

**Thirty-Four Citizen Groups From Thirty-Four (34) Different Municipalities Have
Filed Motions To Intervene Creating A Class Action Lawsuit Supporting
Rockport's 2022 Opposition Lawsuit To
The MBTA "Mandate" (3A) Law**

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 Intervene supporting the 2022 Rockport Lawsuit as a Class Action Lawsuit.

On 8/2/2024, the Second Wave joining in 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 joining in 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.

On 3/11/2025, the Fourth Wave was submitted. There were nine (9) in this Fourth Wave and they were Manchester, Chelmsford, Belmont, North Reading, Lexington, Reading, Carlisle, Wilmington, and Franklin.

In total we will have 34 municipality Citizen Groups joining in the Class Action Lawsuit supporting the Rockport's Suit against the State's MBTA "Mandate"(3) Law. If this growing movement were made more public from the very beginning, there would probably be quite a few additional groups joining in by now.

As this conflict becoming more 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 listed in the law and other grants not specified in the law. The opposition to the State is still growing despite the State offering unsolicited

grants as bribes for compliance. This is a risky tactic by the State since they are financially broke and I would suspect that some towns are now seriously looking at the yearly increased costs resulting from accepting this law versus the potential 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 Auditor to determine if this Mandate is an Unfunded Mandate. On February 21st the State Auditor notified those inquiring towns that 3A is indeed an Unfunded Mandate. This latest ruling causes even more economic and legal problems for the State. 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 to those who might not be taking the best interest of your town to heart.

John T. Kolackovsky
3/13/2025
Rockport