

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
FRIDAY, JUNE 25, 2021 – 9:00 A.M.
GREAT HALL

Meeting came to order at 9:00 a.m. with Selectmen, Gordon C. Andrews, Troy E. Garron and Ashley A. DiSesa present.

The following business was discussed:

AGENDA

Moved by Garron and seconded by DiSesa, the Board unanimously approved the Agenda for Friday, June 25, 2021.

Junk Cars & Junk/Hazardous Waste Materials - 715 Old Plymouth St. & 27 Hillside Ave.

The Board had asked Seelig to send certified letter to the owners of the above properties. They were invited to meet with the Board back on Tuesday (June 22nd) but the office has not received any response back. The Board was asked if they wanted to start fining on a daily basis? Garron asked if an Officer delivered it and Seelig said no it was sent by the post office. Garron suggested having an Officer deliver a letter to see if that helps.

Moved by Garron and seconded by DiSesa, the Board unanimously voted to have a letter hand delivered to the above properties by a Police Officer.

SCHEDULED APPOINTMENTS

Interviews for Town Counsel

Paul R. DeRensis - Brooks & DeRensis

Paul DeRensis

First thank you for the opportunity to be here. My name is Paul DeRensis. I have a history of service to the Town going back twenty years. I've been serving the Town in various capacities. It's been truly a wonderful relationship. I like the people I've worked with; I like the Town, I've liked the feel of the Town – people – and because of that I think what, how I would describe us as practical, loyal and caring. In terms of who we are and who I am I have been continuously a Town Counsel since 1986, so 35 years I've been doing this job, but at the same time what makes us kind of unique is that I myself have been a Select Board Member – I've done that nine terms (27 years) and before that I was an elected member of the Planning Board so I served as a member of the Planning Board dealing with all the land use issues that a community has to face. I also was a member of a Finance Committee of my Town, again, before I became a Select Board Member. I'm a former President of the Massachusetts Select Board Association in which I represented all 1,185 Select Board Members throughout the Commonwealth. I have ten years' experience on the MMA Board of Directors. I've been an advisor on local affairs to two Governors – Deval Patrick and Charlie Baker – I'm currently serving the General Court as a member of a legislative commission dealing with the future of qualified immunity, which is a legal doctrine that protects all of you from personal liability. So, we bring a combination of the Town Counsel aspect but also the perspective of sitting on your side of the table and understanding the decisions that you have to make, the role that you perform in your community, and the stresses that are upon you. That's why I can say we truly have practical knowledge of how to get things done. We have a number of lawyers' assistants, we're not a solo practitioner, I am not a solo practitioner, I'm with a firm, I have a number of people that I work with.

You all had an opportunity to meet one of my colleagues – Naomi Kawamoto who was here several weeks ago to talk about a particular case that we are handling for the Town of Halifax. She couldn't be here today as she's got an appearance in a court, so she sends her regards and her regrets. But with me is Leonard Kopelman, so I'd like to turn the floor over to him so that he can say a few words.

Leonard Kopelman

I'm looking forward to chatting with you about the role of Town Counsel – it's something that's very near and dear to me. When I graduated law school, I went to work for one of the big law firms in Boston, and didn't feel very satisfied, I mean I'd have someone sit in the other chair and if I were successful, so what, I mean the question was what have I done, and I got interested in the towns and became an elected Town Meeting Member in my particular town and moved up, became Assistant Town Counsel to the leader of the Town Counsels Association. I decided to forget the big firms and was really interested in towns. Like I could go to bed at night and know I'd done something there. So, I grew this firm (Kopelman & Paige) we are now KP Law and I'm proud of it, but unfortunately it got too big – I kept training people, and I did a lot of towns myself, I enjoyed doing them myself. In fact, I was thinking back about the ones nearby, and I looked at Hanson, Pembroke, Kingston, Carver, Rockland, Plymouth, Lakeville – I was Town Counsel in each of those towns and I did the work for them. But eventually we got larger, and I had to spend a lot of time training and I missed doing Town Counsel work. I didn't mind training young people, but it wasn't as satisfying for me, and eventually the people I had hired and trained there were what I considered my equals and retired, and I figured you know, maybe it's time for me to retire. I tried it for a few months and one of the towns I used to represent called and what will it take to get you back, and it was my first town. So, I decided to go back and I did it, and then other towns were calling me up and I needed some help, I mean it's not a one-man practice, a one-person practice. And Paul's firm was very special. He wasn't looking to represent the world, and he did a really good job. I had two competitors – one of them is out of the business and Paul is/was the other, and he was superb, and I used to bump into him annually at the MMA Meeting and we'd always joke and chat. So, in order for me to really represent a town I needed to get someone who had a staff – he had it – and so I joined up with him. Now, I go about it is looking at public funds and what can you do to save money, and I find that litigation takes on a life of its own. I know the history, you get a case that goes to the trial department, and the trial department just does whatever it has to do. Sometimes if they're too busy they do nothing which is a mistake because people we inherited, a client, where the particular firm that was doing it, was asleep at the switch – they figured out it's not a big rush job, wasn't an important town – and when we took it over, we found they did nothing in the case for four or five years and our key witness was dead. So, what I believe in doing is asking two questions of the town, or that they should ask these questions; (1) what's the likelihood of success – you need to know that because that's where you can, that way you can hold a lawyer responsible; and (2) what it will cost me to get there. Now somebody who's done this knows the likelihood of success accurately - 95% of the time, and number two, they can give you a good cost estimate. They know who opposing counsel would be and they have a sense of it. And so once we get a case that is a 'go' the question is how do we get rid of it, because it takes on a life of its own – it just grows, and grows, and grows, and that eats up the budget and it's great because it's easy money coming in, we don't have to bother with the Selectmen, there's no night work, but it's the wrong way to do it. So, what we look to do is to take a matter and to pretend it's our own matter, how do we get rid of it, how do we deal with it, how do we win it, what can we do to prevent it in the future – was somebody at fault, and if they're at fault, maybe that's a standard thing that happens in this type of area. The question is how we can train them, so it doesn't.

So we do work with training, we do work, we don't look to undo the staff, we look to helping the manager take a look at what's going on and where we can help, and we take our direction in quite a bit from your Chief Administrative Officer, and I admire the fact that you have kept him for as long as he has, so it's very impressive, and I just I don't like to go through towns which keep rotating out their Executive Director or whatever they call them, and it shows that Charlie's been around a long time, and he's great, and that's where you take the direction because you're already at step one, you don't have to worry about some new person coming in that doesn't know what they're doing or just want to make a big statement. The question is what would I do if I were to become Town Counsel or if our firm became Town Counsel. I would take a look at all the litigation and analyze it and this is at no cost to the Town. I would have to be up to date so I'd do it and find out what should I do with it. Is it winnable, is there a perfect opportunity to get rid of it? I would go through each case personally and look at it and see what the likelihood of success is, what's happened, what we need to do to see if it's worth it, see if there's a way out. Obviously, Paul and I would want to meet with your Executive Assistant at no charge to just find out what problems he predicts for the future, because that's very important to us, to get ahead of it. I don't have a private practice, it's nothing I miss and I'm around, I'm in good health and I'm around for as long as you'll keep me if you hire us, and I'm here for you.

Andrews

How many clients do you guys have in our area right now?

