

**MEETING OF THE SELECT BOARD
THURSDAY, OCTOBER 19, 2023 6:00 p.m.
JOSEPH P. NORTON EMERGENCY OPERATIONS CENTER
800 CHIEF JUSTICE CUSHING HIGHWAY, SCITUATE, MA**

In attendance Maura Curran, Chair, Susan Harrison, Clerk, Karen Canfield, Karen Connolly

Also, in attendance Jim Boudreau, Town Administrator

Mr. Goodrich, Vice Chair arrived late to the meeting at 6:54 PM

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Ms. Connolly at 6:02 p.m. to accept the agenda for October 19, 2023 second by Ms. Canfield Unanimous Vote (4-0)

The Scituate Select Board is committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement.

We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected.

We ask our committee members, and all who participate, to commit to these standards to support and respect our community.

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

SCHEDULED ITEMS:

Approval of Senior Center Building Use - FOSS Fundraiser, Linda Hayes, Director, Council on Aging and Carol King, FOSS Organizer

Carol King, 17 Wheeler Park Drive. Ms. King is the events coordinator for FOSS and is here to request an extension of hours for the upcoming Harvest Dance with an entertainment extension to 9:30 PM and an hour of cleanup until 10:30 PM.

Ms. Canfield reminded Ms. King that you are here because a special permit is needed to go past 8:30 PM. She noted that in the future, it's best not to advertise an event prior to receiving approval from the Board. Ms. King explained it was a misunderstanding and thought that last year when they received approval they thought it was permanent. She now understands and will be mindful of that.

Jennifer Kuhn, 20 Carrie Litchfield Ln. noted that the policy says 10:00 PM. Ms. Curran said they will likely need more time to clean up. Ms. Kuhn inquired about the liquor that doesn't need approval and it was explained that the bartender is a 12 C caterer so Board approval is not required.

Move to approve the use of the Scituate Senior Center on Saturday, October 21, 2023 for a Friends of Scituate Seniors Harvest Dance fundraiser with music from 6:30 p.m. to 9:30 p.m. and event cleanup until 10:30pm.

Motion By: Ms. Connolly, Second By: Ms. Canfield (4-0)

INTERVIEWS Town of Scituate Town Counsel

Miyares and Harrington LLP

Bryan Bertram

Tom Harrington

Introductions were made and Ms. Curran asked them to provide an overview of their firm. Bryan Bertram is the lead and introduced Mr. Harrington. The firm is based in Wellesley but they have clients all over the state. Farthest client is Stockbridge. They have 12 Attorneys, and work for 13 Towns as General Counsel. The vast majority of their work is for municipalities, but occasionally they do work for private clients. The firm has been doing this for decades. They are a full- service law firm for local government. They also have attorneys that specialize in areas, but they work as a team. His role is lead counsel and he would be the expert in Scituate, collaborating with the town to get work done on time, as a team. They will give Scituate the attention it needs and will provide a high level of service.

Mr. Harrington echoes everything and wants to emphasize the model of having a town expert. Their firm brings a high level of competence to the municipality. They would love the opportunity to work with Scituate.

Ms. Curran asked why they decided to submit a proposal to Scituate? Mr. Harrington said Scituate is a good town for them because it presents with interesting legal issues. They've worked with Bourne and Marblehead which are exciting and would be a nice challenge. Mr. Bertram added that in research it was very easy to find out what's going on in Scituate and that proves great transparency. They both feel Scituate fits their profile perfectly.

Ms. Canfield:

Describe the appropriate role of Town Counsel at Town Meetings? Mr. Bertram feels they aren't typical. They always listen first and try to implement or solve any issue that is brought to them. It's more than just a legal question to answer; it's to be part of a team. Mr. Harrington said they enjoy what they do. He wants to know what we want to accomplish and as a creative thinker he can help us. They are not looking to just answer emails; they want to be more and do more. Ms. Curran specifically asked about their approach at Town Meetings. Mr. Harrington sees Town Meeting as the single most important event for their clients. This is your time before the town and the goal is to make sure it runs as smoothly as possible. First, we make sure we craft the warrant and make sure that there's enough time to accomplish this. Then we work towards the motions collaboratively. At Town Meeting, they take the lead from the Board. They are there to answer questions whether it's from the Board or the Moderator.

Ms. Connolly:

Can you provide a recent example of when your team demonstrated a high level of responsiveness to a client? Mr. Bertram said that recently the state is housing a number of homeless persons in hotels. In Bourne, they had members of the public questioning this issue. They worked with Board of Health, in collaboration with the Select Board, to figure out how to handle the issue. They needed to get more information from the state and worked with Board of Health to send a warning letter to the state and it worked out very well. It was a difficult issue, but they worked with the state well and it was a collaborative effort with all town departments.

