mr. Hamarich stated a number was not given out. Ms. Vaillancourt responded you won't publicly agree to that. She questioned if that is the reason why the potential impact radius or incineration zone is not listed specifically on Kinder Morgan maps with the current proposed pipeline? Mr. Hamarich responded there is no reason to do that. They have Class 1 and Class 2 pipes. There are the design parameters that are listed in one of the Resource Reports of the FERC filing, which is all public. Kinder Morgan is going through their design, which is overseen by NHDOT and FEMSA. The pipeline will have to be designed and operated according to those specifications. He reiterated they have yet to identify the design, valve locations, classes, etc. By the time the second Resource Report is filed in June they will have the preliminary identified and then will file in September.

When asked, Mr. Hamarich stated they are in the pre-filing process. In their filing letter they said they would have a second draft of the Resource Report in June. It is an agreement with them and FERC. They work with FERC on the timeline. They set it in the timeline. When asked if they are currently planning to file the application in September of 2014, Mr. Hamarich stated it would be the fourth quarter/late September or early October.

Ms. Vaillancourt stated there is a possibility the proposed route could change before then. She questioned, if it does change, when that information would be shared. Mr. Hamarich stated if there are any changes notifications will be provided through mailings and contacts. There is a process to notify abutters. He commented on the FERC scoping meetings and was unsure if new scoping meetings would be required.

Ms. Vaillancourt questioned if a proposed path change would be published. Mr. Hamarich stated each time there will be a little different map and the landowners would be identified and notified. Anyone that is part of the pipeline would be notified in advance of the filing. Ms. Vaillancourt stated she is aware of several who were not notified prior to this. She suggested whatever the system is that was used

for the first path didn't work. She spoke of residents of the Whittier neighborhood that were not notified.

She cautioned residents if you think this isn't going through your backyard, it might be. She stated the incineration zone would not be published on the map; there is about 2,000' either way.

Krista Bradshaw, 54 Whittier Road, Merrimack

Spoke of the slide within the presentation that lists 61 affected landowners in Merrimac, and requested a definition of affected landowners. Mr. Hartman stated they are investigating a survey corridor that is 400' wide. Any property that is contacted overlaid that 400' and are the landowners that comprise that 61.

Ms. Bradshaw stated she resides in the Whittier neighborhood, and they have 61 homes that own a common piece of land. They are all owners of that land. Less than a dozen people in the neighborhood have been notified. She questioned at what point in the process Kinder Morgan will come knock on their doors and start talking to them about what is happening with their land. Mr. Hartman responded they are very familiar with the Whittier place title. It is an unusual piece of property the way it is held. Kinder Morgan has been in the process of identifying all of the landowners and updating their records. He remarked part of the process of the pre-filing is developing that list, determining title and ownership. They have been running title concurrently and are developing that list. Those owners will be contacted. He stated he absolutely knows they will.

Beth Burns, 5 Spruce Street, Merrimack

Stated she, like many, didn't buy a house just for a place to live. This is a way of life. They have kids they are raising in their homes and they have to work in an honest manner all around to support themselves and their homes. She remarked she respects the Currier family enormously, and has been taking her kids to their farm since they were toddlers. Part of their life will be taken away from them with this project.

She stated the pipeline is transportation not distribution. It will not give residents of Merrimack any gas and will not make their bills go down. She stated they have contradicted themselves when saying they are committed to the safety, yet they also say they have a list of 20 accidents that have happened since 2003. In 2004 you were quoted as saying you have learned from this and will work on making better inspections of things, work on the safety more. The last number of accidents she has is from 2013. It is 2015 now. Over 11 years have gone by and there have been 20 accidents that she has listed. This is with a 26" diameter pipeline where a 36" is being proposed. She spoke of the accident that occurred in Ohio. She stated she has a list of incidents that have been fatal. Three people were killed in one of them, 50 homes have been evacuated, places have burned, and there have been explosions. It has gone on and on for years now. She remarked this isn't a company you just started last year and you are still learning things, this has been going on for a long time and the accidents still keep happening over and over.

Ms. Burns reiterated these are our homes, we're human beings, and we deserve more honesty. She commented she cannot read all of the studies and all of the other meetings there are records of, and believe there is any way that she could see the pipeline beautifying or benefiting the Town of Merrimack.

