

**APPROVED – Unsealed July 9, 2018**  
**MINUTES OF THE MILFORD BOARD OF SELECTMEN NON-PUBLIC MEETING**  
**LEGAL – DECEMBER 14, 2015**

**PRESENT:** Mark Fougere, Chairman  
Kevin Federico, Vice Chairman  
Gary L. Daniels, Member  
Katherine Bauer, Member  
Mark Bender, Town Administrator  
Darlene J. Bouffard, Recording Secretary

**EXCUSED:** Mike Putnam, Member

**1. NON-PUBLIC SESSION.** Selectman Daniels moved to enter into non-public session at 5:15 p.m. in accordance with RSA 91-A:3 II (e) – Legal. Vice Chairman Federico seconded. All were in favor. Motion passed 4/0.

**2. PIPELINE COALITION.** Town Administrator Mark Bender has been working with the pipeline coalition for some time and it is anticipated there will be legal fees going into 2016, Richard Kanoff offered to come talk to the Board about these legal fees. Richard talked about what is projected for fiscal year 2017, from a legal perspective, the coalition has been looking at pressure points for stopping the pipeline; focusing on things that are significant. There is a significant reality that opposing being in the coalition can make any difference. That is what all the meetings are about. A list of things that are cost effective in opposition to the pipeline are often discussed. There are regulatory processes that will be effective against Kinder Morgan. Also, support on ongoing discussions afterwards, to appeal proceedings. Liberty is the utility company for the gas. In order to get the pipeline approved, they need contract procurement approved. It will affect a segment of NH over to Dracut Mass, which has not been approved. When that gets filed, that needs a lot of attention. A pre-application has been filed and that will be going live next month. There will be opportunities to participate and intervene at that point. Liberty Gas and the PUC look at the impacts. The map shows what the impact is for this area. The coalition will provide information, an alternate, better route and it should show it needs to go somewhere else.

Chairman Fougere asked who can testify in front of the FCC? Can we testify at that? Richard Kanoff said direct intervention would be part of the 15 town coalition. Each town is represented as an individual town. Milford can also participate as an individual town. Your interest will be served by the coalition, but you have the option to do that individually. We are considering having experts participate on behalf of coalition towns. We are going to compile and make the recommendation on how to move forward for the town. There are thirteen towns participating in the legal effort and two towns who are not participating in the coalition. Mark Bender said that Amherst is still considering it. Another environmental matter is that DES is strict with wetlands, said Richard. Part of the plan was originally to provide gas service to all of the towns it would affect. Richard said the coalition has attracted a lot of attention with this with concerns in the region. A lot of press has come out that the coalition is all together. Massachusetts has joined together, and politicians have even become interested in this. This is because we are all working together, as long as that is the case, you can participate effectively. We want to be an effective group.

The FERC proceeding is January 6 with intervention, a template was provided to towns to use to intervene. That does not need to be substantiated, but it gets you in the proceeding. That will be circulated early next week. We are always looking for new ways to creatively advocate against the pipeline in a way that has not been done before. The constitutional provision will be discussed, since they are just pushing this on NH, so we will talk about those with the coalition at some point. It is all about opposition and being as effective as possible to keep it from going any further. Mark Bender said Milford is among the thirteen towns participating in the coalition trying to raise about \$300,000 (among the towns) at town meeting for the 2016 calendar year for legal defense. A spread sheet was put together identifying the amount required to make it fair for small town intervention. Every town would be able to at least provide \$12,000; Milford share is about \$37,000. There is a warrant article in place for \$40,000 to vote on in March.

APPROVED MINUTES OF NON-PUBLIC (LEGAL) BOS MEETING 12/14/15

1 Selectman Daniels asked why Amherst and Merrimack are not participating in the coalition. Mark Bender said they  
2 decided early on to have their own attorney. They chose to do it on their own. Amherst is still thinking about it.  
3 Selectman Daniels asked if it provides them any benefit not being in the coalition? Mark Bender does not think so.  
4 Richard said he does not see any upside to go individually, it will be more expensive. Selectman Daniels asked if  
5 they could focus more on their own town? Richard said the coalition is specific in what it is doing. It covers things  
6 that affect all the towns. There must be something unique to their town that is keeping them from joining the coali-  
7 tion. Mark Bender said the spreadsheet includes Amherst. Selectman Daniels asked when Liberty filed, they said  
8 they would not guarantee there would be any benefit to Milford and Amherst. Selectman Daniels was also told there  
9 would not be any benefit to Milford and Amherst. Richard said there is a specific list of towns that identify where  
10 gas will go. There is no reason why they would not go to all the towns. They did say they would go to all the towns  
11 even towns that are going to get gas. Depending on your plan, it is not welcome in all towns. There were no further  
12 questions. Richard thanked the Board for their time.  
13

14 Vice Chairman Federico moved to come out of non-public session at 5:40 p.m. Selectman Daniels seconded. All  
15 were in favor. Motion passed 4/0.  
16

17 **3. ADJOURNMENT:** There being no further business to come before this non-public session, the Board resumed  
18 the regular public meeting.  
19  
20  
21

22 \_\_\_\_\_  
23 Mark Fougere, Chairman  
24  
25

\_\_\_\_\_   
Kevin Federico, Vice Chairman  
\_\_\_\_\_

26 \_\_\_\_\_  
27 Katherine Bauer, Member  
28  
29

\_\_\_\_\_   
Mike Putnam, Member  
\_\_\_\_\_

30 \_\_\_\_\_  
31 Gary Daniels, Member  
32  
33  
34

35 **PERMANENTLY UNSEALED BY Board of Selectman 7-9-2019; 5/0**  
36  
37