

NEW DURHAM BOARD OF SELECTMEN

New Durham Community Room

April 17, 2017, 1:00p.m.

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

Present

Chair David Swenson

Selectman Cecile Selectman Chase

Selectman Rod Doherty

Also Present:

Scott Kinmond, Town Administrator

Richard Sager, Esq., *Sager and Smith, PLLC*

Stephen Bennett, Esq., *Wadleigh, Starr and Peters, PLLC*

Kathleen Peahl, Esq., *Wadleigh, Starr and Peters, PLLC*

Stephen Whitley, Esq., *Mitchell Municipal Group, P.A.*

Laura Spector-Morgan, Esq., *Mitchell Municipal Group, P.A.*

Call to Order

Chair Swenson called the meeting to order at 1:00p.m. He stated the purpose of this meeting is to meet with the respondents to the legal firm RFP.

Law Firm Presentations

Sager and Haskell, PLLC

Mr. Richard Sager, Esq. of Sager and Smith, PLLC was introduced. He explained the firm is now Sager and Smith, PLLC, having changed since the submission of the RFP. Chair Swenson explained the firm has recently done work for the Town, particularly with the Zoning Board of Adjustment. Chair Swenson asked Mr. Sager about his experience with municipalities. Mr. Sager stated he has been practicing law since 1983 and provided a copy of his professional resume. Mr. Sager stated he likes working for municipalities and feels he provides practical advice. He also gave an overview of his personal interests and other business ventures. Mr. Doherty asked how Mr. Sager would handle disregard of his legal advice, particularly with regards to The Right to Know Law. Mr. Sager stated his job is to provide advice and would continue to do so. The Board of Selectmen presented scenarios and asked Mr. Sager for his opinion on how he would handle the situations. Mr. Sager stated most of his cases have involved land use issues; litigation outside of municipalities is real estate related. Mr. Sager asked the time frame for the Board of Selectmen making a decision. Chair Swenson replied he hopes to have a decision within a few days.

Other

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Town Administrator Kinmond stated the finance assistant candidate accepted the modified conditional offer and background check information has been submitted. The Board of Selectmen reviewed the agenda for the next Board of Selectmen meeting and Town Administrator Kinmond explained the process of reviewing and editing for discussion. He stated it is good for the public to be able to see the topics for discussion. Chair Swenson stated he is going to strongly encourage the sale of tax-deeded properties and there was discussion of the process to do so.

Wadleigh, Starr and Peters, PLLC

Mr. Stephen Bennett, Esq. of Wadleigh, Starr and Peters, PLLC was introduced and gave an overview of his professional experience and areas of expertise which include municipal law, employment and labor law, planning and zoning.

Ms. Kathleen Peahl, Esq. was introduced and stated she has been with the firm since 1989 and is now the managing partner. She gave a summary of her professional experience with municipalities and counties, with areas of expertise which include wage, labor, discrimination and Right to know law.

Chair Swenson asked who would be the single point of contact in the firm. Mr. Bennett replied he would be the main contact with the Town and would field most of their questions and cover general municipal work. Chair Swenson asked how they would handle a situation where advice is not followed by a client. Ms. Peahl replied she always provides her advice in writing and they try to give a recommended course of action along with the options along with possible outcomes. Mr. Bennett replied that in the event a client ignores advice, particularly if it is a violation of a law, they would not remain involved with unethical or illegal choices. Chair Swenson asked how many municipalities of approximate size to New Durham they represent. Mr. Bennett replied there are a few, including Mont Vernon. Chair Swenson asked the average annual cost for a town the size of New Durham. Mr. Bennett gave some possible scenarios and costs, noting its difficult to predict. There was further discussion of Mr. Bennett and Ms. Peahl's experience with municipal issues.

Mitchell Municipal Group, P.A.

Stephen Whitley, Esq. was introduced and explained usually all four of the partners are present but were unable to do so today. He explained the firm has no private clients and only serves municipalities. Ms. Spector-Morgan explained the firm's experience with towns and municipalities and it was clarified the four partners work together and function as a very small practice. Chair Swenson asked Mr. Whitley and Ms. Spector-Morgan about their professional experience and areas of specialty. Mr. Whitley replied he does most of the trial work within the firm; Ms. Spector-Morgan gave some specific types of issues they do and do not handle. Town Administrator Kinmond asked how the firm handles the 60+ municipalities time-wise. Ms. Spector-Morgan replied they seem to handle it well and rarely do multiple urgencies come at the same time. Selectman Doherty asked how they would handle a situation where advice of the firm is not followed. Mr. Whitley replied that if the client chooses to go down a path they can't defend, they may choose to separate. There was discussion of interpretation and

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application of the Right to Know Law. There was also discussion of legal expense calculation and possible scenarios.

After the representatives of the legal firms left the meeting, the Board of Selectmen discussed their initial thoughts on both the financial and legal presentations. Selectman Chase stated she liked Roberts and Greene, PLLC and thought they were knowledgeable as well as easy to talk to. It was noted the difference in the audit bids was \$3,000. Town Administrator Kinmond stated he wants to be sure to have a law group that can take care of all the Town's legal needs, noting his concerns with going with a bigger firm and competing for time.

The agenda for the upcoming Board of Selectmen meeting was reviewed and discussed. Chair Swenson added a few topics under New Business.

Appointment

Town Administrator Kinmond confirmed the background checks have been done

Chair Swenson made a motion to hire Anita Soucy as Administrative Assistant II at a rate of \$18.00 per hour with a start date on or about May 1, 2017. Selectman Chase seconded the motion. Motion passed, 3-0-0.

Adjourn

Chair Swenson made a motion to adjourn. Selectman Chase seconded the motion. Motion passed, 3-0-0.

The meeting was adjourned at 3:25p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary