

Truro Board of Selectmen
Meeting Minutes – Tuesday, February 17, 2015
Truro Town Hall, 2:30 p.m.

Members Present: Jay Coburn-Chair, Paul Wisotzky-Vice Chair, Jan Worthington-Clerk, Robert Weinstein and Maureen Burgess

Others Present: Town Administrator Rae Ann Palmer

Attorneys from: Kopelman & Paige, P.C.: Attorney Lauren Goldberg and John Giorgio; Petrini & Assoc. P.C.: Attorneys Chris Petrini & Barbara Saint Andre & Light house Legal Counsel LLC: Attorneys Jack Dolan; Huggins & Witten, LLC: Barbara Huggins & Jon Witten

Town Counsel Applicants

Petrini & Associates PC

Attorneys Chris Petrini & Barbara Saint Andre

The first set of questions was asked by Selectmen Wisotzky:

- What is your firms overall approach towards working with clients?

Attorney Petrini responded with a discussion about their experience and personalized attention provided by 6 Attorneys, representing 5 towns as well as experience working on the Cape. Ms. Saint Andre explained her strategy with regards to working with clients.

- What do you believe are the key components of an effective working relationship?

Attorney Saint Andre responded to communication as being the key factor.

The second question was asked by Selectmen Worthington:

- What sets Truro apart from other municipalities and what are the three most important attributes that you bring to the table working with the Town of Truro?

Attorney Saint Andre responded that one key element is the National Seashore and the seasonality of the town. She also added that another attribute is their experience as Municipal Attorneys working in a law firm their size. She also noted that they are also very responsive to their clients.

The third question was asked by Selectmen Burgess:

- What is your strongest area of expertise with regard to municipal governance? What is your weakest?

Attorney Petrini responded by citing examples of his experience with Municipal law. He also noted their strengths in the area of public construction and infrastructure disputes, litigations and cited examples and how this experience would be pertinent to Truro. He stated with respect to weakness their firm does not do tax taking or tax title work. Attorney Saint Andre responded that her area of expertise is general Municipal law with a specialized area of land use.

The fourth question was asked by Selectmen Coburn:

- What processes or procedures would you recommend to control costs related to legal services?

Attorney Petrini responded that they have a fixed fee and annual retainer proposed (\$65K 1st & 2nd year & \$70K 3rd year) and cited what is covered in the retainer with a provided itemized bill; with major transactions outside of that amount. He spoke of the importance of having a policy in place with regards to accessing Town Counsel as a way to restrict costs. He added that they send client advisories with legal updates which can be cost effective in the long run for towns. Attorney Saint Andre also spoke of seminars that they offer on open meeting law.

The fourth question was asked by Selectmen Weinstein:

- As the issue of regionalization or service sharing between communities becomes a reality, how would both Towns prevent a conflict and protect both Town's interest?

Attorney Petrini responded that regionalization is a key issue and spoke to how this pertained to Truro with its relationship and water supply with Provincetown. He spoke of the IMAs (Intermunicipal Agreements) that their firm have been involved with recently. Attorney Saint Andre informed the Board that they are currently not representing the neighboring towns.

The second part of the fourth question was asked by Selectmen Weinstein:

- What would you do if you represented both Towns to prevent a conflict and protect both Town's interest? (second part of the question)

Attorney Saint Andre responded that their firm's soul loyalty would be to the Town of Truro. Attorney Petrini concurred.

Selectmen Worthington asked about the smallest towns that their firm also represents.

Attorney Saint Andre spoke of West Brookfield having less than 5K people. Attorney Petrini listed the remaining four towns that were small other than Framingham.

Selectmen Worthington asked about the retainer and whether it included the land use case that the Town is now involved in.

Attorney Petrini stated that there would be no additional charge getting up to speed on the case but after that such things as major real estate litigation would be outside of the retainer. Selectmen Worthington asked what their hourly rate would be for that case. It was stated that there proposal was \$175-225.00 (per hour).

Selectmen Worthington asked how the Attorneys would describe the community of Truro. Attorney Saint Andre responded that the National Seashore stands out the most in her mind. She also mentioned that it is a very seasonal area.

Selectmen Wisotzky asked what in particular it was about the Truro that would be a good fit for their firm.

Attorney Saint Andre stated that the size of the town makes it a good fit and they do not represent any other towns on the Cape, as well as the issues that Truro faces are similar to

what the other towns they represent are facing. Attorney Petrini stated that they have the skill set and the familiarity with the issues that the town is facing. Attorney Saint Andre responded that she had formerly been the principal Attorney for Harwich when she worked for Kopelman and Paige.

Selectmen Burgess asked where the Attorneys resided and the time it took to get to Truro.