DeRensis

We are very choosy about our clients. Glenn mentioned that we don't try to represent the world, and so every client is important to us. We already represent Halifax but we only doing it around the edges. Halifax would be an important client. I'm Town Counsel in Cohasset 25 years, Town Counsel in the Town of Canton for 18 years, Town Counsel in the Town of Mansfield for probably 15 years. I was twenty years Counsel for the Town of Randolph, then they went from a town to a city form of government, so we became and still outside counsel to the town. So, there are some smaller towns in there, but those are the main ones.

Garron

We need to have representation on several platforms. Why should we choose you?

DeRensis

We care about Halifax, so you would never be lost in a big firm. Number two, because I do the same things that you do, I know how to get it done. So perhaps to use an analogy I'm like a running back who knows in a football game who knows how to wave through all these things and get into the end zone. There are so many places that you can get tripped up, and it's part of the municipal practice that things take a long time – it's part of municipal government. I know as a Select Board member I decided to push for cell towers in our community so people could have cell phones. In particular, a guy had died of a heart attack, and he was trying to call 9-1-1 and there was no reception. So, I wanted to have cell phone coverage, and to have that you have to have towers. Well, that took me 10 years to do that. I had to go to the legislature twice, I had to go to town meeting three times, I got sued by neighbors, people who were opposed to it. But at the end of the day, we got it done. It's one thing being a lawyer where you get paid to defend a lawsuit. It's another thing when you're a Select Board Member and you have to consider all the parts of the process, everything from going to the legislature to including a lawsuit, and you try to keep the bigger picture, you keep your eye on the end zone and getting the touchdown. It's a different skill set, so we're not just offering legal services, we're offering practicality, we're offering effectiveness.

DiSesa

How readily available are you?

DeRensis

24/7

DiSesa

So, if something happens at a seven o'clock at night Selectmen's meeting, we're able to reach out – what's the best way to reach out, to your email, phone, what's going to be our contact with you?

DeRensis

I got called like at 11:15 at night – should we be going to executive session to discuss this item – I take the phone call. Phone calls, texts, emails are your choice. The advantage of somebody like myself who's done this for so many years is that we don't have to say to you, you've got to have a crisis, you call me at seven at night. You're not going to get an answer saying I'm going to research it. I'm able to tell you what to do right then and there, here's what ;you should do, here's how you should proceed in order to deal with the reason why you're calling me at seven at night. It's obviously an issue in front of you and you want to know what to do. A lot of questions we get are ethics questions. So, we got a calling saying I have this issue, can I vote on it, we're voting on it in three minutes. Again, it's not the kind of thing where I can assign a younger lawyer to look at it and figure it out. I deal with the ethics issues all the time. I'm dealing with the State Ethics Commission, I'm in contact with them multiple times per week. I'll give you an answer right then and there – here's what you need to do to protect yourself, and I'll tell you whether you can participate in the vote or not to participate in the vote, right then and there, right before the meeting, timely. So, I think we can be quite effective, available and responsive.

Kopelman

I'd like to say if I can, I agree with him entirely because I've had a two o'clock call in the morning – the high school was on fire and there was a crisis, and I ran over there, and I'm glad I did.

DiSesa

What is your practice or experience with dealing with conflicts among town boards, committees and officials?

DeRensis

it's ironic to me that most of time when you're trying to get something done you get tackled by your own team, if you use again, a football analogy many times you get the ball, you think about running to the end zone and it's your own team that tackles you, not really the opposition. We deal with that conflict all the time, we try to build consensus. There are some boards that people don't talk to each other except through me, so they will call me up and say would you tell so-and-so here's what I think should happen, and so I become the "filter" is the word I want to use. I try not to make, get involved in making the policy, but I sure can filter out some of the strong language that people would use when they're having difficulty in communicating with each other. I can calm things down and get people talking again – because again, I've been on your side of the table, I know what it's like to be in a conflict. But there's three of you and you've got to get yourselves to the point where you've got two in favor of something, and if you're not all getting along, I can help.

Seelig

Do you have any preferences as to how requests for legal assistance are made – should requests be made through the Board of Selectmen, or at least with the Board's approval, should other Boards, Committees, Officials have other open access to Town Counsel without going through the Board or Gatekeeper?

DeRensis

We have the system we developed called “requests for legal services” and it’s a piece of paper called “r-l-s -es” and we’d like it to be signed off by either a member of the Select Board or the Town of Administrator. It’s important that there be some internal controls because if there is a fight going on between let’s say one Board or another Board, we don’t want to be giving, being asked to do contradictory things by different town officials. We want it all sorted out internally, so if someone says we want you to go after the Board of Selectmen, and the Board of Selectmen says we want you to go after that Board, but wait a second, why go after anybody – we want to know who you want us to represent and what you want to accomplish. At the end of the day, we know that you are the Chief Executive Officers of the Town, so we’re going to be looking to the Board for guidance about where to go on issues, and we’d like it to be run through your office so the Town Administrator knows the players and knows where we can be most effective.

Seelig

What procedures would you have to help the Town reduce its legal bills, not just involving those with litigation, but also when requests for information are made.

DeRensis

Len has already talked about the idea of our doing what I would call a physical examination for you. We go through all your litigation matters to see what we can do to fix things. In terms of other ways to control costs we don’t spend your money on research projects and younger people learning municipal law practice. Both Len and I have been around long enough to know the answer – we’ve seen it before.

Kopelman

We make our money when they don’t follow what we tell them what’s right. If we tell you not to do something and you get sued, then we’ll still defend you. For example, I might get a State Ethics question, and some of them are complex. Normally I would refer them to the State Ethics Commission because I would tell them, I can give you an answer but tell them it isn’t good for thirty days, so as a practical matter why don’t you just go directly there and you’ll be safe. If I give them two or three minutes, I never put down a 0.1, it’s not worth the effort. So, any time I can do something quickly I don’t charge – most Town Counsel shouldn’t.

Seelig

During the last few years what are the most frequent errors that communities are making concerning the open meeting law, and obviously with the pandemic things got very weird – the laws and regulations concerning public documents and the State Ethics Laws – and what actions would you take to help reduce the chances that employees and officials in Halifax would make the same mistakes.

DeRensis

I’ve seen is use of emails and the use of, of discussions, it’s particularly hard. When I first was elected a Select Board member, I was on a three-person Board, and now I’m on a five-person Board. But when you’re on a three-person Board essentially many of you can talk to each other. When you’re on a five-person Board, two of you can talk to each other – it’s actually more comfortable with five than it is for three. So, when you’re three you’re more vulnerable to being accused of things. I recall once we had an event, it was a social event, but I was Chairman of the Board, you know, sat at the table and my colleagues joined me. So, we all are sitting at the table and we’re actually talking about the Patriots, because we’re all Patriots fans, and I looked up and there was the Town Clerk, and I said hi, do you want to join us, and she says no, I’m taking minutes of your meeting. Because when you have three, it’s so obvious when you’re talking to each other in so many different ways, so you’re quite vulnerable. When you have five, literally you can be seen talking to the one other, but if the public sees two of you together, they infer the worst that you’re hatching some scheme.

Andrews

Do you guys provide any training?

DeRensis

Yes

Andrews

If we had all the boards and committees come in, you'd be willing to do training on Open Meeting, Ethics and other types of issues?

DeRensis

Yes.

Seelig

What's your overall philosophy about litigation involving the Town – does it change depending on whether the Town is the plaintiff or the defendant in a case?

