

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. BURRILLVILLE PLANNING BOARD

IN RE: *

MAJOR SUBDIVISION/LAND DEVELOPMENT *

INVENERGY THERMAL DEVELOPMENT, LLC'S *

CLEAR RIVER ENERGY CENTER, *

WALLUM LAKE ROAD, BURRILLVILLE; *

MAP 120, LOT 7; MAP 135, LOT 2; *

MAP 137, LOTS 1, 2, 3 & 21; MAP 153, *

LOTS 1 & 2: *

MASTER PLAN REVIEW/INFORMATIONAL MEETING *

WITH WRITTEN/VERBAL TESTIMONY FROM *

THE PUBLIC *

HEARD before the Burrillville Planning Board

at the Burrillville High School Auditorium,

425 East Avenue, Harrisville, Rhode Island

on July 11, 2016 at 6:00 p.m.

PLANNING BOARD MEMBERS PRESENT

Mr. Jeff Partington, Chairman

Mr. Jeffrey Presbrey **ALSO PRESENT**

Mr. Marc Tremblay Mr. Thomas Kravitz,

Mr. Dov Pick Planning Director

Mr. Leo Felice

Mr. Mike Lupis Ms. M. Christine Langlois,

Mr. Bruce Ferreira Deputy Planner

Mr. Robert Woods (Recused.)

PLANNING BOARD MEMBERS EXCUSED

Mr. Christopher Desjardins

APPEARANCES

MICHAEL R. McELROY, ESQUIRE . . SPECIAL COUNSEL

ELIZABETH M. NOONAN, ESQUIRE. . FOR INVENERGY

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1 **IN RE: BURRILLVILLE PLANNING BOARD HEARING ON**
2 **MAJOR SUBDIVISION/LAND DEVELOPMENT**
3 **FOR**
4 **INVENERGY THERMAL DEVELOPMENT, LLC**
5 **JULY 11, 2016**

6 MR. PARTINGTON: I call this meeting to order.
7 First is the attendance review. All present and
8 accounted for except Chris is excused this evening.
9 (Referring to Planning Board Member Christopher
10 Desjardins.) Next I have the acceptance of the
11 minutes from the prior meeting.

12 MR. FERREIRA: Make a motion that we table the
13 minutes until we have a chance to --

14 MR. PARTINGTON: I have a motion to table the
15 minutes until we have -- they're in the packet.
16 I have a motion to table. Do I have a second?

17 MR. PICK: Second.

18 MR. PARTINGTON: I have a second. All those in
19 favor? One, two, three. Aye's have it. Thank you
20 very much. So, we'll table until the next meeting.

21 Next is correspondence. We have received the
22 notice of intent to prepare an Environmental Impact
23 Statement for the plan to access Northeast Project
24 Specter Energy from the US Federal Energy Regulatory
25 Commission. We received correspondence from the Town

1 Planner in response to that notice. Tom, did you
2 want to say anything about that?

3 MR. KRAVITZ: No, unless you had any specific
4 questions. It was, you know, a request to ask for --
5 to see if they could examine the existing Spectra
6 station that has been operating above noise limits,
7 as we've learned as part of this new project they're
8 doing. So, I've put it -- I did get a call from the
9 Burrillville Land Trust, Paul Roselli. I just wanted
10 to hand in to you briefly a piece of correspondence
11 that he put to them also, so we could have it for our
12 file.

13 MR. PARTINGTON: Okay, great.

14 MR. ROSELLI: Mr. Chairman, I have that document
15 right here, and happy to give it to Tom. I feel a
16 little embarrassed, being a conservation
17 organization, there's about a tree and a half there.

18 MR. PARTINGTON: You have to give it to us in
19 paper?

20 MR. ROSELLI: Yes, sorry. Thank you.

21 MR. PARTINGTON: Okay. Thank you, sir. Okay,
22 next, under Old Business, Major Subdivision/Land
23 Development: Invenergy Thermal Development, LLC's,
24 Clear River Energy Center, Wallum Lake Road,
25 Burrillville; Map 120, Lot 7; Map 135, Lot 2; Map

1 137, Lots 1, 2, 3 and 21; Map 153, Lots 1 and 2;
2 Master Plan Review/Informational Meeting with written
3 and verbal testimony from the public. Continued from
4 June 20th, 2016. Yes, sir?

5 MR. WOODS: I have a letter that I would like to
6 read into the record.

7 MR. PARTINGTON: Yes.

8 MR. WOODS: As you know, I am a member of the
9 Planning Board of the Town of Burrillville, having
10 been appointed to that position in June 2016 by the
11 Burrillville Town Council. The Planning Board has
12 been asked to give an advisory opinion to the Rhode
13 Island Energy Siting Board as to certain matters set
14 forth on Page 16 of the March 10th, 2016 preliminary
15 decision and order of EFSB in the matter of Invenergy
16 Thermal Development, LLC, the applicant.

17 The applicant seeks a permit to construct and
18 operate an electric generating facility in the Town
19 of Burrillville. The Planning Board's jurisdiction
20 in this matter arises solely from the order.

21 Prior to my appointment, I spoke against the
22 granting of a permit to construct and operate the
23 facility at two hearings conducted by the EFSB to
24 hear comments from the public on the Applicant's
25 application. To the best of my recollection, those

1 occasions were on May 10th, 2016 and May 23rd, 2016.
2 Again, to the best of my recollection, I voiced
3 opposition because I believe the siting of the
4 electric generating facility should be left to the
5 local towns and municipalities. I may have voiced
6 concern about the noise generated by the facility and
7 its fit within the Town of Burrillville's
8 Comprehensive Plan, at which time I was not a member
9 of the Planning Board.

10 At the initiative of the applicant via the
11 Assistant Town Solicitor, it was suggested I consider
12 whether I have a conflict of interest in
13 participating in the rendering of the Planning
14 Board's advisory opinion to the EFSB because of my
15 prior public statements in opposition to the EFSB's
16 granting of the permit requested by the applicant.
17 As a member of the Planning Board, I have
18 participated in one public hearing on the matter in
19 which my participation was limited to asking
20 questions of the experts provided by the applicant
21 and the Town of Burrillville. The Planning Board has
22 not yet conducted any deliberations on its advisory
23 opinion. My wife and I do own property, my home,
24 approximately a half mile from the facility's site.

25 In conclusion, I believe the authority granted

1 to render an advisory opinion is granted by the EFSB,
2 and the adjudicator in this matter is the EFSB and
3 not the Planning Board. By the very nature of the
4 request, every member has a duty to render an opinion
5 as an individual, with the understanding of the facts
6 and not to be held in fear of reprisal for voicing
7 their viewpoint. However, to maintain the integrity
8 of the Board, to avoid the appearance of conflict of
9 interest, and respect for the members of the Town
10 Council, I hereby depose and say, in compliance with
11 Rhode Island General Laws 36-14-6-1, I recuse myself
12 from participating -- excuse me -- from participating
13 in discussions with the Planning Board or taking
14 official action relating to said matter, effective
15 immediately. However, I will be exercising my rights
16 according to public forum exceptions, Rhode Island
17 Ethics Commission Regulation 36-14-7003 that states:
18 "No violation of this chapter or regulations shall
19 result by virtue of any person publicly expressing
20 his or her own viewpoints in a public forum on any
21 matter of general public interest, or in any matter
22 which directly affects said individual or his or her
23 spouse or dependent child." Thank you very much.
24 (Whereupon, Mr. Woods removed himself from the
25 Planning Board table and sat in the audience.)

1 MR. PARTINGTON: Thank you very much, sir.
2 Okay, this evening, this is the way that this is
3 going to go, just so everyone knows: The applicant
4 is going to -- has three --

5 MS. NOONAN: I have -- thank you. Is it working
6 now? There we go, all right.

7 MR. PARTINGTON: Can you hear me now?

8 MS. NOONAN: I can hear you now. This evening I
9 have, in addition to some of the witnesses that
10 appeared at the last hearing on the 20th, I have
11 available for questions from the Board, or through
12 the Chair from the public, Maureen Chlebek on traffic
13 and Mike Feinblatt on any of the environmental
14 issues. I will be presenting direct testimony of
15 Mr. Pimentel, who we were not able to get to on the
16 20th. I have one other expert, Bill Allard, a water
17 expert, who is not available this evening. He'll be
18 available at whatever next meeting you have; but
19 tonight the new direct testimony will be from
20 Mr. Pimentel, our planner, who is really sort of a
21 recap on the consistency with the Comp. Plan.

22 MR. PARTINGTON: Okay, thank you very much.
23 So, this evening the applicant is going to present.
24 At the conclusion of that, we're going to take some
25 testimony from the public. We're going to take the

1 original list. So, if you signed up last time and
2 you're still here, we're going to go in order of that
3 because we were not able to get to everyone last
4 time. Once that is done, then we'll take anyone from
5 this evening. So, if you already signed up, you're
6 all set. If you didn't sign up, I think -- do we
7 have another list, Tom?

8 MR. KRAVITZ: Two new people signed up on that
9 list.

10 MR. PARTINGTON: Okay, very good. Thank you.
11 So, if you got in line last time, all is not lost.
12 So, without further ado.

13 MS. NOONAN: Thank you, Mr. Chairman.
14 Initially, I'd like to start off addressing one
15 question that Mr. Presbrey raised at the last hearing
16 regarding the survey, indicating that it was not in
17 conformance with the new survey standards which went
18 into effect January 1st, 2016. I just wanted to
19 clarify that I have spoken with Richard Lipsitz, who
20 is a registered land surveyor. He indicated under
21 those regulations any survey that was commenced prior
22 to January 1st, 2016 is still governed by the 1994
23 regulations. So, at this time, it is in full
24 compliance with those new regulations. I just wanted
25 to address that point.

1 MR. PARTINGTON: Comment?

2 MR. PRESBREY: Excuse me, yes. Actually, I
3 believe that it's still not in compliance with the
4 '94 regulations, since the plan is unreadable.
5 You can't read the dimensions and the bearings.
6 No surveyor or anybody would ever be able to do any
7 calculations on the property according to the plan
8 and referencing that plan because it's just totally
9 unreadable.

10 MS. NOONAN: A full-sized plan? Have you seen
11 the full size sheet? I can provide you copy with a
12 that because I know we PDF'd a lot of this stuff;
13 but, if it didn't carry out, it is a full-sized sheet
14 survey that's been stamped. So, I can send out
15 full-sized copies, if you wish, because I checked in
16 with this. I have your testimony here -- your
17 question, rather, from that night; and he indicated
18 to me it is in compliance with not only the -- it is
19 in compliance with the '94 standards and does not
20 need to be in compliance with the 2016 standards,
21 since it was not only begun prior to January 1 but
22 completed before January 1, 2016. So, if you'd like,
23 I can send up a couple of the full sheet hard copies,
24 if that would help you.

25 MR. PRESBREY: Yeah, that would be great. I

1 would appreciate that, and you can do it through Tom
2 and the Planning Board, and they will --

3 MS. NOONAN: Absolutely.

4 MR. PRESBREY: -- forward it to me, I'm sure.

5 MS. NOONAN: We'll get those out to you.

6 MR. PRESBREY: Thank you.

7 MS. NOONAN: Thanks. Mr. Chairman, as I said
8 before, at the last hearing we had a number of expert
9 witnesses testify. Actually, there were a lot of
10 witnesses. The Town had their witnesses until about
11 nine o'clock; and then we put through a number of our
12 witnesses, some of whom are present this evening.
13 What now I'd like to do is have the testimony of Ed
14 Pimentel. We have provided you with his resume, his
15 Curriculum Vitae; and I'm sure as a Planning Board
16 you're familiar with seeing expert planners. He's an
17 AICP and will be testifying based upon, you know,
18 what he's read and submitted and also the fact that
19 he was present at the hearing on June 20th. So,
20 ready, sir?

21 MR. PIMENTEL: Sure.

22 MS. NOONAN: Actually, one thing, Mr. Chairman,
23 before we start. Mr. Pimentel is ill. I don't want
24 him too close to me. He came tonight telling me that
25 he is sick and would like to go home as soon as

1 possible this evening, as he will also be present at
2 the Zoning Board hearing tomorrow night. So, we'll
3 do his testimony. Obviously, the Board has
4 questions, and then we'll take it from there. If we
5 could release him as a witness as soon as
6 practicable, that would be helpful.

7 MR. PARTINGTON: Okay, thank you.

8 **EDWARD PIMENTEL**, first having been
9 duly sworn, testified as follows:

10 **DIRECT EXAMINATION BY MS. NOONAN**

11 Q Mr. Pimentel, can you state your qualifications as a
12 planner, please?

13 A Sure. I have both a Master's -- a Bachelor's and a
14 Master's in urban and community planning. I've been
15 an urban planner for in excess of 25 years now.
16 I have worked in the states of Florida, Massachusetts
17 and all over Rhode Island as a municipal planner.
18 Also, I've been a consulting planner for
19 approximately 15 years now. So, on a daily basis, I
20 wear both hats, both municipally and on the consulting
21 side.

22 Q Thank you. And, Mr. Pimentel, can you just tell this
23 Board what you were retained to do and what steps you
24 undertook to prepare your analysis?

25 A So, I was given a description of the project and a

1 thick document with various application materials and
2 a collection of reports from various experts in the
3 field, air quality, traffic, noise, etcetera,
4 etcetera. So, I took my traditional approach, and
5 the first thing I do is to get well qualified with
6 the development proposal; and I do that prior to
7 reviewing the respective community's regulatory
8 documents, the reason being, as you go through these
9 regulatory documents, you've got the benefit to come
10 across points that you know are either the
11 performance standards or the goals and objectives
12 that need to be satisfied to the respective boards
13 and agencies. So, I wanted to get a good grasp of
14 the development and what's already been addressed to
15 see if there's anything missing, anything that needs
16 to be elaborated upon; and, as this Board well knows,
17 there's been continuous addendums and additional
18 information provided as we address these required
19 findings.

20 So, my first goal, as I said, I reviewed the
21 entire application and all the materials provided.
22 I then subsequently visited the site, and then I
23 carefully and thoroughly went through all of the
24 pertinent regulatory documents. Mr. Kravitz, your
25 Town Planner, was very polite to give us several

1 sheets of what he felt were the pertinent goals and
2 objectives, but I didn't -- I put that aside, because
3 I really wanted to look at them for myself and then
4 cross check to see if we were both on the same page.
5 I excerpted 30 pages of material from all your
6 regulatory documents that I thought were things that
7 were either right on point down to those that were
8 just nominally addressed in the application or the
9 proposal; and then from there I prepared a rather
10 verbose report that was 30 pages in length because I
11 just wanted to make sure that I addressed -- there
12 were so many different goals and objectives that
13 flowed from this development, I wanted to make sure I
14 touched upon all of them; and then I, of course,
15 followed up with an executive summary. Those that
16 probably were more truly land use oriented, as a land
17 use planner, we're kind of the quarterback that
18 groups everything together for the respective boards
19 to make sure that everything is being addressed
20 appropriately; but the reality is you are relying on
21 the various experts in their respective fields to
22 address a lot of this, especially since in this
23 particular case there is a lot of scientific data.
24 So, when I would come across a particular point that,
25 from a land use planner, and I try to put on my

1 municipal planner's hat, as Mr. Kravitz did, I would
2 say I wonder if this has really been elaborated upon
3 enough. I would meet with counsel, the various
4 experts. They provide additional data, and that
5 culminated in the filing of my report. So, the first
6 objective here was to deduce what is the development
7 that's being put forward.

8 MS. NOONAN: I just want to clarify. The report
9 that has been submitted to the Town is entitled,
10 "Executive Summary, Edward Pimentel, Pimentel
11 Consulting," dated June 2016. That's the report that
12 Ed will be discussing tonight. He has, as he said, a
13 more --

14 THE WITNESS: Verbose.

15 MS. NOONAN: -- verbose thing that may include
16 more. I made the decision that, if we were having a
17 preliminary plan hearing, and perhaps if we have a
18 continued Master Plan hearing -- but my goal and my
19 idea had been that I would submit that fuller report
20 at the preliminary plan, having Ed having had the
21 opportunity to not only hear all of our experts but
22 to hear the Town's experts. So, at this point, that
23 report hasn't been updated. We're going with the
24 Executive Summary right now, and Ed would present --

25 Q Let me ask you that, Mr. Pimentel. Were you present

1 at the June 20th, 2016 Planning Board hearing wherein
2 the Town's and Invenenergy's experts testified?

3 A I was. I was here the entire meeting. So, my first
4 objective or my first goal was to go to the
5 Burrillville Zoning Regulations, Zoning Ordinance to
6 conclude how the particular development or the use is
7 being defined, how it was being authorized from a use
8 perspective, whether it was a permitted use,
9 etcetera, whether there were any performance --
10 associated performance standards; and what I
11 concluded was is that the use in itself is a
12 permitted use by special use permit in this
13 particular zone which, by case law, what that means
14 is that it's a use that's already deemed a
15 permissible use subject to reasonable conditions of
16 approval. When a community imposes a special use
17 permit, that's what they've concluded.

18 So, secondly, associated with a lot of uses
19 permitted by special use is specified performance
20 standards that are exclusive to that use. So, that
21 was my second objective. I went through the entire
22 ordinance, seeing if there were any specified
23 performance standards associated with energy
24 facilities. There were none in the Zoning Ordinance.
25 So, then what I had concluded was that within the

1 Comprehensive Plan, in the goals and objectives, I
2 treated those almost like performance standards for
3 the siting guidelines, things to do with air quality,
4 noise, water, etcetera. So, I excerpted those.
5 Although those were not explicitly within the zoning
6 regs., I treated those almost like performance
7 standards.

8 I then went step by step with each of those
9 standards with respect to -- and followed up with the
10 respective review with the consultants, not only
11 recommendations, but how they concluded their
12 opinions. I also followed up with the peer review to
13 make sure we were all on the same page; and what I
14 concluded was that, if you look thoroughly through my
15 report with each of the specific goals and
16 objectives, we have addressed them satisfactorily.
17 We have addressed them satisfactorily from the
18 perspective of what the Comp. Plan calls for and what
19 the zoning regulations call for. Air quality, noise,
20 some of the ones, like I said, ones I've summarized
21 in my report that are not truly from a land use but
22 more from an expert, things to do with impact on
23 floodplains and so forth, those I kind of took out of
24 the report because I really wanted to concentrate
25 more on what would be my expertise. So, my end

1 conclusion after doing a thorough review is that we
2 are consistent with the Comprehensive Plan, and we
3 have actually noted and fulfilled every single goal
4 and objective.

5 Q And, again, that Executive Summary that you discussed
6 contains a discussion on specific policy points and
7 objectives in regards to the Comprehensive Plan,
8 correct?

9 A That is correct. I looked at every single element,
10 paying specific attention to the land use elements,
11 the economic development element; and it was quite
12 interesting that the Comprehensive Plan puts a lot of
13 value on energy production facilities which is noted
14 in my report; and, therefore, it would logically
15 follow that the community would treat this use as a
16 use permitted by special use, given the credence that
17 is supported in the Comprehensive Plan, given the
18 economic value of it, given that there are similar
19 uses in the Town, and they're familiar with it.
20 There is a lot of support in the Comprehensive Plan,
21 and that's why I understood why they would have
22 treated it as a special use permit in this particular
23 zone.

24 Secondly, this particular zone is the zone that
25 pretty much comprises the vast majority of the Town.

1 So, therefore, this would be the particular zone that
2 you probably would situate such a use because you're
3 looking at necessary acreage, necessary visual for
4 visual purposes, the aesthetics; you'd want screening
5 and so forth. So, you clearly would go with the
6 larger lot areas, once again, being the zoning
7 designation in question. And so it made sense to me,
8 as a planner, why they would have imposed a special
9 use permit on this particular use.

10 The Zoning Ordinance is one of the regulatory
11 tools that we use to effectuate our goals and
12 objectives of our Comp. Plan. Having annotated all
13 the goals and objectives of the Comp. Plan, it
14 logically follows that the Zoning Regs. support the
15 goals and objectives by treating this as a special
16 use.

17 Q So, Mr. Pimentel, in your professional capacity, do
18 you have an opinion as to whether or not the Clear
19 River Energy Center Project as proposed meets the
20 consistency requirements for the Comprehensive Plan?

21 A I will answer that in two parts. Yes. In general, I
22 do believe it is consistent with the Comprehensive
23 Plan; and then, secondly, in regards to the specific
24 area in question, there's been a lot of testimony
25 provided as to why at this location. There's a lot

1 of requirements that go into trying to accommodate a
2 development of this magnitude, a development of this
3 type; and the subject property in the area provides
4 all of those amenities. From a land use perspective,
5 it really provides them because, with the vast
6 forested areas, with the vast areas owned by public
7 entities, you help to offset from an aesthetics
8 perspective the visual obstruction of the site and
9 also helps to buffer from a noise perspective,
10 although it's been testified to that there will be no
11 exceedence of your decibel level; but the point being
12 is the area in question helps to offset a lot of
13 these concerns that perhaps would result from a
14 production facility, and that's why I think,
15 specifically in regards to this particular site, it's
16 quite appropriate and consistent with the Comp. Plan.

17 Q And then, finally, your 2000 -- June 2006 report --
18 2016, sorry, was prepared prior to the testimony on
19 June 20th of the Town's experts, correct?

20 A That is correct.

21 Q Was there anything that you heard at that hearing or
22 that you saw in the written reports that were
23 provided to you that would change or alter your
24 opinion as to consistency with the Comprehensive
25 Plan?

1 A No, it didn't alter my opinion; and, also, it was
2 interesting that night. Once again, I wear two hats.
3 As a municipal planner, I am also a code enforcement
4 individual; and there were concerns and issues raised
5 about noise, and can you guarantee and assure; and
6 counsel was right. In the end the scientific data
7 assures us that certain things can be accomodated;
8 certain things can be met, certain guidelines.
9 There's always the enforcement, the enforcement arm
10 of that, and I do that on a daily basis. I can
11 assure this Board, when somebody makes a promise to a
12 board or an agency and they impose those conditions
13 of approval, if these conditions aren't met, the
14 enforcement arm will make sure that they're complied
15 with. I do it on a daily basis.

16 A recent Supreme Court decision which was my
17 case, regarding the Pond View facility, they couldn't
18 comply with the conditions of the variance. The
19 operation is pretty much null and void now. That's
20 what happens when you don't comply. When somebody
21 promises something, I can assure this Board it will
22 be met, or the code enforcement arm will make sure
23 it's met.

24 MS. NOONAN: Thank you. I have no further
25 questions for Mr. Pimentel.

1 MR. PARTINGTON: Thank you.

2 MR. FERREIRA: Mr. Pimentel, my name is Bruce
3 Ferreira. The questions I have for you are this:
4 Are you licensed as a Town Planner in the State of
5 Rhode Island?

6 THE WITNESS: I'm a nationally-registered urban
7 planner. I took my national certification
8 credentials in 1994.

9 MR. FERREIRA: I can't hear you. You got to
10 angle this into your mouth a little bit.

11 THE WITNESS: I am a nationally-certified
12 planner. I took my national certification back in
13 1994, obtained my Master's, worked so many years in
14 the field, studied for the exam, took the exam,
15 passed the certification.

16 MR. FERREIRA: Thank you.

17 THE WITNESS: It's a national -- there's not a
18 requirement like there is for a professional
19 engineer, from a State requirement. The credentials
20 just add extra credence that you keep up on your
21 field. You take credits every year, so you keep up
22 on current issues to --

23 MR. FERREIRA: I'm kind of curious. What plans
24 did you review? What plans did you review?

25 THE WITNESS: I reviewed -- I have the whole

1 document here of everything I reviewed. Every time
2 something has come forward, it's been provided to me.
3 I have reviewed it.

4 MR. FERREIRA: Okay, because we haven't really
5 seen any plans per se. The artist rendering we did
6 see kind of shows it close to the wetlands over
7 there. So, I mean if you're familiar with Rhode
8 Island DEM and those kinds of laws that control
9 construction near wetlands, I can't see how that
10 would be something that would just automatically
11 pass. So, I'm kind of questioning like what plans
12 you did see because all I've seen is written words.

13 THE WITNESS: Okay, let me -- there's clearly
14 going to be some necessary State permits required in
15 regards to encroachment into wetlands and so forth;
16 but that in themselves were addressed in your
17 Comprehensive Plan. In fact, when I was -- and I
18 want to state again, when I did my summary report, I
19 stuck to those that would have been more pertinent
20 for me addressing it from a land use perspective.
21 I didn't want to cross boundaries into the wetlands
22 biologist, so forth. That's not my field of
23 expertise; but, that being said, in your
24 Comprehensive Plan it notes that it understands that
25 there may be times, situations where wetlands are

1 going to be impacted; and, as long as they're
2 insignificant, then the State DEM is the regulatory
3 body that will review that, and that will be
4 acceptable. It's in your Comp. Plan, and it's in my
5 report. So, those permits will have to be obtained
6 before this project can go forward.

7 I think the distinct difference that's unique
8 about this particular development and any other
9 development, if I was representing a client, I'd come
10 before you for a Major Subdivision, I'd come before
11 you for a major land development project -- I was the
12 land use consultant that worked on the Navigant
13 Credit Union in the Town of Burrillville. Clearly,
14 we have to obtain and provide those State approvals
15 to this Board before we can receive final approval.
16 The unique, distinctive difference here is that those
17 approvals will be obtained post this process, but the
18 reality still applies. Without those permits the
19 project can't go forward. So, unless we get an
20 insignificant wetlands alteration determination, this
21 project is not going to go forward. So, we're not
22 skirting any other regulatory condition that would
23 flow with any other development that comes before
24 this Board.

25 MR. FERREIRA: So, essentially, then you haven't

1 seen any plans, and drawn-out plans, any survey plans
2 at all for this facility then?

3 THE WITNESS: Well, I have seen all the plans
4 that have been provided. We are at a Master Plan
5 stage now. We are not at a preliminary engineering
6 stage. So, all those things are being worked out at
7 this point. For a board to ask somebody at a Master
8 Plan stage to already have those permits in hand
9 wouldn't be true of any development project that
10 comes before this Board.

11 MR. FERREIRA: Okay. So, then when the plans
12 finally are done and properly surveyed and properly
13 made and submitted, they'll be falling under the
14 January 1st, 2016 requirements for surveying?

15 MS. NOONAN: I think that's a slightly different
16 question. That question I addressed when I started
17 was whether or not the survey that has been submitted
18 to EFSB, has been submitted to you, was done and
19 certified under the proper regulations. My answer to
20 the question was: Are the new survey regulations
21 that are in effect, which is a technical set of
22 specifications for land surveyors to follow, does
23 that apply to the survey that had been previously
24 produced to you? And the answer to that question is
25 no. What needs to be complied with are the 1994.

1 That will not change because it was commenced and
2 finished before then.

3 MR. FERREIRA: Okay, thank you. That's where my
4 confusion was coming from.

5 MS. NOONAN: Okay. And I think Ed's point, as
6 we've made before, is that because we are at a Master
7 Plan stage we may not have everything ultimately
8 engineered. We don't; but, in terms of specific
9 things, Ed, as an expert in his field, is not the
10 wetlands biologist, is not the air guy. He's the one
11 that collates all the reports both from your experts
12 and from ours.

