

PROCEEDINGS

PLANNING BOARD OF THE
TOWN OF PENDLETON
PUBLIC INFORMATIONAL MEETING

RE: Application For Site Pipeline
Approval By Empire Pipeline
to Construct a new natural gas
dehydration station at
Killian Road,
Pendleton, NY

Proceedings held at the Town of Pendleton
Town Hall, 6570 Campbell Boulevard, Pendleton, New
York, on September 20, 2016, commencing at
7:59 p.m., before LYNN MYERS, Notary Public.

1 PRESENT FOR EMPIRE PIPELINE,
2 APPLICANT:

3 PHILLIPS LYTLE LLP,
4 By ADAM S. WALTERS, ESQ.,
5 awalters@phillipslytle.com,

6 MICHAEL P. KASPRZAK
7 JOSH WENDT
8 PAT KELLY
9 JULIE BACHAN
10 KENNETH WEBSTER, ESQ.,
11 Empire

12 PRESENT FOR TOWN OF PENDLETON
13 PLANNING BOARD:

14 JOSEPH McCAFFREY - Chairman
15 JOHN LAVRICH - Administrative
16 assistant/secretary
17 TOM EDBAUER
18 DAN VIVIAN
19 DAVE NAUS
20 JOSEPH C. KILLON
21 DAVID KANTOR
22 DAVID BRITTON, Town Engineer

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CHAIRMAN McCAFFREY: All righty. At this time I'd like to open the public hearing, a case for Empire Pipeline/National Fuel Gas compressor station on Killian Road, and I'm gonna kind of explain a couple things.

First, there'll be a presentation, okay, regarding what's involved. Okay. Next issue at hand is, is those have that signed up for comments, okay, please understand that the comments onto this have to be solely directed at the site and at the

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1120 Liberty Building

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19:59:52 1 building. Okay. This is solely for the site of
19:59:54 2 this project only. Not for the pipeline, not for
19:59:58 3 the gas lines, not anything to do with any of the
20:00:01 4 other processes because that's how it has to work
20:00:04 5 under New York State Town law.

20:00:06 6 Also, okay, there's been controversy in
20:00:10 7 regards to why there's a court stenographer here.
20:00:13 8 Court stenographer is primarily for the reasoning
20:00:17 9 to gather your questions, okay, and whatever
20:00:19 10 questions and how complex they can be, is so that
20:00:24 11 they then will have to answer those questions,
20:00:27 12 okay, in writing, okay, back to us which we will
20:00:30 13 publicize. And in order to capture that
20:00:33 14 information, that is the reasoning behind the
20:00:36 15 stenographer. It certainly doesn't have any, how
20:00:40 16 shall I say, undertones. Let's put it to you that
20:00:44 17 way. It's primarily to gather the information and
20:00:45 18 to get the information correctly and back to the
20:00:48 19 right people who have come up with that.

20:00:51 20 And at this time I will turn it over to
20:00:56 21 National Fuel.

20:00:57 22 **MR. WALTERS:** Good evening, everyone. For
20:00:59 23 the record, my name is Adam Walters. I'm an

20:01:03 1 attorney for Phillips Lytle, and I represent Empire
20:01:07 2 Pipeline, Inc. With me here tonight, I have a team
20:01:09 3 of folks from the Empire/National Fuel team. We
20:01:14 4 have a lot of information about some of the things
20:01:16 5 we're going to discuss tonight. I'll just take a
20:01:19 6 moment to make introductions.

20:01:21 7 I've got Mike Kasprzak, senior engineer with
20:01:25 8 the project. Josh Wendt, project engineer. I've
20:01:30 9 got Julie Bachan from our land group. I've got Ken
20:01:35 10 Webster, in-house counsel. And I've got Pat Kelly
20:01:40 11 from government relations.

20:01:42 12 We are here tonight for a public hearing on
20:01:46 13 the proposed Pendleton compressor station in
20:01:49 14 conjunction with site plan review by the Planning
20:01:52 15 Board. If I may, I'd just like to do a broad
20:01:56 16 overview and highlight some of the process we've
20:01:58 17 been through with the Board.

20:02:00 18 To put the project in context, the Pendleton
20:02:05 19 compressor station is part of a project we refer to
20:02:07 20 as Northern Access 2016. Northern Access 2016 is
20:02:13 21 about a half billion dollar project involving
20:02:17 22 improvements to existing interstate pipeline
20:02:20 23 facilities and infrastructure from Pennsylvania up

20:02:24 1 into this area in Western New York.

20:02:26 2 There are various components to the project.
20:02:29 3 It includes a new pipeline from Northern
20:02:32 4 Pennsylvania to our existing compressor station in
20:02:35 5 the Town of Elma in Western New York. We call that
20:02:39 6 the Porterville compressor station. It's in the
20:02:42 7 old hamlet of Porterville. We have a new
20:02:46 8 interconnect station in the Town of Wales. That is
20:02:49 9 so the new pipeline coming up from Pennsylvania can
20:02:52 10 connect to the Tennessee pipeline. Tennessee
20:02:57 11 pipeline serves eastern New York and New England,
20:03:00 12 so some of the gas that comes up this way will head
20:03:03 13 towards those markets.

20:03:04 14 There's a new compressor station and other
20:03:08 15 improvements at Porterville. There is also a
20:03:12 16 dehydration facility in Wheatfield. And, of
20:03:15 17 course, this portion of the project which is the
20:03:17 18 Pendleton compressor station.

20:03:18 19 Northern Access 2016 continues through an
20:03:23 20 extensive FERC review process. FERC is the Federal
20:03:27 21 Energy Regulatory Commission. In conjunction with
20:03:30 22 that review process, there have been more than a
20:03:32 23 dozen public meetings over a two-year period. That

20:03:37 1 doesn't include public meetings like tonight which
20:03:40 2 are being hosted by local communities as part of
20:03:44 3 zoning review processes.

20:03:45 4 There have been numerous public mailings on
20:03:48 5 the project all in conjunction with FERC which has
20:03:53 6 exclusive authority over interstate gas line
20:03:56 7 pipeline facilities such as the Pendleton
20:03:59 8 compressor station.

20:04:00 9 In terms of the details of the project and
20:04:03 10 what's proposed, this is the proposed project.
20:04:08 11 This is an area map. This is Beach Ridge Road,
20:04:11 12 this is Town Line Road to the west. This is
20:04:14 13 Killian Road. The project is right off of Killian
20:04:18 14 Road. It's an, approximately, 20 acre site in an
20:04:22 15 existing farm field right now. The -- we've
20:04:27 16 obviously submitted site plans to the Planning
20:04:30 17 Board. This is the landscaping plan. Here's the
20:04:37 18 site plan for the project. This has been on file
20:04:41 19 with the Planning Board since last January.

20:04:44 20 The project itself entails two turbine
20:04:48 21 powered compressors, each 11,107 horsepower. Those
20:04:53 22 are these two improvements shown on the site plan.
20:04:58 23 They are each contained in sound-insulated

20:05:01 1 buildings so they will be fully enclosed. There
20:05:05 2 are various additional buildings. There's a
20:05:08 3 metering building, there's an odorizer. There's
20:05:11 4 something we call the RTU, or remote terminal unit
20:05:17 5 building. That building is basically all the
20:05:19 6 electronics that allows the station to be monitored
20:05:21 7 from afar.

20:05:22 8 There's an emergency generator on site.
20:05:25 9 There is a new access drive coming off of Killian.
20:05:29 10 And, of course, there's a small parking area. All
20:05:35 11 within a fenced compound. This is the fenced
20:05:37 12 compound. We've submitted a fairly detailed
20:05:42 13 landscaping plan. And, again, our earlier
20:05:49 14 discussions with the Planning Board, they were very
20:05:52 15 clear, we ought to propose a very robust
20:05:55 16 landscaping plan. And I think we've -- we've
20:05:59 17 discussed that this is probably one of the most
20:06:03 18 robust plans the Planning Board has ever seen. We
20:06:06 19 are proposing a number of berms as well as a couple
20:06:10 20 of hundred additional trees to be added to the
20:06:12 21 site.

20:06:13 22 As I mentioned earlier, we're working on the
20:06:15 23 Porterville compressor station. That was built by

20:06:18 1 National Fuel in the 1950s. And the trees on that
20:06:21 2 site have now matured and that facility is
20:06:26 3 basically invisible to the community. You cannot
20:06:29 4 see it because it is completely surrounded by
20:06:32 5 well-groomed, well-grown trees. And, in fact, we
20:06:36 6 had a public hearing not too long ago in Elma for a
20:06:40 7 use permit with the Town Board and a number of
20:06:42 8 people from the community commented that they had
20:06:44 9 no idea the facility was there. It's been there
20:06:48 10 for well over 60 years. And with the screening in
20:06:52 11 place, as it grows up over time people tend to
20:06:56 12 forget they're there. Those are the highlights on
20:06:59 13 the landscaping plan and the site plan.

20:07:03 14 There have been a number of significant
20:07:06 15 changes to this project as a result of community
20:07:09 16 feedback. The first and probably the most
20:07:13 17 important, this project was originally proposed for
20:07:17 18 a residential area on Aiken Road. Based on
20:07:20 19 community feedback at the FERC process, it was very
20:07:24 20 clear that there was a lot of concern about putting
20:07:25 21 this facility in a residential district. So Empire
20:07:29 22 has moved it to a light industrial district on
20:07:33 23 Killian.