Kopelman

Well, if it's the plaintiff, it obviously would probably go through you but the Board would have to vote to do something, and so you hopefully would have a three-person board voting in favor and yourself, and while we would still we'd like to be called in to see if there are ways before you get to that stage of settling it, because litigation gets expensive, just drags on and on and on so I don't know what the speed is that you need, so basically it would be in your interest to get us involved as early as possible and try to work something out. If you are sued, that's an easier issue for Town Counsel – you take a look at the suit, deny everything of course basically, and then go back and start studying and see how this happened or what's going on, and what court is it in, is it in the right court, and what's our likelihood of success, what will it cost, and then find out from you, work with you to figure if there's an avenue to get rid of it. The last thing you want to do is litigate a case out, I mean I've litigated some to the end, and even if you win, it's not going to be fast and it's going to cost money. I try desperately to, you know, we don't get our "jollies" by sending big bills out to towns. It just doesn't work.

Andrews

Would you guys like to make any closing remarks?

DeRensis

The way I would describe us so that you can distinguish between us and the other firms is that we add a dimension of practicality that no other firm can add because we're in the trenches the same as you. Because we worked for Halifax in the past, we know the Town, we're very fond of the Town, and you know our loyalty, you know that we care, and that would be the last thing that I would add that this is not a job for us, this is our passion – trying to make governments work and work well.

Meade, Talerman & Costa

Lisa Meade

My name is Lisa Meade, I'm here with my partner Jay Talerman and my other partner Kate Federoff. Our firm was formed in 2004 with actually somebody you're familiar with – Mark Bobrowski who's doing your land use, your zoning re-write right now I think. Mark and I formed a municipal law firm that focused mostly on land use law. I'm a former Mayor of the City of Newburyport, and when I was Mayor I had my City Solicitor come in to work with my department heads on a regular basis – like a monthly basis – so there was some cohesion with the legal services that were provided to the City and our day-to-day work, and we didn't feel like we were always reaching out to somebody, kind of fluttering in, but they were part of a team. So, when Mark and I started our firm, I wanted to make sure that when we set up legal services for our municipalities.

We tried to do it in that way as well, so we wanted to add “counsel” back to the term “town counsel” as opposed to just your lawyer that kind of parachutes in every once in a while. So in 2004 we mostly did land use law, special counsel work, but in 2007 we got our first municipal Town Counsel job with the Town of Ashland which we’re still Town Counsel in – proudly – and I’m looking forward to seeing them again in person for the first time in a long time next week; and Jay joined us shortly thereafter and we just started to be able to, we became Town Counsel in a number of other communities: Kingston actually was our next community that we became Town Counsel in. We now represent 23 municipalities as Town Counsel, and we’re Special Town Counsel in probably a dozen other municipalities at any given time doing Special Counsel work, depending on whether it’s land use or special procurement matters, general contracting, things of that nature, in addition to labor law which is the department that Kate heads up. So, the idea for the firm was to be able to provide services, to provide preventive services to a municipality and not just be reactionary to a municipality. That way it saves the municipality money in the end, and hopefully you make better decisions because you can have a conversation about it in advance. And so we believe that Meade, Talerman & Costa, which Jay is going to talk a little bit more about our firm, has been able to accomplish that with our towns and I think that if you reach out to any of our municipal managers or department heads, they would tell you that in fact we’re part of the team and we help alleviate a number of those emergencies down the road by being a part of the conversation in the beginning as policy is being developed.

Jason Talerman

I joined in late 2006. I was a partner at Kopelman & Paige – now KP Law – and like Lisa I was and still am a Town Official – I’m the Moderator in my town. I’ve been on a bunch of Boards, and I felt, like Lisa and Mark, that we could offer a model where we’d be again, fostering that team approach where you would go to us before a problem arises to prevent the most expensive part of the Counsel’s services which is litigation on the back end. The challenge was how do we go about providing these models. If we are there more on the front side there is an expense to that too, and we wanted to take away the barrier of a town official thinking about oh my gosh, I can’t pick up the phone, it’s March, we’re already burned through three-quarters of our legal budget, and we have to save it for Town Meeting, what are we going to do, we really need help. So, what we developed was a set of different ways of coming about it. Part of that is on Lisa’s end a little bit where she provides this uniform series of contracts and other documents so to help on the contracts and more the day-to-day administrative stuff, the rest of it was we developed a series of flat fees and there’s tons of shades of gray, but you have two of them before you, and what they are is a kind of measurement of what the expected legal budget would be, and it accomplishes two things: (1) it provides uniformity and predictability so you just pay us a set amount every month. That includes some office hours where we can get to meet and work with your team. It includes three board meetings a month, it includes endless opinions, contract work, attendance at Town Meeting, all conducting seminars. It also in one of them includes all traditional land use litigation, enforcement of your local bylaws, everything that normally comes to bear. So, it is a way to provide all that stuff without worrying, you pay the same amount every month. Now, some months the bear eats us and some months we eat the bear, because around Town Meeting season we are working for a low amount but maybe in the summer we catch up and it averages across all those towns, so it works for us, it really worked for the communities we represent because they almost never go over budget. At the same time, litigation goes down because we are working with your boards because it doesn’t cost anything extra. Let’s say you had a shopping mall or a large housing development or 40B or something else in the Town, we would work on it with them, help avoid problems, but if a problem does arise out of a project like that and you have to litigate or you feel that you owe it to your constituents and voters to litigate, you’re not necessarily tied to the almighty legal budget because it’s included, even one in the higher flat fee, or you can opt for the one that doesn’t include the litigation where you can measure those things yourself.

Towns like that because sometimes, again, late in the year they want to fight something that they really don't like and they don't want to be constrained by that, so if the principle is involved, it doesn't cost any extra. It's been really successful – it's been good for us and for the towns, it helps provide some predictability, it's easier for someone like Charlie who's got to manage a budget throughout the fiscal year. Again, it has worked for a lot of our towns some of which still choose the hourly rate but a lot of whom are moving towards something more modern in terms of legal services.

Katherine Feodoroff

My history is when I was brought on board, I was the Senior Assistant Solicitor in Brockton and the idea was to broaden the practice to make it a comprehensive, all-inclusive firm because in the City of Brockton though I do general municipal work, I was the lead counsel for all our labor employment matters, so I took on that role here in at MTC as well and we represent several communities on labor employment as well as general municipal work. In addition, we've expanded our focus and I also do marijuana, which is a strange combination – labor and employment and marijuana – but it just goes to show you that we're constantly evolving and trying to broaden our capacity so that we can provide you full, full service. We've recently adapted to constraints relative to COVID, and I headed up a lot of the strategies that were necessary to quickly implement in light of the pandemic, so we're an evolving practice and we'd like to bring that knowledge and energy to this Town as well.

Garron

Seeing as you are doing so well why do you want to be Counsel here in Halifax.

Talerman

So, this is going to sound a little geeky, but we really like this stuff, I mean I've been a town official on half dozen boards in my town, and I enjoy the practice of municipal law. I've got a ton of law school classmates who make a ton more than me working at bid downtown law firms, corporate law firms. This practice is fun to us – we like being with the clients and working on projects. We represent a number of communities in the area - Kingston, Easton, the Cape, Berkeley, we represent Duxbury and Scituate on a special counsel basis. It's enjoyable to us. I mean it's a living too, don't get me wrong, but this is something that we've all chosen to do, we've opted not to go the other direction. We like this practice of law.

Meade

I would just add that we don't take anything for granted, and so we want to continue servicing the communities that we serve as well, but we would like to serve more communities. It's what Jay said, it is really what we like to do and so when opportunities arise, we like to take advantage of those opportunities.

