

Tuesday, June 11, 2024  
Select Board Special Meeting Minutes  
Gala Meeting Room  
Town Hall, 40 South Street  
12:00pm

Members Present:

Stephanie McGowan, Chair  
Bill Yukna, Vice Chair  
Debbie Giardino, Clerk  
Mark Elfman

Also Present:

Katie Lang, Executive Assistant

**All Select Board meetings are recorded and broadcast by Foxboro Cable Access on Government Channel 22/38 and at [FCATv.org/live](http://FCATv.org/live)**

1. Noon - Citizen's Input

#1 Harrington Heep

Chris Brown, proposed lead. Chris Heep, proposed second, Tom Harrington.

General introduction, Chris has been practicing for 19 years, 14 in municipal law. Partner at Harrington Heep. Bylaw review, ethics review, town meeting, everyday questions. Labor and employment law – collective bargaining law. Contracts and procurement background. Litigation for 5 years. Construction background through all phases. Chris Heep has been with the firm since 2005. Town Counsel in Needham since 2020. Blackstone. General town government, town meeting, open meeting law. Leader of Land Use practice group – when not lead, spearhead this arm for all other towns within portfolio. General municipal work and land use side across the firm. Tom Harrington has been with the firm since 1990 and is lead town counsel for Wellesley, Littleton, Carlyle, Norfolk, Templeton. We are not too big and not too small so we fit Foxborough's needs. Foxborough would be a great addition with important status. We are picking in the Towns that we choose. Our firm does not apply to every town counsel job. We have clients in the area. Skill set that can enhance the town.

Our philosophy of client management sets us apart from other firms. Chris – real customer service background that he brings to the practice. Need to build trust. Want to be reachable via phone. Being available sets Chris apart as a lead Town Counsel. In contract its respond within 24 hours to at least acknowledge receipt of the email. Chris did take over for Pat in Blackstone.

Municipal law spans across a lot of areas. There is someone in the firm that has an area of expertise within all municipal areas inhouse.

Alcohol licensing – have an attorney, Donna, president of MMLA, licensing work. State wide expert on cannabis. Up to date on all Covid alcohol laws. License to carry – have handled a handful in district court as well as superior court for appeals. Police and Fire – collective bargaining for 12 years. Negotiated getting Police out of Civil Service.

Complex Zoning Issues – Need to understand the zoning bylaw inside and out. Develop the correct relationships, Board Chairs of Planning and Zoning Board. Be available for those meetings. Understand if the application is supported or not in Town. Make sure the public hearing is run properly.

Overall, with any questions that come in, we will answer but it's on us to ask what does the Town want to do? Serve the daytime and nighttime government.

Biggest problem with Towns is housing. Deal a lot with Boards that do not get along or Boards that have residents exercising their right of free speech. Concerned that elected officials serve in a different capacity 10 years ago. A lot more volunteerism and need to be worried how we will draw more people in to help run our towns. Want to encourage Boards.

Any of the 15 communities you represent have migrants– yes, Bourne & Norfolk.

MBTA communities' impact – just voted down. The question is open as to what is the follow up for those town that have not adopted the zoning. What happens next? Unlikely to have a ruling till next year so unknown about the enforcement. Depends on the success or lack of to see what might be the enforcement to other towns. What are the consequences. If not adopting the no grant funding from the state. Need to see if that is enforced.

How many Towns that you give Counsel are in this position – about 7-8

No conflicts of interest with the Kraft Group. Have dealt with large companies, TJX, Children's Hospital satellite agreements on zoning changes and tiff agreements. Comfortable in all aspects with large companies. Even have served as special counsel at times.

Team approach with Chris as the lead. Contact both of the attorneys with questions. Cutting out inefficiencies. Want to give a response. Wouldn't be fielding calls from anyone within the firm just Chris and Chris.

Getting to know the people is key. Want to help with the immediate problems and build a relationship.

Review Select Board agendas to know what's going on. Have a "listening tour" to spend time with Planning, Zoning, ect, just to see what they are working on.

Before we applied, we did connect with Norfolk to see if they were on board with the application as well. Town Manager in Norfolk did support. If two Towns were at odds, we would not pick a town and we would help you find other counsel to support each town. We have relationships to help.

Change to the proposal submitted 6/10/24 on change of fees.

In municipal world, retainers don't always work. More often than not one side always wins. Hard to gauge with a new community – unsure of their needs. Not saying no to a retainer. Never will put the town in a bad financial position. Want to be a team and a partner in all of this.

Housing, Immigrations issues, New Town Manager, Contracts coming up.

## #2 KP Law

Mark Reich, proposed lead.

KP Law, municipal law firm exclusively. Represent a third of the communities in the Commonwealth. Should be able to get all a town needs from one council. Real estate, land use, labor, general arms. In municipal law about 36 years. Primary contact system with one person to call for everything. Mark would be the primary with a backup. Have a litigation arm – cannot be everywhere. 24/7 access.