20:07:34 1 In addition to moving it to an industrial
20:07:36 2 district, that addressed a couple of other concerns
20:07:39 3 we heard during the FERC process. It avoids the
20:07:42 4 need for some significant pipeline work by the
20:07:45 5 Frontier Chemical site. The need for that work
20:07:48 6 simply goes away by not having -- not being up by
20:07:52 7 Aiken Road. It allows for a decommissioning of an
20:07:55 8 odorant station off of Aiken Road that exists now.
20:08:00 9 That odorant station is on the site plans, it's a
20:08:03 10 small building here, but that will be
20:08:06 11 decommissioned. In fact I believe, if I'm not
20:08:09 12 mistaken, the building inspector has already issued
20:08:12 13 a demolition permit for that work.

20:08:15 14 Visual mitigations. One of the big concerns
20:08:19 15 we heard about the Pendleton compressor station
20:08:21 16 during the process was concerns about visual
20:08:24 17 impacts. So we've prepared a number of renderings
20:08:28 18 of what the facility will look like. First and
20:08:32 19 foremost, we've employed an agriculture design.
20:08:36 20 This will look like barns and silos rather than an
20:08:40 21 industrial facility.

20:08:42 22 The photo renderings do a good job of
20:08:48 23 showing what we've got, and perhaps I'll just take

20:08:50 1 a moment and run through those.

20:08:52 2 The first photo is taken from, this is from
20:08:55 3 Killian Road to the west of the site. There is a
20:08:58 4 hedge -- or a row of trees, a hedgerow, if you
20:09:01 5 will, that's been in existence on that site for
20:09:02 6 quite some time. That row of trees stays. That is
20:09:05 7 preserved, that is protected. There's actually all
20:09:09 8 wetlands in that area so that will not be
20:09:11 9 disturbed. And what you see is looking to the east
20:09:13 10 from Killian Road the facility will not be visible.
20:09:17 11 So that tree line does a great job of screening the
20:09:21 12 facility and, of course, we're going to maintain
20:09:23 13 that.

20:09:24 14 This is a photo rendering of the site from
20:09:28 15 Killian Road from the new access drive. So this
20:09:32 16 would be right in front of the facility. This is
20:09:33 17 that row of trees that I just mentioned. You can
20:09:36 18 see, we've proposed two barn-like structures to
20:09:39 19 house those compressor stations. And, again, those
20:09:42 20 are fully designed with noise attenuation to
20:09:47 21 minimize noise impacts to the community.

20:09:49 22 We have another rendering, if I'm not
20:09:52 23 mistaken. Actually, we have a couple more. Let me

20:09:55 1 just pull those up. This, if I'm not mistaken, is
20:10:01 2 a rendering from Town Line Road and the facility
20:10:04 3 will not be visible from Town Line Road. That
20:10:09 4 gives you a pretty good indication of what the
20:10:11 5 facility view would be from Town Line Road of the
20:10:15 6 facility.

20:10:16 7 We also took a rendering or did a rendering
20:10:19 8 from just behind the facility. This is in the
20:10:22 9 agricultural fields. It's an area we call the old
20:10:26 10 air strip, and if you're familiar with that, it's
20:10:29 11 kind of right behind our property. And, again, you
20:10:32 12 can see, you will certainly see the buildings, they
20:10:35 13 do look like barns and a silo, again, rather than
20:10:42 14 an industrial appearing complex.

20:10:44 15 We've also taken a number of steps, again,
20:10:47 16 based on some feedback, to minimize lighting at the
20:10:51 17 site. And I just want to take a moment to run
20:10:54 18 through the lighting plans. Again, we've provided
20:10:56 19 all of this detail to the Planning Board as part of
20:10:59 20 our submittals.

20:11:00 21 This is a rendering of what the facility
20:11:03 22 would look like if there is something going on at
20:11:07 23 night. And what do I mean by that? Normally the

20:11:12 1 facility will not be manned at night and nobody
20:11:15 2 will be there and it will be dark, and I'll show
20:11:17 3 you what that will look like in a moment. If there
20:11:19 4 is something going on at the facility and we needed
20:11:21 5 all the lights turned on, this is what it will look
20:11:26 6 like. Your two barn structures and the additional
20:11:29 7 structures in the back.

20:11:30 8 We did a photometric study for the Board
20:11:34 9 just to show what that would be like, and what that
20:11:37 10 does a nice job of demonstrating is that at the
20:11:42 11 edge of the facility the lights spillage comes down
20:11:44 12 to virtually zero. So it's dark sky compliant. We
20:11:49 13 do need, sometimes, lighting at night but it will
20:11:52 14 be a rare instance. More likely -- we'll go to
20:11:56 15 this board. More likely it's gonna look like this,
20:11:59 16 and this is what we call egress lighting. This is
20:12:03 17 lighting that would be necessary for someone coming
20:12:06 18 into the facility. It's far less than the full
20:12:08 19 lighting scenario and really it just gives someone
20:12:12 20 who's inside the facility ability to generally see
20:12:16 21 their way around the site.

20:12:18 22 Again, we've done photometrics on that and
20:12:21 23 showing minimal light spillage.

20:12:24 1 The last one we have, and this is the one
20:12:25 2 that will be typical on a standard day, and this is
20:12:31 3 when nobody's there. It's got -- we have minimal
20:12:37 4 lighting on a couple of buildings. We call that
20:12:40 5 unoccupied lighting. And, generally speaking, you
20:12:42 6 will not see that from off site.

20:12:46 7 This facility, I should mention, the
20:12:50 8 facility is manned during the day. It is not
20:12:52 9 intended to be manned during the night. So
20:12:54 10 basically we're talking say 8 to 4:30 weekdays
20:12:59 11 somebody will be at the facility, but generally
20:13:01 12 speaking, nobody will be there at night.

20:13:04 13 We've done -- I've talked already about the
20:13:08 14 berms and the landscaping so I won't go over that
20:13:12 15 again. Just kind of for everybody's benefit, a
20:13:15 16 little explanation of the process we've been
20:13:17 17 through with the Board.

20:13:19 18 We filed for sketch plan review on September
20:13:23 19 9th, 2015. It's been just over a year since we
20:13:27 20 came, about a year and a week. Perhaps that's a
20:13:29 21 record. I think we've been in Board review for
20:13:32 22 quite some time. We worked through the sketch plan
20:13:36 23 review process with the Board last fall. We filed

20:13:39 1 our full site plan application in January, and I do
20:13:46 2 have that application here. Based on the sketch
20:13:50 3 plan review, we were asked to provide an awful lot
20:13:53 4 of detail about the facility. Specifically we were
20:13:57 5 asked to backup a lot of our discussions about
20:14:00 6 noise, storm water controls, wetlands, soil
20:14:06 7 conditions, all documented as reports in this
20:14:10 8 submittal.

20:14:12 9 The filing of that last January really
20:14:15 10 kicked off a lot of feedback and dialogue with the
20:14:19 11 Board. We received several requests for
20:14:23 12 clarification and additional information. We
20:14:26 13 received a number of comments from the Town
20:14:27 14 engineer. We did additional submittals on February
20:14:31 15 16th, March 15th, April 1st, April 25th, and August
20:14:36 16 19th. Basically we have been at every Planning
20:14:39 17 Board meeting and every work session, so twice a
20:14:42 18 month, since I think last October. So we've spent
20:14:46 19 an awful lot of time with the Board answering
20:14:48 20 questions and going through the details of the
20:14:51 21 information that's been provided.

20:14:53 22 The Board required extensive additional
20:14:57 23 documentation throughout that process. The

20:14:59 1 information on wetlands, noise, emergency response,
20:15:04 2 air emissions, storm water controls, and
20:15:07 3 limitations on additional development at the site.

20:15:11 4 In terms of wetlands, I do want to just run
20:15:14 5 through this quickly. This is a survey of the
20:15:18 6 site. And this is the 20-acre parcel. This is
20:15:21 7 that hedgerow of trees that I mentioned earlier.
20:15:24 8 There are two wetlands that have been delineated on
20:15:27 9 the site, none will be impacted. Neither of those
20:15:32 10 wetlands will be impacted by the project. At this
20:15:34 11 point, the U.S. Army Corps of Engineers has given
20:15:37 12 preliminary approval to the wetland delineation
20:15:40 13 that was done to this site. So we do have two
20:15:43 14 wetlands, we will avoid them completely.

20:15:46 15 Let's see, in terms of other issues, the
20:15:49 16 Board has indicated to us that it is considering a
20:15:52 17 number of conditions on terms of site plan
20:15:56 18 approval. These include that the specific
20:15:59 19 materials of construction and design identified in
20:16:02 20 our noise study shall be utilized in the
20:16:05 21 construction of the compressor station. That
20:16:08 22 Empire shall conduct post-construction noise tests
20:16:11 23 as required by FERC. And our noise testing, just

20:16:16 1 so everybody has a sense, FERC has a limit of 55
20:16:20 2 decibels at the nearest sensitive noise receptor
20:16:23 3 which is the closest house. We've done a fairly
20:16:29 4 comprehensive noise assessment of the new facility.
20:16:30 5 We've determined not only will we -- will we be
20:16:35 6 well below the 55 decibels, our noise study
20:16:38 7 predicts that background noise or noise from the
20:16:41 8 facility will increase background 0 to .14
20:16:47 9 decibels. And it's pretty well-established that
20:16:50 10 one decibel is barely perceptible to the human ear.
20:16:54 11 The noise from this facility will be barely
20:16:58 12 perceptible to the human ear based on our noise
20:17:00 13 study. And, again, we will be doing
20:17:02 14 post-construction noise tests as required by FERC.

20:17:07 15 We've already been asked to prove,
20:17:08 16 considered providing, and we will provide, a PE
20:17:11 17 certification, a professional engineer
20:17:13 18 certification to the Town every five years that the
20:17:15 19 storm water management ponds for the facility have
20:17:19 20 been inspected and are functioning properly. Prior
20:17:21 21 to placing the facility in service, we must conduct
20:17:25 22 training and orientation for local emergency
20:17:27 23 response providers. We will, of course, do that.

20:17:29 1 And we also have agreed to impose a deed
20:17:33 2 restriction which limits aboveground development on
20:17:38 3 areas of the site that will not be developed as
20:17:40 4 part of the compressor station.

20:17:42 5 After the site is developed, we will do a
20:17:45 6 survey of the areas that are undeveloped. Subject
20:17:47 7 to that study, we're currently estimating that
20:17:52 8 undeveloped area to be approximately 11.5 acres.
20:17:54 9 So a little bit more than half of the site will be
20:17:57 10 permanently restricted from development.

20:17:59 11 The last thing I want to mention before we
20:18:02 12 go to public comments is project reviews and status
20:18:05 13 with FERC.

20:18:07 14 In July, FERC, again Federal Energy
20:18:10 15 Regulatory Commission, which oversees this project,
20:18:12 16 issued the environmental assessment which
20:18:14 17 determined no significant adverse impacts
20:18:17 18 associated with Northern Access 2016, which of
20:18:20 19 course includes the proposed Pendleton compressor
20:18:27 20 station. We are now moving towards issuance of a
20:18:28 21 certificate of necessity, and that is expected in
20:18:29 22 late October, early November.

20:18:31 23 With that, we'd very much like to hear from

20:18:33 1 the public. We've obviously put a lot of work into
20:18:36 2 the information we've provided to you and we are
20:18:39 3 interested to hear if we addressed all the issues.

20:18:42 4 **CHAIRMAN McCAFFREY:** Thank you very much.

20:18:43 5 **MR. WALTERS:** Thank you.

20:18:44 6 **CHAIRMAN McCAFFREY:** At this time, public
20:18:45 7 comment. The number one application I have is Dave
20:18:51 8 Monkelbaan, 4183 Beach Ridge Road.

20:18:55 9 **MR. MONKELBAAN:** No comment at this time.

20:18:56 10 **CHAIRMAN McCAFFREY:** Okay. Barb Ciepiela.

20:19:07 11 **MS. CIEPIELA:** I'm going to come up and
20:19:09 12 speak.

20:19:10 13 **CHAIRMAN McCAFFREY:** Sure.

20:19:13 14 **MS. CIEPIELA:** Envision two 11,000 turbine
20:19:18 15 compressor stations put on Killian Road next to a
20:19:24 16 gun club with 200 houses within a one-mile radius
20:19:28 17 and less than half a mile away from Frontier
20:19:35 18 Chemical Superfund site. What is wrong with this
20:19:37 19 picture?

20:19:38 20 The compressor station itself sounds great
20:19:41 21 on paper. Designed and tested in California in
20:19:48 22 temperatures between 50 and 80 degrees Fahrenheit.
20:19:54 23 What happens if we have a winter proposed for this

20:19:57 1 February, like two years ago in February, 40
20:20:02 2 degrees below zero with wind-chills. Basically
20:20:09 3 I've read many places that compressor stations emit
20:20:14 4 a lot more benzene, methane, other chemicals when
20:20:18 5 the temperature falls below zero, which it does in
20:20:22 6 Western New York, especially on Killian Road.

20:20:26 7 Last August we had -- one day we had over
20:20:29 8 seven inches of rain. That whole area on Killian
20:20:35 9 Road was flooded for several days. How is the
20:20:39 10 compressor station designed to protect itself
20:20:43 11 against that amount of water?

20:20:46 12 Now, envision hunting season in November
20:20:53 13 when hunters are shooting deer all around the area.
20:20:59 14 On Killian Road the sun is shining, meanwhile West
20:21:04 15 Seneca, which is the home of National Fuel, is
20:21:07 16 having one to two feet of snow an hour. What
20:21:14 17 happens if some hunters accidentally cause some
20:21:18 18 damage to the compressor station? The compressor
20:21:22 19 station goes into their blowdown uncontrollably.
20:21:29 20 It is -- after-hours it's unmanned. Our response
20:21:34 21 team in Pendleton, I know because I went to an
20:21:39 22 early response thing, cannot respond. The ground
20:21:43 23 starts vibrating. It's less than a half mile away

20:21:46 1 from the Frontier Chemical Superfund site. All
20:21:50 2 those hazardous wastes start moving possibly
20:21:54 3 causing explosions. Is this a safe place to put
20:21:59 4 the compressor station?

20:22:01 5 Also, we talked about human beings, what
20:22:07 6 about animals? I live in Beach Ridge Road, there's
20:22:11 7 cows, there's chickens, organic farms. There's Leo
20:22:18 8 Brenon's right across from the proposed compressor
20:22:21 9 station for topsoil. Those chemicals are going to
20:22:23 10 cause -- first off, they're not going to be able to
20:22:27 11 call anything organic in this area. How is it
20:22:30 12 going to affect the cows and their milk production?
20:22:33 13 How is it going to affect the chickens that we eat?
20:22:37 14 How is it going to protect the eggs I buy on the
20:22:40 15 street which are considered organic? So to me is
20:22:43 16 this a good location? No. We have a lot of areas
20:22:49 17 that are zoned heavy industrial, much better sites.

20:22:51 18 **CHAIRMAN McCAFFREY:** Thank you.

20:23:01 19 Mr. Gary Gilman, 4456 Beach Ridge Road.

20:23:05 20 **MR. GILMAN:** Yep, do you want me to stand?

20:23:08 21 **CHAIRMAN McCAFFREY:** That's fine.

20:23:09 22 **MR. GILMAN:** Okay.

20:23:10 23 Could we mention health impact here at all

20:23:13 1 as part of this meeting?

20:23:14 2 **CHAIRMAN McCAFFREY:** Uh-huh.

20:23:15 3 **MR. GILMAN:** Okay.

20:23:15 4 **CHAIRMAN McCAFFREY:** If it's pertinent to
20:23:18 5 this site.

20:23:18 6 **MR. GILMAN:** Okay. It is pertinent to this
20:23:20 7 site, because light industrial in Pendleton, I
20:23:23 8 believe, you consider like a collision shop with a
20:23:26 9 paint shop that puts emissions into the air. How
20:23:29 10 does a light industrial collision shop/paint shop
20:23:34 11 even compare to a compressor station? And what
20:23:36 12 Adam didn't address today were all the blowdowns.
20:23:39 13 He talked about the noise and said the noise is
20:23:41 14 going to be less, but can people in Pendleton
20:23:46 15 tolerate the FERC process that they have a year to
20:23:48 16 be on the compliance on noise before they have to
20:23:51 17 do something about it? So he's making all these
20:23:53 18 guarantees. He said the lighting will just be on
20:23:55 19 rarely. I don't know what his definition of rare
20:23:58 20 is. And will he guarantee rare? To me rare is
20:24:01 21 like zero to one that that's going to have that.

20:24:04 22 The other thing is the building is
20:24:06 23 unsightly. I don't know, you don't really have a

20:24:08 1 farm. You're calling it -- you're going to have to
20:24:10 2 send out the message it's a farm. We farm soybean
20:24:15 3 and hay in Pendleton, we don't farm natural gas
20:24:18 4 here. We don't -- how many farmers do a blowdown
20:24:21 5 and put the methane gas, formaldehyde, and other
20:24:26 6 chemicals into the air? I would say probably none.
20:24:29 7 So this is very misleading. It's an illusion with
20:24:32 8 a farm billing. As to say it's out of sight, you
20:24:34 9 know, people are going to drive by and think it's a
20:24:37 10 farm, kids are going to go over running there and
20:24:39 11 things like that and who knows. And they said on
20:24:41 12 other properties, Mike Cooperstock has shown that
20:24:46 13 they actually break into it and they're hunting
20:24:46 14 around the property and other locations. They're
20:24:49 15 already hunting here right next to the gun club.
20:24:52 16 That's what Dave Notaro points out all the time.
20:24:57 17 We hunt everywhere, there's hunting, and they're
20:24:59 18 going to have it dark? And even dark, he showed
20:25:01 19 that one picture that is all black and things like
20:25:03 20 that. You know, unless you're using night goggles
20:25:07 21 or something like that to hunt with. And it's not
20:25:09 22 only shooting the building, this, quote, farm, but
20:25:14 23 also when an employee goes out there. So with the

20:25:16 1 health impact, we're concerned about the employees
20:25:18 2 of National Fuel. And Adam was proud to say this
20:25:21 3 is gonna be unoccupied. That's great because when
20:25:23 4 the blowdown comes and all the emissions come out,
20:25:26 5 there's not a National Fuel/Empire person there.
20:25:29 6 It's just the Pendleton residents.

