



Special Town Council Meeting Minutes



Thursday October 8, 2015, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the special 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 Vaillancourt, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Town Council/Kinder Morgan Workshop Related to Latest Proposed Alternate Pipeline Route

Chairman Harrington stated the special meeting was intended to be a workshop between the Town Council and representatives of Kinder Morgan regarding the latest proposed alternative route through Merrimack. Pros and cons of the pipeline in general and other peripheral issues related to the pipeline were not the topic of discussion. She stated there would be no comments or interactions from the audience with the Town Council or Kinder Morgan during the workshop. The video of the presentation can be viewed [here](#)).

Chairman Harrington stated the process would begin with a presentation by Kinder Morgan outlining the latest proposed alternative route followed by verbal remarks by her regarding concerns the Council wishes to make known. At that point, it is likely the Council and Kinder Morgan representatives will participate in discussion.

The Chairman of the Merrimack Conservation Commission, Tim Tenhave, will have an opportunity to express concerns, pose questions, etc. as will the Chairman of the Merrimack Village District (MVD) Board of Commissioners, Lon Woods, and the Chairman of the School Board, Christopher Ortega.

The floor would then be open for public comment. She reminded those present that the public comment period was intended to allow members of the public to provide comment, not for a back and forth exchange, and remarked neither the Council or Kinder Morgan representatives were obligated to provide a response to questions posed. Each speaker would be allotted 3 minutes to provide comment. After everyone has had their say an opportunity would exist for members of the public to comment a second time should they feel it necessary. She stated the meeting, as with all Council meetings, was scheduled until 10:00 p.m.

Chairman Harrington opened the floor to the representatives from Kinder Morgan to present the alternative route.

Allen Fore, Vice President of Public Affairs, spoke of the status of the project noting they remain in a pre-filing process. Part of the pre-filing process with the Federal Energy Regulatory Commission (FERC) is to attempt to continue to refine the proposed project route to make the project as least impactful as possible.

As of this time, the only route on file is what was filed previously as part of the pre-filing process (commonly referred to as the powerline alternative). Kinder Morgan is planning to file with the FERC for their formal application in the 4th quarter. Mr. Fore commented it is important to note that they have been continuing to refine the route even from what is currently appearing on the screen. The process is fluid. Discussions are ongoing with towns, regulatory agencies, landowners, etc., that continue to refine the route to be prepared for the filing that will be made in the 4th quarter.

Barry Duff, Principal Project Manager, stated the [map](#) that was projected depicted the current route. The original route was more parallel to Continental Boulevard (Option 1). Having reviewed the letters submitted to the FERC and noting concerns expressed relative to the Thorntons Ferry Elementary School, and the MVD, the route was moved further to the east; more onto Fidelity's property, to minimize those impacts. They have since met with Fidelity and Simon Properties, owners of the Outlet Mall, and have heard their concerns with the current route. They are also aware of Anheuser Busch's expansion plans.

Mr. Duff stated the project proposes a meter station to Liberty on the other side of the F.E. Everett Turnpike (Turnpike). That is a relatively fixed constraint on routing. The crossing of the Merrimack (River) is also a very crucial fixed point. If they were to cross at any other point other than a straight portion of the river, they could encounter an eroding part of the river, which could cause problems in the future. All of these things were considered when considering an alternative route.

Another map was displayed outlining the current route, which is the route they intend to file with the FERC in the 4th quarter. Mr. Duff stated some of the key features include avoidance of Pennichuck's conservation land, which is under easement with the Society for the Protection of New Hampshire Forests (Society). It borders Fidelity's property line, which minimizes impacts to future expansion for them, and also creates basically a land ownership issue where they don't have to worry about it being subdivided etc. The route then parallels the Turnpike. That will require a directional drill under the interchange. The route then enters the Simon properties. Mr. Duff noted the area denoted on the map will be changed based on discussions with Simon Properties and a request for the route to be moved closer to the Turnpike. The route was chosen based on the existence of a large sedimentation basin in the area, which is not a desirable place for a pipeline. There is sufficient room to locate the pipeline between their property and the Turnpike. Conversations have taken place with the New Hampshire Department of Transportation (NHDOT). They are aware of the plan and feel they can work with them to make it work.

Mr. Duff pointed out the current route is well away from the Thorntons Ferry Elementary School and the MVD wells. Christopher Ortega, Chairman, School Board, questioned the distance of the proposed pipeline from the school property itself. Mr. Duff pointed out the recent letter the School District sent to the FERC identified concern with regard to the distance from the playground. He has not had the opportunity to measure the distance, but it is well over 1,500' to the closest point. Mr. Duff pointed out the school district property, indicating they are trying to avoid that, and are skirting just the edge of it.

Chairman Harrington spoke of having provided Kinder Morgan representatives with a list of items the Council wished to address. She noted, given the changes that have taken place, the list may need to be modified. She reserved the right to pose additional questions during the meeting.

Councilor Boyd asked for an explanation of why it is better to drill under an interchange and through a basin up to where the powerline is near the abutting neighborhood as opposed to continuing straight along under the Turnpike onto Robert Milligan Pkwy., and straight across. Mr. Duff stated that had been looked at (Option VII). He pointed to the area on the map where consideration was given to crossing the Merrimack and getting back to the powerline. There were several issues related with that option; they would be into BAE's property, there is some FAA property there as well. Anheuser Busch has a major expansion plan, which that crossing would interfere with. In addition, that would result in crossing the Merrimack at a meander bend (curve in the river). Experience has shown the river will continue to erode in that area, which would be detrimental to the pipeline long-term. That route would also impact more landowners. If crossing up higher at the powerline, it is a very stable portion with high banks that will likely remain for a long time.

Councilor Dwyer commented the Merrimack River seems small compared to projects Kinder Morgan has conducted that required crossing under the Hudson River. Concern has been stated regarding erosion that is likely in the area of the bend, yet all he can think about is the Hudson River, what a challenge that is, yet that was accomplished. He commented he wouldn't expect this body of water to be a big challenge.

Mr. Duff stated that was one factor in the decision. In addition to that were the number of properties that would be impacted, etc. The existing system that is being expanded as part of this project already crosses the Hudson. They have experience with that, but do not have experience with this, e.g., they have more knowledge with how that river will behave compared to the Merrimack River. Historically the Merrimack River has had some contamination. When you get into an eroding part of a river that can cause more of that to come up. Being more perpendicular to the river, the impact would be reflected on them.

Chairman Harrington questioned if the intent remains for the route to go between Home Depot and the AutoFair and was told it is. Vice Chairman Mahon pointed out the map that was provided shows the proposed pipeline continuing down the south side of Continental Boulevard, yet on the map displayed it appears it would be on the north side.

Mr. Duff stated that change has been made at the request of the Society and Pennichuck to be off of the conservation lands. The previous route was on the edge of those lands, and this route is off of those lands. Vice Chairman Mahon questioned, with the shift to the north, how many properties are impacted on that side of Continental Boulevard?