Mr. Harrington added that they provide their cell phone numbers and we want you to use it. Last week, they had a contentious planning board hearing. He told them later, take a pause and call him so he can help.

Ms. Harrison: What do you think is the biggest legal risk for municipalities today?

Mr. Bertram said right now, managing legal services and everything that comes along with it. The towns are bigger and things are more complicated. Towns are becoming a sophisticated business and often it's done by volunteers. You need to make sure it's handled well and people aren't working in silos. Generally, it's just complicated to run a town and it's important to align the team. Mr. Harrington noted towns with PFAS issues, others with school issues, but his biggest concern is that local government relies on volunteers and there's an increasingly aggressive tone at meetings. He's worried that we may lose these wonderful volunteers.

Mr. Boudreau asked if they have experience with Cyber liability and how they handle that issue?

Mr. Bertram has dealt with some issues, but it may need to go to an outside vendor for the technological piece. Mr. Harrington added that communities should have insurance and two factor authentication. Mr. Boudreau noted that we do as well as quarterly cyber training. Ms. Curran asked if they have any associates with cyber expertise? Not yet.

Ms. Curran: Will your firm assign one point of contact for all town counsel inquiries?

Mr. Bertram is the lead and will always be included in the matter, and cc'd on any emails from his associate. It really depends on the issue whether he has someone else handle it. If he has someone specialize, it makes sense. Every town works different so the first order of business is figuring out the best way to work together. Some may text vs. email. Mr. Boudreau asked about the billing if he passes off to another associate. No, he wouldn't charge to be included on emails, etc. if working with another associate. Mr. Harrington said they are really good at keeping clients because they work with towns the way they want. They've been with Littleton 35 years, Hopkinton since 1997, and Stockbridge since 1994.

Ms. Curran asks what area of municipal law is their greatest area of strength? Mr. Harrington said they are known for land use in particular, litigation, and their best strength is working with boards to get things done.

Ms. Canfield asked if they've grown as clients have grown? There were 3 of them in the beginning and they've grown in 3's over the years. They feel they are close to hiring two more attorneys. Ms Canfield asked about employee retention. Since 2000, four attorneys have left.

Ms Connolly asked if they have experience in crisis management? Mr. Bertram said they think about the way to best communicate. He has dealt with some police issues in communities and you can't be silent – you must be transparent. He has also worked with an outside consultant. He said they have dealt with difficult situations but that it's rarely a legal issue, it's more about acting responsibly and maintaining a good reputation.

Ms. Connolly asked how public relations or communications has been part of their strategy? Mr. Bertram had an issue with a town dealing with a police issue and a suicide and used a communication consultant to help handle the issue. The narrative has to be put out there ahead of

the issues to build trust and they can help craft the message. They will never put the town in any danger.

Mr. Goodrich asked about work with federal regulations, maritime law, and coastal issues? Mr. Bertram has dealt with some issues, but he's fairly new to the Town of Bourne. They are increasingly seeing more issues. He realizes it can be complex in dealing with permitting and they may need to assemble a team to handle the issue. He starts with the regulating authority first, at the state or federal level, and that will make the entire process easier. Mr. Harrington has his associates join boards of Towns so that they understand sitting on that side. Mr. Harrington served on Conservation for many years and has experience with coastal zone and wetlands.

Nancy Holt, Finance Director, inquired about their billing cycle. They bill monthly for the previous month. No retainer required.

Karen Joseph, Planner, asked about their response time? It depends on the issue, but 24 hours is standard. If it's urgent, they are available to receive a text to discuss. It all depends on the situation.

Ms. Curran asked about the travel rate leaving from Wellesley? They confirmed it starts when they leave the office.

The Board thanked them both for coming in today and noted they are well qualified. Mr., Bertram realizes that selected a Town Counsel is an important decision and they hope they are selected.

Clifford & Kenny, LLP & Galvin & Galvin PC

John Clifford

Jaime Kenny

Bob Galvin

Members of the firm introduced themselves to the Board. Ms. Curran described the procedure of questions and asked them to start by providing an overview of the firm.

John Clifford introduced his attorneys and noted they are both south shore firms so there is no travel time. The proposal is creative and different, but feels it works for Scituate. Mr. Clifford was a Town Manager before going into private practice. He and Ms. Kenny partnered in 2013 and they have grown the firm. They represent 25 towns, with Rockland and East Bridgewater as general counsel, but most are labor counsel. Mr. Clifford and Ms. Kenney have a shared vision of responsiveness to clients via email or cell phone. They have been labor counsel in Scituate since 2015. They do not like vague answers and believe in assessing the situation and coming up with a solid game plan. They are mindful about not growing too fast. The reason they put in a proposal is that Town Meeting doesn't conflict with any of the other two general counsel towns. He would be at Scituate Town Meeting and would understand the custom of Scituate's town meeting. They are currently partnering with Bob Galvin in another town (Rockland) and they collaborate on everything. He encourages us to call Rockland and ask them about their arrangement.