Attorney Saint Andre stated she lived in the South Shore and the drive was not that long. Attorney Petrini stated that he resides in Natick and the length of time it took him to arrive in Truro.

Selectmen Weinstein asked how they would handle the transition if they were hired.

Attorney Saint Andre stated that they will not charge during the transition period and explained how they would process the information from current Town Counsel, the Town Administrator, Department Heads, and the Board of Selectmen.

Selectmen Coburn asked if they had experience appearing before the court system with land use cases. They were asked since Truro has Labor Counsel would they adjust their retainer fee if the labor component were left out. Attorney Petrini was fine with that.

Town Counsel Applicants

Kopelman and Paige PC

Attorneys Lauren Goldberg & John Giorgio

Attorney Goldberg introduced herself and Attorney John Giorgio.

The first question was asked by Selectmen Wisotzky:

- What is your firms overall approach to working with clients?

Attorney Goldberg responded that Kopelman and Paige will designate a single attorney to the Town of Truro with the guidance of other Attorneys at their lawfirm. She explained further their availability. The Town would work with a small group of Attorneys that would be well versed in the Town's Charter and Bylaws which would alleviate the expense of special counsel. Attorney Giorgio added that Kopelman and Paige is a municipal practice only and their firm does not take cases against municipalities.

The second question was asked by Selectmen Wisotzky:

- What do you believe are the key components of an effective working relationship?

Attorney Giorgio emphasized that Truro will have a designated small team of Attorneys working for them with all services coordinated. Attorney Goldberg suggested that their track record also be reviewed. Their representation is enhanced due to a policy neutral stance since they are not a local firm.

The second question was asked by Selectmen Worthington:

- What sets Truro apart from other municipalities and what are the three most important attributes that you bring to the table working with the Town of Truro?

Attorney Giorgio responded that Truro has similar legal issues that other towns on the Cape are facing in Barnstable County. Truro is located within the National Seashore and there are also coastal erosion issues. He cited things that their lawfirm could possibly look into, for example, year round resident tax breaks. Attorney Giorgio described their working relationship with the Cape Cod Commission. Attorney Goldberg spoke again of the breadth of different Attorneys that are available at their firm.

The third question was asked by Selectmen Burgess:

- What is your strongest area of expertise with regard to municipal governance? What is your weakest?

Attorney Giorgio responded that they work on many issues with labor and employment law which is his weakest area and his strongest areas are Environmental Law, Municipal Finance, contracts and Procurement.

The fourth question was asked by Selectmen Weinstein:

- As the issue of regionalization or service sharing between communities becomes a reality how would you handle Truro in developing these agreements?

Attorney Giorgio stated that they have worked on many Intermunicipal Agreements and explained his history in working with Truro and Provincetown and the benefits that come with neighboring communities having such agreements. Attorney Goldberg cited the benefit of sharing the costs and the concern with the Town's legal budget.

The second part of the fourth question was asked by Selectmen Weinstein:

- What would you do if you represented both Towns to prevent a conflict and protect both Town's interest? (second part of the question)

Attorney Giorgio responded that should a conflict of interest arrive it would be the responsibility of the law firm. Attorney Goldberg added that they would not put themselves or the town into a situation of conflict with regards to regional matters as it is the conflict of the law firm not the towns.

The fourth question was asked by Selectmen Coburn:

- What processes or procedures would you recommend to control costs related to legal services?

Attorney Giorgio explained that there would be a discussion with the Town Administrator as to what services needed their attention first. He spoke of being proactive to prevent legal issues from arising and spoke of issues that can arise that are ultimately civil matters. Attorney Goldberg reiterated the importance of having so many Attorneys at their ready that can be consulted prior to an issue become expensive.

Selectmen Worthington asked on the day to day which Attorney would be consulted first.

Attorney Giorgio stated that he would be the first contact and noted Jonathan Silverstein would handle complicated land use issues but all requests would initially come through Attorney Giorgio.

Selectmen Burgess asked how they would handle the transition with current litigation.

Attorney Giorgio explained that there would be a review of litigation without a charge to the Town and perhaps a meeting with the Board in Executive Session to discuss matters of current litigation. Attorney Goldberg added that the transition process is crucial to the beginning of the relationship with the cost of legal services being tailored to Truro.

Attorney Giorgio stated that he lives in Chatham and his schedule is flexible with a capped rate at one hour round trip.

Town Counsel Applicants

Lighthouse Legal Counsel LLC

Attorneys Jack Dolan, Barbara Huggins & Jon Witten (Huggins & Witten LLC)

The first questions were asked by Selectmen Wisotzky:

- What is your firm's overall approach to working with clients?

Attorney Dolan responded that he prefers a small group of clients versus a vast array of clients with advice based on best judgment. Attorney Witten added that they only represent a select number of towns and stated his and Attorney Huggins' history with Municipal Law. Attorney Dolan spoke of Attorney Witten having been Town Counsel when he was a Town Administrator.

