

**SPECIAL TOWN COUNCIL MINUTES**  
**Town Hall Council Chambers**  
**Zoom # 861 0694 7266**  
**March 8, 2021, Monday**

Present: Arthur Mathews, President  
Michael Molisse, Vice President  
Pascale Burga, Councilor  
Kenneth DiFazio, Councilor  
Brian Dwyer, Councilor  
Ed Harrington, Councilor  
Rebecca Haugh, Councilor  
Christopher Heffernan, Councilor

Absent: Fred Happel, Councilor  
Jane Hackett, Councilor  
Maureen Kiely, Councilor

Also Present: Kathleen Deree, Town Clerk  
Joseph Callanan, Town Solicitor  
Richard Swanson, Town Auditor

Recording Secretary: Mary Barker

President Mathews called the Special Town Council Meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with three members absent. Councilor Happel is on another meeting and Councilors Hackett and Kiely have work commitments.

**NEW BUSINESS**

**FERC Docket CP16-19-012 Intervenor Status {action under 2-9(b)}- Councilor at Large Rebecca Haugh**

President Mathews turned the item over to Councilor Haugh to present the item, noting that the town has opposed the compressor station project for six years. She presented a power point:

# FERC Docket CP16-9-012 Intervenor Status & Initial Brief



March, 8, 2021

## **Intervenor Status?**

### **What is an intervenor?**

An intervenor is someone who has decided to be a formal participant in the FERC proceeding.

### **Who can be an intervenor?**

Any individual or group/organization who feels they are impacted by the pipeline project.

### **Why be an intervenor?**

Anyone who wants to participate (to make their voice heard) and/or have legal standing in the FERC process.

### **How to become an intervenor?**

Any individual or group that wants to become an intervenor can file a Motion to Intervene with FERC.

### **Where do I file a Motion to Intervene?**

A Motion to Intervene is filed with FERC online at <http://ferc.gov>

### **When do I file?**

Usually within 21 days. CP16-9-012 was filed by FERC on February 18, 2021 so the deadline to intervene would be March 11, 2021.

*\* If no answer in opposition to a timely motion to intervene is filed within 15 days after it has been filed, you automatically become a party at the end of the 15 day period.*

## **History of Intervention/Involvement**

**November 18, 2015** – Miyares & Harrington filed the Town of Weymouth as an official intervenor under the direction of Mayor Sue Kay

**November 23, 2015** – Town Councilor Rebecca Haugh filed as an official intervenor as an individual

The Weymouth Town Council has voted & submitted comments in the past. These were all done during open public comment periods, when anyone could comment. There was no solid or legal reason the Weymouth Town Council would have had to file to become intervenors themselves in the past given the Town of Weymouth as already an intervenor.

## **Why Intervene Now?**

**January 25, 2017** – FERC issues order authorizing the Atlantic Bridge project (Weymouth Compressor Station) to be built with construction needed to be completed by January 25, 2019

**December 26, 2018** – FERC issued a two year extension to the Atlantic Bridge project without any hearing or consideration as to why it is not currently in service

**September 24, 2020** – FERC filed the In-Service Authorization to allow the Weymouth Compressor Station to be turned on. This was expected to occur the beginning of October.

**September 11, 2020 & September 30, 2020** – Unplanned accidents/gas releases occurred at the Compressor Station. Station is not officially in service at all during this time.

**October 1, 2020** – Pipeline & Hazardous Materials Safety Administration (PHMSA) issues a 7-page Corrective Action Order (CAO) with respect to the Weymouth Compressor Station. This must be completed prior to starting the Weymouth Compressor Station.

**October 23, 2020** – a Request for Rehearing of FERC's In-Service Authorization was filed jointly by myself, Town Councilor Rebecca Haugh, City of Quincy, Attorney Michael Hayden, Fore River Residents Against the Compressor Station, and Food & Water Watch.

**October 30, 2020** – Mayor Hedlund signed a Host Community Agreement with Enbridge and submitted the following statement on the FERC Docket as the Town of Weymouth on this date:

*I write on behalf of the Town of Weymouth, party in the above docket. The Town hereby informs the Commission that it withdraws its opposition to the Atlantic Bridge Project [Compressor Station]. Notwithstanding its withdrawal of that opposition, the Town will retain its party status so as to receive all future notices in this proceeding.*

*Thank you for your courtesy and attention to this matter.*

*Sincerely, Robert L. Hedlund, Mayor*

**February 18, 2021** – FERC met and discussed the Atlantic Bridge project/Compressor Station. They issued an Order Establishing Briefing. **This is not a common occurrence.** Because this is an Order Establishing Briefing and not a public comment period, only intervenors can submit briefs/written comments.

