

**BOARD OF SELECTMEN MEETING
MINUTES SEPTEMBER 17, 2015
APPROVED**

Present: Anna Eliot, Vice Chair; Stuart M. Schulman, Clerk; Joshua A. Degen, Member; Peter S. Cunningham, Member

Absent: John G. Petropoulos

Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant to the Town Manager

Ms. Eliot called the meeting to order at 5:02pm and stated they were present to interview Town Counsel candidates.

5:00 PM – Deutsch Williams

Present: Paul DeRensis

Mr. DeRensis started out providing the Board with a little background information on himself. He said that he knew what they needed and knew not to leave Selectmen or the Town Manager out. He said it was important for him to cover their back on everything that they are involved with. He said that he had a lot of qualifications and awards that were listed in bid booklet they received. He said that he had had the occasion to work with the Town Manager and had an effective partnership for a long time adding they were able to accomplish a lot of things for the Town. He said that one thing that distinguished him from other lawyers was he was not afraid to say no. He said that he had done some homework on things Groton has been working on. He said that he has a lot of experience with Charters and municipal light departments. He said that he was familiar with regional schools, had been involved with Kinder Morgan and felt like he could bring a lot of support to this Board.

Mr. Cunningham asked the following four questions:

#1 – How does your firm keeps current on the ever changing MGL’s related to municipalities (i.e. Municipal finance, procurement, labor)?

Mr. DeRensis said that as a member of the MMA Board of Directors this was one way he stays current. He said that he was heavily involved in health insurance reform and had served on the governor’s council review committee. He said that he is involved in changes in the law while they are being proposed and written and added that they also send out regular newsletters and alerts to keep the municipalities informed as it happens.

#2 - How will your firm work to keep department heads aware of changing laws?

a. What types of trainings do you currently provide to your clients?

b. Do you publish a newsletter/e-newsletter?

Mr. Desrensis said that he assigns different team members to different boards and committees. He said that he would conduct a thorough review of the town and its departments if hired. He said that he would provide the Board with a report once he had a chance to meet everyone and see where the Town fits in a matrix as compared to other communities.

#3 - Does your firm ever offer general seminars, information on best practices, articles, etc. to officials in communities that you serve?

Mr. DeRensis said that they would put on whatever seminars the Town thinks needs to be done. Mr. Cunningham asked if they would be able to ask for something special. Mr. DeRensis said “yes.”

#4 - What employee policies and/or contract language or lack thereof do you see getting municipalities into trouble?

Mr. DeRensis said that he had a whole labor group who does most of the contract and collective bargaining adding that would be a question for them. He said that he has seen failures in severance and termination

provisions adding that they could terminate without having to prove cause. Mr. Cunningham said that he thought state law said you have to show some cause. Mr. DeRensis said that it depends on the statute. Mr. Schulman said that even if one was terminated without cause, they could still litigate and they might have a situation where the jury may find in favor of terminated employee. Mr. DeRensis said that their firm does not lose.

Mr. Degen asked the following four questions:

#5 - Do you typically hold regular office hours in the communities you serve?

Mr. DeRensis said that was up to the Board. He said that one town he serves likes him there one day a week.

#6 – In communities where you report directly to the Board of Selectmen and Town Manager, how do they determine whether individual boards and departments, as well as individual Selectmen, can access your services?

Mr. DeRensis said that that was a board's decision. He said that he would strongly recommend and prefer working with each selectman individually adding he would make sure that no selectmen was left out and had an opportunity for advice. He said that individual selectmen have a variety of needs and wanted to be there for each of them. Mr. Degen said that the way they currently operate was that the chair has access and others can request access. He asked in looking at their retainer slated at 5K per month if that was unlimited. Mr. DeRensis said "yes."

#7 – Do you typically attend meetings of the Board of Selectmen in the communities that you serve?

Mr. DeRensis said that some communities ask him to attend and some don't. Mr. Degen asked if there was a request for him to be there; Mr. DeRensis said that he would be there if requested adding he was free on Monday's.

#8 – Please describe a situation when you have been asked to provide legal advice on a unique firefighter grievance.

Mr. DeRensis said that that was a question for his labor team. He said that he recalled a situation in Cohasset where the Police department had asked for the right to be first responders in their collective bargaining agreement and the fire department felt as though that violated their contract and was taking away bargaining unit work.

Ms. Eliot asked the following three questions:

#9 – Please describe a situation you have been asked to provide legal advice on a unique ethics case involving a public employee.

Mr. DeRensis said that a Selectman who was also the president of a private company had presented a proposal to the Board which would pay his company a substantial amount of money for a particular project/service. That same Selectman voted in favor of it as a Selectman and signed it the contract. Mr. DeRensis said that he was not provided an opportunity to give advice, but jumped into it anyway. He said that the Selectman's name could not be on the bottom as both selectman and contractor adding that his advice was not welcomed. Mr. DeRensis said that that the Selectman was cited a year later by the State Ethics Commission with the largest fine the commission had passed down. Ms. Eliot asked if he would you have contacted the chair or each board member in this case. Mr. DeRensis said that he contacted each board member directly.

#10 – Please discuss your approach to negotiating with public employee unions.

Mr. DeRensis said that he wished his labor group was there and not stuck in traffic adding that he thought the overall approach was collaborative. He said that they would try to maintain good working relationships with the unions whether they were the ones dealing with the unions or the Town Manager, etc. He said that if the Town Manager was dealing with the unions, they would back him/her up.

#11 – Discuss your experience reviewing town meeting warrants and your approach to responding to legal questions at town meeting.

Mr. DeRensis said that he had attended 1,192 town meetings adding he had a lot of experience with Town Meeting, warrants, etc. He said that he would rely on the Town Manager to do the initial drafts. Ms. Eliot asked if he would personally attend Town Meetings. Mr. DeRensis said that he would.

Mr. Schulman asked the following four questions:

#13 – The Town Manager authorizes your firm to work directly with a department on a legal issue. You provide legal advice to the department head and, based on your conversations; it becomes clear that the department head is not planning to do what you advised. What do you do?

Mr. DeRensis said that he had on his team lawyers who are specialists on different matters. He said that as time goes on, relationships would be developed.

#14 – Regarding land use and zoning, have you been retained in the past to conduct a comprehensive review of local zoning bylaws for codification to improve clarity and remove contradiction or redundancy? Explain.

Mr. DeRensis answered “yes, many times.” He said that he also worked with Mark Bobrowski to do an initial version of it for one of his towns adding he made some changes to it. Mr. Schulman asked if it was shorter or longer when it was done. Mr. DeRensis said it was longer adding that it wasn’t bad just not what the community was used to.

#15 – Have you been involved representing municipalities during a court appeal of local zoning requirements? If so, please provide an example.

Mr. DeRensis said that he has a litigator on her way that has done that often. He said that his zoning guy will usually write something to that fact and as he had discussed with the Board and Kim will make sure it sticks. Mr. DeRensis used a retaining wall and whether it was a structure or not due to size as an example of this.

#16 – Discuss how your firm works to provide efficient yet effective legal representation and manage costs.

Mr. DeRensis said that he was a very hands-on guy. He said that he tries to stop things before they happen to avoid litigation. He said it was always better to be at a point where decision was made to go one way or another and to stop a mistake before it’s made.

Mr. Degen asked what they would do if they found out that advice they gave a municipality was inaccurate. He asked if they would later go back and change their opinion. Mr. DeRensis said that he didn’t think they have ever had to do that.

Ms. Eliot asked:

#17 – What do you see as the main legal challenges currently facing the municipalities and what issues do you foresee coming up in the next few years.

Mr. DeRensis said that the main challenges were pressure from communities because of the cost of health benefits.

Mr. Cunningham asked:

#18 – Please give an example of a recent legal decision involving a municipality that you have disagreed with and explain why.

Ms. Kimberly Salliant arrived to the interview and said that they don’t lose. She said that she could not think of an example. She said that she does a lot of work in state and land court. She gave an example of a case before the ABCC.

Ms. Salliant introduced herself and said that she graduated from Cornell and Northeastern Law and had won her first case before she graduated from law school. She said that she had been in the business for 30 years.

