

**Board of Selectmen
Minutes of Regular Meeting
January 29, 2016**

I. Call to Order

Chair Mary O'Donoghue called the meeting of the Board of Selectmen to order at 8:00 A.M. in the Board of Selectmen's Meeting Room at Town Offices: Present from the Board of Selectmen: Paul Salafia-Y, Dan Kowalski-Y, Robert Landry-Y, and Mary O'Donoghue-Y. Also present: Town Manager Andrew Flanagan, The meeting was duly posted and audio recorded.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by the Pledge of Allegiance.

III. Kinder Morgan

John Hess, Chestnut Street, reported that the Department of Public Utilities (DPU) is holding a public hearing on February 10th to discuss the contract for transportation of pipes by Kinder Morgan for the Pipeline Project, and the Town of Andover has until February 8th to file to become an intervener. Mr. Hess introduced energy and regulatory Attorney Richard Kanoff, of Burns and Levinson LLP, who is experienced in the DPU process. Attorney Kanoff offered to attend today's meeting to explain the DPU process and types of interventions.

Attorney Kanoff explained that the DPU has to ask the utility companies (Columbia Gas and National Grid) to approve a contract for the transportation of pipes and if not approved, the project itself will raise questions about its viability. The pipe proposed to carry the gas is different than the type of pipe used in other areas. The contract for the transportation for the pipe has been approved by DPU. In a previous case, the Department of Public Utilities did not consider any interventions by public advocacy groups or municipalities, so a whole level of information and analysis never got approval. It is really important for towns and municipalities to participate as interveners to give voice on the transportation of pipes which costs more than it should, it is not necessary, and not in the best interest of the town. Towns can all participate and begin to investigate why this pipe is being put forth as opposed to other alternatives. The Attorney General's report said it is not necessary on the supplier side; and if it is necessary it may only be needed for a portion of the pipeline.

The first step is an intervention, is for the Town(s) to be allowed to participate in this proceeding. A decision on what level of participation you want to be involved in can be determined later in the process. Filing as an intervener allows you to have a seat at the table and to know what the next steps are and to question, need, alternatives, and cost of repairs, etc. The Attorney General does not represent the Town. If the towns don't get in, the pipeline will go forward because no one will be directly refuting this.

Given the level of objection and contention around the proceedings, it is not advisable for the Town to intervene without counsel. Counsel would represent the Town at the hearing on February 10th and the hearing officer would set the schedule for the case. The attorney acting as counsel on behalf of the town by filing for a petition to intervene would attend the public hearing.

Chair O'Donoghue confirmed Attorney Kanoff's statement that, if the town filed to intervene, they would essentially be hiring an attorney to actively participate in the process and have an effective seat at the table.

Attorney Kanoff said the town could file and monitor the activities and at any time determine what level to get involved in, providing the option to participate in some way to be determined with the advice of counsel. When asked to provide an estimated number of hours required for legal services, Attorney Kanoff estimated it to be in the range of 2 hours, or less of time just to file the document. The hearing on February 10, 2016 would be 2 hours of time or less.

The Board determined that they want to have the right to do something at a more relaxed pace. The first step is fairly inexpensive (2 hours of legal time) to hold our spot and to have the right to participate.

Paul Salafia moved that the Board of Selectmen initially give the Town Manager the authorization to file to intervene in the Department of Public Utilities process. Bob Landry seconded the motion. Roll call: Paul Salafia-Y, Robert Landry-Y, and Mary O'Donoghue-Y.

IV. Adjournment

At 8:31 A.M. on a motion by Paul Salafia and seconded by Robert Landry, the Board voted 3-0 to adjourn the meeting of January 29, 2016.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary