



## Town of Antrim, New Hampshire

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### Selectmen's Meeting Minutes 11/20/2017

**Town of Antrim – Board of Selectmen  
Public Hearing and Meeting Minutes  
November 20, 2017**

The meeting was called to order at 7:00 PM by Chairman Genest in the Antrim Town Hall.

**Members Present:** Mr. Robertson, Mr. Genest & Mr. Edwards

**Staff present:** Donna Hanson (Town Administrator),

**Others Present:** Attorney Justin Richardson, Melissa Lombard (Water & Sewer Commissioner), Matthew Miller (Superintendent), Jim Plourde (Road Agent), Clark Craig (ARTS)

#### **Agenda:**

- Mr. Genest opened the Public Hearing to receive public input on proposed changes to the Antrim Wind Energy (AWE) and Town of Antrim agreement as required by the Site Evaluation Committee. Ms. Hanson read the Public Hearing notice and stated that it had been posted in the Monadnock Ledger-Transcript on October 31, 2017 as well as on the town hall bulletin board, the local post office bulletin board, and the town's website. Mr. Genest said that the red-line version of the agreement would be reviewed page by page and the public may comment.

#### **Speaking:**

Mr. Edwards pointed out that Section 2.1 on page 2 states that the agreement shall apply to and be binding and enforceable on all successors and assigns of the Owner.

Thomas Boyle from Gregg Lake Road asked, "Who is responsible for decommissioning if the company that owns the project were to go bankrupt?"

Mr. Edwards stated that the town controls the decommissioning assurance fund.

Barbara Berwick of Reed Carr Road said, "Section 1.8 on page 1 defines occupied buildings. In the SEC code it covers hunting cabins but it doesn't state that in the agreement."

Mr. Edwards pointed out the importance of Section 2.11 on page 4. If there is a conflict between any provision of the agreement and the SEC Certificate, the SEC Certificate shall control.

Mr. Edwards pointed out that Section 5.1 on page 6 requires meetings during the construction phase so that the BOS are kept informed and in turn they can inform the public.

Barbara Berwick asked if they will be notifying people that wanted to know when blasting would take place.

Shelly Nelkens was concerned that Section 6.11 on page 6 gives them too much leeway to be able to wait 7 days to report problems to the Town and asked what the rationale was for 7 days?

Mr. Genest stated that the original agreement said thirty days.

Attorney Richardson said if it is related to public safety it is covered in 6.2.2.

Rick Wood stated that Section 6.2.2 on page 7 says, "In the event of emergency conditions..." is vague. He asked what relief we have if we think there is an emergency and they don't.

Attorney Richardson handed out the requirements of the SEC certificate and said that 7 days is what the SEC requires. The language comes directly from the SEC.

Mr. Genest said that if we feel there is an emergency and they don't the Town would go to the SEC because the SEC would have the final say if they are in compliance.

Barbara Berwick thought that the summary of complaints reports would be more often than once a year as stated in Section 6.3.5 Page 7.

Mr. Edwards stated they have a right to come in to the Town Hall and file a complaint and the Town will forward the complaints.

Attorney Richardson stated that there are several places in the agreement that state responses to complaints need to be resolved within a certain period of time.

Mr. Robertson said there will be monthly meetings during construction and it should be on the agenda of any complaints that have come in.

Shelly Nelkens asked if the details on any call for emergency, police or fire assistance during the prior year be available to the public.

Mr. Genest said the public could be notified when we are notified.

Mr. Edwards said we could put something up on the website.

Fred Ward of Stoddard said, "If litigation goes on and the court sends this back to the SEC because they don't buy into the SEC does the BOS support the SEC because of this agreement? There are many details that are up for litigation suppose the Supreme Court turns it back to the SEC for whatever reason whose side are you going to be on? Because you have now supported the SEC in print."

Mr. Genest said we supported the project back in 2012 before it ever got to the SEC. Through the SEC the details were more finely tuned and they are more inclusive now than what we did in 2012.

Attorney Richardson said legally right now the SEC certificate is valid. At this time all the changes that are being made are made to make it more protected for the residents.

Mr. Ward said, "There is no reason you need the agreement except as additional protection for the residents. If it goes back to the Supremes to the SEC what side are you going to be on?"

Mr. Genest said he can't make a decision on something when he doesn't know what it will be until the Supreme Court makes a decision.

Mr. Ward said, "Section 6.4.1 regarding reports generated from the SCADA System that show the amount of shadow flicker within one mile of any turbine is crazy."

Barbara Berwick wants to make sure that the definition of occupied building needs to include hunting cabins. She thought that it was clear at the SEC hearings the definition of occupied buildings includes hunting cabins.

Shelly Nelkens asked who would pay for the training if specialized equipment was needed as required in Section 7.2 page 9.

Mr. Edwards said if they need specialized equipment the training goes hand in hand.

Barbara Berwick thought that it shouldn't be up to the owner to decide if specialized equipment was needed. If it was too expensive they could say no.

Mr. Genest reinforced that if our Fire Chief felt the equipment was needed and they didn't the Chief could go to the State Fire Marshall.

Attorney Richardson said they have to abide by the State Fire Code. The SEC would require that they be in compliance.

Attorney Richardson pointed out that Section 9.4.1 also addresses blasting.

Fred Ward said, "Shadow flicker and noise aren't easy to measure so I don't know how you will be able to address these complaints. The complaints are going to come to the BOS."