Feodoroff

I would only add that one of the reasons why I became a municipal lawyer is the breadth of the work so every day I go into work with a plan of all the things that I'm going to do and that gets blown up about 9:35 because there's always a crisis somewhere – ranging from a procurement issue, that we're opening bids today and we need this answer by noontime, to I have an employee who's injured, to any host of things, and for us, that's the super exciting part of municipal law – that every day is a different basket of challenges, whereas some lawyers really like to do the same thing, they might do a contract, and they do that same exact contract ten times a day. That's not something that would interest me, and I know it's not something that interests them, it's part of the exciting part, the very challenging part is having to address unique issues every single day that you may never have seen before, so we think adding on a new community would also add to that aspect.

DiSesa

How accessible would you be to us to be able to answer questions quickly, I mean it seems like you offer a lot which is great, you offer it to a lot of people – how would we be able to get ahold of you and how quickly would we be able to get answers, you know, if we need stuff done and you have one of your crisis situations – what happens next?

Meade

The town will be assigned a lead attorney, and in this case it's going to be Jay, and the immediate backup which would be Kate. And no matter what, you can always call Jay, and if Jay is not available then Kate's going to know what's going on in the town, and whether it's email or voicemail, somebody's going to get back to you, and it may be, I've got somebody looking at that, I'll get right back to you and I'm going to get your answer. And so, as you note from our proposal, we have 12 attorneys with us right now with two offices, one is in Millis, one up in Newburyport, but given the internet and whatnot you know, we can work anywhere at any time and we've all learned that obviously in the last year. So, I think if you speak to any of our current clients, they will tell you that one of the things that they like most about the firm is our responsiveness.

Talerman

I mentioned to Charlie in an email yesterday, we're adding attorneys constantly, we have another one coming on later in the summer and adding another office with a lease to start late summer in New Bedford to better serve our South Coast and Cape clients, so we're growing – as our client needs grow we grow, we take on different specialists and we take on different practice areas and we're not afraid to grow and take on the expenses we need to serve appropriately and respond quickly to our clients.

DiSesa

How does your process work if we call you at something are you going to give it to one of those other attorneys, are we going to hear from a different attorney on different things or are you or Kate always going to be the direct contact?

Talerman

Generally, it's good practice, we find for Kate and I to be in the loop on everything, but there are other specialists in the firm, Lisa is a procurement and contract specialist, we have someone who is an ethics specialist, and we have our head litigator, Mike Kennefeck. Regardless of who you are speaking to on a day-to-day basis on a particular matter, Kate and I would be involved on a high level so you would have an operator, it doesn't have to always filter but there'll always be a partner in charge of what you're doing, so we've got, we are six partners now out of the twelve and there'll always be a partner in charge of this specific matter, so I don't do as much procurement and I might pass a large contract over to Lisa, but Kate and I will still be involved in the background and be prepared to do it, so it's not just us, but we would be the point of contact so we can maintain the range of communication for the town.

Feodoroff

What we want to make sure of is you don't have to chase somebody down – that's really the goal, is that we have the point of contact so we make sure we get the work done, but you know you can call one person, you don't have to say who in the firm was handling that, right. That's our responsibility. But if Charlie or a department head or yourself wanted to contact somebody specifically that is not a problem. On a separate note if someone calls my cell phone at eight o'clock at night and if I'm not in a meeting I'm going to answer, but I think the other piece that is attractive about our firm is approachability, and part of what we like to do is nurture those relationships, whether it be through office hours that we get to know the department heads, so they don't think of us as being an unapproachable attorney - we become part of that team so people feel comfortable approaching us.

Meade

I wanted to give you a recent example of this and please, I don't encourage this, but it happens, and it has to happen. Sunday morning I get up am I'm actually doing work – it's about 6:10 and I get a text from one of my town managers right, and I respond to it and it's really an important matter because they had something happening on Monday, they needed to resolve, that just literally came up. I then reached out to Kate because it had to do with the labor issue, and Kate responded to me. We got the document that they needed to have and for the next hour had conversations with this town manager and took care of his issue but he felt comfortable enough to be able to text me on Sunday morning to get his answer.

DiSesa

If there are other boards and other departments that are requesting legal counsel, would you want the Board's approval or what's your process?

Talerman

We have 23 towns as town counsel and each of them have shades of gray on how they want to do it. I think frequently it works with Boards other than the Select Board, so the Boards beneath the Select Board would have to go through your administrator or your Board or whatever you do so that we're not getting questions on something that the Select Board who are ultimately our bosses that they don't want to see answers, because we are most betrothed to the Select Board so a single source can work for some towns. That said we are always responsive to members of the Select Board, and we're open to other ideas on how to do that. The caveat I would give is that let's say we have an on-going public hearing before the Conservation Commission that we're working on. Once permission has been given to the Conservation Commission to use us at that hearing and helping to draft a decision and evaluating other things, it's usual and fair for the chairperson or some, whoever else is in charge, maybe a Conservation Agent, to contact us directly during the course of that matter. But these things are always subject to local policy likes and dislikes, and there again can be some differences in how different towns approach it. But we very often see the assignments coming through one central point – often a Town Manager or town administrator.

DiSesa

What's your practice with dealing with boards and committees and officials that are having conflict?

Talerman

The single most common example we see is when a zoning board issues a decision that the Planning Board doesn't agree with and there can often be an appeal, those are difficult situations. Ultimately which side we take really depends on which side the Select Board wants us to take on those issues because that's a policy question at a higher level, whereas that can only be decided by our ultimate board that we're most betrothed to which again is the Select Board. Sometimes however there's an opportunity for us again with direction from the Town Administrator or the Select Board say, see if you can work it out between these boards – sometimes we can sometimes we can't. But again, that's to Kate's point that kind of when we have office hours, when we're there more often at board meetings, we can usually find a way to tether these boards together through our help to help them be on the same page doesn't always work. Sometimes it's cats and dogs between boards. But you know we try our best to help towns build bridges between their officials and work more closely through us if we can.

DiSesa

During those office hours do you guys offer any type of training to our board members?

Meade

Separate from the office hours, we will. Depending on what it is we'll offer conflict of interest law training, land use law training, open meeting law training, public records law training.

If it's a conflict-of-interest law training or an open meeting law, we might offer a session during the day so employees can attend, and then that evening offer the same session for volunteers and volunteer boards. So, we would schedule it not just during office hours because that might not be convenient but at a time that would be convenient that you would be able to get the most attendance.

Talerman

If we're going to come for monthly office hours whether you do it by appointment or drop-in and a Board chair or member wants to drop in because there is something they don't understand and needs help with it at the office hours, sure. We do other things during office hours like 40B site visits with members so they can understand the full scope of what they may be facing. However, you want to structure what kind of advice or counsel you want during those office hours because we don't like to give a legal opinion to a single member of a Board without knowing whether or not the whole board wants that opinion. We might help them like if it's a conflict-of-interest thing that is unique to that Board member or provide educational advice but if it is a more complex opinion that the whole Board hasn't asked, we don't want to be giving an opinion to a single member that may conflict with the opinion that the majority of that particular Board wants. So, there are some practical limitations but by and large we're an open book at these office hours, and with respect to the three meetings per month that we offer.

Seelig

In the last few years, what are the most frequent errors that communities and municipal officials make concerning the open meeting law, the laws and regulations concerning public documents, and the state ethics laws, and what actions would you take to help reduce the chances that employees and officials in Halifax would make the same mistakes.

Meade

We offer these trainings for sure, and particularly during the office hours when these issues come up. Let's say you've had a spate of public records requests, and they're not being answered, then we would offer training to that staff, those staff people or help set them up systems to help address public records requests that come in. If there's a particular board or commission that's having a problem with their open meeting law issues, we would provide specific advice to that board or commission. It is amazing these issues cost the town a lot of time and money. So, our goal is to try to address those, nip them in the bud as soon as possible to try to cut off any future problems if we can.

Seelig

What is your overall philosophy about litigation involving the town and does it change depending on whether the town is the plaintiff or the defendant in the case.

Talerman

The philosophy versus the model of providing services are kind of two different shades. As I talked about before, in terms of providing litigation services, again the Select Board is going to make any high-level decisions as to how they want to either pursue litigation or defend litigation, and we're responsive to those kinds of high-level policy questions. On the cost side of that again, we feel that our model provides you with the freedom to choose how to make those decisions without regard to the almighty dollar, provided that it's particular general enforcement and or defense or prosecution of land use or general by-law things. In terms of otherwise, a philosophy on litigation, we will aggressively pursue whatever you want to pursue either by way of defense or prosecution of something. There are some cases where it's a simple defense, we don't have to throw a lot into it, a defense of a simple zoning matter. But again, each case has its own particular bent to it and importance to the town will certainly engage in a robust discussion during executive session to help to the extent that the town is unsure of the various avenues and risks and benefits of each particular strategy.

Again, executive sessions are within the meeting schedule that we provide under the flat thing, flat fees, as lawyers who value confidentiality, we really value executive sessions, and we think that a lot of high-level discussions happen there and we are happy to lay out all the risks and benefits – whether it's good or bad news. We might meet in an executive session and say, listen this one's a loser. We are never going to be the law firm that paints a rosier picture than it should be because we don't want to see you go down that road. There are law firms who will always say fight, fight, fight, and this is worth fighting for even if it's not, especially when there's an hourly rate at the end of the tunnel. That's not us. You are going to hear it from us straight, but if there's multiple options, you'll hear that from us too within the confines of your executive session.

Andrews

I just had one more question, so if the town signed on with a flat-rate system with you guys and the town doesn't take your advice and chooses to defend something or not to defend something, is that going to change the model with you guys?

Talerman

No

Meade

No, you get to make that choice as the client, and we understand that. In executive session we're really going to be straight with you about what your chances are but in the end you make the decision.

Talerman

There are two areas where I think I should give some further explanations. We know that towns lose 40B cases a lot. The law is tilted drastically in favor of developers for 40B. Let's say there's a project in a particular category that comes up, and it ends up in litigation. We will state clearly during an executive session these are hard to win but sometimes those cases are still important to fight, and if the State is going to overrule us, then the State's going to overrule us, but we felt we owed it to our constituents to fight it. That's what our model provides that others don't because litigation is very expensive. The only caveat I want to give is that we have an ethical responsibility to the courts, so if a case has zero percent chance and viewed by the courts as frivolous, we have to be mindful of that because the courts won't allow us to defend. Now none of the categories could ever be frivolous, they might not be winners, but they're not frivolous, and we would be straight with you on that – that would very rarely occur, but we're mindful of certain statutory schemes where towns struggle in litigation, but that doesn't mean the fight isn't worth fighting, and that's what our model as opposed to a lot of hourly models provides.

Jason M. Rawlins - Rawlins Asack LLC

Andrews

Do you want to tell us a little bit about yourself, and about your firm.

Rawlins

As you guys just heard and I'm sure you heard from both firms before me based on my knowledge of both of them they're both excellent firms and do a nice job, but I'm a very different situation. I am what I would consider to be truly a local town attorney or town counsel. I actually grew up at 1115 Plymouth Street on 106, on the Bridgewater/East Bridgewater line. I went to Bridgewater-Raynham High School. I can tell you that I am a very active member of your community in particular. I've been volunteering with your Senior Center for probably close to ten years. I think maybe I even received an award here or there for doing a lot of volunteer work in this community. I am currently the managing partner of a small law firm in Bridgewater on Route 18. Took me about 12 and a half minutes I think to get here from my office, called Rawlins/Asack.

My wife is my law partner, and my Of Counsel is my father-in-law who's been a lawyer for about 50 years and he would be my backup. He's not here today because I figured I'm going to be the main person you're going to be working with, so you want to hear from the person you're going to have a direct contact with because that's what my representation as a Town Counsel is really all about – it's about personal relationships. I'm currently the town attorney for the Town of Bridgewater for about three and a half years, but I've been the associate town attorney before that for about eight, give or take. I have been through three Town Managers, I've been through a transition of government there from selectmen to town counsel, I'm familiar with both forms of town government, I'm familiar with infrastructures of many different types of government, and somehow I've been able to survive all that time and I think it's probably because of the personal relationships that I forge with the people that are on the boards, the committees, the select boards, the town council, the town managers. And I think that that above everything else – throw out the pay structure, throw out to some degree the multiple attorneys in big Boston firms – throw that out the door when it comes to local town governance. You all know that firsthand, I don't need to tell you I don't need to come here and read to you Mass. General Laws 40A, because that's not what you all do. That's not what this job that you have been entrusted is about. Right. It's about the people in your community. All of you are here because you care about your community, and you want to work towards making this community better, and you want to surround yourself with people that care about this community. And so that's where I think my representation sets me apart, and I think my resume will speak for itself as it relates to my experience, it is extensive, I've tried cases in nearly every court in Massachusetts, including bankruptcy court. I've handled pretty much any municipal matter you could imagine. By all means check my reference the Town Manager for the Town of Bridgewater, you can go back and check the prior Town Managers for the Town of Bridgewater, I don't think you'll hear anything different than that. I handle personnel issues, advising Boards and Committees, advising Town Managers. I handle – in your case – it will be the Select Board, in my case in the Town of Bridgewater the Town Council Members, I am kind of the start and the finish as the town attorney in Bridgewater. And as you all know, it's a fairly big town, it's a fairly busy practice. My payment is on a salary basis. I thought based on what you all had put out in your RFP that might not be something you have an appetite for. I can tell you that the idea of payment is secondary to me, I'm happy to work within whatever parameters you all set. Your budget is \$125,000 give or take, for the legal department. I currently make a salary of \$75,000 and I handle the entire legal department. So just to put into perspective, I've argued cases in front of the Appellate Court, I've tried cases – I'm in the middle of several litigation matters – that's all within that same dollar figure. I've run the department, I've outsourced things, I've run trainings on open meeting laws and on zoning. In addition, the way our government is set up, every other Tuesday we have what's essentially our version of a town meeting. So, the town council form of government has a strong Town Manager and then it has Town Councilors. So, our Town Councilors are the representative body of our town. We still have elections, and we still have things that the Town Councilors would like to throw onto the ballot, but every other Tuesday night I'm there doing the things that I would be expected to do at an annual town meeting. I'm drafting legislation which would be equivalent to your articles on your warrant, and I'm doing this every other Tuesday. I'm advising the councilors in session, while in session, me personally, I'm there with them every step of the way. So, I think that's kind of something about me and about what I can offer you all that's different. I know that you're also interviewing someone else I think that's been your local Town Counsel for some time, so he probably has a local bent to him as well. Everyone has something unique, and really what I believe it comes down to from you all, and in my experience doing this is what you're looking for, right. I am not a Boston law firm, that's not what I am, that's not how I work, that's, they have a different process, some people some towns really love that and that's a model that you all have to decide if you want or don't want.

I am much more about being a part of the community, being active in the community, talking to people. Helping solve problems before they become bigger than what they are. I spend a lot of time solving problems before they become problems, and I think that's kind of the name of the game in small town governance, but that's who I am, that's what I am. I am an open book so I'm completely open to whatever questions or comments or concerns you all may have for me.

Garron

You say you don't need the bigger firms because they are not local.

Rawlins

No, the bigger firms are great but what I'm saying is what I offer is different. They're certainly not useless. Every Select Board or Town Council has to decide what their priorities are and is it a good fit. My point was I'm something different than that. I'm not a big Boston law firm, I'm not a firm of twelve to fifteen people. If you pick up the phone, you're going to talk to me every single time. You're not going to talk to anyone else. So, if you have a relationship with me, it's going to be with me, and so that's different. I'm not saying it's better or worse, it's all based on a fit. Maybe that's not what you all are looking for, but that's what I can offer.

DiSesa

So, to kind of piggyback on what you just said, first I think it's phenomenal that you can work with your wife and your in-laws.

Rawlins

I've been with her since driver's education and we met at Bridgewater-Raynham, so we really are local people, like these areas we are local, we've kept our practices around, we service the community.

DiSesa

As far as your availability to us, you mentioned that you're salaried in Bridgewater.

Rawlins

I am.

DiSesa

You have set hours there? Are you not going to be available to us at certain times, that type of situation?

Rawlins

So, I have intentionally waited for an opportunity like this. I have kept my eye on openings in only a couple of small communities around where I live and where I practice for this very reason. I am very capable of handling the workload of two municipalities. Based on my level of experience, based on my ability to answer questions quickly and efficiently just because over the course of many years as a Town Attorney I now know things that I don't have to look up. Back maybe ten years ago I'd have to look something up, but it's not like that anymore. So, I intentionally picked another small community around me because I knew I would be able to give what I want to give to that community. You can check every website there is in the world, I've only applied to one other community other than yours at any other point in time, and I've always worked in Bridgewater – that's been intentional. You are not going to go online and see me having these interviews in every community that opens up, that's because I came here because I want to work here.

DiSesa

What is your experience with working in the town with maybe boards or employees or members that are having a conflict?

Rawlins

A big conflict of interest or a conflict like argument type?

DiSesa

Either or.

Andrews

Probably both.

Rawlins

Conflicts of interest I will tell you come up all the time. I spend many days and hours working on advising my boards and committees about conflicts of interest. I've tried to head that off by creating programs by which I have them come in and we sit them down and we train them on conflicts of interest law, but it is a notoriously difficult area of law for people that are volunteering to conceptualize it at times. So, I do try to be proactive about it. I often do find myself on a one-to-one basis counseling people about it and I think they've been very appreciative of it. You know, I had a town councilor recently who was the president of our Town Council say to me you know it was great to be able to have you directly – I had your cell phone, I gave you a buzz before the meeting, we solved something before it ever became a problem. That's the kind of town attorney that I am. The conflict as it relates to boards is a very difficult situation. As indicated in the firm that interviewed before me – and I totally agree with this notion – you all as the select board make the determination about where my representation goes, so you all are kind of in charge of that. What I try to do is before it becomes your problem is to talk to the people that are involved individually. Again, the chairman of every board in Bridgewater will tell you they have my cell phone number, I talk to them individually about these issues and I've been able to prevent a lot of things before they became issues by having those conversations. I feel in my opinion, and I feel this way about relationships, and I feel this way about life, communication is the most important thing with practicing law, with having a relationship, with running a successful business. The lack of communication leads to mistrust, leads to the idea of collusion, leads to the things that people find ugly in government, and so I think it's all about those personal relationships, I think it's all about that communication, and that's why I started this by telling you that's what I'm about, that's what I have to offer you.

DiSesa

I know you're local and to bring back the whole how accessible you are to us, are we able to call, email, text anytime if something comes up and there's an emergency meeting or something of that nature.

Rawlins

Yes

DiSesa

Call and say we might need you here at noon today?

Rawlins

Yes

DiSesa

In a court or in some way for us

Rawlins

A hundred percent and you don't ever have to take my word for that, I know your town administrator knows my town manager fairly well - you can ask him any day of the week if he picked up the phone if I would respond – I do. It's about communication and the town attorney is to prevent the fires before they start. It's great to be able to put out the fires, but it costs you all a lot more for me to put out a fire than to stop to then to prevent it before it starts. And that comes back to communication.

DiSesa

I think you kind of touched on the fact that you do offer training for members.

Rawlins

Yes. I don't tip it and I will tell you it's a little strange, so I hate doing, RFPs are crazy because it puts you in a box, and I don't look at the way I practice as being in this box like I have to do things hourly, I have to do things salary, I have ... So with trainings that's the kind of thing that I would give a town for free because at the end of the day doing that one hour driving ten minutes to come do a free training for you all to understand open meeting law or zoning or some issue like that is immensely valuable to you and it makes my job easier at the end of the day. so that's the kind of thing that yes, I would absolutely offer, you can probably just write it down that I wouldn't charge for it because it, I'm very, go ahead, yeah, and I'm good even if you were to talk to a private client on it, right, I will, I will zealously advocate for my clients but I'm also I think realistic and I think I also am very fair about how I bill people.

Seelig

During the last few years, and obviously given it's Bridgewater but you may have heard of cases in other communities since information among city and town counsel gets passed around what are the most frequent areas that communities and municipal officials have made during, about the open meeting law, about public document requests, about conflicts of interest, and what actions would you take to help those communities reduce the chances they would make the same errors?

Rawlins

So again, a big part is education, and communication. And so, I believe the most common things over the last five years, is I get a lot of inquiries about conflicts of interest and open meeting law violations. I think our town has done incredibly well in both. You can actually go back, I don't know how quantifiable this is or how it really relates to me because there's a lot of other people doing a lot more important stuff in our town than me, but you can look at our town from ten years ago to present and you probably see a very significant difference. What I believe those kinds of things, again, it's about education, it's about communication, and it's about accessibility. So sometimes the education doesn't get through, sometimes there's no communication in advance, but if you're accessible prior to those things becoming issues you can hit them off, and that's my example of sometimes I'll get a call right before a meeting. Hey, if I'm not accessible, that becomes a problem. If I am accessible, I just stop the problem.

Seelig

What is your overall philosophy about litigation involving the town and does it change depending on whether the town is a plaintiff or the defendant in a case?

Rawlins

No, my perspective on litigation never changes. My perspective on litigation is to ethically and zealously represent the position of my client, and I don't think you'd ever hear that I don't do that. I think in my mind solving problems short of litigation is always a better solution, and again, a big part of that comes back to communication – it's how were the abutters treated in a meeting, were they respected, did people let them talk, were they heard. That is important, that matters to people that want to come and rebut something. You might not agree with them but be respectful. Don't roll your eyes at them, don't shut them down let them talk. People can have different positions than you without it becoming a hostile thing. I'm of the belief, again that a big part of this comes back to that communication. Town government runs on it. Town government succeeds because those lines are open. And I really think you can really solve a lot of problems by teaching people how to respect other people, teaching people how to have a differing opinion on things and still be respectful, which is really hard. That's really hard to do if you're a volunteer on a ZBA board, okay, really hard. They are not lawyers; I'm trained to have people yell at me and insult me and come after me. I have very thick skin, it just doesn't bother me, so I'm trained in that, but someone that's a volunteer on a board might have a normal job let's say working at Home Depot selling stuff they're not getting yelled at every day.

Someone may disagree with the law, but even with that disagreement it is not a personal thing, so you just have to just maintain your composure and your focus and make your decision. I can't tell you how many things have been prevented by having those conversations and how many pieces of litigation I've had to deal with because of the disrespect between abutters, developers, boards – it's all about that communication. I represent developers and I lose, I represent towns and I lose, I represent developers and I win, I represent towns and I win. It's not a personal thing. It's all about you creating, making your position known, being respectful, and by doing that you can create a better atmosphere that prevents a lot of the litigation, because I see a lot of litigation come over personal vendettas rather than over the law, or an issue that maybe could be practically solved anyway.

Seelig

What is your strategy in defending town officials when you know those officials have taken an action that you would not have recommended, and what would you do if you were asked to defend an action that was clearly illegal?

Rawlins

My job is to defend the action. I like to look at my career as having a lot of facets. I have tried criminal cases; I've represented people that they would say how can you represent someone that's been accused of a crime. Well, that's my job. So, I zealously defend within the confines of my ethics, whoever my client is. Whatever my belief in their position in that moment is often irrelevant, especially if it's specific to a town official, and I've been charged with the task of representing that town official. I may tell the town official in private conversations I don't agree with what happened, but there is no one that will defend their position more than me at the end of the day. I will zealously defend their positions, I will try their cases, I will take it as far as it needs to go, and that's what I'm tasked to do. I'm the protector of that person in that moment and I take that very seriously, and I try not to project my own judgments on people. That's always been I think part of my practice – is to take people in situations for as they are, not as you wish they were, because my job is never as I wish it was, otherwise you wouldn't need a lawyer, because that'd mean everything was perfect. My job is to not judge the situation but to defend the position of the person or the Board.

Rawlins

Maybe I could pass it along to someone else. I can tell you I've worked with a lot of people in your community, I have worked really hard to be an active member in your community, I have put in a lot of volunteer hours in your community without any expectation of pay, and I don't expect my work as a volunteer to change if you all decide to go a different route, I will not take it personally, I totally understand everyone has their own positions. I will continue to volunteer and be an active member of your community regardless. Let me just put that out there – I'm not a sour grapes kind of person, and I will live regardless of what you all decide. But again, I think the most important thing to think about and putting everything else aside, is are you going to hire someone that you feel like you can pick up the phone and talk to, and talk out an issue, and I just think as a town attorney, as a town council, that is the most important thing someone can offer you, not what he said she said they said, no, I don't get into any of that all right, and that's part of how I've kept my job in Bridgewater for so long, is I don't get into that. I listen to my clients, and I counsel my clients. And I think it is probably the single most important thing a good town attorney can do. And I'm not saying I'm a good town attorney I'm just saying I think generally speaking that's the most important thing.

DiSesa

I hope you're a good attorney.

Rawlins

Well, I've been doing it for long enough now and to stay on. I will say I think it's rare to have a town attorney that's been through three town managers and a change in government. So, I'll let my resume speak for itself as to what my efficacy is.

Lawrence P. Mayo - Attorney Lawrence P. Mayo, PC

Mayo

My firm is Attorney Lawrence P. Mayo, PC. I'm located in Norwell. Actually, I've been Town Counsel for the Town of Halifax for the past eleven years believe it or not. I'm sitting in this room eleven years ago when I was first interviewed by Troy and a couple of others. again, I'd like to continue the relationship with Halifax. General, municipal, and state government law is my forte I would say. It's one of the principal components of my practice since 1996 when I graduated from law school. I jumped into the municipal legal environment, first working as assistant corporation counsel for the City of Boston for four or five years where I was one of 80 or 90 attorneys handling all different sorts of matters for the city, essentially acting as its law firm, you know, ranging from telecommunications, contract, construction, civil rights, employment, health insurance – you name it, we did it. I left the city about 2000, 2001, started my own practice and immediately took on a couple of municipal clients, in particular the Lawrence Redevelopment Authority, who I represented for 20 years, as well as the City of Lawrence. I enjoyed it, I continued to build the practice with municipal and other governmental clients ranging from the Town of Halifax to the Massachusetts State Lottery Commission, to the Massachusetts Department of Capital Asset Management and Maintenance, which is the State's real estate holding entity essentially, and in representing all of these different governmental clients I've been responsible advising and representing these different entities – their individual officers and directors – in some very complex legal issues as well as some very mundane legal issues. But again, it spread across the board ranging from municipal finance or state finance to telecommunications, construction, planning, zoning, technology. I've enjoyed the work, I've enjoyed working with these different governmental organizations including their individual members, and that's what I plan to keep doing, and I'd like to, again, continue working with the Town of Halifax moving forward. So that's the nature of the practice, that's where it started, here's where I am.

Garron

When someone calls you for an opinion, what's your strategy?

Mayo

Well, my strategy is first and foremost to sort of take in the nature of the entire situation, number one, and then, you know, determine who I'm making the decision not making the decision for but working with in order for them to come to a conclusion you know, is it an individual board member's situation that I'm trying to work through with them, or is it a Board Chair who's actually working with me to sort of develop a policy or a strategy position for an entire board moving forward that can be presented at the next public meeting that they might be involved in. Again, whatever the situation is, I'm trying to be you know comprehensive in terms of my understanding of the situation, comprehensive in terms of my understanding the law that is involved in the situation and then being honest and forthright with the particular board member who's asking for the advice. I think what you have to do as municipal counsel is provide good, honest, fair and accurate legal advice, not advice that the particular individual may find most appealing to him or her, but individual advice that is going to serve the individual that you're working with and/or the board that they're representing to the best extent. So, you don't tell them simply or advise them as to what they may want to hear, I think you've got to advise them right to the very end with respect to what is best for this particular situation, what will the best outcome be if a certain decision is made one way or the other, depending on what the situation is.

DiSesa

How many other towns are you currently counsel for?

Mayo

None, Halifax is it. I resigned from the Lawrence Redevelopment Authority just a couple of months ago, after 20 years, the commute was just too much up to Lawrence several times a month.

DiSesa

How accessible do you feel you are – are we able to call, text, email anytime, any day, to get a response?

Mayo

I like to think I'm very accessible. If you don't get ahold of me right away with respect to a call or an email, I try to get back to everybody by the end of the day. It may fall over to the next morning depending on when you call, but I think 90% of the time I get back by the end of the day.

DiSesa

What is your practice on conflicts among two boards, committee members, employees?

Mayo

In terms of me the attorney having a conflict myself.

DiSesa

No, no, no. Like how would you deal with the situation where you had two boards that were disagreeing or committee members?

Mayo

Again, it's to try and understand the entire situation and give the best advise you can and under the circumstances. You know, different boards have different jurisdictions and sometimes the conflicts that you bump into are you know one board or a member of a board, not necessarily agreeing with what another member of a board or the other board has done. But trying to get that individual to understand that, you know, you may not like what this different board decided but that's not within your jurisdiction, it's not within your purview. So that's sort of the principal point you would make – you can try and walk them through. As an example what their jurisdiction may be in relation to the general situation that the other board is working with but you also have to again coach them and hope that they understand that, again, each board has a different purpose and a different jurisdiction, they may seem to overlap in some situations, for instance if it's dealing with planning, zoning, development, you know, building permits, things like that, even conservation – they can all to a certain degree overlap. But one board should if not has to respect the decision, they may not like it, but at the end of the day I think they have to respect the decision of what a sister board may be determining under a separate jurisdiction.

