



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION**

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SPECIAL MEETING

Elizabeth M. Wilson

THURSDAY, SEPTEMBER 22, 2016

7:00 PM

KILLINGLY HIGH SCHOOL AUDITORIUM
226 PUTNAM PIKE, KILLINGLY, CT

MINUTES

I. CALL TO ORDER – Chair, Keith Thurlow called the meeting to order at 7:06 p.m.

ROLL CALL - Brian Card, Todd Nelson, Sheila Roddy; Virge Lorents, Keith Thurlow. Milburn Stone was absent with notification.

Staff Present – Sean Hendricks, Town Manager; Ann-Marie Aubrey, Director of Planning and Development; Elsie Bisset, Economic Development Director (seated in the audience).

Also Present (seated in the audience) – Town Council Members: David Griffiths; Joyce Ricci; Ed Grandelski; Gail Oatley-Pratt.

Present From NTE Energy:

Tim Eves, Senior Vice President of Development

Mark Mirabito, Chief Operating Officer (overseeing all development on this project)

Chris Rega, Senior Vice President of Engineering and Development and Operations

John Gulliver, General Counsel (Energy and Corporate Law)

Ken Baldwin, Local Counsel

David Groleau, Developer

Scott Heskitt, Traffic Studies

Norm Thibeault, Killingly Engineering Associates

Present From Tetra Tech, Environmental Consultant on this project:

Lynn Gresock, Vice President of Power

Fred Sellars, Vice President of Power

II. SEATING OF ALTERNATES

Due to the absence of Milburn Stone, Chair, Keith Thurlow announced that Virge Lorents would be seated as a voting Member.

Motion by Brian Card to reorder the Agenda to switch the order of the two items under:

V. BUSINESS

- 1) Questions, Discussion and Comments by and between the PZC and the Town's Consultant regarding the Application for a Certificate of Environmental Compatibility and Public Need for the Killingly Energy Center by NTE Connecticut, LLC to the CT Siting Council – discussion to include all appendices and maps.
- 2) Response, Questions, Discussion and Comments from NTE Connecticut, LLC and Commission Members and the Town's Consultant

to, as follows:

V. BUSINESS

- 1) Response, Questions, Discussion and Comments from NTE Connecticut, LLC and Commission Members and the Town's Consultant.
- 2) Questions, Discussion and Comments by and between the PZC and the Town's Consultant regarding the Application for a Certificate of Environmental Compatibility and Public Need for the Killingly Energy Center by NTE Connecticut, LLC to the CT Siting Council – discussion to include all appendices and maps.

Second by Todd Nelson. Motion carried unanimously (5-0).

III. CITIZENS' COMMENTS ON AGENDA ITEMS

Renee King, Thompson, CT, read from a DEEP press release from June 6th, in which, it states that no project may be selected unless its benefits exceed the cost to Connecticut rate payers. Ms. King feels that two more gas-fired, power plants in the tri-state region will be detrimental to the rate payers of northeast Connecticut as they will impact air, water and land on the local level. She stated that the larger issues are:

- What is our collective responsibility to future generations?
- How do we choose to provide energy justice for all?

Ms. King stated that the tri-state region is already home to eight power plants, and several, federally-classified, distressed communities. She stated that research shows that air pollution, specifically small particulate matter, is linked to an increase in a variety of diseases, disorders and mortality rates. She asked that the Commission refer to a website and the information provided.

Ms. King feels that the perceived short-term gains for the Town of Killingly would significantly impact the long-term health, safety and general welfare of its citizens and the entire region. Air pollution and aquifer depletion do not recognize town lines or state boundaries.

Ms. King read a quote from David White, poet and author, "Courage is what love looks like when tested by the simple everyday necessities of being alive." She stated that clean air, clean water and clean land are our simple, everyday necessities of being alive. She stated that our elected officials have a rare opportunity to protect our Last Green Valley for future generations and to provide energy justice for the citizens of the tri-state region. She asked the Killingly Planning and Zoning Commission what its legacy will be.

Peter Corinsky, 196 Forest Lane, stated that he did research on the Algonquin Pipeline. He stated that 100 percent of the gas in the Pipeline comes from fracking. He stated that there is a good chance that the production of gas will be shut down by the government, at some point, due to the amount of water pollution that it causes. He explained that Rhode Island and New York State both have protests against the Algonquin Pipeline. He stated that 25-30 percent of all raw methane released in the United States comes from leaking compressors on the Algonquin Pipeline. The closest pumping station to this area is a 7500 horse-power compressor which is located in Chaplin, CT. He stated that prolonged exposure to fossil fuels leads to host of bad health issues.

