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## Press Release

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### Attorney General Slaps Plymouth Officials for Open Meeting Law Violations

#### Plymouth, MA (August 11, 2023)

The Attorney General (AG) of Massachusetts, Division of Open Government has [ruled](#) that the Town of Plymouth [Selectboard](#) and [Zoning Board of Appeals](#) (ZBA) violated the state's [Open Meeting Law](#) when they held a joint meeting on November 15, 2023 in "executive session" out of public view to discuss and vote on a "Development Agreement" with [Claremont Plymouth LLC](#), a private corporate seek to build 348 apartments at the [Colony Place](#) mall.

The Attorney General's ruling is a harsh rebuke to the Selectboard's leadership under former chair [Betty Cavacco](#) and current [ZBA chair Michael Main](#). The AG found clear-cut violations. The August 4 ruling states that, "in light of the number and breadth of Open Meeting Law violations" Selectboard and ZBA must undergo Open Meeting Law training with the AG's office and certify that they have done so within 95 days. The AG ordered the Selectboard and ZBA to come into "immediate and future compliance" with the law and other remedial steps.

The local group Community Land & Water Coalition ([CLWC](#)) brought the Open Meeting Law complaints when the public learned the Selectboard and ZBA jointly met in secret to make a deal with Claremont about affordable housing and water. This is the third dense residential and commercial development in Colony Place. The ZBA approved the project despite the Town's own consultant's report stating the [Town's water supply cannot meet the demand](#) for water from the additional residences.

The Agreement provides that in [exchange for a special permit from the ZBA](#), Claremont will pay the Town about \$2 million for a new water pump for the West Plymouth Water District. What the Town officials did not disclose is that Claremont will actually pay about \$700,000 because the Selectboard and ZBA agreed to waive about \$1.3 million in building and reduce the affordable housing trust fees by 23%.

According to the Attorney General's investigation, [Derek Brindisi, Plymouth Town Manager reported that the "primary purpose of the joint executive session"](#) was for Brindisi and the ZBA "to present information to the Board regarding negotiations the ZBA was engaged in with Claremont about the possibility of Claremont making a payment in lieu of building affordable house units." The deal also involved Claremont paying for a new water pump for the Department of Public Works because the Town's water system cannot supply water to Claremont's project without it.

The AG's ruling stated that the joint meeting to discuss "affordable housing" and the water deal was not a proper purpose for "executive session" under the [Open Meeting Law](#). The Law states that government bodies can only meet in executive session for narrow, limited purposes, such as discussions of personnel matters. Negotiating with developers over conditions to get their projects approved is not one of them. The AG's Decision found the Selectboard and ZBA violated the law by meeting in secret to finalize the deal, by not giving proper public notice, and not creating minutes of their meetings.

The [purpose of the Open Meeting Law](#) is to promote democracy and 'government in the sunshine' by requiring town boards and committees to follow regulations enacted to ensure transparency and accountability. Public bodies such as the Selectboard and ZBA must give specific notice of the subject of their meetings so the public knows what they are meeting about, they must conduct meetings in public except in limited circumstances, and must take and maintain accurate meeting minutes. The Selectboard and ZBA violated all of these laws, according to the AG's decision.

"We are pulling back the veil of secrecy in the way the Selectboard and ZBA operate. Making secret deals with private developers is an egregious abuse of the Open Meeting Law," said Meg Sheehan of CLWC. "The Selectboard, ZBA, Conservation Commission and Planning Board are showing a clear bias in favor of developers. Making backroom deals harm the public interest in making sure our laws are followed to ensure clean water and a sustainable environment. Secret meetings, rubber stamp permits and secret deals will not be tolerated," said Sheehan.

Pamela Magnarelli, of the nearby neighborhood said, "As one of the residents who will be aggrieved by the new Claremont development, it was very disheartening to learn that the Town Selectboard and ZBA were violating Open Meeting Laws during negotiations with Claremont. Discussions concerning development in Plymouth must always include public input, especially as it relates to the impact on the natural environment. Improper executive sessions that only look at a developers' point of view are detrimental to all Plymouth residents. We don't need to go back any further than this current year to see how climate change is impacting Plymouth, the United States and the world. Plymouth residents need to have the opportunity to hear and evaluate Town proposals and express concerns on how the Claremont project (or any project) is going to affect water quality and quantity, pollution, wildlife, and density for a part of West Plymouth that has seen enormous residential and commercial growth in the past 2 years."

For more information, visit Community Land & Water Coalition's [website](#).