DiSesa

Do you offer any trainings to our board members and committee members?

Mayo

As far as conflicts of interest go and things like that, and ethics? Sure, I mean I've done it in the past, I think the last one I did in Halifax was several years ago, but at the same time, I like to encourage members, in particular new members of these boards and committees to look to the State Ethics Commission who very much regularly promotes ethics training at the State level and have the ultimate jurisdiction over State ethics. I think the best training you can get, is through them, they do it locally, and through the pandemic they've actually done some training sessions online, but it's there, it's you know, it's available and I do encourage it.

Andrews

What do you think the town could do better about interaction with our town counsel and how do you more effectively communicate?

Mayo

An important communication feature I think is if and when a particular board member contacts me, it's made clear whether they are contacting me for purposes of representing the Board and they have been appointed or designated the appointee on any particular situation to converse with me and take information from me and go back to the Board with it. A board member may contact me in connection with a decision that's about to be made or made soon and they may want to know what is the law here, what sort of leeway do they have in terms of taking into consideration factors that may or may not be right now under the control level within the purview of the Board – what is my personal sort of responsibility or culpability if we decide one way versus another. How might, a different board view that and what kind of adverse consequence or effect might that have on another Board's decision in relation to the matter. So it's important to me to know up front is this individual contacting me on more of an individual basis or are they contacting me for the benefit of the entire Board.

Andrews

Do you feel that the way that we've segregated different counsel into different roles is sort of a detriment to the town?

Mayo

I'm guessing you're referring to employment counsel.

Andrews

Do you think if we were looking to make improvements in our use of legal services that if we were going to one point person and have our town counsel looking at all those matters it might stop a division in between two separate perspectives where if you're giving the advice and you know what advice you've given to person A and you know what advice has been given to person B, it's not conflicting where it seems like you could get conflicting advice right now?

Mayo

I think that with respect to you know, in particular, real estate counsel and town counsel, I don't want to say it could be more advantageous to have it wrapped up within one particular entity or attorney, you know, or attorney services, you know, it's really, because when some of these matters come to bear, I can say that I as town counsel don't always necessarily know what's going on and what has transpired in weeks, months, even years past sometimes, with respect to real estate or real estate litigation, that may simply be a lack of communication among and between me and whoever the real estate counsel is. But if there's one sort of consolidation that could be beneficial, that would be it. As far as the labor counsel goes, I'm not seeing among labor counsel and I in any way a lack of communication, I don't know, I mean I don't do, it's really a separate specialty – the labor law in particular negotiating collective bargaining agreements and things like that. I don't do it. So, there's no sort of loss of communication because I'm totally out of the loop in that regard. With respect to any employment matter that's come up you know straight, you know, as an example of Wage and Personnel, I don't know the extent to which labor counsel gets involved in that. Correct me if I'm wrong, I don't think it's that much, I don't feel like there's anything lost there as far as I'm aware, so that's just my thought on it. Others may see it differently, but that's my thought on it.

Andrews

How do you feel when it's, you've benefited the town since you have been town counsel?

Mayo

I think I've benefited the town by being accessible and responsive. I've tried to steer the town as far clear you know, prudently and taking into consideration all elements of facts and law from litigation as I can. I've tried to be as efficient, both in terms of the amount of time I spend in working with the town and I like to think that I prioritize the town's needs at any particular moment in time. There's always a lot of work coming at me – sometimes you have to take what was first in line and place it somewhere else in the rubric for the sake of clearing a more imminent or important matter at the moment. I think I'm pretty good at prioritizing what has to be done, and I'd like to think I have a good line of communication with the several members of this Board, Charlie, and with all the other Boards and department heads that I work with. I don't have an open phone policy with the other department heads obviously. If they contact me, they have to go through Charlie first. But when they do contact me, we have a free and open conversation with respect to whatever the problem is at hand.

I can usually, and because of that communication level and style I have, I like to think these department heads will share all of the information that they have at hand, all the important information, and even the not important information, because they trust me in my judgment you know I can get to the root of the matter pretty quickly and solve a problem.

Seelig stated that letter have been received from town officials about the interview or appointment process for town counsel and asked Andrews if he wanted them read into the record.

Andrews thinks they should just be put into the record and did not think they needed to read out loud. He then asked Garron and DiSesa if they wanted to think about this and vote on Tuesday or if they were ready to make a decision now. DiSesa was fine with putting it first on the agenda for Tuesday and being able to follow up with some references. Andrews stated they will list it for the first agenda item for Tuesday.

GENERAL MAIL / DISCUSSIONS**Zoning By-Law Review Project Update**

Mark Bobrowski met with the Finance Committee to give an initial framework of the work he will be doing. He will be meeting with them again on July 12th. The Board was given an outline of the work he expects to accomplish.

Aldana Road Land - Status of Parcel A

The Town received the check for \$150,000.

COVID News & Issues

- Legislation has been approved and passed that allows the continuation of the remote meeting process.
- Alcohol sales for 'take aways' extended into May but not past that and as for outdoor permits they are extended for longer than that. Restaurants that were doing it last year have not done it this past spring.
- Seelig and Nolan are working on the forms for ARPA funding to the town. There is still discussion as to whether Plymouth County wants to play a role as conduit. Seelig does not see a necessity for them to do so and it would make more sense for Plymouth County to release the money back to the State to redistribute. This way here we are only dealing with one entity.

Garron asked Seelig to give Tom O'Brien a call to see what was going on.

Talent Bank Form – Sarah Nobles

Ms. Nobles expressed an interest in serving on the Youth and Recreation Commission.

Sergeants Contract for FY2021

Moved by Garron and seconded by DiSesa, the Board unanimously voted to approve the Sergeant's contract for FY2021.

Jet Ski Problems - Monponsett Pond

The office has received a complaint from a resident. Seelig has corresponded with chief Chaves he is doing the best he can but unfortunately the officers are not interested in going out in a boat, but the fire department has been. The buoys are out but they may need to be moved around to give more protection for the swimmers at the beach area. Seelig is not sure what they can do about the noise and the swearing outside of having the police department, when they can, to go down there and ask people to simmer down. DiSesa thought they should have the swim lines moved out further. Andrews stated that most of problems are occurring on the weekend and maybe with some of the funding pay for extra details on the weekends, that is if the Chief can get someone to do it.

Traffic Issues with Walnut Street

A resident has mentioned they have a blind driveway and is asking for a blind driveway sign. Also, there is vegetation at one of the properties next to them. This has been referred to the Traffic Safety Committee.

Complaints

- Complaint by David Mascio against Margaret Selter
- Complaint by Margaret Selter against Amy L. Troup
- Complaint by Theresa Renaud against Amy L. Troup

Seelig has recommendation to the Board was to use an outside firm to investigate the complaints. DiSesa said maybe wait till Tuesday to see who they decide for town counsel and go from there.

Garron motioned to use an outside firm.

DiSesa asked Seelig to research what it would cost to use an outside firm. Andrews asked for an estimated cost from our current town counsel and from the firm Seelig recommended.

MEETING ADJOURNED

There being no further business, moved by DiSesa and seconded by Garron, the Board unanimously voted to adjourn the meeting at 11:03 a.m.

Ashley A. DiSesa
Clerk

/pjm