



Massachusetts Municipal Lawyers Association

MMLA MUNICIPAL MINUTE

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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

If you have not already done so, please renew your MMLA membership for the membership year that began July 1, 2022 and ends June 30, 2023. As a reminder, you must be current on your dues to use the ListServ and other membership benefits. Under MMLA Bylaws dues not paid by October 1 are considered delinquent.

All applications must be made electronically this year. If you are part of a municipality, non-municipal government agency, law firm or other private organization with six (6) or more attorneys eligible for membership, an Organizational Membership Application Spreadsheet can be downloaded and submitted on behalf of you and all other eligible members and dues paid at one of three (3) flat rates. All other applications must be made using Survey Monkey. Please see the information found [here](#) for specific instructions for submitting applications and dues payments, including links to the spreadsheet and 2022-2023 dues schedule.

2022 MMLA Awards

Each year, MMLA recognizes individuals for their contributions to municipal law. This year's **President's Award**, **Robert W. Ritchie Special Achievement Award** and a new **One to Watch Award** will be presented at an upcoming event. Members who wish to recommend individuals for these awards can do so by completing the brief nomination survey found at this [link](#). The survey includes a description of each award. You can also find a [list of past award recipients](#) on the MMLA website. The survey is anonymous. Nominations can be made until the close of business on **Wednesday, October 12, 2022.**

Volunteer for MMLA Committees

If you are interested in serving, or continuing to serve, on one of the many MMLA standing and ad hoc committees, you can still complete and submit a committee volunteer form using this [link](#). Appointments will be made in the next week or two, so please indicate your interest as soon as possible.

The revised [Bylaws](#) approved at the Association's June 8, 2022 Annual Business Meeting established several new standing committees that provide additional opportunities for members to serve. Serving on a MMLA committee is open to all MMLA members and is a great opportunity to advance MMLA's objectives and goals, tap into your interests and skills, and meet and network with other MMLA members. The work by our members on Committees is critical to the success of the organization.

Under the Bylaws, starting in 2022, committee appointments will be made for staggered two- or three-year terms depending on the committee. Therefore, **all members** wishing to serve, **including those currently serving on a committee**, will need to complete and electronically submit a committee volunteer form.

Upcoming Programs and Events:

- **Save the Date** – The Annual Conference is back! MMLA will hold a one-day conference at the Hogan Conference Center at Holy Cross in Worcester on **Friday, October 14, 2022**, with a networking social event to follow. Further details and registration information will be announced soon. Watch the ListServ and MMLA website.
- **Executive Board Meetings**: MMLA members are welcome to attend monthly Executive Board meetings, typically held on the second **Thursday** of each month. To attend an Executive Board meeting, please contact MMLA Executive Director/Secretary-Treasurer Jim Lampke (jlampke@massmunilaw.org).

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

- [*Williams v. Board of Appeals of Norwell*](#) (SJC, September 16, 2022): “In this case, we consider whether an undeveloped lot, which was deemed unbuildable under the local zoning bylaw in effect when the owner of the lot requested a building permit, is protected as buildable by the first sentence of G. L. c. 40A, § 6, fourth par. Resolution of this issue depends on whether the lot meets the minimum ‘frontage’ requirement set forth in that provision. We conclude that the lot is protected under G. L. c. 40A, § 6, because it had the necessary ‘frontage,’ as that term was understood locally, in 1957, when the lot was last conveyed prior to the 1959 zoning change that first rendered it unbuildable. Accordingly, the order of the Land Court denying the plaintiff’s motion for summary judgment, and granting that of the defendants, must be reversed.”

- [*Harrison v. Massachusetts Bay Transportation Authority*](#) (SJC, September 13, 2022): “As relevant here, the plaintiffs filed a complaint² in the Superior Court against the MBTA for violation of G. L. c. 149, § 148B, the independent contractor statute. Harrison also alleged retaliation under G. L. c. 149, § 148A.3 The MBTA moved to dismiss these claims contending that as a public employer and political subdivision of the Commonwealth, the claims were barred by sovereign immunity. The motion judge so concluded and dismissed the claims for lack of jurisdiction. The plaintiffs appeal from the judgment dismissing these claims. We affirm.”
- [*Mahan v. Boston Retirement Board*](#) (SJC, September 6, 2022): “We discern no error in the board's conclusion that G. L. c. 32, § 15 (3) and (4), may be applicable to an individual whose criminal activity occurs after the individual has retired from public service, because both provisions apply to a ‘member’ of a retirement system, irrespective of whether that member is a public employee at the time that the member commits the relevant offense. We also discern no error in the board's determination that the requirements of G. L. c. 32, § 15 (3) and (4), were satisfied here. Accordingly, there was no abuse of discretion in the Superior Court judge's denial of the plaintiff's petition for a writ of certiorari.”

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.

Member Contributions:

Thank you to MMLA Member Greg McGregor, who has generously provided articles for the MMLA membership, which will be featured in upcoming issues of the Municipal Minute. The first of these articles, “**SJC Rules Regulatory Taking Claim in Casino Dispute May Proceed to Discovery and Trial (but Not Impairment of Contract Claim)**,” is available [here](#).

Stay tuned for future articles from Greg and his firm in upcoming issues of the Municipal Minute.

Do you have any client alerts, articles, news, or other information that you would like to share with the MMLA membership? If so, please send an email to 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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