Attorney Richardson said to remember that the applicant must pay for a third party consultant.

Mr. Edwards spoke on Section 14.1.1

"It is important to note that we did our own analysis on the decommissioning plan. The suggestions we came up with a consultant led to some of this language. GZA Environmental Inc. went through the plan. And made cost adjustments agreed to by Antrim Wind and consolidated with the decommissioning assurance fund. In my opinion from the financial stand point this is one of the most critical aspects of this agreement. They did an estimate of \$2.7 million roughly to decommission the system that got adjusted up to over \$3 million because of the additional cost to shoulder the decommissioning including the cost of administration for the town. This plan has come light years ahead of what we had before. It is critical the town monitor this if it gets built. It is very important the IRLOC stays valid."

Barbara Berwick asked if the town could waive the setback without public input regarding Section 13.2 page 14.

Mr. Robertson said this would be the planning board and they could not do that without public input.

Shelly Nelkens asked if there a limit on the waiver.

Attorney Richardson said the land owners that lease the land waive their rights if they decide to put a building on their property.

Mr. Edwards commented on Section 14.2.1 that the Letter Of Credit (LOC) goes for a period of one year and it is auto renewed 45 days prior to that annual date and they have to provide us with assurance that the IRLOC remain valid. His only concern in the event we don't get it is to consider it a condition of default which will allow the BOS to call that LOC.

Richard Block asked who would be responsible for certification that decommissioning is complete.

Mr. Edwards said the decommissioning is pretty well defined. The BOS wouldn't release the LOC if the decommission isn't 100% done in accordance with the provisions of the SEC we wouldn't release the LOC.

Mr. Genest said we would have our consultant make sure everything is done.

Attorney Richardson said the BOS is holding the fund for the entire decommissioning.

Barbara Berwick was concerned that there is a possibility that if someone grows up in one of the homes that waive the sound level they could end up with health issues and hold the town responsible by having this in the agreement. She wondered if they could sue the Town.

The BOS said they don't think so.

Mr. Block asked when this document would be signed.

Mr. Genest said when all issues are resolved it will be signed.

Barbara Berwick asked why the BOS need to put in the agreement that the Town has supported the project during the SEC process.

Mr. Edwards said it was in the original one.

Mr. Genest said this is in favor of the Town. We support the SEC and if there are any problems we support the SEC certificate.

Mr. Edwards said we have been to the hearings and we support the project. Why would we not support it now?

Mr. Genest said that it is no secret that we have supported this project.

Annie Law said, "AWE is no longer AWE and Walden Green owns the project and is trying to sell it. What happens then?"

Mr. Genest said all this rolls over to the new owner.

Mr. Edwards said it is addressed in Section 2.1.

Ron Haggett asked if the Supreme Court decision decides the issue?

Attorney Richardson stated that the only further appeal would be to the US Supreme Court.

Mr. Genest closed the public part of the meeting.

Mr. Genest said there would be follow up on these four issues:

- Page 1 – definition

- 24/7 complaint calls/written response time
- Training
- Support of the project

Mr. Genest moved to continue the public hearing to December 4, 2017. Mr. Robertson seconded. Passed 3/0

- Ms. Lombard and Mr. Miller asked the BOS for a letter of support for the Asset Management Grant that the Water & Sewer Commissioners are applying for. The application is due December 12, 2017. Mr. Genest asked them to look at the Town software that the town has had for 8 to 10 years that has never been utilized by the Water & Sewer Department. Mr. Miller said he and Jacob Valley are taking a GIS class and if applicable they will use the Town's program. Ms. Hanson said the software is antiquated but they should use the data that is there. Mr. Edwards moved to sign a letter of support for the Asset Management Grant. Mr. Robertson seconded. Passed 3/0
- Preliminary budgets were reviewed for :
  - 4311 Highway
  - 4324 ARTS
  - 4150 Administration
  - 4152 Assessing
  - 4153 Legal
  - 4156 Information Technology
  - 4194 Government Buildings
  - 4196 General Insurance
  - 4199 Contingency
  - 4415 Health Agencies
  - 4583 Patriotic Purposes
  - 4316 Street Lighting / Misc.
  - 4414 Animal Control
- The Shea Field Agreement review resulted in no changes this year. Ms. Hanson will send the agreement to the School Board for signatures.
- Mr. Robertson moved to appoint Mr. Robert Wood as a Park and Recreation Commissioner. Mr. Edwards seconded. Passed 3/0
- Mr. Robertson moved to approve the minutes of November 6, 2017. Mr. Edwards seconded. Passed 3/0

***Other Business:***

- Mr. Haggett asked if we had received a reply on the elevator inspection. Ms. Hanson said we had not.
- Mr. Rick Wood said the Historical Society was working on a mapping project. They would like to create a digital map. The Hillsboro Chamber of Commerce became interested in their mapping project. Mr. Wood said he just wants to make the BOS aware of what they are doing.
- Mr. Genest moved to recommend Mr. Jay Hennessey, Ms. Barbara Beauchamp, Fire Chief Marshall Gale, and Mr. Josh Patrick as fire wardens. Mr. Robertson seconded. Passed 3/0.

There being no further business, Mr. Robertson moved to adjourn, Mr. Edwards seconded, passed 3/0. Meeting adjourned at 9:40 PM.

Respectfully submitted, Donna Hanson, Town Administrator

