



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

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May 7, 2014

Lauren F. Goldberg
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BY FEDERAL EXPRESS

Robert W. LeLacheur, Jr. CFA
Town of Reading
16 Lowell Street
Reading, MA 01867

Re: Response to Request for Proposals for Town Counsel Services

Dear Mr. LeLacheur:

The law firm of Kopelman and Paige, P.C. is delighted to have the opportunity to be considered to provide legal services in response to the Town's Request for Proposals. We believe that the enclosed response demonstrates that our firm is uniquely qualified to serve as Town Counsel to the Town of Reading. The response includes a detailed description of our approach to Town Counsel services, the varied areas in which we have expertise, and the several services we provide at no cost to our client communities. These complimentary services are designed to inform and educate our client communities about constantly changing legal requirements. Choosing the firm as Town Counsel ensures that a small team of stellar municipal lawyers with expertise in virtually every area of municipal law will oversee, coordinate and undertake legal services needed by the Town in a cost effective, efficient manner.

Please bear in mind that should the firm be appointed as Town Counsel, there would be no charge for "transition time" so that the firm can best ensure continuity of legal services. In that regard, the Town's proposed legal team, Attorneys Lauren Goldberg as primary contact and Mark Reich and Darren Klein as back-up, would meet with the Board of Selectmen and Town Manager, as well as key Town boards and staff, to plan the transition and provide for review of relevant background and case file materials about ongoing litigation and other matters.

We look forward to an interview and the chance to explain in greater depth how Kopelman and Paige, P.C. can deliver excellent, cost effective legal services as requested by the Town. In the meantime, please do not hesitate to contact me on my direct line at 617-654-1759 if you require additional information.

Respectfully submitted,

Lauren F. Goldberg

LFG/kaw
Enc.

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KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law

**RESPONSE TO
TOWN OF READING
REQUEST FOR PROPOSALS
FOR TOWN COUNSEL SERVICES**

SUBMITTED BY:

Kopelman and Paige, P.C.

Lauren F. Goldberg

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TABLE OF CONTENTS

Response to Request for Proposals for Reading Town Counsel Services, including:

Tab A	Response to Request for Proposals for Town of Reading Town Counsel Services
Exhibit 1	Attorney Resumes/Bios: Lauren F. Goldberg Mark R. Reich Darren R. Klein
Exhibit 1(A)	Attorney Resumes/Bios: Jonathan D. Eichman David J. Doneski Jackie Cowin
Exhibit 2	Copy of Professional Liability Insurance
Exhibit 3	List of Municipalities Represented by: Lauren F. Goldberg Mark R. Reich Darren R. Klein
Exhibit 4	List of Town Counsel or City Solicitor & Years of Service
Exhibit 5	Full Range of Municipal Law Services Provided
Exhibit 6	Lists and Examples of Complimentary Communication to Clients Including: Recent Memos to Clients E-Updates Webinars
Exhibit 7	List of Popular Complimentary Seminars & Workshops



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- Exhibit 8** Comprehensive list of Litigation Matters handled by K&P
- Tab B** Response to Request for Proposals for Town of Reading for
Town Counsel Services:
 Financial Information – Fees and Expenses Response Sheet
- Tab C** Municipal Law Experience Checklist
(Completed by each team member)
- Tab D** Statement of Litigation Experience
(Completed by each team member)

TAB A

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KOPELMAN AND PAIGE, P.C.
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**RESPONSE TO TOWN OF READING
REQUEST FOR PROPOSALS FOR TOWN COUNSEL SERVICES**

ATTACHMENT A

CONTACT NAME: Lauren F. Goldberg, Esq. President
BBO #: 631013
FIRM NAME: Kopelman and Paige, P.C.
ADDRESS: 101 Arch Street, Boston, MA 02110
TELEPHONE: 617-556-0007
FAX NO: 617-654-1735
EMAIL: lgoldberg@k-plaw.com
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Firm Overview