Mr. Corinsky fears that the fracked gas will be shut down and we will be stuck with old-fashioned technology.

Karen Johnson, 1819 Upper Maple Street, referred to the 28 pages of comments from TRC and stated that they showed courage and great technical comments in the review of the Application. She stated that TRC has ratified everything that has been said for the past six months: that NTE has not been forthcoming with information; appropriate due-diligence for this

property; this is not the right location for a power plant. She stated that there were 16 comments relating to storm water and that you can engineer anything for the money. In this case, she stated that TRC is showing the Town and NTE that this site does not work due to all of the reasons outlined in tremendous detail relating to grading, storm water, the storm water pollution-control program, impacts to wetlands, erosion control, and ultimately, how this plan will be constructed on the site. She stated that NTE's response has been that they mostly disagree, but sometimes they agree, and that they will redesign some things (due to errors that were pointed out) but not at this time. She stated that there are implications to this as every site has site constraints. She referred to an earlier analysis that VHB had prepared for the Economic Development Commission which states that this site and all sites adjacent to it are not suitable for more intense industrial development. She asked why NTE should be trusted when they haven't submitted the back-up documentation in response to TRC's comments. Ms. Johnson stated that in one of NTE's Brochures it states that they construct, own and operate power plants. She stated that when asked where they operate plants, they stated that they don't and that there were only two under construction.

Ms. Johnson said that over the last six months, NTE has consistently failed to provide adequate information to really assess the impact on this community until they submitted to the CSC. She stated that, at another public participation meeting, NTE was asked to submit a copy of the Application before submitting it to the CSC and NTE said that they would, but then NTE submitted it to the CSC containing significantly more information than released publicly for review and analysis. She stated that the site does not work the way they want to develop it and there is no way to evaluate the impacts on the adjoining property owners, wetlands, the river, the environment, on health, and on the quality of life.

Ms. Johnson requested that the Commission tell the CSC that it is inadequate, it is not the right location for it. Just say no.

Jason Anderson, 125 Lake Road, voiced concern for the impact of traffic. He stated that the Traffic Report stated nothing regarding the impact on traffic during the gas line lateral, water line and sewer line being brought in. He asked, if the water line and sewer line are coming in to the east of the facility, how is that going to impact traffic coming from I-395 to the facility? He was concerned for tractor trailer trucks being able to navigate the corner safely (they have not spoken about widening it). How will this affect the people on Lake Road?

Mr. Anderson stated concern for noise. He said that, in their Application to the CSC, NTE wrongfully stated Killingly's Noise Ordinance which says, "the zone in which receptor is located." It does not say what type of facility the emitter is. He stated that, according to the CSC, they do not have jurisdiction to change zoning on either parcel of land. Therefore, being a residential-zoned parcel adjacent to residential-zoned parcels, the nighttime decibel limit would be 45. NTE incorrectly stated, in their Application to the CSC, that Killingly's Ordinance says that 51 decibels is the limit. Mr. Anderson stated that the map in NTE's Noise Report shows that they exceed 45 decibels into several parcels of land with homes on them (his being one of them). He will no longer be able to sleep with the windows open.

Mr. Anderson also stated concern regarding information in their Report regarding steam blows and other activities that may occur 24 hours a day, seven days a week, up to the last six months of construction. He stated that sleep disturbances cause health problems. He referred to research and reports from the World Health Organization and the Rhode Island Department of Health. He said that the Town Charter states that you cannot get a variance to the Noise Ordinance if the noise would cause health problems.

Carolyn Johnson, Sawmill Road and Newington, CT, spoke of concern regarding the aqueous ammonia and diesel being stored on-site. She asked if there is an emergency response plan to deal with this potentially life-threatening situation.

Joann Tetreault, Cotton Bridge Road, stated that the stack will be huge and that Killingly does not need a skyline.

Helen Dombrowski, 505 Putnam Pike, asked, if the Lake Road Generating Plant is generating at 30-70 percent and the demand for electricity is low, then why do we need another power plant in this Town? Why doesn't the Lake Road plant just increase their power output and sell the excess? If the demand is not there, then why rip up the streets, gas lines, water lines? Why ruin the great open spaces that we have? Why potentially hurt our water and air? This will no longer be the quiet corner, it will be known as the polluted corner.

