



Milford Pipeline Task Force

Meeting Minutes, April 22nd 2015, 6.30pm

Location: Board of Selectman Meeting Room, Milford Town Hall

DATES OF NOTE:

Next meeting will be held on Weds April 29th, 6.30pm, Board of Selectmen meeting room

Attendance

- **Task Force Members (Gray = absent)**

Mark Bender <i>Town Administrator</i> mbender@milford.nh.gov	Steve Duncanson <i>Planning Board</i> slduncanson@comcast.net	Herb Adams <i>Heritage Commission</i> Hradams57@comcast.net	Don Jalbert <i>EDAC</i> djalbert@sau40.com
Andy Hughes <i>Vice Chair, Conservation Commission</i> andrew.g.hughes.99@gmail.com	Carolyn Halstead <i>Town Resident</i> rhalstea@msn.com	Steve Bonczar <i>Town Resident</i> sbonczar@myfairpoint.net	

- **Members of the Public**

		Jeff Wells	
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Abbreviations frequently used

CC	Conservation Commission
FERC	Federal Energy Regulatory Commission
KM	Kinder Morgan
NED	Northeast Energy Direct
TBD	To be determined

Records below are divided into three categories:

1. Items new at this meeting
2. Items open from previous meetings
3. Items closed in meetings prior

Items new at this meeting

Topic	Discussion and Activity	Owner(s)	Status
Previous mtg minutes	Minutes from 4/15/15 were reviewed and approved with 4 votes, plus 2 abstaining.	n/a	Closed
General text on Pipeline route	Andy H asked who is writing the general text on the proposed route of the Pipeline. Steve D said he is doing this.	n/a	Closed
Historic/Heritage	4/22: Herb reported he is revising his report draft. 4/15: Herb identified 3 potential homes/homesteads of historical significance. They are checking to see if they are in the National Historic Register. Herb will be working on a matrix/draft of impacts over the weekend for discussion next week. 4/1: Herb A said that he had come across a cornerstone of a	Herb A	Open Review when route



Topic	Discussion and Activity	Owner(s)	Status
	Carriage House on Ponemah Way. While this is not directly on the anticipated Pipeline route, it is nearby and should be borne in mind as the route is developed.		is definitively known or changed.
Economic	<p>4/22: There was discussion of the point that new staff employed at permanent major above-ground new Pipeline facilities in our region would contribute to the economy of whichever community they resided in.</p> <p>4/15: Don did not have new information. He has started an outline and will have a draft in the next week or two.</p>	Don J	Open
Construction Impacts	<p>4/22: Mark B reported on his draft report that he circulated via e-mail.</p> <p>4/15: Mark reported that he has received additional answers to construction questions from KM and will be working on draft of impacts to the Town. Many of the issues are still to be determined (TBD) so we will have to watch the Draft Environmental Reports for updates.</p> <p>4/8: Mark reported that the Granite Ridge Power Plant is located in Londonderry. It was built in 2000/2001 at a cost of \$340 Million and generates 752MW of pMark reported that he has received answers to construction questions from KM and will be working on draft of impacts to the Town. Many of the issues are still to be determined (TBD) so we will have to watch the Draft Environmental Reports for updates.ower.</p>	Mark B	Open
Conservation	Andy H reported he is working on his draft and expects to have it ready by 4/29.	Andy H	Open
Future New England generating capacity	Carolyn H reported that, absent an increase in Natural Gas flow to the North East, there is forecast shortfall in generating capacity to due to planned retirement of existing power generation plants.	n/a	Closed
Alternatives to NED	Mark B reported that Spectra can expand by replacing their existing pipeline with one of greater diameter	n/a	Closed
Eminent Domain (3/18/15)	<p>4/22: Carolyn H reported that Feds require that the States has its own Eminent Domain law. In NH that's RSA-498A.</p> <p>She also stated that KM don't want to own the land through which their pipeline passes, they just want ROW. She was not sure how that squares with Eminent Domain.</p> <p>4/1: Eminent Domain can only be used if deemed necessary by FERC</p> <p>3/18/15: Investigate the process of acquiring Eminent Domain for this proposed pipeline and report to the Task Force</p> <p>3/25: Carolyn reported:</p> <ul style="list-style-type: none"> • Legislation is in process in Concord such that when a utility infrastructure eventually goes out of use, any land-related costs that the utility was paying for it will continue 	Carolyn H	Open