Kopelman and Paige, P.C., is the Commonwealth's most experienced municipal law firm. We have approximately 40 years of experience in public law, with over 98% of our practice devoted primarily to representing municipalities and public agencies. The firm's 40 attorneys provide a wide spectrum of legal services to the largest municipal client base in the Commonwealth, including all the services identified in Section III of the Town's Request for Proposals. We are Town Counsel or City Solicitor to approximately 120 municipalities in Massachusetts. We also represent another approximately 100 municipalities as Labor Counsel or Special Counsel. The experience gained through serving a particular city or town inevitably proves useful, and creates opportunities for cost savings, in others. We take pride in the fact that more than 50 percent of our clients have been with the firm for over 15 years. Our goal is to establish a level of client satisfaction with each and every client that leads to a successful long-term relationship.

The firm's reputation in public sector law is exemplified by the ratings and accolades it has received from independent industry sources. Martindale-Hubbell Law Directory has assigned the firm an AV rating and includes us in the Bar Register of Preeminent Lawyers. The "A" signifies a firm of the highest level of legal ability, and the "V" denotes "very high" adherence to professional standards of conduct, ethics, reliability, and diligence. The Bar Register only contains the few AV-rated lawyers that Martindale-Hubbell believes are preeminent in their field. Additionally, Kopelman and Paige's attorneys have been named to the Massachusetts *Super Lawyers* list in the area of Government/Municipal Law. *Super Lawyers* are chosen by



their peers and undergo a rigorous multiphase selection process. Less than five percent of attorneys in the state are selected to the Massachusetts *Super Lawyers* list. The culture of excellence and dedication to municipal clients is exemplified by all the attorneys of the firm.

Kopelman and Paige attorneys are active in the legal and municipal communities, frequently serving on committees, presenting seminars and writing publications. Our involvement includes membership in associations such as the Massachusetts Bar Association and Massachusetts Municipal Lawyers Association. We frequently author articles and chapters for various publications, including, for example, the Massachusetts Municipal Association's Selectmen's Handbook and Finance Committee Handbook, and Massachusetts Continuing Legal Education publications, including the Massachusetts Municipal Law Manual and Massachusetts Election Administration, Campaign Finance and Lobbying Law, as well as the Massachusetts Law Review. Our attorneys consistently present at seminars and trainings, including, for example, the Massachusetts Municipal Councilors Association, Small Town Administrators of Massachusetts, Massachusetts City and Town Clerks Associations, the Massachusetts Treasurers and Collectors Association, and the Massachusetts Association of Health Board.

1. **Please identify by name (and BBO #, address and phone number if different than above) the proposed Town Counsel, and if applicable, lead counsel as well as members of a team, and each proposed back-up counsel.**

It is proposed that Attorney Lauren F. Goldberg (BBO# 631013) serve as the Town's primary contact attorney, with Attorney Mark R. Reich (BBO# 553212) and Attorney Darren R. Klein (BBO# 567354) serving as back-up.

As detailed in Question 8, Attorneys Goldberg, Reich and Klein may utilize other Kopelman and Paige attorneys from time to time in areas in which they have particular expertise.

2. **Please attach resumes or *curriculum vitae* for each attorney identified above.**

Resumes for the proposed primary contact team, Attorneys Goldberg, Reich and Klein, are attached as **Exhibit 1**.

3. **Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than "yes", please explain.**

Yes. Attorneys Goldberg, Reich and Klein are members in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts. Note further that the firm has Professional Liability Insurance in the amount of \$3,000,000, and a copy of the certificate of insurance is attached for your information as **Exhibit 2**.



4. **With respect to each attorney identified, please list each and every Massachusetts municipality represented by the attorney within the past ten years, the years of such representation, and the name, address and phone number of at least one contact person in each municipality with knowledge of the attorney's representation.**

A list of municipalities represented as lead counsel by Attorneys Goldberg and Reich, with contact information, is attached as **Exhibit 3**. Attorneys Goldberg and Reich provide legal counsel in other municipalities in connection with their areas of expertise; should you so request, we can provide additional references. Attached as **Exhibit 4** is a list of municipalities represented by the firm.

