



Massachusetts Municipal Lawyers Association

MMLA MUNICIPAL MINUTE

VOLUME II, ISSUE 2 –FEBRUARY 2, 2023

Greetings, and welcome to this issue of the MMLA Municipal Minute, our e-newsletter to you, our Massachusetts Municipal Lawyers Association (MMLA) membership. Make sure to click the hyperlinks below for more information about a particular topic or matter.

Upcoming Programs and Events:

- **Save the Date for Upcoming Programs:**
 - **A two-part “Labor Basics” program on February 14, 2023** (virtual program via MMLA’s Zoom webinar platform, 11:30am-1pm) and April (in-person). This will be a great program for practitioners of all experience levels, new lawyers, and law students to learn/review labor law basics that are important to know even for general municipal counsel. For the first program, Attorneys Kate Feodoroff and Sarah Spatafore will lead an engaging presentation and discussion on the relevant statutes, agencies, and general concepts for public sector labor law in Massachusetts drawing on their vast experience in this area. This program is free to attend for all MMLA members who are current on membership dues as well as law students. For the second program, which will take place in-person at a date to be determined in April, Attorneys Kay Hodge and Melissa Murray will lead the presentation and discussion, sharing their extensive Labor Counsel experience with a focus on the various processes, concepts and considerations involved in disciplining public employees. More details on the second program will be coming soon. To attend, please contact MMLA Executive Director/Secretary-Treasurer James Lampke (james.lampke@lampkelaw.com).
 - **Zoom Webinar – Working with the Attorney General’s Neighborhood Renewal Division on March 2, 2023** (12pm-1pm). MMLA is scheduled to hold an informational on-line meeting with representatives of the Attorney General’s Neighborhood Renewal Division to discuss how municipal counsel and local officials can work with the NRD to use the enforcement authority of the State Sanitary Code to turn around abandoned residential properties. Working in close partnership with cities and towns, the AG’s Office seeks out delinquent property owners and encourages them to voluntarily repair their properties and make them

secure. If owners refuse, then the office’s attorneys will petition the relevant court to appoint a receiver to bring the property up to code. The NRD’s efforts have resulted in transforming abandoned properties into new homes for Massachusetts families and generated new tax revenues for their communities. This should be a helpful program for both municipal counsel and other local officials facing challenges in dealing with distressed and abandoned properties. Additional information on the program and registration details will be forthcoming.

- **MCLE Municipal Law 2023 Annual Conference** – March 22, 2023 (registration information and further details coming soon on the MCLE website, <http://www.mcle.org>).
- **Executive Board Meetings**: MMLA members are welcome to attend monthly Executive Board meetings, typically held on the second **Thursday** of each month. The next scheduled meeting is likely to occur on February 9, 2023. To attend an Executive Board meeting, please contact MMLA Executive Director/Secretary-Treasurer James Lampke with a copy of any materials (james.lampke@lampkelaw.com).

If you are speaking at any upcoming programs or events, please let us know (massadmin@massmunilaw.org) so we can include it in an upcoming Municipal Minute.

Recent Decisions, Rulings, Cases, and Legislative Developments of Note:

- [*Haddad v. Zoning Board of Appeal of Boston*](#) (Appeals Court Rule 23.0 Decision, January 23, 2013): “Samir Kobeissi (homeowner) appeals from a judgment of the Superior Court annulling a variance granted for the construction of an addition to his single-family home by the zoning board of appeal of Boston (board). For the following reasons, we affirm. . . . Notwithstanding the fact that the judge did not consider the presumption of aggrievement successfully rebutted, she additionally noted that the abutters "put forth credible evidence to substantiate their claim" -- specifically, one abutter's testimony and assessors' records reflecting floor area ratios for the parties' homes and surrounding homes, which would have established standing had the homeowner rebutted the presumption. We agree with the judge's analysis. . . . Because the board's decision to allow the variance was devoid of pertinent findings, we conclude that the judge correctly determined that the purported variance was invalid. . . . Finally, to the extent that the homeowner argues that the judge ‘summarily overruled the grant of the variance without explanation as to the error of the [b]oard,’ we note that the parties opted for the judge to answer special questions, which effected a waiver of written judicial findings with the level of detail required by Mass. R. Civ. P. 52 (a), as amended, 423 Mass. 1402 (1996). Accordingly, the judge entered only a conclusory answer to the two agreed-upon questions.”
- [*University of Massachusetts Building Authority v. Adams Plumbing & Heating, Inc.*](#) (Appeals Court Rule 23.0 Decision, January 19, 2023): “The plaintiffs, University of Massachusetts Building Authority and University of Massachusetts Amherst

(interchangeably, UMass), appeal from a summary judgment dismissing their complaint against the defendants, numerous contractors and subcontractors who worked on the renovation of a UMass dining hall, as barred by the statute of repose. UMass breach of contract and indemnification were erroneously asserted claims for negligence, breach of contract, and indemnification. UMass acknowledges that the statute of repose bars its claims for negligence but argues that its claims for breach of contract and indemnification were erroneously dismissed. Because we conclude that UMass's claims for breach of contract and indemnification sounded in negligence, we affirm.”

Career Opportunities and Other Information:

- Sensei Enterprises, Inc. is offering the following article for use free of charge to state bar journals and other legal publications: ["Digital Detoxing: A Lawyer's Best Friend."](#)
- The following career opportunities were posted on the MMLA website:
 - [Municipal Labor Attorney, Mead, Talerman & Costa, LLC](#)
 - [Associate Attorney, Mead, Talerman & Costa, LLC](#)
 - [Attorney, Public Health Law, Massachusetts Association of Health Boards](#)
- Thank you to Attorney Gregor I. McGregor for sharing the following article authored by his firm (McGregor Legere & Stevens PC): [Representing Clients on Wetlands Permits & Determinations Before Conservation Commissions: Make the Tactical and Strategic Choices for Success](#) by Gregor I. McGregor.
- MMLA members are invited to complete a survey from the Massachusetts Moderators Association about how they use Town Meeting Time, ideas for what most urgently needs updating, and how to organize content. The survey is designed to be completed in under 5 minutes. To complete the survey, please use this [link](#).

The Municipal Minute welcomes your submissions, such as client advisories/alerts, notable decisions, promotions, achievements, and other content. To submit, please send an email to massmadmin@massmunilaw.org.

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