Amanda Yonkin, 57 Naticook Road, Merrimack

Questioned the standard easements Kinder Morgan is looking for. Particularly, if the pipeline were to go through, is there the possibility of expansions of infrastructure, e.g., more pipes in the same right-of-way? Mr. Hartman stated there would not be; that would be part of the negotiation process. Ms. Yonkin questioned allowing the sale of the pipeline to another company. Mr. Hartman stated whether it is assignable or not would be a part of the agreement that would be negotiated. When asked if that is typical, Mr. Hartman responded there is language about assignable, but a lot of it is geared towards Kinder Morgan's successors.

Ms. Yonkin questioned if it could be restricted in the future to only natural gas. Mr. Hartman stated it could be, and that would be part of the negotiation. Ms. Yonkin asked for clarification it could be switched from natural gas. Mr. Hartman clarified, as part of the negotiation it could be limited to natural gas if that were the desire of the property owner.

Carol DiPirro, 10 Cambridge Drive, Merrimack

Stated she came with a list of questions and the desire to better understand the project. However, she is walking away with more questions. She had believed project planning was complete, but it sounds as if it is not yet determined. She questioned why the route was moved out of Massachusetts and into New Hampshire, and why that was not addressed in the presentation.

Mr. Hamarich responded when pre-filing back in September part of that process was to consider alternatives. They looked at several, one being co-location (stay in the power lines). When going across both northern and western MA they were not near power lines. Mr. Hamarich began explaining the changes to follow power lines when he was interrupted and asked whether they encountered resistance from Massachusetts or if the change was all about following the power lines. He responded one of the premises for permitting is to follow existing corridors. They looked at following the existing line in Massachusetts, which is in Resource Report #10 of the FERC filing, looked at Route 2 in Massachusetts, at the Turnpike, and other power lines in Massachusetts and all of the impact tables. They then looked at the currently proposed route, which also helped serve some of the market in New Hampshire. The proposed route turned out to be a better route than the first route. The current route is what is identified as the preferred route.

Ms. DiPirro responded she did not believe the explanation provided as she knows residents of Massachusetts who fought the pipeline.

Mr. Hamarich commented the project is still in more towns in Massachusetts than in New Hampshire.

Kimberly Dinsmore, 4 Whittier Road, Merrimack

Stated the map handed out at the meeting was dated November of 2014. Looking along the route she can see the Whittier neighborhood and what residents commonly call the Trees neighborhood, and where the Merrimack Premium Outlet Mall is being constructed on the map. However, when looking at the map that was issued for FERC dated March of 2015, the Outlet Mall is nowhere on it. It shows completely undeveloped land. She questioned, with a potential 1,000' incineration zone, why would you submit plans to FERC that clearly omit areas of high consequence and safety?

Mr. Hamarich responded that is a very fair question, and stated if you look on Google Earth it tells you what is there, their engineering knows what is out there, they did not get the maps from Google Earth, they are flying the line to get updated aerial photography and they will overlay that aerial photography on the final mapping. During the design they have information and know what the growth is, it is just not represented on that mapping. Ms. Dinsmore commented the map handed out at least shows the construction where the map submitted to FERC does not. She remarked she does not find that to be compatible at all.

Philip Morano, 5 Fernwood Drive, Merrimack

Commented all politics are local. Looking around the room he has seen 1/3 of those in attendance are wearing buttons that say no pipeline. We know where they stand, which leaves 2/3 for interpretation. This could be anything from undeclared, don't know, don't care, ignorant, to they are for it. We know the American Revolution was 1/3, 1/3, and 1/3. Speaking to the representatives of Kinder Morgan he remarked esteem guests you clearly are erudite and replete with intellect and wisdom and ostensibly learned in the skill of etymology of argumentation and apologetics and he is just an intellectual Troglodyte.

He asked the representatives to exercise the same enthusiasm, passion, justification, and knowledge when responding to the question of why they would oppose the pipeline to go through their property, their wetlands, their rural character. He requested they keep in mind fiscal responsibility, infrastructure, and event response through our quaint town, neighborhoods, families, and residents of Merrimack. He requested they speak as a Merrimack resident.