5. **Please describe each identified attorney's experience in municipal law.**

No other Massachusetts firm can match the length, scope, and depth of experience Kopelman and Paige offers our public clients. Since our founding approximately 40 years ago, we have chosen to dedicate ourselves to serving the public sector. As indicated above, we serve as Town Counsel or City Solicitor to approximately 120 municipalities and as special counsel to another approximately 100 municipalities. We have represented most of these municipalities for at least five years, and have represented more than half of them for over 15 years. We also serve as counsel to various public entities and instrumentalities such as school committees, tax collectors, fire and water districts, regional transportation districts, and sewer districts. We are absolutely devoted to providing the municipalities we represent with the highest quality legal services at a reasonable price.

The firm's major practice areas are discussed in detail in **Exhibit 5**. The range of our practice ensures that we have some level of experience with virtually any issue that may arise, or have experience in a similar matter from which we are able to draw upon to provide practical legal advice. The firm's attorneys are all municipal generalists, although each attorney has also developed particular areas of expertise based upon their individual experiences and interests.

Attorney Lauren F. Goldberg, the firm's Managing Member, is proposed to serve as your Primary Contact Attorney and as such would be responsible for delivering and coordinating responsive, highest quality legal services to the Town in all areas of municipal law. Her practice has a strong focus on general municipal law issues, including municipal finance, conflict of interest, public records, and open meeting laws, as well as Town Meeting. In addition, Attorney Goldberg's practice regularly involves issues related to forms of government, transitions from one form of government to another, and drafting, reviewing and interpreting by-laws and ordinances, charters, and special legislation. Lauren assists numerous towns with town meeting matters, including drafting warrant articles and motions, reviewing annual and special town meeting warrants, meeting with moderators and other key town officials at pre-town meeting conferences and moderators' meetings, and representing towns at both open and representative town meetings. Lauren also has significant experience helping towns navigate the complicated financial and administrative processes implicated by the Community Preservation Act. Formerly Legal Counsel to the State's Elections Division, Lauren has extensive experience representing municipalities with respect to all aspects of election law, including recounts, challenges to voter registration, and litigation in connection with election issues.



Attorney Goldberg is a frequent presenter at the Massachusetts Associations of City and Town Clerks and the Massachusetts Selectmen's Association and presents seminars throughout the state on such diverse topics as the Open Meeting Law, Public Records Law, Conflict of Interest Law, municipal finance law, and state and local election issues. She is an author of four chapters in the foremost publication on election law in Massachusetts, and the author of two chapters in the Massachusetts Municipal Law Manual. Prior to joining our firm, Attorney Goldberg served as Legal Counsel to the Office of the Secretary of the Commonwealth, Elections Division, and as a staff attorney in the Public Records Division. Born and raised in Brookline, Massachusetts, Lauren now lives with her family in Needham, Massachusetts..

Attorney Mark R. Reich is proposed as the Town's back-up contact attorney. With over 25 years of experience in municipal law, Attorney Reich serves as the primary contact for several cities and towns. In this capacity, he advises in the areas of Open Meeting Law, Public Records Law, Town Meeting, and City and Town Council meetings; procurement, contracting, and construction; drafting special legislation; and analyzing and interpreting by-laws, ordinances, and charters. Attorney Reich specializes in environmental law, including prosecution of property contamination claims; representation of municipal clients with respect to the reuse and rehabilitation of contaminated property; compliance with G.L. c.21E and the Massachusetts Environmental Policy Act and federal Superfund law; and regulatory and enforcement actions by local conservation commissions and boards of health. He also has extensive contract experience, including drafting complex agreements, intermunicipal agreements, and construction documents. Prior to joining the firm, Attorney Reich served as Assistant City Solicitor to the City of Everett. Originally from the Bronx, New York, Mark went to law school in Boston and settled in North Andover with his wife and two children.

