

[NOTE: These minutes are made available to the public prior to Town Council acceptance.]

SPECIAL MEETING DECEMBER 18, 2003

The Wethersfield Town Council held a meeting on December 18, 2003 at 5:30 p.m. in the Library Meeting Room at the Town Hall.

Present: Councilors Adil, Cascio, Czernicki, Forrest, Fortunato, Hemmann, Montinieri, Deputy Mayor Karangekis and Chairperson Morin.

Also present: Bonnie Therrien, Town Manager, and Dolores G. Sassano, Town Clerk.

The purpose of the Special Meeting was to conduct interviews for the positions of Town Attorney and Assistant Town Attorney.

Chairperson Morin discussed with Councilors the questions to be asked of each interviewee. Councilor Czernicki asked if any of the interviewees are applying solely for the Assistant Town Attorney position. Town Manager Bonnie Therrien thought that Moller, Peck & O'Brien LLC were the only ones. Councilor Cascio recalled that during the budget session it was discussed not to fill the position of Assistant Town Attorney. Councilor Czernicki asked if Question 1 asking the interviewee if they were notified of the Town Council meeting of December 9 could be tied together with Question 3 regarding the Town's possible litigation with the MDC. Councilor Fortunato said that will be appropriate if it is part of the criteria for hiring and Councilor Czernicki said that Question 3 seemed to indicate that it is part of the criteria. Councilor Czernicki feels that one Attorney applying for the position had access to the December 9 meeting and that the others did not or were not notified. She wonders if any effort had been made to notify the other six Attorneys. Chairperson Morin stated that no one specifically called Attorney Bradley to notify him of the meeting and that the MDC issue is not the only criteria for hire. Councilor Czernicki conceded to not asking the question. Chairperson Morin stated that candidates would be allowed approximately twenty minutes for their interview.

Chairperson Morin outlined the interview as follows:

- Chairperson Morin will welcome each candidate and explain the interview process and time allotment.
- Each candidate will provide a short synopsis of their firm and how they will best handle the most important legal issues Wethersfield is facing.
- Councilor Fortunato will ask each candidate if the Town will be working with only the principals of their firm or will be able to access all of the lawyers in their firm.
- Councilor Czernicki will ask each candidate to provide information regarding their firm's experience with labor matters.
- Councilor Forrest will ask each candidate to explain their billing proposal in detail.
- Councilor Cascio will ask what each candidate's experience is with construction contract law.
- Councilor Hemmann will ask each candidate if they or any member of their firm has been subject to a grievance proceeding within the past three years which was not dismissed.
- Councilor Adil will ask each candidate if their firm has any conflicts of interest with the MDC and to outline any experience they have in environmental issues.
- Chairperson Morin will ask each candidate to offer suggestions to help Wethersfield cut legal costs. He will also ask each candidate if they were not appointed to the position of Town Attorney, if they would be willing to accept the position of Assistant Town Attorney.

Sabatini & Associates, LLC

Mr. Vincent Sabitini introduced himself and his son James Sabatini. He stated that his firm has been in Newington since 1975. He was a former member of the Newington Town Council from 1973-1979 and the Wethersfield Town

Attorney from 1981-1989. His firm is experienced in litigation matters in the Federal Court, the State Superior Court, the Appellate Court, the Federal Circuit Court of Appeals, and the U.S. Supreme Court. Mr. Sabatini said that he has represented a number of land developers and that he currently is not representing any developers in Wethersfield; therefore he would have no conflicts on this matter. He said that he has dealt with many zoning issues, Town Council issues, and assessment problems. Mr. Sabatini said that his firm can offer Wethersfield much experience, which will translate into dollars saved. Being a local firm, Sabatini & Associates LLC would be very accessible to Wethersfield and Mr. Sabatini feels that his firm can offer a very reasonable fee structure.

Councilor Fortunato asked Mr. Sabatini the size of his law firm. He said that right now it consists of himself and his son, James. Councilor Fortunato asked if Wethersfield would be working with both Mr. Sabatini and his son and if Mr. Sabatini would have the opportunity to contract out to other attorneys when additional assistance is required. Mr. Sabatini said that he will be the primary contact person and that he was able to handle all Town matters under the Town agreement when he was Newington's Town Attorney. The Town had contracted out for a Labor Attorney to handle all of those matters. Mr. Sabatini never had to retain an additional law firm; however if the need arises, he would be willing to contact any of the lawyers he has worked with in the past. Councilor Fortunato asked Mr. Sabatini to expand on his representation of municipalities. Mr. Sabatini said that he represented Wethersfield for eight years and covered everything from drafting ordinances; advising elected officials; purchase, sale, and lease of property; to defending the Town on zoning appeals and other litigation matters.

Councilor Forrest asked Mr. Sabatini to explain his fee schedule and provide more detail of how the Town will be charged for his services. Mr. Sabatini explained that he would require a basic retainer of \$50,000, which will include services for everything except litigation matters. In litigation matters the fee is \$185 per hour in addition to the \$50,000 retainer.

Councilor Cascio stated to Mr. Sabatini that there are a lot of Town building projects going on in Wethersfield currently and asked him what his experience is with construction contract law. Mr. Sabatini said that, for the past three years, his firm has been involved in litigation involving contractors and sub-contractors which is currently pending in New Britain Superior Court. He has taken extensive depositions and dealt with mechanics liens. His firm has represented the developers of Target and Krispy Kreme in Newington, the Babies R Us store near Westfarms Mall, Home Depot and Self Storage. He works with engineers, architects, planners, and environmentalists all the time. Councilor Cascio asked Mr. Sabatini if he is familiar with the buildings currently being renovated in Wethersfield. Mr. Sabatini said that he is not, but that when he was the Town Attorney, the former Mix Mitchell School was being turned over to the elderly. He understands that rather than the consolidation of the 1980's, the Town of Wethersfield is not concentrating on expansion.

Councilor Hemmann asked Mr. Sabatini if either he or his son have been subject to a grievance proceeding within the past three years which was not dismissed. Both said that they have not.

Councilor Adil explained to Mr. Sabatini that the Town of Wethersfield may be entering into litigation with the MDC and asked if his firm has any conflicts of interest with the MDC or the State and also if his firm has any experience in environmental issues. Mr. Sabatini said that his firm has no conflicts with the MDC, but currently is representing plaintiffs who have lawsuits pending with the State of Connecticut. He said that he is familiar with the Phase I, II, and III studies that need to be done by the MDC. His firm has been involved with environmental issues before and he has expertise in this matter.

Chairperson Morin explained that the Town of Wethersfield has had some very high legal costs over the last five years and asked Mr. Sabatini what ideas he has to help Wethersfield cut costs when resolving legal issues. Mr. Sabatini said that litigation costs are very expensive and that when he worked with former Town Manager Erdman it was agreed that all issues would first be funneled through the Town Manager in order to provide one information provider. Those issues worthy of being referred to the Town Attorney would then be referred. An attempt was always made to communicate and resolve issues without litigation. It is important to include arbitration clauses in contracts. Certain issues, such as zoning appeals, have to follow a specific process. When litigation is necessary, it is important to try to recover all of the Attorney's fees, which is what happened when Mr. Sabatini represented the Town against the Travelers Insurance Company when he was Town Attorney.

Chairperson Morin asked Mr. Sabatini if he would be willing to accept the Assistant Town Attorney position if he is not appointed as Town Attorney. Mr. Sabatini said that he would consider this. Mr. Sabatini also said that it was an honor to serve the Town for nine years in the past as Town Attorney and thanked the Council for considering him for the position and for the opportunity to appear before them. Chairperson Morin thanked Mr. Sabatini for coming in and for providing the Council with his information.