13 MR. FERREIRA: Thank you. Last part is I keep
14 on hearing about a special use permit that was issued
15 to Ocean State Power for putting in a construction
16 plan for its location, and then they received a
17 special use permit. I just wanted to make mention
18 that Ocean State Power also went through the complete
19 planning stage through the Town of Burrillville, all
20 right. This was not something that was dictated to
21 the Town of Burrillville by the State. They worked
22 in conjunction with the members of the Town. That's
23 it.

24 THE WITNESS: Okay.

25 MS. NOONAN: And, just on that point, Ocean

1 State Power, I believe it was before the Energy
2 Facilities Siting Board came into effect, which is
3 the State legislation which we're under.

4 MR. PICK: I just have a couple of very quick
5 questions. I will be brief. I know you are not
6 feeling well. So, I just want to make sure that I
7 understand that you believe that this conformity to
8 the Comp. Plan, based on two items that you
9 mentioned, noise and air quality, so let's just
10 address the noise for a moment. During our last
11 discussion, we, of course, have had testimony and
12 heard from experts indicating that at certain points
13 there is no chance that they're going to meet the 43,
14 or even the variance to which has been applied for,
15 the 46, that they're going to meet that level. It
16 feels like you're saying that there's conforming
17 based on a guarantee, because that's what they're
18 doing. They're guaranteeing it. Am I to understand
19 that correctly, sir?

20 THE WITNESS: The consultants for the project
21 have testified that they can satisfy the decibel
22 level that's prescribed in your Zoning Regulations.
23 I have to rely on that data; and that's the same type
24 of response I heard from the peer review, that that
25 decibel level can be satisfied. Now, at some point,

1 if there happens to be, like I said, a violation of
2 that rule, then there will be an enforcement of that;
3 but that's not what I heard. I heard they can
4 achieve compliance.

5 MR. PICK: We also heard that they can't achieve
6 compliance, so -- well, we can go back to the record,
7 and we can read it back.

8 THE WITNESS: What I heard was that some of them
9 said they had never themselves experienced meeting
10 that decibel level, but they also did talk about
11 older technology on other projects. They didn't talk
12 about this particular project. Clearly, you can't
13 talk about this project. It hasn't been designed or
14 constructed yet.

15 MR. PICK: So, then we're going back to the
16 guarantee. So, Mr. McElroy, I would ask you, sir,
17 what is the enforcement, should -- you know, should
18 they break -- should they go higher than the
19 conformed dBA level?

20 MR. McELROY: I understand. My recommendation
21 to the Planning Board would be that, if the Planning
22 Board issues a favorable advisory, that the advisory
23 would be conditioned upon a specific requirement and
24 a request to the Energy Facility Siting Board that
25 they make it a condition of the issuance of the

1 permit that they must, at all times, operation,
2 start-up and shut down, meet the 43 dBA; and, if they
3 do not, it is a violation of their EFSB permit.
4 Why is that important? Because the EFSB by law has
5 very strong enforcement powers. They've got
6 investigatory powers, and they have got enforcement
7 powers. It doesn't have to be enforced at the Town
8 level. If we make it a condition of the EFSB permit
9 and the EFSB agrees to do that, then they would have
10 those enforcement powers.

11 MR. PICK: And what are the specific penalties
12 for a violation?

13 MR. McELROY: I don't have the act in front of
14 me right now; but I have reviewed it, and I know that
15 they're very strong.

16 MR. PICK: Mr. Chairman, I'd like to get
17 those -- I mean Mr. McElroy.

18 MR. McELROY: I will be happy to provide those.
19 I will email those around tomorrow.

20 MR. PICK: Okay. The last thing I wanted to
21 discuss was the air quality; and, again, you are --
22 you've indicated that there is -- there is conforming
23 to the Comp. Plan. I mean I only had three minutes
24 to read this very brief document from the Department
25 of Health, and they are indicating that they don't

1 even have enough data to make a determination or
2 recommendation whether it's going to meet the air
3 quality. So, how can you do that? How do you say
4 that the air quality can be conformed when we -- I
5 mean here is -- I mean I'm not sure who else that we
6 can rely on, but I would just like your opinion about
7 that.

8 THE WITNESS: Sure. I mean I would have to let
9 the experts in the air quality speak to the specifics
10 of the information that's in the report; but I, as a
11 land use planner, would have to: (A) accept the
12 conclusions of the report are correct, Number 1; and,
13 Number 2, I would also rely on the peer review. So,
14 if I was a municipal planner for the community, I too
15 would be relying on the experts that I've hired, that
16 we've engaged, the peer review. That's Number 1.
17 Number 2, very similar to the same situation with the
18 requirement that you're going to have to obtain a
19 wetlands insignificant alteration permit, if we
20 impact wetlands, same thing. If we don't obtain the
21 necessary approvals to show that we meet the
22 regulatory guidelines, whether it be DEM or DOH, EPA,
23 et cetera, this project is not going to go forward.
24 That's just a reality, and that's where I say it's
25 consistent with the Comp. Plan. The Comp. Plan

1 clearly doesn't say, you know, if you meet it
2 partially it's okay. Comp. Plan does mention air
3 quality on a regional level. There's been testimony
4 to the effect from both our experts as well as from
5 your own that these can be accomplished; and, based
6 on that, from a planner's perspective, I've got to
7 say we are meeting the goals and objectives of your
8 Comprehensive Plan, and we're consistent.

9 MR. PICK: Thank you.

10 MR. PARTINGTON: Tom?

11 MR. KRAVITZ: Jeff, I just wanted to -- I
12 thought it would be appropriate to take a minute to
13 just reference, after hearing that, my memo dated
14 June 18th to you guys as a Board would still stand on
15 its own. I want that formally recognized into the
16 record, that it kind of looks at the Comp. Plan from
17 a different perspective. It just recognizes that
18 there are goals and objectives related to other types
19 of land use in the Town also that the Town is trying
20 to effectuate throughout; that, based on the amount
21 of water resources that this power plant could
22 potentially consume, there's just other things we
23 have to look at there; and I think I explained it
24 pretty succinctly in the memo, and that's just -- I
25 wouldn't change anything I wrote in the memo.

1 MR. PARTINGTON: Okay, yeah, I mean, obviously,
2 nothing is in a vacuum. If this comes on line,
3 obviously, it affects other things, so --

4 MR. KRAVITZ: Thank you.

5 MS. NOONAN: Certainly, on that point,
6 Mr. Kravitz and Members of the Board, our water
7 expert was not able to be here this evening. To the
8 extent there are more questions or to address that
9 issue he'll be available at the next meeting, as Ed
10 will be there also.

11 MR. PARTINGTON: Very good. Thank you. Did you
12 have any other testimony?

13 MS. NOONAN: I have no further witnesses.
14 I just wanted to identify John Niland, who is here
15 also, as well as Alan Shoer from my office, and
16 they're available for questions on that. And just
17 one last comment before I turn the mike over to
18 you --

19 MR. PARTINGTON: Sure.

20 MS. NOONAN: -- is that, as to Mr. Woods, I just
21 want to make it clear we had pointed out to
22 Mr. McElroy, prior to the June 20th meeting, I think
23 I learned around five o'clock that evening that
24 Mr. Woods had been appointed to the Board; and I --
25 actually, not me, but one of my fellow attorneys had

1 remembered his name that he'd spoken in opposition.
2 We did not request that he recuse himself. We did
3 raise the issue on the 20th just generally that he
4 had been -- spoken against. He subsequently spoke
5 against it again at the PUC, but I just wanted it
6 clear on the record that Invenergy did not move to
7 recuse Mr. Woods.

8 MR. PARTINGTON: Thank you.

9 MS. NOONAN: Mr. Chairman, can Ed go home unless
10 there is some direct question?

11 MR. PARTINGTON: Yes.

12 MR. PIMENTEL: I just wanted to put a statement
13 on the record. The public's comments are valid.
14 Their concerns are valid. My escaping wasn't to
15 avoid any questions. I will be here in the future,
16 I promise. If there is any specific question that
17 the public puts forth, I am prepared to answer it.
18 I didn't want them to think I am trying to avoid the
19 public, because I am not. Their concerns are valid,
20 and they should be addressed.

21 MR. PARTINGTON: Understood. Good evening,
22 ladies and gentlemen. I know what you would like me
23 to do is you would like me to say we don't have this
24 problem. Here's my problem: If I say we just don't
25 want this plan, the Energy Siting Board can say,

1 "Thank you very much. We're going to do it anyway."
2 Our job and the reason that we have this gang of
3 fellows and we have all these experts here is to
4 gather as much information as we can to put together
5 an advisory opinion that, if this plant does come
6 into Town, that we've thought about all the things
7 that we need to think about in order for that to
8 happen.

9 The gentlemen on this side all live in town, as
10 do I. It's going to affect their lives as it affects
11 yours. If this plant does come, it doesn't matter if
12 we say no or if we don't. It may come anyway because
13 we don't have the ability to control that. What we
14 can control is the opinion that we can put forth, and
15 that opinion is based on information that we're
16 getting from our experts and the questions, the very
17 good questions that a number of my gentlemen have
18 asked; and all of that information will go into an
19 advisory opinion. But I just want you to know that
20 it isn't something that we can just say no. That's
21 not our job. Our job is to determine whether it
22 conforms with the Comprehensive Plan and the things
23 that should be watched out for, and that's what we're
24 trying to do.

25 So, you may -- it really doesn't matter whether

1 we agree or disagree. What does matter is that we
2 look out for the interest of the Town when we do
3 this. So, I just wanted you to know we may say some
4 things that you may not agree with here, but the
5 point is we're trying to get information so that we
6 can put together the best advisory opinion that we
7 can. We can look out for every single detail that we
8 can possibly do and make sure that we keep the best
9 interest of the Town, if this creature comes.

10 Okay, so I just want you to know that that's
11 what this process is all about. It's not whether we
12 agree or disagree. What we're trying to do is we're
13 trying to gather information to make sure that we
14 leave no stone unturned, if this power plant comes.
15 Okay, so I just wanted you to know that. This
16 evening --

17 MAN FROM THE FLOOR: I have a question.

18 MR. PARTINGTON: Hold on a second. This evening
19 we're going to go in order of how you signed up.
20 Please address me, okay; and I will either have the
21 applicant answer, or we will try to give you the
22 answer to a number of questions that you may have.
23 Your input is valuable; but, please, this is about
24 questions. This is about -- you know, it's not a,
25 "Just say no." It's a, "What if this happens?"

1 So, if you can address your comments that way, then I
2 think that would be helpful in this process. Yes,
3 sir?

4 MAN FROM THE FLOOR: What is being done about
5 the absurdly loud 43 decibel restriction now? It
6 makes it unbearable to sleep at 43 decibels. Why is
7 43 acceptable?

8 MR. PARTINGTON: We do have a noise expert who,
9 if you ask a question here, then he might be able to
10 answer that question for you.

11 MAN FROM THE FLOOR: Where did the 43 come from?

12 MR. PARTINGTON: Ask the question. It's a Town
13 ordinance. That's the 43.

14 MAN FROM THE FLOOR: You know it's absurdly loud
15 for the residents, right?

16 MR. PARTINGTON: I don't know that, but I have
17 the gentleman right there who is really, really good
18 at noise, because I don't know noise at all. He
19 does, okay. So, he can answer that question for you.
20 Okay?

21 WOMAN FROM THE AUDIENCE: Where can I sign up?

22 MR. PARTINGTON: Tom. Tom has the list. So, if
23 anybody has not signed up yet, if you can get the
24 list or check with Tom, and he'll sign you up, okay.
25 Any other general questions that I can answer for

1 you? Let's get it going. All right, sounds good.

2 MR. McELROY: Mr. Chairman.

3 MR. PARTINGTON: Yes, sir.

4 MR. McELROY: I have the answer to that question
5 about the enforcement powers. Can I read the rules
6 and regulations?

7 MR. PARTINGTON: Please.

8 MR. McELROY: The Energy Facility Siting Board
9 Rule 1.15(B) states, in Section 1, "Failure of the
10 applicant to comply with any provision, condition or
11 limitation contained in a board of license to site,
12 construct, or alter a major energy facility; failure
13 to comply with a cease and desist order issued by the
14 Board; failure to pay lawfully-assessed expenses; or
15 failure to comply with a board order to remedy a
16 non-compliant order shall be grounds for suspension
17 or revocation of a board license." So, those are the
18 powers that they have. It's the biggest hammer you
19 can have. You can shut them down.

20 MR. KRAVITZ: Jeff, the only thing I wanted to
21 say is, as people come up to either speak or submit
22 written testimony, literally, just slide the written
23 testimony here to me on the stage. I will come pick
24 it up. And, to the extent there are good questions
25 there that we want the consultants to analyze from

1 you, we're going to do that; and some stuff may have
2 been answered. Some stuff may not have been
3 answered, but I want to take the written testimony.
4 We're going to get those questions to our consultants
5 before the next meeting.

6 MR. PARTINGTON: Thank you very much. So, I'm
7 just going to go in order. If you can come up to the
8 podium, if you're not here, raise your hand. No. If
9 you're -- I'll give everyone a reasonable amount of
10 time to come up. If I don't -- if you are here and I
11 miss it, then -- oh, yes. Then we'll go from there;
12 and, if you could limit your comments to five
13 minutes, just so everyone has the opportunity to
14 speak. Okay, so --

15 MS. LANGLOIS: Do you have to open the public
16 portion of the meeting?

17 MR. PARTINGTON: We probably should.

18 MR. FERREIRA: I make a motion.

19 MR. PARTINGTON: Okay, so I have a motion to
20 open the public hearing portion. Do I have a second?

21 MR. PRESBREY: Second.

22 MR. PARTINGTON: I have a second. All those in
23 favor?

24 (Whereupon, all the Members of the Board responded by
25 saying, "Aye".)

1 MR. PARTINGTON: Opposed?

2 (Whereupon none of the Board Members responded.)

3 MR. PARTINGTON: So, we'll now open. First
4 speaker, Richard Dionne. Richard here? Mr. Libby,
5 you are on deck.

6 MR. DIONNE: Hello. All right?

7 MAN FROM THE FLOOR: That's going to go just
8 through here (pointing to the speaker at the podium).

9 MR. PARTINGTON: Okay. Tom, do you have the
10 other microphone? Correct. Yeah, okay. So, I think
11 that might be needed down there. Okay, good evening,
12 sir.

13 MR. DIONNE: Good evening. My name is Richard
14 Dionne, 230 Benedict Road, Nasonville. I have been a
15 member of the Burrillville Conservation Commission
16 for about 24 years. Tonight I'm submitting the
17 testimony to the EFSB of Mr. Rick Enser, retired
18 conservation biologist and the Rhode Island National
19 Heritage Program, a project that was conceived by the
20 Rhode Island Department of Environmental Management
21 and The Nature Conservancy. The information in this
22 study is the basis for prioritizing sites that need
23 protection in order to reduce the conflicts between
24 conservation and development issues. If, after
25 looking over his testimony, the Planning Board would

1 like additional information, I'm sure Mr. Enser would
2 make himself available to attend any additional
3 meetings.

4 With regard to the Planning Board's request to
5 advise in the area of land use, I think we should
6 look at land use as it pertains to the thousands of
7 acres that abut this proposed project site. We've
8 got George Washington Management and Camping area,
9 Pulaski Park, Buck Hill Management Area, Edward Park
10 Conservation Area, the northern section of the
11 North/South Trail, Boy Scout and Cub Scout
12 Campgrounds, not to mention Douglas State Park and
13 nearby Massachusetts and the Wallum Lake, one of the
14 most pristine bodies of water in the State.
15 Certainly, this project could not have been sited in
16 a more inappropriate land area.

17 The Town of Burrillville has engaged a number of
18 experts in various disciplines, such as noise
19 abatement, traffic control and water quality issues;
20 but why no such expert in the areas of land and
21 wildlife management? Are you supposed to accept the
22 expertise of Invenergy on matters of conservation?

23 The Planning Board has a very important task in
24 this decision-making process. Apparently, the EFSB
25 did not feel it important enough to request the

1 opinion of any environmental or conservation group
2 other than DEM, and we know how that could
3 conceivably turn out with the DEM director sitting on
4 the Board. So, we're hoping that our Planning Board
5 will represent conservation issues with the true
6 diligence it deserves. And, as a PS to this, I think
7 that Mr. Pimentel's comment that the proposed site is
8 perfectly suited for this project because of the
9 protected conservation lands is the biggest bunch of
10 bullshit I've ever heard.

11 MR. PARTINGTON: Thank you. Thank you, sir.
12 Mr. Libby. Mr. Nicholas Cook is on deck.

13 MR. LIBBY: Thank you. Thank you, Planning
14 Board Members, for your service.

15 VOICE FROM THE FLOOR: Can't hear you.

16 MR. PARTINGTON: Bring it up a bit.

17 MR. LIBBY: Is that better?

18 MR. PARTINGTON: Yes, thank you.

19 MR. LIBBY: I wanted to thank the Planning Board
20 for your service to our community. My name is James
21 Libby of Harrisville, Rhode Island. I have been a
22 registered architect licensed in Rhode Island for 20
23 years. I am accredited by Leadership in Energy and
24 Environmental Design, a professional, and I'm a
25 National Council of Architectural Registration Board

1 Member and a member of the American Institute of
2 Architects. My projects have won numerous awards,
3 including for Brownsfields Redevelopment of
4 contaminated sites. I participated in the early
5 planning stages of UConn's 1.5 billion dollar capital
6 improvement plan and am currently a project manager
7 of a 140 million dollar project under construction.
8 I also served on the Planning Board for nine years.

9 I'd like to submit to you two pages that were
10 read for the Rhode Island Siting Board. I'd also
11 like to submit to you 10 pages of documentation as to
12 why this project does not comply with the
13 Comprehensive Plan.

14 With the time given tonight, I would like to
15 focus on a topic that hasn't really been discussed
16 much, and that's the topic of economic development.
17 Many of the projects we've done in the past together
18 show how important it is for our projects to fit into
19 the community in discussing their economic impact:
20 The new CVS in Pascoag, one medical center in
21 Pascoag, conversion of Pascoag Grammar School to
22 apartments.

23 In the case of this project, economic
24 development, income equality and environmental issues
25 are closely linked; and Invenergy's response

1 regarding environmental and economic justice, they
2 pointed out that there are no minority income or
3 minority populations within 10 miles of Pascoag.
4 However, they neglected to mention that there are low
5 income communities, and Pascoag being one of them.
6 This is important because the US Clean Air Act
7 includes environmental justice conditions that assure
8 US citizens enjoy improved air quality, including
9 those in minority and low income populations. So,
10 while this project promotes clean air for New England
11 as a Region, it creates an emissions hot zone in our
12 community and puts Pascoag residents in particular at
13 risk. These economic disinvestment zones are most
14 commonly found in low income communities; and, despite
15 incredible efforts we have done to revitalize
16 Pascoag, it remains a low income community and,
17 therefore, is defined and afforded these protections.

18 Power plants often target low income communities
19 because they offer financial incentives to entice low
20 income populations to construct power plants in
21 exchange for payments. However, this community
22 should not be forced to sacrifice their lives or
23 their health for perceived economic gains; and, if
24 you look at some of the State's planning
25 documentation, they highlight the low income

1 population, and they specifically highlighted Pascoag
2 in particular.

3 Proponents of fossil fuel electricity promote it
4 as a less costly option to renewable energy.

5 However, the cheap costs for burning fuels are paid
6 for by sacrificing the health of our citizens.

7 Carbon dioxide can be exhausted and captured into and
8 piped underground, but it's less costly to pump it
9 into the air for communities to breathe. Drilling
10 wells on company property is costly; but money can be
11 saved by pumping contaminated water across our Town's
12 aquifer, leaving our low income families and children
13 to pay the price for any contamination. Our
14 contaminated waste water from the cooling process can
15 be treated right on their site, if they construct
16 their own means to treat it; but it's less costly to
17 pump it across Town for our community to deal with
18 the health ramifications.

19 So, the people in Pascoag have already suffered
20 immeasurably from environment pollutants, and this
21 power plant is nothing short of a health, economic
22 and environmental injustice to this community. In
23 addition, our elected Town members, Town management
24 are negotiating payment in lieu of taxes for a
25 project that no other economically-advantaged

1 community would even consider.

2 As part of my job, I often look for hidden costs
3 that could impact a project and really cause problems
4 for the people developing it; and, as far as the Town
5 is concerned here, there are a lot of hidden costs
6 that this can likely raise for our community; and I
7 don't think anyone has captured those, and I don't
8 think they're documented. You know, there's all kind
9 of piping and infrastructure, a waste treatment
10 plant. I mean we're supposed to get payment in lieu
11 of taxes here, but we're going to find that most of
12 that money is going to be consumed by all the
13 infrastructure that we are going to be burdened with
14 providing; and the next thing you know the taxpayers
15 are going to be wondering where has the tax money
16 gone.

17 I'd like to say that, you know, the lack of
18 economic data, the lack of economic data regarding
19 the economic conditions of this project means that
20 you can't possibly improve the economic portion of
21 this project; and, until you get that information,
22 you'd have to say that this project can't be
23 approved.

24 MR. PARTINGTON: One thing, Mr. Libby. We're
25 not approving anything, so --

1 MR. LIBBY: Well, I'd say a favorable
2 recommendation.

3 MR. PARTINGTON: So, understood. Thank you.

4 MR. LIBBY: So, I'll summarize the five
5 questions then. Has the Planning Board requested
6 economic data? Have they requested input from the
7 surrounding communities as our documents imply? Have
8 they gotten any development costs that are impacting
9 the Town, and have they gotten any information that
10 this project would -- as far as what this project
11 will do to the low income citizens of our community?

12 MR. PARTINGTON: Thank you, sir. We'll put your
13 questions to the Town Planner. Next, Nicholas Cook.
14 Is Nicholas here? (Pause and no response.) Okay,
15 Kevin Cleary. On deck is Kathy Sherman. It's the
16 one on the stand, sir (referring to the microphone).
17 It's the one on the stand that works best.

18 MR. CLEARY: This one right here?

19 MR. PARTINGTON: Yes.

20 MR. CLEARY: All right. Good evening, Planning
21 Board Members. Thank you for entertaining tonight.
22 My name is Kevin Cleary. I am the Chairman of the
23 Burrillville Conservation Commission. I have been so
24 for the last five years. I have been on the
25 commission for approximately 13 now. I'd like to

1 bring some issues to your attention for your
2 consideration to contain within your advisory opinion
3 to the EFSB.

4 On April 29th, I drafted a memo on behalf of the
5 Conservation Commission to the Board for your
6 consideration. I'd like to just reiterate a couple
7 of those items that were included in that memo and
8 bring that to the attention of the applicant for your
9 consideration in the draft in the advisory.

10 The project is fragmented into many different
11 parts. There's a lot of different spurs to this
12 project. Each one is integral to the overall success
13 of the plan. They have fragmented a power line
14 extension which to me seems -- it's very
15 inappropriate. It crosses three different sets of
16 rivers in order to accomplish their goal of setting
17 up shop in Town. Without it the power plant is
18 meaningless. It doesn't exist without that power
19 line extension for six miles across our Town. In
20 order to do so, they have to cross the Clear River.
21 They have to cross the Round Top River. They have to
22 cross the Chockalog Brook. Those are all pretty
23 major rivers that contribute to their river. In
24 doing so, it's a little deceitful to see that lack of
25 accountability on their behalf to include that in

1 their project. They've just rolled that off and
2 shrugged that responsibility onto National Grid.
3 Again, they're putting all that responsibility on the
4 National Grid in order to complete within their
5 two-year time frame. That's not realistic. Let's be
6 realistic. To do so, it needs to be included in the
7 whole ball of wax because without it, it doesn't
8 happen. Let's face it. So, to put that onto
9 National Grid is unreliable.

10 Let's talk a little bit more about the process
11 of water that they are proposing to use. We've all
12 heard about the MTBE issues. We need to add to that
13 that they need to be proposing another alternate
14 means of water supply because, if the tests that Pare
15 Engineer -- they included in one of the data set
16 requests to the EFSB just a draft plan from Pare
17 Engineering, who they've requested to provide a water
18 review of the Pascoag well drawdown analyses, cones
19 of influence, curves, and to create all that data
20 sets for them; but there's a lot of missing data and
21 a lot of missing charts and supplements that are in
22 that draft report, if anybody has even seen it.
23 Their proposal is incomplete. How can that even be
24 acceptable? They have it as draft, but there's no
25 detail as to how the methodology which they are going

1 to approach in order to accomplish those tasks of
2 monitoring that well. I think that was in the
3 twelfth or thirteenth data set request. So, that's
4 incomplete. That needs to be rendered to the EFSB as
5 such, and an alternate means of water supply. The
6 well shuts down, the well doesn't work, can't meet
7 their demand; where is that water going to come from?
8 Is it going to be piped in? Where is it going to be
9 piped in from?

10 MR. PARTINGTON: I believe last time our expert
11 did say that there needs to be some plan that needs
12 to be in place, if I'm not putting words in his
13 mouth.

14 MR. CLEARY: That needs to be -- Mr. Hevvy
15 (phonetic spelling) I think proposed that. That
16 needs to be taken seriously. I am also a registered
17 professional engineer myself, so I do have a little
18 bit of expertise in these areas as well.

19 Wastewater. The applicant needs to file an
20 industrial pretreatment permit with the Town's
21 Wastewater Publicly-owned Treatment works.

22 A full characterization of their wastewater
23 discharge. They did a partial characterization of
24 the wastewater discharge. That's pretty bleak.

25 Environmental impacts associated with this, the

1 traffic routes. Last I heard, and I may be
2 incorrect, but the Pascoag River Bridge had a posting
3 on that not too long ago. Was there something done
4 to that bridge to lift that posting? Because it was
5 rated at two axles. I believe it was 10 tons or
6 something like that. That would put a nail in the
7 coffin here. The high -- I'm sorry, so, it was 15
8 tons, two axles. So, there used to be weight
9 restrictions. I don't know if those have been
10 relieved.

11 Another thing I would ask that the traffic
12 expert on their end include or make sure it's
13 included within the traffic study -- I know they have
14 all their fuel delivery trucks going to the site with
15 respect to oil deliveries for the diesel fuel; but,
16 also, are they including the hydrogen trailers that
17 are going to be coming to and from the site on a
18 weekly basis? Are they going to be including the
19 carbon trucks that are going to be leaving Pascoag
20 Utility District on a daily basis? And are they
21 going to be including the -- let's not forget about
22 the ammonia. Can't forget about that either.
23 I don't see that those are tallied up in the traffic
24 reports, as the towns may like.

25 And one last thing I would like to just kind of

1 summarize here, I'll keep this brief, is that the
2 call for action to ordering an EIS, who does that
3 responsibility lie with? Who gets to call that
4 action? Because it's warranted in this case. If you
5 take all the little fragments in this project, roll
6 them up in a ball of wax, they meet the merits for an
7 Environmental Impact Study. The National
8 Environmental Policy Act is clear on that. Planning
9 Board's recommendation or advisory, the Conservation
10 Commission would like to see it carry that call for
11 that task to be completed. I don't know whose
12 responsibility that lies with, who gets to call that
13 shot; but it should be made for the benefit and for
14 the satisfaction of the residents of Burrillville, in
15 all fairness, to make sure that this project is, as
16 they say, sited fairly. I appreciate your time and
17 consideration on the matter.

