

**BOARD OF SELECTMEN**  
**Minutes of January 5, 2015**

**MEMBERS PRESENT:** Chairman Ross McLeod called the meeting to order at 7:30 PM. Selectmen Bruce Breton, Al Letizio, and Roger Hohenberger were present, as was Town Administrator David Sullivan and Assistant Town Administrator Dana Call. Selectman Joel Desilets was slightly delayed, arriving just after the call to order. Mr. McLeod opened with the Pledge of Allegiance; and then wished all a happy New Year.

**ANNOUNCEMENTS/LIAISON REPORTS:** None.

**OLD/NEW BUSINESS:** Mr. McLeod noted that there was a Warrant Article being proposed relative to the as-yet uncompleted land swap between the Town and the School District. Mr. Sullivan explained that the previous article had sunset, and that the Board had discussed possible inclusion of a new article for the upcoming warrant. He explained the latter would consist of the same language as Article 22 in 2008 had, and would this time provide a 20-year sunset period; adding that that District Business Administrator Adam Steel would be bringing this to the School Board the following evening. Mr. Sullivan then noted that there had been some discussion as to whether a particular parcel for transfer to the Town should be specified.

Mr. Letizio noted that he had been on the School Board at the time of the previous article; explaining that the purpose of the land swap had been to address insufficient land at the High School site. He noted that the swap of contiguous land had been arranged and approved on both the Town and School warrants with a six (6) year sunset clause. Discussion ensued in that the swap was intended to be 2-1, in the Town's favor.

Mr. Breton inquired as to the reasoning behind the article; suggesting the land could just be conveyed to the District via a clear, concise article. Discussion ensued in that the land in question was gifted to the Town as conservation land. Mr. Breton noted that, in the spirit of cooperation, it should just be conveyed; adding that the District has more use for the land than the Town. Mr. Hohenberger disagreed noting that, even though the "Town" is a single entity, two (2) distinct groups were being discussed. He added that, as the land was originally given as recreation/ conservation it should not just be given away.

Mr. Letizio noted his agreement with both Mr. Breton and Mr. Hohenberger; adding, however, that the swap had taken a long time to craft and he believed it better to leave the language exactly as it had been rather than re-open the negotiations. Mr. Hohenberger pointed out that the District still owes the Town a piece of land behind the Middle School as part of a similar swap.

Mr. Mike Joanis, School Board, approached to clarify that part of the issue with executing the swap before it had sunset was related to ongoing facilities issues; which took precedence over determining a parcel. He noted that the Gage Lands are contiguous to the High School, and thus much more advantageous to the District for fields, etc. Mr. Joanis then noted that he welcomed the opportunity to extend the time to complete the swap, and that its completion was a question of time and logistics versus other projects.

Mr. Bob Coole approached to inquire whether the donation of the Gage Land had been conditional; and Mr. Sullivan replied in the negative. The latter clarified that the land had been designated as Conservation/ Recreation at the 1979 Town Meeting, but there had been no deed restrictions at the time of transfer.

Mrs. Barbara Coish approached noting that she was not in support of the 2-1 transfer ratio, and a discussion ensued in that this was the original warrant article language. Mrs. Coish noted that she would not support the article unless the parcels were defined; adding that, ideally, the Town and School would work together on completing the stadium at the High School.

Mr. Desilets sought clarification that the ratio of 2-1 was related to acreage and not value; which was confirmed. He then noted that, given its location, the land is of particular value to the High School; inquiring as to whether the finite parcels owned by the District have been analyzed. Mr. Letizio noted that, as written, the warrant article gives the District the flexibility to do what needs to be done at the High School. He indicated that, at the time of the original article, all of that had been hashed out; reiterating that he did not think there was a benefit to reopening the discussion.

Mr. Letizio then noted that he believed the swap had been a good deal at the time, and remained so today; adding that it was important for the District to have use of the land. Mr. Breton concurred with the latter, noting that was why he suggested a language change. He then inquired what would happen if the District could not find 33 acres to swap, and Mr. Letizio noted they do have that acreage available.

Mr. McLeod noted, in keeping with the language of 1979 designation, the land would still be used for Recreation purposes. He indicated there is an identified need, and that he had felt in 2008 that six (6) years was an unnecessarily short time to complete the swap. Mr. McLeod noted that a twenty (20) year period makes sense and he fully supported the Article.

After a brief discussion, Mr. Letizio moved and Mr. Breton seconded to add the article to the warrant as written. Passed unanimously.

**DONATION:** Mr. Sullivan advised that a donation of \$50 in cash had been made to the Police Department. Mr. Desilets moved and Mr. Hohenberger seconded to accept with gratitude. Passed unanimously.

**CORRESPONDENCE:** Mr. Sullivan advised that a right-of-way permit request had been received from New England Boring Contractors to perform directional borings on North Policy and Range Roads. He noted that the Highway Agent is in support of the request, which is related to upgrades to the existing water lines in the area, and that all appropriate fees/insurances are in place. Mr. Breton moved and Mr. Letizio seconded to approve. Passed unanimously.

**MINUTES:** None.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Desilets seconded to enter into non-public session in accordance with RSA 91-A:3 II d. Roll call vote - all "yes". The topic of discussion was land acquisition and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Mr. Sullivan updated the Board on a request to purchase a parcel of Town land for inclusion on the Town Warrant. Mr. Breton moved and Mr. Letizio seconded to authorize Mr. Sullivan to proceed as described. Passed 3-2, with Mr. Hohenberger and Mr. Desilets opposed.

Mr. Letizio discussed with the Board a proposal relative to a land swap for inclusion on the Town Warrant. Mr. Desilets moved and Mr. Breton seconded to draft a proposal as discussed to present to Town Meeting. Passed unanimously.

**PUBLIC SESSION:** Resumed at 8:40 PM.

**KINDER-MORGAN:** Mr. Allen Fore approached and introduced fellow representatives Curtis Cole, Jim Hartman, and Mark Hammerlich before hosting a presentation to the Board outlining KM's proposed Tennessee Gas Pipeline/Northeast Energy Direct Program. Highlights of the presentation included:

- A review of KM's service, customers, and footprint; as well as the proposed NED expansion.
- Post-construction, the proposed pipeline will be 100% underground.
- Firm commitments are in place from client utilities such as Liberty.
- Federal Energy Regulatory Commission (FERC) will lead and oversee the project with assistance from the State.
- No permits have been applied for, as yet; as that will occur in the 4<sup>th</sup> quarter of 2015. Until then, public dialogue will continue.
- Residents can learn more on the FERC website by searching docket #PF14-22-000; and can also sign up for updates.
- FERC and the State will ultimately determine the final route, and KM is proposing following the power line as their primary route.
- In the next few weeks, KM land agents will be in touch with approximately 46 homeowners encompassing approximately 2.2 miles in Windham to request permission to conduct surveying. Community outreach will continue, including open houses in the next few weeks. FERC will conduct a scoping meeting as well.

- KM will partner with the Town to mitigate impacts. Cited was an example where in New Jersey KM funded the purchase of 147 acres of prime forest land to mitigate impacts to a much smaller number of acres.

Mr. Mark Kovacs of the Local Energy Committee expressed concerns as to who would be receiving the residual gas; given that the pipeline as proposed would generate 4.5 times the necessary capacity. Mr. Fore explained that the size was yet to be finalized; and that the proposed represented the maximum that could be done. He noted KM is endeavoring to construct the pipeline to address all future concerns and that the impacts are roughly the same; adding the project will still involve a 50' right-of-way with no additional land needed.

Mr. Cole approached and added this is an energy project which feeds electrical plants. He noted that currently Windham is paying 4-5 times the price for electric as neighboring states; however, once the proposed capacity is added those power generators can be serviced by 50% cleaner energy and lower costs. He also noted that, once completed, Liberty can then expand their system; adding that every study indicates a pipeline is needed. Discussion ensued in that KM does not yet have any clients that are power generators, and that they are working with ISO and the local governing bodies.

There was brief discussion whether KM intended to expand the project beyond New England, and Mr. Cole noted that while this is a New England project KM is an open access company.

Mr. Kovacs then sought clarification of the pipeline safety, and Mr. Hammerlich noted that statistically pipelines are the safest mode of transport for natural gas. He went on to describe in detail the extensive process from start to finish which ensures said safety.

Mr. Bruce Witte, Autumn Street, approached seeking clarification regarding the existing pipes; which Mr. Hammerlich confirmed were a 12" installed in the 1980's and an 18" in 2001. Mr. Witte inquired why this existing avenue could not be used, and Mr. Hammerlich noted that there is not enough room along those pipes' route to install an additional line. There has been growth along that pipeline corridor, as well.