Gaffney Kane PC

Mr. Tim Sullivan introduced himself and Mr. Tom Balder and stated that Wethersfield can best benefit from the Gaffney Kane firm in its provision of the highest quality of legal service. He explained that Gaffney Kane is a small firm with four partners who would all be very active in representing the Town of Wethersfield for a lump sum fee of \$100,000, which would exclude any bond counsel, which they consider to be a very specialized service. Mr. Sullivan has been the Town Attorney of Berlin for twelve of the past fifteen years. The Gaffney Kane firm is currently representing the Town of Plainville regarding Charter Revision issues and the city of New Britain with a school construction project. Mr. Sullivan has handled all of the union issues with the Town of Berlin, including arbitration, grievances, and benefits plans. During his tenure in the Town of Berlin, Mr. Sullivan dealt with the contractor negotiations for four school additions as well as other construction projects. Mr. Sullivan also represented Berlin in many Town land use matters, tax assessment appeals and revaluations, and has dealt with many State entities as well. He is well aware of the Cove issues facing Wethersfield with regard to the combined sewer overflows as well as the storm drain contributions and of the actions taken to date to rectify the issues. He is aware of the construction projects slated in Town and of the issue with the lighting and resurfacing of Cottone Field.

Mr. Sullivan stated that although he is not a native of Wethersfield, he is very familiar with the Town and has relatives living here.

Councilor Fortunato asked Mr. Sullivan to elaborate on the roles that the partners in the firm will have in dealing with Wethersfield. Mr. Sullivan said that in addition to the partners, his firm also draws upon the services of two different firms for legislative services. The partners have been very involved in municipal law, economic development, and civil litigation including workers compensation.

Councilor Czernicki asked Mr. Sullivan to provide more details regarding his experience with labor matters. Mr. Sullivan said that he has served for four years on the State Board of Mediation and Arbitration and has gained much insight of both sides of labor negotiations.

Councilor Cascio stated that Mr. Sullivan touched upon his knowledge of past and current projects facing Wethersfield and commented that his enthusiasm is contagious. Mr. Sullivan said that the Cottone Field project sounds very similar to the track project he worked on in Berlin.

Councilor Hemmann asked Mr. Sullivan if he or any member of his firm has been subject to a grievance proceeding within the past three years, which was not dismissed. Mr. Sullivan said that there was a grievance filed against him with reference to a zoning appeal land issue case he inherited in the Town of Berlin, which was mainly a consequence of him letting down his guard. Mr. Sullivan has learned from the experience.

Councilor Adil explained to Mr. Sullivan that the Town of Wethersfield may be entering into litigation with the MDC and asked if his firm has any conflicts of interest with the MDC or the State and also if his firm has any experience in environmental issues. Mr. Sullivan said that he has no conflicts of interest with the MDC or the State.

Councilor Forrest asked Mr. Sullivan if the \$100,000 fee includes litigation fees. Mr. Sullivan said that it includes any and all litigation fees except for any international litigation issues.

Chairperson Morin thanked Mr. Sullivan for coming and asked if he would be willing to accept the Assistant Town Attorney position if he is not appointed as Town Attorney. Mr. Sullivan said that he would be agreeable to this.

Moller, Peck & O'Brien LLC

Mr. John O'Brien explained that Moller, Peck & O'Brien has held the position of Assistant Town Attorney for the past two years and has therefore served the Town in many various capacities. He stated that it was unfortunate that much of the legal services of the last two years did not trickle down to his firm from the Town Attorney. Mr. O'Brien said that his firm proposes to fill the position of Town Attorney or to continue in the Assistant Town Attorney position. One of the benefits his firm can offer the Town is much expertise in the area of construction litigation. In addition, members of the firm have experience with FOIA matters and have handled various tax appeal matters and contract negotiations. Mr. O'Brien stated that his firm would offer their services as Town Attorney for a flat fee of \$120,000, which will include all litigation matters. In closing, Mr. O'Brien suggested to the Council that they continue to retain both a Town Attorney and Assistant Town Attorney.

Councilor Fortunato asked Mr. O'Brien if the Town would be working with him and/or other members of his firm. Mr. O'Brien said that the Town would be working predominantly with him. Should there be a member of his firm who has particular strong expertise in any subject, Mr. O'Brien would bring him or her in to work with him on the issue. He said that his firm has a strong support staff.

Councilor Czernicki asked Mr. O'Brien to elaborate on the labor experience of his firm. Mr. O'Brien said that his firm has no labor experience and would not be able to handle any labor issues.

Councilor Forrest asked Mr. O'Brien if the Town would be charged an additional fee if Mr. O'Brien had to seek outside help for labor issues. Mr. O'Brien said that the \$120,000 fee includes all areas except labor issues. The fee will include all other litigation.

Councilor Cascio confirmed that being the current Assistant Town Attorney, Mr. O'Brien is aware of the many Town building projects going on in Wethersfield and asked him what his experience is with construction contract law. Mr. O'Brien said that 80% of his practice area is construction contract law and he has represented other municipalities in litigation arbitration with regard to construction.

Councilor Hemmann asked Mr. O'Brien if he or any member of his firm has been subject to a grievance proceeding within the past three years, which was not dismissed. Mr. O'Brien that neither him nor any member of his firm has within the past three years.

Councilor Adil explained to Mr. O'Brien that the Town of Wethersfield may be entering into litigation with the MDC and asked if his firm has any conflicts of interest with the MDC or the State and also if his firm has any experience in environmental issues. Mr. O'Brien said his firm has no conflicts of interest with the MDC or the State of Connecticut and that they have in the past handled some environmental litigation.

Chairperson Morin explained that the Town of Wethersfield has had some very high legal costs over the last five years and asked Mr. O'Brien what ideas he has to help Wethersfield cut costs when resolving legal issues. Mr. O'Brien said that he is an advocate of flat fee proposals as they are the best way to manage litigation costs as they are negotiated up front.

Mr. O'Brien stated that it has been an honor to serve the Town as Assistant Town Attorney. He has developed a good working relationship with much of the Town Staff and, as a resident of Wethersfield, he is involved with many various civic activities. He thanked the Council for considering him a candidate for the position of Town Attorney.

Rome, McGuigan, Sabanosh

Mr. Jack Bradley stated that it would be a great honor to serve as Town Attorney for the Town of Wethersfield again and thanked the Council for the opportunity to make his presentation to them. Mr. Bradley introduced his partner, Mr. Morris Borrea. Mr. Bradley stated that the firm of Rome, McGuigan, Sabanosh is a Hartford-based thirty-five member firm practicing all throughout Connecticut. The firm has represented numerous corporations as well as individuals and is known primarily for litigation work, but has also represented developers of numerous projects. The entire resources of the thirty-five member firm would be available to the Town if they are chosen as Town Attorney. Mr. Bradley would be the primary contact. He has lived in Wethersfield since 1976 and knows the Town well. He has served on the Town Council and other Town committees, as well as both Town Attorney and Assistant Town Attorney. The firm has

experience with tax and police issues in municipalities throughout Connecticut as well as construction projects throughout Wethersfield. Mr. Bradley stated that he has proposed suggestions for keeping legal fees down and the fee in his proposal actually represents a reduction from past fees. Mr. Bradley expects to handle the entire legal needs of Wethersfield for under \$100,000. The amount depends on future legal issues. Mr. Borrea said that he is experienced in municipal liability, property disputes, and contract litigation. Mr. Borrea is a Wethersfield resident and this impacts how he handles a case and the costs involved.

Councilor Fortunato asked Mr. Bradley to give examples of how the support staff of the firm would be utilized. Mr. Bradley stated that there are staff members who handle real estate contracts. Municipal issues are very complex and cannot be handled by one attorney.

Councilor Czernicki asked Mr. Bradley if there is someone on staff with the firm who can handle labor issues. Mr. Bradley said that Attorney Sabanosh has thirty to forty years of experience with labor law as well as another staff Attorney who is an expert in employment matters. By having these experts on staff, legal costs will be reduced for the Town. Councilor Czernicki cited that the legal fee totals for 1999 and 2001 show to have been \$147,000 and \$125,000 respectively, which differ from the amount Mr. Bradley quoted earlier. Mr. Bradley said that he is unaware of these totals and can make his figures available for review.

