**At Least Thirty-Two Citizen Groups From Thirty-Two (32) Different Municipalities Have Filed Or Will Be Filing In A Class Action Lawsuit Supporting Rockport’s Opposition Lawsuit To**

**The MBTA “Mandate” Law (3A)**

**OR**

**The Class Action Lawsuit Against The State’s MBTA “Mandate” Law (3A)**

On October 5th, 2022, a group of concerned citizens did not believe the State had the right to impose the MBTA “Mandate” Law (3A) on Rockport and filed a lawsuit opposing it. The lawsuit (Docket No. 2277CV00947) argued that it was unconstitutional since it was in conflict with Home Rule (1965, the State Home Rule Amendment, Article 89) and the Unconstitutional Conditions Doctrine along with other questionable procedural changes.

Without soliciting support from others, citizen groups from other towns eventually heard about the lawsuit and concurred with the objections in the Rockport lawsuit. As a result, nine (9) separate citizen groups from nine (9) different towns joined the Rockport suit with their individual Motions to Intervene on 5/24/2024. The nine (9) groups are from Rowley, Malden, Wayland, Marblehead, Danvers, Gloucester, Millbury, Wakefield and Winthrop. This was the First Wave of municipalities motioning to certify the Rockport Lawsuit as a Class Action Lawsuit.

On 8/2/2024, the Second Wave in support of the Class Action Lawsuit were submitted. There were nine (9) in this second wave and they were from Needham, Sudbury, Marshfield, Acton, Newton, Duxbury, Maynard, Plymouth, and Hanson.

On 12/3/2024, the Third Wave in support of the Class Action Lawsuit were submitted. There were seven (7) in this third wave and they were from Marlborough, Wenham, Dracut, Westford, Wayland, Halifax, and Hamilton.

Currently, we are putting together the Fourth Wave. Once we thoroughly review the submitted paperwork, we will be submitting at least seven (7), if not more, additional municipalities. The Fourth Wave will consist of at least Manchester, Chelmsford, Belmont, North Reading, Lexington, Reading, and Ashby if not more.

In total we will have a minimum of at least 32 municipalities joining in the Class Action Lawsuit with the Rockport’s Suit against the State’s MBTA “Mandate” Law (3A). If this growing movement were made more public from the very beginning, there would probably be quite a few additional towns joining in by now.

As it is becoming obvious, many more towns and their citizens are opposing this over reach and seizure of municipalities zoning rights by the Governor, Attorney General and the State. The opposition to the State is growing despite the States’ threats of withholding grants and other grants not specified in the law. The opposition to the State is still growing despite the State even offering unsolicited grants as bribes for compliance. This is probably a risky tactic by the State since they are financially broke and I would suspect that some towns are actually now seriously looking at the yearly increased costs resulting from accepting the law versus the offered one-time limited grants being offered. Serious economic studies should be considered before any municipality votes on this Mandate. In fact several towns have requested audits from the State’s Auditor to determine if this Mandate is an unfunded Mandate. Many are waiting for feedback from the State Auditor. In any case, please look into this possibly permanent town altering Mandate and decide if it is right or wrong for your town. The future well being of your town is really up to you and your fellow citizens. Please don’t leave that decision up to those who might not have the best interest of your town as a priority or to those not willing to stand up for those they represent.

John T. Kolackovsky

12/9/2024

Rockport