18 MR. PARTINGTON: Thank you for your comments,
19 sir.

20 MR. CLEARY: You're welcome.

21 MR. PARTINGTON: Kathy Sherman is next.
22 Mr. Roselli, you're on deck.

23 MS. SHERMAN: Good evening, Mr. Chairman,
24 members of the Board. Thank you --

25 MR. PARTINGTON: Speak up right into the mike.

1 MS. SHERMAN: Sorry about that.

2 MR. PARTINGTON: That's okay, no problem.
3 You'll be like The Voice.

4 MS. SHERMAN: Oh, you don't want that, I can
5 assure you of that.

6 Good evening, Mr. Chairman, Members of the
7 Board. Thank you for hosting tonight and welcoming
8 our comments. My name is Kathy Sherman. I live at
9 1035 Wallum Lake Road directly across the street from
10 the proposed site. I find myself to be no better
11 expert about the noise in that area. I have lived in
12 that home with my 100 percent disabled husband for 27
13 years. My husband is disabled as a Vietnam veteran.
14 He came -- I'm sorry, he came home with an injury,
15 and his disability is related to exposure to agent
16 orange. If we have not learned anything about
17 emitting chemicals into the air that can cause
18 harmful, lifelong, life-threatening illnesses from
19 that experience, then we have learned nothing.

20 I can assure you that the loud noise from the
21 Algonquin compressor station impacts my life on a
22 daily basis. I'm going to give the Board a copy of
23 of a letter that the Town wrote to FERC this May 31st
24 outlining the safety issues, the noise issues, and
25 the health issues from that property. The thought of

1 siting another toxic facility on that property is
2 incomprehensible to me. That's a nonconforming
3 property. There is no way that any variance, special
4 permit should be issued until that property becomes
5 compliant by their own -- (applause) -- by
6 Algonquin's own Environmental Impact Study. They are
7 over the EPA-recommended decibel of 56 dBA's. To
8 hear a promise that we are going to be able to come
9 within the noise standards does not make any sense.

10 I would also like to point out to the Board,
11 because it hasn't gone unnoticed by me, that whenever
12 you ask an Invenergy expert a question, you get a
13 legal answer. The attorney responds, which she takes
14 the mike away, and she responds. These are our
15 lives. These are our neighbors. We have children in
16 that area, and to think that this is an acceptable
17 practice does not comport with the Comprehensive
18 Plan.

19 Invenergy was asked how they were going to
20 comply with the 43 dBA. In fact, in their
21 application they wrote that it would take extensive
22 controls, including placing the combustion turbines
23 within buildings; and attaining the
24 unusually-restrictive octave band limits was found to
25 require extraordinary mitigation measures,

1 commercially untenable and beyond engineering
2 feasibility. That's the question from the
3 Conservation Law Foundation Data Set 4; but then
4 their answer was, "Well, we'll put it in a building."
5 They're going to build a 700 million dollar power
6 plant, and an extraordinary measure is to put it in a
7 building?

8 When you look at the Comprehensive Plan and you
9 look at the issues that really you need to address
10 here, the noise levels need to be compatible and
11 acceptable standards. They are not now. How could
12 you add additional noise and have that be an
13 acceptable standard?

14 In addition to the Town of Burrillville letter
15 that I am going to submit, I'm also going to submit
16 the direct testimony of J. Timmons Roberts that the
17 CLF filed in their appli -- in their intervenor
18 status with regard to the air quality and how the air
19 quality of the Rhode Island Resilient Act will not be
20 met if this plant is sited in that location.

21 One of the standards, as you know, that you need
22 to consider with regard to the Comprehensive Plan is
23 that to ensure the air quality in Burrillville meets
24 national ambient air quality standards and maintains
25 air quality levels in the Town higher than these

1 standards. According to the professor, you'll never
2 come close. So, I urge this Board to write a very
3 strong advisory opinion opposing the siting of the
4 Clear River Energy Center in Burrillville. Thank
5 you.

6 MR. PARTINGTON: Thank you. Mr. Roselli, you're
7 up next. Bill Eccelston is up now.

8 MR. ROSELLI: Thank you, Mr. Chairman. Thank
9 you for this opportunity. Mr. Chairman, I've got
10 five minutes to try to illustrate -- oh, by the way,
11 I'm sorry, my name is Paul Roselli. Tonight I'm
12 representing the Burrillville Land Trust. I've got
13 five minutes to illustrate a little bit about why the
14 Burrillville Land Trust challenges the premise that
15 perhaps this is a facility that is in line with the
16 Comprehensive Plan of the Town of Burrillville.

17 I'm going to state at the outset that perhaps in
18 this document that we've put together and this
19 document that I've handed in, it's about 30 pages
20 long. It would take a couple of hours to go through
21 the information. I know you will go through it. I'm
22 more than confident that each and every member up
23 there will go through that document. It illustrates
24 many of what -- many points that were mentioned
25 previously. I'd like to go through a couple of them,

1 though, for the record, and for you to hear them this
2 evening.

3 The Burrillville Land Trust, as you know, is a
4 private nonprofit Land Trust in the Town of
5 Burrillville. The document that we present tonight
6 is in line with our mission to preserve and protect
7 the rural character of the Town of Burrillville
8 through education and acquisition. The Land Trust
9 presents five areas of interest that should be
10 considered and read while you're deliberating on the
11 merits of this project. I'd like to go through a few
12 of them.

13 We cite chapter and verse and section and
14 subsection and sub-subsection within the
15 Comprehensive Plan that this project does not meet
16 the merits or is in line or is consistent with the
17 tenets of the Comprehensive Plan for the Town of
18 Burrillville. It fails on a number of counts. In
19 your deliberations, please keep in mind that you have
20 to, and in accordance with the Comprehensive Plan,
21 look at other State and Federal protections and
22 regulations. Two of which that are mentioned in here
23 are notifications and jurisdiction over the Clear
24 River, a protected tributary of the Blackstone River,
25 is under the Blackstone River Valley National

1 Heritage Harbor. The project will make it -- and the
2 second one is the project will make it impossible for
3 the State of Rhode Island to meet the greenhouse gas
4 reductions as set forth by the Resilient Rhode Island
5 Act.

6 One other area of concern is, to date, there has
7 not been any valid biodiversity report for this
8 project. There's been no study. There's been no
9 survey. We present a cursory survey within this
10 30-page document for your review, which strongly
11 suggests that one of the questions that needs to be
12 answered is: What is the impact of the biodiversity
13 on that site? That site, by the way, has been
14 designated for the last -- for nearly 30 years as a
15 natural heritage area by both RIDEM and a number of
16 different organizations. The Comprehensive Plan even
17 cites that area as being a national heritage area.

18 And, finally, given the time I have here
19 tonight, I'd like to echo some of the comments made
20 earlier about the segmentation of this project. This
21 project is being categorically and purposely broken
22 up into segments to avoid Federal and/or State
23 Environmental Impact Statements. This inadmissible
24 segmentation is not allowed by both Federal and State
25 and District Court case law. As a matter of fact,

1 it's not allowed by State Law. Other projects within
2 our State have fallen within this insubmissible
3 (sic.) segmentation area; and they have gone before
4 the courts, and the courts have agreed that more
5 scrutiny, a better understanding of the total
6 project, all sub projects fall into one project.
7 Again, there are many more areas that I would like to
8 talk about. I would strongly urge that you read it.
9 If there is any way we can hold a workshop with the
10 Burrillville Land Trust, I would be more than happy
11 to conduct that workshop. I am not a land use
12 planner or a biologist. So, what the Burrillville
13 Land Trust did in submitting this report, we hired a
14 biologist to give us the report. Thank you for this
15 opportunity to talk in front of you. Thank you.

16 MR. PARTINGTON: Thank you very much. Bill
17 Eccelston.

18 MR. McELROY: Mr. Chairman, could I interrupt a
19 minute.

20 MR. PARTINGTON: Sure.

21 MR. McELROY: There was a question raised
22 earlier regarding whether or not the Energy Facility
23 Siting Act was in effect when Ocean State Power was
24 permitted. I was able to look it up, and the Energy
25 Facilities Siting Act was authorized by the Rhode

1 Island legislature in 1986. The Ocean State Power
2 Plant did go through the Energy Facility Siting
3 process, was authroized by the Energy Facility Siting
4 Board and went into service in 1990. I just wanted
5 to clarify the record.

6 MR. PARTINGTON: I appreciate that. Thank you.
7 Bill Eccelston. Then the next one, I'm going to hack
8 the name up, it's either Jane or Joan Olkowski,
9 222 East Avenue, Harrisville. So, I'm sorry if I
10 hacked it up. I couldn't read it. So, sir.

11 MR. ECCELSTON: Thank you, Mr. Chairman. My
12 name is Bill Eccelston. I'm a resident of North
13 Providence now, but I was born in Burrillville, lived
14 here for 43 years, and I was co-chairman of
15 Burrillville's first Comprehensive Planning
16 Committee, and I'm glad to see one of my old
17 colleagues up there. He can vouch for my sanity.

18 In the limited amount of time I got, what I'd
19 like to do is-- intend to do is take you through a
20 brief tour of 13 documents I'd like to submit; and,
21 really, I think what I want to do is concentrate on
22 the document that has to do with the OSP process.

23 To begin with, what I have here is Page 13 from
24 Chapter VIII of the Comprehensive Plan, and the first
25 bullet point down there, it says, "The Clear River

1 area provides habitat for a number of state-listed
2 rare plants and animals. In fact, one of the State's
3 most rare fresh water turtles has been known to
4 inhabit the Clear River and has been found in the
5 Town's Nipmuc Drainage property." The turtle
6 referenced is the wood turtle; and up above, in the
7 text two paragraphs above, it says, "There are no
8 known Federally-endangered or federally-threatened
9 species in Burrillville." That is strictly true;
10 however, attached to this document here I have a copy
11 of the Federal Register dated September 18th, 2015
12 noting that the wood turtle has been taken under
13 consideration by the US Fish & Wildlife Service for
14 protection under the Endangered Species Act, so that
15 in any -- on any given day, we may discover that
16 indeed we do have Federally-protected species in the
17 Clear River Valley and in all the tributary streams
18 to it.

19 Next I have a piece of testimony that was
20 submitted to the US Fish & Wildlife Service by
21 authoritative turtle people. This is testimony given
22 to the US Fish & Wildlife Service by the wood
23 turtle -- the Northeast Wood Turtle Working Group.
24 This organization is a group of professional
25 herpetologists. They study reptiles and turtles.

1 The signatures, okay, just to lend some authority
2 here, are Michael T. Jones, PhD, University of
3 Massachusetts Amherst, Co-chair, Northeast
4 Partners -- Northeast Partners. What is that?
5 Thomas S.B. Akre, PhD, Smithsonian Conservation
6 Biology Institute, Co-chair of the Wood Turtle
7 Project; Lisabeth L. Willey, PhD, Antioch University,
8 New England, President American Turtle Observatory;
9 Paul R. Sievert, PhD, University of Massachusetts
10 Amherst; and among the Working Group Agency Members
11 are all the New England Departments of Wildlife and
12 Fisheries, except Rhode Island, because in 2007 we
13 dismantled the National Heritage Program which, when
14 we compiled our first Comprehensive Plan in the early
15 90's, they were essential in helping us with
16 conservation aspects of that.

17 A little information about the wood turtle. Um,
18 ESS Group, in their environmental survey of this site
19 they listed 22 bird species. They identified one of
20 them as State-threatened, but attached to this I have
21 the Rhode Island Species of Greatest Conservation
22 Need from the 2015 Wildlife Action Plan, and among
23 the -- did I say 22? Among the 26 bird species that
24 were identified on the site by ESS, eight of them are
25 Species of Greatest Conservation Concern in Rhode

1 Island, not just the one that they sited.

2 I have a map showing the project site bordering
3 the George Washington Forest which is contiguous with
4 the Durfee Hill State -- Durfee Hill Wildlife
5 Management Area, with the Narragansett Council Boy
6 Scout Reservation, with the Quaddick, Connecticut
7 State Forest and Buck Hill Wildlife Management Area
8 and with the Douglas State Forest, nearly 15,000
9 State-protected acres.

10 And here my last document is the -- from the
11 files of the Ocean State Power project, Final
12 Environmental Impact Statement. This is the
13 testimony of Rhode Island DEM wildlife biologist
14 Chris Raithel, who is still employed by DEM. He
15 says, among other things, "On the basis of what I
16 know of these sites I have listed, this seems . . .",
17 and he's talking about the same piece of land where
18 this power plant is going to be built, that 700 acres
19 of pipeline company-owned land. "On the basis of
20 what I know of these sites I have listed, this seems
21 by far the most inappropriate location for a power
22 plant." And I do not have the time to quote the
23 US Fish & Wildlife Service to the same conclusion.
24 My time is up?

25 MR. KRAVITZ: Yes, sir.

1 MR. ECCELSTON: Thank you.

2 MR. PARTINGTON: Thank you.

3 MR. OLKOWSKI: My name is Joan --

4 MR. PARTINGTON: Sorry about that. I couldn't
5 read that.

6 MR. OLKOWSKI: Are we saying names and
7 addresses?

8 MR. PARTINGTON: If you'd say your name because
9 I couldn't get it, so --

10 MR. OLKOWSKI: Jason Olkowski, O-L-K-O-W-S-K-I.

11 MR. PARTINGTON: Thank you, sir.

12 MR. OLKOWSKI: Better known as Joan also. So, I
13 wanted to thank the retained experts for your
14 diligence and your work and all your research.
15 I also want to thank the Planning Board members for
16 your diligence in reviewing this mountain of
17 information. It's clear to us you're paying
18 attention. It's important to us. We're trusting
19 you. We are relying on you.

20 MR. PARTINGTON: We know.

21 MR. OLKOWSKI: Thank you. So, I also want to
22 note the fact that, while I have given previous
23 testimony regarding my objection to the plan and this
24 project being built here in our Town, and I once
25 again note my objection, it's important to ensure

1 that, if the project is approved, that we are
2 protected as much as possible. So, please take my
3 comments in that spirit, and please pay attention to
4 the recommendations therein. It's not recommended to
5 stop the plant but, rather, to protect us. Please
6 keep that in mind.

7 I want to go fast because I have only got a few
8 minutes. I want to talk about noise, risk, snow, and
9 guarantees. So let's talk about noise. So,
10 Mr. Hessler, one of the foremost experts regarding
11 plant noise, has testified about a few things that I
12 want to remind us about and draw some parallels and
13 some connections. He said plants like this are
14 allowed. He's never seen a plant this quiet or heard
15 a plant this quiet but believes that it is somehow
16 possible. He's also said that our Noise Ordinance of
17 43 at night, 53 during the day dBA rated is below
18 most ordinances and unusually demanding. I want to
19 remind everybody we live in the country. You guys
20 know that. You live in our Town. That's why, every
21 time I hear that, I get offended by that statement
22 because we live in the country. The good people that
23 created these ordinances created them for that
24 reason. Please don't be fooled when someone -- an
25 expert comes. This is not an industrial area. This

1 is a beautiful rural area, so please be aware of
2 that.

3 We also heard about the peak sounds during
4 start-up and shutdown and that that will happen quite
5 regularly and quite frequently. We need to remember
6 that particular risk of those peak noises for these
7 release valves, there is a risk of that happening
8 repeatedly; so, please keep that in mind.

9 We've also heard testimony from Mr. Hessler
10 about the octave band limits being particularly
11 onerous and unnecessarily low and recommended
12 relaxing those variances. However, I disagree.
13 Again, we are in the country, and I think we all know
14 by now that low frequencies travel farther than high
15 frequencies. I can cover my mouth, and you can't
16 understand me, but you can still tell that I'm
17 talking because low frequencies travel farther.
18 I live about a half a mile, a little over a half a
19 mile from the Town waterfall, and I can hear that
20 from my house thundering away, okay. That's what low
21 frequencies do. They travel. Don't flex on the
22 ordinances one bit, please.

23 Again, we live in the country. We're rural for
24 a reason, and these ordinances exist for a reason.
25 I am going to pose two questions that can be answered

1 later to Mr. Hessler. How many noise ordinances have
2 you reviewed for places that are in a national park
3 that takes that into consideration? And how many
4 facilities have you worked on that are located in a
5 national park? I'd like to remind you that this
6 facility will be located within a US national park.

7 Okay, in keeping and talking about risk, let's
8 talk about the risk to our air. Mr. Hevner has
9 testified that this will be a major source of air
10 pollution, therefore, requiring major source of air
11 pollution permit. However, the local impact will be
12 insignificant, due to the force that the pollutants
13 are propelled up with. So, first of all, I'd like to
14 talk about snow, and I know it's funny to talk about
15 snow in the middle of summer; but I think we all know
16 what goes up must come down. I'd like to draw your
17 attention to a quote, and I'd like to quote a
18 "Newsweek" article from January 2013 called, "Do not
19 eat the snow. Growing up in a snowy region means at
20 some point scooping up a mitt full of fallen snow and
21 taking a bite; but, according to new research, snow
22 acts like a sink for an assortment of toxic
23 particles. That means what looks like pure white
24 might actually be dangerous to your health. Don't
25 eat the toxic snow, kids."

1 In a study published last week in "Environmental
2 Science Process Impacts," the Journal of the Royal
3 Society of Chemistry, a team of scientists in Canada
4 found snow in other areas soaks up the toxic and
5 cancer-causing nail particles that are found in car
6 exhaust. Those same toxic chemicals I think all the
7 experts know are the ones that are emitted from power
8 plants. The snow appears to be very effective in
9 removing these particles from the air; but then they
10 are, of course, embedded in the snow making the snow
11 less than pure for you to ingest. Snowflakes are ice
12 particles with various types of surfaces, including
13 several active sites that can absorb these various
14 gases and particulate pollutants. I am going to skip
15 the rest of that article. I'd like to draw your
16 attention to it. Please keep in mind we do get a lot
17 of snow in this particular area. That means the
18 potential for it coming right down on us.

19 In closing, with a memo from the Department of
20 Health that says they don't have enough data to say
21 if this is safe or not, with a memo from our Town
22 Planner that says this does not meet our
23 Comprehensive Plan, with the risk to our air, water
24 and safety that's been spelled out by the experts,
25 and with the comments from our air -- our noise

1 experts that they've never seen or heard a plant this
2 quiet, I urge you to hold the line on our rural
3 character and submit a response that does not
4 recommend relaxing our ordinances and reenforcing the
5 recommendation that this project is wholly
6 inconsistent with our strategic planning.

7 I recommend that the Planning Board turn in a
8 recommendation that our expert, Mr. Hessler, who's
9 been described as one of the foremost experts in
10 industrial plant noise, says he's never seen or heard
11 a plant this quiet, otherwise referred to as a
12 unicorn. I also urge you to site the concerns about
13 the unnecessary risk to our safety due to the
14 materials stored on site and transferred; and,
15 finally, I encourage you to include an advisory
16 opinion that includes milestones to be met as it
17 relates to these sound ordinances; that they have to
18 prove to us that they will be able to meet the noise
19 ordinances outside of just relying on finger pointing
20 between vendors and people that provide different
21 guarantees, the builder, the noise valve vendor. It
22 is my experience when someone promises something
23 without staying in the game by way of penalties, it
24 means nothing. Thank you very much for your time.

25 MR. PARTINGTON: Dave Sutherland and Paul Bolduc

1 is on deck. Is Dave Sutherland here? (Pause and no
2 response.) Mr. Bolduc. Stephanie Sloman is on deck.

3 MR. BOLDUC: My name is Paul Bolduc. I'm from
4 915 Wallum Lake Road in Pascoag, and I have questions
5 both on traffic and noise.

6 MR. PARTINGTON: Okay.

7 MR. BOLDUC: One to do with Invenergy's traffic
8 expert in relation to the entrance of the plant.
9 I was wondering if she could show that to you on a
10 map as to where the entrance is. Is that possible?

11 MR. PARTINGTON: We actually have a plan already
12 that we've seen a proposal for where they wanted to
13 put the entrance.

14 MR. BOLDUC: Okay, well, --

15 MR. PARTINGTON: And I believe -- could you help
16 me out here. It was about 200 to 300 feet or yards
17 down the road.

18 MS. NOONAN: Yeah, I think what the Chair was
19 referring to is that we have submitted the plan that
20 shows the proposed entrance.

21 MS. CHLEBEK: My name is Maureen Chlebek,
22 C-H-L-E-B-E-K.

23 MR. BOLDUC: I believe you made a comment at the
24 last meeting about the entrance, that there are no
25 obstructions on the curve to that driveway, is that

1 correct?

2 MS. CHLEBEK: We talked about the site distance
3 measurement at the entrance, and that was based upon
4 the entrance shown on the site plan.

5 MR. BOLDUC: I lived across the street from that
6 entrance for 39 years. I've witnessed dozens of
7 accidents, one fatality. A Burrillville Police
8 cruiser, not responding to a call, crossed my front
9 lawn. That's a bad curve, if we're talking about the
10 same place; and I think we are because John Niland
11 was in my house and pointed the entrance to me. So,
12 I question that report.

13 The other question I have is to do with noise.
14 I'm about a quarter mile away from the Spectra plant;
15 and, when that property gets cleared, -- I mean I
16 hear it loud and clear now. What's going to happen
17 when that property is cleared, and whose noise is it
18 going to be when I call to complain? Is it going to
19 be Spectra, or is it going to be Invenergy? How are
20 we going to differentiate between the two noises?

21 MR. PARTINGTON: Mr. Hessler I believe answered
22 that question in the last session that we had, if I'm
23 not mistaken.

24 MR. HESSLER: Well, right now, it's all
25 compressor plant noise, and it's going to -- unless

1 something changes with that, it's going to remain
2 compressor plant noise; and another power plant
3 meeting the ordinance of 43 is going to be lost and
4 not audible over the existing plant.

5 MR. BOLDUC: My suggestion is to put noise
6 monitoring equipment at both Spectra and Invenergy on
7 a twenty-four, seven basis, so we know where the
8 noise is coming from.

9 MR. HESSLER: Yeah, yeah, exactly. When this
10 plant, if it's built and if it goes into operation,
11 there will be testing to verify that it's meeting the
12 43; and that will involve putting monitors all over
13 the place, near the compressor station, near the new
14 power plant. It will be possible to figure out what
15 that plant is doing by itself, even if the compressor
16 station continues to operate through the testing.

17 MR. BOLDUC: And what happens to the homes that
18 are directly at the end of that driveway? There's
19 three or four homes directly there, when there is no
20 buffer or trees or any kind of resistance at all.

21 MR. PARTINGTON: Well, there's the existing
22 drive, and there is their proposed drive.

23 MR. BOLDUC: What's the existing drive?

24 MR. PARTINGTON: The existing drive is the one
25 that's there to the compressor plant. There's a road

1 that runs to Algonquin.

2 MR. BOLDUC: I'm familiar with that, yup.

3 MR. PARTINGTON: Yes, well, that's what I mean.

4 The proposal that they've put up is to build a
5 secondary road which is south of that, I believe,
6 south of that.

7 MR. BOLDUC: It's across the street from my
8 house. I know right where it is.

9 MR. PARTINGTON: Well, that's fine, but that was
10 their proposal. So, you were asking about -- the
11 design of the road could be designed so that it would
12 curve, if you will, and buffers put in, if that, you
13 know, if that's part of the proposal.

14 MR. BOLDUC: That's part of the proposal.

15 MR. PARTINGTON: Yes, well, it could be. We
16 don't know yet.

17 MR. BOLDUC: Okay.

18 MR. PARTINGTON: They've proposed. It hasn't --
19 you know, it hasn't come to fruition.

20 MR. BOLDUC: Okay, thank you very much.

21 MR. PARTINGTON: Thank you, sir. Stephanie
22 Sloman is next, and Kevin Frenette is on deck.
23 Stephanie? No?

24 MS. SLOMAN: I'm coming. I'm coming.

25 MR. PARTINGTON: Thank you.

1 MS. SLOMAN: My name is Stephanie Sloman and
2 I'm from Pascoag. I'm a retired environmental
3 engineer. I just gave Tom a lot of data, a lot of
4 information. I have given you as much of my
5 knowledge, facts as possible in the first report
6 dated June 20th and in this report dated July 11th.
7 The facts are the facts. The Clear River sub basin
8 does not have the capacity to support Invenergy's
9 water withdrawal. Invenergy's protocol for the PUD
10 well and the 3A testing is not sufficiently showing
11 the exact location and flow of the MTBE plume, as
12 well as how the sub basin reacts to the step down
13 pump tests. I'm concerned for the health of our
14 residents and the environment.

15 Just these items should tell you that this
16 project is not in compliance or in line with
17 Burrillville's Comprehensive Plan or for its future
18 growth. What we have -- what about the pressurized
19 hydrogen gas that Invenergy plans to use for cooling?
20 Hydrogen is explosive. Two million gallons of diesel
21 on site; 40,000 gallons of ammonia on site. They're
22 using the MBTE-contaminated water from our aquifer.
23 Groundwater is the growth of Burrillville. Without
24 it Burrillville will not grow, residentially or
25 commercially. Who will want to come to live in a

1 Town with a huge power plant in the middle of
2 pristine acres of management areas, pristine water
3 bodies and quiet forest and wetlands? Who will want
4 to grow their business in such a Town that allows a
5 project to steal its water right out from under them?

6 None of the electricity generated by Invenergy
7 will go to Rhode Island. It will go to the grid and
8 be distributed throughout New England as ISO New
9 England sees fit. Burrillville's electric rates will
10 not go down. Frankly, after attending the many Town
11 Council meetings and watching past videos, the Town
12 owes a lot of money in loans, etcetera. If this
13 proposed project is approved, our taxes will not go
14 down, as Invenergy states. The money from the tax
15 treaty will go to paying off the loans, such as the
16 wastewater treatment facility upgrade; and the rest
17 will be earmarked for other improvements to the Town
18 such as schools and infrastructure. I really hope
19 that you folks read these reports. There is a lot of
20 good factual data in this. I researched hard, as I
21 am passionate about the environment. I hope that
22 questions are pulled out of these reports and are
23 used as future data requests to Invenergy.

24 I believe that the hydrogen tube trailers and
25 the increased noise start-up and shutdown procedures

1 Invenergy is hiding even more. I am so thankful that
2 the EFSB has a data request and response process set
3 up. This is how we all found out about very
4 important things that were not in Invenergy's
5 original application.

6 In conclusion, giving the EFSB a positive
7 advisory opinion would be the wrong thing to do for
8 Burrillville. Not only does the Comprehensive Plan
9 talk about the importance of groundwater and pristine
10 environment, the State of Rhode Island Planning
11 Division believes the same.

12 As I stated at the beginning of the report, --
13 I'll give this to Tom -- the Town of Burrillville
14 understands the importance of groundwater. In
15 Chapter 10 of the plan it states that Burrillville is
16 one of 14 Rhode Island communities which depends
17 entirely upon groundwater for its drinking water
18 source. As far as the Town of Burrillville is
19 concerned, groundwater is gold. We cannot drink
20 money, and you can't breathe money.

21 I will add one more thing. Burrillville is a
22 small world Town with compassionate people. It is a
23 very rich Town, and it has one of the most pristine
24 environments of all Rhode Island. If this proposed
25 power plant is indeed approved, the whole character

1 of the Town will be negatively impacted. How can we
2 as a Town let this horror happen? Take this home
3 with you. If Invenergy's proposed project is
4 approved and is built, it will be able to do what it
5 wants. If it violates any permit, noise, air or
6 water, all that they will have to do is pay fines.
7 No one will be able to shut it down, not the EPA, not
8 the DEM, not FERC or ISO New England, no one; and I
9 do not believe that the EFSB would have the guts to
10 shut the plant down. Life is water. I mean water is
11 life, sorry about that. Once the water is gone, so
12 is Burrillville's future. I don't want to be the
13 canary in Invenergy's experiment. Do you?

14 MR. PARTINGTON: Thank you. For the record, Tom
15 and Christine have done an amazing job of informing
16 all of us with every piece of data that could
17 possibly come across; and all of your comments will
18 be taken, collated, and sent to us. So, we will see
19 everything that is here. So, and they have been
20 amazing in making sure that we see everything.
21 We have -- I know, individually, I have tried very
22 hard to read everything that has come across; and
23 it's very, very, very voluminous in the amount of
24 information that's come across, both from the
25 applicant, from our experts, from questions that

1 we've asked. I mean it has been a tremendous amount
2 of information. So, I just want you to know that all
3 of this that you're saying and all of these things
4 that have come across is not wasted upon us. We're
5 looking at everything. So, next, Kevin Frenelle
6 (sic.), and Ray Trinque is on deck.

7 MR. FRENETTE: I'm Kevin Frenette, not Frenelle.
8 I believe that's the one.

9 MR. PARTINGTON: There you go.

10 MR. FRENETTE: Kevin Frenette, 375 Comstock
11 Road, Harrisville. I was wondering if Invenergy
12 could answer a question. I've been dealing with
13 National Grid for years with the last project that
14 they did. It was the reliability project where they
15 added another power line through my property; and I'm
16 still trying to get some of the issues taken care of
17 from the Energy Board meetings years ago, which I
18 still haven't been able to. I still haven't been
19 able to have some of those issues resolved. Now,
20 some of the issues I have right now Invenergy is --
21 I'd like to ask them a question. I believe National
22 Grid has been telling me the maps for the application
23 for the proposed new line going from this power plant
24 to the Sherman Road switching station, there is --
25 they said they're wrong. The proposal from Invenergy

1 states that the new line going in from the power
2 plant to the Clear River is approximately 4.4 miles
3 long, and then the other line is approximately 1.6
4 miles long going to the Sherman Road switching
5 station. I'd just like to know from Invenergy
6 tonight if they can tell me which side of this power
7 line that it will be going on, because my house is 12
8 feet from the easement. So, this is -- I'm one of
9 the greatest impact of anybody on that line. So,
10 could someone from Invenergy tell me in their words
11 which side of this line -- of this easement will this
12 power line be going on?

13 MS. NOONAN: I think if you could provide again
14 your address, I wasn't able to hear it the first
15 time.

16 MR. FRENETTE: 375 Collins Taft Road,
17 Harrisville, Rhode Island. It's very close to the
18 Sherman Farm Power Plant.

19 MS. NOONAN: Sir, as we sit here right now, in
20 talking to two of my people here, they don't know
21 exactly where that is; but we will get that answer
22 for you.

23 MR. FRENETTE: All right, it's the furthest
24 away. From your proposed power plant, it's on the
25 opposite side all the way down towards the other

1 power plant that's in, the Sherman Farm Switching
2 Station, which is the Sherman Farm Road Power Plant.
3 I'm on that section. So, the new line that's going
4 through, and -- all right, go ahead.

5 MS. NOONAN: No, I was just going to say, that
6 gives us where you are, and we'll be able to get that
7 answer for you.

8 MR. FRENETTE: Okay, any idea when you might be
9 able to do that?

10 MS. NOONAN: Couple days, couple days.

11 MR. FRENETTE: All right, that's --

12 MS. NOONAN: So, we can use your address; or, if
13 you want to give Tom better contact info., we'll give
14 it to Mr. Chairman. Is that the best way to get it
15 to Mr. Kravitz?

16 MR. PARTINGTON: Yes, that would be fine.

17 MR. FRENETTE: What National Grid is telling me,
18 there was a mistake in your engineering or a mistake
19 on your plan. So, your application was wrong because
20 it just -- the 4.4 mile section and the 1.6 mile
21 section they said was just backwards or whatever.
22 You're supposed to be adjusting that.

23 MS. NOONAN: All right, thanks. We'll look at
24 that and get that information to Tom.

25 MR. FRENETTE: All right. So, is your maps --

1 then do you know anything about this?

2 MS. NOONAN: I don't as I sit here, no.

3 MR. FRENETTE: Does anybody from --

4 MS. NOONAN: Like I said, we'll get the
5 information. This is the first time I think we've
6 heard that anyone from National Grid has pointed out
7 an error, if it is an error. So, like I said, within
8 a week we'll look at that and get an answer to Tom.

9 MR. FRENETTE: All right. So, this is the first
10 time you've heard about it?

11 MS. NOONAN: That I've heard of it. That
12 doesn't mean it hasn't been raised elsewhere, but --

13 MR. FRENETTE: Okay. Now, another issue that I
14 had was the EMF's. They did a draft -- your
15 application states that the EMF studies that were
16 done, and some of the levels that -- excuse me, some
17 of levels of the EMF studies that you have on your
18 actual application, it shows these levels. If that
19 is the case where these lines are going, according to
20 the last subject we were just talking about, these
21 levels would be -- I mean they're quadruple what they
22 are now, if the maps are right. If they're wrong,
23 they're going to be, you know, probably four times
24 that, those levels. Now, on your actual
25 application -- sorry about that. On your

1 application, it says these EMF levels. If these EMF
2 levels do turn out to be above what your application
3 says are the acceptable safe levels, is there any way
4 someone from Invenergy can test these levels; and, if
5 it is, you know, above those recommended safe levels
6 on your application and towards the Town, is there
7 anything Invenergy can do for me as a homeowner to
8 show me that what they're stating is correct?

9 MR. PARTINGTON: I can answer part of that. We
10 received a report from the Rhode Island Department of
11 Health that reviewed their plans; and their
12 conclusions were that -- according to their
13 conclusion, everything is okay. It's within -- it's
14 within acceptable -- let me quote. It's within
15 acceptable -- remember, we get reports, and they say
16 what they say. I'm just telling you what they say.
17 It says it's within acceptable limits. So, I'm
18 assuming that their application is going to say that
19 it is. Now, whether it can be monitored or not,
20 we'll leave that to up to the applicant. Hold on.

21 MR. FRENETTE: Now, on their application --

22 MR. PARTINGTON: Hold on, hold on.

23 MS. NOONAN: I haven't actually had a chance to
24 digest the DOH report yet; but, yeah, if they say
25 it's okay, if there is a way for ongoing monitoring,

1 I'm sure that we will look at that through the DOH
2 process, the Department of Health, which is different
3 from this process here.

4 MR. FRENETTE: Okay. Now, the monitoring
5 they're speaking about, the EMF levels were tested
6 for your project. The EMF levels were tested because
7 they put the testing device in my yard on my
8 property, and they took these levels; but the testing
9 device that they installed, it's only like 75 feet
10 off the edge of the easement, so those levels are
11 wrong because that's where it is; but I mean what
12 they do state this is an exception -- an exemption
13 with these transmission lines. On their application
14 it says because people do not spend a substantial
15 amount of time on the row, which is the easement row;
16 but I do. I live there. My house is there. And now
17 with these levels on their application, if these
18 levels are above what the Health Department or above
19 what these -- what they say, is there any recourse
20 where the Town can help the homeowner, if they do --
21 if they are above these levels and it is unsafe?

22 MR. PARTINGTON: As we don't approve, it is also
23 incumbent upon the regulatory agency to regulate that
24 and to force the applicant to change or do what is
25 necessary to rectify it, if it's not within

1 acceptable limits.

2 MR. FRENETTE: Okay. So, if that is wrong, --
3 she is obviously going to respond to me on that first
4 issue; but, if it is wrong, that's something that the
5 Energy Siting Board would --

6 MR. PARTINGTON: Well, or the Rhode Island
7 Department of Health. They're the ones that would --

8 MR. FRENETTE: Okay, could I get a copy of that
9 later on?

10 MR. PARTINGTON: Tom, we can --

11 MR. KRAVITZ: Yes.

12 MR. FRENETTE: All right, thank you. Thank you
13 for your time.

14 MR. PARTINGTON: Sure, My pleasure. Okay,
15 Mr. Trinque is next, and then Irene Watson is on
16 deck. Good evening, sir.

17 MR. TRINQUE: Good evening. Raymond J. Trinque
18 from Pascoag. Good evening, Mr. Chairman,
19 Mr. Kravitz and Members of the Board. In earlier
20 testimony we heard the witness, Mr. Provonsil, talk
21 about zoning regulations. That's tomorrow night's
22 meeting. Tonight is the Planning Board, and all we
23 heard was some information about zoning, a distortion
24 of the Comprehensive Plan, and nothing about the
25 aquifer overlay. I ask that, at this time, that you

1 stricken his testimony from the record as pure
2 nonsense.

3 Also, Mr. Woods' name is brought up, and
4 Mr. Woods was compelled to recuse himself. I believe
5 that's a travesty. I think Mr. Woods should walk up
6 there and take his seat. To my knowledge, the
7 Attorney General did not make an opinion that that
8 was true; and, secondly, the pro power plant side is
9 so conflicted that member after member after member
10 that's been appointed by the Governor, they serve at
11 the pleasure of the Governor, and they all serve on
12 competing boards; they are all conflicted. And,
13 because an otherwise completely qualified individual
14 who at one time or another wore a power plant tee
15 shirt is asked to recuse himself is a sin. We should
16 be ashamed of ourselves for that.

17 Now, let me just say this: We had a Charette on
18 planning a few years ago, and we all sat together,
19 members of the boards, people from the community,
20 members of elected boards; and we all talked about
21 how we wanted Burrillville to look, and we all talked
22 about how that fit into the Comprehensive Plan and
23 the difference between the Comprehensive Plan and
24 zoning and how the aquifer overlay fit into all of
25 that; and don't make that Charette into a charade.

1 Do what you're supposed to do. Carry that
2 Comprehensive Plan as if it were the Bible because
3 that plan was put together, constantly reviewed and
4 changed as we went along, so that we could put things
5 where they belong. Ladies and gentlemen, a power
6 plant does not belong in the middle of a national
7 park. We're not talking about where a place that
8 sells hot dogs and rents go-carts should be located;
9 we're not talking about a place that distributes
10 cashmere; we're not talking about a place that makes
11 cured meats. What we're talking about is where
12 things fit into Burrillville, and anybody with a lick
13 of common sense can tell you that a power plant does
14 not belong on the shores of Wallum Lake.

15 Now, what we get from Invenergy is what we got
16 tonight, a waste of 20 minutes, 20 minutes that we'll
17 never get back. That was nonsense. That was a waste
18 of time. I guess the lady from Invenergy put that on
19 so she could stop a few members from speaking from
20 the public. We all know that. This dog ate my
21 homework information, this pseudo science, this
22 carbon filter fantasy, we've had it with that.
23 We're counting on you. We're counting on you as our
24 representatives to get that Comprehensive Plan and
25 find out what the Comprehensive Plan says about this

1 and make an opinion that way.

2 Ladies and gentlemen, it's very simple: As Bill
3 Belichick says, we're asking you to do your job.

4 Thank you.

5 MR. PARTINGTON: Thank you. Irene Watson next,
6 and on deck is Rob Woods.

7 MS. WATSON: Good evening, Irene Watson from
8 Jackson Schoolhouse Road. I wasn't really going to
9 speak tonight, but the last time I was here I
10 actually walked out because it was -- I just couldn't
11 take it any more; and the thing that really bothered
12 me the most is that I remember being here when I
13 believe it's Mr. Hessler was talking about the noise;
14 and the first night he was here, he had a power
15 point, and he was walking all along the stage, very
16 confident in his presentation to us that there was no
17 way that they could meet the 43 decibels; and then I
18 sat here the next time we came, and he was sitting
19 behind the table, didn't want to get up, foot was
20 shaking, and he said, "But they say they can do it."
21 And I said, "What happened? Who got to him? What
22 happened that he changed his whole mantra from one
23 night to another?" And so, I'm back tonight a little
24 bit revived, and I was very happy to see this week
25 that the State of Rhode Island and Providence

1 Plantation Department of Health notice came out; and
2 I believe that you mentioned that you have all
3 received it. Is that true?

4 MR. PARTINGTON: We haven't read it, though.

5 MS. WATSON: Okay.

6 MR. PARTINGTON: I mean I read a piece of it,
7 but we just got it today. We just got it tonight,
8 so --

9 MS. WATSON: Well, my background is I am a nurse
10 practitioner, and I usually testify on issues related
11 to health; and I was glad to see that -- I did not
12 provide it for the Planning Board; however, I have
13 provided to the Energy Facility Siting Board written
14 testimony regarding some of the research that I've
15 done on noise. So -- and I was glad to see that the
16 Department of Health also had some of the same
17 citings that I had found; and I won't waste a lot of
18 time by going into it, except to say that some of
19 the -- we had some difficulty. You know, when we
20 talk about how we'll be able to report this, I must
21 tell you that, as residents of the Town, we haven't
22 had the easiest time getting the decibel readings
23 through channels that you have to go through to
24 actually get the readings; and we do have people that
25 have had the police go up on evenings and report loud

1 noises; and those readings were not on the paperwork
2 that we distributed to them, so we don't know what
3 happened to them; but, evidently, they got into the
4 Department of Health because the Department of Health
5 reports that some of those readings from the
6 compressor station were as high in the evening as 59
7 decibels. So, we're way above 43, way above 43 at
8 times; and there is -- I just will read one section
9 and just say please read this. "Existing daytime and
10 nighttime noise annoyances in the neighborhood around
11 the proposed facility due to primarily the operation
12 of the compressor station has already been
13 documented, both by subjective reports from residents
14 and by objective noise measurements. In addition,
15 due to the factors discussed above, the full impact
16 of the noise generated by operation of the new
17 turbine at the compressor station and the facility in
18 conjunction with existing noise levels is impossible
19 to predict. Therefore, Rhode Island Department of
20 Health recommends that, if Clear Water's facility is
21 constructed, the facility should work in conjunction
22 with Algonquin to minimize neighborhood noise impacts
23 to the extent possible and that such action should
24 include, but not be limited to, consideration of
25 equipment and operational modification, sound

1 proofing of impact of residents and, if indicated,
2 the purchase of properties subject to noise levels
3 that cause serious annoyances or of sleep
4 disturbance." Some of the things that have been
5 cited have been increased cortisol levels from
6 anxiety, especially that can lead to elevated
7 inflammation rates throughout the body, and along
8 with many other things, specifically, can cause
9 cardiovascular disease. Thank you.

10 MR. PARTINGTON: Thank you. Did you want to
11 respond or no? It's up to you.

12 MR. HESSLER: Yes, I'd like to respond.

13 MR. PARTINGTON: I believe Mr. Hessler would
14 like to respond.

15 MR. HESSLER: Yes, Mr. Chairman. Yeah, the
16 first night when I gave the slide show, the purpose
17 of that was to alert the Town, the entire Town, as
18 well as the Board members, to this start-up noise
19 situation, which is particularly serious with this
20 particular kind of plant. Nobody got to me or
21 anything. I just thought about it some more, and it
22 is possible to keep this noise under control, if --

23 WOMAN FROM THE AUDIENCE: Has it ever been done?

24 MR. HESSLER: It's never been done to my
25 knowledge.

1 WOMAN FROM THE AUDIENCE: Well, there you go.

2 MR. HESSLER: But let me finish.

3 MR. PARTINGTON: Hold on. Let the man speak.

4 MR. HESSLER: Let me finish. This is important.

5 It would be possible to practically eliminate the
6 start-up noise, if the plant just assumed that the
7 valve guarantees were not going to hold and they
8 designed for a near field sound pressure level of
9 about 95 outside the duct. You could build an
10 enclosure around it and enclose the remaining part of
11 the duct with lagging to essentially neutralize this
12 noise. So, it is possible, but you just have to
13 assume that it's going to be tremendously noisy and
14 build that into the design.

15 MR. PARTINGTON: Ladies and gentlemen, he's the
16 expert; and, by the way, he's the Town's expert, not
17 Invenergy's. He's the Town's. Therefore, it's his
18 opinion. Once again, whether you believe it or not,
19 he's the noise expert. I'm not. That's why I said
20 before, he's the gentleman that I defer to. So, if
21 he believes it's possible, he's never seen it, but he
22 believes if you design it in, then it is possible is
23 his answer. Whether you agree with that or not is
24 entirely up to you, but that's his opinion.

25 Next is Rob Woods, and on deck is Anita Bevans.

1 Rob here? (Pause and no response.) Anita? (Pause
2 and no response.) Donna Woods.

3 MRS. WOODS: So, my name is Donna Woods, Woods
4 being a pretty popular name tonight. I am allowed to
5 talk, so --

6 MR. PARTINGTON: Just let me interrupt you for
7 one second. On deck is Laura, 8 Camp Street,
8 Gloucester. We can go from there.

9 WOMAN FROM THE AUDIENCE: Anita is here, too.

10 MR. PARTINGTON: Oh, she is, okay.

11 MRS. WOODS: So, I appreciate this. I
12 appreciate you doing this. I appreciate that you're
13 hearing this; and, actually, everything I was going
14 to say was absorbed with my friends, so I'm just
15 going to be real quick. Invenergy does a great job
16 of having that stereotypical pitbull condescending
17 lawyer speak for them. So, what I'm hoping is that
18 none of you are fooled by that because we're not; and
19 the meek, uneducated, emotional Town that they were
20 counting on, we'll never give up.

21 MR. PARTINGTON: Thank you. Anita, and then
22 we're going to stop for five minutes or so to give
23 everybody a break.

24 MS. BEVANS: Hello, my name is Anita Bevans.
25 I am simply a resident of Wallum Lake Road. I have

1 no desire to speak; but, after sitting in the last
2 meeting and seeing a lot of points and counter points
3 and going nowhere points, I had to speak. So, quite
4 basically, our Town Ordinance on our lower noise
5 level would reflect how quiet and peaceful our
6 community is within the natural environment of a
7 private home landowner, as well as Douglas State
8 Forest, Buck Hill Management Area, the George
9 Washington Management Area, as well as Wallum Lake
10 and Wilson and Pascoag Reservoirs. Why a power plant
11 would be considered to be a good fit into this
12 environment is a puzzling concern.

13 Invenergy has already written a clause into so
14 many of their statements asking for a variation --
15 for a variance, especially on the Noise Ordinance, to
16 be defaulted to State and Federal limits due to the
17 additional expense to them to comply. In the last
18 meeting it was stated that the noise factor of the
19 existing compressor station would be beneficial to
20 hide the extra noise from the proposed power plant.
21 How ridiculous. Noise decibels is cumulative.
22 There was an equation to factor this in. One
23 noise-producing factor doesn't override and
24 neutralize other noise. It adds to it. Where is the
25 common sense?

1 Low frequency noises are being pushed aside, and
2 I am highly tired of hearing how difficult it is to
3 factor in the ambient background noise with this. We
4 still do not have true figures on the compressor
5 station, now that it expanded once; and I'm almost a
6 mile away, and I can hear and feel. It's not just
7 hearing it. You can feel it in the air, the
8 throbbing in the air, in my home with all the windows
9 closed.

10 Then, talking about emissions, the best emission
11 controls that are technically possible will have us
12 at a much less quality of air and water purity than
13 we have now. Question: How much residual MTBE
14 pollutants will disperse into the air during usage at
15 the plant? Invenenergy has been real careful to say
16 that they have listened to our requirements and have
17 required the subcontractors to comply with these
18 standards. However, there is no evidence to say that
19 they can comply, and there have been many statements
20 last meeting stating that the power up will be of
21 much longer duration and the noise levels much
22 higher. When push came to shove, the truth shown
23 bright with Invenenergy's lawyer making a statement
24 "What does it matter if they go over? The Town of
25 Burrillville can take it to court and fight." Well,

1 it seems like the true colors shine through and that
2 Invenergy's stance will be one of, "We tried, but I
3 am willing to simply pay fines or fight that it
4 simply couldn't be done," and continue doing whatever
5 they want while the Town spends money they don't have
6 fighting in the courts.

7 So, there will be an increase statewide of about
8 38 percent of carbon dioxide. What is it locally,
9 200 percent? What about the methane gas they will
10 emit which is even more harmful to the climate and
11 our health than carbon dioxide? This plant will
12 create its own mini environment right over part of
13 the State we live in, a mini cloud of 52 known
14 carcinogenic pollutants, VOC'S, and other
15 contaminants that will filter into our air and water.
16 If with all the regulatory and compliance standards
17 that Invenergy is touting to follow how it is, why do
18 we even have a contaminated aquifer on our hands at
19 this point if all those standards were already in
20 place?

21 This is a bad deal for anyone who relies on
22 clean water for drinking and needs to breathe.
23 Anybody here need to breathe?

24 Now, they want to also let us know that they
25 plan to use nearly a million gallons of water a day

1 in the winter months, of which we do have many more
2 cold months than warm months here in Rhode Island;
3 and they need to tap into other water sources. When
4 will Rhode Island value the one percent of potable
5 water that is on earth and retain what they have for
6 better use instead of feeding this monster of a plant
7 and its pitiful 24 jobs? We cannot fight a business
8 that earns more in a week than our annual Town
9 budget. They plan to do just that once here, change
10 everything by fighting with their dollars. When
11 asked about written compliance, they say, "Trust us.
12 It's too early yet in the planning stages. Let us
13 move forward, and we will get to it." Oh, they have
14 a plan, all right, and they are right where they want
15 it to be, with us in the dark as long as possible.
16 That's my opinion. Thank you.

17 MR. PARTINGTON: Thank you. We'll stop for five
18 minutes and resume again at 8:15.

19 (Recess.)

20 MR. PARTINGTON: Ladies and gentlemen, we're
21 going to start again. First speaker is Laura
22 Niedel-Gresh, I believe, 8 Camp Street, Gloucester.
23 Laura. Next on deck is Jan Luby, Jan Luby.

24 MS. NIEDEL-GRESH: Hi, my name is Lauren
25 Niedel-Gresh. I live out on Camp Street in

1 Gloucester. I'm also the Democratic State Committee
2 woman for District 40 which is Foster/Glocester.
3 I actually want to address the last meeting and a
4 question that I don't feel was addressed to my
5 satisfaction. The power plant that's being proposed
6 in Burrillville is a one gigabyte power plant --
7 gigawatt power plant. That is far bigger than any of
8 the power plants that are traditional in this area.
9 Jessup, for instance, is a 1450 megawatt power plant.
10 How is the noise relative, on an apples to apples
11 comparison, on a power plant that scale versus a
12 smaller power plant? It would seem to be reasonable
13 that the larger the power plant, the greater the
14 noise. Can that be addressed?

15 MR. PARTINGTON: Would you like to take that
16 one?

17 MR. HESSLER: Yeah, the noise doesn't go up in
18 proportion to the power output. It's the equipment
19 that's used, how the equipment is enclosed or not
20 enclosed, that sort of thing. I was at a power plant
21 up in Michigan two weeks ago, and it was just one
22 very small gas turbine; and it was much louder than
23 this plant is expected to be. It's not directly
24 proportional to the size. No, this plant can be made
25 quiet, if appropriate measures are taken.

1 MS. NIEDEL-GRESH: So, there's no anticipation
2 because of size. Has there been a size of -- a power
3 plant that size that has been kept below the 43
4 decibel ordinance?

5 MR. HESSLER: Oh, yeah, I've seen plants that
6 are much bigger than this one, mainly overseas, that
7 are very, very, very quiet.

8 MS. NIEDEL-GRESH: And second question: I do
9 live in Gloucester. This is for the traffic person.
10 There was, from what I heard, there was no traffic
11 study done on the corner of 100, 44 and 102, going
12 through Chepachet Center; and two questions with
13 that: (1) Is there going to be a traffic study done
14 in that area?

15 MR. PARTINGTON: And your second question?

16 MS. NIEDEL-BUSH: The second question is:
17 Will that -- can Gloucester residents get the traffic
18 specialist to have a meeting within Gloucester to
19 discuss the traffic route, the trucks and the issues
20 that could be associated with the infrastructure in
21 Gloucester?

22 MS. NOONAN: At this point, we had not planned
23 on doing that traffic study. I can have Maureen, you
24 know, address how she's selected her area. If this
25 Board or other boards feel it's appropriate, we could

1 probably extend it down to Chepachet and see what the
2 Town of Glocester wanted to do.

3 MR. PARTINGTON: It was my understanding that
4 was the main feed to all the trucks and things that
5 are coming through. So, it's probably an appropriate
6 way to go about it. Jan Luby and David Brunetti is
7 next.

8 MS. LUBY: Hi, Jan Luby. First, I wanted to
9 thank the Planning Board for all your great questions
10 at the last hearing and all the work you've done on
11 this, and all the questions you raised and for the
12 opportunity to speak. There is so much that's flawed
13 about Invenergy's proposal to build a gas and
14 diesel-fired power plant in Burrillville. I am going
15 to read because I'm too nervous to do anything else.

16 MR. PARTINGTON: Understood.

17 MS. LUBY: It's flawed to the point of
18 outrageous in some points. Never mind that the spot
19 they chose is the last contiguous forest land in
20 Rhode Island and was already deemed inappropriate for
21 a power plant in the past because of the
22 environmental impact and the proximity to wildlife as
23 preserved in other state parks. But we're not here
24 to talk about that tonight, except I'd love to know
25 what insignificant wetlands alteration means. I mean

1 what does that mean? It sounds like an oxymoron to
2 me.

3 MR. PARTINGTON: That's actually a Department of
4 Environmental Management term as to what they do with
5 wetlands. So, that's something that is in the
6 regulations.

7 MS. LUBY: I'm sorry. It scrambled my brain
8 just hearing that phrase.

9 MR. PARTINGTON: Understood, but it is in the
10 regulations.

11 MS. LUBY: The Clean Air Act makes the owners
12 and operators of facilities that have hazardous
13 chemicals responsible for ensuring that these
14 chemicals are managed safely. Instead of using 20
15 percent concentrations of ammonia, this plant will
16 use 19 percent concentrations. The 19 percent
17 concentration of ammonia is almost as deadly and
18 still is a serious concern to anyone who is paying
19 attention.

20 Tom Hevner suggested that our Pascoag Fire
21 Department figure out how to deal with this hazardous
22 chemical. I think this is insane. If there is a
23 deadly accident, Invenergy doesn't want it on their
24 shoulders but on the shoulders of our local fire
25 department or the trucking company who is

1 transporting it. Even though they say they plan to
2 use this lower concentration, I don't know. How do
3 we know? Is it monitored? How do we know what
4 concentration they are using? And are we supposed to
5 trust them to do it? Will they no longer be
6 responsible to manage the handling of this ammonia
7 safely, simply because they're using a lower
8 concentration? I don't know how that works.