Mr. Kovacs noted that Northeast Utilities has indicated they are investing in opportunities; however not with KM. Mr. Cole noted that, to his understanding, NEU's project is to expand from the southeast portion of New England via the Alogonquin line. He then reviewed the various coverages and how they would expand/interconnect.

Mr. Paul Sullivan, Autumn Street, sought clarification on the map of the proposed line and survey corridor; expressing concerns as to how far the project may shift to either side as there are six (6) homes alone on the Autumn Street side. Mr. Hammerlich noted that there are homes within the survey corridor, however, KM will not be taking houses. A discussion ensued regarding the survey requests/permission, and Mr. Hartman clarified they allow KM to assess the location of wells, etc., and based on the survey results KM will engineer the project to minimize impacts. Further discussion ensued regarding negotiated compensation for permanent and/or temporary rights-of-way for the pipelines. Mr. Hartman noted that KM must purchase the rights from both the homeowners and the power company for their proposed route.

Ms. Wendy Lundquist, Winter Street, approached to inquire how deep the line would be buried; and the reply was a minimum of 3'. She went on to express safety concerns; citing a break of one of the high tension power lines last year which had caused a terrible fire. Mr. Hammerlich noted that, at 36" surface fires will not affect the line. He clarified that, as to voltage concerns, zinc ribbons and other measures must be installed along the pipeline to mitigate any stray voltage.

Mr. Hohenberger sought clarification as to what the Town's involvement was in the project if the State dictates its location. Mr. Fore noted that FERC is the pre-eminent authority as far as when, where, how, and if a public interest exists for the project. He noted that the State runs concurrent to FERC through the process and, while the Town does not have a specific approval process, they can have a conditional role in the FERC permit (eg. that KM address land owner concerns).

Discussion then ensued as to whether landowner concerns should be addressed to the State, FERC, or KM. Mr. Fore noted it's best to make one on one contact with KM's land management team; adding that in the event of an impasse he could be contacted directly or the landowner could reach out to the Selectmen. He noted that if routing adjustments are to occur, which they fully expect, the key is to have a dialogue about them now and during the survey process.

Further discussion ensued regarding landowner/KM impasses and eminent domain. Mr. Fore noted that KM does not have the latter power unless the project is approved by FERC; adding while the approval does bring with it the power of eminent domain, it is very rarely used. He indicated KM endeavors to exercise every option available such as mitigation, compensation, etc. After further discussion, it was noted that landowners can reach out to the State, or FERC, or any of the regulatory entities noted within their presentation.

Mr. Hohenberger then sought clarification as to whether such projects always represent a tax positive; or do they devalue properties. Mr. Hartman noted that, typically, property values do not go down in such cases.

Mr. Desilets inquired, as the power line route is now the preferred route, what the alternate route(s) would be. Mr. Fore noted that the siting process is still fluid and nothing is formalized until permitting. He indicated that other alternatives, of which there were many, included the existing Mass Pike alternative. Discussion ensued.

Mr. Desilets sought clarification of whether there was any correlation between the installation of 36" pipe and any customers who may want to tie into the hub line. Discussion ensued in that, once the line reaches Dracut, customers along the Algonquin line can be serviced which presents opportunities for tie-ins to the existing hub line. Mr. Desilets noted that KM was estimating approximately \$260,000 in tax revenue, and inquired whether it was for a 30" or 36" pipe; which Mr. Fore confirmed was the latter. Discussion ensued regarding the potential revenue and that the Assessor will determine same.

Mr. Desilets noted that concerns will likely be raised regarding possible impacts to local wells and water yield/quality; inquiring whether KM will be doing testing before and after within a certain radius. Mr. Hartman replied in the affirmative; noting that KM conducts pre-testing for well yield/quality, as well as structural inspections; and at post construction they will do additional testing/inspections of any issues which would be their responsibility to address.

Mr. Breton noted, for the record, that the large Windham Meadows development on Mammoth Road had been constructed after installation of the original pipeline. There was a brief discussion.

The Board extended their thanks to KM and those in attendance for their presentation. There were no decisions made by the Board regarding same.

Mr. Breton moved and Mr. Letizio seconded to adjourn. Passed unanimously.

The meeting was adjourned at 9:25 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*NOTE: These minutes are prepared in draft form and have not been submitted to the Board for approval.*