Bill Tetreault, Cotton Bridge Road, referred to the POCD and said that this Application goes against it in many ways and he does not see how the Commission could approve of this Application for this power plant. He read from the goals for natural resources from page 8. He read from the CT General Statutes (Section 22a-1 Policy of the State). He referred to an aerial map that was displayed (from Google Earth) and orientated the area. He stated that this is creating a pollution triangle and that its completion will diminish the livability of a Town that its upstanding residents adore. He asked that the Commission tell the CSC that they don't want this and neither do the residents. He had submitted information to Ann-Marie Aubrey.

Frank Aleman, 30 Sawmill Road, stated that the Consultant's Report is being analyzed and he submitted copies of a sheet showing 25 items which NTE disagrees with regarding TRC's report. There are 2 items that NTE will take action on. Mr. Aleman explained that there are 21 items that NTE would comply with, but only if directed by the Town or the CSC. Mr. Aleman stated that, if the Town mandates that they do something, the Town will end up paying for it through rebates on their taxes.

Mr. Aleman stated that NTE will only give further information to the Town's Consultant under a non-disclosure agreement, therefore, the Commission and the public will never know what was discussed.

Mr. Aleman asked the Commission to have the courage, like Burrillville did, to say no. He said there will not be any benefit to this Town.

Heather Knoll, Cottage Street, voiced concern for air quality in this part of Connecticut as it seems people are getting sick around here for no reason. She wants a safe, healthy and clean place for her children to grow up in. She asked, on behalf of all moms in the quiet corner, that the Commission reject the proposal and try to find healthy businesses that won't suck up our water, fill up our waste treatment plants, pollute our air and environment, and that actually create jobs for the residents of Killingly. She stated that it would be especially nice if we could find a company whose service/product actually benefits Connecticut.

Glen Meyer, 64 Mashentuck Road, stated that we are going to backwards technology (updating old-fashioned technology). He stated it is possible to go solar, wind or hydro. He feels it is controlled by big business interests and that money is the motivation. He spoke of some of the history of the Town. He said that everyone in here is against this, so get more together and stop it.

Richard Segore, 139 Pratt Road, stated that, after drinking a glass of water from the faucet, his grandson exclaimed, "Grandpa, this water tastes good!" Mr. Segore stated that he is an unemployed electrician and that he has tried to get jobs in the community, without luck, and asked, "What about this job coming up?"

Nate Tizzler, Brooklyn, spoke in favor and stated that he is a crane operator and he has to travel to get work (Hartford, Waterbury, New Haven, Danbury, etc.) and, as long as everything goes through and there is no harm to the community, he would like to see the project go in and providing 200-400 jobs for construction workers. He said that money made in the community is money spent in the community.

Matt Shelton, Boys Avenue, spoke in favor and stated it would be cutting edge technology to the community, bringing 200-300 jobs to the community.

Charles Wilson, Sawmill Road and Willington, stated that no jobs had been specified for Killingly. He stated that the men from the union are here because they need work. He asked that people remember that NTE is here because it is good for them, but the public is here because it is good for the community.

Motion by Sheila Roddy to extend the Citizens' Comments an additional 15 minutes. Second by Brian Card. Motion carried unanimously (5-0).

Earl McWilliams, 215 North Shore Road, spoke of his concern with the 150-foot tall stack. It states in the Report that NTE admits that they will not meet the significant impact levels for two very dangerous pollutants: nitrogen oxide and particulate matter 2.5. They also admit, in the Report, that they do not meet good engineering practices. He explained the downwash effect which causes a vortex if the stack is not of sufficient height. According to the EPA (1985) the stack should be 2.5 times the height of the next highest building on the site. The next highest building is 90 feet tall, therefore, the stack should be 225 feet high (95 feet higher than proposed). Mr. McWilliams explained that the Burrilville stack is 220-feet high and, additionally, it is on the highest elevations in Burrilville, so the people of Burrilville won't experience those pollutants.

Mr. McWilliams fears that, on a windy day, the pollutants spewing out of the stack and will get caught in a vortex and will not dissipate 30 miles away, but will settle in Rogers, Killingly, Pomfret, Putnam and Woodstock. He stated that the Commission doesn't have anything specifically to do with the height of the stack, but they do with the safety and health of the people living underneath the stack.