Selectmen Wisotzky asked the follow up question:

- What do you believe are the key components of an effective working relationship between a Municipality and their Counsel?

Attorney Dolan stated that an effective relationship is based on trust, expertise and responsiveness and that Counsel is always looking out for a Town's best interest. He also stated the importance of communication. Attorney Witten added that you want to receive the best legal advice that can be provided.

The second question was asked by Selectmen Worthington:

- What sets Truro apart from other municipalities and what are the three most important attributes that you bring to the table working with the Town of Truro?

Attorney Dolan stated that Truro has a unique geography and demographics. He stated that he has an existing solid relationship with the Board of Selectmen, Town Administrator and desire to extend that relationship. He added that he has lived and worked in coastal communities. Attorney Huggins added that the town is subject to the jurisdiction of the National Seashore and the Cape Cod Commission and the layers of governance. Attorney Witten added that he and Attorney Huggins are Planners with respect to the land use and the rural area of Truro.

The third question was asked by Selectmen Burgess:

- What is your strongest area of expertise and weakest?

Attorney Dolan responded that his strength lie with labor and human resource issues. He explained that his weakness is in the area of land use with respect to practicing in Massachusetts. Attorney Witten explained that their strengths are in land use mitigation and general Municipal law. He added in the labor side is one of their weaknesses. Attorney Huggins stated that items like unemployment insurance would be a weakness but anything pertaining to land use would be his strength.

The fourth question was asked by Selectmen Weinstein:

- As the issue of regionalization or service sharing between communities becomes a reality, how would you handle Truro in developing those agreements?

Attorney Witten explained his work history and stated representation to two municipalities requires loyalty to one town; which would be to the Town of Truro.

The second part of the fourth question was asked by Selectmen Weinstein:

- Asked how their law firm would handle both Towns to prevent a conflict and protect both Town's interest?

Attorney Witten stated that they would fight for the best interest of Truro and they do not handle too many municipalities because that is itself a conflict of interest.

The fifth question was asked by Selectmen Coburn:

- What processes or procedures would you recommend to control costs related to legal services?

Attorney Dolan stated the importance of a firm policy being in place for access to Town Counsel. Attorney Witten stated that they respect the legal counsel budget. He added that they have done estimations with itemization for certain tasks. Attorney Dolan stated that there could be alternative fee agreements. He added that they are open to alternative fee arrangements with Truro.

Selectmen Coburn asked how the communication will work.

Attorney Dolan stated that their relationship would be transparent. He stated that there would be a designated Attorney established as a first contact. Attorney Witten further expanded on this seamless operation in using them as Counsel.

Selectmen Weinstein asked how they would handle the transition period with Truro's ongoing issues.

Attorney Dolan stated that their transition process would not be to the cost of the town and would start with consultation with the Board of Selectmen or the Town Administrator. Attorney Huggins added that it would include meeting with key stake holders and visiting with people to see what the current issues are.

Selectmen Burgess asked Attorney Dolan what changed his career direction from having been a Town Administrator. Attorney Dolan explained his work history and how his dual experience is a benefit to the client. Attorney Witten added that they collectively bring a Planning piece to the table. Attorney Huggins explained her skill set as a Lawyer and Planner have grown over the years.

Selectmen Weinstein asked what their availability would be regarding seminars. Attorney Witten added that they do seminars all the time and cited examples but noted that it must be the most current information as updates to the law change frequently.

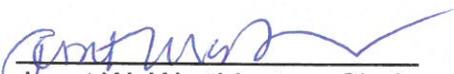
Selectmen Coburn stated that he was not ready to make a decision and felt that there should be time to go through the references. There was discussion as to how to approach this next. It was decided to add to the agenda of the 24th a discussion on Legal Counsel. There was a discussion on the presentation from the law firms.

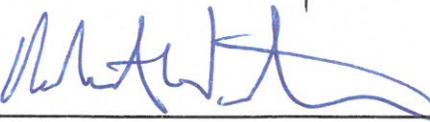
At 4:33PM Coburn asked for a motion to adjourn. Weinstein so moved. Wisotzky seconded the motion. So voted unanimously 5-0.

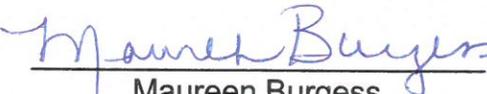
Respectfully submitted, Nicole Tudor, Board of Selectmen Secretary


Jay Coburn, Chairman


Paul Wisotzky, Vice-Chairman


Janet W. Worthington, Clerk


Robert Weinstein


Maureen Burgess
Board of Selectmen
Town of Truro