Attorney Darren R. Klein is proposed as the Town's back-up attorney and main contact for school related issues. For over 18 years, Attorney Klein has been providing municipalities and school districts with counseling and assistance in all facets of employment and labor law, school law, collective bargaining, and general public sector law. He represents clients before state and federal courts, labor arbitrators, retirement boards and numerous administrative agencies on such issues as employment discrimination, wrongful termination, organizing petitions, unfair labor practices, employee discipline, and contractual grievances. He has also appeared before the Joint Labor Management Committee regarding police and fire fighter union negotiations. Attorney Klein assists his clients at many different stages of negotiating collective bargaining agreements and individual employment contracts, including serving as the lead negotiator for employers in a wide range of union negotiations. He also advises his clients on managing and maintaining cost-effective health insurance and employee benefits. Attorney Klein provides proactive counseling, including drafting and implementing policies that assist with the creation and maintenance of a diverse, non-discriminatory and efficient workplace, encouraging optimal job performance and production. He has negotiated approximately 35 general government municipal labor contracts from start to finish in the past five years. Attorney Klein lives in Marblehead with his wife and three children.

Additional information about each member of the Town's proposed primary contact team is detailed in their resumes, attached as **Exhibit 1**.



6. Please describe how you propose to satisfy the Accessibility and Accountability requirements of the RFP.

With our main office in Boston, and many of our attorneys living in close proximity to Reading, including Attorney Reich in North Andover and Attorney Klein in Marblehead, we are available, and look forward, to working directly with elected and appointed officials. As requested, we are prepared to be present at all sessions of the Annual Town Meeting, and any other Town Meetings held throughout the year. We will also be present at such Board of Selectmen or other board or committee daytime or evening meetings as may be requested.

Our attorneys are accessible in person, by direct and toll-free telephone, voice mail, fax, e-mail, and cell phone. Our telephone receptionist is available from 8:30 a.m. to 5:00 p.m. on business days. After hours, we are reachable by e-mail, direct-line access at the office, and mobile or home phone numbers. As a firm of town counsels and city solicitors, we understand that your work does not start and end during "regular" business hours, and expect that we will be called upon at any time. For that reason, designated Town officials will be provided with the cell, home, and office direct dial telephone numbers of each of the primary contact attorneys proposed for Reading's legal team.

We understand the Town Manager's Office manages requests for Town Counsel legal advice and we are committed to efficiently responding to inquiries. All attorneys who work with the Town will return calls/emails promptly, and certainly within 24 hours, as you require. Similarly, attorneys who work with the Town will respond to requests for written opinions promptly, within one week as requested by the Town, unless the circumstances of the opinion warrant a shorter or longer time frame for response. We believe legal services require collaboration, and will seek to ensure that we understand your expectations, and, in turn, that you are informed of any circumstances that would result in the need for additional time to prepare a well-researched, responsive, written opinion. We will also provide, at no cost to the Town, a written monthly summary of all legal activity and a report for the Town's Annual Report. In addition, we will, of course, provide interim comments and/or a status report concerning the progress on any matter.

7. Please describe how you propose to satisfy the back-up requirements of the RFP.

The firm utilizes a primary contact attorney system to coordinate the delivery of services and afford a single point of contact. A secondary primary contact attorney, or "back-up" attorney, works closely with the primary contact attorney to ensure there is never a gap in coverage. The firm prides itself on providing consistent and comprehensive representation to its clients. As primary contact attorney, Attorney Goldberg, at no cost to the Town, would keep Attorney Reich advised as to open matters and other issues facing the Town. It is anticipated that a significant portion of matters referred to Town Counsel would be handled directly by Attorneys Goldberg and Reich, and therefore, that Attorney Reich would be involved in advising the Town on many of the matters referred to counsel.