Heather Knoll, Cottage Street, stated that her family is from a rural town where there were are a lot of mills. Now, the town is practically abandoned and there is a smell from the pollution from the factories that still lingers there.

John Sarantopoulos, 37 Tunk City Road, spoke in favor and said that he wants what is best for Killingly. He said that he has seen Killingly make a lot of decisions to its detriment. He said that he has not heard anything that substantiates the concerns that this shouldn't be built. He said that he trusts that the CSC, the P&Z Commission and Town Council should be able to sort out what Killingly should do once all of the facts and concerns are weighed. He stated that there is an advantage for Killingly and it is taxes. They could be the biggest taxpayer in Town. He commended people for coming out and standing up for what they believe, but stated that the future of this project has to be based on facts. He will leave it up to the experts.

Renee King, Thompson, CT, stated that she has submitted facts in a stack of research regarding the adverse health effects of air pollution and small particulate matter. She stated that the facts that she has submitted were taken from pubmed.gov.

Jason Anderson, 125 Lake Road, stated that Mr. Sarantopoulos was in attendance at Town Council's meeting last week where a report was presented to Town Council/Town Manager. The report was based on a 32-page report (which was based on a ten-year study done with restricted information from the Census Bureau) by someone from the University of California, School of Business (which spoke of the impacts of power plants on property values). Mr. Anderson stated that the report shows that the residential properties within a 2-mile radius look to lose \$10.7 million in cumulative value (almost \$250,000.00 in tax revenues to the Town).

IV. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS – There were no comments.

V. BUSINESS

1) Response, Questions, Discussion and Comments from NTE Connecticut, LLC and Commission Members and the Town's Consultant.

Mark Mirabito, NTE, Chief Operating Officer responsible for overseeing the project in Killingly, thanked the Members of the Commission for their efforts in reviewing the Application. He stated that NTE has prepared a detailed response to TRC's report. Mr. Mirabito explained that NTE's response falls under three categories:

- Areas where TRC's comments/recommendations could result in potential changes to the design/layout of the facility if the Commission/Town desires to make such a change;
- Some of TRC's comments can be addressed through re-calculations, supplemental information or clarifications. In all of these cases, the re-calculations, information and clarifications have been provided.

- In a few instances where NTE disagrees with TRC's opinion, NTE has provided information to support their position on each particular topic.

Mr. Mirabito stated that NTE is looking forward with working with the Commission and Staff to incorporate changes to the design, to make everyone comfortable with the project that is being done in the right way and to the Commission's satisfaction. He stated that there is a full team of people present who are involved in various aspects of the project to answer questions.

Virge Lorents asked about the offset purchase formula. She stated that the formula was never clearly and specifically explained. What is the quantity of benefit to the community that results from this formula?

Fred Sellars, Tetra Tech, Vice President of Power, explained that the formula is 1.2 times the annual emissions of nitrogen oxides which is the precursor to ozone. The facility's maximum potential annual emissions of NOX would be 138.6 tons. Therefore, the facility would be required (by the Clean Air Act) to purchase 166+ tons of NOX offsets.

Virge Lorents asked about the repeated use of "non-disclosure agreement" as a way of not allowing the public to know information. She asked Mr. Stopper, at what point would an FOI request (and to whom) be able to override a non-disclosure agreement.

Carl Stopper, TRC Environmental Corporation, said that statements made in the NTE report, rebuttal to TRC's comments pertaining to certain aspects of the Economic and Environmental Impact Analyses NTE require that a non-disclosure agreement be executed between NTE and TRC on a project with a public face to it as this has. Mr. Stopper stated that he had never come across this.

Mr. Stopper spoke with Melanie Bockman, Acting Executive Director of the CSC. Mr. Stopper clarified that all of the documents that make up the Application are the current record and the CSC goes through a process for their review of that. He stated that until the CSC has had a chance to review what the Town's recommendations are regarding its authority to regulate and restrict under the CSC Regulations, it is appropriate to address NTE's response to TRC's comments through the CSC's process. Mr. Stopper explained that there are two parts to the Regulate and Restrict Provision:

- The Restrict Provision states that the Town can either offer an alternative site to the CSC or they can restrict within the boundaries of the property where the plant should be located;
- The Regulate Provision is what the Commission's recommendations are to the CSC, what the Commission would like the CSC to put in the conditions of their approval or disapproval, and the conditions that the Commission would like the CSC to impose upon the Applicant if the Application is approved.

