

BOARD OF SELECTMEN MEETING

Wednesday, June 6, 2018

Chairman Kevin A. Caira called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Jonathan R. Eaton and Edward P. Loud, Sr. Also present was Town Manager Jeffrey M. Hull. Selectman Michael V. McCoy arrived at 6:10 p.m.

Chairman Caira advised that the purpose of the meeting was to interview firms for Town Counsel.

Chairman Caira asked those present to rise and he led the pledge of allegiance.

Chairman Caira advised that there were no Treasury Warrants or Minutes before them as the meeting is strictly for Town Counsel interviews. He stated that a screening committee conducted interviews on April 18 and April 19. Their recommendations of five firms were brought to the Board of Selectmen. The Board will be interviewing three firms this evening and two firms on June 12.

MEAD, TALERMAN & COSTA

Lisa Mead introduced herself as one of the partners in the firm. Also present was Adam Costa, Partner, and Kate Feodoroff, who heads up the labor department. Chairman Caira introduced members of the Board of Selectmen. Chairman Caira invited Ms. Mead to provide an overview of the firm. Ms. Mead stated that, at one time, she was mayor of Newburyport and the city solicitor conducted office hours. She stated that she liked how the legal services were provided. She and her original partner Mark Brabowski established a law firm with the intention of providing a different kind of town counsel service to municipalities. She stated that they wanted to restore the counsel part of town counsel and be a part of the organization and help make decisions along the way.

Ms. Mead advised that Mead, Talerman & Costa currently represent fourteen (14) communities as Town Counsel and are special counsel for two additional communities. She advised the firm has nine lawyers at two offices, one in Newburyport and one in Millis.

Mr. Costa stated that they appreciated the opportunity to meet with the screening committee. He stated that their firm is growing but feels the ratio of the number of communities and the number of attorneys is just about right. They pride themselves that they are a medium size firm and believe it is important to have one-on-one communication, single point of contact and that they are able to put the face time in the community. He believes it differentiates them from other law firms. Mr. Costa stated that the firm prides themselves on availability.

Mr. Costa stated that their fee structure also differentiates them from other law firms. He advised that three options are available to municipalities including the traditional hourly basis at \$190 per hour is proposed, complete flat fee or partial flat fee that includes essentially all aspects of municipal law except litigation.

Ms. Feodoroff stated that she fulfills labor and employment needs. She stated that she joined the firm approximately a year and a half ago and prior to that was the Senior Assistant Solicitor for Brockton. She reviewed her experience including collective bargaining, civil service and Massachusetts Commission Against Discrimination (MCAD).

Members of the Board asked questions relative to experience with environmental issues (citing Wilmington's Olin/New England Transrail), Appellate Tax Board, zoning, Chapter 40B, Town Meeting, developing by-laws, Joint Labor Management Commission, number of billable hours for labor and employment, level of detail on invoices, whether office hours will be provided at Town Hall, whether they would be involved in controversial board and committee meetings and the number of attorneys representing the town in litigation.

Ms. Mead reviewed various trainings that are provided to their clients.

Chairman Caira offered an opportunity for closing remarks. Ms. Mead thanked the Board of Selectmen for the opportunity to come back and stated that she believes Wilmington is a unique community. She believes the Town will be provided a different kind of service, a full service firm, attention and a partner for their work with constituents. Ms. Mead encouraged Selectmen to contact their references. Mr. Costa invited the Board of Selectmen to contact them if they have additional questions following tonight's meeting.

KP LAW

Chairman Caira introduced members of the Board of Selectmen and invited a representative of KP Law to introduce their firm and make an opening statement. Mr. Mark Reich introduced Mr. Joseph Fair and Jonathan Silverstein. He noted that KP Law has been in the practice of municipal law, formerly as Kopelman and Page for approximately 45 years. The firm is made up of 43 attorneys who are experienced in all facets of municipal law. KP Law represents 125 municipalities as city solicitor and town counsel, serving most clients as labor and employment counsel and serve a number of municipalities as special counsel. Mr. Reich advised that KP Law also represents regional transit authorities, housing authorities, municipal light plants as well as provide bond counsel services.

Mr. Reich explained how their process is set up for representing municipalities. Each municipality has a primary counsel contact. In the event KP Law is selected to represent Wilmington, it is proposed that Mr. Reich would be the primary counsel. Mr. Reich provided information about his background and experience. In addition to himself representing the Town, it is proposed that Mr. Silverstein would serve as back-up and Mr. Fair would serve as labor counsel.

Mr. Reich stated that in addition to being accessible by phone, he lives in North Andover and Mr. Silverstein lives in Lexington.

Mr. Silverstein and Mr. Fair provided the Board of Selectmen with information on their background and experience. Mr. Silverstein advised that he has a collegial relationship with the Chairman of the Board of Appeals having known him for approximately two years. Mr. Fair stated that he spent the first six years of his career on the union side and believes it has given him the perspective of the employee side.

