

*Town of Weymouth
Massachusetts*

Robert L. Hedlund
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MEMORANDUM

TO: COUNCIL PRESIDENT MATHEWS, TOWN COUNCIL
FROM: ROBERT L. HEDLUND - MAYOR
**RE: CORRESPONDENCE TO THE ATTORNEY GENERAL REGARDING HOST
COMMUNITY AGREEMENT WITH ALGONQUIN GAS, LLC**
DATE: NOVEMBER 9, 2020

As the Town Council considers tonight's agenda item, entitled "Correspondence to the Attorney General Regarding Mayor's Community Benefits and Settlement Agreement with Algonquin Gas Transmission, LLC," I think it would be important for the Council to consider a few points.

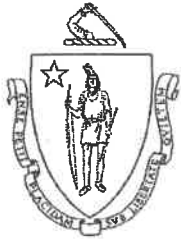
First, the Council recently received a letter from the Attorney General in response to a request to review another agreement negotiated by and under the purview of the executive branch, here the Mayor. The Attorney General's Office responded on January 9, 2020 by indicating "The AGO's statutory authority to render formal legal guidance and opinions extends only to opinion requests by state officials, district attorneys, and branches and committees of the Legislature." A copy of that letter is attached. The AGO's letter concluded with the statement that the office was "unable to provide you with legal guidance on this matter."

Further, and perhaps more importantly, the Attorney General's Office represents, and has been defending for more than a year, state agencies, such as the Department of Environmental Protection (DEP) and the Office of Coastal Zone Management (CZM), in 5 of our 23 lawsuits that we have filed to stop the compressor station. The Attorney General's Office sought to dismiss one of the last pending lawsuits we were pursuing to reverse a CZM decision allowing the compressor station project to go forward. Last week, Norfolk Superior Court agreed with the AGO argument on behalf of CZM and dismissed one of the last four pending lawsuit seeking to stop the compressor station.

Defense of state agencies is the legally defined role of the Attorney General's office. It would be illegal for the Attorney General to involve its office in a Town matter of this nature.

Also, it is somewhat ironic that many have applauded the work of the Town's attorneys, whose actions have delayed the startup of the compressor by three years and resulted in significant positive outcomes for the Town such as making the compressor station emit less pollutants, run fewer times a year, run short periods of time when running, run more quietly, and have fewer impacts on the environment, would now question the competency of those very same attorneys who assisted with the drafting of and reviewed this Host Community Agreement. I am concerned that the Council now prefers to seek advice from the attorneys who represent the state agencies who have rubber-stamped these permits allowing the compressor station to be fully permitted.

If the Council wishes to receive further legal explanation from our attorneys, the Town Solicitor is available during tonight's meeting or the Town's attorneys can provide written responses to any additional questions at a later date.



THE COMMONWEALTH OF MASSACHUSETTS
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January 9, 2020

Weymouth Town Council
75 Middle Street
Weymouth, MA 02189


Dear Councilors,

I am writing in response to your letter to the Attorney General, dated December 11, 2019, in which you requested a legal interpretation and intervention with respect to the zoning and contract for installation of electronic billboards. As discussed in a phone conversation with Councilor Michael Molisse and Assistant to the Council Diane Hachey on January 7, 2018, the Attorney General's Office (AGO) has reviewed your letter and is not able to provide a legal opinion on this issue.

The AGO's statutory authority to render formal legal guidance and opinions extends only to opinion requests by state officials, district attorneys, and branches and committees of the Legislature. This limitation on our authority can be found in the General Laws at G.L. c. 12, § 3, 6, and 9. Under G.L. c. 12, § 3, the Attorney General is authorized to provide representation and other legal services to "the commonwealth... state departments, officers, and commissions [.]". An important additional requirement is that state officials may request opinions only on legal questions that have an immediate, concrete relationship to those officials' own duties, rather than to the duties of members of the public or of local officials. Therefore, we are unable to provide you with legal guidance on this matter.

As we also discussed, the AGO's statutory authority under G.L. c. 40, § 32 to review and approve town by-laws does not extend to municipalities such as Weymouth that have a city form of government.

If you have any further questions, please do not hesitate to contact me at (617) 963-2601.

Sincerely,

Gabrielle Viator
Deputy Chief
Policy & Government Division