

Selectmen's Meeting – June 20, 2005 6:30 p.m.

Present: Michael Silvia, Winfred Eckenreiter, Ronald Manzone and Jeffrey Osuch.

Selectmen Chairman Michael Silvia called the meeting to order at 6:30 p.m.

Purpose of meeting is to interview final candidate firms for legal services for FY 06.

6:35 p.m. – Interview Kopelman and Paige. Present were Leonard Kopelman and David Jenkins.

Mr. Kopelman presented a brief history on his firm. Kopelman and Paige have been in business 30 years, represents 120± cities and towns in Massachusetts. 98% of Kopelman and Paige business is municipal law. Kopelman and Paige is highly qualified law firm that specializes in certain fields such as environmental law, cable television, construction contracts, etc. Response time to questions and issues is very fast same day or next day. More school systems and districts are using Kopelman and Paige. Leonard Kopelman compared Fairhaven to Westport where total legal expenses average \$82,575. during the past 5 years. He explained his cost saving measures that have been implemented. Special training given to Town Officials. Presentation continued.

Winfred Eckenreiter asked if Kopelman and Paige could take over Town cases quickly. Leonard Kopelman said yes unless a case is ready to go to trial.

David Jenkins stated he was counsel in Mattapoissett and Westport and in Mattapoissett they were able to take over cases quickly.

Winfred Eckenreiter asked if a contract was needed. Leonard Kopelman said no contract, will work by the hour.

Jeffrey Osuch asked about the retainer, what is covered and what is by the hour at \$145./hr.

Leonard Kopelman explained retainer. He estimated that to provide all services, contracts, and minor litigation, would cost \$85,000.± per year. Kopelman and Paige will bill by the hour and what is not spent from the \$43,000. retainer would be returned to Town.

Ronald Manzone asked why Kopelman and Paige could do a better job for the Town than present Counsel.

Leonard Kopelman explained his approach to serving a city or a town. Kopelman and Paige have no outside clients as do many other town counsels. Private clients require service reducing availability to Town. With a large staff if someone is on vacation or unavailable someone else highly qualified can answer the question or issue. Leonard Kopelman continued his explanation and his cost containment methods.

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7:05 p.m. – Thomas Crotty and Marc Deshaies were interviewed.

Thomas Crotty stated that he had been Town Counsel for 28 years that he had worked with Town officials, department heads and they are his references. He explained his retainer proposal \$80,000. all inclusive, except the Atlas Tack case or any new litigation that would be charged at \$125. per hour. Thomas Crotty explained how he handled cases in his office, his staff, and assignments. He handled all litigation cases.

Winfred Eckenreiter asked what had happened in Mattapoisett and Marion. Why the switch from his firm.

Thomas Crotty – Mattapoisett did not like Attorney Daniel Perry. Marion wanted an environmental lawyer. John Witten became a Selectman and wanted a change.

Winfred Eckenreiter raised concerns over the handling of the Winston Case and the costs associated with the litigation.

A lengthy discussion followed about the Winston Case, billing records, Atlas Tack Case, the removal of former Conservation Commission members, etc. Winfred Eckenreiter suggested detailed billing records for the Winston Case.

Ronald Manzone asked why Crotty's firm could do a better job for the Town than Kopelman and Paige.

Thomas Crotty indicated he knew all the officials and department heads. Had worked with them for many years. He knew the issues effecting Fairhaven because he lived in Town. He has a long record of representing towns, schools, etc. His private clients were not a hindrance. It provided a broader view of issues. His fee is \$125./hour. He would cover all present services except Atlas Tack and new litigation for \$80,000. He would be the lead attorney for litigation. He discussed the Freetown case where he represented the Borges family against Freetown and Kopelman and Paige and won \$3.2 million plus interest.

Michael Silvia asked Attorney Crotty real estate questions which were answered by Attorney Marc Deshaies. Attorney Deshaies also indicated that all betterments for water and sewer work for Mattapoisett is still done by him even though Kopelman and Paige is Town Counsel.

Thomas Crotty and Marc Deshaies left at 7:50 p.m.

General discussion followed between Selectmen regarding comments made by Leonard Kopelman and Thomas Crotty. Each Selectman discussed his view of service needs for the Town.

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Ronald Manzone stated that there was no difference in costs. Crotty's firm charges \$125. per hour. Kopelman and Paige charges \$145. per hour. Crotty's proposal for a retainer was \$80,000. for a year. Kopelman and Paige estimate was \$85,000. Crotty knows the issues, officials, department heads, etc. Kopelman and Paige would have to learn. He was ready to vote.

Michael Silvia stated that Kopelman and Paige made an excellent presentation. He is not convinced that there would be any cost saving by switching firms. Crotty charges \$125./hr. Kopelman and Paige \$145./hr.

Winfred Eckenreiter wanted more information on the Freetown case, billing on the Winston case. Wants to contact references. He will contact Freetown.

No vote taken. To be on agenda for June 27, 2005.

Ronald Manzone raised issues with Shellfish and Harbormaster Department. He indicated that Gary Golas did not want to be Shellfish Warden. Wants to advertise job description to be provided for June 27th meeting. Discussion continued regarding tickets, posting signs at boat ramps with fees listed, training of personnel and paying for classes. Discussion about Harbormaster having set hours at Town Hall to hear complaints about tickets and to answer questions from boaters and residents. Winfred Eckenreiter proposes 12-1 MWF. Ronald Manzone to discuss issues with Gary Golas.

Ronald Manzone discusses his June 13th vote not to re-appoint Peter DeTerra to the Board of Appeals. He stated that he had received many calls and had spoken to many people. His information was not correct. He thought that Winfred Eckenreiter was a full member and that Peter DeTerra was the associate with the shortest time on the board. The re-appointment sheet was missing the word associate next to Winfred Eckenreiter's name. The fact is Winfred Eckenreiter was appointed after Peter DeTerra to the Board of Appeals. Discussion continued.

Winfred Eckenreiter proposed that no elected official be appointed to the Board of Appeals or any board and that Jim Holmes and he would step down. The Selectmen should adopt a policy not to appoint elected officials.

Michael Silvia motioned to appoint Peter DeTerra to the Board of Appeals. Ronald Manzone seconded. Vote 2-0. Winfred Eckenreiter abstained.

Winfred Eckenreiter left the meeting at 9:20 p.m.

Discussion continued.

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Ronald Manzone raised the issue of Wayne Fostin as Conservation Agent. He stated that during the Executive Session in May and the Selectmen's Meeting of June 13th that any conflict with the Ethics Commission with Wayne Fostin serving as Building Commissioner and Conservation Agent had been resolved in 2003 when the Board of Selectmen voted Mr. Fostin as a Special Town Employee. Therefore, there is no conflict. Ronald Manzone motioned to appoint Wayne Fostin as Conservation Agent and to cancel interviews. Michael Silvia seconded. Vote 2-0.

Ronald Manzone motioned to adjourn at 9:40 p.m. Michael Silvia seconded. Vote was unanimous.

A handwritten signature in black ink, appearing to read "Jeffrey A. Osuch". The signature is written in a cursive, flowing style.

Jeffrey Osuch
Executive Secretary