Ms. Kenny said they focus on training to make municipal leaders excel. They want to educate us so that we have strong civic advocacy. They work with boards and committees on open meeting

law training, and providing clear advice. They want to help us to communicate to our residents. They try to resolve issues to avoid litigation which sets them apart from other counsels. Mr. Galvin is the best of the best in land use and zoning. Most importantly, they understand the specific coastal needs of Scituate.

Mr. Galvin shares the same philosophies. He is a small firm and values the relationships with his clients. He would get to know everyone in Town Hall. He is Town Counsel in Marshfield, Norwell, and Stoneham and land use counsel in Rockland. They always get the job done and they know who to call. He loves taking on the big guys, loves to work and has an eclectic background. He has served as special counsel and has legislative experience.

Mr. Goodrich asked what they think the biggest legal risk is for municipalities today? Mr. Clifford responded that employment litigation and harassment which are disruptive and can be quite costly. Land use is a big piece of the budget but not necessarily high risk. Mr. Galvin further feels a big risk is climate change and seawalls. He provided an example from Marshfield when they needed to fix seawalls and they were able to get the entire town on board with fixing them. Coastal resiliency is huge in coastal towns.

Ms. Curran asked how they can help mitigate this? Mr. Galvin said he has been preparing easements and contracts for beach nourishment in both Marshfield and Duxbury. He also helps with flood plain management.

Ms. Connolly asked how long the seawall took in Marshfield? Mr. Galvin said they did them in about five years, under Representative Cantwell at the time. In Marshfield it was a community seawall, whereas in Duxbury the residents were charged a betterment.

Ms. Harrison asked if he can provide a recent example of when your team demonstrated a high level of responsiveness to a client.

Mr. Galvin expects everyone to have his cell phone and is available. Mr. Clifford John said Rockland has elected sewer commissioners. They have an aging plant and there's a lot of general counsel work to get them on track. There are special challenges dealing with elected boards. They provide quite a bit of work on guiding them where they need to go. They work together with Mr. Galvin on this.

Ms. Kenny said there are times that you get the whole team to handle situations. They have a communication plan on how to deal with various issues. She encourages us to speak with Rockland and East Bridgewater. Also, they "on board" new Select Board members and do one - to - one training to help them understand their role. They have trained other Select Board members in towns that they don't serve as town counsel.

Mr. Galvin gave an example in Rockland dealing with an aging housing infrastructure. A building needs to be condemned and that requires immediate attention and resolution. Ms. Kenny further said they are very strategic with issues and how they approach them. She found that sometimes towns can be reactive and it's better to look at an overall strategy.

Ms. Connolly asked about their expertise in procurement? Mr. Clifford said as a former Town Administrator he is knowledgeable. They do, however, have an associate who is specialized in contract review, public records, and procurement. They can delegate tasks to get the job done. They have 7 associates in the firm.

Mr. Clifford mentioned the flat fee proposal is good because there's often many simple questions that can be answered. This is a practical approach. Ms. Kenny noted that sometimes there's fear about reaching out to Town Counsel so the flat fee is a really good option.

Ms. Canfield asked for clarification on the flat fee? Mr. Clifford said they don't count emails and phone calls. If there needs to be an opinion written then it's billed differently. If chosen, they would have a separate contract for Labor and General Town Counsel. Billing would be three way. The TA typically approves who can reach out to town counsel.

Mr. Boudreau asked them about experience with cyber liability. Yes, Ms. Kenny said in Medfield they had a ransom situation. There is a wide range of skill in the IT municipal world and they make sure that IT is on top of the important security issues. Mr. Galvin gave an example in Marshfield of how a Police Lt. became the IT Manager.

Ms. Curran asked how they can support an additional town? Ms. Kenny said they've said no to other towns but they feel they really know this town and have the support to handle this at this time. Their vision is to be the best municipal attorneys – municipal law is a very specialized area and they are finding the talent to mentor and train.

Mr. Clifford said a few years they couldn't do it, but their associates now have more experience and now they feel they can take on Scituate. They are a South Shore boutique firm and they all have great strengths.

Karen Canfield asked about their Cohasset affiliation – Labor Counsel only. She raises an issue with the potential neighbor conflict. How would you handle a potential conflict? Mr. Clifford said as General Counsel, they are with Rockland and East Bridgewater so there shouldn't be any issue.