Mr. Stopper explained that NTE may have an opportunity to file a revision to their Application, but there is nothing that can be done at this stage to change what is in the document that NTE provided to the Town (which is the current record). The Commission is looking at what is on the record that has been filed with the CSC and comments should be geared toward that. He stated that there may be an opportunity either through the interrogatory phase or the public phase to request changes/revisions, and those things can possibly take place, but it is up to the CSC to decide how they want to manage that. He wanted the Commission to realize that any of the recommendations that NTE made in their response are not official because the CSC may not accept them. He advised that any of the concerns that TRC has raised and issues that NTE has put into their response should be taken into consideration when deciding what the Commission wants to represent to the CSC in its response.

Mr. Mirabito stated (for clarification) that Mr. Stopper's description of the process is exactly as NTE had envisioned it. NTE wanted to acknowledge that TRC's recommended changes are modifications that they could make and that NTE was not presuming that they are changes that the Town would definitely want to incorporate. They could be worked into the Town's recommendations to the CSC.

Mr. Mirabito explained that the "non-disclosure" specifically relates to the economic impact analysis and, before sharing proprietary information, the consultant asked for a non-disclosure agreement as it is commercially-sensitive, proprietary information. Mr. Mirabito asked that it be pointed out if there is another area where information is not being provided.

Sheila Roddy asked why the non-disclosure agreement (NDA) wasn't in place before the process was started since NTE knew that there would be a consultant review. She stated that the purpose of an NDA is when you partner with another company, but Mr. Stopper is only providing a review. She stated that it is difficult when the Commission does not have an understanding of have enough details regarding the analysis that NTE did. She asked how long it takes to put an NDA in place.

Mr. Mirabito stated that NTE is happy to provide the details and that an NDA can be put in place within a day.

Mr. Stopper recommended that, since TRC is under contract with the Town of Killingly, that the Town's legal counsel be the one to review the non-disclosure agreement and determine whether it is appropriate or not. He stated that TRC will do their own internal review with in-house counsel.

Sheila Roddy stated that she had asked (at a previous meeting) for the status on NTE's current projects under construction. Are they on schedule, on budget?

Mr. Mirabito explained that only the questions in the TRC Report were addressed.

Chris Rega, NTE Senior Vice President of Engineering and Development and Operations, stated that he had been at both construction facilities over the last couple of weeks and both are within schedule and budget and both are at about 40-percent complete. They just crossed 250,000 manhours without any lost-time incidents.

Sheila Roddy asked about plants that are being displaced resulting in lower wholesale energy costs. She asked what plants are going to be displaced.

Mr. Mirabito explained that he would have to ask PA Consulting if they can identify the specific plants being displaced. He stated that it relates to the efficiency of the plant, so the plants with lower efficiency would be the ones that are displaced.

Sheila Roddy would also like to know about the need to generate electricity when some of the local plants have surplus energy that they are not able to sell on the open market. There doesn't seem to be a need in the local area for this power.

Mr. Mirabito explained that the way the regional grid works is that a facility here can help supply the need elsewhere in New England. In general, it has to do with peak capacity of the region. The bottom line goal of the regional grid operator is to ensure that the lights stay on at all times. They have a formula that predicts what the total capacity necessary is to supply all of New England and they feed that into a capacity market mechanism that provides revenue for projects like NTE's.

Sheila Roddy asked if sites were considered that are closer to where the need for the power is, because people are concerned about the local environment and breathing the air.

Mr. Mirabito stated that they did, but they quickly narrowed in on Connecticut primarily because of the infrastructure. There are constraints in other parts of New England that make a project like this more challenging to get to construction, so they wanted to pick a site that had viable infrastructure to support it.

Sheila Roddy stated that the POCD and that area is not zoned for this type of development.

Mr. Mirabito stated that the POCD did target this area for industrial development which is one of the reasons for selecting this site.

Virge Lorents stated that the Town had paid for a study to find out how feasible it was to use that land for industrial purposes. It got a very low rate. She stated that the POCD is not a legal document. Mr. Mirabito stated that he has not seen the feasibility study.

Keith Thurlow asked about steam blows. He asked about the decibel level.

Mr. Rega stated that the steam blows happen once (continuously for a week or two) during the commissioning period of the facility (during the last six months). It is done as a cleaning process for the piping. He stated that there are silencers to keep the noise level very low. He said that he has witnessed steam blows and has stood near the silencers without hearing protection. Mr. Rega will provide information regarding decibel level.

Virge Lorents asked about the 547 tons of renegade (toxic) material (drips on the floor). She wonders why a government entity allows this without requiring that fittings need to be better, procedures need to be less sloppy.

Mr. Stopper asked where she read this information. Ms. Lorents will find it.

Keith Thurlow asked about the process for emergency response. He asked who would be the contact in the event of an emergency.

Chris Rega stated that a detailed emergency response plan would be in place during construction commissioning and operations. He assumes that the Fire Chief and Police Chief would be contacted in case of emergency.

Keith Thurlow stated that, for the other power plant, the Town Manager, Town Planner and Fire Marshal were contacts. He stressed that it be posted so everyone will respond to the right people for speed and efficiency. He asked what people the Town should contact and that a list be provided to the Town.

Mr. Mirabito stated he agrees, but does not know who that person will be at this time. He stated that the plant will be staffed 24/7 and someone will be available for immediate reaction.

Keith Thurlow asked if this would also occur during the construction phases.

Mr. Mirabito stated yes.

Keith Thurlow asked about signage and fencing for security purposes.

Mr. Mirabito stated that the site will be fully fenced, with a controlled gate, during construction and operation. He stated that the construction contractor will maintain security on the site and, when his work is finished, he will turn it over to NTE.

Keith Thurlow asked for an explanation regarding the road proposals/changes from Forbes Drive to the site.

Mr. Mirabito stated that, preliminarily, they are thinking about doing the following:

- Widening the road from Forbes Road to the curve (from 22 feet to 30 feet);
- Widening the curve to 40 feet;
- Tapering back down to 30 feet on the back side (west side) of the curve to the plant entrance, and beyond plant entrance B, the existing road.

Mr. Mirabito stated that they are just beginning the process of surveying the property to fully define the scope and they are working with the Town Engineer.

Keith Thurlow asked if they foresee any road changes regarding sharp corners.

Mr. Mirabito stated that they do not anticipate any significant changes. It is simply a widening of the road as currently configured. They feel this will take care of two-way truck traffic.

Keith Thurlow asked about proposals from the Plant to Route 101. Will they be putting in water or gas lines there?

Mr. Mirabito stated that the gas lateral will be replaced/increased in size in the stretch of Lake Road from where the current lateral intersects with Lake Road and runs east toward the Industrial Park. The road will be restored to the proper condition. Figure 8-1 in the Application has a graphic of the pipeline route.

Keith Thurlow asked if it is where the pump station is. Mr. Mirabito stated that he is not sure, but he explained the route.

Todd Nelson asked, "Since the power is going to be fed to the regional grid, what effect will it have on local electric rates?"

Tim Eves, NTE Senior Vice President of Development, stated that he would answer the earlier question about why NTE chose this site in Killingly. The Norwalk plant has been retired and four more big plants in Connecticut are slated for retirement. He stated that there is need as a lot of capacity is being taken out of the grid. He explained that the Lake Road Plant doesn't run more because you need to have the electricity to meet the peak demand (you can't store it). He explained that the proposed plant will be less expensive to run than the older, less efficient plants will be called on to run more than the older plants, and as you push those plants higher in the stack, it will drive the wholesale power down.

Todd Nelson asked if there is any projection on the rates.

Mr. Eves stated that what he thinks is that the proposed plant will keep rates from going really high.

Sheila Roddy stated that she had done some research and that, outside of Hawaii, Connecticut has the highest retail electric rates in the country.

Mr. Eves explained that what goes into your electric rate is not just the cost of the power plant or the fuel that goes into the power plant. It is the transmission lines, the distribution lines, the maintenance people, surcharges, etc. He stated that burning fuel more efficiently will have a positive effect on the overall rates.

Keith Thurlow asked if there will be overnight hours of operation.

Mr. Rega stated that, generally, hours will be normal Monday through Friday, daytime working hours for construction. He stated that there will be certain commissioning activities that may have to run overnight. No excavating, breaking ground or crushing rock during the night. Pouring concrete foundations will have to be done overnight. Keith Thurlow stated the concern is for peace and quiet for people in the evening hours.

Keith Thurlow asked about the maximum number of employees that would be there at any given time during the construction phase.

Mr. Rega stated 350.

Keith Thurlow asked if they will be able to accommodate that many people to park.