20:25:32 7 Now, I moved out here because it's farmland
20:25:34 8 and residential. It has clean air. So, right now,
20:25:38 9 until National Fuel moves in and they said, well,
20:25:43 10 we're allowed to have multiple blowdowns to get the
20:25:47 11 methane out of the pipeline. FERC says it's okay.
20:25:49 12 It's okay because they're over in Washington, D.C.,
20:25:53 13 It's okay. But they're not gonna do any recycling.
20:25:54 14 They don't have to do a blowdown and put it out
20:25:54 15 into the air, they have a choice. They haven't
20:25:54 16 chosen that choice yet. It's too expensive. Lives
20:26:03 17 are okay, lives are expendable? Any soldiers in
20:26:06 18 this room know what I'm talking about.

20:26:08 19 They could recycle the blowdown, Adam. You
20:26:11 20 know that. It's a little bit extra money.

20:26:12 21 **MR. WALTERS:** We actually do.

20:26:14 22 **MR. GILMAN:** And instead of blowing it out
20:26:15 23 of the pipe, just recycle it so there is no

20:26:19 1 blowdown anymore, and that we get a guarantee for
20:26:22 2 that. Otherwise, nobody knows the health hazards.

20:26:25 3 We got the health department involved and
20:26:25 4 they wanted a moratorium on compressor stations
20:26:32 5 along with the AMA. They asked for that. And FERC
20:26:33 6 has denied that because FERC says they don't do
20:26:36 7 health impact studies. Environmental is different
20:26:39 8 than health.

20:26:39 9 **CHAIRMAN McCAFFREY:** Thank you.

20:26:40 10 Okay. Kim Lemieux.

20:26:49 11 **MS. LEMIEUX:** Lemieux. L-E-M-I-E-U-X.

20:26:49 12 **CHAIRMAN McCAFFREY:** Oh, okay.

20:26:49 13 **MS. LEMIEUX:** I just spelled it for her.

20:27:02 14 Good evening, everyone. Good evening,
20:27:05 15 Board. Good evening, National Fuel. I have a
20:27:10 16 couple concerns.

20:27:11 17 First of all, you say that you're going to
20:27:13 18 plant a couple hundred trees. Well, certainly I
20:27:15 19 hope that those are Evergreens and they're taller
20:27:16 20 than I am because in the Town of Wales you don't
20:27:18 21 have those. Those are five foot trees that are
20:27:22 22 mostly dead. And despite Mr. Kasprzak's multiple
20:27:26 23 requests for those to be replaced, they have yet to

20:27:28 1 be replaced.

20:27:29 2 Like I said, vines are growing up through
20:27:30 3 the trees. I FERC'd on this as well. You might
20:27:32 4 have caught it. But I don't think 250, maybe 300
20:27:37 5 trees are going to be adequate to protect any of
20:27:40 6 our vegetation that's there. Right by, and the
20:27:42 7 Wales compressor, the replacement of those trees,
20:27:45 8 because in addition to those trees that you did
20:27:46 9 plant to offset that site plan, which is probably
20:27:49 10 something much designed like what you did for them,
20:27:52 11 their tree line is also dying from all the
20:27:56 12 emissions. The trees that are on the property of
20:27:57 13 that farm that was right next door, those trees are
20:27:59 14 dying as well. Those are the homeowner's trees and
20:28:04 15 because of the emissions they're getting killed
20:28:05 16 off. So something to consider, maybe you should
20:28:06 17 take a look back at that.

20:28:08 18 In addition, I am certainly a gardener, I do
20:28:12 19 love grass, and I see that you have some very nice
20:28:15 20 grasses in your pictures. Are those grasses
20:28:17 21 absolutely going to be in that site plan?

20:28:19 22 **MR. WALTERS:** They are.

20:28:19 23 **MS. LEMIEUX:** To what number?

20:28:20 1 **MR. WALTERS:** All provided in the
20:28:21 2 landscaping plan. I don't know the numbers off the
20:28:25 3 top of my head. I like the chairman's suggestion,
20:28:28 4 we'll respond to everything in writing.

20:28:30 5 **MS. LEMIEUX:** Okay. Perfect.

20:28:31 6 My other question is certainly I would like
20:28:33 7 to know if the trees will be replaced in perpetuity
20:28:38 8 throughout the entire time, and I would like that
20:28:41 9 in writing as well.

20:28:41 10 One thing that I don't think is really being
20:28:41 11 brought up is the vibroacoustic disorder that is
20:28:46 12 associated with compressor stations. For those of
20:28:48 13 you who don't know, it's a low acoustic vibration I
20:28:51 14 suppose that really affects the body. It actually
20:28:53 15 causes psychosis, you can find lots of studies
20:28:56 16 associated with it, and I'll leave it at that.
20:28:59 17 Something that some people aren't considering.

20:29:01 18 In regard to the hunting, 365 days a year is
20:29:05 19 what Dave Notaro has reported based on New York
20:29:10 20 State hunting laws. Certainly he can hunt 24 hours
20:29:12 21 a day, depending on the season, and we know that
20:29:14 22 there are many a night, am I correct when I say
20:29:16 23 coyotes at night? So certainly when it is in that

20:29:20 1 dark lumination, I would like to know how they are
20:29:22 2 going to protect that kind of club and the exposed
20:29:26 3 aboveground pipes. Those are not going to be
20:29:31 4 bulletproof from my expectation and from my
20:29:32 5 reading.

20:29:32 6 I'd also like to make something else known,
20:29:36 7 especially to the residents. The hydrostatic
20:29:36 8 testing of the pipes where they are going to
20:29:39 9 withdraw I think it's, what, a 140,000 gallons of
20:29:41 10 water to put into the pipelines for 24 hours to
20:29:44 11 test to see if there's any leaks. What they're
20:29:47 12 doing is they're taking water out of Bull Creek and
20:29:50 13 then they're going to put it into pipes, and then
20:29:52 14 they're going to discharge that water and all the
20:29:53 15 sediment that is in that Bull Creek back on site.

20:29:56 16 Many of you probably don't know that the
20:29:58 17 hazardous waste site called Frontier Chemical
20:30:02 18 Superfund site with 65 plus chemicals including
20:30:06 19 radioactive waste, chromium six, and many other
20:30:11 20 toxins, the sediments have never -- that creek has
20:30:14 21 never been fully cleaned and certainly the
20:30:17 22 sediments are in there. So certainly they will be
20:30:17 23 discharging all of that water on site. And I

20:30:19 1 certainly hope that the Town is looking into that
20:30:21 2 hydrostatic testing and where they're discharging
20:30:26 3 all of that contaminated soil and water.

20:30:28 4 One more thing. I have not read, and I have
20:30:31 5 read the entire EA top -- or front to end, it was
20:30:35 6 riveting, I have not seen where they have -- you
20:30:38 7 have not mentioned that there's a recapture system.
20:30:41 8 So I would like to know where that is stated
20:30:45 9 because I have not seen it. I've heard that you're
20:30:46 10 going to put that on, but certainly that has not
20:30:48 11 been addressed in the EA.

20:30:50 12 That's all I have. Thank you.

20:30:55 13 **CHAIRMAN McCAFFREY:** Deke.

20:31:03 14 **MR. LEMIEUX:** D-E-K-E, Lemieux, same last.

20:31:10 15 Okay. First off, Mr. Walters, I think you
20:31:17 16 should address the superfund site as a superfund
20:31:19 17 site, not just as a chemical.

20:31:22 18 And the trees that you show the pictures
20:31:26 19 through, they are deciduous trees, you will see
20:31:27 20 right though those trees, you will see the
20:31:29 21 compressor. From that direction when you face you
20:31:30 22 will not see the compressor. So when you come down
20:31:31 23 Town Line you're saying, okay, we'll come up to

20:31:33 1 Pendleton Center, where Pendleton is, you're gonna
20:31:36 2 see that big giant compressor station right there.

20:31:39 3 And, I mean, we don't care what it looks
20:31:42 4 like. Everybody's gonna know what it looks like.
20:31:43 5 There's gonna be an eight foot barbwire fence up
20:31:46 6 around it. To me that is not light industrial when
20:31:49 7 you have to have an eight foot barbed wire fence
20:31:50 8 around it. I don't know what our fencing code is,
20:31:52 9 I'm sure you can look into it and tell if that is
20:31:55 10 even approved for a light industrial area or, you
20:31:58 11 know, whatever you need to do.

20:31:59 12 I mean, once you guys okay this permit, I
20:32:07 13 mean, they're going to have free rein to do
20:32:09 14 whatever they want. Once you get it there, they're
20:32:12 15 gonna do whatever they want. The fracking ban's
20:32:15 16 lifted, what are they gonna do, they're gonna start
20:32:19 17 fracking. Yeah, they got a deed restriction on
20:32:22 18 that land, what's -- what's gonna stop them from
20:32:24 19 buying the 20 acres next to that and start fracking
20:32:27 20 on that land? So once they're in there, they can
20:32:29 21 do whatever they want, so you guys got to remember
20:32:32 22 that also.

20:32:34 23 I mean, I don't even know if you guys can

20:32:39 1 rule on this without a building permit. I don't
20:32:41 2 know which comes first. I would have to look into
20:32:44 3 that. I'm sure you guys know.

20:32:45 4 The other thing is electric compressor
20:32:49 5 station, you guys should demand that that would be
20:32:52 6 the light industrial option to do that, not a
20:32:55 7 11,000 to 11,000 horsepower gas compressor station.
20:33:01 8 Demand that they bring electric in here, and that
20:33:03 9 would be -- definitely be better.

20:33:05 10 Also, now, they say that FERC authorizes 55
20:33:17 11 decibel to the nearest home. Okay. So if they
20:33:20 12 build this thing, right now the nearest home is, I
20:33:22 13 don't know if it's 1500 feet or whatever, but once
20:33:28 14 D'Angelo builds all their homes in there, are they
20:33:30 15 going to go ahead and readjust their decibels? So
20:33:32 16 that's what you got to find out and that's what you
20:33:35 17 got to find out from them also.

20:33:37 18 That's all I got. Thank you.

20:33:38 19 **CHAIRMAN McCAFFREY:** Thank you.

20:33:41 20 Cindi Broughton.

20:33:49 21 **MS. BROUGHTON:** I just -- after looking at
20:33:51 22 some of these pictures, I just have some really
20:33:54 23 simple simple questions, if that's okay.

20:33:56 1 First, just because you brought it up, the
20:34:04 2 Porterville compressor, you're right, we can't see
20:34:05 3 it but we can smell it. I was just there and it's
20:34:08 4 an awful smell and all the residents in that area
20:34:11 5 have a lot of trouble with this. So just saying.

20:34:14 6 Over here when you showed your rendering,
20:34:18 7 I'm a very visual person, I don't want to -- is it
20:34:22 8 all right if I move some of these?

20:34:24 9 **MR. WALTERS:** Of course. Let's find the
20:34:26 10 rendering you're looking for.

20:34:31 11 **MS. BROUGHTON:** The one where --

20:34:32 12 **MR. WALTERS:** Of the facility?

20:34:34 13 **MS. BROUGHTON:** Yeah, that's probably it,
20:34:35 14 yeah.

20:34:35 15 On here it looks distorted to me. I'm a
20:34:39 16 little confused. I'm very familiar with these
20:34:41 17 trees. When I look at this compressor and the
20:34:45 18 silos, which are the emission, are they really
20:34:48 19 gonna be that small?

20:34:49 20 **MR. WALTERS:** They are set back further.

20:34:51 21 **MS. BROUGHTON:** So how many feet high is
20:34:53 22 this, and how tall will these silos be?

20:34:58 23 **MR. WALTERS:** We'd be happy to provide that

20:35:01 1 information.

20:35:01 2 **MS. BROUGHTON:** Even this, it just looks so
20:35:04 3 distorted to me.

20:35:05 4 **MR. WALTERS:** They're set back hundreds of
20:35:06 5 feet, but we will provide that detail for you.

20:35:09 6 **MS. BROUGHTON:** Yeah.

20:35:09 7 And then can you show a rendering of how
20:35:12 8 it'll look with --

20:35:13 9 **MR. WALTERS:** This is a rendering.

20:35:14 10 **MS. BROUGHTON:** No, no, no. I mean, once
20:35:16 11 you have the proportions correctly.

20:35:18 12 **MR. WALTERS:** That is proportionally
20:35:21 13 correct.

20:35:21 14 **MS. BROUGHTON:** This is proportionally
20:35:21 15 correct?

20:35:22 16 **MR. WALTERS:** Absolutely. I would never
20:35:24 17 submit something that was not proportionally
20:35:21 18 correct.

20:35:24 19 **MS. BROUGHTON:** Okay. Then you can tell me
20:35:26 20 how high, how high.

20:35:27 21 And the fence, I don't see the fence here.
20:35:32 22 Where's the fence?

20:35:33 23 **MR. WALTERS:** Fence will be very difficult

20:35:34 1 to see from 400 feet back. But you ask good
20:35:38 2 questions, but rather than have a debate --

20:35:41 3 **MS. BROUGHTON:** I'm not debating, I'm
20:35:43 4 asking. You're debating, I'm just asking the
20:35:45 5 question.

20:35:45 6 **MR. WALTERS:** That's your statement for the
20:35:46 7 record. We'll provide written responses.

20:35:47 8 **CHAIRMAN McCAFFREY:** Yeah, what -- just so
20:35:48 9 you're aware, all of these questions will be
20:35:50 10 answered.

20:35:50 11 **MS. BROUGHTON:** Yeah. And I'm not asking
20:35:50 12 for answers, I'm just asking the questions right
20:35:53 13 now. So I just need to know where the fence is and
20:35:56 14 how far actually is the fence from this building?
20:36:00 15 Because when I was at Porterville, the fence was
20:36:03 16 very close to the street, so I was just wondering
20:36:06 17 will we be able to walk down this little road and
20:36:09 18 be close to the building or is this going to be
20:36:12 19 right in Pendleton?

20:36:14 20 Also, with the fencing, what kinds of
20:36:17 21 signage is going to be out there in front? I need
20:36:20 22 to know that. Like, how big will the signs be that
20:36:23 23 are on the fence? They do have them at

20:36:26 1 Porterville, and I was concerned because someone
20:36:30 2 else brought it up, that responders cannot go on
20:36:34 3 that property unless someone from National Fuel is
20:36:39 4 there. That's what they have posted at the
20:36:41 5 Porterville one, and that really scares me. You
20:36:44 6 know, what is their response time going to be?

20:36:47 7 I also just wanted to know how long this
20:36:50 8 will be up and running, and who's maintaining it,
20:36:53 9 and once they're done with this compressor is it
20:36:57 10 gonna be like a brownfield or are they gonna
20:37:02 11 demolish it, and what's the maintenance projection
20:37:05 12 going to be?

20:37:05 13 And I also, again, because I'm just such a
20:37:08 14 visual person, when he was talking about -- but I
20:37:12 15 know at night -- I don't know which one it is, it
20:37:15 16 doesn't matter. At night when I'm sitting out in
20:37:17 17 my yard, all I see is the stars. I don't see any
20:37:20 18 lights at all. And so he said at night -- maybe
20:37:26 19 this is it. He said most of this is what it's
20:37:29 20 gonna look like, but I can't understand. So I
20:37:33 21 guess I need more information. When I'm sitting in
20:37:36 22 my backyard, am I seeing these lights?

20:37:40 23 **CHAIRMAN McCAFFREY:** No.

20:37:41 1 **MS. BROUGHTON:** I'm not seeing anything?

20:37:42 2 **CHAIRMAN McCAFFREY:** No, that's an aerial
20:37:45 3 view of it.

20:37:45 4 **MS. BROUGHTON:** Okay. So there won't be any
20:37:47 5 illumination other than the sky?

20:37:49 6 **CHAIRMAN McCAFFREY:** No. It will be --
20:37:50 7 dark -- all the lighting will be dark sky.

20:37:50 8 **MS. BROUGHTON:** Perfect.

20:37:50 9 Another one --

20:37:54 10 **CHAIRMAN McCAFFREY:** I'll take care of that
20:37:55 11 one for you.

20:37:56 12 **MR. WALTERS:** Appreciate that.

20:37:59 13 **MS. BROUGHTON:** -- I just had a question on.
20:38:00 14 It's just a minor thing. I think it was picture
20:38:03 15 nine -- oh, this one.

20:38:06 16 I don't really understand the purpose of
20:38:08 17 this one, but unless it's National Fuel, this is a
20:38:13 18 house being built here, just for a statement that
20:38:16 19 this isn't how it looks, a house is being built
20:38:18 20 there right now. And like Deke said, these are all
20:38:25 21 deciduous trees, you will be able to see anything
20:38:28 22 behind that. So I do have some concerns about that
20:38:30 23 if they could address that.

20:38:32 1 I think that's it for now.

20:38:34 2 **CHAIRMAN McCAFFREY:** Okay.

20:38:34 3 **MS. BROUGHTON:** Thank you.

20:38:34 4 **CHAIRMAN McCAFFREY:** Thank you.

20:38:35 5 **MS. BROUGHTON:** Oh, and how tall are the

20:38:38 6 silos? That I needed to know, too. Well, you'll

20:38:41 7 have that when you talk about how tall the building

20:38:44 8 is compared to the trees.

20:38:45 9 Okay. Thank you.

20:38:49 10 **MR. WALTERS:** Thank you.

20:38:51 11 **CHAIRMAN McCAFFREY:** Richard Skurski.

20:38:54 12 **MR. SKURSKI:** No comment at this time.

20:38:56 13 **CHAIRMAN McCAFFREY:** Kelli Putney.

20:39:08 14 **MS. PUTNEY:** Thank you to the Planning Board

20:39:10 15 for making this meeting possible. I've been

20:39:13 16 concerned about this since the time that I heard

20:39:15 17 about it.

20:39:16 18 I live very close to the site. Have been

20:39:18 19 there for almost ten years, which I know is a

20:39:23 20 newbie in Pendleton, but love it. I grew up in

20:39:25 21 Niagara County, moved away, lived in Washington,

20:39:28 22 D.C., had friends that worked for FERC, ironically

20:39:31 23 enough; chose to move back to Niagara County and

20:39:33 1 love this place. And I love Pendleton. I don't
20:39:34 2 want to move. People say, sell your house and
20:39:37 3 move, and I don't want to, so I'd love to ask a few
20:39:39 4 questions. As we go through, I know it's supposed
20:39:41 5 to be directed just to the site.

20:39:43 6 The biggest problem that I've had since I've
20:39:46 7 heard about this is that that area is zoned light
20:39:49 8 industrial. Nothing in this to me says light
20:39:52 9 industrial, 22,000 horsepower compressor, I'm sure
20:39:55 10 you gentlemen would not consider that if your home
20:39:58 11 was right next to it. I'm probably within -- I
20:40:02 12 don't know why this says 400 feet notification,
20:40:04 13 that was one clarification I wanted to ask. Does
20:40:05 14 anybody know why it says --

20:40:08 15 **MR. LAVRICH:** 400 feet is the normal site
20:40:10 16 plan review. It's -- it's by our code the site
20:40:12 17 plan review notification distance for a public
20:40:16 18 hearing.

20:40:16 19 **MS. PUTNEY:** Okay.

20:40:16 20 **MR. LAVRICH:** New York town and law does not
20:40:18 21 require any notification whatsoever on a site plan
20:40:21 22 review. The Town of Pendleton ordinance goes a
20:40:27 23 step further and to provide for a 400 feet

20:40:30 1 notification range for a site plan review

20:40:33 2 notification. That's not just for National Fuel,

20:40:37 3 that's for anything.

20:40:38 4 **MS. PUTNEY:** Does this mean that I'm within
20:40:40 5 400 feet of it then?

20:40:41 6 **MR. LAVRICH:** If you got that notification.

20:40:42 7 **MS. PUTNEY:** I did.

20:40:43 8 **MR. LAVRICH:** The Town Clerk deemed that you
20:40:46 9 live within 400 feet of that.

20:40:48 10 **MS. PUTNEY:** Okay. Because that's my
20:40:49 11 concern, I have two 14-year-old twins that I love
20:40:52 12 dearly and I want to stall this as long as possible
20:40:56 13 so they can at least get to college before their
20:40:57 14 health is impacted by it.

20:40:59 15 So my biggest question is, and I would love
20:41:00 16 this answered whether tonight or on the record, why
20:41:03 17 is it light industrial? There's been folks here,
20:41:08 18 and I'm sure if anybody else is gonna speak, the
20:41:08 19 gentleman whose father wrote the code when it was
20:41:11 20 written never dreamed that it would be interpreted
20:41:13 21 as this being light industrial. That is supposed
20:41:16 22 to be, you know, an assembly of things, putting
20:41:19 23 things together, light manufacturing. Not a heavy

20:41:21 1 industrial complex that people are worried about
20:41:24 2 the environmental health impact.

20:41:27 3 I don't want to stand in the way of
20:41:28 4 progress. I think we probably need these things.
20:41:31 5 I like to drive in my car, I love to get gas, which
20:41:35 6 none of us get from National Fuel in the
20:41:37 7 neighborhood which is so ironic. So we're not even
20:41:41 8 customers of yours, unfortunately. But I don't
20:41:43 9 want to have it in a place that it just seems very
20:41:45 10 inappropriate.

20:41:46 11 I know you moved it off of Beach Road, and
20:41:49 12 I'm thrilled, off the Aiken Road area. Doesn't
20:41:49 13 feel right here. It feels like it should be
20:41:52 14 somewhere near the Wheatfield dehydration plant and
20:41:55 15 the things that you're doing there.

20:41:56 16 You talked about avoiding pipeline work that
20:41:58 17 you don't have to do now that it's where it is. My
20:42:01 18 question is: You were willing to do it before, why
20:42:04 19 aren't you willing to do it now so that it could be
20:42:06 20 moved to a more appropriate site? That would be an
20:42:09 21 important question that I would really like --
20:42:12 22 feels like it's dollars and cents and I would like
20:42:15 23 to understand why you're not willing to make that

20:42:19 1 commitment.

20:42:19 2 The third thing I'd like to ask about are
20:42:21 3 the trees. 60 years from now I'll be a hundred and
20:42:22 4 seven, so I don't have time to wait for them to
20:42:25 5 grow. Could you plant full grown trees and make
20:42:28 6 that investment, if it has to go in there? Could
20:42:29 7 you put in full grown trees, Evergreen tall trees,
20:42:34 8 not -- we grow trees at my dad's land up in Town of
20:42:35 9 Porter and it takes a long time and I don't think
20:42:37 10 any of us have that.

20:42:40 11 Number four is, why are you not doing an
20:42:43 12 environmental impact study? The environmental
20:42:45 13 assessment feels that it really warrants the full
20:42:48 14 environmental impact study. I would urge strongly
20:42:51 15 to the Board that they not approve site plan
20:42:54 16 without a full environmental impact study.

20:42:58 17 Fifth, what is your plan to protect the
20:43:01 18 neighbors from potential explosion? I'd like to
20:43:02 19 see the full crisis plan. I work in communications
20:43:04 20 myself and I'm really concerned about what your
20:43:06 21 plan is for me and my family and my neighbors, a
20:43:09 22 lot of them that I see here.

20:43:10 23 What about home values, what do you have,

20:43:13 1 data about that? I've heard data last year at this
20:43:16 2 time from the CEO of Empire Pipeline that I find to
20:43:21 3 be a farce. I don't want to sell my home, but if
20:43:24 4 I'm determining that it's impacting my family's
20:43:27 5 health I will, but I would like to know your plan
20:43:29 6 on that.

20:43:30 7 What is your plan for decommissioning it, if
20:43:34 8 the market no longer needs it? I know there was an
20:43:38 9 article in the Buffalo News that said this is
20:43:41 10 slowing down because gas is so plentiful; might not
20:43:46 11 make a lot of sense to National Fuel, made a lot of
20:43:48 12 us happy. We were hoping we'd never be here
20:43:50 13 tonight. What is your plan if you suddenly decide
20:43:51 14 that it doesn't make market sense for Pendleton?
20:43:53 15 We've got this huge complex less than 400 feet from
20:43:57 16 my house.

20:43:59 17 What about my in-ground swimming pool,
20:44:01 18 what's the site plan to protect the water from my
20:44:04 19 pool that we spent a lot of money and time to have?

20:44:07 20 What are you going to do about the smell?
20:44:10 21 I'm most concerned about the environmental impact.
20:44:13 22 I really don't even care about the look of it, to
20:44:16 23 be perfectly honest. As much as I want to have

20:44:19 1 tall trees and anything that we can do to slow this
20:44:22 2 down and make it difficult on you, most importantly
20:44:24 3 the environmental impact is what really concerns
20:44:27 4 me.

20:44:27 5 Another question for the record is, from
20:44:30 6 what I understand, this has never been done,
20:44:32 7 there's never been one built to this size and this
20:44:36 8 capacity. I might be wrong on that, but I'd love
20:44:39 9 to know what the environmental studies say from
20:44:42 10 that. I don't want to be, you know, unnecessarily
20:44:45 11 scared, but I'm scared and I want to know what it's
20:44:48 12 gonna do to the water that's less than 400 feet
20:44:52 13 away from it that I'd like to swim in and enjoy.

20:44:55 14 Finally, we talked about the fencing is. Is
20:44:59 15 a hunter gonna be able to see that? You're saying
20:45:02 16 it's very difficult to see. So, most of the
20:45:04 17 members we learned, unfortunately, of the Tonawanda
20:45:07 18 Sportsman's Club are not from our area, many of
20:45:10 19 them come from out of area, so when they come in
20:45:13 20 they're not gonna see the fence, as you've kind of
20:45:15 21 intimated here, how are we gonna keep them from
20:45:17 22 shooting at it?

20:45:18 23 And that's all. And I just want to thank

20:45:20 1 you again for giving us this opportunity. I hope
20:45:23 2 that it has an impact on your decision, and I just
20:45:28 3 really, you know, love Pendleton and I hope that we
20:45:31 4 can keep it the way that -- I'm all for progress,
20:45:33 5 but not for something that's going to hurt our
20:45:35 6 people and our kids. Thanks.

20:45:37 7 **CHAIRMAN McCAFFREY:** Thank you.

20:45:42 8 Tony Dell'Isola.

20:45:45 9 **MR. DELL'ISOLA:** No questions at this time.

20:45:50 10 **CHAIRMAN McCAFFREY:** All righty. At this
20:45:57 11 time, we'll end the public comment period onto
20:46:01 12 this.

20:46:01 13 Okay. The public hearing is going to remain
20:46:04 14 open, okay, until our next regular meeting.
20:46:09 15 However, the comment period is ending tonight. And
20:46:14 16 what it will be open for, okay, is to allow
20:46:17 17 National Fuel Gas and Empire to answer these
20:46:22 18 questions, okay, and get back to that in writing.

20:46:27 19 At our next meeting, we will have copies of
20:46:31 20 those responses back, okay, in writing as well as
20:46:36 21 we will make them public via the web.

20:46:40 22 Okay. Any questions regarding that process?

20:46:47 23 **FEMALE PUBLIC SPEAKER:** Will the entire

20:46:48 1 transcript be available or just the responses?

20:46:50 2 **CHAIRMAN McCAFFREY:** Just the responses.

