



# Franklin Regional Council of Governments

## Regional Pipeline Advisory Committee

Date:	May 13, 2015
Time:	3:30 p.m.
Location:	JWO Transit Center, 12 Olive Street, Greenfield, MA
Duration:	1.5 hours
Facilitator:	Linda Dunlavy, FRCOG Executive Director and Peggy Sloan, Planning Director

### Attendees:

- Bill Perlman, FRCOG Executive Committee
- Ted Cady, Town of Warwick
- John Wheeler, Town of Shelburne
- Tom Miner, Franklin Regional Planning Board
- Meg Burch, Town of Conway
- Tracy Rogers, Town of Northfield
- Ariel Elan, Town of Montague
- Judith Feeley, Town of Plainfield
- Joe Strzegowski, Town of Conway
- Carolyn Shores Ness, Town of Deerfield
- Walter Ramsey, Town of Montague
- Joe Judd, Town of Shelburne
- Jeff Singleton, Town of Montague
- Brian Noble, Town of Northfield

### Staff:

- Linda Dunlavy, Executive Director
- Peggy Sloan, Planning Director
- Gretchen Johnson, Planning Grant Administrator

### **1 – Introductions and Review of February 4, March 18 and March 30, 2015 Meeting Notes: Linda Dunlavy and Peggy Sloan**

L. Dunlavy, called the meeting to order at 3:33 p.m. A round of introductions followed.

L. Dunlavy explained that the Meeting Notes are not meeting minutes because this committee was formed to exchange information and the committee has not been formalized. P. Sloan asked for any corrections on the Meeting Notes. There were several attendance corrections. P. Sloan asked that everyone please sign the attendance sheet at every meeting. Everyone in attendance agreed that the Meeting Notes were satisfactory as presented after the attendance corrections.

**2 – Review and Discussion of Draft Scope of Work for Legal and Technical Assistance to Towns from the FRCOG related to the FERC Pre-filing and Project Scoping for the proposed Northeast Energy Direct (NED) Kinder Morgan pipeline project (see attached Draft of Scope of Work) and Discussion of Potential Cost Sharing Among Towns: L. Dunlavy & Committee Members**

L. Dunlavy stated that the committee needs to discuss how to collectively proceed. L. Dunlavy explained that some affected towns put a question on the town warrant to financially support legal and technical assistance for work relating to the pipeline project. Some towns passed the question and some did not. Other towns have not yet requested funding.

The Draft Scope of Services was passed around. C. Shores Ness stated that there was discussion at the Deerfield Town Meeting that allocating funds to this effort was perceived as support of the pipeline project. However, the town did pass \$8,500 that will be available after July 1, 2015. J. Strzegowski stated that the town of Conway passed \$8,500 that is available immediately and an additional \$20,000 available on July 1, 2015. M. Burch clarified that the Town of Conway is only willing to fund their share of the burden. B. Noble stated that the Town of Northfield passed \$25,000. W. Ramsey stated that a question was not able to be added to the warrant in time. The Town of Montague is firmly against the pipeline project. J. Judd stated that passing the warrant question was seen as endorsing the pipeline project and therefore and it did not pass in Shelburne. However, the Town is planning to form a local pipeline advisory committee. T. Cady stated that the Town of Warwick has a legal reserve fund that can be utilized in the amount of \$2,000. J. Feeley stated that the question did not get on the warrant in time for the Town of Plainfield. Plainfield voted against the pipeline project last year. There will be an all boards meeting in June and J. Feeley will present the funding concept. She stated that Plainfield is on the border of a potential compressor station. B. Perlman stated that the question was not on the warrant for the Town of Ashfield. There was no representative from Erving present at the meeting.

L. Dunlavy stated that the FRCOG was concerned that a lot of activity was going to occur prior to July 1, 2015 and that resources were going to be needed. The full Council was asked to devote \$15,000 of undesignated funds to work on this special project for the region. It passed but with some opposition. This funding is available to respond to the open scoping period. No funds have been spent to date. L. Dunlavy wanted to wait to use the funds until this group decided how to proceed. There is the question of how to proceed if some affected towns have funding and others do not.