9 Then there's the MTBE-contaminated well water
10 they plan to use for cooling. Invenergy says they
11 will clean it before use, and then it's going to be
12 dumped into the Clear River. When our water was
13 poisoned with it back in 2001, I did a lot of reading
14 about how it could be cleaned. Carbon filtering
15 supposedly doesn't work, as MTBE has a quality that
16 makes it slide over carbon. I asked their water
17 expert at one of their show and tell things at the
18 school, and his answer was that they would just use
19 more of it. I'm afraid of what will happen. I'm
20 afraid that we'd even consider that well for use,
21 especially with what sounds like a quick and mostly
22 ineffective active carbon filtering of it. What
23 about residents' wells in the area? Will the poison
24 spread? Who's on the hook for that kind of
25 catastrophe?

1 John Niland has several times mentioned the
2 wells in Santa Monica, California that were
3 successfully cleaned of MTBE, and it's true; but it
4 took 14 years to clean one well and another well that
5 won't be clean for another five. Are they really
6 going to take that much care and that much time to
7 clean the poisoned water before they use it; and how
8 clean will it be when it goes into the Clear River?
9 I know you guys have all thought of this.

10 MR. PARTINGTON: Actually, a lot of the
11 recommendations that came from our experts last time
12 addressed a good amount of those issues.

13 MS. LUBY: Yes, and you asked great questions.
14 Thank you. And I know that many of us, including
15 you, feel that any MTBE contamination is too much.
16 The well that was cleaned in Santa Monica had less
17 than half the concentration of MTBE than Well
18 Number 3, and I'd like to remind everyone that other
19 power plants of this size do have Federal oversight
20 and have to do Environmental Impact Studies. Somehow
21 Invenergy has skirted around all of that by
22 segmenting this project. Then they try to skirt
23 their responsibilities for safe handling of dangerous
24 chemicals as well by using a slightly lower
25 concentration.

1 I won't address the noise question here, but I
2 wanted to add, at the last Planning Board hearing, I
3 heard their attorney basically say, I'm paraphrasing,
4 that if they did not comply with the noise and
5 pollution restrictions we could take legal action.
6 The attitude is, "So, sue me," or, "So, sue us."
7 It would be a costly fight for this Town and would be
8 a drop in the bucket for them, and we would lose.
9 We'd be -- they would be up and running and raking in
10 the money, and the woods would be destroyed already.

11 My main point here is that I keep seeing
12 Invenergy sneak around steps that should be taken for
13 a project of this size, as mentioned above, the
14 segmenting of the project, the Environmental Impact
15 Study, etcetera; and, because of their fancy
16 footwork, we are down to three people on the EFSB who
17 will decide our fate. I know the Planning Board has
18 an advisory role. Even if you decided that allowing
19 them to build this plan would be mass suicide on our
20 part, you could do nothing to stop them. I'm aware
21 of that; but I'm asking you, please, to use at least
22 your advisory role to speak against this power plant.
23 It will not benefit anyone in our Town. Continue
24 your line of questioning. You guys have been great;
25 and I think you'll find many reasons, many concerns,

1 and so many unanswered questions enough to advise
2 against this proposed power plant. Thanks again for
3 all your work. Appreciate it.

4 MR. PARTINGTON: Thank you for your time. David
5 Brunetti. On deck is Barry Craig.

6 MR. BRUNETTI: Mr. Chairman, members of the
7 Burrillville Planning Board, my name is David
8 Brunetti.

9 MR. PARTINGTON: If you can speak into the --

10 MR. BRUNETTI: My name is David Brunetti,
11 B-R-U-N-E-T-T-I, Sherman Farm Road, Harrisville.
12 My comments are as follows:

13 To begin with, it seems that the knowledge base
14 of the Planning Board and the Town's consultants for
15 the impacts of this project on many fronts has not
16 increased noticeably since the April 28, 2016 open
17 meeting with the Burrillville Planning Board, Zoning
18 Board and the Town's hired consultants which I
19 attended not more than 10 weeks ago. The fault of
20 this lies primarily with Invenergy.

21 If Invenergy will not be providing more
22 extensive and detailed information and plans
23 relative to the multiple impact topics being
24 evaluated here - noise, air, traffic, wetlands,
25 water, wildlife --

1 MR. PARTINGTON: If you can slow down. If you
2 cold slow down, sir, so he can get your testimony.

3 MR. BRUNETTI: Sure. -- water, wildlife and
4 wildlife habitat, etc.; until, in their words, the
5 Preliminary Planning hearing, then how can the Board
6 possibly provide an advisory opinion at this
7 juncture? How can the Board be comfortable with
8 this?

9 The Board should be taking control of this
10 situation and demand that all the required
11 information for making an effective and valid
12 assessment for an advisory opinion by dates set by
13 this Planning Board, not by Invenergy, in order to
14 meet the target of providing an advisory opinion by
15 the Town of Burrillville Zoning Board before
16 September 9th, which is less than eight weeks away at
17 this point; and we already are well past the original
18 date by which the Planning Board was to provide its
19 advisory opinion, which is prior to July 1st.

20 If such required information is not provided by
21 Invenergy by the new date selected by the Planning
22 Board, which actually should be immediately, and is
23 not done in a suitable manner, then the Board must
24 provide the advisory opinion that this project not go
25 forward, as there is not sufficient information being

1 provided by Invenergy to make a valid assessment as
2 to the impacts to the natural resources of the Town
3 and whether or not Invenergy will be able to comply
4 with the Town's Noise Ordinance during construction
5 and operation of the proposed plant. Making any
6 other advisory opinion would potentially place the
7 Planning Board in violation of the Town's
8 Comprehensive Plan and the Town's Noise Ordinance
9 which are the two specific issues that the Energy
10 Facility Siting Board has charged this Planning Board
11 with addressing.

12 Also, there seems to be a major inconsistency
13 between Invenergy's perceived timeline for the
14 provision of information and that which was
15 stipulated in the March 31st, 2016 -- excuse me, 2016
16 letter from the Manager of the Town of Burrillville.
17 In that letter it was stated quite clearly, and I
18 quote, "The Planning Board will, on June 6, 2016,
19 hold a combined Master Plan and Preliminary Plan
20 application review and public hearing with a final
21 advisory coming sometime after that June 6 public
22 hearing."

23 MR. PARTINGTON: If I can answer that, we had a
24 vote to combine it, and this Board voted not to
25 combine. That's why it took longer.

1 MR. BRUNETTI: This is in great contrast with
2 the statement made by Invenergy at the June 20, 2016
3 Planning Board review and public hearing, held fully
4 two weeks after the original date of June 6. At that
5 June 20th hearing, when several Planning Board
6 members conveyed there was a lack of detailed
7 information being provided by Invenergy and when
8 Invenergy was asked why -- when they, the Planning
9 Board, would get the additional information that was
10 needed in order for the Board to make their advisory
11 opinion, it was stated by the main representative of
12 Invenergy that, at that meeting, in her extensive
13 experience, and I quote, "Such detailed information
14 is never provided by the Master Plan stage and will
15 only be provided at the Preliminary Plan hearing."
16 I guess I need to inform representatives of Invenergy
17 at this time, although I am sure that they are really
18 already aware of it, that this is a Preliminary Plan
19 hearing. As I stated above, it was stated in the
20 letter from the Town Manager this is a joint hearing
21 on the Master Plan and Preliminary Plan. Well, here
22 we are, now five weeks past the date on which the
23 public hearing on the combined Master Plan and
24 Preliminary Plan was to take place; and, yet, to my
25 knowledge, a Preliminary Plan has still not been

1 provided to the Planning Board by Invenergy. It is
2 readily apparent that Invenergy is following its own
3 extended timeline, as the one listed in the letter
4 from the Town Manager is not being adhered to. This
5 is clearly negligent on the part of Invenergy in
6 regard to the responsibility to supply the required
7 information in accordance with the clearly stipulated
8 timeline. This should be communicated to the Energy
9 Facilities Siting Board.

10 Has a Preliminary Plan even been submitted by
11 Invenergy to anyone in the Town at this point in
12 time? It seems that Invenergy is purposely delaying
13 the provision of the detailed information that the
14 Town needs in order to make its assessment.

15 Case in point for lack of information:
16 As stated on Page 4 in the first set of responses
17 from Invenergy to the Department of Environmental
18 Management, dated June 23rd, 2016, and I quote,
19 "Detailed engineering of the fuel oil system will not
20 be initiated until late 2016 or 2017. Consequently,
21 the detailed design of the fuel oil piping, pumping,
22 and storage tanks system is not available at this
23 time." So, how can the Planning Board make a final
24 or confident assessment in this regard at this time,
25 or even this year? It seems like all you continue to

1 be able to go by at this time are, in the words of
2 Invenergy, "general concepts."

3 Another case in point: As stated on Page 3 in
4 the eighth set of responses from Invenergy to the
5 Town of Burrillville, dated May 16, 2016, and I
6 quote, "The US Army Corp of Engineers will be
7 responsible for preparing an Environmental Assessment
8 to determine whether an Environmental Impact
9 Statement will be required for the project. If
10 required, the preparation of the EIS would be the
11 responsibility of the US Army Corp of Engineers."

12 Since, in the words of Invenergy, the individual
13 permit application was not to be filed until June of
14 this year, how soon will it be that the US Army Corp
15 of Engineers completes such an Environmental
16 Assessment; and, if an Environmental Impact
17 Statement is deemed by such assessment to be
18 required, then how soon would it be that this EIS is
19 completed? We know that the Environmental Assessment
20 will not be completed by the target date for the
21 Planning Board's advisory opinion, as that date, July
22 1st, has already past. It is also unlikely that the
23 Environmental Assessment will be completed in time
24 for the Zoning Board to make its advisory opinion,
25 which is prior to September 9th, never mind what the

1 date will be for the completion of an EIS, if it
2 should be deemed that such would be required.

3 MR. PARTINGTON: If you could finish up, sir.

4 MR. BRUNETTI: Yes, I'll just make my last
5 paragraph here.

6 MR. PARTINGTON: Thank you.

7 MR. BRUNETTI: In regards to the decommissioning
8 of the proposed power plant, a proposal for full
9 funding of the entire decommissioning process,
10 including, but not limited to, any costs associated
11 with the cleanup of any hazardous wastes, it was
12 stated in the first set of responses from Invenergy
13 to the Town of Burrillville that Invenergy is
14 prepared to enter into a Decommissioning Agreement
15 with the Town that will include dismantlement and
16 other decommissioning activities and that Invenergy
17 will prepare a draft copy for the Town's review.
18 This statement was made back on April 26th, 2016.
19 Has Invenergy yet prepared a draft copy of such an
20 agreement for the Town's review? If not, isn't it
21 getting a bit late for such? The rest of my comments
22 would be as I'm going to hand in to Tom.

23 MR. PARTINGTON: Thank you, sir. One thing I
24 would like to respond to is that we would normally
25 get, at the -- in the later stage of this, we would

1 normally get detailed plans. Because we don't have
2 an approval, we're not going to get those. That's an
3 issue for us, but that's one -- that is a product of
4 the process and not something that we're, you know,
5 that we're being asked to review. So, yes, we have
6 an issue with that, but it's not part of our normal
7 process.

8 WOMAN FROM THE AUDIENCE: Okay, I have an issue.

9 MR. PARTINGTON: I understand that. Are you on
10 my list?

11 WOMAN FROM THE AUDIENCE: I am on your list, but
12 I have an issue with her, with her little smug
13 silence, you know.

14 MR. PARTINGTON: Let's -- hang on.

15 WOMAN FROM THE AUDIENCE: I am sick of you
16 smiling with the little smirk while people are giving
17 their testimony.

18 MR. PARTINGTON: Ma'am, please. This isn't
19 about attacks. This is about information. So, the
20 next is Barry Craig. Is Barry Craig here? (Pause
21 and no response.) Cynthia Crook. Thank you. After
22 that is Michael Duntilly (phonetic spelling). I'm
23 sorry if I hack up the names. I'm just trying to
24 read them as I see them. Dutilly perhaps, okay.

25 MS. CROOK PICK: Okay, can you hear me okay?

1 MR. PARTINGTON: Yes.

2 MS. CROOK PICK: Okay. So, I have a couple of
3 questions. Regarding the air pollutant conversation
4 from the Town's experts, you know, we are located in
5 a very rural area of the State. We have many farms,
6 dairy farms, egg farms, poultry farms, garden --
7 garden, you know, all kinds of things. We have fruit
8 farms up here, everything. So, you mention that the
9 pollutants, the air pollutants from the Invenergy
10 power plant could travel up to a hundred miles,
11 correct? That's what you stated on June 20th, which
12 is the air specialist.

13 MR. PARTINGTON: Hold on.

14 MR. McELROY: These questions should go through
15 the Chair.

16 MR. PARTINGTON: Was that true?

17 MS. CROOK PICK: Oh, I'm sorry.

18 MR. PARTINGTON: Was that -- did you wish to
19 respond to that, or you want to wait for the whole --

20 MR. EPNER: I'll wait.

21 MR. PARTINGTON: Please continue.

22 MS. CROOK PICK: Thank you. So, the release of
23 these pollutants can, you know, travel all over this
24 area and effectively cause harm to these farms and
25 the animals, the crops they eat, and everyone in the

1 State, not only us. So, Rhode Island is only 48
2 miles north to south and 37 miles west to east; and
3 your statement that these pollutants can travel over
4 a hundred miles, that encompasses the entire state.
5 Did I misquote something from your --

6 MR. EPNER: Yes.

7 MS. CROOK PICK: Okay.

8 THE COURT REPORTER: I need your name.

9 MR. EPNER: Eric Epner, E-P-N-E-R. I have no
10 recollection of saying anything about 100 miles. The
11 process that is undertaken during the permitting of
12 any such emission source includes modeling of the
13 proposed emissions, using 10 years worth of
14 meteorological data and the actual surrounding
15 topography of the area, and is designed to predict
16 what impacts, if any, there would be starting at the
17 fenceline and moving out; and, in order to be
18 permitted, this facility will have to demonstrate
19 through the modeling before it is built that it will
20 have no impact on ambient air quality anywhere near
21 the plant.

22 MS. CROOK PICK: And I could be wrong because I
23 wrote down specifically what your statement was.
24 I appreciate your stating that now, but you explained
25 that the pollutants will not really effect locally,

1 but could travel over 100 miles.

2 MR. EPNER: Hundreds of miles, actually.

3 MS. CROOK PICK: Right. So, we're the Ocean
4 State, okay. It's going to go into the ocean; and,
5 as I stated, we're only what, 48 miles north to
6 south, and 37 west to east. So, you know, it's just
7 not our problem, is it? So, I think, you know,
8 something that we should all think about is that this
9 is food production for the entire State. It's not
10 just a Burrillville problem any more. It's a Rhode
11 Island problem, and we ought not close our eyes about
12 this. This is a very serious matter, and I just
13 can't believe that an Environmental Impact Study has
14 not been done about this.

15 First of all, these pollutants are not meeting
16 the Town's Comprehensive Plan at all. So, I really
17 think that that should be thought of as well. You
18 want to add anything?

19 MR. EPNER: No, thank you. I'm just here to
20 explain what the process is.

21 MS. CROOK PICK: Okay.

22 MR. EPNER: To my knowledge, the Comprehensive
23 Plan does not have any air pollution requirements in
24 it.

25 MR. PARTINGTON: It's mentioned, but we don't

1 have any requirements per se.

2 MR. EPNER: It's regulated by Rhode Island DEM.

3 MS. CROOK PICK: Okay, I have a question
4 regarding the noise, Town Ordinance of 43 dBA's which
5 would be the normal operation mode; and I believe the
6 attorney mentioned at the last meeting, so Invenergy
7 is seeking a variance from that noise. So, why would
8 they need a variance, if they're going to purchase
9 these valves which is going to mitigate the noise
10 problem? Why would they need one? And I guess that
11 would be for the noise expert. I'm sorry.

12 MR. PARTINGTON: I missed the question.

13 MS. CROOK PICK: So, the attorney stated that
14 they would meet the Noise Ordinance of 43 dBA's.

15 MR. PARTINGTON: Yes.

16 MS. CROOK PICK: But, also, they're asking for a
17 variance.

18 MR. PARTINGTON: I believe, Mr. Hessler, if I'm
19 not mistaken, on the lower band or --

20 MS. NOONAN: Correct. The variance requested is
21 on the lower -- the octave band.

22 MR. PARTINGTON: Right.

23 MS. NOONAN: Correct.

24 MR. PARTINGTON: And, if I'm not mistaken,
25 you've testified that you would meet the overall.

1 MS. NOONAN: That is correct.

2 MR. PARTINGTON: Right.

3 MS. CROOK PICK: So, the variance would not be
4 exceeding the 43 dBA's?

5 MS. NOONAN: That's correct.

6 MR. PARTINGTON: That was their testimony, yes.

7 MS. CROOK PICK: I'm sorry, I didn't catch that.

8 MR. PARTINGTON: That was their testimony, yes.

9 MS. CROOK PICK: Okay, all right. My time is
10 up. Thank you, though.

11 MR. PARTINGTON: Thank you. Okay, Michael
12 Duntilly, I think, and Mike Lamoureux is on deck.

13 MR. DUTILLY: Good evening. My name is Michael
14 Dutilly, D-U-T-I-L-L-Y.

15 MR. PARTINGTON: Sorry about that. I can't
16 always read the writing.

17 MR. DUTILLY: No problem. I just have a few
18 questions, Mr. Chairman.

19 MR. PARTINGTON: Yes.

20 MR. DUTILLY: First, the traffic at the last
21 meeting, the traffic consultant for Invenergy stated
22 that she did not believe that there would be much of
23 an issue at the High Street and Church Street
24 intersection due to not -- there wouldn't be many
25 tractor trailer type vehicles that would be building

1 the power plant. Could she expand on that? Because
2 I don't think you can build a power plant with just
3 box trucks, not to mention the two million gallons of
4 fuel oil that will be delivered. Those are going to
5 be in tanker trucks; and, being a CDL Class A
6 driver, taking a right-hand turn is much more
7 difficult than effecting a left-hand turn. So, if
8 she could expand on that?

9 MS. NOONAN: I will have Maureen Chelebek answer
10 that.

11 MR. PARTINGTON: Sure.

12 MS. CHELBEEK: So, when the power plant is up and
13 operating, we had estimated, excuse me, the trucks
14 that would go through that intersection; and those
15 were added to the existing traffic volumes. So, I
16 was just trying to find the exact number of the
17 trucks to tell you.

18 MR. PARTINGTON: I think the question was on the
19 construction phase, --

20 MR. DUTILLY: Correct.

21 MR. PARTINGTON: -- not necessarily on the --

22 MS. CHLEBEK: Oh, the construction phase, yeah.

23 MS. NOONAN: Can we give her a moment to find
24 her specific notes and maybe take some other issues.

25 MR. PARTINGTON: Sure.

1 MR. DUTILLY: Okay.

2 WOMAN FROM THE AUDIENCE: Stop the clock on him,
3 though.

4 MR. PARTINGTON: No, no, no, he's going to keep
5 going.

6 MR. DUTILLY: The fuel oil that will be burned
7 in the winter months, is that both turbines or only
8 one that will be operated at a time?

9 MS. NOONAN: This is Mike Feinblatt.

10 MR. FEINBLATT: The air permit will give the
11 facility permission to fire both units at the same
12 time.

13 MR. DUTILLY: Both units with oil?

14 MR. FEINBLATT: Yes.

15 MR. DUTILLY: According to the application from
16 Invenergy on Page 18, it states that, in the winter,
17 assuming the evaporative cooler is running -- during
18 the infrequent periods when the facility is requested
19 to fire one of the gas turbines in oil, the daily
20 water demand for the facility will increase to
21 approximately 925,000 gallons per day. That's per
22 turbine. So, you'd need 1.8 million, approximately,
23 per day if both turbines were firing in oil?

24 MR. FEINBLATT: It's not a multiplication of
25 two. They would need more water. It wouldn't be

1 exactly that number.

2 MR. DUTILLY: But it would be more than the
3 925,000 gallons per day?

4 MR. FEINBLATT: That's correct, but they have
5 on-site tankage of water. They will have on-site
6 tankage of water to make up that difference.

7 WOMAN FROM THE FLOOR: What?

8 MR. PARTINGTON: He said they'll have on-site
9 tankage of water.

10 MR. DUTILLY: Which is stated will be one
11 million gallons of demineralized water which under
12 normal operation is 10 days; but, in the winter
13 months, if you're using 925,000 per day, that's just
14 about a day's worth of water.

15 MR. PARTINGTON: Right.

16 MR. DUTILLY: Okay.

17 MS. NOONAN: Maureen can answer the traffic
18 question, if you wish.

19 MR. PARTINGTON: Sure.

20 MS. CHLEBEK: So, the heaviest construction
21 phase is referred to as the underground construction
22 phase during which we included earth work trucks,
23 mobility deliveries, aggregates, rebar, all those
24 types of deliveries. That came to approximately 70
25 trucks per day would be coming; and that's a maximum

1 of 18 in the peak hour, which relates to about one
2 truck every three minutes.

3 MR. DUTILLY: The type of vehicle?

4 MR. PARTINGTON: The type of vehicle?

5 MS. CHLEBEK: A large amount of those are
6 regular size delivery trucks, and then a few are
7 larger trucks.

8 MR. DUTILLY: Okay. So, all earth-moving
9 equipment will not be delivered on tractor trailer
10 type units?

11 MS. CHLEBEK: There's a whole separate plan for
12 over-sized equipment that will come through the
13 plant, and that's a very rare occasion. That's not a
14 routine thing coming every day.

15 MR. DUTILLY: Okay. That still didn't answer my
16 question. The normal backhoe you cannot just put on
17 the back of a box truck and, you know, take a ride.

18 MS. NOONAN: I can let her answer that, but I
19 think she said there was a combination of vehicles
20 that came during that time frame.

21 MR. DUTILLY: Okay. The next question I have is
22 about the ammonia storage. The RMP states that only
23 10,000 gallons at a 20 percent concentration. This
24 plant will be using 40,000 gallons at 19 percent.
25 So, it's like four times the quantity at only one

1 percent less. Even though an RMP is not needed
2 because of that one percentage, can that be something
3 that is required due to the huge increase in volume
4 on site?

5 MR. PARTINGTON: I would have to rely on our
6 experts for that. It's not something that I can
7 answer.

8 MR. DUTILLY: Okay.

9 MR. PARTINGTON: But certainly it would be a
10 question that we would pose to them.

11 MAN FROM THE FLOOR: But you can ask for it,
12 right?

13 MR. PARTINGTON: That would be a question that
14 we would pose to them.

15 MAN FROM THE FLOOR (different voice): But you
16 can ask for it.

17 MR. PARTINGTON: In other words, I will ask
18 them.

19 MAN FROM THE FLOOR: No, you could require it.

20 MR. PARTINGTON: I will ask the question; and
21 then if they feel that that's what should be done,
22 then they'll tell me that; and we'll put it in our
23 report and say, "We would like to see this."

24 MAN FROM THE FLOOR: You can say it should be
25 done, too.

1 MR. PARTINGTON: If you could finish up, sir.

2 MR. DUTILLY: Yes. Only one other question I
3 have is I read the entire Rhode Island Department of
4 Health document; and, under the ammonia releases,
5 that they use the ALOHA, which is Area Locations Of
6 Hazardous Atmospheres, if there was a release of the
7 full amount into, you know, the atmosphere, the
8 containment, with all safety measures in effect, it
9 would only be 121 yards. It further states that
10 nothing was provided. They did not have sufficient
11 information available to reproduce it, so they didn't
12 have -- the totals that were given, they could not be
13 reproduced by the Department of Health. It appears
14 that they may have --

15 MR. PARTINGTON: Probably because they haven't
16 had a spill that big, so --

17 MR. DUTILLY: Well, there could be.

18 MR. PARTINGTON: No, I know that. I'm just
19 saying.

20 MR. DUTILLY: It appears that the model may have
21 been run assuming that the passive evaporation
22 controls were fully functional, reducing the exposed
23 surface area by 90 percent. So, if that is the case,
24 the Department of Health recommends that the model
25 also be run without the assumption and that the

1 emergency planning consider the results of the more
2 conservative model run, including the potential for
3 off-site consequences. And, according to the MSDS
4 sheet of 19 percent RKS ammonia, a large spill:
5 First isolate 100 feet in all directions, and then
6 protect persons down wind of .1 miles during the
7 day -- excuse me, .4 miles by day and 1.4 miles at
8 night. Is there information on how far Wallum Lake
9 and Zambarano is, as the crow flies, from the
10 proposed facility?

11 MR. PARTINGTON: I'm sure that's easy enough to
12 find out. We can do that.

13 VOICE FROM THE FLOOR: It's two miles.

14 MR. PARTINGTON: Okay.

15 MR. DUTILLY: Thank you.

16 MR. PARTINGTON: Yes. Certainly, all
17 considerations. Thank you very much. All right,
18 Mike Lamoureux is next, Jeremy Bailey on deck.

19 MR. LAMOUREUX: Good evening, Mike Lamoureux,
20 Camp Dixie Road. Mr. Chairman, I just have a few
21 questions that came to mind as a result of the last
22 meeting.

23 MR. PARTINGTON: Sure.

24 MR. LAMOUREUX: So, I will present them to you.
25 Maybe you can --

1 MR. PARTINGTON: Absolutely. If we can answer
2 them, we will.

3 MR. LAMOUREUX: All right. So, I'll just try to
4 get through them here. So, the first is in regards
5 to the traffic study. I didn't hear anything to
6 suggest what the impact might be to our emergency
7 response times to locations along the anticipated
8 traffic route, including Zambarano Hospital.

9 Also, with the traffic study, I'm interested to
10 hear the, you know, the effects that could indirectly
11 impact other routes; and what made me think about
12 this is, right after the last meeting, that Friday, I
13 bring my son to Mother Hope Camp on the other side of
14 the lake; and I actually dropped him off. I came
15 back, and I was down at the end of Route 100 where
16 Dunkin Donuts is; and CVS had a big 18-wheeler truck
17 coming down, and it needed to make a right-hand turn
18 onto Route 100. I was the only car; I was stopped.
19 I actually had to get into the right-hand lane by
20 George's Pizza, go across the lane on the other side
21 while he tried to maneuver in to me; and the reason
22 why I ask, you know, it just made me think, you know,
23 if that many trucks are coming through, I tend to be
24 a little bit impatient. I don't know if everyone is
25 like me. I'm probably not going to go that route any

1 more. So, I'm going to go Knibb Road to Jackson
2 Schoolhouse Road to 44 from now on, and I think a lot
3 of other people are going to avoid the same thing.
4 So, I'd be curious to say I think there are some
5 ratings of A through F.

6 MR. PARTINGTON: So, the question becomes in the
7 traffic study was there any other ancillary routes
8 that were considered in that study?