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	<p>to be borne by the utility/company and not the landowner.</p> <ul style="list-style-type: none"> • FERC is reluctant to permit the use of Eminent Domain except as a last resort. <p>Carolyn is continuing to gather further information.</p>		
Public Comments	<p>Jeff W reported:</p> <ul style="list-style-type: none"> - Recent LNG gas pipeline explosion in CA, caused by digging despite clear demarcation of the pipeline - 11 Milford residences would be within the 'Blast Zone' of the proposed pipeline route. - The towns of Temple NH and Litchfield NH have taken an official position of opposition to the Pipeline <p>Steve Duncanson noted that if the NED is constructed, a broad yellow 'ribbon' will be placed 1' above the pipeline to alert anyone digging there to the proximity of a gas pipe.</p> <p>Jeff also reported that in a Milford BoS mtg in Oct 14, it was mentioned that if the original plan for pipeline route through MA was abandoned it would likely go through the powerline ROW that crosses the south of Milford.</p>	n/a	Closed
Mtg of KM with Amherst TF	Mark B informed the team of an upcoming meeting between Amherst Pipeline Task Force and KM. Mark plans to attend.	Mark B	Open
Proposed joint letter from NH Municipal Pipeline Coalition to FERC.	<p>Mark B informed the team of a proposed joint letter from the 'NH Municipal Pipeline Coalition' to FERC, to be sent May 6.</p> <p>Carolyn noted that it before the BoS will have our report.</p> <p>All to read the draft letter and provide feedback to Mark B.</p>	All	Open
Drafts for Taskforce Report (4/1)	<p>4/15: Steve D requested that we start reviewing drafts at our next meeting and that members distribute copies in advance if possible.</p> <p>4/1: Steve D stated that the final Report should be ready for submission to the BoS by end of May and therefore the draft contributions be ready by April 22nd.</p>	ALL	Open

Misc. "[Misc. Issues / Status]" - NONE



Items open from previous meetings (activity from this meeting in blue)

Item (Date introduced)	Discussion and Activity	Owner(s)	Status
Safety (4/15)	4/15: Steve B is working on the safety impacts and plans to have a draft for next week.	Steve B	Open
BIA Conference (4/15)	4/15: Mark reported that the Business & Industry Association is hosting a meeting in Manchester on Friday, April 17 on NH Energy Infrastructure Projects including Northern Pass and the NED, Spectra & Portland pipeline projects. He plans to attend.	Mark B	Open
Demand and destination of gas flowing through the pipeline (4/8)	4/8: Carolyn reported that Liberty Utilities used to be Energy North and is the only NH utility to contract for gas from the NED Project. Waiting for paperwork from the PUC to determine need. Power generating companies do not sign long-term contracts. They utilize spot buys to get the best pricing. Carolyn is looking for a map that shows all power generating plants including operating, closing and opening facilities. She also stated that Unitel could buy into NED. The NH Independent Council for Energy can provide information about the need for electricity	Carolyn H	Open Closed 4/8 Open Open Open
Alternate routes (4/1)	4/1: Mark B suggest we should meet with neighboring towns to coordinate on proposed alternate routes 4/1: A member of the public present asked about the 3 rd and 4 th alternate routes. Mark B to find out about these (though to be available on Hollis town website) 4/1: Steve D wants the Taskforce to review those alternate routes.	? Mark B All	Open Open Pending completion of above
Bonds for well & road crossings (3/25)	3/25: Steve D said that he wants to see bonds from KM for Wells and Road Crossings. This should considered for inclusion in the final Report.	ALL	Ensure inclusion in Report Draft
Blasting monitoring (3/18)	3/18: Steve B wants to see monitoring, by parties independent of the pipeline contractor, of blasting. This should considered for inclusion in the final Report.		Ensure inclusion in Report Draft
Destination(s) of gas flowing through the pipeline. (3/18)	3/18: Carolyn is investigating the issue of where the gas in the pipeline is going. She explained the current situation in that regard for natural gas currently supplied to New England.	Carolyn H	Open
Tax from lumber removal (3/11/15)	3/11/15: Who pays timber tax & who gets log/lumber revenue	TBD (@3/11/15)	Open