### **Four Issues FERC wants to hear input on:**

- In light of the concerns expressed regarding public safety, is it consistent with the Commission’s responsibilities under the Natural Gas Act (NGA) to allow the Weymouth Compressor Station to enter and remain in service?
- Should the Commission reconsider the current operation of the Weymouth Compressor Station in light of any changed circumstances since the project was authorized? For example, are there changes in the Weymouth Compressor Station’s projected air emissions impacts or public safety impacts the Commission should consider? We encourage parties to address how any such changes affect the surrounding communities, including environmental justice communities.
- Are there any additional mitigation measures the Commission should impose in response to air emissions or public safety concerns?
- What would the consequences be if the Commission were to stay or reverse the Authorization Order?

174 FERC ¶ 61,126  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Richard Glick, Chairman;  
Neil Chatterjee, James P. Danly,  
Allison Clements, and Mark C. Christie.

Algonquin Gas Transmission, LLC  
Maritimes & Northeast Pipeline, LLC

Docket No. CP16-9-012

ORDER ESTABLISHING BRIEFING

(Issued February 18, 2021)

1. On September 24, 2020, Commission staff issued an order authorizing Algonquin Gas Transmission, LLC (Algonquin) and Maritimes & Northeast Pipeline, LLC (Maritimes) (together, Applicants) to place facilities associated with the Atlantic Bridge Project into service (Authorization Order).<sup>1</sup> On October 23, 2020, the Fore River Residents Against the Compressor Station (Fore River Residents), the City of Quincy, Massachusetts, Weymouth Councilor Rebecca Haugh, Michael Hayden, and Food and Water Watch (collectively Petitioners) filed a timely joint request for rehearing of the Authorization Order. Since issuance of the Authorization Order the Commission has also received numerous other pleadings expressing safety concerns regarding the operation of the project.

2. We believe that the concerns raised regarding the operation of the project warrant further consideration by the Commission and set the matter for paper briefing to address the questions listed below. Initial briefs will be due 45 days from the date of this order. Reply briefs will be due 30 days thereafter. The facilities placed in service pursuant to the Authorization Order may remain in service while the Commission considers the issues raised here. The Commission asks for briefing on the following matters:

- In light of the concerns expressed regarding public safety, is it consistent with the Commission's responsibilities under the Natural Gas Act (NGA) to allow the Weymouth Compressor Station to enter and remain in service?

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<sup>1</sup> *Algonquin Gas Transmission, LLC*, Docket No. CP16-9-000, at 1 (Sept. 24, 2020) (delegated order) (Authorization Order).

### **Intervenors**

- Town of Weymouth (has dropped opposition - cannot comment per HCA)
- Town Councilor Rebecca Haugh
- 2 individual Weymouth residents
- City of Quincy
- Fore River Residents Against the Compressor Station
- About a half dozen environmental groups

**Since CP16-9-012 was filed – 20 additional gas/energy companies from across the country have intervened. Many are parent companies.**

**There are currently 3 dozen fossil fuel companies who are intervenors on this order that relates to the Weymouth Compressor Station.**

Senators O'Connor, Keenan, Timilty, Rep. Moschino all filed for intervenor status. There aren't that many lobbyists working on Weymouth's behalf but since this order was issued, 20 additional gas companies also filed. Many are parent companies under the Enbridge umbrella. The order pertains only to Weymouth; strictly about air quality and public safety. So why are gas companies located in other states interested or care. She is uncomfortable that they now have an official standing in the Weymouth project. Now the Weymouth Town Council has an opportunity to intervene, based on the fact that they live here and represent the people here.

The draft petition to intervene was read into the record.

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of Algonquin Gas Transmission, LLC                      Docket No. CP16-9-012

PETITION TO INTERVENE

Pursuant to Rule 214 of the Rules and Practice and Procedures, 18 CFR 385.214(a)(3), the Weymouth Town Council hereby petitions the Federal Energy Regulatory Commission for an order granting it intervenor status in the above-captioned proceeding. The persons to whom communications regarding this Petition should be addressed and upon whom service of all pleadings or other documents in this proceeding should be made are:

Weymouth Town Council  
75 Middle Street  
Weymouth, MA 02189  
[towncouncil@weymouth.ma.us](mailto:towncouncil@weymouth.ma.us)

In support of its Petition to Intervene, the Weymouth Town Council respectfully asserts:

1. The Weymouth Compressor Station is located in Weymouth, Massachusetts and the Weymouth Town Council is the legislative branch of government, representing approximately 55,000 citizens in town. The mission of the Council is to provide leadership and representation on behalf of the citizens of Weymouth.
2. The operation of the Weymouth Compressor Station will impact and compromise the health and safety of residents living in the general vicinity of the station.
3. Given the Weymouth Town Council's expertise and familiarity with the location of the Weymouth Compressor Station, its participation and insight in this proceeding will benefit the Commission.
4. The Weymouth Town Council's participation is on behalf of the citizens of Weymouth, therefore its participation is in the public's interest.
5. By a vote of X-X on March 8, 2021, the Weymouth Town Council voted to file a petition to intervene on the above referenced docket.