She said that she had an undefeated record. She said that she was tenacious and knew there were times to litigate and times not to litigate. She said that she was known as the summary judgement queen and had over 60 cases in her favor. She said that she is often not the moving party but responds. She said that she was good at dispositive motions and liked to try cases but the cost to towns are high. She said that between all the lawyers Groton would be working with, they have 70 years of experience.

Mr. DeRensis said that they care a lot and very much care about the quality of government and will do everything they can to make things work well.

Mr. Degen asked if they voted to change Town Counsel, when would they be able to start. Mr. DeRensis and Ms. Salliant both said "tomorrow."

6:00 PM – Blatman, Bobrowski, Mead & Talerman
Present: Jay Talerman, Lisa Mead

Ms. Mead started by saying that she appreciated the Board's time. She said that the firm was created in 2004 adding that her background included time as a city councilor and mayor in Newburyport. She said that their firm was a creative one that offered new services. She said that they tried to do proactive work and tried to get to the Town before problems occurs. She said that they provide counsel to 12 communities currently. Mr. Haddad asked about their fee structure. Mr. Talerman said that the \$6,000/month fee structure covers litigation but the \$4,000/month does not.

Mr. Talerman said that he had worked with Mr. Degen and Mr. Schulman in past adding that he had come from Kopelman and Paige. He said that he liked that his current firm was hands on and had developed a fee structure to that effect. He said that they have a lot of experience in land use and general legal and do take a proactive approach. He said that they would cover up to three board meetings a month as included in the flat fee. He added that the fee includes all town meetings and seminars.

Mr. Cunningham asked the following four questions:

#1 – How does your firm keeps current on the ever changing MGL's related to municipalities (i.e. Municipal finance, procurement, labor)?

Ms. Mead said that they attend all continuing legal education and provide and give seminars. She said that they get alerts from DLS and the Inspector General's office to name a few. Mr. Talerman said that as far as land use goes, they are used as source for the law as it applies to zoning.

#2 – How will your firm work to keep department heads aware of changing laws?

a. What types of trainings do you currently provide to your clients?

b. Do you publish a newsletter/e-newsletter?

Ms. Mead said that they have a hot topics newsletter, they send memos to all of their clients on a regular basis, they will conduct OML and conflict of interest trainings at least every other year to include day training for employees and night training for volunteers. She added that Mr. Talerman and Mr. Bobrowski do a lot of conservation and land use trainings also.

#3 – Does your firm ever offer general seminars, information on best practices, articles, etc. to officials in communities that you serve?

Mr. Cunningham said that they sort of answered this above.

#4 – What employee policies and/or contract language or lack thereof do you see getting municipalities into trouble?

Ms. Mead said that they don't do personnel policy. Mr. Talerman said that they do a new Town Administrator and Town Planner training. Mr. Haddad asked if they work with a separate labor counsel. Ms. Mead said that they have used Clifford and Kenney quite a few times. She said that there were a number of other labor law firms out there that they use. Mr. Talerman said that John Clifford had been a good firm to work with.

Mr. Degen asked the following four questions:

#5 – Do you typically hold regular office hours in the communities you serve?

Ms. Mead said that they would propose twice a month but it was really up to the Board.

#6 – In communities where you report directly to the Board of Selectmen and Town Manager, how does they determine whether individual boards and departments, as well as individual Selectmen, can access your services?

Ms. Mead said it was up to the policy of the towns. She said that in some towns, everything goes through the Town Manager or the Chair where others allow any member of the Board to call. She said that certain

department heads can call them directly in some communities. Mr. Talerman said that they follow the rules of the Towns.

#7- Do you typically attend meetings of the Board of Selectmen in the communities that you serve?

Ms. Mead said they do if that's what the Board wants. Mr. Talerman said that they were here to provide services.

#8 – Please describe a situation when you have been asked to provide legal advice on a unique firefighter grievance.

Ms. Mead said that they would advise that the Town go see labor counsel. Mr. Degen asked if they had a unique zoning issue like Planning Board vs. ZBA. Ms. Mead said that they did and ended up resolving it. Mr. Talerman gave an example of a wind turbine project in Kingston. He said that Planning Board vs. ZBA disputes with variances and special permits were common adding that they would follow the lead of the Selectmen in every case.

Ms. Eliot asked the following four questions:

#9 – Please describe a situation you have been asked to provide legal advice on a unique ethics case involving a public employee.

Ms. Mead said that a unique case that came to mind was when town employees become elected officials. She said that it was not infrequent.

#10 – Please discuss your approach to negotiating with public employee unions.

Ms. Mead said that they did not have any union experience. Mr. Haddad asked if they ever considered bringing in labor counsel. Mr. Talerman said that this was something they were looking into it because of the size of their firm adding that they couldn't just bring in one person. He said that they would need a team with a senior counsel. He said it wasn't until Kopelman and Paige did it that others started adding labor counsel to their firms.

#11 – Discuss your experience reviewing town meeting warrants and your approach to responding to legal questions at town meeting.

Ms. Mead said that every town was unique. She said that she always like to meet in advance with the Moderator, Town Manager/Town Administrator and Chair. She said that this helps iron out all the wrinkles. She said that in advance of that meeting the Town would have drafted the warrant articles and dealt with any legal issues. Mr. Talerman said that he, Ms. Mead and Adam, a junior partner, were the ones that go to town meetings. Mr. Haddad asked if they send the same person to every town meeting. Mr. Talerman said that they try to adding that continuity was important.

#12 – Could you explain your experience(s) at the Appellate Tax Board including the result(s) and what type of cases they were? (i.e., residential, commercial, personal property...)

Mr. Talerman said that Adam Costa from their firm was their Appellate Tax Board specialist. He said that those services were within the flat fee.

Mr. Schulman asked the following four questions:

#13 – The Town Manager authorizes your firm to work directly with a department on a legal issue. You provide legal advice to the department head and, based on your conversations; it becomes clear that the department head is not planning to do what you advised. What do you do?

Ms. Mead said that they would talk to Town Manager and let him/her know. She said she would explain that she was concerned that was not the direction the department head was going to go and the risks with doing that. Mr. Talerman said that they do their best to get people to listen to reason before bringing in the big guns.

#14 – Regarding land use and zoning, have you been retained in the past to conduct a comprehensive review of local zoning bylaws for codification to improve clarity and remove contradiction or redundancy? Explain. Ms. Mead answered “yes.” She said that was most of what Mark Bobrowski does now. She said that she was currently working on recodification in Marblehead. Mr. Talerman said that they have done overlay districts too. He said that they have re-codified over 100 communities to date.

#15 – Have you been involved representing municipalities during a court appeal of local zoning requirements? If so, please provide an example.

Ms. Mead said “yes.” Mr. Talerman asked if they were talking about zoning bylaws or decisions. Mr. Schulman said it could be either. Mr. Talerman said that they had litigated hundreds of cases. He said that Adam just won a great case in Appeals Court having to do with the Town of Easton and a restaurant.

#16 – Discuss how your firm works to provide efficient yet effective legal representation and manage costs. Mr. Talerman said that if something was not included in the flat fee, they have hourly clients also. He said that they take the same approach to try to be proactive. Ms. Mead said it was all about relationships and communication adding they wouldn’t send a bill for every little thing even for their hourly towns.

Ms. Eliot asked the following question:

#17 – What do you see as the main legal challenges currently facing the municipalities and what issues do you foresee coming up in the next few years?

Mr. Talerman said that a big challenge coming was building boom. He said that they were starting to see bigger projects coming, concentrated permits, etc. Ms. Mead said that 40B’s were starting to come back and the applications seemed to be bolder.

Mr. Cunningham asked the following question:

#18 – Please give an example of a recent legal decision involving a municipality that you have disagreed with and explain why.

Ms. Mead said that an ATB case came to mind in Westborough. She said it had to do with how solar facilities were taxed and if pilot agreements could also be taxed. ATB said that you couldn’t tax both.

Ms. Mead closed by thanking the Board adding it was great to meet with them. She said that she had worked at all levels of government and liked municipal service. Mr. Talerman agreed adding that he too would like the opportunity to work with Groton again.

Mr. Degen asked when they would be able to begin if the Board decided to change firms. Mr. Talerman said that they could begin immediately adding there would be a transition period for file transfer, etc.