Mr. Abdifar responded, as an individual, he has a pipeline in his home town, and he would support it as an individual. He remarked the question is posed as a personal one, and what they are trying to do is answer specific questions about the pipeline project. He stated his understanding of the question; however, requested the discussion stick to questions that can be specifically answered.

Mr. Cole stated when he lived in Iowa he had a pipeline running through his property. He worked for the natural gas pipeline. That is the way it was. When you get into a city you have gas pipelines running everywhere. For three years, while he lived there, he had a gas pipeline running in his backyard. He commented these things are challenging. Putting in energy infrastructure is challenging for residents. A lot of people don't like wind farms, solar, etc.

Mr. Morano questioned if he knows the Merrimack fire and police departments, and what they are capable of. Mr. Cole responded he respects the position and these are challenging, but he had answered the question as he has one in his backyard.

Robert Reisman, 8 Iris Drive, Merrimack

Remarked he is not currently an abutter, but there is the potential for that particularly give the power lines running through his backyard. He stated he would not want the pipeline in his backyard no matter what. He questioned if he would have any recourse, and why he would be convinced it is a good thing given safety concerns for his family and the potential loss of property.

Mr. Hartman responded part of it is working through the process. You certainly can be concerned about the risk and the pipeline. That is what the FERC process is about and why you have the opportunity to have a voice. They are proposing a project, it is on private properties, they are going through the FERC

process, and at the end of the day they are not deciding whether the project gets built the Federal Government gets to decide that. He reiterated they are proposing the process and the public has every right to participate in the process.

Mr. Reisman commented more than likely, whether we want it or not it will happen. He remarked he understands their business is to make a profit, and questioned if there would be a temptation to let maintenance costs slide through the years. He referred to the recent explosion in North Dakota; there were shut off valves that were not working and maintenance had slid. He questioned the motivation to maintain the system if not doing so resulted in cost savings.

Mr. Cole spoke of the economics of operating a pipeline, and stated the last thing you would want is a failure or an incident because it is far cheaper to operate the pipeline in a safe manner. Every pipeline operator is incented to operate it safely.

Mr. Hartman stated he is an employee of TGP, this has been his career for the past 35 years, he is proud to work with the gentlemen he works with, and they all take what they do very seriously.

Mr. Reisman stated after Kinder Morgan purchased El Paso, maintenance costs dropped somewhere around 90% within the first few years. He questioned how that was done. Mr. Hamarich stated his belief there were some efficiency savings there. He spoke of being a long-time employee of TGP, and his belief they have kept up with the facilities. They continue to be the leaders in safety and what they do on their integrity management program. He spoke of the number of lines they have made piggable and how they are ahead of regulation timing on that.

Town Moderator, Lynn Christensen, stated the time allotted has been exceeded. She noted three additional people on the current list, stated she would not continue to the next page, and questioned if the representatives would be good enough to entertain questions from the remaining three individuals.

James Murray, 22 Berkeley Street, Merrimack

Spoke of having gone through a similar process 30 years ago when someone wanted to put something in their backyards that they didn't want. He suggested they are not listening as he sees the same reaction he saw 30 years ago. He remarked they are very slick in their presentations, very knowledgeable in what they do, etc. He commented he does not have a degree in engineering, but can tell when someone is trying to put something over on him. He stated they were in Massachusetts, they looked at what was going on there and determined they could not do that, they would instead go up into New Hampshire and run a pipeline through there to get it back into Massachusetts to service all of those gas companies identified in the presentation, the majority of which were in Massachusetts or Connecticut. He stated this is not what we want.

Kathleen Rose, 83 Peaslee Road, Merrimack

Stated her property abuts the pipeline 425' along the Public Service transmission lines. She received a notice in October and another in December. About a month and a half ago there was a pamphlet and an I.D. card on her door. She contacted Patty, the woman who left the card, and told her she was not allowed to survey on the property and requested a return call. She has not heard back from her.

Ms. Rose stated her opposition to the pipeline as she does not believe there to be a current need. Given Kinder Morgan does not have buyers or even potential buyers at this point she does not believe it is needed. Recently Spectra Energy created an agreement with Eversource. She suspects they are trying to work together to get the Spectra project up and running in Massachusetts and that is the project that will increase the capacity by building a larger pipe next to the existing one. That Spectra system services Connecticut, Rhode Island, Massachusetts, about half of New Hampshire, and goes up the coast into Portland.