For these reasons, the Weymouth Town Council respectfully requests that the Commission grant its motion to intervene in this proceeding.

President Mathews noted a scrivener error on the agenda (FERC docket number) and ask that it be included, "as amended" on any motion that is made. Councilor Haugh asked if there were any comments or questions.



Solicitor Callanan reported that he was not aware of the agenda nor the documents until just now and as he reads it as drafted, the Council does not have the authority to intervene as the body of the Council and represent itself (individual capacity vs. official capacity suit). Council does not have collectively the authority to sue. They can act on their individual capacity as Councilor Haugh has. The only party who has the capacity to sue on behalf of the town is the Mayor.

Councilor Haugh asked if he is referencing the HCA as to why they can't do it as a group.

Solicitor Callanan responded, no; this is separate and falls under the authority of the legislative powers. One entity represents the town, and in Weymouth it's the Mayor.

President Mathews pointed out that they have sent half a dozen different correspondences as a Council and it was not an issue. Is that because the town was an intervenor at that time? The Solicitor responded that was true when the town was already a party, but the Mayor withdrew and is no longer an intervenor. The Council does not have the authority or the capacity.

Councilor Haugh noted that being an intervenor doesn't mean they will bring suit. They are representing themselves as a group. They have voted in the past to submit comments as a collective group. Now, the group would like to be an official intervenor. Solicitor Callanan responded that as an intervenor, it makes one a party. An intervenor is a different type of party (such as plaintiff, defendant, etc.). It is a party status. This is a claim. This is a lawsuit. Administrative proceedings before executive agencies are claims, but the Councilors are representing themselves as a party in a contested litigation, and they don't have that capacity. They can absolutely each file as individuals.

Councilor DiFazio asked when the Mayor settled against them, there were a certain amount of Councilors as the ten objectors. Is this still the case? Councilor Haugh responded that the ten-residents group were partners with the town of Weymouth and filed things with them. When the town withdrew, it left them in limbo. It's separate from this issue.

Councilor DiFazio suggested those ten people are the ones who should be named as the intervenors. Councilor Haugh responded they didn't need a group of 10 or more unless they were already established, so there would be no real benefit. Councilor DiFazio asked who is intervening if they can't as a full Council? Councilor Haugh asked where is the regulation that a Town Council cannot take a vote to have a voice in a project? They are not talking about representing themselves as the Town of Weymouth, but as the legislative body working for the residents. They have the official capacity because they were elected to serve in that official role. Where is the law that says a legislative body cannot intervene?

Solicitor Callan responded that he wasn't aware this was the discussion tonight. It wasn't shared with him ahead of the meeting. He can provide citations and provide the research. Constituent parties in town don't have the authority. Legislators signed on in their individual capacity, not on behalf of the Commonwealth. Councilor DiFazio responded that if the Solicitor is correct, and this notice has to be in by the 11<sup>th</sup>. What is the recommendation they call themselves? Solicitor Callanan responded that his suggestion is to do it as individuals or an unincorporated association, which is not limited, and they can call themselves whatever they like.

Councilor DiFazio reported that the disadvantage if not incorporated, is that all members are liable for the actions of the rest.

Councilor Burga added that she finds it unfortunate that Weymouth officials as the legislative branch that did not sign the agreement the mayor executed, are unable to intervene for the residents. There are consequences of the HCA and the impact it would have. What does it mean to the Council?

Solicitor Callanan responded that it is established case law that Town Council cannot bring suit on behalf of the town--it is separate from the HCA. If they file as a group, the Mayor would have to oppose it. They are allowed to go forward as individuals but not on behalf of the town. Only the Mayor may, by ordinance.

Councilor Haugh responded that they don't have the time to wait. It's not that huge of a deal. The Council can submit comments. This is a pivotal part of the project-- the body to ignore that FERC wants to relook at the air quality and public safety issues. She doesn't think they can afford to ignore this opportunity to vote and submit comments. They don't have to do it as official intervenors. She is unsure if the Council is willing to entertain this?