Mr. Rega stated that they have some on both parcels, some on the north and south sides of Lake Road, they also have some temporary construction facilities designated on the site plan. It shows an area, not designated parking spaces.

Keith Thurlow stated that he would like to see a site plan reflecting that as it is a lot of cars and it will be a significant impact to the traffic from existing industries. He asked if they have plans for traffic control.

Mr. Rega stated that the traffic control that they envision now is just ensuring that the traffic will be heading toward I-395. The contractor that they will bring on, at some point, will be looking at a more detailed plan for where parking might be.

Keith Thurlow stated that this is a concern and that there should be solid documentation as to what is going to take place regarding pedestrian traffic, vehicle traffic and construction equipment traffic. Will they restrict employees from travelling south to Route 101.

Mr. Mirabito stated that their intent is to encourage them to go east toward I-395. The traffic study was based on worst-case analysis (during rush hour). All intersections were evaluated and it was determined that the existing road structure could handle it. The DOT has reviewed the CSC Application and had no comments.

Keith Thurlow stated that he would like to see the concerns of the Commission be addressed. He suggested time changes or shifts so that they don't all leave at the same time. Mr. Mirabito mentioned encouraging carpooling and he stated that the peak of 350 employees is temporary for only 2-3 months.

Keith Thurlow asked if the proposed parking would be paved. NTE answered that it would be gravel.

Keith Thurlow asked if they would address dust control. Mr. Mirabito stated that they would.

Keith Thurlow asked if there would be temporary site lighting. Mr. Rega stated that he would have to check into whether there would be temporary lighting for the temporary parking areas. Work will be done during day time, but during winter, it gets dark early, so they may need some type of lighting.

Sheila Roddy asked about the downwash effect regarding the height of the proposed stack and the building (ratio of 2.5).

Fred Sellars explained that the air quality models take into account temperature of exhaust, flow rate and influences by other nearby structures that might affect dispersion from the stack. If there are very tall features near the stack it can increase downwash. Which is air blowing over the building affecting the release of emissions from the stack. He stated that it is all taken account of in the air quality model. Mr. Sellars explained the EPA established Good Engineering Practice Rules in 1985 and what prompted them to come up with Good Engineering Practice stack heights was to limit the height of stacks. The formula is that the maximum height of stack that you can build is 2.5 times the height of the controlling structure. You are allowed to build a stack that is lower as long as the air quality modeling shows that you comply with all of the standards. He stated that the proposed stack is lower than the maximum that would be allowed by the EPA, but it meets all of the air quality standards and, therefore, they feel they've done the correct balancing. The height of the proposed stack is 150 feet and the height of the controlling structure is 90 feet.

Sheila Roddy asked if concrete will be trucked in or will it be on site. Mr. Mirabito stated that it would be trucked in.

Keith Thurlow asked if the back of the property borders the property that goes to the River. Mr. Mirabito stated that it does not. The Windham Land Trust owns the property in between.

Keith Thurlow stated that there were suggestion regarding berms and asked if berms had been considered as a benefit to neighbors.

Lynn Gresock, Tetra Tech, Vice President of Power, explained that berms are considered as part of mitigation and that they need a wider base at the bottom than the height. They tend to take up a lot of space for what they provide and, so, sometimes aren't the most effective means to accomplish the goals that are trying to be achieved. Measures like that are among those that are in the process of being considered. In addition to trying to accomplish some of the noise and visual screening, they are trying to stay with a significant buffer around the property as well.

Sheila Roddy asked, about the items that were indicated that NTE could do if directed by the Town, would NTE be anticipating tax rebates regarding those changes?

Mr. Mirabito stated that they would not and that NTE would include it as part of the project cost.

Virge Lorents stated that she would like to extend the question. She asked, "How about no rebates from the citizens of Connecticut?"

Mr. Mirabito stated that there would not be and that the project would absorb the cost of those modifications to the design.

Keith Thurlow asked what the intent is to bring the property across the street back to some kind of a natural state.

Norm Thibeault, Killingly Engineering, stated that George Logan from Rema Environmental Services has some mitigation and remediation area on the other side of the street that will be incorporated. During the construction phase, a gravel base will be put down for parking. After termination of the construction phase, there is a proposal to do some wetlands mitigation to offset the impacts that are proposed as part of the construction on that side of the road.

Keith Thurlow asked about buffers and, if there are gaps, will they be filled in to maximize buffers between the neighbors.