Ms. Rose remarked if Kinder Morgan could tell us the gas would benefit New Hampshire in a definitive way, she would be all for it, but right now there is no gas infrastructure to residential homes outside of the Nashua/Manchester/Concord corridor. She stated Liberty Utility is a subsidiary of Kinder Morgan. Mr. Abdifar stated that is 100% false. Ms. Rose stated from what she has read there is some type of association. Mr. Abdifar explained Liberty Utility is a customer. That is the only association. Ms. Rose continued she will let them say that, but she disagrees. Mr. Abdifar responded that is factual.

Ms. Rose noted Spectra has agreements with National Grid, Eversource, and a couple of other companies to build that pipeline, and questioned how they would negotiate with those companies if they already have an agreement with Spectra. Mr. Curtis stated Liberty Utilities has talked to Spectra the whole time. They chose Tennessee Gas. There is a reason why. The bottom line is they have to prove to the PUC this is the smartest decision. If there is a smarter decision the PUC is going to turn it down. Their project is a competing project, which largely serves a different geographical region of the country. The service territory was accurately described; it comes up from Rhode Island and services the southeast part. Their project is needed and the Kinder Morgan project is needed. There is a big challenge in New England. Liberty Utilities could have gone with Spectra's project. They are 115,000 Dth/day on the proposed project for a reason. They are the largest utility in New Hampshire. Their parent company is an equity investor in the project. The relationship with National Grid; they are the largest company on the project. They also are an equity investor in Spectra's Access Northeast project. They are a 20% owner, Spectra a 40% owner, and Northeast Utility a 40% owner. If they get customers and build their project it is an investment; they have to go out and secure customers. He stated his hope they are successful because the pipelines are needed.

Matthew Caron, 17 Hilton Drive, Merrimack, Vice Chairman, Merrimack Conservation Commission

Commented he is confident they have bene through nature preserves in the past, and questioned, based on that, if the pipeline were to be installed, what limitations would be placed on public lands with regard to trail easements, etc. He spoke of continuous trails running east/west where the project is proposed to run north/south. He questioned what the Town would be left with.

Mr. Hartman responded they absolutely work with joint use rights-of-way. Depending on the type of trails and their design, what they would ask is that they work with the Commission to see how they would be constructed, what type of equipment would be used, how the trails would cross over the easement, how they would be improved, etc. All of that information would be reviewed with Kinder Morgan and they would work with the Commission to get those in.

Mr. Caron questioned wetland crossings. He spoke of wetlands mitigation, and questioned if they were familiar with the Aquatic Resource Mitigation (ARM) Fund. Mr. Hartman stated he is not. Mr. Cole remarked he has not worked with that; however, during the process there may be the need for mitigation onsite or offsite or perhaps restoration onsite. That is part of the process they are in now is the identification of lands, understanding what is needed, and to be able to gain permits. Mr. Hartman

commented the SEC process will go through concurrently. Mr. Cole spoke of the long process to be able to get land rights and permit wetlands.

Mr. Caron remarked you have been in New Hampshire for 50 years, and have never worked with the ARM Fund in the past. Mr. Cole commented if they had their environmental team represented they could easily answer that; however, they could follow up on that.

Town Moderator, Lynn Christensen closed the question/answer period by thanking all participants for the way in which information was shared and gained.

The Town Council reconvened at 9:40 p.m.

3. Discussion and Consideration of Possible Action(s) Based on Information Gleaned from the Kinder Morgan Presentation
Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon

<u>MOTION</u> made by Councilor Woods and seconded by Councilor Koenig that the Town Council stand in strong opposition to the current proposal for the Northeast Energy Direct project of Kinder Morgan/Tennessee Gas Pipeline Company, LLC.

<u>ON THE QUESTION</u>

Councilor Woods stated his belief the Northeast Energy Direct Project is replete with risk and bereft of benefit as it pertains to the Town of Merrimack. With regard to risk, of grave concern to him are the inherent danger of a pipeline of the proposed size and the danger it poses to residents and the property it may impact.