9 MS. CHLEBEK: Typically, we consider cut-through
10 traffic, when we've degraded the traffic operation
11 substantially. In this case, we didn't degrade
12 traffic operations substantially. We did, however,
13 consider cut-through traffic on some of the roads
14 that you just mentioned, Jackson Schoolhouse Road per
15 se, in terms of whether or not there was potential
16 for this site to cause that; and, really, we
17 didn't -- the truck route is the truck route. You
18 know, Jackson Schoolhouse Road is not adequate for
19 truck traffic, but we did look at it in terms of the
20 employees coming to the power plant; and we looked at
21 journey-to-work data to understand where those
22 employees would be coming from, and we actually broke
23 it down to the numbers. I believe that was in
24 response to the Town on one of the direct questions;
25 and, really, it wound up being a very small number

1 that would potentially come from the Connecticut side
2 through that that may use that road to get to the
3 power plant as an employee in a motor vehicle, not in
4 a truck.

5 MR. PARTINGTON: But in the construction phase,
6 was there a study piece saying where traffic would
7 tend to avoid those areas?

8 MS. CHLEBEK: No. Even in the construction
9 stage, we weren't degrading the level of service to a
10 point where we had anticipated people seeking
11 alternate routes.

12 MR. PARTINGTON: Okay. And any response on the
13 emergency vehicle response times or --

14 MS. CHLEBEK: Yeah, I mean again we're not
15 degrading operations out there. We're not causing
16 huge delays, so we don't anticipate any impacts to
17 the emergency responses.

18 MR. PARTINGTON: Okay, thank you.

19 MR. LAMOUREUX: So, the next couple actually
20 related to water. I'm curious. I've heard a lot
21 around testing for, you know, the actual wells
22 themselves. I am curious as to what regular
23 intervals Invenergy will be testing the adjacent
24 privately-owned wells to ensure the contamination has
25 not impacted them, and what the plan is should those

1 wells become impacted and need remediation.

2 MR. PARTINGTON: In the last meeting that we
3 had, our experts testified that those should be set
4 up. So, I don't believe Invenergy has included that
5 in their plans as of this moment, but that was one of
6 the recommendations of our experts; and, without
7 putting words in their mouth, I think they said it
8 was done on a specific interval, and you guys fill
9 that in for me.

10 MAN FROM THE FLOOR: What was the question?

11 MR. PARTINGTON: The question was monitoring the
12 private wells around when they start drawing off of
13 the -- if they start drawing off of Well 3, that
14 there was a recommendation that it would have an
15 effect on the wells around there, and that they would
16 be monitored; and I don't remember the interval of
17 monitoring.

18 MR. HEVNER: Tom Hevner, Registered Professional
19 Engineer working for the Town. Yeah, I think our
20 recommendation was that there would be an evaluation
21 study conducted to determine what the radius of
22 influence was, what the chemical conditions were,
23 what the potential was for indoor air impact.

24 MR. PARTINGTON: Right, okay.

25 MR. HEVNER: Correct. So, I mean, during the

1 beginning of the test, it would probably be every
2 couple days. It depends on the duration of the test.
3 We're making recommendations. It's really on the
4 Invenergy side of the coin to come up with a program
5 that's going to be implemented so that we'll prove
6 out that that well is going to work and also to get
7 it implemented so that it will serve the purpose for
8 providing processed water to the facility.

9 MR. PARTINGTON: Does that answer your question,
10 sir?

11 MR. LAMOUREUX: I guess. All right, I know I'm
12 out of time. I got two last questions, if I can just
13 ask them.

14 MR. PARTINGTON: Quickly, please.

15 MR. LAMOUREUX: So, during the last session,
16 Invenergy stated that they plan to remediate the
17 contaminated water in Pascoag. This statement is a
18 bit deceiving. According to Pascoag Utility
19 District's expert, the optimum location to extract
20 and remediate the contaminated water would not be
21 Well 3A. It would actually be the location where the
22 plume is at its highest concentration. Throughout
23 this entire process, the entire focus has been to
24 determine what would be required to bring Well 3A
25 back in service, not how to effectively resolve our

1 water issue. So, the question is: Why haven't we
2 actually taken a step back to look at how to
3 remediate the water first and not just bring the well
4 back on-line?

5 MR. HEVNER: I haven't had anything to review
6 relative to that.

7 MS. NOONAN: As I indicated, my water expert,
8 who was at the last meeting, was not available to
9 come tonight. He will be at the next meeting. We'll
10 have the transcript. As soon as we do get the
11 transcripts from these hearings, I will make sure he
12 has those questions and be prepared to answer them.

13 MR. PARTINGTON: Okay, thank you.

14 MR. LAMOUREUX: Okay. My last one is regarding
15 the noise. So, during the last session we're told
16 that the compression station is already exceeding the
17 Noise Ordinance; therefore, the power plant would not
18 be heard. For example, if the power plant is at
19 43 dBA and the compressor station is at 55 dBA, the
20 loudest noise would still be the compression station
21 at 55 dBA. In my opinion, this is flawed reasoning.
22 While it is accurate, the specifications should be
23 based upon the assumption that the compression
24 station is achieving the Noise Ordinance. If the
25 compression station was meeting the 43 dBA limit,

1 then the power plant would need to meet a lower
2 specification, such as 40 dBA, because if both
3 facilities were at 43 dBA the cumulative result would
4 actually be 46 dBA.

5 MR. PARTINGTON: Well, the problem is what's not
6 contemplated here is the pumping station. So, even
7 though they are on-line, they may be exceeding the
8 noise requirement. That's not these guys. So, even
9 though that is already there and I know it's an
10 issue, it's not something that's part of what the
11 applicant is doing.

12 MR. LAMOUREUX: Understood, but if you just
13 think about --

14 MR. PARTINGTON: And --

15 MR. LAMOUREUX: Just one second, please.

16 MR. PARTINGTON: And I'm going to answer the
17 second half because I'm hoping that you heard
18 Mr. Hessler last time, who said that it is the
19 highest noise that is heard, but not in frequency,
20 but the loudest noise that's heard, and then the
21 other one is not. So, it's not contributive, which I
22 found strange, but that's his testimony.

23 MR. LAMOUREUX: And I researched the same thing,
24 and I agree with what he said; however, what I
25 disagree with is if the compressor station was at 43,

1 it's not their issue that they're not meeting it.
2 So, you assume that they're at 43. If they're also
3 at 43, from what I've seen, the cumulative impact, it
4 comes out more like 46.

5 MR. HESSLER: That's correct.

6 MR. PARTINGTON: Okay.

7 MR. LAMOUREUX: So, my question is why -- I
8 guess my statement is they shouldn't spec. it -- if
9 we're trying to achieve 46, it doesn't matter what
10 the compression station is at. They actually need to
11 be closer to 40 to achieve 43.

12 MR. PARTINGTON: Well, we'll keep that -- we can
13 certainly go through what Mr. Hessler has to say.

14 MR. NIKOLYSZYN: Mr. Chairman, can I clarify
15 something? Spectra has permission from the FERC,
16 Federal Regulatory Agency, for up to 55, not 43. So,
17 they don't have to meet 43.

18 MR. PARTINGTON: Okay. So, Spectra Energy, the
19 pumping station now, has permission to go up to 55 --

20 MR. NIKOLYSZYN: Yes.

21 MR. PARTINGTON: -- from the Feds. Thank you,
22 sir. Next is Jeremy Bailey, and after that is
23 Christine Pichie. Jeremy.

24 MR. BAILEY: Good evening. My name is Jeremy
25 Bailey, Wallum Lake Road, Pascoag. I threw out most

1 of my speech tonight because most of it was already
2 covered; and, in light of some new information, I
3 just want to clarify. Did one of the gentleman in
4 the back recently just say that both turbines can run
5 on oil at the same time?

6 MR. PARTINGTON: Yes.

7 MR. BAILEY: All right. And, can you clarify,
8 how many days per year will your permit or have you
9 applied to burn oil? How many days can you
10 potentially burn oil per year?

11 THE COURT REPORTER: Your name again, sir? I'm
12 sorry.

13 MR. FEINBLATT: Mike Feinblatt. A total of 60
14 days.

15 MR. BAILEY: A total of 60 days. So, both
16 turbines could run for 60 days?

17 MR. FEINBLATT: Combined.

18 MR. BAILEY: Combined.

19 MR. FEINBLATT: Combined, 30 each, about 60
20 times two -- 30 times two.

21 MR. PARTINGTON: So, two for 30 days, basically,
22 if both ran at the same time.

23 MR. FEINBLATT: One could run for 60 if the
24 other ran for zero, or they could each run for 30.
25 The total is 60.

1 MR. BAILEY: Okay. So, if they're both running
2 at the same time, you can run it for 30 days total.

3 MR. FEINBLATT: 30 days, yes.

4 MR. BAILEY: So, it's 60 days total?

5 MR. FEINBLATT: Correct.

6 MR. BAILEY: You can run 55 days on one turbine
7 and one on the other?

8 MR. FEINBLATT: Right.

9 MR. BAILEY: Seems to conflict what we were told
10 recently, but -- I had to cross out most of this.
11 Most of these questions have been asked. Let's see
12 here. So, many of you guys here are probably
13 familiar with the cars.com commercial where everyone
14 is sitting around a board meeting, and everyone is
15 like, yeah, that's a great an idea. All approved?
16 Some guy just throws his thing down, says, "No, this
17 is a stupid plan." I truly believe you guys realize
18 this is a stupid plan. I do believe you're going to
19 come out against -- I believe you're going to come
20 out against the power plant. It just doesn't make
21 sense. It doesn't fit in our Comprehensive Plan.
22 You guys I'm sure are doing a very thorough job. You
23 have Town Planners and Assistant Planners that have
24 been giving you lots of great information, and you
25 have lots of accurate and somewhat inaccurate

1 information that you've been receiving from across
2 the table. What I'm concerned with is in your
3 advisory opinion. So, my comments are actually
4 directed at all of you up here. What I don't want is
5 very meek and mild language, and I'm going to give
6 you an example. Our Town recently submitted a letter
7 to FERC in regards to Spectra's Compressor Station
8 and how they wanted to expand, and I'm going to read
9 a little clip in how they worded it. "Burrillville
10 residents who live in the vicinity of the compressor
11 station have expressed concerns about the noise and
12 vibration." When I read that, all's I can think of
13 is there is a few whiney residents, and they've been
14 complaining, so I threw that in there. There really
15 needs to be strong language. I want to see strong
16 language from you guys. If you disagree with
17 something, you need to make it clear and make it
18 firm, just like a parent speaking to a child, not,
19 "I really don't want you to do that." "No, you're
20 not going to do this, and this is why." Let me --
21 this is something that I just wrote a second ago and
22 how -- an alternate way that you could have written
23 it. "The lives of thousands of residents have been
24 severely negatively affected by the excessive noise
25 and vibrations. Their right to quiet and peaceful

1 enjoyment has been stripped away from them by the
2 blatant disregard for Burrillville's reasonable Noise
3 Ordinance." Okay? You can see there's a big
4 difference there because now you realize, wow, many
5 people in this Town are being affected, not just a
6 few whiny teenagers across the street, you know,
7 people that, "Ah, it's kind of bugging us. Can you
8 please make it quiet down." It's very weak language.
9 So, when you're formulating your advisory opinion,
10 please use strong language. I'm urging you to use
11 strong language. Thank you.

12 MR. PARTINGTON: Thank you. Don't forget your
13 phone.

14 MR. BAILEY: Yup, thank you.

15 MR. PARTINGTON: Christine Pichie next, followed
16 by Roberta Lacey. By the way, if someone has said
17 your points before, as the gentleman pointed out, if
18 you could take them off the board, that would be
19 great in the interest of time.

20 MS. PICHIE: I have. I mean they have. My
21 question is for the traffic expert.

22 MR. PARTINGTON: That would be through me, and
23 we'll see how it goes.

24 MS. PICHIE: I'm sorry, okay. So, between
25 Dunkin Donuts and CVS there is a little bridge where

1 Bill Gonyea's little park is, okay.

2 MR. PARTINGTON: Yup.

3 MS. PICHEL: Miraculously, the sign is gone.
4 What happened to the sign? Where is the sign for
5 that little bridge, the weight limit? Why all of a
6 sudden is the sign gone?

7 MS. NOONAN: I'm sorry, Mr. Chairman, how do you
8 want us to answer that?

9 MR. PARTINGTON: A couple of my members have
10 said the State took it down two years ago, but I
11 don't know. I'm just telling you what I hear.
12 I don't know. Go ahead.

13 MS. PICHEL: Really? Okay, all right.

14 MR. PARTINGTON: That's what I'm told.

15 MS. PICHEL: Okay.

16 MAN FROM THE FLOOR: The bridge was repaired by
17 underpinning. The grant is still in place.

18 MR. PARTINGTON: Thank you. There you go.
19 In any event, continue.

20 MS. PICHEL: I'm waiting for an answer. Where
21 is the weight limit?

22 MS. CHLEBEK: The answer is RIDOT has rehabbed
23 that bridge, and they removed the weight limit on
24 that bridge.

25 MR. PARTINGTON: So, there is no weight limit on

1 the bridge?

2 MS. CHLEBEK: Right.

3 MR. PARTINGTON: Okay, thank you.

4 MS. PICHEL: There is no weight limit on that
5 bridge?

6 MS. CHLEBEK: No, and we have been coordinating
7 with RIDOT on this project. We have met with them.
8 We went over the truck routes with them.

9 MS. PICHEL: All right, mind blown.

10 MR. PARTINGTON: Again, it's her testimony.

11 MS. PICHEL: Okay, what's the purpose of the
12 tolls then, if a weight limit is off of that bridge?

13 MR. PARTINGTON: That's not part of our purview,
14 but go ahead.

15 MS. PICHEL: Okay, sorry. What kind of trucks
16 did you say were going to be driving over our roads?
17 What kind of trucks did you say are going to be
18 driving over our roads? No, I want specifics. I
19 want --

20 MS. NOONAN: Well, I just handed her the
21 microphone to answer the question.

22 MS. PICHEL: Okay.

23 MS. CHLEBEK: So, a majority of the trucks are
24 going to be regular size trucks. Like when I was
25 talking about the construction stage, there is a lot

1 of earth work that would be done.

2 MR. PARTINGTON: Which are 10-wheel type trucks?

3 MS. CHLEBEK: Yes.

4 MR. PARTINGTON: Okay, 10-wheel types.

5 MS. PICHEL: So, they're going to need like that
6 little Chevy S-10 going ahead and saying there's a
7 super sized truck coming down the road, right?

8 MR. PARTINGTON: No, no, no, no, no. A regular
9 dump truck is a 10-wheeler, and then there are some
10 18-wheelers, I assume, which is the larger --

11 MS. CHLEBEK: Right, but most of the trucks will
12 be regular size trucks, but there will be --

13 MR. PARTINGTON: 10-wheeler type. So, in her
14 study, she's suggesting that most of the trucks will
15 be in the 10-wheeler category, which is eight in the
16 back, two in the front, which is a dump truck type of
17 thing. The testimony is also that there will be some
18 18-wheelers in there, yes.

19 MS. PICHEL: Some.

20 MR. PARTINGTON: Some. This is a traffic study.
21 This is her opinion. Whether we agree or not is not
22 in question.

23 MS. PICHEL: Okay. Have you been involved in
24 building a power plant before?

25 MR. PARTINGTON: Have you done any power

1 plant -- well, but you were given specifications as
2 to what would be required, correct?

3 MS. CHLEBEK: Correct.

4 MR. PARTINGTON: Okay. So, the specifications
5 that came from Invenergy saying that here's the
6 amount of trucks that will go over the road on a
7 particular day is what she's relying upon.

8 MS. PICHIE: Mr. Niland, would you have built a
9 power plant in the past? Would you know exactly what
10 kind of trucks are going to be traveling on our
11 roads?

12 MS. NOONAN: I believe that Ms. Chlebek said
13 that information was given to her by Invenergy.
14 If you want a specific answer, --

15 MS. PICHIE: I mean, obviously, there's going to
16 be logging trucks to remove all the logs. Seriously?

17 MS. NOONAN: Mr. Niland can answer the question.

18 MR. NILAND: John Niland, N-I-L-A-N-D. The
19 number of trucks that we put into the study, we got
20 that from our engineering construction contractor.
21 It was their estimate for, you know, the entire
22 project.

23 MS. PICHIE: All right, thank you.

24 MR. PARTINGTON: Thank you. Roberta Lacey.

25 MS. PICHIE: One more thing. This is my sign

1 (holding up a sign). That was my sign. Woods?
2 Really? Do you see any industry around here? I mean
3 you can zoom in on it. Yeah, there's a few houses.
4 Really?

5 MR. PARTINGTON: Thank you. Roberta Lacey and
6 then Terri Lacey, followed by Tracy Keegan.

7 MS. T. LACEY: Hi, I'm Terri Lacy, not Roberta
8 Lacey.

9 MR. PARTINGTON: Thank you.

10 MS. T. LACEY: I just have a couple of
11 questions, I guess, and a statement.

12 MR. PARTINGTON: Sure.

13 MS. T. LACEY: First of all, --

14 VOICE FROM THE FLOOR: Can't hear you.

15 MR. PARTINGTON: Tom.

16 MS. T. LACEY: I heard I believe it was the
17 water person say something about an alternative water
18 source. If they don't --

19 MR. PARTINGTON: Yes.

20 MS. T. LACEY: Are we going to know what that
21 alternative water source is before you render your
22 advisory opinion?

23 MS. NOONAN: As I said, our water expert is not
24 available tonight. We are looking at alternate or
25 redundant resources, as was called for by the peer

1 review. We don't have anything advanced enough
2 tonight to report that. My hope and expectation is
3 when the water expert is present at the next
4 scheduled meeting, we will have that information.
5 Hopefully, anything we have, obviously, prior we will
6 get to the Board as quickly as we can.

7 MR. PARTINGTON: Right. Our expert at the time
8 said that they need to identify, so that is something
9 that we are certainly very interested in knowing what
10 that is.

11 MS. T. LACEY: Thank you. The other thing I
12 want to mention is this, that I have yet to hear
13 anybody talk about, and this is in regards to the
14 traffic study. Is anybody aware that there's a
15 school on Church Street?

16 MR. PARTINGTON: Yes.

17 MS. T. LACEY: There's a school on Church
18 Street. I'm a school bus driver; and, when I have to
19 stop at that school, I'm stopped on the road.
20 There's no where for me to pull over. I want you all
21 to picture this: An 18-wheeler carrying ammonia
22 slamming into a school bus loaded with children.
23 Keep that in your thoughts.

24 Now I want to talk about the risk to our water.
25 Tom Hibbin (phonetic spelling), if I'm pronouncing his

1 name right.

2 MR. PARTINGTON: Hevner.

3 MR. HEVNER: Hevner.

4 MS. T. LACEY: Well 3A is hydrologically
5 connected to the Clear River; and, based on the data
6 of the low stream flow, there's some concern for the
7 Harrisville Water System. The expert recommended:
8 (1) groundwater modeling to test hydrolic connection
9 between Well 3A and Harrisville Water; (2) pump test
10 for the presence of and current MTBE levels;
11 (3) indoor air tests for MTBE vapor; (4) need to
12 demonstrate low impact to low flow stream impact.

13 He also testified there's no way to test now for
14 the impact of MTBE vapors. We need to rely on
15 modeling. Kind of scary that we have to rely on
16 modeling when we've already been poisoned once.

17 MR. HEVNER: Can I answer that question?

18 MS. T. LACEY: Based on the testimony from the
19 expert, it sounds like there is major risk to our
20 sole remaining water source, and these issues need to
21 be highlighted in your advisory opinion and require
22 major additional analysis to keep our citizens safe.

23 Also, one of the potential variances is for
24 noise during construction. What is the DB levels
25 they are seeking during construction?

1 MR. PARTINGTON: My microphone is out, so I'll
2 have to speak in my cafeteria voice, but Mr. Hevner
3 wanted to respond to that, so --

4 MR. HEVNER: Oh, MTBE typically isn't volatile.
5 It has a very high solubility, so you wouldn't have
6 vapors coming from MTBE in groundwater. It's the
7 other petroleum constituents. It's going to be
8 benzene, it's going to be toluene, methyl benzene,
9 total xylene. It's the hydrocarbon fractures. So,
10 it's more than just MTBE in the water.

11 MS. T. LACEY: Does that make anybody feel any
12 better? Just curious. So, what is the DB levels
13 they're seeking during construction?

14 MR. PARTINGTON: I believe at one time there was
15 testimony for that, but I don't remember what it was.

16 MS. NOONAN: Yeah, actually, I'm not -- if there
17 was, I'm not putting it into the front of my head
18 right now. Our noise expert is not here. I can look
19 back through his testimony and his report. My --
20 well, I don't want to suppose anything; but if it
21 wasn't done or, in fact, gone into, it should be.
22 So, I will review that and get that information to
23 Tom on that issue. If it's been done, I can clarify
24 it from the record. I have the transcripts from the
25 hearing, or if it's something that we can analyze and

1 put into the record.

2 MR. PARTINGTON: Thank you.

3 MS. T. LACEY: Yeah, because that's three years.

4 MS. NOONAN: Fair question.

5 MR. PARTINGTON: No, it's a fair question,
6 absolutely.

7 MS. T. LACEY: We need to know exactly how loud
8 they anticipate it being during 1,080 days of
9 construction and see if their request for noise
10 variance during construction is reasonable.

11 MR. PARTINGTON: Yeah, and that's all part of
12 our question, uh-huh.

13 MS. T. LACEY: Okay, just picture that little
14 school bus parked on the side of the road. All you
15 people on this side of the table, picture that.

16 MR. PARTINGTON: The school is Community
17 Christian, and both my children went there.

18 MS. T. LACEY: Yes, and it's a great school.

19 MR. PARTINGTON: Tracy Keegan, followed by Frank
20 Silva. Tracy? And, Tom, you have another list for
21 me?

22 MR. KRAVITZ: I do.

23 MR. PARTINGTON: Okay. Tracy? (Pause and no
24 response.) Frank Silva. (Pause and no response.)
25 Andrew Griffin, followed by Brenda Gingell.

1 MR. GRIFFIN: Hello, everybody. My name is
2 Andrew Griffin. I live on 194 South Shore Road.

3 MR. PARTINGTON: If you could speak into the
4 mike, sir, so everybody can hear you. If you just
5 want to take it off.

6 MR. GRIFFIN: I better take it off, huh?

7 MR. PARTINGTON: Yes, speak into it directly.

8 MR. GRIFFIN: Yes, my name is Andrew Griffin.
9 I live on 194 South Shore Road. That is on Wallum
10 Lake. Thank you, ladies and gentlemen, for listening
11 to me and vice versa on the side, and my goombahs out
12 here. But, anyways, what I'd like to say is I live
13 right on the water of Wallum Lake, and the DEM has
14 half my yard as wetlands. I cannot touch it. I
15 cannot fill it. I cannot cut wood. I can just leave
16 it alone. Now, my understanding is that there's a
17 possible proposal of the plan to take some water from
18 Wallum Lake. Well, if they're going to be doing a
19 million gallons a day, I know for a fact they will
20 drop the level of the lake. Now, that will be
21 draining the wetlands into my back yard, and I know
22 there's a lot of people in Massachusetts are in the
23 same situation. So, I was wondering if this has been
24 taken into consideration from the DEM of the State of
25 Rhode Island and in Massachusetts of what is going to

1 happen. I can't understand the mentality of that,
2 where I can't touch it, but yet it's on my property.

3 MR. PARTINGTON: Unfortunately, when they were
4 talking about alternative water sources, and then the
5 question was asked, "What are the alternative water
6 sources?", unfortunately, when they answered that
7 they said Wallum Lake.

8 MR. GRIFFIN: Right.

9 MR. PARTINGTON: I don't know that they
10 considered that to be anything less than a pun; but,
11 unfortunately, that was --

12 MR. GRIFFIN: Well, I haven't been sleeping very
13 well.

14 MR. PARTINGTON: I'm sure you haven't, but we're
15 certainly not in favor of that either.

16 MR. GRIFFIN: Well, I hope so because we all
17 know that's a Class A lake, and it's the last Class A
18 lake in the State of Rhode Island. So, please
19 recognize that.

20 MR. PARTINGTON: And we were looking for
21 alternative water sources. Unfortunately, I believe
22 in the record that came out as what could be an
23 alternative.

24 MR. GRIFFIN: As a big boo-boo.

25 MR. PARTINGTON: But I don't believe that was

1 serious at the time.

2 MR. GRIFFIN: Right. And it looks like I still
3 have a couple of minutes.

4 MR. PARTINGTON: I know you find --

5 MR. GRIFFIN: Yeah.

6 MR. PARTINGTON: -- that the levity is difficult
7 here, but yes.

8 MR. GRIFFIN: Okay. And I do know a lot about
9 power plants, and I do know a lot about noise; and I
10 do know that this plant is going to be playing
11 "Steamboat Willie" when it starts. I will tell you
12 right now those scrubbers and those safeties are
13 going to be open pipe straight in the air. They're
14 not going to be blocking the pipes. They can't plank
15 the safeties, okay; and, being next to a safety that
16 lifts at 700, 900 pounds of natural gas, you don't
17 want to be near it, okay, Mr. Sound Guy. So, I just
18 want to let you know I do know a little bit about
19 that.

20 MR. PARTINGTON: Don't forget, he's our sound
21 guy. He's not their sound guy. He's our sound guy.

22 MR. GRIFFIN: Well, I know, but there is no way
23 of blocking it. You have to send it straight to the
24 atmosphere.

25 MR. PARTINGTON: I believe he's been pretty

1 straight on what he believes what it is.

2 MR. GRIFFIN: Okay, okay. So, that's all cool,
3 but I just want to let you know that's where I'm at.

4 MR. PARTINGTON: No, I appreciate that.

5 MR. GRIFFIN: Okay, thank you, ladies and
6 gentlemen.

7 MR. PARTINGTON: Thank you very much.

8 Brenda Gingell, followed by Mary Jane Bailey.

9 MS. GINGELL: Brenda Gingell, 145 Emerson Road.
10 I have some concerns. I know we've talked about the
11 road and the driving for High Street and Church
12 Street. I want to know, did they actually drive
13 these roads, or is it like all things happen; they do
14 it on their sources, what they read, what they get in
15 writing from DEM; or is it actually being driven on
16 these roads?

17 MS. CHLEBEK: We did actually drive the routes.
18 In the back of our traffic study there's a road
19 assessment that was done. We actually measured the
20 conditions of the roadway, of the damage that's
21 occurring on the roadway. We were physically out
22 there measuring features in the roadway.

23 MS. GINGELL: Are you in these trucks, or are
24 you in your car? Like, me driving a car can make
25 that corner like it's nothing, or are you in a truck,

1 a bigger -- and I'm saying this because I got stuck
2 at Shippee Bridge going in Harrisville for over 20
3 minutes trying to deliver pizza to the high school
4 for a demonstration that was going on for our senior
5 class. I was asked and my associate to deliver
6 pizza; and we waited over 20 minutes on Chapel
7 Street, when they were trying to back down the road
8 because that's what they needed to do with these big
9 pieces during the day; and it was quite a few times
10 during the day. So, I know how it works. You're not
11 going to have these little dump trucks. That's not
12 what's going to bring these pieces in or make the
13 construction. I know it's always after the fact.
14 It's -- you know, you can tell us whatever you want
15 to tell us now; but, when you're actually being
16 there, I met a lot of unhappy people, and that's what
17 was going on with traffic.