Lynn Gresock explained that it is the goal to have vegetation around the edges of the site to the extent possible. She stated that along the entrance driveway it doesn't make sense to have vegetation due maintaining a proper sight line. The goal is to keep as much of the natural vegetation around the site as possible and for it to grow and enhance the buffer. It is the plan to fill in any gaps by planting something appropriate to maximize the buffer.

Virge Lorents asked about soil and slowing down water so it will have more time to seep into the ground. She asked if there will be a program for sweep out all the depressions that slow down the water flow.

Lynn Gresock explained that Norm Thibeault and his team have been developing a lot of details around the drainage. Every basin that is designed to slow the water and to collect and retain sediment that prevents it from flowing off site is part of a maintenance program. She stated that there are obligations during construction as well as during operation to ensure that all measures are functioning properly and well maintained.

Virge Lorents asked a question for Town Staff. She asked, with respect to the projected economic benefit to the community, whether the Town has accumulated any data, since Lake Road Generating was built, regarding whether promises made had been kept. She asked if this had been analyzed specifically for Lake Road Generating.

Sheila Roddy asked about zero discharge technology (Ocean State Power has its own water treatment plant with no waste water) and whether that had been considered.

Mr. Rega explained that it is possible and there are plants that do run with zero discharge, but it is usually only used in areas where there is no other ability to discharge water. It was not considered here as it is a difficult operation using chemical feed systems and other equipment that would, potentially, have an impact on the viability of the facility.

Tim Eves followed up on process. He stated that the Commission can now send a document containing its recommendations for consideration by the CSC. He explained that NTE's response is to help the Commission to prepare its Regulations and Restrict Order which would be submitted to the CSC, the CSC would probably accept all of the recommendations, the CSC would put them in its certification to NTE, then NTE would incorporated them into the design of the facility.

Mr. Eves explained that the information that would be protected by the non-disclosure agreement is for the few, but commercially sensitive, underlying assumptions that PA Consulting uses to make their forecasts (which is the fundamentals of their business). He stated that NTE could get PA Consulting work with Mr. Stopper (to share those commercially-sensitive pieces of information) to get an NDA in place. This may help TRC to have a better understanding of basis of the Economic Benefit Analysis.

Ann-Marie Aubrey stated that the Board would request this.

Keith Thurlow asked that NTE incorporate Regulations Section 560 - Earthfilling and Excavation into the process.

Ann-Marie Aubrey suggested that a workshop be held for the Commissioners to start putting together the Regulations and Restrictions.

Sheila Roddy stated that many people have expressed that they do not want this power plant and she asked if there would be provisions for the Commission to recommend that it be rejected. She wants everyone to know that the Commission is trying to take into account what everyone has expressed.

Keith Thurlow stated that there was a letter from the SCS that there will be public hearing on October 20, 2016, at 6:30 p.m., at the Killingly High School Auditorium. The public will be allowed to make brief statements into the record. The letter also stated other reviews that will be taking place:

- Public Field Review, October 20, 2016, at 3:30 p.m.
- Hearing Session, November 3, 2016, at 11:00 a.m., at the Office of the Council, 10 Franklin Square, New Britain, CT.

The Commission decided to hold a workshop meeting on October 3, 2016, at 5:00 p.m. Sheila Roddy will not be able to attend. Carl Stopper will attend. NTE Representatives will attend. Ann-Marie Aubrey will find out what facility will be available to hold the workshop.

Keith Thurlow stated that Ann-Marie Aubrey had prepared worksheets to help the Commission Members to format their questions.

Sheila Roddy asked if there were a limit on the number of pages that can be submitted to the CSC. Ann-Marie Aubrey explained that she does not think there is a page limit, but that the Requirement Restrictions Order must be recorded in the Town Clerk's Office and it was requested that it be limited to the things that would come under the purview of the P&Z Commission as if it were coming before the Commission as an application. Therefore, it should be tied into rules and regulations.

2) Questions, Discussion and Comments by and between the PZC and the Town's Consultant regarding the Application for a Certificate of Environmental Compatibility and Public Need for the Killingly Energy Center by NTE Connecticut, LLC to the CT Siting Council – discussion to include all appendices and maps.

Keith Thurlow stated that this item had been covered in the above discussion.

VI. ADJOURNMENT

Motion by Todd Nelson to adjourn at 9:09 p.m. Second by Brian Card. Motion carried unanimously (5-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk