



Massachusetts Municipal Lawyers Association

MMLA MUNICIPAL MINUTE

VOLUME I, ISSUE 12 – JULY 20, 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.

2022-23 MMLA Membership Applications and Dues

By now, you should have received an email through Survey Monkey for the MMLA membership year that begins July 1, 2022 and ends June 30, 2023. **All applications must be made electronically this year.**

The 2022-2023 dues structure includes a **new pilot program providing organizational rates** for law firms, municipalities, non-municipal government agencies, and other private organizations of **six (6) or more** attorneys eligible for membership (as an alternative to the individual membership rate). This means that, to join or renew this year, applications can be submitted and dues paid **either** for an (1) individual or (2) organization on behalf of all current or new eligible members. An organization's listed eligible members will not need to apply separately or pay at the individual rate. A copy of the 2022-23 dues structure is available [here](#).

Survey Monkey will once again be used to submit applications online. In addition, an **organizational membership spreadsheet** is available for use of organizations applying on behalf of all current or new members and paying a flat rate for those members. Please see the specific instructions for submitting applications and dues payments by both individuals and organizations, including a link to the spreadsheet, found [here](#).

If you have questions or need assistance, please contact Kathleen Colleary at kcolleary@msn.com.

Upcoming Programs and Events:

- **Executive Board Meetings:** MMLA members are welcome to attend monthly Executive Board meetings, typically held on the second **Thursday** of each month. The next Executive Board meeting/retreat is scheduled for **Thursday, August 11, 2022**. To attend, please contact MMLA Executive Director/Secretary-Treasurer Jim Lampke (jlampke@massmunilaw.org).
- **Save the Date:** The August Half-Day Luncheon and Seminar is back this year! This annual event is returning to the Public House in Sturbridge on **Thursday, August 11, 2022**, beginning at 11:30 a.m. Chaired once again by Mark G. Cerel, Franklin and Medway Town Counsel, this year's program will focus on municipal shared services, such as intermunicipal agreements, regionalization, and mutual aid. Panelists for the program include Kathleen Colleary (retired Department of Revenue), Donna Brewer (Miyares and Harrington, LLP), Cheryl Sbarra (Massachusetts Association of Health Boards); Jack Collins (Collins & Associates) and Steve Torres (West Group Law PLLC). Further details and registration information will be announced soon.

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

- On July 16, 2022, Lt. Governor Karyn Polito, as Acting Governor, signed legislation that extends certain COVID-related amendments to the Open Meeting Law, as modified by Chapter 22 of the Acts of 2022, including permitting remote meetings and participation, until March 31, 2023. It also extends remote notarization until March 31, 2023. The legislation (codified as [Chapter 107 of the Acts of 2022](#)) was amended to include an emergency preamble thereby giving immediate affect to these changes. At MMLA's urging, and as previously reported, no additional changes were made to the Open Meeting Law.
- [Zoning Board of Appeals of Milton v. HD/MW Randolph Avenue](#) (Supreme Judicial Court, July 14, 2022) – Appeal dealing with Chapter 40B and scope of Housing Appeals Committee's jurisdiction. "HAC has jurisdiction over developer appeals from adverse comprehensive permit decisions by local zoning boards of appeals that impede or prevent the development of low or moderate income housing. Where such projects have received project eligibility commitment letters, HAC also has the authority to review and reject local zoning board conditions that render such projects significantly more uneconomic, notwithstanding that the project's ROTC as originally proposed subsequently is found to fall below the minimum ROTC set out elsewhere in the guidelines. Finally, the 'significantly more uneconomic' standard is not so vague as to be arbitrary, and HAC's application of the standard in the instant case was sufficiently documented in its decision and supported by substantial evidence."
- [Armstrong v. Secretary of Energy and Environmental Affairs](#) (Supreme Judicial Court, July 12, 2022) – Appeal involving permissibility of delegation of Department of Environmental Protection's authority related to Chapter 91 to Secretary of Energy and

Environmental Affairs (MMLA submitted an amicus brief in this appeal). "The challenged waterways regulations purporting to require mandatory substitute standards and presumptions are an unlawful delegation of the department's decision-making authority to the Secretary."

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.

Other News and Reminders:

- Stay tuned to your email for information about volunteering to serve on an MMLA Committee for the 2022-23 year.
- The MMLA has new employment opportunities posted on its website for:
 - [City of Newton, Assistant City Solicitor](#)

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.

* * *

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](#).

Please do not reply to this email as it is sent from an unmonitored email account.

The information provided in this newsletter does not, and is not intended to, constitute legal advice. All information, content, and materials available in this newsletter is for general informational purposes only. Information in this newsletter may not constitute the most up-to-date legal or other information.

This newsletter may contain links to various third-party websites, which are only for the convenience of the reader. The MMLA does not recommend or endorse the contents of any third-party party websites. The content of this newsletter is provided "as is" and no representations are made that the content is error-free. All liability with respect to actions taken or not taken based on the contents of this newsletter are hereby expressly disclaimed.

If necessary, readers of this newsletter should contact their attorney to obtain advice with respect to any particular legal matter. No reader of this newsletter should act or refrain from acting on the basis of information contained in or referenced by this newsletter without first seeking legal advice from counsel. Access to this newsletter does not create an attorney-client relationship between the reader and the newsletter's authors, contributors, or contributing law firms and their respective employers.