



Massachusetts Municipal Lawyers Association

MMLA MUNICIPAL MINUTE

VOLUME I, ISSUE 18 – NOVEMBER 2, 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 Reminder

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 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.

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. 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:

- [*City of Everett v. Commonwealth Employment Relations Board*](#) (Appeals Court, October 27, 2022; Rule 23.0 Decision): “The city of Everett (city) appeals from a decision of the Commonwealth Employment Relations Board (board), concluding that the city engaged

in unfair labor practices by failing to impact bargain with the intervener, Everett Firefighters, International Association of Firefighters, Local 143 (union), regarding the implementation of a new selection process for the position of fire chief. We reverse.”

- [*Town of Belmont v. Doe*](#) (Appeals Court, October 25, 2022; Rule 23.0 Decision): “The Town of Belmont (town) terminated the defendant's employment as a police officer because it asserted that she was untruthful when she answered questions about the use of illegal drugs and alcohol on her employment application. The defendant, Jane Doe, challenged the town's decision and, during the ensuing administrative proceedings before the Civil Service Commission (commission), the town brought this action requesting authorization pursuant to 42 U.S.C. § 290dd-2 and 42 C.F.R. § 2.64 to introduce a medical record indicating that Doe had been treated for cocaine addiction before she was hired. Following a nonevidentiary hearing, a Superior Court judge determined that the town had met its burden under the statute and authorized the requested use of the medical record subject to certain conditions to protect Doe's confidentiality. On appeal Doe argues that the judge's order failed to adhere to the requirements of 42 U.S.C. § 290dd-2. We affirm.”
- [*Town of Kingston v. Kingston Police Superior Officers Union, MCOP, Local 386*](#) (Appeals Court, October 20, 2022; Rule 23.0 Decision): “The plaintiff, Town of Kingston (town), appeals from a Superior Court judgment denying its motion to vacate an arbitration award reinstating a terminated police officer and allowing a cross motion by the defendant, Kingston Police Superior Officers Union, MCOP, Local 386 (union), to confirm the award. We affirm.”

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:

The MMLA has new employment opportunities posted on its website for:

- [Massachusetts Water Resources Authority – Associate General Counsel – Labor and Employment](#)
- [Massachusetts Water Resources Authority - Associate General Counsel – Litigation](#)
- [City of Holyoke – City Solicitor’s Office and Board of Health – Outside Legal Counsel for “Problem Properties”](#) (Due November 30, 2022)

* * *

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.