Further, the proposed NED Project route through Merrimack crosses municipally owned and protected conservation lands, which protect identified endangered species and their as well as other wildlife habitats, numerous wetlands, permanent open space, recreational trails and lands, crosses two major protected rivers, one of the Town's major sewer interceptor lines, and may have impacts on mitigation land related to a U.S. Environmental Agency (EPA) Superfund site. It also negatively impacts Wellhead Protection areas and other waterworks infrastructure of the Merrimack Village District.

With regard to benefit, there is no measurable value added to the Town, reduced energy costs to the region are not concretely defined and there is no increase in the natural gas supply to the Town. Where is the benefit?

Councilor Woods thanked the Council for the opportunity to speak, and requested support for the motion.

Councilor Koenig stated there is an inherent danger of a pipeline of this size going through the Town of Merrimack; going through people's back yards, only because they want to follow an electric supply line that they say, after the fact, they really can't follow except to go alongside of. That route is chosen for no other reason except that half of their easement goes into a non-populated area. He stated his belief it impacts people and serves no benefit to the Town of Merrimack. The chances of Merrimack achieving an increased gas supply or reduced electricity costs are pie in the sky type things. At this point, he does not see enough benefit to take on the risks, concerns, and issues to not only the environment, but to the people of the Town of Merrimack.

Councilor Rothhaus commented there is no direct benefit to Merrimack. He believes the benefit to be to the greater picture. As a nation, some would like to wean totally off of fossil fuels. He does not see that in the near future. He believes the greater picture, in order to accommodate those things, is to get cheaper gas and fuels into the energy system.

The route being proposed is not a good one. The fact that it left Massachusetts was bothersome to him because its terminus is in Massachusetts and it seemed fit where it entered the state it should continue. He suspects at the Federal level their representatives were dead against it and made a good deal of noise about it, where that didn't really happen in New Hampshire that he is aware of.

He stated the biggest obstacle for him to be the wellhead area. He spoke of issues with blasting and infiltration into groundwater that were experienced when the Home Depot was constructed. That is of great concern given it has been pointed out that 50% of the Town's water is coming from those two wells. He stated his support of the motion.

Councilor Boyd commented the community waited 98 days for Kinder Morgan to provide this presentation. An invitation was extended to them on December 15, 2014. This community, the 8th largest community in the State, the largest community impacted by this pipeline, sat around and waited for Kinder Morgan to show up. He is not sure if that was a matter of them being impolite or a callous disregard for the community. He stated his belief the most compelling piece against the pipeline is the wellhead. Eighty five percent of the mercantile business and residents receive water from Merrimack Village District. Close to 50-60% of that water comes from this particular wellhead. Based on that fact alone, he is against the pipeline as proposed.

He remarked Mrs. Rose brought up a point he was concerned with; the 6 New England Governors in the NESCO Report endorsed 600 million cubic feet of gas to accentuate the energy situation that exists in New England. The proposed Spectra energy pipeline proposes to bring 1.1 billion cubic feet of gas. Why do we need the Kinder Morgan pipeline coming through our own neighborhood? They are talking about 2.2 billion cubic feet of gas.

He commented he can speak of information he has read on KMI, which is their trading symbol on the Dow Jones, how every particular industry analyst is bullish on Kinder Morgan based on the NED project, and can also say that Rich Kinder has publicly spoken and testified before the United States Senate Committee on Energy that with Putin's land grab in the Ukraine there is a great need for natural gas to be sent over to western and eastern Europe, which means he wants to figure out a way to export gas. The only way that he can do it is to get on that Maritime pipeline, and the only way he can do it is with Liberty Utilities. Liberty Utilities is the only contract that he has right now. Without that contract, the way he reads the FERC regulations, they would not have the ability to build a pipeline because the pipeline relates to interstate commerce, domestic distribution, not international.

He remarked he is not an educated man, but like many has done his homework. What he read may be speculation, fact, or fiction, but he can read between the lines. He touched again upon the fact Merrimack waited 98 days for the presentation. He remarked they had 3 meetings on January 5th and then sat around for 8 weeks. He stated his opposition to the project and support of the motion.

Chairman Harrington remarked there are a good deal of pros and cons. Having met with a neighborhood a few months ago, she ended their discussion by saying it sounds as if we are taking all of the risk and are getting no benefit. Nothing has changed since then. She stated her support of the motion.

MOTION CARRIED 7-0-0

MOTION made by Councilor Boyd and seconded by Councilor Woods that the Town Council, in writing, express its unanimous opposition to the Governor and the Federal Delegation requesting they recognize the fact that Merrimack, the 8th largest community in New Hampshire, the largest community on the pipeline, is in strenuous opposition to the project

ON THE QUESTION

Councilor Rothhaus questioned if the letter would touch upon some of the reasons discussed. Councilor Boyd stated agreement and noted his confidence in the Town Manager's ability to craft an appropriate response that would be commensurate to some of the other letters that have been forwarded to the Federal Delegation, but also, at a high level, express the concerns believed pertinent to the opposition to the project.

Chairman Harrington recommended the letter be reviewed and signed by each member of the Council. Councilor Boyd stated agreement.

MOTION CARRIED 7-0-0

Minutes - None

Comments from the Press - None

Comments from the Public

Wendy Thomas, 10 Wildcat Falls, Merrimack

Questioned, now that the Council has publicly stated its opposition to the pipeline, would it rescind permission to survey the HHNP. Councilor Boyd stated his opinion it behooves the Town to do its own due diligence. He commented monies were expended on legal counsel that provided that opinion. He believes it would be disingenuous to the taxpayers of the community to take that advice and say we're doing something different now. He stated his belief of the need to follow through.

Ms. Thomas remarked that decision was made before the vote to oppose the project was taken. She suggested if opposed to the pipeline it doesn't make sense to allow the survey. Councilor Boyd reiterated his belief the survey provides protection for the public lands.

Councilor Woods stated it is not a matter of noncooperation. In fact, the process begs for cooperation from everyone. He stated his motion was not intended to put the Council in an anti-cooperative mode. He believes you can be against something and still cooperate with a known process for the most benefit of the community. He commented we may win the fight and we may not, but he would rather win it fighting for the community all the way having everybody know the Council does not believe it a good thing for Merrimack.

Chairman Harrington stated the motion does not negate the need for the Council to be actively participating in the process. Although she understands there are differing opinions including legal

opinions related to the need and/or advantage or disadvantage of the survey. She does not believe the motion changes the advice received and the rationale behind it. Down the road, there will be the need to present all of the resources we have that would be threatened and for which we are concerned. We have to have the data to support our position.

Councilor Boyd added if they change the route we need to be prepared. We have made a commitment to the community that we will be represented by an attorney, and we will follow that through. He commented energy laws are arcane. We need someone on our side that understands them. This process continues to be fluid and there is the need for the Council to be nimble to address any changes that may occur.

Ms. Thomas remarked it is the likelihood of changes that concerns her. She stated appreciation for the views expressed.

Debra Huffman, 60 Amherst Road, Merrimack

Thanked the Council for the careful precise work it has done, and stated her deep appreciation for how the Council has handled the matter.

Kimberly Dinsmore, 4 Whittier Road, Merrimack

Commented looking forward from this point, we are still faced with the hope of gaining a scoping meeting in Merrimack. She questioned if it would be possible to review the Town's website and add a comment from the Council encouraging residents to request a scoping meeting, and explaining the difference between a scoping meeting and the presentation that was just conducted.

She remarked she recently had conversations with a group of more than 5 people who didn't even know about the pipeline. They were not aware of the meeting this evening, had no idea what a scoping meeting is, and were in no position to make a decision one way or another.

Chairman Harrington commented she was hopeful more residents would have stayed after the presentation so that she could emphasize the scoping meeting. She agreed there is the need to provide notification of the continuing changing of events.

Carolee Dalton, 22 Joey Road, Merrimack

Stated the need to get the State involved. She requested the Council put a discussion on its agenda to brainstorm and identify the best way to do that. She questioned what it will take to get them to pay attention and get engaged to fight this pipeline for all of the communities in New Hampshire.

Chairman Harrington commented, from being married to a State Representative she can say they do respond to phone calls and letters. She stated the Council would send a letter. However, that could be reinforced by residents. She remarked residents' voices are heard.

She reminded residents the decision is that of FERC. She commented, to a certain extent, FERC could care less what we think. The Federal Government has the authority, and it is our responsibility to give the data to FERC to fight it. That is what we have to do, and that is what the focus has been up to now,

and what it will continue to be. That is what our State Representatives have to be able to do as well. They cannot stop the process, but they can do what they can to influence it.

Ms. Dalton commented a lot of the articles that spoke of the change in the route from Massachusetts to New Hampshire spoke of how vocal Massachusetts was. She reiterated there is the need for our Legislator to be very vocal.

Sharon Ripka, 14 Brek Drive, Merrimack

Questioned, now that the Town Council has come to this decision, as other communities have, is there a way for the towns to join forces to take this to the State level and to FERC? Chairman Harrington suggested the Town Manager might wish to respond and noted Town Managers have been meeting and discussing the issue.

Town Manager Cabanel commented she is not sure it has been of any real value. She and the Assistant Town Manager, Paul Micali, have attended the meetings at which there are at times representatives from 4 or 5 communities, but never from 17. Even though the impression some people get is that Merrimack is behind what everyone else is doing, we are actually way ahead of what others are doing. She commented rather than having the Council just come out emotionally and state opposition, the Council is building the tools and gathering the information that will influence it.

During the meetings, there has been discussion of collectively hiring an attorney. They interviewed potential counsel and are discussing the possibility of interviewing another. The process can be frustrating.

Vice Chairman Mahon stated Merrimack is at a huge advantage point to towns west of Milford. Merrimack has professional staff, a very extensive GIS system, and those investments are starting to pay off. In discussions with the Nashua Regional Planning Commission (NRPC) and the other towns, especially west of Milford, they don't have the full-time, trained professionals in a lot of positions in those towns. They are trying to do the best they can with what they have. We are ahead of them because of those factors. We can move a lot quicker and can gather a lot of pertinent information from our perspective that can be provided to FERC.

It is a nice idea to join with the other towns, and we do keep in touch with them, but it is a matter of their ability to absorb the information and deal with issues at the level we are dealing with. He remarked there is no offense intended, they are interested, hard-working, and committed, but they don't have the tools.

Donald Miner, 82 Peaslee Road, Merrimack

Spoke of having reached out to the governing bodies of the surrounding communities, and noted difficulties in doing so. He suggested communicating via email might be more successful. He remarked they could make it more difficult with regard to eminent domain law. The last person to sign off on the project will be the Governor, and he is aware that she has, at least in part, supported the project. Being the 8th largest town in the State he questioned the amount of influence Merrimack would have with other towns/cities to persuade the Governor.

Mr. Miner spoke of having reached out to most of the State Representatives, and noted there is a percentage supportive of the pipeline project. He spoke of Councilor Boyd being supportive earlier on

in the process, and stated appreciation for his change in position. Chairman Harrington commented she believes the Council wanted to be a little bit more disciplined in making a decision.

Mr. Miner commented, in the beginning, the Council was supportive of the project. Now the Council has exceeded the level of other towns in the amount of information obtained and have taken a position of opposition, which he applauds.

Beth Burns, 5 Spruce Street, Merrimack

Thanked the Council for its support.

Douglas Whitbeck, 756 Brookline Road, Mason

Stated Mason is probably the smallest town on the route, but probably has more miles of pipeline than any of the other towns on the route. At the town meeting, residents voted unanimously to approve $80,000 to fight this project. He commented this is not typical for Mason, which is a town that tends to be a bit tight with funds. He stated Mason is working with other towns along the pipeline through a group called New Hampshire Plan that has spent the past two days in Concord trying to share information with Legislators. It is their hope they will be able to influence the decision of the Governor. He thanked the Council for its support.

Comments from the Council

Councilor Rothhaus stated he is not opposed to the pipeline as a pipeline. He is opposed to the route through Merrimack for the multitude of reasons that have been pointed out. He commented the diversion up to New Hampshire when the straightest route would have been to continue through Massachusetts, just doesn't smell right. He reiterated he is opposed to the route being proposed through Merrimack.

Adjourn

MOTION made by Councilor Mahon and seconded by Councilor Boyd to adjourn the meeting.
MOTION CARRIED 7-0-0

The March 26, 2015 special meeting of the Town Council was adjourned at 10:20 p.m.

Submitted by Dawn MacMillan

DRAFT