7:00 PM – Kopelman and Paige
Present: Lauren Goldberg, Brian Maser

Ms. Goldberg thanked the Board for having the firm. She introduced herself as Managing Partner at Kopelman and Paige. She said that they have had a long term relationship with the Town and thought they had always provided timely efficient legal advice. She said that the firm believes in a partnership style of counsel. They like to give the Town the tools to make decisions and policy but also believed you have personal relationship with attorneys. She said that most of the labor counsel was provided by Brian Maser and David Doneski was available for everything else. She said that Kopelman and Paige was the most experienced firm in the state, in their opinion whose attorneys were very capable legal minded individuals who provided real practical insight also. She said that what might be fine as a choice on paper, might not be fine as a choice for Groton. She said that they had tried to keep their rates steady for Groton and hadn't raised their rates in years. She said that Mr. Doneski, who couldn't be there that night, wanted her to mention that he enjoyed the diversity of legal issues he works on for the Town. He liked working on the fire station construction project and the negotiations with the surety company and failing contractor. Mr. Doneski also likes all the work he does with the Conservation Commission along with Shirin Everett. She said that he likes acting on things versus reacting to things. She said that Mr. Doneski also said the matter on Dan Parker Road where he needed to examine ancient records and plans was something that he enjoyed doing. She said that to Mr. Doneski, this was not your run of the mill work and things he found interesting. Ms. Goldberg said that Brian Maser was also a member of firm and was someone who had really grown over the past few years adding they were proud of his work.

Mr. Maser said that he had spent the better part of 10 years working with and for the Town and had enjoyed it thoroughly. He said he would echo all of Mr. Doneski's comments. He said that he liked the interesting and significant legal work the Town presents and felt as though he had been able to step in in a timely manner. He said that he was one of eight labor attorneys at Kopelman and Paige and combined that had over 100 years of experience. He said that they assist in arbitration cases and had quite a bit of experience in the day to day issues also. He said that he was unable to count the number of times he speaks to Mr. Haddad on a daily basis. He said he felt as though he was always able to provide a quick resolution to rather sensitive personal matters and felt from a response standpoint he was very capable of responding to the Town's needs.

Mr. Cunningham asked the following four questions:

#1 – How does your firm keeps current on the ever changing MGL's related to municipalities (i.e. Municipal finance, procurement, labor)?

Ms. Goldberg said that they actually viewed that as part of their day to day responsibilities. She said that they check the general courts website daily and receive MMA press updates all the time. She said that they are members of the Town Clerks, Treasurers and Accountants Associations and receive those updates also. She said that Mr. Maser writes updates all the time on labor laws and tracks new cases daily. She said they also have several labor reports they get. She said once they receive those reports, they analyze them and provide e-updates which are sent out on a fairly regular basis. Ms. Goldberg said that they also work closely with offices like the AG's office on topics like OML as an example. She said that she was designated by the Attorney General as an authorized trainer early on and was hired by UMass to do that also.

#2 – How will your firm work to keep department heads aware of changing laws?

- a. What types of trainings do you currently provide to your clients?
- b. Do you publish a newsletter/e-newsletter?

Ms. Goldberg used a sex offender residency bylaw case as an example adding that this was not a bylaw all municipalities have but felt as though they should send it out to all their towns anyway. She said that they reached out to those towns that have a bylaw and asked what their feelings were on it. She said that they don't take on work without the Town's asking them to first adding that they wouldn't impose work on the Town's

without the request. She said that with the new election laws a couple of years ago they reached out to clerks who turned around and contacted her directly. She said that they try to get out e-updates as soon as possible and absorb those costs. She said that they also work internally also within their practice area groups to talk about recent decisions at all levels. Mr. Maser said that they may only see an email from me but people in firm's group had already come together to talk about what's new and prepare an all town memo and e-blast. He used paid sick time law, retiree benefits, and a recent DLR case about GPS in police cruisers as examples of this.

#3 – Does your firm ever offer general seminars, information on best practices, articles, etc. to officials in communities that you serve?

