



*Massachusetts Municipal Lawyers Association*

# **MMLA MUNICIPAL MINUTE**

## **VOLUME I, ISSUE 11 – JULY 6, 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.

Happy Fiscal Year 2023!

### **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](mailto:kcolleary@msn.com).

## **Upcoming Programs and Events:**

- **July Executive Board Meeting: Thursday, June 14, 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)).
- **Save the Date:** The August Half-Day Luncheon and Seminar is back this year! This annual event is returning to the Publick 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:**

- [\*Wilson v. Parking Clerk of Dartmouth\*](#) (Massachusetts Appeals Court, Docket No. 21-P-0330, June 22, 2022) – This appeal concerned judicial review of a \$250 ticket issued to the plaintiff for parking in a handicap zone. After the municipal office of the parking clerk upheld the ticket, the plaintiff sought administrative review in the Superior Court, which dismissed the claim for lack of prosecution after the plaintiff failed to serve a motion for judgment on the pleadings as required by Superior Court Standing Order 1-96. The Appeals Court determined that the plaintiff engaged in a pattern of delay and affirmed the Superior Court's judgment.
- [\*Abuzahra v. City of Cambridge\*](#) (Massachusetts Appeals Court, Docket No. 21-P-225, June 21, 2022) – This appeal involved a discovery dispute over whether the defendant city could withhold emails under the legislative privilege, following denial of the city's motion for a protective order and motion for reconsideration. The Appeals Court permitted the defendant to make an interlocutory appeal under the doctrine of present execution concerning the applicability of legislative privilege to the emails. It determined that it lacked jurisdiction over the plaintiff's interlocutory cross-appeal concerning whether an email regarding executive session minutes could be withheld from disclosure under the Open Meeting Law. The Appeals Court determined that the underlying eminent domain taking was legislative in nature and therefore could provide a privileged basis for withholding certain communications involving the city council.

***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 [massadmin@massmunilaw.org](mailto:massadmin@massmunilaw.org).*

### **Other News and Reminders:**

- Effective July 1, 2022, the MMLA’s Officers and Executive Board are as follows: Matthew Feher (President); Karis North (Vice-President); James Lampke (Secretary-Treasurer; Executive Director); Brandon Moss (Immediate Past President); Ellen Callahan Doucette (Past President); Christopher Brown; Ivria Glass Fried; Christine Griffin; David Shapiro; Susan Murphy; Shawn Williams; Donna MacNicol; and Brian O’Donnell.
- The MMLA has new employment opportunities posted on its website for:
  - [Town of Milford, Town Counsel](#) (Due July 15, 2022)
  - [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 [massadmin@massmunilaw.org](mailto:massadmin@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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