18 MR. PARTINGTON: Well, that was also Hallamore
19 trucks delivering the actual bridge, which you've
20 testified is an unusual circumstance where you would
21 have oversized vehicles, correct?

22 MS. CHLEBEK: Right, and those deliveries would
23 have to go through a permitting process with the
24 State in terms of what mitigation they would do to
25 get oversized vehicles through there. So, that is a

1 whole another process for the oversized vehicles.

2 MS. GINGELL: But that would be after the fact,
3 not something you'd be having to get permitted
4 already, right, after the fact?

5 MR. PARTINGTON: As the equipment comes in, they
6 would have to get the permit is my guess.

7 MS. CHLEBEK: That would be during construction
8 when they're getting ready to bring the equipment.

9 MS. GINGELL: Okay. I want to go back to the
10 noise. I hear Thompson from my house on Sundays; and
11 when they have their one night a week, doesn't bother
12 me. We're used to it after all these years, but I
13 can't understand when we had a gentleman here . . . I
14 was at a meeting . . . that did what that sound was
15 going to be; it was unbearable. And I can't see -- I
16 don't know. You can't let your dog bark; they're
17 going to call the police. You can't have live music
18 going in your yard after 10 o'clock. How can you get
19 a variance for such an obscene noise, and we can't
20 even do that in this Town? And it's always been.
21 That just blows my mind that you can do that.

22 My other concern is I keep hearing about Pascoag
23 Fire District, if there's emergencies, disasters.
24 Well, I'm on the Harrisville side, and it's personal
25 to me; and we have -- when there's ever been -- the

1 Nightclub Fire, Harrisville and Pascoag, we all got
2 calls from down here to go that night with rescues.
3 We go up into Connecticut. We go up into Mass.
4 Guess what? They come here. They're all unified
5 together, okay. There's mutual aid, and then
6 somebody showed me a video -- I am not on Facebook --
7 and showed me a video of one of the trucks falling
8 over with their chemicals and a police officer
9 getting out of his car and not knowing, and we
10 watched him die, while he went out to help the people
11 that was in the car, and this truck that had the
12 accident on a small road. I was concerned. I have
13 family members in the department, and all they talk
14 about is, "Well, we'll train Pascoag." What kind
15 of -- I know Harrisville goes to TransCanada, Ocean
16 State Power. They've had good -- but it's not as
17 dangerous as that. It concerns me, and nobody seems
18 to care about that. We're the people that make up
19 this Town. They're volunteers. We have some
20 full-timers. Most are volunteers. I'd like to see
21 more concern on that.

22 As far as the water goes, I'm concerned because
23 we're all on the same aquifer. I grew up on
24 Harrisville Water, really concerns me. We teach.
25 We teach our kids to preserve water. It's a

1 specialty. It's something that something could
2 happen to. We have to send out -- the State requires
3 us to conserve water, to teach the adults; and now
4 we're going to use water for a power plant like it's
5 nothing. That concerns me. That really concerns me.

6 And nobody talks about the ozone layer. And I
7 was one of those generations with the aerosol cans,
8 and nobody is talking about our ozone layer.
9 Supposedly, we all felt guilty because we were
10 breaking through the ozone layer. Is this power
11 plant doing the same thing? You know, I think that's
12 something to ask.

13 And my other thing is the tall chimneys, yeah,
14 maybe it's not going to come down here; but they're
15 saying it would go out a hundred miles out. So, that
16 goes to all our neighboring communities. I don't
17 know, it doesn't make any facts. I have been
18 preaching of let them go do a Foxwoods way out there
19 all by themselves, and let them spend the money out
20 there. Thank you.

21 MR. PARTINGTON: Thank you. Mary Jane Bailey,
22 followed by Mark Reil.

23 MS. BAILEY: My name is Mary Jane Bailey.
24 I hadn't really planned on speaking tonight; but
25 earlier tonight someone was talking about traffic,

1 and it brought back memories of things that were said
2 in the last meeting. It seems to me that a lot of
3 what we're hearing is, "This is what we think will
4 happen." It's not like we know, that it's been
5 proven. "This is what we think." Well, I've lived
6 here 63 years and most of them on Wallum Lake Road.
7 I currently live on East Wallum Lake Road. I grew up
8 at 500 Wallum Lake Road, and at my dad's house the
9 State had built a rock wall in the 50's; and I can't
10 tell you how many accidents have been at that area,
11 including fatalities. It's right across from
12 Mr. Lefebvre's house. There are currently trees in
13 front of his house because that house has actually
14 been struck, and I'm thinking about these trucks
15 carrying all this hazardous material; and, you know,
16 my brother, who lives right next door to that, his
17 bushes have been wiped out. We've actually seen
18 someone -- there's a bridge there because there's a
19 brook feeding into Wilson's Reservoir, where a car
20 has actually jumped over the brook -- over the wall.
21 Like I said, countless accidents. So, what happens
22 if there's one, because there's water right there?
23 Then Wilson's Reservoir, it's done. Now, a couple
24 hundred yards up the road where some of us might
25 remember Rose McCarthy's house, numerous accidents

1 there. I spun out there because in the winter that
2 area stays icy. Invenergy is not going to pay when
3 the oil truck dumps there because he's been in an
4 accident, and the water goes basically right up to
5 the road there. It's a very hazardous spot, and that
6 concerns me because I have relatives who live there.

7 All right, you know, we've talked about the
8 ammonia; and, at another meeting, I believe it was
9 before the Town Council, my husband has been a
10 volunteer fireman for 53 years in this Town; and he
11 has said to me a number of times during the day
12 people aren't in Town. You can't say that Pascoag is
13 going to respond to this; we'll train Pascoag. Most
14 of those men and women are at work. So, nobody has
15 trained these other people; and, unfortunately for
16 the policemen, years ago he said they had what they
17 called the cop rule, because policemen usually
18 respond right away to a disaster. You wait and see
19 if the cop falls, you hang back, all right; and,
20 like, they were saying about this video that was
21 posted, a policeman died trying to save someone.

22 Now, another reason this concerns me is because
23 I am the principal of Community Christian School.
24 Right there on Route 100 where all these trucks are
25 supposed to go, and even though the State has finally

1 realized that children need recess all the time,
2 we've been doing that since our inception
3 40 something years ago. Our kids are outside often
4 during the day because kids need that. If you look
5 back at police records, that's another hazard. We've
6 even had our electricity shut off during the school
7 day for a telephone pole to be replaced there. Ask
8 Pastor Speroni who's lived there for 25 years,
9 numerous, numerous times where there's been an
10 accident right there. What happens if there's an
11 accident when I have kids out in that yard? If it's
12 an ammonia truck, they're dead. The children are
13 dead.

14 If there's a call, I'm going to tie my husband
15 down. I don't -- I will not let him up there, all
16 right. This is -- this is playing with our lives,
17 all right. It's serious. This -- Route 100 is
18 hazardous at various areas, right there at the
19 school, up on Wallum Lake Road right where Wilson's
20 Reservoir comes; and we already know that if an oil
21 truck spills over and Invenergy will not be paying
22 for the clean-up, that little oil company will be.
23 And, by the way, they're going to go through two
24 million gallons of fuel oil, if they run the diesel,
25 in three days. How many trucks are going to have to

1 go by that school and up Wallum Lake Road where all
2 these accidents have been, even though their expert
3 says it's safe. It is not. And anyone who has lived
4 in this area any amount of time will tell you these
5 accidents occur at those two areas on Route 100 all
6 the time. Please save our firemen; protect my school
7 and our families. Thank you very much.

8 MR. PARTINGTON: Thank you. Mark Reil, and
9 Robert Perreault on deck. Mark? (Pause and no
10 response.) No. Robert? And Paul Lefebvre after
11 that.

12 MR. PERREAULT: Hi, Robert Perreault, 20 Stewart
13 Court. Just a couple of questions. What's our air
14 quality now, do we know? Because they say we're
15 going to have the same -- the air quality is going to
16 be safe, but I think we need to know what we're going
17 to be giving up for this power plant. Are we --
18 we're going to lose quality of air, and we should
19 know what the difference is because we deserve to
20 know what we're going to give up, if we're going to
21 give them a right to build in our Town.

22 Also, the low noise, they say, well, it won't
23 bother us. I have cats. When the thunder comes,
24 they know long before we do because of the low noise.
25 What about the animals in the area? What about the

1 wildlife? What about people who have pets? This is
2 going to affect them, too. You know, we have a duty
3 to protect the wildlife in the area because we
4 have -- that's what it's known for, that whole area.
5 You know, the low noises, they want a variance; but
6 it's going to affect the animals. And, you know,
7 well, I don't hear it. But what if it changes the
8 migration patterns of the birds or my dogs can't
9 sleep at night because this is going on? You know,
10 these are things we got to consider.

11 Also, it seems to me that these people are
12 following the letter of the law; that they're saying,
13 well, because we went to 19 instead of 20 on the
14 ammonia, well, we don't have to follow these set of
15 rules. You know, we divide it up, so we got the
16 power lines here and the power plant there, so we
17 don't have to have an Environmental Impact Study
18 done. If they're doing this now, what's going to
19 happen once they're built? Already they're looking
20 for ways to squeeze out from under the rules. It's
21 only going to continue, and it's only going to get
22 worse when they have more money invested in it. It's
23 not like they're going to say, "Oh, we're not meeting
24 the Noise Ordinance. We're going to voluntarily shut
25 down until we fix it." Do you really -- I can't

1 believe they would do that. We'd have to go to
2 court. We'd have to try to find some way to force
3 them. They've got a lot more money than the Town of
4 Burrillville, that's for sure, because I don't think
5 the Town of Burrillville has enough money to build
6 this power plant, never mind run it. So, these are
7 things to consider.

8 The last thing is the water supply. Now, from
9 what I understand, opening the well can move the
10 plume. If it moves the plume, it can affect other
11 wells. Now, I know they say they can do a model, but
12 a model is just a guess. It's like playing Russian
13 Roulette with our water supply. And the thing is if
14 I took and I played Russian Roulette and I put a gun
15 against my head because somebody was going to give me
16 a million dollars, you would say I was crazy. If I
17 did it to my mother, you would think I was horrible;
18 and, if I did it to your children, you would have me
19 thrown in jail; but people are willing to do that to
20 get this power plant. I just don't think it's right.

21 MR. PARTINGTON: I believe one of our experts
22 said that they should have a water test for a
23 considerable amount of time to see what that effect
24 would be.

25 MR. PERREAULT: But, if I'm not mistaken, and

1 maybe I'm wrong, but if they have that water test for
2 that period of time, that itself could move the
3 plume, could it not?

4 MR. PARTINGTON: It could be, but they've tested
5 to see what they --

6 MR. PERREAULT: So, with that we're taking
7 chances. You know, it's playing Russian Roulette
8 with our water supply. Thank you.

9 MR. PARTINGTON: Thank you. Paul Lefebvre,
10 followed by John Scott.

11 MR. LEFEBVRE: Yes, I can see the levity in
12 certain things, but I don't think this is a joking
13 matter. What you said earlier --

14 MR. PARTINGTON: I wasn't suggesting it was,
15 sir.

16 MR. LEFEBVRE: I never said you did suggest it.
17 I'm just saying I can see the levity in certain
18 things, but this is not a joking matter.

19 MR. PARTINGTON: Understood.

20 MR. LEFEBVRE: Also, what I was trying to say
21 earlier to you was you can require something without
22 getting the expert's approval. That's the only thing
23 I was trying to say. The Board can require
24 something, without getting the blessing of the
25 experts. That's all I meant to say.

1 MR. PARTINGTON: And I --

2 MR. LEFEBVRE: And I think you agree with that.

3 MR. PARTINGTON: I do.

4 MR. LEFEBVRE: Thank you.

5 MR. PARTINGTON: And my answer was I rely upon
6 them to give me answers that I ask questions of.

7 MR. LEFEBVRE: As far as the traffic, yes, they
8 end up in my yard, the cars. There is a lot of
9 one-car accidents that the police don't respond to.
10 So, you get four or five a year. They come in my
11 yard; they hit the trees and took out some shrubs.
12 That's a routine thing. So, what Mrs. Bailey said is
13 100 percent accurate, and she could even go further
14 than that, and so could I; but that's not what I want
15 to say.

16 I'm going to focus in on the noise because I
17 presume you guys are doing everything you can to get
18 that absurdly-loud 43 decibels that we hear at night
19 down. It's affecting when my granddaughter sleeps
20 over, grandkids sleep over, so forth. It affects me.
21 It's a nonstop, low base hum, and I'm sure you guys
22 are doing everything you can to try to stop that.

23 I want to read something, and I'll put it into
24 the text. "Men like James Madison and Alexander
25 Hammlton understood that prosperity depends upon the

1 security and certainty of property rights and
2 designed the Constitution accordingly.

3 Five Federal Legal Homeowner Bundle Of Property
4 Rights afforded to the real estate title holder:

- 5 1. Right of possession.
- 6 2. Right of control of the property.
- 7 3. Right of quiet and peaceful enjoyment.
- 8 4. Right of exclusion to keep others from entering or
9 occupying the property in all forms: Air, noise,
10 water pollution.

11 And right of disposition to be able to sell or
12 otherwise convey the property.

13 We're being violated just in these basic
14 property rights. That enough is -- that alone is
15 enough to stop this.

16 And the other thing: As a Planning Board, and,
17 you know, I've -- you know, the accidents and so
18 forth. I have insured 153 municipalities as a risk
19 manager and as an underwriting manager of a company
20 for years; and, yes, I've seen many, many accidents
21 and, yes, the large trucks are involved in them.
22 As the Planning Board, you would think you would want
23 to entice more mercantile, be it wholesale, retail
24 services, offices, restaurants, industrial,
25 processing, institutions, medical facilities, schools

1 and of the like. To do corporate planning -- excuse
2 me -- Town Planning by way of power plants is the
3 silliest damn thing I've ever heard. You know, we
4 need another Amica Insurance like Lincoln brought in,
5 stole from Smithfield. We need other --

6 MAN FROM THE AUDIENCE: Hasbro.

7 MR. LEFEBVRE: -- businesses like that. Of
8 course, of course. So, my thing is to do economic
9 development by the laziest possible way of inviting
10 power plants here is absurd, and I'm sure you agree
11 with me. I thank you for your time.

12 MR. PARTINGTON: Thank you. Just by way of
13 clarification, by the way, we don't choose who comes
14 to Town. They come to us, and then it comes before
15 us. So, that's what this is. They come to us, then
16 before us.

17 MR. SCOTT: John Anthony Scott. I just got
18 questions. My questions are, really, how much does
19 it cost to bypass State Law and regulation? Like,
20 one is we got like Indian burial grounds back there.
21 If I was to go vandalize some cemetery, the same
22 police that I love would arrest me.

23 The wetlands, like they said already, we've cut
24 up the wetlands. We go try to build a shed; they're
25 going to fine us. They're going to sue us. So, I

1 don't understand how you can do it.

2 On top of that, the water; that's the Number 1
3 thing. How much does it cost to open a court-ordered
4 well? I really want to know. But it seems like, if
5 Gina Raimondo outsources her work to her cronies,
6 laws don't even apply. So, the bottom line is that's
7 contaminated water. You're supposed to have a high
8 quality water source. You don't. It's not a water
9 source that you can remediate. It's not. It's
10 supposed to be a high quality water source. You
11 actually have a banned substance. It's banned in the
12 whole United States. So, let's talk about what other
13 power plants are running on MTBE. None. There's
14 none because it's not a really good idea. It's not
15 healthy. It's not good for us. So, why do you think
16 it is? I want to know why, okay. I want to know
17 why -- I want to know why you're not going town to
18 town with your 30-mile depth radius on Page 471.
19 It takes up 80 percent of Rhode Island. You're still
20 sitting here doing open board meetings in
21 Burrillville. Why? Doesn't make sense. So, answer
22 those questions for me. I want to know how you can
23 bypass laws and regulations and there's no
24 repercussions or consequences for any of it? It's
25 disgusting. It's insulting.

1 MR. PARTINGTON: Steph Lynn, followed by Thomas
2 Trimble, then Chris Watson. Steph Lynn? (Pause and
3 no response.) No? Okay, followed by Thomas Trimble,
4 and then Chris Watson.

5 MR. TRIMBLE: My name is Thomas Trimble,
6 26 Alice Avenue, and I got a question for the
7 Planning Board. Are you under some kind of
8 obligation to render your decision at some date,
9 specific date?

10 MR. PARTINGTON: Yes, we have to do it by
11 September 9th, I believe.

12 MR. TRIMBLE: Okay. So, I have a question.
13 It's a rhetorical question. I don't expect you to
14 answer it.

15 MR. PARTINGTON: I excel at rhetorical
16 questions.

17 MR. TRIMBLE: Do you feel you have a sufficient
18 amount of technical information to make a judgment on
19 siting this power plant?

20 MR. PARTINGTON: If we were approving it, no.
21 To make an advisory opinion, I'm not sure yet.

22 MR. TRIMBLE: Because -- well, pardon me, I
23 haven't been to the last meeting, the last Planning
24 Board meeting, where I think there was some technical
25 presentations that were made; but, judging by the

1 testimony of some of the experts, there's a lot of
2 unanswered questions still remaining. I think
3 they're hanging in the air.

4 MR. PARTINGTON: You are correct. And, if we
5 were approving this, and this is where the fine line
6 comes into -- I don't know if you were here when I
7 spoke to the crowd originally. The fine line is we
8 have to come up with an advisory opinion, not an
9 approval. So, if we had an approval, we are missing
10 a tremendous amount of information. So, for this
11 Board, it's not something that we are accustomed to.
12 We're asked to put out an advisory opinion and send
13 that to zoning and send that to the Energy Siting
14 Board. So, because of that, we have the information
15 that we have, and we're missing a lot of the
16 construction plans. We're missing a lot of the finer
17 detail that's not going to be available to us because
18 this is not an approval. It is simply an advisory
19 opinion, so we're not going to have the same level of
20 detail that we would normally have.

21 WOMAN FROM THE AUDIENCE: Isn't that a problem?

22 MR. PARTINGTON: It is a problem, if we're
23 approving it. That's my issue.

24 WOMAN FROM THE AUDIENCE: But even having an
25 opinion?

1 MR. TRIMBLE: As I understand it, the plant is
2 in the concept stage, correct?

3 MR. PARTINGTON: It is.

4 MR. TRIMBLE: Will there be more technical
5 detail available by the time you have to render your
6 advisory opinion?

7 MR. PARTINGTON: My gut reaction is no.

8 MR. TRIMBLE: So, all -- like, specifically, I
9 had some questions on the processed water they're
10 using with the MTBE in it.

11 MR. PARTINGTON: Well, that we have. That we
12 will have.

13 MR. TRIMBLE: The systems involved and all?

14 MR. PARTINGTON: Those things we will have.

15 MR. TRIMBLE: Are they available in the
16 application?

17 MR. PARTINGTON: They are available for the most
18 part on the Town's website.

19 MR. KRAVITZ: I was writing a note, and I missed
20 the question.

21 MR. PARTINGTON: Okay. Is the information about
22 the testimony on the water, on the noise and all
23 that, that's all available on the Town's website.

24 MR. KRAVITZ: We have the transcript of that
25 testimony from the last meeting.

1 MR. PARTINGTON: Right, we do, but is it
2 available to the public?

3 MR. KRAVITZ: That's public record, isn't it?

4 MR. NIKOLYSZYN: Mr. Chairman, if I may clarify,
5 there are some issues that have been addressed to the
6 Department of Environmental Management by the Siting
7 Board. DEM stated it's going to take them 18 months
8 to come up with a decision.

9 MR. PARTINGTON: Okay. So, DEM has said it's
10 going to take 18 months to come up with some of the
11 information. So, that would mean that we're
12 definitely not going to get there by September 9th,
13 nor is that something that we're going to be looking
14 at which is a problem to us; but that's not what
15 we're being asked to do, so that's why we're in this
16 quandry. We're not comfortable with it, but it is
17 what we're told to do.

18 MR. TRIMBLE: So, we, as informed residents of
19 the Town, if we were to want some specific technical
20 information, we would have to rely on the transcripts
21 that are available?

22 MR. PARTINGTON: So far, yes.

23 MR. McELROY: Mr. Chairman, if we are
24 specifically talking about the water issues, they are
25 addressed in a number of places, all of which are

1 public. First, they're addressed in Invenergy's
2 application. Second, we issued many data requests to
3 Invenergy which they have answered all of them.
4 They're posted on the website, all of the answers,
5 specifically dealing with water, MTBE, sewer,
6 etcetera. So, that's all available if you go on the
7 Town's website. Look at the data responses, and
8 they're posted there. They're also posted on the
9 EFSB website. So, there's two places you can get
10 them publicly. The transcript just became available
11 today, I believe, maybe it was yesterday, from the
12 hearing on the 20th. That's a public document. It's
13 not like your minutes that need to be approved. That
14 will be available. I don't know if it's going to be
15 posted on the website; but I would think it would be
16 a good idea to do that, if somebody could arrange to
17 do that.

18 MR. PARTINGTON: Yes, it would be in everyone's
19 best interest to appear on the website. And, as far
20 as the plans go, and I'm just going to speculate, I
21 will ask the applicant: I assume everything that you
22 do goes to the Energy Siting Board. Is that put out
23 publicly?

24 MS. NOONAN: Everything in the data request and
25 in the plans that we submit, it's my understanding

1 there's a docket; everything is listed in that
2 docket. I don't know if it's all available right
3 on-line. I haven't, you know, clicked on everything;
4 but, yeah, everything is public information.

5 MR. PARTINGTON: Okay, thank you.

6 MR. TRIMBLE: So, as a resident, what vehicle do
7 we have to submit additional questions? Would it be
8 through the Planning Board?

9 MR. PARTINGTON: Only until we give our advisory
10 opinion. I would get those in quickly. Our advisory
11 opinion has to be in by September 9th. We have a
12 meeting on the 1st of August and another one in
13 September, first week in September or -- So, I assume
14 that -- second week in September because it's Labor
15 Day. So, I assume that this information is going
16 to -- we're going to have to turn things around
17 fairly quickly.

18 MR. TRIMBLE: Okay, thank you.

19 MR. PARTINGTON: Thank you. Chris Watson,
20 followed by Mike Scurka.

21 MR. WATSON: Mr. Chairman, Board, Chris Watson,
22 Jackson Schoolhouse Road. Thank you for what you're
23 doing.

24 MR. PARTINGTON: Thank you, sir.

25 MR. WATSON: I was going to have a bunch of

1 snide comments. I'm biting my tongue. A lot of good
2 stuff was said tonight. I'll save a few things for
3 the very end. This is just portions of your
4 Comprehensive Plan. I did a little studying today.
5 In your introduction, Page I, Page 1, Paragraph 3.
6 "Land, water and air are finite natural resources.
7 Comprehensive planning must provide for protection,
8 development, use and management of our land and
9 natural resources." Right out of the gate.

10 MR. PARTINGTON: We are familiar.

11 MR. WATSON: Good. I'm going to read some more
12 because I want other people to hear it.

13 MR. PARTINGTON: Understood.

14 MR. WATSON: Paragraph 4, "Comprehensive
15 Planning and its implementation will promote the
16 appropriate use of land."

17 Page I-2, Paragraph 1, "To promote orderly
18 growth and development that recognizes the natural
19 characteristics of the land and suitability of use
20 and the availability of existing and proposed public
21 and private services and facilities."

22 Paragraph 4, "Promote the protection of natural
23 historic and cultural resources of each municipality
24 and state."

25 Paragraph 5, "To promote the preservation of

1 open space and recreational resources of each
2 municipality and state."

3 I-3, third paragraph in, "The underlying theme
4 of this document is consistent with the following key
5 priority objectives of the State's Land Use Plan.

6 Sustain Rhode Island's unique character through
7 the use of Urban Services Boundary rural centers and
8 holistic approaches to planning.

9 Promote permanent greenspace growth of rural,
10 urban and waterfront areas, among other things."

11 Under, Growth issues. I.2, "Over the past 10
12 years, Burrillville has undergone a period of
13 moderate growth and new development." Mind you, this
14 document is dated December 14th, 2011, so it's a
15 little out of date. This is all that was available
16 on the Town's website. This has --

17 MR. PARTINGTON: We are in the midst of
18 reviewing it now.

19 MR. WATSON: Not a problem. I'm just using what
20 I got. "This has brought about a new awareness of
21 the fragile nature of the community's resources;
22 specifically, the village atmosphere and identity."
23 Let's go to Table I-1, "Summary of Issues Raised
24 During the Planning Process. People canvassed in
25 Town; issue about maintaining the rural character of

1 the Town; issue about protecting the water quality;
2 issue about preservation of open space aquifers,
3 wetlands and natural resources; concerns about
4 keeping new building in character with existing
5 development; concerns about need for new recreational
6 areas; development in wetlands or over groundwater
7 aquifers; development of industrial which threatens
8 the Town's water supply; development without
9 preservation of open space." Your own document just
10 keeps going on. Whoever wrote this, beaucoup, you
11 did the right thing.

12 MR. PARTINGTON: Mike was one of the first ones.
13 Most of us have been involved, and Tom has written 90
14 percent of it, probably. 30 percent of it?

15 MR. KRAVITZ: No, we have updated it.

16 MR. PARTINGTON: Yeah, three times.

17 MR. WATSON: The audience needs to know.

18 MR. PARTINGTON: Understood.

19 MR. WATSON: "Town Image. Most commonly
20 mentioned as the things liked best about the Town
21 were its rural atmosphere and country character and
22 quiet and peaceful nature of the community." Duh!

23 How about we go to, Quality of Life.
24 Respondents were asked to identify the importance of
25 various reasons people have chosen to live in

1 Burrillville. The reasons are grouped by most
2 important to least. Number 1, presence of farms and
3 open space. Yeah, okay. Number 2 is schools.
4 Number 3, recreational opportunities. Number 4,
5 historic character. Right up the line of a power
6 plant for me.

7 "Over 90 percent of the respondents indicated
8 the presence of the farms and open space was an
9 important reason for living in Burrillville. Eight
10 of ten interviewees stated that they favored the
11 expenditure of Town money for . . ."

12 MR. PARTINGTON: Slow down a bit. My
13 stenographer is going to be crazy.

14 MR. WATSON: Sorry, I heard that earlier.
15 "Eight of ten interviewees stated they favored the
16 expenditure of Town money to protect open spaces and
17 farmland for future development." Those are just
18 items in your introduction, okay.

19 Let's go to Chapter 9, Land Use.

20 MR. PARTINGTON: You may not get your time in.

21 MR. WATSON: I was hoping I was last. I didn't
22 realize somebody else was going to sneak in behind
23 me.

24 MR. PARTINGTON: Oh, no, there's three more
25 behind you.

1 MR. WATSON: General Growth, for example, low
2 density, mostly wooden land, historic stone walls.
3 Promoting sensitivity to surrounding land uses and
4 environmental in general. I'm going to shorten it up
5 and say I'm going to give you guys a listing of all
6 my citations. You have the document; please review
7 my citations.

8 MR. PARTINGTON: We will.

9 MR. WATSON: Couple of just last points because
10 people put things in my ear. In regards to Spectra,
11 55 decibels is not an allowed level. 55 decibels is
12 a FERC-recommended level which Spectra in their own
13 documents acknowledges that they fail to meet, okay.
14 Nobody is allowing them to do anything. They are
15 above the recommended level.

16 I really would like to get a dictionary
17 definition of what a regular size truck is.
18 And, just like in the movie, War Games, with the kid
19 that hacked into the computer and made, you know,
20 Cheyenne Mountain go crazy, because it was playing
21 games and thought it was playing Chess --

22 MR. PARTINGTON: Tic Tac Toe, actually.

23 MR. WATSON: Okay, you remember the movie?

24 MR. PARTINGTON: Yes, I do.

25 MR. WATSON: That strikes me as the modeling for

1 the traffic survey, okay. Whatever the computer
2 tells you, well, garbage in, garbage out.

3 MR. PARTINGTON: Finish up, sir.

4 MR. WATSON: Yes, finish up. Mr. Hessler, I
5 need you to clarify a statement which was made
6 earlier. You stated tonight, "I never personally saw
7 a plant of this size be less than 43 decibels."
8 Further on, when you were speaking to the woman from
9 Gloucester, you said that a 1400 megawatt plant, I
10 believe you mentioned Jessup, isn't necessarily
11 louder; and you have seen a plant that large in
12 Europe that is much quieter. So, which is it? Have
13 you or have you not seen a thousand megawatt plant
14 that's below 43 decibels?

15 MR. PARTINGTON: I believe he said -- I won't
16 put words in his mouth.

17 VOICE FROM THE FLOOR: Let him answer it.

18 MR. PARTINGTON: He can, but he's going to say,
19 if it was designed that way, then it could meet it,
20 which I believe was his testimony earlier; but I'll
21 leave that to up to Mr. Hessler.

22 MR. HESSLER: What I was referring to there was
23 there are some very large plants that I've worked on
24 overseas that had extremely demanding noise
25 requirements on them, and they were successfully

1 built to meet very low noise levels. Those plants
2 are bigger than this plant. So, anything is really
3 possible.

4 MR. WATSON: So, in fact, you actually have seen
5 it then?

6 MR. HESSLER: Yeah, what I have not seen is a
7 steam turbine bypass system be really quiet.

8 MR. WATSON: That's interesting to know.

9 MR. HESSLER: That's what I have not seen.
10 That's not to say that it cannot be.

11 MR. WATSON: I'd like to follow up. What types
12 of system were in the plants in Europe that you did
13 see that were quieter, if they weren't steam bypass
14 systems?

15 MAN FROM THE FLOOR: And the name of the plant.
16 It's not funny.

17 MR. HESSLER: Well, the one that's in front of
18 my mind is a plant called Spaulding in England; and
19 that has an air cooled condenser, and that had to
20 meet levels on the order of 34, that sort of thing,
21 but far away. So, I'm not sure exactly how it
22 compares to here; but that plant had to be very, very
23 quiet, and it didn't work at first but ultimately got
24 there.

25 MR. WATSON: Thank you, Mr. Chairman.

1 MR. PARTINGTON: Thank you, sir.

2 MR. WATSON: Board, appreciate your time.

3 MR. PARTINGTON: Thanks. It's just about
4 10 o'clock. We've got three people left. I would
5 like to get them all in. If you could keep your
6 commentaries short, that would be much appreciated.
7 Mike Scurka, followed by Kevin Stockwell.

8 MR. SCURKA: Good evening. Mike Scurka, 40 Wolf
9 Hill Road, Pascoag. I just have a question about the
10 dBA levels.

11 MR. PARTINGTON: Sure.

12 MR. SCURKA: I work with numbers all day.
13 Sometimes numbers don't make sense to me, and I just
14 can't put them to rest.

15 MR. PARTINGTON: If you could speak into the
16 mike, sir? Appreciate it, thank you.

17 MR. SCURKA: Yup. So, when you say the plant --
18 when Spectra is running at 10 decibels over what this
19 plant is designed to run at, you can't hear it,
20 right? That was the testimony given? You would be
21 able to hear the power plant?

22 MR. HESSLER: Yeah, that's right. If Spectra is
23 running at, let's say, 55 dBA and the new plant comes
24 in at 43 at the same location, the total sound level
25 is still going to be a 55.

1 MR. SCURKA: Okay. So, what if Spectra is
2 running at 47 dBA? Because it doesn't always run at
3 this obscene level. If it's at 47 and then you add
4 43 to that, the level would be higher than 47,
5 correct?

6 MR. HESSLER: That's right. It would start to
7 increment up, maybe 48 or something in that range;
8 but, qualitatively, you'd still be predominantly
9 hearing the compressor station.

10 MR. SCURKA: But it would add to the noise
11 level. Even if it was at 43, it would add to the
12 noise level, increase the --

13 MR. HESSLER: It would increase slightly. Say
14 if it was 47 or something, and the compressor station
15 was running at 47 with, you know, some of units off
16 or something like that, adding 43 to that would
17 increase it by maybe one DB. That's not discernible.
18 It's not any -- it wouldn't sound any louder.

19 MR. SCURKA: Well, it would still exceed the
20 level, correct? (Pause and no response.) Okay, I
21 just wanted to get that straight in my head.

22 And I would also like to read a little bit from
23 -- this is the Rhode Island Constitution. Article 1,
24 Section 17 of the Rhode Island State Constitution
25 secures the right of the public to use the

1 environment -- to use -- ". . . the use and enjoyment
2 of the natural resources of the State of Rhode Island
3 and directs the General Assembly to provide for the
4 conservation of the air, land, water, plants,
5 animals, minerals and other natural resources of this
6 State and to adopt all means necessary and proffered
7 by law to protect the natural environment."

8 Trees, forest, recreational resources clearly fall
9 within the Constitution and protection of the natural
10 resources of the State. So, if I wanted to go to
11 George Washington Management Area and enjoy the
12 natural resources of that management area that abuts
13 the power plant, I believe that would be infringing
14 on my Constitutional rights of the State of Rhode
15 Island. Thank you.

16 MR. PARTINGTON: Thank you, sir.

17 Kevin Stockwell, then Sally Mendzela.

18 MR. SUTHERLAND: I'm certainly not Sally, sorry.
19 I'm asking, could I -- I was not here earlier.
20 My name was on the list from the previous night.
21 David Sutherland.

22 MR. PARTINGTON: I went through --

23 MR. SUTHERLAND: I wasn't here. I was putting
24 my boys to sleep earlier. My wife told me that -- it
25 was from the night before when we waited like five

1 hours. Can I address for a few minutes? I did miss
2 it, I'm sorry.

3 MR. PARTINGTON: Why don't I let the gentleman
4 go, and I'll take you at the end.

5 MR. SUTHERLAND: Thank you.

6 MR. STOCKWELL: All right. My name is Kevin
7 Stockwell, Old Wallum Lake Road, Pascoag. I spoke a
8 couple of times. Planning Board, thank you for your
9 time. Invenergy, please go home. No disrespect to
10 you, but: (A) if this power plant gets accepted, and
11 I hope it doesn't, I think the President of Invenergy
12 should have to live on site with his family at least
13 340 days a year. You can have 26 days of vacation.
14 If you want to put our families through this noise,
15 through this mess, through this chemical reactions
16 that we're going to be put through, then your family
17 should have to go through it, too. You are
18 predominantly a green energy company; yet, you are
19 getting ready to build one of the most dangerous
20 power plants in one of the most beautiful places in
21 this State. It makes no sense. Come back with a
22 different plan. We'll be more than willing to look
23 at other things, but not this power plant.

24 I'm a fireman. I'm going to be one of those
25 people responding. Mrs. Gingell's husband, I've

1 worked with him many times. He's going to be another
2 one. There's a guy Eric up in Thompson, Connecticut;
3 he's probably going to have to respond; and we would
4 be responding probably against our families' best
5 wishes as a volunteer. Unfortunately, this Town only
6 has about eight to 10 full-time EMT's at any one time
7 to cover this power plant. I understand during the
8 construction stage there is going to be at least two
9 EMT Firefighters on call at that construction site.
10 That's okay if a construction guy falls or a lady
11 falls, gets hurt, we can start rendering aid; but, if
12 there's any major accident, 10 people is not enough.

13 The equipment. You could give Pascoag and
14 Harrisville Fire Department two million dollars a
15 year; that's not enough protection for this Town,
16 trust me. Take your money and go.

17 The training. I'm one of the training officers.
18 I'm one of the highest qualified people. We have a
19 few in our district, and I can tell you we are not
20 ready for this power plant. I'm Level 1, Level 2,
21 basic HazMat. If I need a HazMat company to come in,
22 I've got to call Woonsocket or Providence. I already
23 talked to Providence. It's going to take them 40
24 minutes to gather up their crew and start heading up
25 here.

1 40,000 gallons of ammonia for 40 minutes;
2 normal. I've done the ALOHA; that's normal.
3 Everything is normal. What data we put in, the
4 winds, normal winds. So, what if it's heavy winds?
5 What if it's raining, snowing? What if there's an
6 explosion? We don't get to put that in the ALOHA.
7 Those are extraordinary circumstances that will kill
8 every one of us here or harm our families. It's not
9 worth it.

10 I'm nervous because everything I've seen or read
11 is about the numbers: 19 percent versus 20 percent.
12 Where are we going to purify this water? On site
13 with a 5-1 ratio reverse osmosis? How much water is
14 going to be on site? Is it already clean, the water
15 we get to use to put out this fire? The roads that
16 we have, they did a road study. Is that after they
17 dig up these lines to put in the new sewer lines, the
18 new water lines? That's going to go from the bad
19 well up -- I'm assuming up Grove Street because I
20 hope it's not going up Main Street. It's going to go
21 around Grove Street up Laurel Hill to Wallum Lake
22 Road or East Wallum Lake Road to cut across. That's
23 going to effect our road quality. I have yet to see
24 construction in Rhode Island replace roads in a
25 better or at least the same situation they were after

1 they've dug them up. They're horrible. They'll
2 be -- unfortunately, there are many accidents. Many
3 of us have already dealt with it, Lefebvre's house,
4 Bailey's house. Wallum Lake Road, you got Wilson's
5 that comes right out to the road. If you lose a fuel
6 truck into Wilson's, God forbid, how long is it going
7 to take the HazMat team to get there? 40 minutes.
8 We get to put up little booms; and, hopefully, we can
9 stop it. We got a few. We got some sponge material.
10 I'll sum it up with, please take your money and go
11 home and come back with a different plan; and we'll
12 be more than welcome to look at that. Do more solar
13 or something like that. And the Planning Board, I
14 thank you. Please do your job.

15 MS. MENDZELA: Sally Mendzela, M-E-N-D-Z-E-L-A.
16 I live in North Providence; but, as we've heard
17 earlier, any adverse effects from this plant will
18 cover the entire state, so I have every right to be
19 here.

20 Part of the reason I think this whole process is
21 so frustrating and surreal for everyone in this room
22 and everyone who has turned out at any meeting or
23 hearing is because there's an expectation that the
24 process is fair, intelligent, and ethical; but it's
25 not, okay. We know many people assume or have heard

1 me say this many times, and it doesn't matter because
2 I'm going to keep saying it: The reason Invenergy is
3 in this room is because of Goldman Sachs and the
4 relationship of the CEO to our Governor,
5 Gina Raimondo, okay. So, it's not about energy.
6 It's not about energy. It's about money, and that's
7 why all of the things that don't make sense, all of
8 the things that are frustrating, it's like, well, how
9 come they don't have to do it this way, and how come
10 they have to do it that way? And they get to
11 fragment everything, so they don't have to fulfill
12 any sort of regulatory responsibilities. So, that's
13 what it comes down to. The beleaguered Town of
14 Burrillville, who was mistakenly assumed by the
15 Governor and Invenergy and Goldman Sachs to be
16 country bumpkins incapable of making an intelligent
17 decision about what to do and that they would just
18 say come to Town because we're going to make money
19 off of it.

20 So, what I ask is that you look -- one thing I
21 haven't heard that much of tonight: Future
22 generations. The fact that we're even having a
23 conversation about a fossil fuel plant is ludicrous.
24 The rest of the world is beyond this. This is a
25 joke. What you're going to leave for future

1 generations, your children, your grandchildren, their
2 children, are all these uncertainties. You're going
3 to have infrastructure. That would be really
4 attractive in a beautiful rural area. What are you
5 going to do with that? It's already an outmoded,
6 outdated way of bringing energy into our lives.

7 What about the water? How many questions did
8 you hear this evening? There's too many questions.
9 What about air quality? What about infrastructure?
10 There are too many things that you don't know, and
11 that's intentional. You're being played. We're all
12 being played.

13 MR. PARTINGTON: We don't have the ability to
14 approve.

15 MS. MENDZELA: I'm clear on that. What I'm
16 doing is bringing up issues for people to keep in
17 mind about what this is really about; and it's quite
18 convenient that the Governor appoints the Energy
19 Facility Siting Board members. You think they're
20 going to be able to make a decision on their own?
21 She appoints the DEM director, who happens to sit on
22 the Energy Facility Siting Board. It's totally
23 surreal.

24 MR. PARTINGTON: And out of our control. And
25 out of our control.

1 MS. MENDZELA: It's out of your control to some
2 degree.

3 MR. PARTINGTON: It's out of our control. It's
4 out of "our" control, this Board's control.

5 MS. MENDZELA: I'm not suggesting that somehow
6 it's in your control. What I'm suggesting is in the
7 process that you're going through that you keep in
8 mind that it's not about energy. Thank you.

9 MR. PARTINGTON: Thank you. Mr. Sutherland.

10 MR. SUTHERLAND: Thank you very much. David
11 Sutherland, 360 Whipple Avenue in Oakland. I just
12 have one question that I don't really know the answer
13 to, and maybe it could be answered for me; and then I
14 just have a statement from the last time that we met.
15 My question is: Invenergy gave a response to the
16 seventh set of data that was asked for, and they gave
17 Response 7-31. It starts with, "Invenergy is not
18 proposing an annual limit on the number of days of
19 combustion turbine ULSD usage per year, nor is
20 Invenergy proposing individual ULSD usage limits for
21 each turbine." So, burning of the diesel, the ultra
22 low sulphur diesel, according to Invenergy, they're
23 not proposing how long they can do it. Is there a
24 limitation on it? I thought it was supposed to be 60
25 days per year, but that's not what I'm seeing.

1 MR. PARTINGTON: I believe the gentleman
2 testified earlier that the permit allowed them to,
3 but I will let him speak to that.

4 MR. FEINBLATT: If you will continue reading the
5 response, what it goes on to say is that what we're
6 proposing is to limit to the equivalent usage of
7 60 days of oil usage. So, it's not about the number
8 of days. It's about the amount of oil that's used,
9 so --

10 MR. SUTHERLAND: What are your hours per day,
11 like 24-hour burn, or what you would burn in 24 hours
12 you would use times 60 days over the course of the
13 year, and that would be it?

14 MR. FEINBLATT: Right, so, it's limited.

15 MR. SUTHERLAND: Okay, that's what I wanted to
16 know.

17 MR. FEINBLATT: So, it is limited.

18 MR. SUTHERLAND: Okay, thank you. That does
19 answer my question.

20 MR. PARTINGTON: Thank you.

21 MR. SUTHERLAND: The second one deals with the
22 decibel level.

23 MR. PARTINGTON: Mr. Hessler, you're a popular
24 guy this evening.

25 MR. SUTHERLAND: Sorry. It's one more -- when

1 we were here last time and they mentioned the
2 decibels, and what if it exceeds? Well, we have Town
3 ordinances for that, and that really took me back
4 because, if we have Town Ordinances, and which we do,
5 regarding, you know, excessive noise, it doesn't
6 matter if it's a thousand dollar a day. If that's
7 going to cost \$365,000 a year, that's nothing; but
8 the people are going to suffer from the noise. So,
9 if you fine them, you fine them. You fine me every
10 day? Whatever. That's part of -- that's going to be
11 our budgeted amount. So, I'm very fearful that what
12 they're going to do is just override the decibel
13 limits, get fined, pay the fine and keep going, over
14 and over; and the people are going to suffer, and
15 that's my worry. Sorry.

16 MR. PARTINGTON: That's okay. Some of these are
17 questions that we are answering -- are asking in our
18 own minds.

19 MR. SUTHERLAND: Okay, thank you.

20 MR. PARTINGTON: Thank you. Okay, so,
21 gentlemen, I need a vote to close the public hearing
22 portion.

23 MR. FERREIRA: Make a motion we close the public
24 hearing.

25 MR. McELROY: Mr. Chairman, could I pose just

1 two questions to Invenergy?

2 MR. PARTINGTON: Sure.

3 MR. McELROY: First question would be a traffic
4 question, and I'd like to know if the traffic expert
5 has an estimate of the number of additional truck
6 accidents that would occur if the plant were
7 permitted.

8 MS. CHLEBEK: Thank you. One of the responses
9 to the Town's questions, we did estimates of crash
10 predictions. We did it on two levels, first in terms
11 of the number of crashes increase, and, secondly, in
12 terms of HazMat. What we calculated out is the
13 number of crashes we'd expect to increase based on
14 this project. It came out to be, during operation of
15 the project, to be one additional accident in a
16 three-year period. To relate that to truck traffic,
17 the roadways that we're evaluating are less than 10
18 percent truck traffic.

19 MR. PARTINGTON: Ladies and gentlemen, remember,
20 this is what they estimated. She's giving you
21 information. Whether you believe it or not is not
22 the question. Please continue.

23 MS. CHLEBEK: So, if we were to convert that
24 rate to a truck rate, again, using the fact that
25 those roads have less than 10 percent truck traffic,

1 we'd be looking at one-tenth of that rate in terms of
2 trucks. So, instead of one accident every three
3 years, it would probably be one truck accident every
4 10 years.

5 MR. McELROY: Mr. Chairman, I have just one more
6 question, and I would like Invenergy to answer it for
7 us in writing, please, because I think that's the
8 only logical way to do this. But, if I could pose
9 this to counsel for Invenergy, the experts for the
10 Town have prepared a number of reports, all of which
11 I believe have been furnished to you; and, in each of
12 those reports, whether they deal with the air, the
13 noise, the ammonia, the traffic, the MTBE, the water,
14 the sewer or the Master Plan, the Town experts have
15 all made a number of recommendations; and what I
16 would like to have answered in writing is which of
17 those recommendations Invenergy is committed to
18 complying with and which of those Invenergy is not
19 prepared to comply with; and, if so -- if they're not
20 prepared to comply with it, why, for each one of
21 those.

22 MR. PARTINGTON: Excellent suggestion.

23 MR. McELROY: Thank you. And, as a sub part of
24 that, I would like to ask Invenergy to do the same
25 thing for the recent DOH report that is also filled

1 with a number of recommendations from DOH. Again,
2 please answer will you comply with each of those;
3 and, for those you will not comply with, why?
4 Thank you.

5 MR. PARTINGTON: Thank you. Okay, so I'm
6 looking for a motion to close the public hearing.

7 MR. FERREIRA: Motion to close the public
8 hearing.

9 MR. PARTINGTON: I have a motion. Do I have a
10 second?

11 MR. PRESBREY: Second.

12 MR. PARTINGTON: Any discussion?

13 MS. NOONAN: Are you closing the public hearing
14 or just the public comment period of this hearing?

15 MR. PARTINGTON: The public hearing.

16 MS. NOONAN: Aren't we continuing this to
17 another night? I'm talking about not knowing the
18 provisions for the public hearing.

19 MR. PARTINGTON: The public comment.

20 MR. NIKOLYSZYN: Mr. Chairman, I believe there
21 is one more witness regarding water that Invenergy
22 needs to produce.

23 MR. PARTINGTON: Oh, I'm sorry, you are correct.
24 I'm sorry, okay. So, it is the public comment, okay,
25 so --

1 MR. FERREIRA: I amend it to the public comment.

2 MR. PARTINGTON: Thank you. Do I have a second?

3 MR. PRESBREY: Second.

4 MR. PARTINGTON: Okay. So, it is our public
5 comment period. Any discussion? All those in favor?
6 (Whereupon all the Members of the Board responded by
7 saying, "Aye".)

8 MR. PARTINGTON: Any opposed?

9 (Whereupon none of the Members of the Board
10 responded.)

11 MR. PARTINGTON: Tom, any final thoughts?

12 MR. KRAVITZ: The one question I had that I
13 wrote down was it's probably a question to
14 Tom Hevner, in light of the URI study that was done
15 that did the model pump testing there for a time, do
16 we know -- and this is something for you to think
17 about, Tom; not that you want to answer tonight, but
18 what would be an acceptable amount of time to pump
19 those wells, in effect, to confirm the modeling that
20 would need to be done? You know, like, do we do the
21 worst case senario, pump 925,000 gallons a day for 30
22 days and see how the aquifer performs? You know,
23 that's kind of my one question I got from tonight.

24 I think Mike brings up a good point about
25 getting the applicant to confirm what they're going

1 to comply with. We really can't complete half that,
2 I mean, right? Because then you're going to want to
3 base your advisory on what the commitments would be.

4 MR. PARTINGTON: Correct, correct. Because our
5 experts, if you will, have made these
6 recommendations; and, obviously, our opinion would be
7 picked up by that.

8 MR. KRAVITZ: So, this is where I'm going with
9 that. We have some of the audience here still.
10 You're thinking in the future of a date certain here?

11 MR. PARTINGTON: Yes.

12 MR. KRAVITZ: When do we meet next? You know,
13 what's an acceptable time commitment to have the
14 applicant give us that data? I also want my own --
15 the Town's consultants to think about, you know,
16 tomorrow or the next day at the latest, I'm going to
17 get them all of the written testimony. I'd like to
18 have our consultants go through that, you know, and
19 give us any new advice or recommendations based on
20 what we've heard from the public.

21 MR. PARTINGTON: Right.

22 MR. KRAVITZ: So, there's two things there.
23 They're going to take time. I want to get that
24 information. Then we got to meet again. So, I don't
25 know what that date should be. We have a meeting the

1 first Monday in August.

2 MR. PARTINGTON: Right, and I'm sure there will
3 be a second one in August.

4 MR. KRAVITZ: There is going to have to be to
5 try to separate out the regular agenda from this
6 stuff, but --

7 MR. PARTINGTON: Yeah.

8 MR. KRAVITZ: Maybe we bank on the first and
9 second Monday of August because Mondays tend to work
10 for you guys.

11 MR. PARTINGTON: Yes, that would be our regular
12 meeting on the 8th. This one on the 1st, the regular
13 meeting on the 8th; and I'm assuming it would be the
14 16th.

15 MS. NOONAN: Monday is a holiday.

16 MR. PARTINGTON: Oh, yes, a Rhode Island
17 holiday. I forget about that.

18 MR. KRAVITZ: So, maybe we're going to go with
19 the first and third Monday then in August.

20 MR. PARTINGTON: Yup.

21 MR. KRAVITZ: Is that what it is, the 1st and
22 15th?

23 MR. PARTINGTON: Yeah, okay. But, in any event,
24 the 1st we'll be back.

25 MR. KRAVITZ: The first will be for our regular

1 meeting with the developer for Steere Farm Road.
2 We're thinking the 15th? You want to say the 15th
3 then for this, for Invenergy?

4 MR. PARTINGTON: Okay.

5 MS. NOONAN: So, what's going to happen on the
6 1st?

7 MR. KRAVITZ: The 1st is a regular Planning
8 Board meeting. That doesn't involve you guys.

9 MR. PARTINGTON: Right.

10 MS. NOONAN: We are just going the 15th?

11 MR. PARTINGTON: The 15th, yes.

12 MR. KRAVITZ: I'm sorry. I'm thinking out loud
13 here.

14 MR. PARTINGTON: Why don't we set the 22nd as a
15 tentative one also, if we need it, if we need it.
16 I know. I can do it fast.

17 MR. KRAVITZ: Do you want to do 6:00 p.m. again
18 or 7:00?

19 MR. PARTINGTON: Yes.

20 MR. KRAVITZ: 6:00 p.m.?

21 MR. PARTINGTON: 6:00 is good. Do we need a
22 motion to continue the public hearing?

23 MR. KRAVITZ: Certainly.

24 MR. PARTINGTON: Okay, all right. So, let's do
25 that. So, motion from the Chair to continue this

1 meeting until the 15th of August at six o'clock here.

2 MR. FERREIRA: Second.

3 MR. PARTINGTON: And I have a second. Any
4 discussion? All those in favor?

5 (Whereupon all the Members of the Board responded by
6 saying, "Aye".)

7 MR. PARTINGTON: Any opposed?

8 (Whereupon none of the Members of the Board
9 responded.)

10 MR. PARTINGTON: Okay.

11 MR. KRAVITZ: And I would like to give Invenergy
12 at least a week prior to that day because I got to
13 put this package together with Chris and deliver it
14 to you guys. So, at least a full week before that.

15 MR. PARTINGTON: Yup, okay, all right.

16 WOMAN FROM THE FLOOR: Excuse me, could I ask a
17 quick question. Has the Town of Douglas and the
18 State of Massachusetts, which is only two miles from
19 this plant or less, approved all this and had a
20 public hearing?

21 MR. PARTINGTON: Not to my knowledge, nor are
22 they --

23 MR. KRAVITZ: We are required to notify them;
24 and we notified them of the meeting, but I don't know
25 what they have done as far as having their own

1 meeting.

2 WOMAN FROM THE AUDIENCE: So, they may want
3 them. My understanding is they're concerned.

4 MR. FERREIRA: I'd like to revisit and make a
5 motion to accept the minutes.

6 MR. PARTINGTON: Okay, we tabled them already,
7 though. Why don't we do it next meeting. Does that
8 make sense? Okay, anyone else? Tom, you all set?

9 MR. KRAVITZ: Yes.

10 MR. FERREIRA: Motion to adjourn.

11 MR. PRESBREY: Second.

12 MR. PARTINGTON: I have a motion to adjourn and
13 a second.

14 MR. NIKOLYSZYN: Just a second. Would the
15 Town's experts be required to attend any further
16 or --

17 MR. PARTINGTON: No, it would be under the same.
18 It would be under the same. So, we have a motion to
19 adjourn. All in favor?

20 (Whereupon all the Members of the Board responded by
21 saying, "Aye".)

22 MR. PARTINGTON: Any opposed?

23 (Whereupon none of the Members of the Board
24 responded.)

25 MR. PARTINGTON: Very good. Thank you very

1 much. Good night, everyone.

2 (Whereupon, the Meeting Adjourned at 10:25 p.m.)

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C E R T I F I C A T I O N

I do hereby certify the foregoing pages to
be a complete, true and accurate transcript,
according to my stenographic notes, of the hearing
IN RE: MAJOR SUBDIVISION/LAND DEVELOPMENT ON
INVENERGY THERMAL DEVELOPMENT, LLC's CLEAR RIVER
ENERGY CENTER, heard before the Burrillville Planning
Board at the Burrillville High School Auditorium,
425 East Avenue, Harrisville, Rhode Island, on
July 11, 2016 at 6:00 p.m.

Andrew J. D'Angelo
Andrew J. D'Angelo
Court Reporter

(Signed Electronically)