Ms. Goldberg said that they take great pride in their seminars and thought that getting info out at the same time in same way was extremely valuable. She said that seminars give you a different advantage and some of these things couple not be conveyed in a memo. She said that they conduct seminars on public hearings and how to write decisions as examples and are all done at no charge. She said that they also do trainings for themselves to keep everyone up to date and on their toes. Mr. Maser said that they are constantly attending trainings on their own also like What's New in Municipal Law.

#4 – What employee policies and/or contract language or lack thereof do you see getting municipalities into trouble?

Mr. Maser said contract language. He used the example of cost of employee overtime. He said that right of first refusal could be an expensive proposition. He said that they couldn't have enough employee policies. He said that they were Board of Selectmen policies that could be amended from time to time. He added that violence in the workplace is another policy that some towns don't have that is a big one now.

Mr. Degen asked the following four questions:

#5 – Do you typically hold regular office hours in the communities you serve?

Ms. Goldberg said that they have some communities where they hold office hours but have found that it can lead to work that the Selectmen and Town Manager don't want done. She said it allows for unfettered access to Town Counsel. She said they found that people were looking for legal advice on the spot and they felt as though needs could be met through telephone, email, etc. She said that there was always the concern that residents would feel as though they could stop in and ask for legal advice. She said that it was much harder to control that if counsel was sitting in a room.

#6 – In communities where you report directly to the Board of Selectmen and Town Manager, how does they determine whether individual boards and departments, as well as individual Selectmen, can access your services?

Ms. Goldberg said that it was different with each municipality. She said that there were towns that know when they want to call and when they don't. She said there were others where only the Chair and Town Manager can call. She said that they had found in trying to control budgets prescreening legal questions needed to occur. She said they had also seen communities talk to people in their trade first before asking Town Counsel.

#7 – Do you typically attend meetings of the Board of Selectmen in the communities that you serve?

Ms. Goldberg said that they attend meetings as requested do but do not attend all meetings of the Board. She said that goes back to the idea of a 6th selectman. She said that there are some legal counsels that go to every meeting whereas their role was to help you make decisions and not be the policy drivers. She thought it blurred the line if they were to attend every meeting adding they do attend a lot of meetings for various reasons. Mr. Degen asked if their guidance was required if it would be included in the retainer. Ms. Gold berg said that it was something like a significant 40B matter it would not but most would fall within it.

#8 – Please describe a situation when you have been asked to provide legal advice on a unique firefighter grievance.

Mr. Maser said that they deal with a lot of firefighters unions throughout the state. He said that they had dealt with quite a few grievances lately with a rather litigious union who was trying to control the department and take away the authority of the Chief anyway they could. He said that he had also been dealing with a lot with 111F grievances lately.

Ms. Eliot asked the following four questions:

#9 – Please describe a situation you have been asked to provide legal advice on a unique ethics case involving a public employee.

Ms. Goldberg said that they get state ethics law questions every day. She said their biggest challenge is to help a board member that has a conflict. She said it is very difficult for individuals to understand they can't force a member not to participate. She said it is up to the Chair to remove items from discussion. Mr. Maser said that they also see a lot on the labor side pertaining to individuals that are seeking multiple office positions. Ms. Goldberg said that there had been recent changes to state ethics commissions as it relates to town clerks and exemptions to travel in state and out of state, etc.

#10 – Please discuss your approach to negotiating with public employee unions.

Mr. Maser said that they like to take the approach whereas they would take on role if needed. He said that the original bargaining team if after several meetings cannot come to a consensus with the union(s), they would review agreements and suggest any changes they think town should make. He said that if they were to be the lead negotiator, the first thing you would do is establish ground rules whereas he would work as primary spokesperson at the table. Caucuses would be held if a question comes up and team needs to discuss it. Ms. Goldberg said that they believe in being willing to be the bad guy because you all have to work every day with these employees and don't want to be the primary spokesperson. She said that they were always willing to do that. She said that they would also be the hearing officer or run a recount for you and take a strong position for you as you have to work with these people every day. Mr. Maser said that they come to the table prepared with contracts from prior years and other Town's if need be.

#11 – Discuss your experience reviewing town meeting warrants and your approach to responding to legal questions at town meeting.

Ms. Goldberg said that as a firm, they consider themselves all municipal generalists. She said that they all review warrants internally, they know what they should look like and know what should be contained in them as an example. She said that they review them against the bylaws, charters, past warrants, etc. She said that they will make changes if there is a change in the law but don't make changes just to make changes. She said that they look to make sure it has the right components and the right source of funding. She said that their suggested changes are just that, suggestions adding that they are not the Town Meeting police. She said that they let the Town be the policy makers but take town meeting very seriously. She said that they look to see if a public hearing has been held, if road layouts have been placed on file with Town Clerk, etc. Mr. Maser said that they like to have meetings with the Moderator ahead of time, they like being involved in drafting the motions and call the day of town meeting to see if everything is okay.

#14 – Regarding land use and zoning, have you been retained in the past to conduct a comprehensive review of local zoning bylaws for codification to improve clarity and remove contradiction or redundancy? Explain.

Ms. Goldberg said that they do this quite frequently. She said that they have been hired as special counsel to do that for member and nonmember towns. Mr. Schulman asked if when completed they were longer or shorter than the original. Ms. Goldberg said that zoning reviews are arduous and codification does maybe require additional words.

#15 – Have you been involved representing municipalities during a court appeal of local zoning requirements? If so, please provide an example.

Ms. Goldberg said that they have a strong litigation department adding that Mr. Doneski does a nice job. She said that a significant number of cases have been handled by their litigation team and have been very successful. She said that they settle a lot of cases well through remand or withdrawal of matter, resubmissions of applications, etc. and thought being proactive to resolve things was the best approach.

#17 – What do you see as the main legal challenges currently facing the municipalities and what issues do you foresee coming up in the next few years?

Mr. Maser said that on the labor side, shrinking budgets and increases in health insurance costs were factors adding they might have to deal with them annually. Ms. Goldberg said that they see all their clients really having a lot of difficulty with hyper attention through things like blogs and tweets and Facebook; social media in general. She said it was hard to understand all the implications of those laws. She said another challenge she saw was as laws become more complex it puts a greater strain on local government. They also are seeing a lot of regionalization of employees and benefits and figuring out how to allocate those costs, whose managing those people, whose employees are they, etc.

#18 – Please give an example of a recent legal decision involving a municipality that you have disagreed with and explain why.

Ms. Goldberg said that they deal with decisions as a supervisor of public records all the time. She said it is really difficult to put into practice and to have to comply with the requests all within 10 days. She said that they believe in compliance with OML and Conflict of Interest but public records requests are just not practical. She said that this was an issue that needed to be looked at. Mr. Cunningham said that this put more of an onus on the municipalities. Ms. Goldberg said that they had weighed in in numerous ways adding that the practical implications were so significant. It was asked if it was reasonable to comply within 10 days and Mr. Maser added “and not charge.” Ms. Goldberg said that they were shocked by what they saw. Ms. Goldberg said that there has to be a way for a municipality to meet the requirements of the law. She said that just because it was in electronic form doesn’t mean that they don’t have to read it.

Mr. Maser thanked the Board again for their time. He said that he and Mr. Doneski talked before that day about how much they have enjoyed providing legal services to the Town of Groton. He said that he and Mr. Doneski work well together as a team and think they have provided the Town with good quality service. He said that Mr. Doneski’s reputation and experience with town meetings speaks for itself adding that they are only two attorneys within the firm. Mr. Maser said that that he believed with separated Kopelman and Paige from other firms was the makeup of their firm. He said they were 100% dedicated to the public sector service and only represents towns and cities. He said they very much care about their towns and view this attorney client relationship as a partnership. He said they want to provide Groton with the best legal advice and hope they can continue to serve Groton. Ms. Goldberg said that Kopelman and Paige values the time they have served Groton and believe it’s necessary to be there for the Town at all hours. She said that they don’t take private clients over municipal clients and know what it takes to go through a Board and speak to a Chair. She said that they would like to further the Town’s interests and assist Groton. She said they are municipal law minded and the issues matter a lot to them. She hoped to be able to continue their relationship with the Town for years to come ending that as managing attorney, she’s always available to the Board.

Mr. Cunningham moved to adjourn at 8:10pm. Mr. Degen seconded the motion. The motion carried unanimously

Approved: _____

Stuart Schulman, Clerk

respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 11/02/15