20:46:52 3 The entire transcript -- if you're wishing for the
20:46:55 4 entire site plan, you'll have to make a FOIA
20:46:58 5 application for that.

20:46:59 6 **FEMALE PUBLIC SPEAKER:** I wasn't looking for
20:47:00 7 the entire -- I mean, I know about coming to look
20:47:03 8 at the books. I meant like -- like if I wanted to
20:47:06 9 know exactly what Attorney Walter said the entire
20:47:08 10 time, am I going to be able to read what she's
20:47:11 11 typing up?

20:47:11 12 **CHAIRMAN McCAFFREY:** Will you get a copy of
20:47:13 13 the court stenographer's? Okay.

20:47:18 14 **MR. WALTERS:** We do provide a copy to the
20:47:19 15 Town. They will have a copy; whatever rules they
20:47:22 16 have for accessing that.

20:47:23 17 **CHAIRMAN McCAFFREY:** Okay.

20:47:23 18 **FEMALE PUBLIC SPEAKER:** I'll figure it out.
20:47:24 19 Thanks.

20:47:25 20 **CHAIRMAN McCAFFREY:** Thank you.

20:47:26 21 **MR. WALTERS:** We're happy to respond in
20:47:28 22 writing to the comments. A lot of what we heard
20:47:29 23 here is things we've seen and heard before,

20:47:34 1 particularly relative to the FERC process. But we
20:47:35 2 heard a lot of good comments from particularly
20:47:36 3 close neighbors and we're happy to respond to those
20:47:41 4 comments.

20:47:41 5 **CHAIRMAN McCAFFREY:** Go ahead.

20:47:42 6 **MALE PUBLIC SPEAKER:** So you're saying --
20:47:44 7 Adam's saying that the only -- even though we all
20:47:47 8 gave to the stenographer tonight, we will not see
20:47:51 9 copies unless we come to the Town to see that? If
20:47:54 10 we want an actual copy, hard copy of that, we'll
20:47:56 11 have to FOIA for that process?

20:47:59 12 **CHAIRMAN McCAFFREY:** No, you won't have to
20:48:01 13 FOIA for that.

20:48:02 14 **MALE PUBLIC SPEAKER:** We won't have to FOIA.
20:48:02 15 How will we get a copy and who pays for it? Will
20:48:03 16 Adam pay for it?

20:48:05 17 **CHAIRMAN McCAFFREY:** I'm not sure exactly.

20:48:07 18 **MR. WALTERS:** We'll provide a copy to --

20:48:07 19 **CHAIRMAN McCAFFREY:** To the Town.

20:48:08 20 **MR. WALTERS:** John will have it. The
20:48:10 21 Planning Board Secretary will have a copy.

20:48:11 22 **CHAIRMAN McCAFFREY:** Depending on how many
20:48:13 23 pages and stuff that are involved to this, it may

20:48:16 1 require a FOIA application. I can't guarantee.

20:48:17 2 **MALE PUBLIC SPEAKER:** And then they respond
20:48:19 3 back to each with different questions since they're
20:48:23 4 not really responding to us, they're responding to
20:48:24 5 you, correct?

20:48:25 6 **CHAIRMAN McCAFFREY:** The response will come
20:48:26 7 to the Town and we'll give you an opportunity --
20:48:28 8 you'll be able to review the responses.

20:48:30 9 **MALE PUBLIC SPEAKER:** Are we allowed to then
20:48:32 10 comment back to them?

20:48:33 11 **CHAIRMAN McCAFFREY:** No. Public hearing
20:48:35 12 closes tonight.

20:48:36 13 **MALE PUBLIC SPEAKER:** Okay.

20:48:37 14 **CHAIRMAN McCAFFREY:** Okay. The comment
20:48:38 15 period closes tonight.

20:48:41 16 **MALE PUBLIC SPEAKER:** Okay. I don't
20:48:41 17 understand. So if it closes, everything closes,
20:48:45 18 then how do they have time after tonight to
20:48:48 19 respond?

20:48:49 20 **CHAIRMAN McCAFFREY:** They are going to
20:48:50 21 respond to the questions that you've posed, that's
20:48:53 22 why the court stenographer is here, to get and
20:48:57 23 compile those questions so that they can then

20:49:01 1 answer those questions for you.

20:49:03 2 **MALE PUBLIC SPEAKER:** I'm confused. I'm
20:49:05 3 really confused here, and please forgive me, this
20:49:07 4 is my first real public hearing so I'm totally
20:49:10 5 confused.

20:49:11 6 You guys -- the Planning Board called the
20:49:12 7 public hearing and we, as the residents, came here
20:49:16 8 or anybody can come in and comment tonight, which
20:49:18 9 we did. Now the public hearing process is they
20:49:22 10 respond to our questions, give you that
20:49:25 11 information, tell you, well, this is what the
20:49:28 12 residents think but this is how it really is, you
20:49:30 13 know, all these other things, and then it's closed.
20:49:33 14 But it's like, okay, I'm really confused, like am I
20:49:36 15 working for National Fuel because they're just
20:49:38 16 gonna -- I gave them a bunch of questions that they
20:49:41 17 haven't considered yet? So they're gonna go off
20:49:44 18 and consider those now?

20:49:45 19 **CHAIRMAN McCAFFREY:** All of those questions
20:49:46 20 that you have proposed have been considered. Okay.
20:49:48 21 They are all compiled in that monstrous document
20:49:52 22 that you see up there, okay. Every question that
20:49:54 23 has been brought up tonight in this room has been

20:49:57 1 gone over. I can assure you of that, okay, because
20:50:01 2 I've heard it multiple times. Okay. However, it's
20:50:05 3 buried in umpteen thousand pages.

20:50:10 4 **MALE PUBLIC SPEAKER:** Okay.

20:50:11 5 **CHAIRMAN McCAFFREY:** Now, what they're going
20:50:13 6 to do, okay, is extract that from them pages, okay,
20:50:15 7 and specifically answer your question posed.

20:50:19 8 **MALE PUBLIC SPEAKER:** Okay. So when I
20:50:20 9 talked about health impact and others talked about
20:50:23 10 health impact, they're specifically gonna address
20:50:26 11 health impact?

20:50:27 12 **CHAIRMAN McCAFFREY:** As best they can, yes.

20:50:29 13 **MALE PUBLIC SPEAKER:** Okay.

20:50:30 14 **CHAIRMAN McCAFFREY:** Okay. Nobody -- I
20:50:31 15 don't think anybody here has the ultimate on
20:50:34 16 medical impacts.

20:50:34 17 **MALE PUBLIC SPEAKER:** Okay.

20:50:36 18 **CHAIRMAN McCAFFREY:** Okay. Because no one
20:50:38 19 can look that far into the future.

20:50:40 20 **FEMALE PUBLIC SPEAKER:** That's the problem.

20:50:41 21 **CHAIRMAN McCAFFREY:** Oh, absolutely.
20:50:42 22 Everybody knows that. Okay. This is not -- this
20:50:44 23 is not just a National Fuel Gas issue, this is a

20:50:48 1 complete issue. Everything we read in the paper.
20:50:50 2 We've been bamboozled by sugar. The other day we
20:50:55 3 seen it on Splenda, we seen it on everything that's
20:50:58 4 going on. I fully understand where you people are
20:51:00 5 coming from. Okay. We have been bamboozled, okay,
20:51:03 6 in every direction and I sympathize with every one
20:51:07 7 of you because if it isn't this issue it's another
20:51:11 8 one. Okay. However, those questions that have
20:51:13 9 come up, that's how they have to be answered as to
20:51:16 10 the best we can at this time.

20:51:19 11 **MALE PUBLIC SPEAKER:** Okay. One other
20:51:21 12 question as we're talking. And just, like I said,
20:51:23 13 I'm confused, this is my first time.

20:51:24 14 So the other thing is we -- there's
20:51:26 15 documentation by Dr. Carpenter out of Albany and
20:51:30 16 there's other medical personnel that have done
20:51:32 17 studies on compressor stations and the toxic
20:51:36 18 emissions and the impact on health that have not
20:51:38 19 been addressed by National Fuel because they say
20:51:41 20 they don't have to do that. But we, as residents,
20:51:42 21 live here and our health is important to us. Just
20:51:45 22 as the health of the pipeline is important to them,
20:51:48 23 our health is.

20:51:50 1 **CHAIRMAN McCAFFREY:** You have to understand,
20:51:51 2 this is not where you can take that up. You have
20:51:53 3 to take that up on the federal level. This is
20:51:56 4 being handled by the Federal Energy Regulatory
20:52:02 5 Commission. Okay.

20:52:02 6 **MALE PUBLIC SPEAKER:** I understand that.

20:52:02 7 **CHAIRMAN McCAFFREY:** I live in Pendleton,
20:52:03 8 too. I don't like it either.

20:52:03 9 **MALE PUBLIC SPEAKER:** Right.

20:52:04 10 **CHAIRMAN McCAFFREY:** Nobody likes tailpipe
20:52:06 11 exhaust either, but we have no choice to this.

20:52:08 12 **MALE PUBLIC SPEAKER:** Yeah, this is a little
20:52:08 13 bit stronger than that.

20:52:09 14 **CHAIRMAN McCAFFREY:** Okay. But,
20:52:10 15 unfortunately, we do not have the right to override
20:52:17 16 the federal government onto this.