Councilor Forrest clarified with Mr. Bradley the legal fees quoted in his proposal. Councilor Forrest asked Mr. Bradley if his firm would consider a flat fee for all legal work and if so, what the fee would be. Mr. Bradley said that the problem with a flat fee is that one cannot foresee what will occur in the future. Mr. Bradley said that he would be willing to work on a retainer basis. He does not think that a flat fee is a good idea, but that the \$100,000 is a good estimate. Councilor Forrest asked if the Town would be charged for any fees incurred should Mr. Bradley's firm need to consult with another firm. Mr. Bradley said that the Town would not be charged additional fees for this.

Councilor Cascio confirmed with Mr. Bradley the many Town building projects going on in Wethersfield and asked him what his experience is with construction contract law. Mr. Bradley stated that he has a lot of experience which includes the Police Facility in Wethersfield and also construction in both Cromwell and Marlborough.

Councilor Hemmann asked Mr. Bradley if he or any member of his firm has been subject to a grievance proceeding within the past three years, which was not dismissed. Mr. Bradley said that he has not had a grievance against him in over twenty-five years and that there is no one in his firm who has had one in the last three years.

Councilor Adil explained to Mr. Bradley that the Town of Wethersfield may be entering into litigation with the MDC and asked if his firm has any conflicts of interest with the MDC or the State and also if his firm has any experience in environmental issues. Mr. Bradley said that his firm has no conflicts with the MDC and they do not represent the State of Connecticut, the DEP, or the MDC. Mr. Bradley said that he has experience in environmental issues through the Town of Cromwell, which has been battling the Mattabassett District for a number of years. Mr. Borrea said that he has reviewed the Cove issue in Wethersfield and he feels that the Town needs to raise the stakes for the MDC. Rather than concentrate on remediation, the Town needs to approach the issue in terms of clean up costs, which will be very costly for the MDC. Also, the economic impact on Old Wethersfield and the rest of the Town needs to be considered.

Chairperson Morin asked Mr. Bradley if his firm would accept the position of Assistant Town Attorney if they were not appointed Town Attorney. Mr. Bradley said that they would agree to this.

Jackson, O'Keefe & Phelan

Mr. Peter O'Keefe introduced his partner, Attorney Denise Phelan, and said that his firm is familiar to and with Wethersfield, as they have done work for the Town over the years. They are primarily a litigation firm, but perform general practice work as well. The firm is currently serving as Town Attorney for the Town of Ellington and employs those with experience in zoning issues, wetland issues, and employment issues. The firm has a wealth of experience and has been in existence for over forty years.

Councilor Fortunato asked of the eleven attorneys in the firm, who the Town would be working with. Mr. O'Keefe said that the Town would deal mainly with him or Ms. Phelan and also whoever is most appropriately experienced in the

firm to deal best with any issue.

Councilor Czernicki asked Mr. O'Keefe if his firm would be handling the Town's labor disputes. Mr. O'Keefe recommends that the Town retain a separate labor attorney, as this is a very specialized area.

Councilor Forrest asked for an explanation of the firm's "AB" rating. Ms. Phelan explained firms are evaluated on two levels. The first is the firm's level of expertise in the area of law and the other deals with ethical criteria. She said that an "AB" is the highest rating attainable. Councilor Forrest asked Mr. O'Keefe if his firm would consider a flat fee payment per year. Ms. Phelan said that this depends on the fee to be paid and the scope of the work included.

Councilor Cascio explained to Mr. O'Keefe and Ms. Phelan that there are many Town building projects going on in Wethersfield and asked what the firm's experience is with construction contract law. Ms. Phelan said that although she gained experience in working on the Hartford Civic Center project for many years, she does not have experience in negotiating construction contracts. The firm has been involved in a number of construction projects and has a good understanding of such.

Councilor Hemmann asked Mr. O'Keefe if he or any member of his firm has been subject to a grievance proceeding within the past three years, which was not dismissed. The answer given to this question was no.

Councilor Adil explained to Mr. O'Keefe that the Town of Wethersfield may be entering into litigation with the MDC and asked if his firm has any conflicts of interest with the MDC or the State and also if his firm has any experience in environmental issues. Mr. O'Keefe said that his firm has represented the MDC in the past and this may present a conflict of interest. Ms. Phelan said that she is not sure that this would present a conflict of interest. She said that the firm currently represents John Dempsey Hospital, which is a State hospital, but again she does not see any conflict in this. She said that the firm does have experience in environmental issues.

Chairperson Morin asked Mr. O'Keefe for any suggestions for the Town of Wethersfield to cut legal costs. Denise said that the firm has to account for their time in tenths of hours so that they do their best to work pared to the bone. The firm has scrupulous timekeepers and they are totally accountable for the time recorded. They devise a plan and determine parameters before undertaking any work and this is very important in cutting costs. Mr. O'Keefe said that his firm identifies the issue, deals with the issue, and provides advice necessary for the client to make an informed decision. Chairperson Morin asked Mr. O'Keefe if his firm would accept the position of Assistant Town Attorney if they were not appointed Town Attorney. Mr. O'Keefe said that the firm would be agreeable to this.

Murtha, Cullina LLP

Mr. Joe Fasi introduced himself and his partner Mike Ziska and said that his firm represents thirty to forty municipalities in a variety of capacities. Mr. Fasi said that he and Mr. Ziska would share the responsibilities of Town Attorney for Wethersfield. Mr. Ziska would be the primary contact as Town Attorney and Mr. Fasi would focus on areas in which he has particular expertise. This shared responsibility would provide timely, cost-effective, first-rate legal advice. The firm's proposal does not include a fee arrangement, but rather an hourly rate as Mr. Fasi feels that the firm needs to investigate further the requirements of the Town. Mr. Ziska spoke of his book, "What's Legally Required" which is a hundred page written document for the DEP on land use procedures for planning and zoning commissions. He has been focused on municipal issues since 1977 and has been with Murtha, Cullina since 1997. He said that the firm concentrates on representing municipalities. Mr. Ziska has experience primarily in land use, but also in tax appeals, municipal construction contracting, and environmental law. Mr. Fasi said that he has been Bond Counsel for twenty-two years; involved with tax law, securities law, and municipal law. He has dealt with complex construction contract matters. He has done extensive work in the economic development area and has been asked to rewrite many Town Charters.

Councilor Fortunato asked Mr. Fasi and Mr. Ziska to give examples of how the support staff of the firm would be utilized. Mr. Ziska said that the firm has a litigation department who deal with all manners of civil litigation of a business nature. The firm has an environmental practice department as well as land use, construction contracting, and tax appeals. The firm has been involved in a number of sewer expansion projects in surrounding towns.

Councilor Czernicki explained that Wethersfield currently has outside Counsel for its labor issues and asked Mr. Fasi and Mr. Ziska if their firm would handle labor issues. Mr. Ziska said that the firm has been increasingly representing labor issues for municipalities and that they feel very comfortable with such.

Councilor Forrest asked Mr. Fasi and Mr. Ziska to elaborate on the fee schedule they have proposed and also if their firm would consider a flat fee schedule. Mr. Ziska said that the rates are negotiable and that the firm is willing to consider a variety of approaches to serving Wethersfield. He said that the flat rate is very difficult to approach as the firm does not have experience with the needs of the Town and the required time of services. Mr. Ziska said that the proposed hourly rates vary from attorney to attorney within the firm, with the senior attorney rates being the highest at \$330-\$340 down to the associate rates of \$130-200. The firm is prepared to accept a blended rate for services.

Councilor Cascio explained to Mr. Fasi and Mr. Ziska that there are many Town building projects going on in Wethersfield and asked them to share some of the specific projects they have worked on. Mr. Ziska cited projects in Stonington, Coventry, and Griswold. Many litigators in the firm have worked on major construction litigation matters, including the Hartford Civic Center.

