



# TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

## MEETING INFORMATION

Date Submitted: November 9, 2015  
Submitted by: Town Manager Eileen Cabanel  
Department:  
Speakers:

Date of Meeting: November 19, 2015  
Time Required: 15 minutes  
Background Info. Supplied: Yes:  No:

## CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

|                        |                                     |                                     |                          |
|------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Appointment:           | <input type="checkbox"/>            | Recognition/Resignation/Retirement: | <input type="checkbox"/> |
| <b>Public Hearing:</b> | <input type="checkbox"/>            | Old Business:                       | <input type="checkbox"/> |
| New Business:          | <input checked="" type="checkbox"/> | Consent Agenda:                     | <input type="checkbox"/> |
| Nonpublic:             | <input type="checkbox"/>            | Other:                              | <input type="checkbox"/> |

## TITLE OF ITEM

Town Council / School District / Conservation Commission Letters of Engagement Discussion

## DESCRIPTION OF ITEM

Town Council to discuss allowing the Town's environmental attorney to enter into engagement agreements with the School District and Conservation Commission to prepare letters in order to establish intervenor status with the Federal Energy Regulatory Commission re: the proposed pipeline. It should also be noted that environmental attorney will not be representing either party in going forward with the intervention process.

## REFERENCE (IF KNOWN)

|                  |                  |       |
|------------------|------------------|-------|
| RSA:             | Warrant Article: | _____ |
| Charter Article: | Town Meeting:    | _____ |
| Other:           | N/A              |       |

## EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

|                  |                          |                     |                          |
|------------------|--------------------------|---------------------|--------------------------|
| Projector:       | <input type="checkbox"/> | Grant Requirements: | <input type="checkbox"/> |
| Easel:           | <input type="checkbox"/> | Joint Meeting:      | <input type="checkbox"/> |
| Special Seating: | <input type="checkbox"/> | Other:              | <input type="checkbox"/> |
| Laptop:          | <input type="checkbox"/> | None:               | <input type="checkbox"/> |

## CONTACT INFORMATION

|              |                       |               |                                 |
|--------------|-----------------------|---------------|---------------------------------|
| Name:        | <b>Eileen Cabanel</b> | Address       | <b>6 Baboosic Lake Road</b>     |
| Phone Number | <b>424-2331</b>       | Email Address | <b>ecabanel@merrimacknh.gov</b> |

## APPROVAL

## Becky Thompson

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**Subject:** FW: Motions to Intervene for School District and Conservation Commission

**From:** Joanna B. Tourangeau [<mailto:JTourangeau@dwmlaw.com>]  
**Sent:** Thursday, November 05, 2015 4:36 PM  
**To:** Eileen Cabanel  
**Subject:** Motions to Intervene for School District and Conservation Commission

As we discussed earlier today, the Conservation Commission and the Merrimack School District would each like for me to represent them in preparing motions to intervene in the KM proceedings before FERC. I am happy to take on these relatively straightforward projects so long as it does not create any concerns for the Town. The primary concern would be future conflicts of interest.

I spoke with my in-house ethics committee and they have advised that so long as I put in place letters of engagement which specify that no confidential information will be provided to me and that my representation is limited solely to preparing and filing a motion to intervene and that going forward I will continue to represent the Town even in the event of a conflict, that I will not run afoul of ethics obligations and should not be conflicted out of future representation of the Town. In the event that these limits on my representation are not acceptable to the School District or Conservation Commission I would refer them elsewhere. Please let me know your thoughts on whether this approach is acceptable to the Town.

As you know, the timeline on intervention is upcoming. We anticipate that KM will file their application sometime in the next couple months. Once they file KM will provide notice. FERC will then issue a Notice of Application which specifies the deadline for motions to intervene (no less than 21 days).



YEARS OF SERVICE TO OUR CLIENTS AND COMMUNITIES

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