L. Dunlavy stated that the Berkshire Regional Planning Commission (BRPC) has received a safety grant. The Franklin County Gas Pipeline Educational Workshop will be held on May 26, 2015 at the Greenfield Community College at 6:00 p.m. Counsel from BCK Law will review the FERC process and how to request Intervenor status. This Workshop will help towns understand how to participate in the FERC process and to prepare for construction and safety impacts if the pipeline proceeds. The workshop will also cover eminent domain authority and what that means to the affected towns. Safety

and preparedness will be the focus of the Workshop. L. Dunlavy stated that she hopes that all Select Boards of the affected towns will send representatives to the Workshop.

J. Strzegowski stated that the Town of Conway voted to send letters of opposition to the pipeline to our legislators. J. Judd stated that the Town of Shelburne strongly opposed the question of funding for the pipeline project. J. Feeley stated that the Town of Plainfield voted last year to allow the Select Board to take actions as needed. W. Ramsey stated that the Town of Montague voted to oppose the pipeline project but gave no direction on any specific actions.

T. Cady stated that the Town of Warwick was far more impacted in a previous pipeline route proposal and had written letters of strong opposition to the pipeline. P. Sloan stated that the Town of Sunderland is also opposed to the pipeline project and passed a resolution at Town Meeting in support of impacted communities. P. Sloan passed out a sample of this type of supportive action. J. Wheeler stated that he is not sure what advantages a Host Community Agreement would provide. L. Dunlavy stated that the Workshop should clarify these types of questions.

P. Sloan asked for input on the proposed Scope of Services from the towns present to help inform what activities the FRCOG should focus on. T. Rogers stated that the Town of Northfield is in agreement with the Scope of Services and discussing a Host Community Agreement. C. Shores Ness stated that the Town of Deerfield is in favor of the Scope of Services. W. Ramsey stated that Montague is also in favor of the Scope of Services. T. Miner suggested that FERC be requested to host Scoping Hearings in each affected town.

### **3 – Review and Discussion of Potential Study Requests for EIS (NEPA) and EIR (MEPA): P. Sloan & Committee Members**

L. Dunlavy stated that the first task is to prepare the proposed study request for the Scoping Sessions. The second task is for the FRCOG and towns to apply for Intervenor status. P. Sloan explained that intervenor status grants legal standing challenge the FERC's decision in court. The third task will be to consider host agreements while not jeopardizing the towns' opposition to the pipeline project. Discussion followed concerning if the FRCOG should retain its neutral position on the pipeline project. It was agreed that the FRCOG should remain neutral and use the language "advocating for community concerns". A. Elan stated that her research indicates that when Kinder Morgan host agreements are not followed the results are not favorable to the towns. It seems that FERC does not respond. A. Elan asked how it would be possible to get a response from FERC without having to spend large legal fees. L. Dunlavy stated that she will send that question to the BRPC legal firm. J. Judd stated that Deerfield was able to stall the pipeline project in their town. C. Shores Ness stated that the Town of Deerfield is not opposing the pipeline on an environmental basis but on Kinder Morgan's unacceptable safety record. A hearing was held and no representative from Kinder Morgan attended. C. Shores Ness suggested that other town's Boards of Health host a

meeting and agree with Deerfield's findings. P. Sloan noted that towns should consult with their Town Counsel first. Discussion followed.

J. Singleton asked about a definite timeline for the project. L. Dunlavy replied that would be a good question for the workshop but that the FERC process and Kinder Morgan submittals are determining the timeline. Discussion ensued.

P. Sloan passed out a list of seventeen potential study requests. P. Sloan stated that a lot of comments have been submitted to the FERC on the Draft Resource Reports. BRPC sent a letter concerning proposed study deficiencies. M. Burch stated that new resource reports are scheduled to be released in June. The consensus was that other groups are working on the resource reports and that the FRCOG should concentrate staff efforts on the study request for the scoping sessions.

#### **4 – Update on AECOM Information Request: L. Dunlavy**

L. Dunlavy stated that publicly available information on natural and cultural resource impacts has been submitted to the AECOM and the FERC. P. Sloan noted that a copy of the submittal and large scale GIS maps of resource areas has been sent to each town. P. Sloan encouraged all affected towns to document, if possible, wetlands, historic structures etc. along the proposed pipeline route.

#### **5 –Next Meeting Date/Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn: Linda Dunlavy and Peggy Sloan**

Copies of the handouts are available. Please contact G. Johnson at [gjohnson@frcog.org](mailto:gjohnson@frcog.org) or 413-774-3167 x126.

The next meeting will be held on June 2<sup>nd</sup>, 2015 at 3:30 p.m.

The meeting adjourned at 5:04 p.m.