20:52:18 17 **MALE PUBLIC SPEAKER:** I understand.

20:52:19 18 **CHAIRMAN McCAFFREY:** And understand, okay,
20:52:22 19 that this particular project, they can actually
20:52:27 20 walk in here based on what the federal government
20:52:30 21 allows, okay --

20:52:32 22 **MALE PUBLIC SPEAKER:** Yep.

20:52:33 23 **CHAIRMAN McCAFFREY:** -- and build this under

20:52:36 1 eminent domain.

20:52:38 2 **MALE PUBLIC SPEAKER:** And I hope they can
20:52:38 3 all sleep at night.

20:52:40 4 **CHAIRMAN McCAFFREY:** So think about that
20:52:42 5 when you pull the voting machine in November.

20:52:44 6 **MALE PUBLIC SPEAKER:** Oh, I am.

20:52:44 7 **CHAIRMAN McCAFFREY:** Okay. That's it. I'm
20:52:46 8 going to take one more.

20:52:47 9 Ms. Lemieux.

20:52:48 10 **MS. LEMIEUX:** Lemieux, yes.

20:52:51 11 I have a question about the procedure. Just
20:52:53 12 maybe a suggestion. Instead of us having to FOIA
20:52:57 13 for it and such, would it be possible that National
20:53:00 14 Fuel, as a courtesy to us residents and to the
20:53:03 15 Town -- or the Planning Board, and even for
20:53:05 16 yourself, the Planning Board, put it on our website
20:53:08 17 as a PDF so we can download at our request?

20:53:15 18 **CHAIRMAN McCAFFREY:** I will put it to you
20:53:17 19 this way: The answers to the questions very well
20:53:20 20 may be able to be done that way.

20:53:20 21 **MS. LEMIEUX:** Okay.

20:53:21 22 **CHAIRMAN McCAFFREY:** Okay. I doubt very
20:53:22 23 much the transcript of this meeting is going to be

20:53:24 1 put on the web. That's way too much. We're not
20:53:28 2 gonna be able to get all of that on.

20:53:30 3 So allow us to try to sort that out, if we
20:53:33 4 can. We'll do the best we can with getting the
20:53:36 5 information out to you. Okay. We can't put a
20:53:40 6 hundred and forty some pages on a website.

20:53:44 7 **MS. LEMIEUX:** Sure, you can. PDFs, use it
20:53:44 8 all the time.

20:53:47 9 **FEMALE PUBLIC SPEAKER:** Yeah.

20:53:47 10 **CHAIRMAN McCAFFREY:** I'll end it right
20:53:48 11 there. Okay.

20:53:49 12 **MR. WALTERS:** Okay. Thank you.

20:53:53 13 **CHAIRMAN McCAFFREY:** Any other questions by
20:53:54 14 the Board?

20:53:55 15 **MALE PUBLIC SPEAKER:** I have a question.

20:53:55 16 **CHAIRMAN McCAFFREY:** Oh, I'm sorry, Wolf.
20:53:58 17 Go ahead. I'll allow you to go ahead.

20:53:59 18 **MALE PUBLIC SPEAKER:** I do have a question,
20:54:00 19 and I heard you just say that the health concerns
20:54:03 20 that the people had they had to take up with FERC,
20:54:05 21 but I think I heard him say that FERC only looks at
20:54:09 22 environmental issues and doesn't look at health
20:54:11 23 issues.

20:54:11 1 **FEMALE PUBLIC SPEAKER:** That's true.

20:54:13 2 **MALE PUBLIC SPEAKER:** So is there a more
20:54:15 3 definitive statement of who the residents can talk
20:54:16 4 to at the federal level with regard to health
20:54:18 5 concerns? There must be some agency that cares.

20:54:22 6 **CHAIRMAN McCAFFREY:** That -- well, let me
20:54:24 7 put it to you this way, okay, there's a lot of
20:54:27 8 awful smarter people than I am here that I'm sure
20:54:30 9 probably would have a better understanding of where
20:54:33 10 maybe possibly that type of information can come
20:54:36 11 from, but we all know, okay, that this is not --
20:54:40 12 this is the same issues that come up on every
20:54:43 13 project. Okay. This is nothing new. Okay. It
20:54:47 14 doesn't matter what the project is, it comes up
20:54:49 15 every time. Okay. How and where it gets
20:54:55 16 addressed, I don't have that information. I really
20:54:58 17 don't.

20:55:00 18 **FEMALE PUBLIC SPEAKER:** Can I ask a quick
20:55:01 19 question? I just wanted to know, when they come
20:55:03 20 back with their responses to all the questions that
20:55:06 21 were asked, I know we're not allowed to comment
20:55:08 22 anymore but what if we have legit things we find
20:55:12 23 wrong with their answers? You mean to tell me we

20:55:15 1 have to accept whatever they come back with now?

20:55:18 2 They might come back with answers to all
20:55:20 3 these questions that a lot of the researchers here
20:55:23 4 know there might be something wrong with their
20:55:25 5 answers, and you're telling us we got to shut up
20:55:28 6 and not say a word and accept whatever they say,
20:55:31 7 even if there's a problem with the answer. And I'm
20:55:33 8 sure there will be, because we know a lot of stuff
20:55:36 9 in this room.

20:55:37 10 **CHAIRMAN McCAFFREY:** All I can tell you is
20:55:39 11 you'll have to take those type of issues into the
20:55:41 12 courts.

20:55:41 13 **FEMALE PUBLIC SPEAKER:** Pardon me?

20:55:42 14 **CHAIRMAN McCAFFREY:** You'll have to take
20:55:43 15 those types of issues into the courts.

20:55:43 16 **FEMALE PUBLIC SPEAKER:** So you don't want
20:55:44 17 our responses to their -- when you get their
20:55:47 18 answers, you don't want us to tell you, well, you
20:55:49 19 know --

20:55:50 20 **CHAIRMAN McCAFFREY:** Well, this could go on
20:55:52 21 for a long time. Okay. The responses back and
20:55:54 22 forth can go on for a long time. We're allowing,
20:55:58 23 as per the state law, public comment time. Okay.

20:56:02 1 Then they're allowed to answer those public
20:56:04 2 comments. Okay. But further than that, that's as
20:56:09 3 far as it goes.

20:56:11 4 **MALE PUBLIC SPEAKER:** So are you going to
20:56:13 5 take into consideration what they put in their
20:56:15 6 responses in your decisions?

20:56:19 7 **FEMALE PUBLIC SPEAKER:** They have to.

20:56:20 8 **MALE PUBLIC SPEAKER:** Because --

20:56:23 9 **CHAIRMAN McCAFFREY:** That's a loaded
20:56:26 10 question that I won't even entertain.

20:56:29 11 **MALE PUBLIC SPEAKER:** You know where I'm
20:56:30 12 going at. I mean, they could have a whole book of
20:56:33 13 lies up there we haven't seen yet because we have
20:56:36 14 to FOIA for it just to research their whole site
20:56:39 15 plan. We haven't done that yet, so that could be
20:56:40 16 all lies. What they tell you next could be all
20:56:42 17 lies. So you guys haven't heard our full side of
20:56:47 18 the story on what --

20:56:47 19 **CHAIRMAN McCAFFREY:** All we can go by at
20:56:50 20 this particular point, okay, there is tremendous
20:56:52 21 amount of information there that has been done by
20:56:55 22 third-party engineers, okay. We have had a lot of
20:56:57 23 that information there researched by our own Town

20:57:02 1 engineer, okay, at National Fuel Gas's expense,
20:57:07 2 okay.

20:57:08 3 And this has been going on, okay, as Adam
20:57:11 4 said, for the past 12 months. Okay. I kid you
20:57:16 5 not, I am swimming in paper, okay, from all
20:57:21 6 entities. Okay. Environmental people, engineers,
20:57:25 7 many, many, many third-party people, okay, that are
20:57:30 8 backing up the documentation that's involved. This
20:57:34 9 is not he said/they said, okay. This is solid
20:57:40 10 documentation that's been backed up by third-party
20:57:44 11 circumstances.

20:57:44 12 More than that, we can't do. It's basically
20:57:49 13 no different than if it was a subdivision, we
20:57:53 14 require that particular party to get a traffic
20:57:56 15 study. Okay. The traffic study is done by, quote,
20:57:59 16 unquote, professional people who deal with this.
20:58:03 17 We have to take that as understanding and gospel.
20:58:07 18 Okay. We don't have a whole lot of choice. And
20:58:12 19 that's what's been going on all the way through
20:58:14 20 this process. Okay.

20:58:17 21 Close the meeting at this time. Thank you.

20:58:20 22 **MR. WALTERS:** Thank you.

23 (Proceedings concluded at 8:58 p.m.)

1 STATE OF NEW YORK)

2 ss:

3 COUNTY OF ERIE)

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5 I DO HEREBY CERTIFY as a Notary Public in and
6 for the State of New York, that I did attend and
7 report the foregoing proceedings, which were taken
8 down by me in a verbatim manner by means of machine
9 shorthand. Further, that the proceedings were then
10 reduced to writing in my presence and under my
11 direction. That the proceedings were taken to be
12 used in the foregoing entitled action.

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LYNN MYERS,
Notary Public.

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