President Mathews responded that he likes that suggestion.

Solicitor Callanan responded that their comments would not be as intervenors. He doesn't follow how that is helpful. He suggested they replace the Town Council with each individual's names. President Mathews said can they take comments from bodies outside of an intervenor. Councilor Haugh responded that the FERC docket has been opened since 2015 and people have been making comments. It's not official. She personally thinks there are things that the Town Council can say around public safety and air quality that are very important. There are three dozen gas companies that can, in an official capacity. No one official from the town of Weymouth can serve as intervenors. That is why she brought this forward. FERC will likely take comments more seriously from intervenors than a citizen.

President Mathews responded that if they can't do intervenor status, and their concerns were brought to the Attorney General regarding the Mayor including language into an agreement that limits the role of the legislative branch of government. He has those concerns still and they haven't heard back from the AG's office. They are unable to comment as intervenors because the Mayor signed that agreement. They have commented several times as a body in the last six years. He didn't think this was any different than past practice.

Solicitor Callanan responded that it's not because of the HCA. It's because they are doing it as a collective party.

President Mathews suggested they figure out how to proceed, given the comments provided.

Councilor DiFazio asked if they could vote with all eleven names of Councilors as intervenor. Solicitor Callanan suggested they add "in their individual capacity."

Councilor Haugh conceded the intervenor status for the Council. She suggested then that they have two options- sign as an individual (no vote necessary). And second, take the opportunity to submit a comment as Town Council in their capacity. She will draft the comments, since she is doing the work anyway, relative to this docket number. She believes that Town Council in its capacity, and as in the past, should submit comments. President Mathews agreed.

Vice President Molisse asked the Solicitor's opinion of sending a letter? The Solicitor responded that he doesn't think it will be effective since they are not intervenors. He suggested they make them as intervenors as individuals.

President Mathews suggested that since Councilor Haugh already is an established intervenor, the Council can vote comments that she can attach as an exhibit. Councilor Haugh agreed it is a good suggestion. She also offered assistance to any Councilor who wishes to file as an intervenor in individual capacity.

Councilor Dwyer asked Solicitor Callanan for his opinion about this suggestion. The Solicitor responded that he sees the effort but isn't sure about it. Councilor Dwyer responded he was seeking a legal opinion; not a subjective one. Solicitor Callanan responded that is difficult; he doesn't know what the letter says. His fear is the letter will do that indirectly. Councilor Dwyer responded that they are trying to follow his advice. Solicitor Callanan responded that his suggestion would be to do it as individual intervenors. President Mathews suggested it could be done by any individual Councilor; not just Councilor Haugh. Councilor Dwyer responded that if they were going to take that tactic, they would be filing as intervenors; not as a body. Councilor Harrington added that he would have a problem voting to have someone's signature affixed to a letter if they aren't here. President Mathews stated that the deadline to file as intervenor is close. The deadline for the briefs is April 2<sup>nd</sup>, but a comment can be made anytime. Councilor Haugh will prepare and have it ready before the next meeting. Councilor Haugh said any intervenor can use the letter with their comments. She will prepare and have it ready for a vote before the next meeting. A comment can be made at anytime.

President Mathews noted they have voted to send other correspondence signed by the Council when some Councilors were absent. If Councilor Haugh puts correspondence together it can go out in the next packet and be taken up at next week's meeting. Councilor DiFazio noted that Councilor Haugh is the most knowledgeable of the group, and if she drafts something it can be attached or used by all other Councilors, as individual intervenors. It would be more effective. Councilor Haugh noted that if she drafted it, others could choose to adopt it. There's no vote or review. President Mathews still prefers to vote correspondence as a body, and it can be attached to other's individual intervenor briefs. It would be more effective. Councilor Haugh noted that with the question of the legislative body filing as an intervenor and the deadline looming, having a letter prepared for deliberation at the next meeting is good; then only those who vote "yes" will have their signature on it. If one doesn't want to be a part of it they can choose not to. No vote is necessary tonight. President Mathews urged anyone in the public viewing who wishes to file as an intervenor to do so.

President Mathews noted the matter will be placed on the next agenda as OLD BUSINESS; Councilor Haugh can present the correspondence and the Council can take it up at that time.

ADJOURNMENT

At 8:37 PM; there being no further business, Vice President Molisse made a motion to adjourn the meeting and was seconded by Councilor Harrington.

A roll call vote was taken: Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Vice President Molisse-Yes, President Mathews-Yes. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Arthur Mathews as President of the Town Council.

Voted unanimously on 20 April 2021