Messrs. Reich, Fair and Silverstein addressed concerns regarding the ratio of attorneys to municipalities. Ms. Silverstein encouraged Selectmen to contact individuals who represent municipalities they serve.

Members of the Board asked questions relative to experience with environmental issues (citing Wilmington's Olin/New England Transrail), zoning, Chapter 40B, Town Meeting, developing by-laws, level of detail on invoices including the tracking of hours, their computer system abilities and case management software, whether counsel would be involved in controversial board and committee meetings and opportunities to control costs of legal services.

Mr. Fair reviewed various trainings that are provided to their clients.

Chairman Caira offered an opportunity for closing remarks. Mr. Reich stated that, from their perspective, municipal law is based on relationships and it is important the community feels like counsel is "their" counsel. Municipal law is more complicated than when he began his career. They value the relationship and the ability of a selectman to call them for advice and want to get to know the community on the inside so they may address issues on a personal level.

Mr. Silverstein stated that Lauren Goldberg, Managing Attorney, who was present during their meeting with the screening committee was not present this evening due to an unexpected death in her family. The Board offered their condolences.

Members of the Board thanked the representatives of KP Law for attending this evening.

MURPHY, HESSE, TOOMEY & LEHANE

Chairman Caira introduced members of the Board of Selectmen and invited a representative of Murphy, Hesse, Toomey & Lehane to introduce their firm and make an opening statement. Mr. David DeLuca introduced his colleagues Mike Maccaro, Cindy Amara and Kathy Hesse. Mr. DeLuca stated that they take a great deal of pride in the applications that they make. They look for what they consider to be a good match of their skillset with the community. Mr. DeLuca advised that they represent eleven (11) communities as Town Counsel and of those eleven (11), at least seven (7) are communities that Murphy, Hesse, Toomey & Lehane have represented for 20 years or more. He stated that several communities are represented in both capacities as labor counsel and town counsel. Mr. DeLuca stated that the towns they represent are similar to the size and quality of the Town of Wilmington.

Mr. DeLuca provided examples of services they would provide and noted they pride themselves on their accessibility and responsiveness.

Mr. Maccaro spoke regarding the services offered by the labor practice. He stated that Murphy, Hesse, Toomey & Lehane's history makes their firm unique as it began as a labor practice. Mr. Maccaro referenced various communities and agencies that are represented by Murphy, Hesse, Toomey & Lehane. He stated that they have experience with any agency that the Town may need to go before regarding labor issues including Department of Labor Relations, Civil Service, arbitration, etc. Mr. Maccaro noted that the firm has a large private legal practice and explained how it is beneficial to the Town.

Members of the Board asked questions relative to experience with environmental issues (citing Wilmington's Olin/New England Transrail), Appellate Tax Board, zoning and land use, Chapter 40B, Town Meeting, developing by-laws, level of detail on invoices including the tracking of hours, whether office hours will be provided at Town Hall, whether they would be involved in controversial board and committee meetings, the number of attorneys representing town in litigation, the length of time required for transition if selected as counsel, whether a flat fee would be considered, training offered, the approach to representing the town – whether there would be a lead attorney and one or two back-up attorneys and the case management software used.

Chairman Caira thanked representatives of Murphy, Hesse, Toomey & Lehane for attending.

PUBLIC COMMENTS

Kevin MacDonald, who identified himself as a Wilmington resident, expressed his opinion that some elected officials forget who they represent and that there are people in town who are affected by their decisions. He was disappointed that questions from the audience were not allowed during Town Counsel interviews. Mr. MacDonald opined that Wilmington has a high rate of cancer and he would have liked the opportunity to ask questions. He alleges that employees of Olin Corporation deposited cancer causing chemicals into the lagoons on the site and caused five of Wilmington's drinking wells to be shut down. Mr. MacDonald stated that he would like to know whether the Town has the ability to place an injunction on the site on the grounds that it is a manslaughter crime scene.

Mr. MacDonald stated that he would like to examine the potential of a public private partnership where the Town and the residents participate in a class action law suit against the companies responsible for the contamination.

Mr. MacDonald stated that another issue is the high taxes and residents being forced out of town.

Chairman Cairra thanked Mr. MacDonald for his comments.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- June 7 – Shawsheen Tech Graduation
 - June 8 – Rotary Trivia Night – Knights of Columbus
 - June 9 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
 - June 9 – Town-Wide Yard Sale – 8:00 a.m. to 2:00 p.m.
 - June 9 – Town Beach Opens
 - June 10 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
 - June 10 – Brady’s Foundation 5K Run for Recovery – Town Common – 9:00 a.m.
 - June 11 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
 - June 12 – Board of Selectmen – Town Hall – Room 9 – 6:00 p.m.
- INTERVIEWS FOR LEGAL SERVICES*
- June 15- – Wilmington Relay for Life – Wilmington High School
 - June 16 – Friday afternoon, June 15 to Saturday morning, June 16

A motion was made by Selectman McCoy, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Recording Secretary