



*Massachusetts Municipal Lawyers Association*

# **MMLA MUNICIPAL MINUTE**

## **VOLUME I, ISSUE 9 – JUNE 1, 2022**

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:**

- **Combined Educational Program and Annual Business Meeting: Wednesday, June 8, 2022 (12:30; Zoom).** Register [here](#) to attend both: (1) Wetlands Protection Act 21 Day Deadlines (free educational program); and (2) the MMLA’s Annual Business Meeting, where MMLA members will vote on the proposed slate of officers and directors for the 2022-23 term and revisions to the MMLA Bylaws. A copy of the materials for the Annual Business Meeting are available [here](#). You can register for the combined event at any time, including after it starts.
- **June Executive Board Meeting: Thursday, June 9, 2022 (12:30-2pm; Zoom).** MMLA members are welcome to attend monthly Executive Board meetings, typically held on the second **Thursday** of each month. To attend, please contact MMLA Executive Director/Secretary-Treasurer Jim Lampke ([jlampke@massmunilaw.org](mailto:jlampke@massmunilaw.org)).

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

- The MMLA Legislative Committee is currently working on a draft comment letter (for the Executive Board’s consideration) in connection with pending bills in the Massachusetts House and Massachusetts Senate dealing with cannabis matters. If you represent a community that hosts a marijuana establishment or medical marijuana treatment center, are you aware of the provisions concerning Host Community Agreements that are included in two versions of a bill being reconciled to be sent to the Governor soon ([H4791](#)) and ([S2823](#))? If so, do you have particular thoughts or concerns about:

- the proposed requirements concerning documentation and calculation of impact fees;
- the addition of the Cannabis Control Commission’s power to consider the reasonableness of past community impact fees imposed by municipalities; or
- the establishment of a licensee’s right to bring a breach of contract action against the host community and recover damages, attorneys’ fees and other costs encompassed in the impact fee that are not reasonably related to the actual costs imposed upon the community.

If you do, please contact MMLA Legislative Committee Chair Jillian Jagling ([jjagling@westgroup.com](mailto:jjagling@westgroup.com)) as soon as possible.

- *Commonwealth v. Exxon Mobil Corporation* (Supreme Judicial Court, Docket No. SJC-13211, May 24, 2022) – The SJC held that the anti-SLAPP statute (M.G.L. c. 231, § 59H) does not apply to civil enforcement actions by the Attorney General. In a footnote, the SJC declined to decide whether any or all local government enforcement actions are beyond the scope of the anti-SLAPP statute.
- *FBT Everett Realty, LLC v. Massachusetts Gaming Commission* (Supreme Judicial Court, Docket No. SJC 13196, May 23, 2022) – The SJC affirmed dismissal of a tortious interference claim against the Massachusetts Gaming Commission because it is a public employer and the Tort Claims Act bars intentional torts asserted against public employers. However, the SJC reversed the grant of summary judgment on the plaintiff’s regulatory takings claim, which requires the court to consider various factors, such as reasonable investment-backed expectations and the economic impact and character of the challenged regulatory action.
- *Neasman v. City of Boston* (Massachusetts Appeals Court, Docket No. 21-P-0317, Rule 23.0 Decision, May 19, 2022) - The Appeals Court affirmed the Superior Court’s decision to dismiss the plaintiff’s complaint under Mass. R. Civ. P. 12(b)(6) because the plaintiff’s claims were barred by the statute of limitations. In particular, the Appeals Court credited information that the plaintiff included in her complaint to show that the plaintiff knew or should have known that she was harmed by the defendant’s conduct more than 3 years before she filed her lawsuit.

***Do you have any decisions that you would like to share with the MMLA membership and/or have posted on the MMLA website, such as recent federal or state court or administrative decisions? Note that the MMLA is looking to create a database of notable Supervisor of Public Records decisions, which are presently unavailable through a publicly available online search platform – we welcome your submissions. Please send an email containing any recent decisions that you would like to spotlight, to [massmadmin@massmunilaw.org](mailto:massmadmin@massmunilaw.org).***

## **Recent Additions to Members Library:**

*Do you have any recent decisions, templates, forms, or other sample documents you would like to include in the MMLA Members Library? If so, please forward any materials or recent decisions by email to [massmadmin@massmunilaw.org](mailto:massmadmin@massmunilaw.org).*

## **Other News and Reminders:**

- The MMLA has a new employment opportunity posted on its website for [City of Framingham, City Solicitor](#).
- Congratulations to James Wellock, Assistant City Solicitor, City of Lynn Law Department, for winning the recent raffle drawn from attendees to the May 18, 2022 program involving a reading of the proposed revised MMLA Bylaws.

*Do you have any news or other information that you would like to share with the MMLA membership? For example, do you have any recent achievements, MMLA members in the news, or promotions or career opportunities? If so, please send an email to [massmadmin@massmunilaw.org](mailto:massmadmin@massmunilaw.org).*

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*This newsletter is sent as a service to our membership. If you would like to update your contact information or city/town affiliation, please visit the [MMLA website](#).*

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