Councilor Hemmann asked Mr. Fasi and Mr. Ziska if either of them or any member of their firm has been subject to a grievance proceeding within the past three years, which was not dismissed. The answer given to this question was no.

Councilor Adil explained to Mr. Fasi and Mr. Ziska that the Town of Wethersfield may be entering into litigation with the MDC and asked if their firm has any conflicts of interest with the MDC or the State and also if his firm has any experience in environmental issues. Mr. Ziska said that the firm does have a utility lawyer who does not represent the MDC. He does not believe that there is any conflict of interest involved, but it may be possible. Mr. Fasi stated that he represented the MDC as Bond Counsel from 1980-1995 and does not believe that this would present any conflict.

Chairperson Morin asked Mr. Fasi and Mr. Ziska if their firm would accept the position of Assistant Town Attorney if they were not appointed Town Attorney. Mr. Ziska said that the firm would be agreeable to this.

Halloran-Sage

Mr. Duncan Forsyth stated that, in his opinion, no firm in Connecticut has the breadth or depth of experience in municipal law provided by Halloran-Sage. The firm has served over half of the municipalities in the State. Halloran-Sage has served as Town Attorney for many municipalities and by others as Special Counsel. The firm has also served a number of municipalities with regard to construction and renovation matters. Mr. Forsyth commented that Halloran-Sage has served the Town well as Town Attorney for the past two years.

Councilor Fortunato asked Mr. Forsyth to outline who in his firm would be working with the Town. Mr. Forsyth said that he is the primary contact person who would deal with approximately 85% of the interaction. More specialized projects and issues would be referred to other members of the firm who have the appropriate expertise. Mr. Forsyth said that Halloran-Sage is a hundred-lawyer firm (eighty of which are located in their Hartford location) with the ability to provide the Town with the resources necessary to address any matter.

Councilor Czernicki asked Mr. Forsyth if his firm is qualified to handle labor issues for the Town. Mr. Forsyth said that the firm is extremely qualified to handle any labor issues.

Councilor Forrest asked Mr. Forsyth to elaborate on his firm's proposed legal fees. Mr. Forsyth said that the fee for the last two years has been set up as a monthly retainer for the Town Attorney to deal with general matters, and specific and litigation matters are billed separately. The Assistant Attorney would receive a monthly retainer to take on any matters not handled by the Town Attorney. Mr. Forsyth believes that the Town is better off billing a straight hourly fee as services are provided rather than paying a monthly retainer.

Councilor Cascio asked Mr. Forsyth if his firm would consider a flat fee. Mr. Forsyth said that the firm would have to give this some thought. Councilor Cascio confirmed with Mr. Forsyth the many Town building projects going on in Wethersfield and asked him what other communities his firm has worked with regarding construction projects. Mr. Forsyth said they have worked with Rocky Hill, Glastonbury, and Portland.

Councilor Hemmann asked Mr. Forsyth if he or any member of his firm has been subject to a grievance proceeding within the past three years, which was not dismissed. The answer given to this question was no.

Councilor Adil asked Mr. Forsyth, in light of Wethersfield's possible litigation with the MDC, if their firm has any conflicts of interest with the MDC or the State and also if his firm has any experience in environmental issues other than the Wethersfield Cove. Mr. Forsyth said that his firm has no conflict of interest with the MDC, but they do represent the State of Connecticut. His firm has significant expertise with respect to environmental issues.

Chairperson Morin asked Mr. Forsyth to offer suggestions as to how legal costs could be cut for the Town of Wethersfield. Mr. Forsyth said that there have been a number of law firms utilized by the Town over the past few years and he feels that money could be saved by "one stop shopping" with one firm. This could provide for an overall lower fee rate. Chairperson Morin asked Mr. Forsyth if his firm would accept the position of Assistant Town Attorney if they were not appointed Town Attorney. Mr. Forsyth said that the firm would be agreeable to this.

ADJOURNMENT

At 9:30 p.m., Councilor Cascio moved "**TO ADJOURN THE MEETING**" seconded by Councilor Czernicki. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano
Town Clerk