Mr. Duff highlighted the area of two properties that are developed. Those represent new impacts. However, properties that would have been impacted with the previous route, along Tinker Road, are no longer impacted. It is overall less impact to both conservation lands and residential lands. Vice Chairman Mahon questioned what the impact was with the original alternative that was proposed on the south side of the road in terms of properties that would be impacted. Mr. Duff responded, just going off memory, there were 6 different properties that were going to be impacted on that side versus two on the other side, and it is not on conservation land. He added it is not wetland either.

Chairman Harrington commented on the probable changes to impact based on the new route. She cited the concerns the Council had identified (based on the previous route). The first relates to the Thorntons Ferry Elementary School; that it is 1,100' from the building and the playground is

approximately 100' from the building. Therefore, the actual distance is within 1,000' of the playground. Also the route is within 750' of the South Merrimack Christian Academy. The route was within 200-300' of some large residential neighborhoods including Whittier Place, Camp Sargent Acres, and Tinker Road. Other neighborhoods, which would also be impacted, include Cambridge Drive and Wethersfield, Holts Landing, Castleton Ridge, Erik Street, and Greenfield.

Chairman Harrington continued by stating the Hospice House off Continental Boulevard is within a few hundred feet of the latest alternative route. Impacts to commercial and retail properties of the latest alternative route include: PC Connection, Dunkin Donuts, Pizza Hut, Home Depot, Merrimack Historical Society building, O'Reilly Autoparts, VIP Tire & Service, AutoFair Volkswagen including current construction of a rental car business and additional vehicle storage, Pennichuck Square with multiple retail businesses, Innovations Salon and Spa, the potential site of the South Fire Station, the present site of the South Fire Station, Fidelity Investments, Merrimack Premium Outlets including a proposed upscale mixed-use complex and also an additional 100,000 sq. ft. of retail space, Elbit Systems and tenants, All Basic Stove Shop with the attached former Abbie Griffin House is an occupied residence, Meineke Car Care Center, Merrimack Veterinary Hospital, Anheuser Busch, which had a proposed 50,000 sq. ft. expansion (has been delayed), and other active and vacant business locations.

It is estimated that these businesses and retail sites employ over 10,000 people. These impacts are likely to negatively impact valuable commercial and retail properties in the Town, decreasing employment opportunities and tax revenues to the Town. Again, referring to the latest version the Council had available at the time the concerns were laid out, the latest alternative route directly crosses Town of Merrimack conservation property. This high scoring habitat would be impacted. Habitats in the Town of Merrimack are scored as part of the highest ranked in New Hampshire. This high scoring habitat is included in the latest alternative route.

In general, the latest alternative route runs along Continental Boulevard and is situated within wetlands and uplands. These lands require significant surveying to ensure all potential plant, insect, and animal species of concern are noted. The latest alternative route is slated to directly cross Pennichuck watershed properties that border Continental Boulevard, and last, and very important to this Town Council, is most of the land impacted by the latest route is part of a wetland system in the Naticook Brook aquifer that serves to provide water for the Town of Merrimack, through the MVD wells. The latest route impacts an additional 3rd wellhead protection area, MVD well, and water treatment facility planned for near term construction. In short, the latest route jeopardizes the entirety of the Town's public water supply.

In conclusion, none of these types of sites of concern are new. They are being presented to you by other communities, and you have responded by modifying the route to accommodate these concerns such as water, avoiding neighborhoods, and avoiding sensitive environmental areas. We ask similar due consideration in light of the concerns expressed tonight.

Chairman Harrington noted some of the concerns raised have been addressed. She reiterated there is the need for the Council to be able to absorb the new proposed alternate route to determine if some of the areas would no longer be impacted and/or if there are now areas of concern that were not previously known.

Mr. Duff stated they met earlier in the day with both Fidelity and Simon Properties. They much prefer the currently proposed route. Chairman Harrington encouraged them to talk to the businesses that are still within the impact area. She commented that is not the responsibility of the Town. The intent of the Town was to identify businesses that would be impacted to ensure Kinder Morgan is aware of them.

Mr. Duff spoke of conversations that have occurred with the Whittier subdivision, and stated they have supported this route. It is not their ideal route, but this is preferable to the original route. Based on the feedback from Simon Properties, the northern area will be moved further along the property line. Chairman Harrington stated her understanding the line would be closer to the highway. Mr. Duff stated, based on feedback from Simon Properties, they would rather the route be right along the property line. They will work with them to modify their stormwater basin to make that work. They will really be just on the periphery of the Whittier subdivision.

Mike Lennon, Right of Way Manager, stated his team has been out for the past two weeks talking with residential property owners and businesses in the community. They have not had an opportunity to speak with everyone yet. Those dialogues will continue. The feedback received has led to the adjustments that are depicted in the current route. Mr. Lennon stated he is certain continued dialogue with the Town, residential property owners, and businesses, will lead to more adjustments to the route.

Mr. Lennon stated the current plan is what was generated in response to what has been shared by the Town through the FERC process, by the public, and feedback generated at meetings. He reiterated there will certainly be more adjustments from now until the 4th quarter filing and even beyond the 4th quarter filing. When asked, the timeline was stated to be some time in the next couple of months. Mr. Duff commented the FERC extended the comment period, which extended their timeline as well. The filing will mostly likely occur in November. Chairman Harrington questioned if the comment period would be extended until after Kinder Morgan has made its submission. Mr. Duff stated they would be able to get the filing in on time. When asked if that would be by the 16th, he stated it would.

Mr. Duff commented he believes there is a bit of a perception out there that when we file that is it, and that is not the case. The pre-filing process is actually an optional process. You can actually just file and then change after that. They elected to do the pre-filing because it allows this kind of stuff to come out, and for them to go in with a better route. They still have the opportunity to modify that as time goes on. He stated their intent to have what is called a supplemental filing in March. They will continue to refine this and other parts of the route as they acquire additional information.

Chairman Harrington stated her understanding if Kinder Morgan were to file its pre-filing by the 15th, the Town would have one day to submit comments to the FERC. She noted comment can always be filed after that date, but information requests filed prior to that date require a response in the next Resource Report. She asked if her understanding was correct. Mr. Duff stated it is. However, added there is a process called data request where the FERC can request anything of them at any point, and they have to respond. It isn't a closed door. If anything comes up that is an issue to them or that communities have brought up, it will be addressed.

Chairman Harrington commented we will have to verify that with someone from the FERC. She stated appreciation for the response; however, stated the need to be able to have the public's ability to comment count. Her understanding is that if it is after the 16th, they listen, but it doesn't require a

response. Mr. Duff remarked as we gain access to properties we will work with the individual landowners to meet their accommodations. We're definitely not going to just ram it down their throats. We're going to work with them and accommodate them as best we can. It doesn't end with the FERC, we will continue it the best we can as we go forward.

Mike Lennon, Right of Way Manager, remarked it is important to add, at this point in time, nobody has endorsed this route. We haven't asked anyone to endorse this route. These are adjustments that we have made based on feedback that we have gained. Now we will share these adjustments and forthcoming adjustments, and continue to work with people. This is our interpretation. We are not able to satisfy all routing suggestions, but we have been able to satisfy some here. He stated the desire to be clear they are not in the position where they are asking landowners to endorse anything, not asking for easements of any kind at this point in time, it is consultations to learn more about the property, gain access where we can to conduct surveys to confirm that this route is a buildable route or what techniques we will need to use.

Chairman Harrington opened the floor for comments by members of the Council.

Vice Chairman Mahon questioned if it is under the purview of the FERC to tell them what route they were going to use. Mr. Fore responded it is. He clarified they are the applicant and the FERC is the regulator. There is also the New Hampshire Site Evaluation Committee process, which they will have to go through. Mr. Fore stated the route they file with the FERC will be their preferred route. The schedule they have proposed is their proposed schedule. The FERC has not set any schedule yet. The only date that they have set is the comment deadline, which they extended once. The FERC can do whatever they want including completely changing the route. It is within their purview to do that.

Mr. Duff stated Resource Report #10 lists alternatives. Seven different alternatives were looked at through Merrimack, 6 through Amherst. A detailed analysis will be in Resource Report #10, and will show the comparison to the original alternative. The FERC does have the authority to decide the ultimate route. Vice Chairman Mahon added or they can tell you to explore others. Mr. Duff stated that is a possibility as well.

Councilor Koenig spoke to the change, and commented while it doesn't impact Fidelity or the mall as much; it does suddenly affect the backyards of a lot of people along Thornton Road around the property of Fidelity. But it doesn't address any of the issues on the south end of Merrimack that we talked about and have been mentioned a few times tonight, the school in that end of town, PC Connection, AutoFair, all of that area. The blasting that Home Depot did to put their facility in caused all kinds of water contamination issues. Putting a pipeline in there is very concerning as to how that would impact things. There is obviously wetland and water through there. That is why the whole aquifer shows gray down that direction. And it doesn't address the concerns that we had with suddenly moving it down 101A where the MVD is talking about putting in wells. There is a major aquifer down there that helps to feed the Merrimack water. While it takes it out of the one aquifer up along the power lines, we still have a serious problem that we are trying to understand and deal with.

Vice Chairman Mahon remarked it does not take it out of the aquifer, all it does is get it away from the wellhead protection area. Councilor Koenig remarked on the other side of the hill from the aquifer; it is on the highway side of the hill. It does take it out of the wellhead protection area. Mr. Duff stated

his understanding everything east of the mall flows to the river. Chairman Harrington stated that to be correct.

Councilor Dwyer commented at the very beginning of the process it seemed to be obvious the reason New Hampshire was chosen was the 75-mile powerline corridor, which seemed to be what made it attractive to move it from Massachusetts to New Hampshire. Now, from all of the revisions that have been done over the last several months, it seems like you have completely abandoned that. Along the way other information came out like you didn't like to go along railroad beds because of vibration, you didn't like to go around highways because of vibrations, etc. These are things we learned about during the process. He remarked he is grateful the route is on Route 3, but like he said months ago, he thought that is what they didn't like to do. Now the map shows it in an area where, before knowing the details of vibration and all that, that is where we all would have wanted it; put it near the highway, get it out of the neighborhoods.

Mr. Duff responded they don't like to be next to highways because, over time, highways expand. Typical right-of-way agreements stated if we have to move, that is at our cost. It is not so much the expansion, but the disruption to customers they would like to avoid. They do like to avoid those situations, but they are trying as best they can to accommodate the comments and issues that have been raised, and are willing to make this change even though it is against the basic principles of how they like to locate a pipeline.

Mr. Duff stated the railroad; they are less of an issue. The roads are problematic. They have talked to NHDOT and they are willing to work with them on the Turnpike route.

Vice Chairman Mahon questioned if Kinder Morgan is aware of the expansion the NHDOT is proposing for the Naticook and 101A area between Naticook Road and Craftsman Lane. Mr. Lennon responded they have had consultation with NHDOT and are aware of that upgrade. It is part of the evaluation, part of the ongoing consultation, and most importantly the on the ground survey data. That won't be built before they have an opportunity to survey. They will have to survey the existing topography and then get the plans as they are being proposed from NHDOT so they can adjust their workspace as needed.

Mr. Duff remarked originally in the March filing, the crossing of the Turnpike was going to conflict with the water line that had been brought in for the Outlet Mall. Working with NHDOT, they modified the route to accommodate that. The current route still crosses at that point.

Councilor Boyd questioned who they spoke with at Whittier Place. He stated what is being communicated to him is parenthetical to what the Council has been dealing with for the neighbors in that community for the last 6-9 months. Mr. Lennon stated they had a meeting with them and their representation a few weeks back. A few of these routing alternatives were discussed. To clarify, there was no endorsement of any potential route; there was a request, generally, to be as far away as possible.

Councilor Boyd pointed out another of the representatives basically defacto implied that there was an endorsement by the neighborhood. He remarked he is having conflict understanding what is and what is not fact. Mr. Duff stated they had obtained the Alternative VI route and indicated that was preferable to the current route. What is being proposed now is a modification of Alternative VI. He

stated his presumption may be wrong, but it was that if they liked Alternative VI, this is better than that.

Mr. Lennon stated they are well aware that their preference was the route which was to cross the Turnpike south of the Premium Outlets. He reiterated they are absolutely aware that was their preference. He suggested what Mr. Duff was alluding to was what is being contemplated now is less impactful than the route we started the evening with. He remarked he fully understands there are still concerns that the folks in Whittier will have even with the adjustments being made. The blue line shown on the map is already starting to shift closer to the Turnpike. He is sure they will hear more from those folks, and they will continue to have meetings with them about what is being proposed now. He commented he is unsure if that could lead to further adjustments. He stated he was at the meeting and they were quite clear that their preference was a crossing of the Turnpike further south.

Vice Chairman Mahon noted the map provided to the Council did not reflect the alignment being discussed; it reflected the alignment closer to the Outlet's property line and the Turnpike right-of-way. Mr. Duff noted the adjusted map was on the last page. The top page is older. Vice Chairman Mahon stated the top page reflects that more direct route closer to the Turnpike. Mr. Duff stated the last page is brand new, and was only developed in the last couple of weeks.

Mr. Lennon commented the line shown there now was brought further west from Route 3 because of the drainage basin there, but through the consultation they had today and through comments they are hearing, and certainly he is sure Whittier's perspective on that would be the closer to the Turnpike would be preferable to what is shown there. Their preference he understands is to cross the turnpike well south of their neighborhood. Mr. Duff commented another piece to add to that is right now there is a parking lot in the area, and long term their desire is for a parking garage, which is something they would not want the pipeline to be under.

Councilor Boyd asked for clarification the route he had in front of him was something that had been worked on for the past few weeks. Mr. Duff stated that to be correct. Councilor Boyd questioned why the other route was reported just a week ago as the preferred route running up Continental, across the pad, if this new route was something that had been in the works for a couple of weeks. Mr. Duff stated it just wasn't refined enough. They just met with the mall and Fidelity earlier in the day. Councilor Boyd questioned if that was the first time they had met with those property owners. Mr. Duff stated it was the 3rd time with Fidelity. Mr. Lennon stated two weeks ago at the open house in town, they shared this route that is displayed now and began consultations with landowners, residential and commercial, along that route. As that feedback has been coming in from his team, through participation at those meetings, they have been sharing that with the project management team, the engineering team, and others to begin to look at adjustments.

It has been a very fluid process starting with the route that was shared two weeks ago. This morning and even as the day has transpired, there have been adjustments to that. There will continue to be adjustments to this in the coming days, weeks, and even beyond the filing. He stated the desire to be very clear by continuing to stress that. He remarked he is sure the Council will have time to digest the information provided, will share comments, through the formal process with the FERC, and with Kinder Morgan. The landowners and businesses throughout the community will do that as well.

Councilor Boyd commented it sounds like you created that route without consulting any of the landowners ahead of time as to what your thinking was to get from Amherst through Merrimack to the other side of the river. Mr. Duff remarked with what our thinking was, but again we have not filed anything. We haven't technically created any other route than what was filed in July, which was referred to as the power line route. Councilor Boyd pointed out when you publish a report it creates a perception. Mr. Duff questioned the report being referred to. Councilor Boyd stated on September 30th the Nashua Telegraph published a story about the route that was originally proposed up Continental Boulevard. Based on what is being communicated, he has the impression they created a route without speaking with the landowners along that corridor to get a feel or a sense of what they were looking to accomplish at that particular time. Vice Chairman Mahon requested a Point of Order, and stated the original route was done without consultation with anybody. Councilor Boyd stated his understanding of that. Vice Chairman Mahon responded they have already explained, in detail, that this is a fluid process, and as we have gone through this the over last 3 months it has constantly changed. If that is the issue you have to get used to the fact it isn't over, and it will just keep going.

Councilor Vaillancourt stated she did not have any questions and would choose her words very carefully as she was going to try very hard to be respectful to the invited guests. She remarked if she had any questions for these gentlemen and had their answers before her she would not believe what they said to her anyway. She commented Councilor Dwyer brought up a point she wanted to make in that when this was first proposed to come through New Hampshire, co-location was the end all, be all, and now that has been completely blown out of the route. She stated she is resentful of the fact that some of Kinder Morgan's representatives are telling people in Town that the Town Council would not work with them.

She remarked you are here tonight with yet a new proposed route that we are all looking at for the very first time. We are at such a disadvantage. She commented she is pleased the businesses are being listened to as they are very important to the townspeople, but businesses have money and power, individual homeowners do not. Every time you change the route it may move away from one individual's property, but it is within several hundred feet of another's, and that person now is left with 1 week to provide meaningful comment. That individual homeowner doesn't have the financial or other resources to have any kind of meaningful dialogue on an issue that will impact their property.

She questioned how, as a Council, they were going to address any more route changes. They will make their comments and continue to participate as they have since the very first minute they became aware of this, but they are at a huge disadvantage. She added she believes Kinder Morgan knows that, and she is very resentful of it.

Councilor Dwyer commented from the very beginning of this process the Council has put its reputation on the line for the citizens in Town. He stated from advice received from both counsel and people within Kinder Morgan there was a sense of there is maybe an inevitability that this is coming through. From day one he has suggested the scenario is similar to the Department of Defense putting out a bid for a couple of submarines. They get built. They put out a bid for air craft carriers, they get built. When the Department of Energy puts out a bid for a pipeline it gets built. Everyone in this room knows that it is probably coming.

Councilor Dwyer continued by stating for months and months they have done the next best thing, which was supposed to be cooperation. The most important piece of advice they could give to the

citizenry and themselves was to work with the survey teams and sign on. Yet here we are again in October and you still won't sign our Survey Agreement. That hurts because our reputations and our advice to our citizens was to cooperate, yet month after month has gone by and it hasn't happened. We went out of our way to play this right, and have gotten nothing for it. That is frustrating.

Mr. Duff asked if Mr. Lennon could speak to that. Mr. Lennon responded he is not specifically involved with Merrimack. He stated his appreciation of the Town's willingness to work with them as well as all individual landowners. With regard to what is going to happen there he apologized, and stated he is not directly involved. It was noted that is not the topic of discussion. Chairman Harrington stated a desire to discuss it with Mr. Fore prior to his departure.

Tim Tenhave, Chairman, Merrimack Conservation Commission, stated the Merrimack River in our Town has been here since before the Town. When you go back to the early 1600s and even before that, our Native Americans used it for commerce, recreation, and travel. It was used that way into the 1700s and further. The Merrimack River, having being used in that fashion, has certain infrastructure that was placed in it a long time ago; historical infrastructure at this point. There are numerous structures inside that river that aren't necessarily visible when you paddle down. If you look closer you can see them. He suggested as they look into that area of the river they should be looking for structures and things of a historical nature, which could be impacted by any sort of movement of the land underneath them.

Mr. Duff stated they do cultural investigation surveys and look for that sort of thing. The river has high banks in that area. They would be doing a directional drill into the river; they will be over 600' from the edge of the river in their entry point and 70' below the river, and likewise come out much further away from the edge of the river. They should not impact anything that is on the surface.

Mr. Tenhave stated his desire was for them to be aware because the river was a much different place many years ago. The trees were not there, there were people and animals that were pulling barges up and down, there were locks in the river so you could adjust for the changing height, and areas where you would maneuver around rocky areas as well as some rapids.

Pointing to the area of the Pennichuck lands that the Society has an easement on, slightly west there seems to be a lot of jaggedness to the route there, which makes it appear as if they are specifically trying to stay on someone's property and off someone else's. Mr. Duff stated the intent is to stay off the conservation land and minimize the residential impact. Mr. Tenhave commented when you look at the map the way it is positioned now and go all the way from Industrial Drive and come all the way down to Pennichuck Brook and Continental Boulevard, that whole area is part of the highest ranked habitats in Southern New Hampshire, that area and then to the west. It is not just the Society's land, it is the entire area except for where Fidelity is and those exact homes.

That habitat area is ranked that way not only for water but for all of the critters and the environmental pieces of it that allow that habitat to exist. It is ranked that way because it is precious to us. In fact, that habitat is decreasing year after year throughout our State, and therefore, becomes more important as we go. Now we have this really jagged thing going right through it. He stated he was not saying that the first route was preferable, but in order to put that in you would be clearing 100' all the way around, doing all of your work and then letting it close up again, yet there will be numerous animals, plant life, insects, amphibians that would be impacted by that clearing. Mr. Duff stated they are definitely open to any feedback available. Mr. Tenhave commented the unfortunate part is this entire

route, going all the way through the Town of Hollis, is that highest ranked habitat. Going north or south you get yourself out of it, but that whole area is the highest ranked habitat.

Mr. Tenhave indicated the area on the map that is property owned by the Merrimack Conservation Commission, and requested they contact him when they want to go out and look at the parcel. He stressed they should not call the Town or anyone else; they should contact the Conservation Commission. Mr. Tenhave noted the Deed language states the property is for conservation purposes. This pipeline violates the Deed. In fact, it is roughly the same language that can be found in easements for the Society properties. He requested they look closely at that and realize it is conservation property whether it is painted green or not on the map. He stated the Commission will defend that land vigorously because they have to, it is in the Deed; the promise they made when that land was donated to the Commission. Mr. Duff stated an understanding, and thanked Mr. Tenhave for providing the information.

Mr. Tenhave reiterated the land with the highest ranked habitats also runs through the Town of Hollis, and one of those parcels is owned by their Conservation Commission Deeded for conservation purposes.

Mr. Duff spoke of letters that were sent out to all of the Towns to discuss wetland and conservation land mitigation. Mr. Tenhave stated he saw the letter and replied to Mr. Fore. He stated the Commission is wide open; the calendar for next year should be posted any day now in case it comes to that point.

Mr. Lennon thanked Mr. Tenhave stating he brings up a good point; this starts with a line on a map and some parcels are highlighted in green as you pointed out and some aren't. Part of the effort his team undergoes is Title research. Once these lines are drawn by the engineering team, a full analysis of what the ownership is, what the conservations may be, deed restrictions, etc. that process follows in short order. He stated appreciation for the information regarding the Merrimack property, and that he would look that up the following day. That work will happen for all of the parcels along this route. Mr. Tenhave stated his main point was simply to make it clear that they need to come see a different body when it comes to that parcel. Mr. Duff stated they will.

Lon Woods, Chairman, Merrimack Village District Board of Commissioners, stated he had prepared remarks, but as was pointed out, a change in route has rendered them somewhat redundant. He stated he would leave his written remarks with the Council and would be glad to leave them with Kinder Morgan.

With regard to the section of Continental Boulevard and 101A, he stated the route remains in one of the highest yielding aquifers that the MVD draws water from. They are in that same bind in terms of concerns the MVD has from Merrimack Road through the intersection of Continental Boulevard, and then down Continental to where the blue line starts. He remarked the route still represents a major impact for the only water source for the residents and businesses in the Town of Merrimack. The MVD has expressed concerns to the Town regarding Kinder Morgan's proposed large diameter high pressure petroleum product pipeline. They have expressed those same concerns to the FERC in terms of the proximity to production wells going through very high recharging aquifers. In the Continental 101A area down through Merrimack Road, the route remains within the wellhead protection areas.

Mr. Woods remarked one of the most interesting facts for him and for the MVD Commission as a whole is they heard about the project when it was the original, we will go through Massachusetts and come up through Hollis, because they needed to get to 101A, and were indicating to the MVD that they had some wells in the area. That was in April of 2014. Kinder Morgan immediately backed out of there. He is unsure why. But the interesting fact to the Commission is since the announcement of the Northeast Direct Energy project, the MVD that supplies water to the Town of Merrimack, has had no requests for information or wanting to be made aware of our concerns, or any request for a meeting with Kinder Morgan/Tennessee Gas Pipeline, LLC. He commented he finds that very interesting.

Chairman Harrington recommended someone from Kinder Morgan reach out to the MVD directly. Mr. Lennon stated he has seen the letters to the FERC, they know where the wells are, and that is why they chose this new route, to try to avoid those.

Mr. Woods questioned if he was being asked to decide which drop of water is more important than another. He remarked you are telling me that you maybe avoided some problems to the east, but you have done nothing, made no comments to us or requested information regarding the south and west.

Mr. Duff responded, as you noted, we have had conversations in the past, and absolutely will continue a dialogue with the MVD. Chairman Harrington asked if what was being suggested was that they have had discussions with the MVD. Mr. Duff responded they have in the past. He clarified, as was noted, they have not attended a public meeting or a meeting with the full board. If that is the request they will absolutely work to meet.

Mr. Woods stated he would be sure to check that information, and stated as of 4:15 p.m. this afternoon there was no indication of Kinder Morgan having any deliberations with the MVD.

Christopher Ortega, Chairman, School Board, remarked the school district has safety concerns. Thorntons Ferry Elementary School is an elementary with 500+ Kindergarten through 4th grade students and 85 educators. In addition to an outdoor playground, there are paths around the perimeter that serve as an outdoor educational facility, and are used every day. He too stated he reserved the right to make additional comments given the route change. It is unclear to him if the shift in distance from one route to the other to the perimeter to the school property is actually going to be 1,000', which is the distance within which they oppose a pipeline being built.

Additionally, the property directly across has been marked as Merrimack School. The previous route was shown as running right through that property and the now current route is shown running along the eastern/southern border of that property. The current route has now encroached on it, which they oppose.

Additionally, they share concerns regarding the aquifer. The students get water from the MVD. He remarked it seems as if they received the letter of this week and have tried to make some adaptations, but based on what he was seeing, the School Board would still oppose the route. Mr. Duff stated they would be meeting the following day with the Society, and could bring this issue up with them to discuss resolutions.

Council Koenig commented on being curious stating normally he would expect something like this to be laid out in a fairly straight line, yet there are some huge kinks in this. He questioned the kind of

impact 90 degree turns, etc. have on the transmission line. Mr. Duff responded the geometry of the pipeline can affect the ability to smart pig it. Smart pigs are robots basically that are sent down the pipeline that can relay information on the integrity of the line, e.g., whether there is a dent, cracking, etc. so that they can be proactive in fixing those problems before they become an issue. Historically those types of tools didn't do well with 90 degrees, but they have gotten much better at that. The tools can navigate that.

Chairman Harrington opened the floor to the representatives of Kinder Morgan.

Mr. Duff stated a desire to address Councilor Vaillancourt's remarks regarding co-location stating they are co-locating quite a bit still with this route, not with the powerline, but they are following the PanAm Railway quite a ways, Continental Boulevard, and the Turnpike. In terms of overall impact, this route is still a better route than completely new green field.

Chairman Harrington opened the floor for public comment, and reminded members of the audience to be respectful. She reiterated the public comment period is an opportunity for members of the public to provide comment. It is not intended for a back and forth discussion/debate. She requested remarks remain focused on the topic at hand.

Comments from the Public

Gina Rosati, 15 Dunbarton Drive

Pointed to an area on the map (LeBlanc Lane), commented on remarked Mr. Duff has made regarding having walked the area, and asked if he is aware of what significant historical place is located there.

Chairman Harrington remarked you are suggesting that there is one. It is a comment. What you are suggesting is please look into it. Ms. Rosati requested Kinder Morgan look into the area stating there are three historical sites of interest located there. She noted she would be making the FERC aware of those locations. There are wetlands located in the area as well. In those wetlands there are numerous species of flora and fauna. She stated she has kept a list over the last 20 years of all of the birds and critters that have shown up in her yard, which she will also be sending to the FERC.

She stated the proposed route to be well within 900' of the school's playground. Ms. Rosati stated our water, land, air, schools, people, and now our history is being impacted because you also have the pipeline going right by the Historical Society. If this thing blows up all of our history is lost to us.

Wendy Thomas, 10 Wildcat Falls, Merrimack

Read her statement into the record: I am dismayed as much as everyone else by the new blue route. I would like to know in what universe it is acceptable to come to a Town Council meeting to discuss a proposed route and then right before the discussion begins present a changed route. Kinder Morgan I am appalled at your audacity and I laugh at your continued ineptitude. With regard to Thorntons Ferry School, I am a Special Education Advocate for the State of New Hampshire. I have concerns about the special needs kids that are in that school particularly with those that have sensory issues. They are going to have a hellacious school year if this pipeline goes through. There is going to be whistles,

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blasting, and heavy machinery. I would hope that Kinder Morgan picks up the cost to relocate these kids for the school year if the pipeline goes through.

With specific regard to Alan when he stated, regarding the landowners, "We are not going to ram this down anyone's throat." That is kind of funny because may I respectfully submit that you are in fact ramming this pipeline down the throat of the Town of Merrimack.

Donald Miner, 82 Peaslee Road

Commented upon entering the building Mr. Meyer told him he would be happy with the new route. He remarked what Mr. Meyer does not understand is that they now have pulled the pipeline away from his house on Peaslee Road and have run it right through where his cows summer on LeBlanc Lane. When he was at the Farm Bureau he made a statement that basically you've kind of thrown crap at the wall with the route originally and now you've had us, with our resources, money, and time, show you where to put this thing by the resistance of this and that. He stated he would not tell them where to put it, but could assure them the Town does not want this. He commented, through all of the meetings he has been to, he believes Kinder Morgan does not care.

Mr. Miner commented at the meeting at the Farm Bureau, Kinder Morgan was addressing farmers and that meeting did not go the way they had planned. He spoke of a representative of the UNH Cooperative Extension being present for that meeting, and stating the size difference of the farms in this area are much smaller than what they are used to in the Midwest.

Mr. Miner noted the Town Council retained legal counsel to represent the Town. The Council has encouraged residents to cooperate with the process, Councilor Dwyer in particular. He suggested Councilor Dwyer is now seeing what the residents saw at the beginning. He spoke of the expenditure the Town has made on this issue; in excess of \$35,000 with legal counsel to negotiate a survey on Town land. He commented he has said from day 1 don't do it.

Charlie Dedoner, Erik Street

Remarked what he witnessed this evening was a classic case of bait and switch. He suggested it more than likely they have had this in their back pocket for quite some time, but wanted to leave very little time for comment so that the citizens don't have time to react. Running through aquifers in south Merrimack, you have schools, a church, childcare facility, and his house. The pipeline is looking to go right through there, well within a blast zone. Mr. Miner stated this is not a good idea under any circumstances, and Kinder Morgan has been less than truthful with any of this. He added, at the end of the day, we will be stuck with whatever you ram down our throats.

Marybeth Ravin, Four Winds Road

Stated her belief, at this time, no one in Merrimack has received a copy of this new map. She requested permission to take photographs of the new proposed map. She was provided with one of the copies that were given to the Council.

Carol DiPirro, 10 Cambridge Drive

Stated she had hoped there would be some progress here tonight, and commented many have been working since April of last year sending comments to the FERC. They thought they were going to get somewhere, and the representatives show up with a map that may have moved a little bit away from one neighborhood and closer to another. She stated lives matter too. There is risk to everybody that you are near. You are putting a lot of people at risk. Purposely avoiding other towns possibly because of higher population density, but there are neighborhoods you are moving closer to. That needs to be taken under consideration too.

Philip Morano, 5 Fernwood Drive

Noted the new proposed route shows a radius around the scorched earth part, and questioned why that was not also shown around the route marked in blue. He questioned if it were, wouldn't it go into the conservation areas and into Fidelity property and around into the business areas? Mr. Duff stated the band around the purple line is the survey corridor. Once they adopt the blue route there will be a similar survey corridor around that one. Mr. Morano commented Fidelity has money and told you to get out, and we don't have money so you can go through our property. He questioned if Massachusetts had so much money that they couldn't just go straight through Massachusetts.

Debra Huffman, 60 Amherst Road

Commented when driving back and forth to Massachusetts every day she passes by Kinder Morgan's marks in the middle of the highway. That is not a bad idea; if you have to put this here, it would not be in anybody's background, etc. That gas line has been there for so long why not just stick with going up the center line of a highway and not be in people's backyards. She remarked you have to realize it is not just the possibility of explosions, but you are cutting down a bunch of trees; this is the biggest investment most of these people will ever have. They have sculpted these backyards, and you are going to come through and chop down all of those trees. That completely changes the nature of their yard. They can never put a shed or a barn in that area, etc. They are restricted for all time from enjoying their property the way they want. When you can't use that area of your small little property of course it hurts your property values.

Derrick Muse 3 Vanden Road

Remarked tonight he had a few opportunities; one was to hear from Kinder Morgan and another to work next to the gas line. He works for Home Depot so at least 8 hours of his life every day, except for Saturday and Sunday, will be spent next to the gas line. That line is proposed to pass between AutoFair and the Home Depot. He questioned what the incineration blast zone is around a 30" gas line. Mr. Duff responded it isn't an easy question to answer because it is like saying I'm going to drive from point A to point B, and I'm going to get in a car accident. There are a lot of variables that go into that. There have been numerous incidents where a gas line has been struck, there has been a release, and there has been no fire or incidents to the opposite. It isn't something you can calculate or predict. There are a lot of variables.

Mr. Muse questioned how far off the Home Depot would be. Mr. Duff reiterated there are too many variables to say anything like that.

Mr. Muse stated there is not a lot of room between Home Depot and AutoFair, which leads him to believe it will run pretty close. Mr. Duff stated the biggest threat is what they call 3rd party damage and that is when someone doesn't do their 811 (Dig Safe) call and they go and dig without contacting them. That is the biggest threat. He stated they patrol the line and reinforce the importance of calling before digging. When someone does call they send out a full time inspector to ensure they won't strike the line. They do everything they can to prevent something like that from happening. Mr. Muse stated those at Home Depot are aware of the aquifer in that location and every day do what they can to protect that. He requested Kinder Morgan do the same.

Dr. Patricia Ansdel, Thornton Road

Asked if Kinder Morgan would be kind enough to purchase her home, which was built in 1880 because it is a very valuable, very beautiful home, which will now be of virtually no value. She requested they purchase it from her at present value.

Dr. Ansdel spoke of the proposed route going through the area of the biggest heronry she has ever seen; at least 100 Heron nests. She spoke of having lived all over the world and never seen a heronry like this.

Ed Thoman, 216 Naticook Road

Stated his residence is right around the corner from Pennichuck Square and two houses down is the Hospice house. He believes the pipeline is proposed to go right across the street from his residence. Currently they have a 32' artesian well in their front yard, and that is their drinking water. He spoke of a number of houses being on the street. He commented this issue caught him by surprise. He saw the flashing notice on Continental Boulevard and came to realize how close the project is to his home. He commented on the quiet nature of the area, which is really a necessity for the Hospice house.

Julie Penney, 51 Tinker Road

Remarked her home was built in 1787. Every time she is in that house it brings her back to that time. During that time is around when the Constitution was written. The Constitution says that you can, as Congress, declare war, but somehow or another we can't get you out of our State. She stated Kinder Morgan is not wanted here. The people have spoken, and have all decided that they don't want this pipeline in our State, and yet you are still here.

She commented on the detail on the map showing the pipeline laid out in a manner that would appear undesirable, and that she would imagine one would want it to follow more of a straight path.

Nina Yakuboff, 6 Bridle Path

Stated she was representing the All Basic Stove Shop, a family organization. She commented she is new to the game because it was only last week that one of the plans impacted the business. She questioned if Kinder Morgan is promising to meet with the businesses that are being impacted, which Chairman Harrington delineated in her opening remarks. She questioned if they would be able to look at her and tell her that they will come visit All Basics, a small family operation; 10 people and 7 families totally dependent on its income. This community is dependent on the fuel and service during

the winter season. She asked if they would stop by next week before the comment deadline. She stated the desire to meet with a representative of Kinder Morgan, and that she has a lot of questions.

Mr. Lennon provided Ms. Yakuboff with a business card, and stated she would receive a visit. Mr. Duff stated the change was made at the request of the NHDOT, but they can work with her and modify that.

Michele Watson, 21 Whittier Road

Stated she had no intentions of talking prior to hearing the comment about Whittier Place. She remarked she is unsure which meeting they were at if they felt they endorsed that route. They had attended the meeting to have a conversation. They expressed their concerns with the routes, and have never said they want this route or that they endorse it in favor of another location. They don't want it in Merrimack. She stated she resents them saying that they endorsed something.

Mr. Duff stated he was sorry if he misspoke, and remarked they did present that route as an alternative.

Ms. Watson stated they presented a route that went further away from their neighborhood. They showed Kinder Morgan routes that said if it goes this way it would benefit our neighborhood. She remarked there is a big difference between saying you don't want it near something and that you are endorsing something. She stated Whittier Place does not endorse this at all. Mr. Duff apologized stating he misspoke.

Tracy McGraw, 14 Dahl Road

Spoke of hearing the passion in the voices of the Council members, and thanked them for their support. Addressing the Kinder Morgan representatives, she stated the citizenry of Merrimack does not want the pipeline in their Town. She remarked it is the inconsistencies that bother her most. One of the biggest things the Town has is their reputation. If you are a liar once it takes forever to get that respect and trust back. She stated Kinder Morgan has lost it completely. She noted this is not the first meeting she has been to, and she has not trusted anything the representatives have said since the first comments out of their mouths. She referred to Mr. Lennon who stated he does not deal specifically with Merrimack, yet there was a woman who stood at the podium a few minutes earlier who said you need to come and talk to me because I have a business here in Merrimack and I have a problem, and there you are promising her I will come and talk to you, but you don't deal specifically with Merrimack. It is the inconsistencies. Mr. Duff you are talking about we will work with the residents, we're not going to ram it down their throats. It is obvious you are ramming it down our throats. How are you going to work with them; are you going to purchase homes? The fact is they don't want it here so there is nothing to work with. Move it.

She remarked you originally were planning on bringing this up here due to co-location. You have abandoned that particular idea so just abandon the whole New Hampshire pipeline.

Gina Rosati, 15 Dunbarton Drive

Pointed out, in the LeBlanc Lane area, there is a forest that back before the Revolutionary War, King Phillip sent his soldiers to cut down trees for their boat making efforts. She remarked we are the Live

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Free or Die State, and the granite state so be prepared to blast through a ton of granite wherever you go. Secondly, we will fight as hard as we can. We fought through the Revolutionary War and the Civil War; her Great Great Grandfather had his arm cut off on a battlefield. The last time she remembers a war where they took people's land and shoved poisoned gas through were the Nazi's.

Dave Nichols, 230 Amherst Road

Stated he conducted research while sitting at the meeting; how many times has the FERC said no to a pipeline; as of March that was zero. There have been times when a no has happened because it got too expensive for a company to go forward; they withdrew. He stated that to be the only way to make that happen; if we link arms with our fellow citizens. Why did Massachusetts do better, for the reasons we don't like Massachusetts, because they are stubborn, obstinate, and liberal, and it is time we get the same way.

Kevin Tellier, 42 Brek Drive

Stated a desire to talk about the elephant in the room; what would the 3 greatest benefits of this pipeline going through be for Merrimack. He questioned why it is not more common knowledge what a disaster would look like. He questioned why those opposites are not commonly known.

Chairman Harrington suggested he talk with some of the neighborhood groups that have been very active with this issue for some time.

Wendy Thomas, 10 Wildcat Falls, Merrimack

Stated she attended the open house and noted the maps that had been put out on the table were outdated. She is aware they had been changed as she received a copy through email. She suggested it to be interesting that they would come to the Town of Merrimack with outdated maps to talk about the route that is going through Merrimack.

Ms. Thomas commented originally there was talk of 17 miles of pipeline through the Town of Merrimack; the most of all towns in New Hampshire. Mr. Duff stated the distance to be 4.5 miles. Ms. Thomas questioned the area of the new route. That information is missing from the maps. She questioned why Merrimack has the most pipeline.

James Murray, 78 Tinker Road

Commented on having been to the open house, and how he was hearing the same thing again. As he stated then, it is nothing but a dog and pony show to try and ramrod this through. He stated Kinder Morgan needs to listen to the people. We don't want this pipeline period.

Evelyn Taylor, New Ipswich

Stated her home is very close to the proposed 41,000 horsepower compressor station, and the 30" pipeline goes down and around, so she is sort of surrounded by it there. She also works at Fidelity, and it looks like it will be surrounding her there. She stated she does not want the pipeline.

She spoke of all of the towns stating they don't need the gas and have submitted documentation showing a 30" pipeline doesn't address our very small NH deficit of about 14 days during the entire year.

Chairman Harrington reminded Ms. Taylor to try to focus on the route.

Ms. Taylor stated the route doesn't look like it will go up as quickly to Canada as they would like it to. She commented they love aquifers because New Ipswich survives on the aquifers. They do not have any public water supply; they are 100% wells. Addressing the individual who questioned what the hazards would be of a 30" pipeline by stating they might want to look up the 2010 San Bruno pipeline explosion that took 67 fire trucks, aerial water bombers, 8 lives, and over 3 dozen homes. That is a 30" pipeline.

Donald Miner, 82 Peaslee Road

Spoke of having heard talk of a power plant in Merrimack. Mr. Duff stated they are a shipper not a power plant. Mr. Miner commented he is aware of that, but they work together. Mr. Duff stated they are not aware of any at this point.

Mr. Miner spoke of commercial property for sale in the area. He commented a power plant would fit nicely if Anheuser Busch pulled out. He stated his belief this will evolve based on the amount of industrial land in that area.

Mr. Miner questioned what is involved in a metering station. Mr. Duff responded if you have natural gas at your house and a meter, the metering station is a larger version of that. The gas that is transported is what is called dry gas, has very little liquid content. Nonetheless, when they construct a meter station they put in provisions for if a more wet gas is present. It would have measurement meters in it and a separator if there were any liquids so that they could be dropped out before delivery. That will not happen with the gas that will be shipped initially. When asked where any water pulled off the gas would go, Mr. Duff stated anything that comes off of that would be disposed of in a proper waste disposal facility.

Mr. Miner questioned the temperature of the gas running through the pipe, and was told as it leaves the compressor station it is at about 116 degrees, and it will cool as it is transported. Mr. Miner commented when hitting friction points the temperature will increase. Mr. Duff stated it is very minor with gas. It will continue to decline until reaching another compressor station.

Mr. Miner stated it will in the straightaway but then you hit all of the angles tight and it will heat up. Mr. Duff responded it is very minor, not measurable.

Chairman Harrington stated her belief there would be more discussions on a compressor station at a later date.

Mr. Duff stated there is a delivery point in that area to Liberty. Mr. Miner commented they have plans.

Melissa Carolan, 27 Whittier Road

Remarked regardless of the route proposed, it keeps coming back to her neighborhood. She commented on the neighborhood having withstood the blasting that occurred at the Outlet Mall; broken windows, broken foundations, etc. That entire line between Exit 10 all the way up past Simon Properties is all ledge. We have had earthquakes here. That is all ledge, and if blasting through all of the ledge and placing a pipeline through, with even the slightest bit of shifting in there how could you guarantee that is not going to explode? You are talking about third party and someone else hitting it with a backhoe or something like that, you are talking about putting a pipeline through ledge. We are the granite state. That is all ledge there on the side of that Simon property.

Kristi Bradshaw, 54 Whittier Road

Thanked the Town Council and other Town representatives for all of their work, and for having the meeting. She spoke of having been at the meeting in Concord with Michele Watson, legal counsel, and Messrs. Lennon and Duff. She stated they by no means endorsed a route coming that way. The map that was handed to them that had a route that went straight up on the outside of the outlets parallel to the highway was a map that came from an email from Mr. Duff communicating with the Town of Merrimack. They did not say they wanted it to go up that way. They showed an area further south of Exit 10, and said please take a look at that area. It had been stated the reason it was anchored to that area was because the customer, Liberty, wants the metering station there. Ms. Bradshaw stated she met personally with Liberty this week, and they have put it in writing and said to them, they have never identified a spot right there, and they don't care where the metering station is. Wherever the pipeline goes that is what will dictate where the metering station is. She suggested they get it out of Whittier Place and cross somewhere else so that it is not affecting all of the homes.

Ms. Bradshaw commented it has been said the NHDOT was friendly and easy to work with, and they are the ones who said well cross here because there is a sewer that you can align with. There are probably a thousand other spots that if you went to them and said how about here they would say okay but consider this. She requested they get out of the Whittier Pace area. She stated her hope there is more massaging to do to this very rugged route that was sprung on Merrimack at the very last minute.

Debra Huffman, 60 Amherst Road

Commented she hesitates because anyone who makes a suggestion about a route is seen as endorsing that route. She stated she is not endorsing anything. She commented where the route approaches the Turnpike directly across is BAE. If you were to go directly across into BAE and along the Robert Milligan Parkway and then either along the D.W. Highway where there is already a gas pipeline along that area or crossing directly over. Just south of the bend where concern was noted, there is another straight area of the river. She remarked of all of the businesses in Merrimack BAE is the only one who seems at all inclined to like you folks. She suggested the pipeline be put on their property.

Tim Tenhave spoke of the path between the Home Depot and AutoFair noting it goes through a number of stormwater discharge areas, etc., and questioned how they would deal with that. Mr. Duff stated they would have to get with them and understand that, and work with them. Mr. Tenhave stated

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it is extensively put in in order to capture the water and bring it back into the ground because of the aquifer. He is not sure they have enough property in that area to redistribute that. There will be the need to take a good look at that particularly in the AutoFair area where there were a lot of accommodations made to capture all of their stormwater.

Mr. Duff reiterated they intend to bring the line closer to the Turnpike and will work with Simon Properties to ensure they are made whole with their stormwater basin.

Councilor Vaillancourt pleaded with Kinder Morgan to talk to Home Depot and AutoFair noting the route would affect them greatly. She requested they reach out to the small business owners as well, and commented she believes they will find the impact is greater than they suspect.

Vice Chairman Mahon commented many of the small businesses figure they will be out of business if the pipeline is put in near where they are located. It is important to talk to the businesses about this because they are concerned, if the pipeline is put, in their business will be so disrupted they will never get it back and will have to close up everything.

Mr. Tenhave questioned if anything other than natural gas would be transported through those lines. Mr. Duff stated to get a certificate for the project they have to go through the FERC, and they will remain under their umbrella. If the desire were to change the service of the line they would have to get their permission to do that, and would have to go through a similar public process. He stated his personal opinion the writing is on the wall, as a country, we are moving towards more renewables. He does not believe anything else would be seen in this line in the future.

Mr. Lennon noted, in addition to the permitting process, the individual easement agreements with property owners, the Town, and businesses will specifically call out the product that could be put through the line. It will specifically call out natural gas. Mr. Duff added this is designed to transport natural gas. If you wanted to transfer refined products, etc. it would be a huge retrofit at a great cost.

Comments from the Press - None

Ed Thoman, 216 Naticook Road

Requested Kinder Morgan talk to the property owners of the residences as well that would be impacted by that route.

Comments from the Council

Chairman Harrington expressed her gratitude to the members of the audience for expressing themselves in a respectful and passionate way.

Adjourn

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

The October 8, 2015 Special meeting of the Town Council was adjourned at 9:17 p.m.

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Submitted by Dawn MacMillan