Items closed in meetings prior

Topic	Discussion and Activity	Owner(s)	Status
Documents Distributed (4/15)	Mark presented (1) Pipe Line Awareness Network (PLAN) 4/8 letter to FERC regarding contracted commitments to NED. (2) New England Power Grid 2014 – 2015 Profile by ISO New England detailing source of energy production. (3) Draft of letter to NH politicians from the NHG Municipal Pipeline Coalition for review and discussion at our next meeting. (4) 2014 PowerPoint presentation from the Hollis BBA regarding alternate routes (request from a previous meeting).	Mark B	Closed (4/15)
Survey (4/15)	4/15: Mark stated that the Town has received a letter requesting survey permission on Town owned property. The Board of Selectmen discussed and voted to allow the survey with the written notification that the permission to survey did not indicate support or opposition to the pipeline. 4/8: Mark stated that the Town has received a letter requesting survey permission and distributed copies. This will be presented to the Board of Selectmen to determine if they want to reconsider their position denying permission. He also presented an alternate view for surveying that was written by an attorney.	Mark B	Closed (4/15)
Neighboring town updates (4/15)	No update	N/A	Closed (4/15)
FERC Open Houses (4/15)	4/15: ??????? 4/8: A question was raised about FERC holding open houses in every town along the route? Mark stated that he understood that FERC would be scheduling scoping meetings, but was not aware of FERC open houses. He will check.	Mark B	Closed (4/15)
Previous mtg minutes (4/8)	No minutes were reviewed or approved	n/a	Closed 4/8
Impact of Change of Use (4/1)	4/1: Steve D stated that if the pipeline puts any land out of Current Use, KM should pay for any increase in Property Tax arising. 4/8: Carolyn stated that if the pipeline would not impact any land in Current Use.	All	Ensure inclusion in Report Draft Closed
Historic/Heritage	Historic/HeritageNo updates from prior meetings	Herb A	Closed 4/8
Impact of Change of Use (4/1)	4/1: Steve D stated that if the pipeline puts any land out of Current Use, KM should pay for any increase in Property Tax arising. 4/8: Carolyn stated that if the pipeline would not impact any land in Current Use.	All	Ensure inclusion in Report Draft Closed 4/8
Open Item (4/8)	Mark reported that the Granite Ridge Power Plant is located in Londonderry. It was built in 2000/2001 at a cost of \$340 Million and generates 752MW of power.	Mark B	Closed 4/8



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Federal Pointe property owners update (4/8)	The Federal Pointe property owners present stated that the general consensus of owners is that they do not want the Task Force members to walk the route through their neighborhood.	All	Closed 4/8
Neighboring town updates (4/8)	Merrimack Town Council has just issued a letter stating their unanimous opposition to the pipeline.	N/A	Closed 4/8
NED Monthly Status Report (4/8)	Mark presented copies of the March 2015 Monthly Status Report for NED from the FERC website. Key points included updates to field surveys civil, environmental, cultural and right of way impacts. Additionally, Tennessee Gas Pipeline Company (KM) has obtained option rights for land in New Ipswich for Station4.	Mark B	Closed 4/8
Review the route (3/11/15)	<p>4/8: It was decided that since the Federal Pointe residents did not want to the Task Force members to walk the pipeline ROW on their property, as route walk would not be undertaken as a group.</p> <p>3/11/15: Walk the proposed route as soon as the snow has melted</p>	ALL	Closed (4/8)
Natural resources, environment and conservation (3/18)	<p>4/1: Andy H reported that he has started writing his section.</p> <p>3/18: Andy H reported that he had gathered the following data:</p> <ul style="list-style-type: none"> • Official Documents against which to assess the environmental impact of the development: <ul style="list-style-type: none"> ○ RSA 79-A-1 Preservation of Open Space ○ RSA 162-H:16 sect IV.c “The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety” ○ Milford ZBA Wetland Ordinance 6.02.0-6.02.7 ○ NHWAP (New Hampshire Wildlife Action Plan) • Wetlands affected, as identified from maps • Town Lands affected – only the Dadoly property (east of Federal Hill Rd). <p>Andy stated he now has sufficient information to start writing the natural resources, environment and conservation section of the report.</p> <p>ACTION 3/18:- Make copies of all Maps presented during the discussion for distribution at the 4/1/15 meeting</p>	Andy H	Closed (4/1)
Safety issues (3/18)	<p>4/1: Steve B reported that he had found a document by the Pipeline Safety Trust entitled “Local Government Guide to Pipelines”. He will send out a link to the Trust and this document. Document talks about construction, and planning for post-construction.</p> <p>3/18: Steve B reported that KM have offered, in general, to provide:</p>	Steve B	Closed (4/1)



Topic	Discussion and Activity	Owner(s)	Status
	<ul style="list-style-type: none"> • Annual training for local responders • Assistance in development of an Emergency Response Plan • Provision of equipment <p>This should be considered for inclusion in the final Report.</p>		
Economic Impact (3/18)	<p>4/1: Don J met w/ Bill P(arker). They confirmed that KM will pay \$428k in Property Tax in the 1st year, declining over subsequent years. Andy H questioned how the figure was derived and by whom.</p> <p>Don J and Bill P determined that, post-construction, there would be no significant differences in Property Values compared with pre-construction.</p> <p>They could not determine whether there will be an economic impact, positive or negative, arising from the pipeline.</p> <p>3/18: Don J is meeting this week with Bill Parker (Milford Community Development Director) to begin discussion of the potential economic impacts of the pipeline.</p>	Don J	Closed (4/1)
Discussion of likely Property Tax revenues, and who benefits (3/18/15)	<p>4/1: Carolyn H reported that for residents that receive any income from KM for the pipeline crossing their property, none is forfeitable to a company that holds the mortgage on that land. However it would be treated by the IRS as income</p> <p>3/18/15: KM will only pay Property tax to Milford Town on the land it crosses that is owned by Milford Town.</p> <p>It was thought that while KM may have to pay annual Property Tax compensation to non-Milford Town landowners, those with mortgages may find the mortgage lender(s) are entitled to a share in proportion to their ownership.</p> <p>3/18:15 ACTION:- Get clarification on the above points.</p> <p>3/25/15</p> <p>Carolyn is looking into this.</p> <p>Gary Daniels stated that Milford Town would be paid \$438k in Property Tax, which would be paid into the Town's General Fund.</p>	Carolyn H	Closed 4/1
Awareness of Pipeline-related activity outside of Milford	<p>4/1: Mark B passed out copies of a draft document, authored by himself, entitled "Points of Consideration".</p> <p>The content was discussed by members. Carolyn H noted that, with regard to sect 1 "Documentation of need for NED Pipeline Project", some utilities are not allowed by law to commit to using this pipeline. Therefore comments relating to the current commitments by utilities, or lack thereof, should be reviewed in the light of this information.</p> <p>Steve B requested that any such documents be clearly marked as drafts.</p>		Closed 4/1



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Previous mtg minutes	4/1: Minutes of 3/25 meeting were approved, with no amendments, by unanimous vote.	n/a	Closed 4/1
Comments from David Rees, Amherst resident present at mtg	<p>4/1: KM wanted to route a 31" pipeline from the Marcellus Shales to Dracut MA on a 'green field' route. Much of the land on the route is protected under MA law 'Article 97.</p> <p>Hollis was slated to receive a Spur pipe going through BB (Beaverbrook) land. BB went to great lengths to protect their property, hiring consulting companies and lawyers to fight the proposal. BB proposed alternate routes.</p> <p>KM chose to route the pipeline through NH dies to pressure from MA over that proposed route.</p>	n/a	Closed 4/1
Previous mtg minutes	3/25: Minutes of 3/18 meeting were amended then approved by unanimous vote.	n/a	Closed 3/25
Awareness of Pipeline-related activity outside of Milford	<p>3/25: Mark B passed out copies of the following:</p> <ul style="list-style-type: none"> • KM NED Newsletter • Letter to FERC from Nick Miller (Groton PA) • Amherst CC's EIA (Environmental Impact Assessment) report • Letter from Townsend (MA) CC to FERC • Pipeline route maps for Mason, Merrimack, Amherst, Brookline, Milford 		Closed 3/25
Notification (or lack thereof) to the Town from KM of intention/desire to route the pipeline across Town-owner land	3/25: The question was raised whether the town has received official notification from KM of the desire for the pipeline to cross Town land. <i>Note the only town-owned property the Pipeline crosses is that to east of Federal Hill Rd known as the Dadoly property.</i> Gary Daniels said the Town had not received any such communication. Mark B hypothesized that since the Town had already communicated to KM that it did not have permission to survey the land on the ground, which might explain the absence of such a notification.		Closed 3/25
Maps of all town routes (3/18/15)	<p>3/18/15: The members would like copies of the maps produced by 'Tennessee Gas Pipeline North East Energy Direct Project' for all towns affected in NH</p> <p>3/25/15: Mark passed them out at 3/25 meeting</p>	Mark B	Closed
Discussion of ROW (Right of Way) (3/18/15)	3/18/15: The Residents Powerpoint presentation highlighted that 'col-location', a term used by KM to describe the route running along the powerline strip, does not imply the pipeline and its construction path will be wholly or even mostly located within the current cleared powerline path. KM's current FERC submission gives a figure of 15' overlap. They also state they will need up a		



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	<p>150' path for construction, implying substantial timber removal along the route.</p> <p>Andy H pointed out that the 15' figure is a placeholder only while KM negotiate with Eversource/PSNH, the holder of the current powerline ROW.</p> <p>3/18/15: ACTION: Circulate the FERC submission from KM, highlighting the 15' figure and the note that defines it as a nominal figure</p> <p>3/25: Action completed.</p>	Andy H	Closed 3/25
Stone Walls (3/11/15)	<p>3/11/15: Need to identify stone walls</p> <p>3/25: There are no significant historical features on the pipeline route as is currently defined.</p>	Herb A	Closed 3/25
Discussion of job creation potential	<p>3/18/15: General consensus was that the chances of the pipeline creating any short-term, let alone long-term, work is almost nil as construction will be performed by contractors dedicated crews, given the skills and speed required.</p>		Closed 3/18/15
Previous mtg minutes	<p>3/18/15: Minutes of 3/11 meeting were approved by unanimous vote.</p>	n/a	Closed 3/18/15
Ponemah Hotel & Milford Springs (3/11/15)	<p>3/11/15: Find or get a best estimate of the location - DONE</p>	Herb A	Closed
Task Force assignments	<p>3/11/15: Task Force assignments – areas of interest/potential impact – report progress at the next meeting</p> <ul style="list-style-type: none"> a. Herb - historic component b. Steve D and Mark – infrastructure and construction c. Andy – natural resources, environment and conservation d. Don – economic e. Steve B and Carolyn – demand needs analysis and safety 	<p>Herb A</p> <p>Steve D, Mark B</p> <p>Andy H</p> <p>Don J</p> <p>Steve B, Carolyn H</p>	Closed 3/11/15



<p>Discussion re Amherst Task Force</p>	<p>3/11/15:- Amherst has created a task force.</p> <ul style="list-style-type: none"> • It is chaired by John De Angelo. • Identified areas of interest and then assigned members to address each area which will be compiled for a report to the Board of Selectmen <ul style="list-style-type: none"> i. Environmental ii. Ecological iii. Economical iv. Historical v. Safety vi. Transportation • They referenced the 2010 Master Plan for the framework of their research and how the proposed pipeline will impact goals stated in the Master Plan including community values, semi-rural character, undeveloped industrial area, etc. • FERC (Federal Energy Regulatory Commission) website will send emails to anyone who is registered on their site notifying of new comments received. • Kinder Morgan will have a presentation in Amherst on March 23 at the Souhegan High School at 8:00 in the auditorium. There will be an opportunity for the public to comment. 		<p>Closed 3/11/15</p>
<p>Discussion of EFAC</p>	<p>3/11/15: Mark reported that:</p> <ol style="list-style-type: none"> a. Mark is a member of EFAC (Energy Facility Advisory Committee) hosted by NRPC (Nashua Regional Planning Commission) which has also identified areas of concern. <ul style="list-style-type: none"> i. Environmental ii. Construction – impact on roads and bridges with the heavy equipment needed for construction iii. Economic iv. Historic v. Infrastructure and safety vi. Demand need analysis b. There are approximately 45 homes in Milford with wells that are ¼ to ½ mile of the proposed route c. During construction of the pipeline tree cutting must be complete by the end of March each year to avoid impacting bird breeding season. 		<p>Closed 3/11/15</p>



Roundtable of opinions/ concerns	<p>3/11/15:</p> <ol style="list-style-type: none"> a. The effect on property owners is immense and permanent b. Greenhouse emissions at the compressor stations are significant. c. Eminent Domain is a huge concern among the group; need to understand the powers and process for the government to execute a taking on this scale d. Need to educate the landowners of their rights before they sign away use of their property e. Will homeowners be coming to the town hall in search of tax abatements once there is a pipeline on their property f. Dead grass is an indicator of a gas leak. Pipeline personnel use aerial flyovers to scan for dead grass 		Closed 3/11/15
Background informational awareness	3/3/15: ACTION –review supplied Information Packet by next meeting particularly with a view to discussing at next week’s meeting how best impacts can be addressed.	All Members	Closed 3/11/15
Appointment of Chairman	3/3/15: Steve Duncanson volunteered. Approved unanimously by other members	n/a	Closed 3/3/15
Appointment of Minute Taker	3/3/15: Andy Hughes volunteered to take minutes for the meetings	Andy H	Closed 3/3/15
Discussion of Task Force Charge	<p>3/3/15: Q’s from Andy H:</p> <ul style="list-style-type: none"> • “Goals”? As defined in NH Site Evaluation Committee presentation slide deck (part of info pack supplied to attendees by Mark B) • Metric for “...reasonable..”? – As determined by Task Force 	n/a	Closed 3/3/15
Regular Meeting schedule & location	3/3/15: It was decided that meetings would occur weekly, Weds 6.30pm. Location: BoS Mtg Rm unless otherwise advised.	n/a	Closed 3/3/15