Approach is to fully understand the facts, how it arose, full background, etc. Want to get the client the most background for the Town to make the best decision. Not cookie cutter but a catalog of documents that we can reference and use as a start. Need to use forms and documents that are the Town to help protect the Town and help avoid other situations where the town is signing something illegal or inappropriate of the town.

Extensive practice dealing with police and fire. Do license to carry appeals with a number of police chiefs in the commonwealth. It extended to the public records request that police and fire receive. Work with providing responses and helping guide the department. Follow the lead of the chief. We take the client lead. Do the labor side with the collective bargaining with the public safety teams.

Deal with the zoning language as well as the implementation. Work closely with the Planning and Zoning Board and any special committees, do zoning bylaw reviews. Want to present the client with the best response and help follow through to be able to defend it. Need to be involved in the beginning to understand knowledge and the bylaws, attend hearings, drafting the response, facts are correct and the determination is consistent.

MBTA zoning is a big issue, flag displays, public comment at open meetings, public records requests, opioid litigation, PFAS litigation.

No conflict of interest with the Kraft Group.

A number of situations where we have abutting municipal agreements. In those cases, we represent both. We can advise on the direct law. If there is a unique situation where we would need to step down and ask the communities to obtain special counsel. Not an ethical breach we want to have with a particular issue.

On call at all times. Mark would be lead counsel. Do have a team as back up for vacations and sick time. Relationship oriented.

Would take the town's lead on how KP would work with the town department heads. Find the right mix to get to know the key players. Want to build the relationship with the players that run the day to day. Want them to feel comfortable calling when they have the need. Relationship builder. Will always go through Paige and the Select Board chair. However, the town wants to work, we will follow.

Can take on the smallest of questions. Any question is an important question.

KP Law – Walpole, Medway

Retainer v hourly – Hourly allows to control the door being too open. Want to make sure the Town is controlling who has access to counsel so whoever is reviewing the invoice, they know what is what. We want to know the town needs and we can tailor what we do. We can always move to a retainer or a flat fee. Want to give the town the most control.

### #3 Mead, Talerman & Costa LLC

Jay Tallerman, Lisa Mead, 30 towns and then some special counsel. Born about 2004. Land use work, steady growth since then. 3 offices. More of a partnership with communities. We are really entrenched in the community. Not policy makers but there every step of the way. Want to make it work economically as well. Want to resolve issues before they become problems. What are the big upcoming projects or budget issues upcoming. Same model since the beginning. Office hours are an option. Benefit of our counsel is understanding the long term vision and help the services we provide in being there every step of the way.

Jay would be the lead with two back ups but then have a team behind that who can help. Lisa handles all high stakes contracting – example would be route 1 issues. All informed but delivery of service would be Lisa. Real estate, litigation team. We centralize but have the back up a specialty.

Have the same contract tailored for Foxborough that will be attached to all procurement and contracting that will protect the town. This helps with the review process that can take three weeks to be turned around in 48 hours.

Office hours can be offered to drop in for department heads or a schedule. Can do a site visit during those hours. Can also always do them as needed. Preventative medicine. Its team building focused. Getting to know the Town Manager, Select Board and department heads. Might take the place of a few phone calls. Making us a part of the team to include early on before something becomes a problem.

MTC has labor and employment group started the last 10 years. Can be used as needed. General municipal, land use, litigation bench, contract practice.

License to carry experience, all of litigation bench has license to carry experience. About half has alcohol licensing experience.

Zoning issues, want to understand what the goal is of the community and what the current bylaws state, look at the economic changes that would come with the change. Want to understand the result before it is rewritten. What to understand the interpretation, attend the hearings. MBTA zoning is at forefront. Learned that every town has a different approach. Fight or survive, we want to help either decision.

Development, lack of housing, financial needs – how to best balance as a town. Increasing more demand with less state aid.

Migrants – clients are turning to counsel for help in terms of deciding what to do on the school side and the public safety side. This effort touches a lot of town departments.

MBTA communities to possibly come back in the Fall. Planning Board did not give us a positive recommendation in the Spring and now we are in a hold. We have other towns in similar situations.

No conflicts of interest with Kraft or Brigham and Women's.

Use a lead attorney and then two immediate back ups so there is always an open line of communication. Public records request over time might go to the inhouse expert directly but that would happen over time. Would follow the towns protocol. All through Town Manager or a few department heads. If not the correct protocol, then we would go back to the Town Manager to first approve. No one right way.

Represent Wrentham, Easton. If there is a conflict, we would help get the town special counsel. Sometimes if there is not a problem, we can always talk it out and represent both.

Flat fee options, retainer or hourly. Would suggest one of the flat fee options. Can talk to Wrentham who has hourly and Easton who has a flat rate. Some like the same amount every month. Puts counsel back into town counsel.