

# **WORKSHOP MEETING OF THE AGAWAM CITY COUNCIL**

## ***Minutes dated January 28, 2020***

The Workshop Meeting was called to order by Council President Johnson at 7:00pm in the Auditorium of the Agawam Junior High School, 1305 Springfield Street in Feeding Hills.

The following councilors were present: George Bitzas, Cecilia Calabrese, Paul Cavallo, Christopher Johnson, Dino Mercadante, Robert Rossi, Rosemary Sandlin, Gerald Smith, Anthony Suffriti and Mario Tedeschi. Councilor Gina Letellier was absent.

Also present were Solicitor Stephen Buoniconti and Jim Hartman, Right of Way Agent of Tennessee Gas as well as Tennessee Gas Attorney Jim Vallee. Several citizens were in the audience.

### **Agenda**

- 1. TR-2019-82 - A Resolution authorizing the Mayor to enter into consent for shared occupancy of Right of Way Easement Agreements between the Town of Agawam and Tennessee Gas Pipeline Company, LLC regarding the upgrade to the pipeline (Mayor Sapelli)**

Council President Johnson explained the purpose of the workshop was for the questions raised by the City Council at the January 21, 2020 Regular City Council meeting. Jim Hartman briefly discussed the project and showed the locations on large posters making it easy to follow along. He mentioned this project is for the replacement of an inactive 6" pipeline with a proposed 12" pipe. A summer construction is planned and taking approximately three months to complete. There are three town-owned parcels and one property with a shared easement with a private property owner that the town would allow Tennessee Gas access on to that property. (Reference attached maps)

Councilor Mercadante asked about safety and how and how often is this high pressure line tested. He asked about the maintenance procedures on this type of line. Jim Hartman explained the process including odorizing the gas and control monitors that are in place to monitor pressure as well as damage prevention measures. Regulations allow for only soft digging within two feet of a pipeline so no heavy equipment is allowed in close proximity to the pipe. Councilor Mercadante asked about something called a PIG? Jim acknowledged the use of a "smart pig" which is an intelligent computerized tool that is inserted into the pipe and can identify and read ANY imperfections as well as inspecting the pipes. They also use helicopter aerial surveillance and in line inspections. The smart pig is done every seven years and it so happens that this is Year 7 so the pipe will be inspected this year as well.

Councilor Bitzas asked why this project was a necessity. What would happen if the City Council rejects this? Jim Hartman explained that this project falls under FERC (Federal Energy Regulatory Commission) who reviewed the Tennessee Gas application and have determined that this is a necessary project and have authorized the same. He noted that Tennessee Gas is here to work out an agreement with the town. Tennessee Gas could ultimately take the land by eminent domain however that is not the route that they would like to take.

Councilor Rossi questioned the purpose of the project as in how does it benefit the people. Jim Hartman explained the need of the project. Councilor Rossi asked if Columbia Gas backed out of wanting the gas what would happen. Jim Hartman explained that they are contractually obligated to go through with this. It is with our state regulators and not really in their purview to discuss. Basically Tennessee Gas is an interstate pipeline and will defer to the local gas companies. Tennessee Gas is contractually obligated to build this pipeline. Councilor Rossi asked if any impact studies had been finalized which Jim Hartman affirmed. Jim Hartman also noted that they have gone through the MEPA process with the state and have received their certification. They have also been working with the town's Conservation Commission for at least 1 ½ years and are in the process of finalizing things with them.

Council Vice President Calabrese said so a no vote would NOT stop this project and Jim Hartman agreed. She also asked if there was any consideration to addressing the waiver of damages. Council President Johnson stated that they were in the process of negotiations in that regard. Jim Hartman said he is very happy to work with the town on that issue.

Councilor Tedeschi asked what the longevity of the pipes were and Jim Hartman explained that they check the inside and outside of these pipes. There is an entire department that deals directly with that. The current pipe is from about 1965 and it is not corroded.

Councilor Sandlin asked about the conversion of the current pipe to the new pipe – how does Tennessee Gas monitor any gas emissions in this process? Will carcinogens be released into the air? Would there be any leakage of gas into the air or streams? Jim Hartman reiterated that this was an inactive pipe so there is no gas in that pipe and once the new pipe is installed; there are hydrostatic tests and welding to prevent any leaks from happening. Attorney Vallee reminded everyone that this is an abandoned pipe that has been out of service.

Councilor Suffriti asked if Tennessee would be removing the old pipe and widening the easement at all. Why widen the easement if they are just replacing the old one. Jim Hartman stated that there would be ten feet between the old and new pipes and currently there is very limited work space. Councilor Suffriti asked if this would be a permanent or temporary easement and Jim Hartman stated both. He also wondered what measures would be taken to return the area to its natural growth. Jim Hartman stated that Tennessee Gas oversees that this area gets mowed every 5-7 years.

Councilor Cavallo asked how deep they dig when replacing these pipes - Jim Hartman said they dig a five foot trench (one foot below the pipe and three feet above). Jim Hartman reminded the Council that since this is a federally certified process and they also have to follow Conservation Commission's guidelines and recommendations, that Tennessee would have to report on this and monitor this area every two years after completion.

Councilor Smith asked how often it is inspected and Jim Hartman replied there are constant inspections and random audits. Jim Hartman further explained the improvements to be made with turbines and how the emissions are tested. As he mentioned earlier, the construction is planned for May. Attorney Vallee explained the changes and updated technology creating an enhanced liability safety for the area. Federal regulations are far more strict and robust than local regulations. Tennessee Gas believes the new compressor and controls will enhance safety and reliability.

Council President Johnson reminded everyone to refer to the maps which were self-explanatory for any questions on locations of the easements. He also mentioned that the total of all of the requested easements were relatively small. Jim Hartman agreed – a little more than half an acre for the permanent easements. Council President Johnson also stated there is full indemnity in the easement which is a standard utility easement. Solicitor Buoniconti spoke about the language noting there was a lot of protection for the town in the language of the easement. Tennessee Gas wants to keep the property clear when at all necessary. The language is strict. He noted that the Law Department and Tennessee Gas heard the Council loud and clear and are redrafting the damage release.

Councilor Cavallo asked if there would be an oversight by the Health Agent or Building Department. Solicitor Buoniconti said this has been a long process which started right after the Mayor first took office two years ago. In reality, this is a federally regulated project with no local permits required – the town has no say however Tennessee Gas is willing to keep our town departments involved and informed. Conservation is required so they have been and still are very involved but no other boards or commissions are required. Once the project is built, however the Health Agent and town departments will absolutely be involved.

Councilor Sandlin inquired about the security during construction so we don't see any mishaps or accidents. Jim Hartman said the police department has been great and very willing to help. Jim Hartman said if this project is rejected, it is their full right and intention to go through with the project. They can take it by eminent domain however they do not want to go down that road – it is lengthy and expensive.

Council President Johnson reminded everyone that we cannot change it at this point but it would get costly. Jim Hartman added if we say no, the payment to the town would be considerably less than what has been negotiated – it has currently been negotiated above fair market value. Council President Johnson added that we would have to hire and essentially it becomes a battle of the experts and that Tennessee Gas has been an outstanding neighbor and has kept us well-informed along the way. They have been open, honest and fair. Solicitor Buoniconti apologized on behalf of Mayor Sapelli – he could not be in attendance as he had a School Committee meeting.

Council President Johnson summarized the meeting stating that the damage release language is in the process of being redrafted. Regarding safety concerns, Jim Hartman has done a great job explaining what will happen and why as well as the necessity of the project. Again, if the Council decides to reject this project, it will still happen. As Jim Hartman stated, it has been federally approved and while they do not want to take this route, they can take the land by eminent domain resulting in far less money for the town. He thanked Mr. Hartman, Attorney Vallee and Solicitor Buoniconti for attending along with the Council and guests in the audience. The meeting was adjourned at 7:48pm.