



Special Town Council Meeting Minutes

Thursday September 3, 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, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

Town Hall Offices will be closed on Monday, September 7, 2015 in observance of the Labor Day holiday. Regular meetings of the Town Council will be conducted on Thursday, September 10th and September 24th at 7:00 p.m. in the Matthew Thornton Room.

Northeast Energy Direct (NED) Pipeline Project

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon

Consideration of submitting further comments to the FERC regarding the Northeast Energy Direct pipeline project

Chairman Harrington stated the purpose of the Special Meeting was to allow the Council to discuss and take action on two items before it; the Access Agreement with Kinder Morgan and the alternate route proposed by Kinder Morgan, known as the Amherst Alternative Route 1 (alternate route).

Chairman Harrington stated the Council would not be taking a position for or against the proposed alternative route. The Council will identify issues of concern for the Town of Merrimack with regard to that route.

The letter to the Federal Energy Regulatory Commission (FERC) regarding Access by Tennessee Gas Pipeline Company, LLC to property in the Town of Merrimack, New Hampshire for environmental surveys for the Northeast Energy Direct Project, has been posted to the Town's website, and can be viewed [here](#). The letter to the FERC regarding FERC Docket No. PF14-22 - July 2015 Resource Reports, has also been posted to the Town's website, and can be viewed [here](#).

Chairman Harrington stated since March of this year, the Council has attempted to negotiate an Access Agreement to allow Kinder Morgan to access Town owned property for surveying purposes. Included with the letter to the FERC is a timeline that highlights the multiple times the Town has or has attempted to contact Kinder Morgan related to this issue. Chairman Harrington noted the timeline does not include the discussion she had with a representative of Kinder Morgan the prior Friday during which she verbalized her frustration and that of the Council; the Council has been acting in good faith, which has not been reciprocated. The letter reflects the Council's frustration.

Town Manager Cabanel commented, from the onset, there has been one major issue that has been a stumbling block in getting the agreement completed. Chairman Harrington stated that issue to be the

1 Town's requirement that Town personnel be present when Tennessee Gas Pipeline (TGP) personnel
2 undertake surveys of Town property.

3
4 *Chairman Harrington opened the floor to comments by members of the Council.*

5
6 Councilor Vaillancourt stated she is pleased with the letter, as written. She encouraged residents to
7 review the letter and take particular note of the reference to Kinder Morgan's unlawful access to Town
8 property. She spoke of the importance of pointing that out to the FERC. She believes it important to
9 highlight Kinder Morgan's refusal to negotiate despite having unlawfully gained access to Town owned
10 property. If found unlawfully on Town property again the Police will be involved.

11
12 Councilor Boyd commented, at the FERC Scoping meeting, it was Mr. Tomasi, Environmental
13 Engineer/Technical Expert for Air Quality, Noise, and Pipeline Safety, FERC, Office of Energy
14 Projects, DG2E, who encouraged the abutters to allow surveyors on their property to better amplify what
15 is on the property. The fact that the Town has engaged in that process and been rebuffed is indicative of
16 the unwillingness of TGP and Kinder Morgan to meet half way so that they can do what they need to do
17 while provided the necessary assurances regarding Town property. Councilor Boyd stated he is pleased
18 with the letter, as written.

19
20 Councilor Dwyer

21
22 Echoed the comments made by Councilor Vaillancourt. He stated he is pleased with the letter as
23 written, spoke of the effort that went into composing it, and thanked those who have continually
24 provided the Council with information.

25
26 With regard to the agreement itself, Chairman Harrington reiterated the major issue relates to the
27 Town's requirement that Town personnel be present. She commented another area she disagreed with is
28 Kinder Morgan's request for eight (8) employees and/or consultants of TGP to be given access to the
29 property. The Council has agreed to a total of four (4).

30
31 Councilor Dwyer stated, from the very beginning, he has advised townspeople agreeing to surveys is in
32 their best interest. He noted, at no time, has he waived from that position. He spoke of being
33 disappointed in Kinder Morgan for having dragged this process along for over 6 months, particularly
34 given his understanding the surveys is the first hurdle that needs to be jumped in order to get the process
35 underway.

36
37 Chairman Harrington will include in the timeline, her most recent phone communication with Kinder
38 Morgan and the Council's recent discussions with legal counsel.

39
40 *Chairman Harrington opened the floor for Public Comment on the letter, timeline, and Access*
41 *Agreement.*

42
43 No one from the public came forward to address the Council.

44
45 **MOTION made by Councilor Boyd and seconded by Councilor Mahon that the Town Council**
46 **authorize the Town Manager to affix her signature to a letter dated September 4, 2015 regarding**
47 **Access by Tennessee Gas Pipeline Company, LLC to property in the Town of Merrimack, New**
48 **Hampshire for environmental surveys for the Northeast Energy Direct Project. MOTION**
49 **CARRIED 7-0-0**

1
2 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to authorize the inclusion**
3 **of the Access Agreement with the letter to the FERC dated September 4, 2015, and for the Town**
4 **Manager to sign on behalf of the Town Council**

5
6 ON THE QUESTION
7

8 Councilor Koenig questioned if the Council wished to make it clear this is the last negotiation the
9 Council will participate in.

10
11 Town Manager Cabanel suggested the Access Agreement include her signature and a space for Kinder
12 Morgan left blank.

13
14 Councilor Vaillancourt thanked Councilor Koenig for making the point to identify the Council's
15 position; there will be no further negotiation. She noted the Council has also discussed making the
16 public aware, should the agreement be signed by Kinder Morgan.

17
18 Councilor Vaillancourt stated her personal opinion has been that the Town should not allow Kinder
19 Morgan to survey Town property. She has repeatedly talked about how there are two different legal
20 opinions on this and how no one is right and no one is wrong. Basically she believes we are all just
21 trying to do the right thing to protect Town property and the residents of the Town.

22
23 Having been elected to the Town Council she has had the opportunity to witness the entire Access
24 Agreement process unfold. She spoke of the Scoping meeting during which the entire Town Council
25 stood together. During that meeting, she witnessed representatives of the FERC and how they
26 responded to the comments, e.g., rolled eyes, texting on cell phones, etc. One comment she noticed that
27 got Mr. Tomasi's attention was when Chairman Harrington spoke of the process that has unfolded with
28 Kinder Morgan regarding the Access Agreement, e.g., they agree to something and later change what
29 they agreed to, etc. After explaining what the Town Council has gone through with regard to the Access
30 Agreement and that Kinder Morgan is not accepting of the fact the Town is insistent that Town
31 representatives accompany them on Town owned property, there was a collective gasp from those in
32 attendance. She saw Mr. Tomasi take notice and actually write notes during Chairman Harrington's
33 testimony. To her, that was impactful.

34
35 Not knowing what is the right or wrong way, and not wishing to be divided, as a Town, on this issue,
36 she believes this timeline and this process in which they basically dug their heels in, speaks volumes to
37 the FERC. While she didn't believe the Town should allow Kinder Morgan to survey to begin with, she
38 sees that the Town being agreeable to it has brought us to this place where we have all of this
39 information about how they operate and what they are doing to the Town of Merrimack. Because of that
40 and because she wishes to support the Town Council in its actions, as she agrees with the angle the
41 Council is coming from at this point, she is in support of moving forward with the Access Agreement.

42
43 Chairman Harrington stated she generally categorizes this whole process as a sense of disrespect from
44 Kinder Morgan to the Town and the Council. The more the process went on, the more that was felt.

45
46 Vice Chairman Mahon commented the Council provided them the perfect opportunity to walk the talk,
47 and they turned around and walked away. There was an opportunity for them to demonstrate for the
48 people involved in this process that they were willing to work with the Town and Council in an open
49 and effective manner. Instead, we have 5 or 6 exchanges of agreements, the same language, and every

1 time you turned around they would change something else. When the last iteration was received last
2 week, he characterized it as bath faith bargaining. That is what started the ball rolling trying to get the
3 letter together and put an end to this process. The Town has spent thousands of dollars in legal fees, etc.
4 addressing this matter.

5
6 Town Manager Cabanel noted the second page of the document was not attached to the copy provided.
7 It was there that the language regarding how representatives of Kinder Morgan should conduct
8 themselves while working on Town road rights-of-way: “With regard to Public Roads and Ways
9 (described above in numbered Paragraph 5), the Town does not grant TGP access rights to areas beyond
10 the visible road or way (whether paved or gravel). The Town expressly withholds consent to TGP
11 access which includes passage beyond a fence or other barrier or onto a lawn or beyond any other visible
12 demarcation of the road or way even where the area is within the Property.” Copies were made and
13 provided.

14
15 *The Council was in agreement with the suggestions made.*

16 **MOTION CARRIED 7-0-0**

17
18 **MOTION made by Councilor Mahon and seconded by Councilor Boyd that the letter, timeline,
19 and Access Agreement also be forwarded to the Governor, Congressional Delegation, and State
20 Representatives. MOTION CARRIED 7-0-0**

21
22 Chairman Harrington opened the discussion regarding Town Council comments on the alternate route.
23 The letter, dated September 4, 2015 regarding FERC Docket No. PF14-22 - July 2015 Resource
24 Reports, does not take a position for or against the alternate route. The intent is to highlight the
25 concerns of the Council.

26
27 Chairman Harrington stated the letter points out the alternate route runs within 650’ of the Thornton’s
28 Ferry Elementary School, within 200-300’ of several large residential area neighborhoods, and within a
29 few hundred feet of a hospice facility off Continental Boulevard. Impacts to commercial properties
30 would be increased, which could lead to a decline in employment opportunities and tax revenue. The
31 letter addresses Conservation Commission property and impacts to habitats. It goes on to cover
32 concerns related to the Merrimack Village District (MVD).

33
34 Chairman Harrington informed the viewing audience of a letter from Emery & Garrett Groundwater
35 Investigations, LLC, the consultants hired by the MVD (attached to the letter to FERC). The letter notes
36 most of the land impacted by the alternate route is part of a wetland system and the Naticook Brook
37 Aquifer that serves to provide water for MVD’s wells. Just as the original route does, the alternate route
38 impacts two overlapping wellhead protection areas along Rt. 101-A. The alternate route impacts an
39 additional wellhead protection area.

40
41 The Council’s letter wraps up with a request that the FERC require TGP to consider and address these,
42 and all other issues associated with the alternate route as part of its next data request in order to ensure
43 full and fair consideration of alternatives in the FERC’s scoping process.

44
45 Chairman Harrington noted submission of the letter by September 4, 2015 would require the FERC to
46 address the issues specifically in the next Resource Report.

47
48 *Chairman Harrington opened the floor for comments by members of the Council.*

1 Councilor Boyd stated his copy of the letter from Emery & Garrett was absent a signature page. He
2 questioned if there was a second page. Chairman Harrington noted the copy provided was complete.
3 Councilor Boyd requested a copy be requested that includes the signature of the author. Councilor
4 Rothhaus stated his preference for the letter to be signed. Assistant Town Manager/Finance Director,
5 Paul Micali spoke of having received a pdf document from the MVD.
6

7 *The consensus of the Council was that the Town Manager make every attempt to gain a copy inclusive of*
8 *a signature. However, if unable to obtain in a timely fashion, it should not hold up the submission of the*
9 *Council's letter.*

10
11 Councilor Koenig spoke of how the alternate route took a bad situation of a pipeline going through
12 Merrimack, through aquifers, etc., and proposed a solution that is worse. According to Emery &
13 Garrett, it is a travesty to think about going through the aquifers with a gas line that could conceivably
14 be turned into an oil line, and the damage that could do to wipe out our aquifers completely leaving
15 Merrimack without 88% of its water supply should an accident occur. Not that we expect one to
16 happen, but that is always a possibility that we cannot afford to risk.
17

18 Chairman Harrington spoke of Kinder Morgan's request that the Town Council participate in a
19 discussion of possible routes, similar to what took place in Amherst. Her response was it has been made
20 very clear that is not the wish of the Council. She stated the Town Council is against the pipeline
21 period; in any shape or form. The responsibility of the Council, when options are proposed, is to
22 identify specific issues related to the options.
23

24 Vice Chairman Mahon remarked it is ironic, in light of their intransience on the Access Agreement, for
25 them to ask the Council to discuss these issues, and for the Council to have to prepare a response
26 identifying issues on the various properties. He commented what has to be understood about the
27 Amherst process is it was not an arm's length process between Kinder Morgan and the Town of
28 Amherst. Kinder Morgan had three alternatives they had put together. They went out of their way to
29 emphasize and thank the Town of Amherst and the Amherst Pipeline Taskforce for their cooperation
30 and assistance in allowing them to put these alternate routes together. They are doing what they feel
31 they need to do on their own behalf, however, their vision ends at the town line. They are impacting two
32 other towns, a few aquifers, three wells, etc., which are issues that were brought to their attention in the
33 early discussions about that route.
34

35 Councilor Vaillancourt commented there is a lot of game playing going on and a lot of sidebar
36 conversations. If the three-page timeline of Kinder Morgan going back and forth and not cooperating
37 with the Town of Merrimack regarding the Access Agreement isn't proof enough of the kind of games
38 they are playing, when they say they want to sit down with the Council and talk about the Council
39 proposing an alternate route, in her opinion they desire the Town to make that recommendation so that
40 liability falls upon the Town. What they are looking for is a meeting with no cameras, no microphones,
41 and possibly no public participation. That is what they are talking about when they say they want to sit
42 down with the Council and discuss this. She remarked from day one, the Council has made it perfectly
43 clear there is no intention of having conversations with Kinder Morgan in private. Chairman Harrington
44 has extended an invitation to Kinder Morgan on more than one occasion stating if the desire is to discuss
45 alternate routes through Merrimack, get on our agenda, and we will have that discussion in public.
46

47 Kinder Morgan is getting individual townspeople on the phone and telling them that your Town Council
48 isn't working with us, your Town government isn't cooperating with us, you need to have your Town
49 Council work with us and cooperate with us.

1
2 *Chairman Harrington opened the floor for Public Comment.*

3
4 Gina Rosati, 15 Dunbarton Drive

5
6 Remarked #2 in the list of impacts associated with the alternate route, identifies the Tinker Road
7 neighborhood to the east and a large condominium development to the west. That must have come from
8 an older map. That condominium development was supposed to be condos in the late '80s, and then the
9 real estate bust happened, Mrs. Hilton sold that land to Etchstone properties which turned it into her
10 neighborhood. The name is Castleton Ridge. She added Cambridge Drive is in that area.

11
12 Carol DiPirro, 10 Cambridge Drive

13
14 Remarked she is aware of the proposed route, but is not clear which side of the road is being discussed
15 on Continental.

16
17 Vice Chairman Mahon responded it moves; it goes down what he called the east side of Continental
18 Boulevard, worms its way through the intersection at Continental and Route 101A, and then runs down
19 the Pennichuck Square side of the road. Then it runs all the way down past Industrial Drive, and crosses
20 over to the other side of the highway in front of 40 Continental Boulevard and down to the Eversource
21 power lines. When asked he stated it is on the same side as Fidelity.

22
23 Ms. DiPirro stated, directly across the street from that is "Wethersfield" which is Cambridge Drive; an
24 additional 41 houses with common land in addition to the neighborhoods already identified. Vice
25 Chairman Mahon stated that to be Kinder Morgan's responsibility to identify property owners as they
26 have to provide notification. Ms. DiPirro requested the Wethersfield neighborhood be included.

27
28 She questioned if the notation of decreasing employment opportunities listed in #4 is meant to identify
29 the large amount of Fidelity traffic coming down that way. Chairman Harrington responded it is meant
30 to refer to all businesses along that area.

31
32 Dennis Farrell, 24 Whittier Road

33
34 Commented he thought he heard Chairman Harrington state the Town Council is against the pipeline
35 period. Chairman Harrington stated that to be correct. When asked if the FERC is aware of that, she
36 responded they are. When asked if the Town has written to the FERC expressing that, Chairman
37 Harrington and several other Councilors responded the Council made that known back in March, and it
38 has been publicly stated from the onset.

39
40 Mr. Farrell stated the initial route proposed would also impact Whittier Place. Chairman Harrington
41 remarked information addressing resources has been submitted. That information addressed areas that
42 would be impacted by the initial proposed route that would travel through the Horse Hill Nature
43 Preserve (HHNP). Whittier Place was included in that submittal.

44
45 Mr. Farrell commented he can certainly support the Council submitting a letter addressing impacts to the
46 HHNP, aquifers, and other areas that impact the Town as a whole. However, there have been instances
47 where he felt as though the neighborhoods were not getting the same attention. Chairman Harrington
48 stated her opinion the Council has done a good job representing the residents of Whittier Place.

1 Councilor Boyd noted each step the Council has taken with regard to this process has been posted to the
2 Town's website.

3
4 Mr. Farrell spoke of the comment made regarding Mr. Tomasi taking note of statements made regarding
5 Kinder Morgan's objection to a representative of the Town accompanying representatives of Kinder
6 Morgan during any survey of Town owned property. As someone who works with the Federal
7 Government on a daily basis in his job, he believes sometimes meetings such as those are viewed as
8 simply another step the FERC is required to take. He is hopeful that did resonate somehow.

9
10 Kimberly Dinsmore, 4 Whittier Road

11
12 Questioned if it would be worthwhile to understand how the neighborhoods referenced would be
13 impacted, e.g., safety, decreased property value, etc. Chairman Harrington stated her belief that has
14 previously been documented. She suggested the words "as previously documented", could be added to
15 the sentence.

16
17 Town Manager Cabanel stated the desire to summarize all of the concerns the Council wished to
18 address. Through research she has conducted and information the Town's Assessor has shared with her,
19 property values do decrease while construction is underway, however, they don't decrease significantly
20 afterwards. It is not necessarily something that should be included in this letter, but it might be
21 beneficial to use language such as significant impacts due to the close proximity of the proposed
22 pipeline to these neighborhoods.

23
24 Michele Watson, 21 Whittier Road

25
26 Stated she does not remember ever seeing a letter to the FERC that addressed neighborhoods. If
27 Whittier Place was mentioned, the neighborhood would have picked up on that. During the Scoping
28 meeting, the Town of Brookline made mention of concern regarding residents. Among the 400,000
29 letters that were addressed to the FERC this week, two of them were from towns stating concern for
30 residents; Brookline, NH and a town in Massachusetts. Chairman Harrington commented that concern
31 was purposely listed at the top of the letter.

32
33 Councilor Dwyer remarked the only reason he has a different memory is because the very first route was
34 the powerline corridor, and Whittier was on the top of the list right on the power line corridor. It may be
35 that it was not mentioned in a letter, but he remembers it being discussed over and over beginning on
36 day 1, and that was because the backyards lead to the power line.

37
38 Councilor Vaillancourt stated she personally does not remember the neighborhoods being mentioned in
39 writing by the Town Council's formal comments to the FERC prior to this letter. If that is the case,
40 there is nothing to prevent the Council from submitting formal comments regarding the first route that
41 has been addressed all along. She requested confirmation of whether or not the neighborhoods have
42 been mentioned in writing.

43
44 Chairman Harrington stated that could be put into the docket on the original route. Vice Chairman
45 Mahon stated the Council did not identify properties by name; what was provided was information on
46 the number of homes affected. There was a separate submission for the properties on Whittier Place.

47
48 Councilor Boyd remarked this goes back to the conversation over the involvement of notification on the
49 common land because all owners in Whittier Place own 1/64th of interest in that common place.

1 Chairman Harrington reiterated the information forwarded was not identified by neighborhood but by the
2 number of residents affected.

3
4 Carol DiPirro, 10 Cambridge Drive

5
6 Questioned if the affect on the Outlet Mall should be included in the letter. Chairman Harrington stated
7 her opinion that is part of the commercial impact cited. She remarked there had been discussion of
8 whether or not to identify the companies along the route; however, it was felt that was beyond the
9 Council's reach, e.g., cannot speak for companies.

10
11 Gina Rosati, 15 Dunbarton Drive

12
13 Questioned if, in future communications, the Council could request Kinder Morgan utilize an updated
14 map. They continue to utilize maps that identify the entirety of the Outlet Mall area as green space.
15 There have been recent publications by the Federal Government and the Safety Administration, which
16 highlight areas of high consequence not being identified as being hugely impactful in the whole course
17 of identifying safety issues and how the pipelines are run.

18
19 Councilor Boyd suggested the impact could be great if Ms. Rosati were to address the FERC noting the
20 letter she submitted four months ago has not been addressed. Ms. Rosati stated she would submit
21 another comment.

22
23 Barbara Amaral, 1 Spruce Street

24
25 Commented on the discussion of Whittier Place being affected by the previous route, and noted it also
26 traveled up Cedar Lane and Beech Street. Chairman Harrington responded the resident count for those
27 areas was included in previous documentation. Ms. Amaral remarked if there is going to be further
28 discussion with street names called out they should be included. She noted the map that has been used
29 has one of the streets in that area incorrectly named.

30
31 Kristi Bradshaw, 54 Whittier Road

32
33 Stated her appreciation for the work being done, and for Whittier Place being identified in the response
34 to the alternate route. She reiterated Whittier Place and the other neighborhoods have not been called
35 out in the past. She asked that the information provided in the proposed letter be added to the
36 information relative to the initial route.

37
38 Ms. Bradshaw stated her understanding of the Council not wishing to propose an alternate route. She
39 respects the Council not wanting to be responsible for anyone else being impacted. She questioned why
40 the Council cannot simply say avoid our neighborhoods, avoid our schools; now come back to us with
41 what you have. There is a very real possibility that this pipeline is coming no matter what dialogue we
42 have had back and forth, and if there is nothing else on the table by the time we get to that point, we
43 could be stuck with what they put forth. Ms. Bradshaw remarked someone said Kinder Morgan has
44 been invited to come and speak in a public meeting to discuss alternate routes. She questioned if that is
45 true.

46
47 Chairman Harrington stated Kinder Morgan has been invited to speak at a public meeting to discuss
48 their alternate routes. They contacted her directly; however, wished to meet with the Council in private,
49 and were informed any discussion would have to take place in public. Town Manager Cabanel asked if

1 the impression was that they were planning on submitting an agenda request. Chairman Harrington
2 stated it did appear that way, but a request has not yet been received.

3
4 Ms. Bradshaw questioned if the Council is willing to discuss Kinder Morgan's alternate routes if they
5 follow the process for a public discussion. Vice Chairman Mahon responded, from his perspective, the
6 Council will listen to what they have to say. Councilor Dwyer commented the timeline is gone, and that
7 won't happen. He does not see Kinder Morgan coming back with an alternate plan now; September has
8 begun and their papers have to be submitted in October. Given the process to date, he does not foresee a
9 new plan next week. Councilor Boyd spoke of a Scoping meeting being scheduled for October, which
10 leads him to believe the submittal would not be until November or December. Vice Chairman Mahon
11 noted the Scoping meeting only deals with the Environmental Impact Statement. Councilor Dwyer
12 remarked those impact statements are based on the routes that have already been publicly stated.
13 Councilor Dwyer noted the number of TBDs that can be found through the Resource Reports that have
14 yet to be responded to.

15
16 Councilor Rothhaus responded to Ms. Bradshaw stating he would not want to pick any other route for
17 Kinder Morgan. He commented if it wasn't going through your neighborhood in the first place and he
18 gave that neighborhood as part of an alternate route, it would be a disaster. He would never do that. He
19 likes the approach the Council has taken on this. The Council will look at what is proposed and address
20 any concerns.

21
22 Vice Chairman Mahon stated the hard reality is that there is no other alternate route. To get into this
23 Town there is no other alternate route; you have to go through an aquifer, a neighborhood, a wellhead
24 protection area, or some other property that they give higher priority to like the schools and healthcare
25 facilities. From his perspective, there is no alternate route. Once inside Town you can move; getting
26 into Town is the issue. There is no way to do that without having those impacts. Why should the
27 Council engage in this game playing with them for them to then turn around and say they talked to us
28 about this one, and seemed to like this one more than another so they must be in favor of the pipeline.

29
30 What he is in favor of is for them to head back south. He remarked there are two pipelines in
31 Massachusetts that are preparing to be constructed or enlarged. They have two alternatives that the
32 FERC has already asked them to comment on why they aren't choosing them.

33
34 Councilor Dwyer commented the Department of Energy has deemed Marcellus Shales must go east.
35 That has been the objective from day one. That is why they are not going south. This is a Department
36 of Energy project from the very beginning. It is all about the Pennsylvania gas field being trucked out.

37
38 Councilor Boyd remarked if they really want to truck it out they could run a pipeline down to Trenton.
39 They are right there in the ocean and could go that way or connect on the Algonquin pipeline. He stated
40 Massachusetts doesn't want it, New Hampshire doesn't want it, build it on the State border, and let both
41 states share it.

42
43 Chairman Harrington remarked not having identified specific neighborhoods can easily be corrected.
44 There can be a submission that references the date and comment number of the previous submission and
45 provide clarity by listing the particular neighborhoods.

46
47 Ms. Bradshaw questioned if it is worthwhile to make Mr. Tomasi aware Kinder Morgan has been invited
48 to a Town Council meeting. Councilor Dwyer remarked the letter, as written, is pretty strong.
49 Councilor Rothhaus noted the Town Council was not asking Kinder Morgan to come before the Council

1 with alternatives, it was Kinder Morgan that brought it to the attention of the Chairman that they would
2 be interested in that, and she responded they could request the item be placed on a future agenda, and the
3 Council would be willing to hear what they have to say.

4
5 Jeanine Notter, 19 Whittier Road

6
7 Remarked the suggestion of putting it on the State lines sounds like a good idea. She added they could
8 save money because there is already a tunnel under exit 1.

9
10 Gina Rosati, 15 Dunbarton Drive

11
12 Applauded the Council for not suggesting an alternate route stating it does set the Town up for liability.
13 If there were to be a catastrophic event and lives were lost, the Town would be sued. She noted the
14 Council could talk about putting it on the Town line, but the bottom line is this is based on need. The
15 FERC approves this based on need, and we don't need NED. We don't need it coming up from
16 Pennsylvania, we don't need the entire pipeline. There are two other pipelines that are approved. She
17 questioned, with all of the time and money that has been put into this issue, if anyone has considered we
18 have much more power together with the 17 communities that are being affected, together with
19 Massachusetts, together with New York, together with Pennsylvania to form a class action suit against
20 Kinder Morgan to recoup some of this money and time. She suggested that is what we want to do.

21
22 She thanked the Council for realizing that those who came before it originally were not being hysterical;
23 they came before the Council to point out what they already knew, that we don't need NED.

24
25 Dennis Farrell, 24 Whittier Road

26
27 During the Scoping meeting conducted in Nashua, a woman from Fitzwilliam sat next to him, and stated
28 that Liberty Utilities had not had their deal with Kinder Morgan approved yet, that the Public Utilities
29 Commission (PUC) sent them away stating the need for additional justification. He questioned if that
30 has since been resolved. Chairman Harrington stated no decision has been made. Mr. Farrell suggested
31 that could indicate there is some skepticism. He questioned if there is the feeling there is traction to the
32 fact that there are other existing pipelines. Chairman Harrington responded Vice Chairman Mahon has
33 recently attended meetings, one with Congressman Guinta and Senator Ayotte. They are finally
34 listening. They have contacted all of the towns that are involved, and are soliciting information. During
35 meetings, a Coalition members have been giving them that data.

36
37 Carol DiPirro, 10 Cambridge Drive

38
39 Questioned what transpired that required the letter to be submitted the following day. Chairman
40 Harrington stated it is the understanding of the Council that if the desire is to be able to force Kinder
41 Morgan to respond to any comments in the next Resource Report, comments had to be submitted by the
42 following day.

43
44 Ms. DiPirro commened on research she has done with other states fighting pipelines, and noted the
45 existence of organic farms and gardens has tied things up in other states. Chairman Harrington
46 commented that is another reason for surveys to be completed; so that the FERC is aware of the issues
47 related to the lands that are impacted.

1 Dave Anderson, 52 Whittier Road

2
3 Remarked #2 in the list of impacts associated with the alternate route vaguely mentions impacts whereas
4 in #4, the types of impacts are specifically cited. He suggested general impacts could be cited in #2.

5
6 Thomas Cusato, 3 Fields Farm Road

7
8 Stated he would be impacted on the 2nd and 3rd option of the alternate routes. He commented it seems
9 this letter focuses, rightly so, on option 1. Vice Chairman Mahon stated there were three alternatives,
10 and the consensus at the meetings in Amherst was that options 2 and 3 weren't viable. They were too
11 expensive so they focused on option 1. That is what they have been pushing and pressing on since that
12 time, and that is what they formally submitted.

13 **MOTION made by Councilor Mahon and seconded by Councilor Boyd that the Town Council**
14 **submit the letter dated September 4, 2015 regarding FERC Docket No. PF14-22 - July 2015**
15 **Resource Reports, as amended and authorize the Town Manager to sign on behalf of the Town**
16 **Council and to ensure that copies go to the State and Congressional Delegations**

17
18 ON THE QUESTION

19
20 Councilor Vaillancourt thanked members of the public who participated. She commented if a
21 suggestion that has been made is not incorporated into the letter, it is not that the Council does not
22 believe it to have value, it is that the deadline has to be met in order to get answers in the next Resource
23 Report. Because time is of the essence, there is not sufficient time for the Council to rework the letter to
24 a great extent. She added don't think that the Council is discounting your opinions or that they don't
25 matter or aren't important to the Council, it is just that there isn't enough time to incorporate all of the
26 changes that have been suggested.

27
28 Councilor Koenig added it is not just time, it is the fact that the Council is trying to get these points on
29 the Docket so that they have to be referred to. We have a list of points/opinions/ideas that are being put
30 forth that Kinder Morgan is going to have to address and respond to. He commented if we don't dot the
31 I and cross the T, they still have to comment on it. There is urgency, but there is also the desire to get
32 something in there that they will respond to. The points listed do allow the Council to get additional
33 information and force them to in fact review and understand the route better than they do today.

34 **MOTION CARRIED 7-0-0**

35
36 **Comments from the Press** - None

37
38 **Comments from the Public** - None

39
40 **Comments from the Council**

41
42 Vice Chairman Mahon spoke of having sent the Council three documents from the Nashua Regional
43 Planning Commission (NRPC) along with his comments. A joint meeting of the NRPC Commission
44 and the Energy Facilities Advisory Committee (EFAC) is scheduled for September 9, 2015 at 6:00 p.m.
45 at 9 Executive Park Drive, Suite 201. The agenda includes an update on EFAC Summary Findings
46 relative to Northeast Energy Direct Pipeline, Draft Resolution.

47
48 Vice Chairman Mahon stated his opinion, the resolution is three pages in length and so diffuse and
49 confusing that it carries no weight at all. A Commission meeting is scheduled for September 16th to act

1 on the Resolution for the purpose of making a submission to the FERC with regard to the NRPC's
2 position on the pipeline project.

3
4 Chairman Harrington thanked Town Manager Cabanel for her continued efforts with regard to the
5 pipeline issue.

6
7 **Adjourn**

8
9 **MOTION made by Councilor Boyd and seconded by Councilor Vaillancourt to adjourn the**
10 **meeting. MOTION CARRIED 7-0-0**

11
12 *The September 3, 2015 special meeting of the Town Council was adjourned at 8:22 p.m.*

13
14
15 Submitted by Dawn MacMillan

DRAFT