Mr. Goodrich asked how they tell us no if they feel that is right? Mr. Galvin said they will tell us no if it's not in the best interest and they will find another way. Ms. Kenny said they will deliver bad news, but will also find another solution. Their job is to protect from liability.

The Board thanked them for coming in and submitting their proposal.

Murphy, Hesse, Toomey & Lehane, LLP
David DeLuca
Joseph Proctor
Madison Harris Parks
Ariana Imbrescia

Ms. Curran thanked them for coming in and introductions were made by the Board.

Mr. DeLuca introduced his team: Joe Proctor, Madison Harris Parks, and Ariana Imbrescia. Karis North was on the proposal as an alternate but she is tied up with a town meeting in another town. Mr. DeLuca has been with the firm since the late 80's and worked with Jim Toomey. He works with Norwood, Danvers, Holbrook. They have been with Scituate for 10 years and he knows they have had some turnover. Since August, Mr. DeLuca stepped in and realizes it was unpleasant. He hopes it's been seamless. They have 28 lawyers and are probably one of the biggest firms south of Boston. There are 4 senior practitioners including himself. They do quite a bit of labor and employment. They are counselors and general practitioners, to help diagnose, medicate, and resolve issues. They are looking to provide advice to people to do the right thing. They hope to continue to provide expertise on all matters. They may not always have the answer but they are committed to responsiveness. They are efficient and have the resources available. Rates provided are a very competitive rate and is below market for a new client.

Ms. Curran asked if the firm will assign one lead contact?

Mr. DeLuca would be the lead but if it's a land use matter he would bring in Karis North. It's a modified team approach depending on the type of matter. Firearms licensing would go to Mr. DeLuca. There are specialties within the office. He would expect that Mr. Proctor would also sit in with him.

Ms. Harrison asked what he thinks the biggest risk is for municipalities today?

Mr. DeLuca responded with multiple risks: MBTA zoning, cannabis licensing, and retaining quality employees.

How would you advise us to mitigate these risks? Mr. DeLuca said good people are your best asset, making good decisions.

Mr. Goodrich asked him to explain how they deal with conflicts in Municipalities? Mr. DeLuca says they do special counsel work with Cohasset. They would provide notice to both parties if there were an issue. They would be completely transparent and if there were a conflict they would have to step away. The client would have to have special counsel.

Ms. Curran asked how involved he has been in Scituate? More recently he worked with the Chief of Police this past summer but hasn't been too involved in Town Meeting or land use issues. He feels confident that between he and Karis they can handle anything Scituate needs.

Joe Proctor has been supporting Scituate the entire time. Ms. Harris Parks has been working on a Harbormaster case going back to when it started with Cindy Amara. Ms. Connolly asked about duplicate billing and they will make sure they don't do that.

Ms. Canfield asked what we should have on our radar? Mr. DeLuca said that environmental concerns are huge and are unique here along the coast. Further, Karis has direct experience with DEP and EPA and has been with the firm for 15 years.

Mr. Boudreau asked about their experience with cyber liability? He hasn't personally had to engage in that area. They try to stay current with issues and that likely will be up front soon.

Ms. Curran asked what is your philosophy on Town meeting? Mr. DeLuca said it's all about preparation. Scituate is lucky because the warrant and motions were already put together.

Ms. Holt mentioned that their billing software had some bumps in the road. Going forward, can you provide more efficiency in billing? Yes, Mr. DeLuca hopes to bill only one month behind.

Karen Joseph, Town Planner asked about wireless communication by laws? Mr. DeLuca replied that Karis has expertise in this area which is federally regulated.

Ms. Canfield asked about office hours in town hall and what that might look like. It can vary by town depending on what works best. Some towns put aside once/month or twice/month. It's mutually beneficial to give advice in real time.

The Board thanked them for coming in so late and appreciate them coming out. Mr. DeLuca said Ms. North would love to return to meet them if they would like.

Next steps for the Board: please complete the evaluation sheet to rank and provide to Nancy and Jim.

Motion to adjourn the meeting by Ms. Harrison, Second By: Ms. Canfield at 8:56 PM.

Respectfully Submitted,

Michele Seghezzi, Recorder

Select Board Meeting Minutes for October 19, 2023 List of Documents

- Agenda
- Senior Center Building Use Request Form
- Entertainment Application
- Senior Center Building Use Policy
- Abutter Notification Letter
- Town Counsel RFP Responses
- Town Counsel Questions
- Town Counsel Rating Sheet

Select Board Meeting Minutes for October 19, 2023

SELECT BOARD

Maura C. Curran , Chair

Andrew W. Goodrich, Vice Chair

Susan J. Harrison, Clerk

Karen B. Canfield

Karen E. Connolly