- 8. If services are to be provided by a team of lawyers, describe how the team approach would work. For example, will specific attorneys be assigned to specific cases or subject matters. Will the specific attorney remain the contact throughout the case or matter?**

In general, as noted, it is anticipated that many of the matters referred to Town Counsel would be handled by Attorneys Goldberg, Reich and Klein. As proposed, Attorney Goldberg would be responsible for overseeing general municipal matters, including: municipal finance laws, the so-called "sunshine laws", Open Meeting, Public Records and Conflict of Interest Laws, all aspects of Town Meeting, and local legislation, and elections. Attorney Reich will provide back-up to Attorney Goldberg in the core areas of municipal law, and will advise on matters involving procurement, contracts, and environmental issues. Attorney Klein would also be available as back-up, and will be the Town's primary contact for school-related issues.

Attorneys Goldberg and Reich will draw on the expertise of other attorneys in the firm as needed, striving to use people the Town is familiar with in particular areas. For example, in the event a complicated real estate transaction were to arise, Attorney Jonathan D. Eichman's experience with drafting, negotiating and reviewing purchase and sale agreements, deeds, leases, easements, licenses, conservation and preservation restrictions, condominium documents, and loan documents would be called upon. Should the Town become involved in complex litigation, Attorney David J. Doneski, or another of the firm's litigation practice group, such as Attorney Jackie Cowin, would assist the Town. Resumes for Attorneys Eichman, Doneski and Cowin are attached for your information as **Exhibit 1(A)**.

The firm's primary and back-up attorney approach, combined with subject matter experts, allows us to provide the Town with exceptionally efficient legal services specifically targeted to the Town and its needs.

- 9. How would you conduct or oversee litigation, including administrative proceedings in which the Town and its boards are involved in their official capacity, to the extent such legal services are not provided by the Town's insurance carriers or outside counsel?**

Attorneys Goldberg, Reich and Klein would be responsible for representing the Town in litigation or administrative proceedings, or for assigning and supervising the same. Our general approach to staffing such matters is to have a senior level attorney be responsible for the complete matter, supported by other attorneys as is necessary or appropriate.

As noted in Question 8, there are subject matter areas in which particular attorneys have significant experience and are recognized expertise. In such cases, that attorney would be assigned to the matter. For example, Attorney Cowin has an established history of representing municipalities in litigation of varying types. If the Town were involved in a construction dispute, Attorney Doneski, who has particular expertise in litigating construction disputes, would be called upon to assist the Town.

With respect to whether to bring a lawsuit, or to defend litigation against the Town, the firm believes it is imperative that the Town have sufficient information about possible risks and



benefits of litigation, outright settlement, or other possible resolutions. We regularly provide advice with respect to these preliminary matters to appropriate staff, boards, and ultimately the board of selectmen, and firmly believe such information is a necessary component of any litigation decision. Therefore, the litigation strategy for any matter, whether in an administrative or judicial forum, and including assignment of the most appropriate attorney, would be discussed with the Town in each instance and a collaborative decision made as to how best to proceed. Of course, once the Town has made a strategy decision, we are committed to attaining the outcome selected by the Town.

10. Are you available to review and approve as to form and content all contracts to which the Town is a party?

Yes. We review and approve as to form contracts for all of the municipalities for which we serve as Town Counsel or City Solicitor. As a result of our review of similar contracts for other municipalities, we are often able to negotiate inclusion of provisions more favorable to the Town. Attorney Reich has significant experience drafting, reviewing and negotiating contracts.

11. Do you provide regular updates on regulations, legislation and court decisions affecting municipalities and, if so, would this be a separate expense?

The firm provides its municipal clients with several services at no cost, designed to keep our cities and towns abreast of the latest developments. These include the following:

- Memoranda to Municipal Clients – These advisories are provided as a complimentary service for our clients in order to present detailed legal analysis of relevant issues, such as amendments of statutes or regulations and the steps needed to comply with the same, or important administrative or judicial decisions and the implications thereof.
 - A list of recent memoranda and examples may be found in **Exhibit 6**.
- eUpdates – These electronic advisories are intended to provide our clients with more immediate, practical updates on important cases, legislative actions, and other developments of interest to municipalities, also at no charge. eUpdates generally address matters of a critical or urgent nature, and provide necessary information in an easily accessible, timely format.
 - A list of recent eUpdates, and several examples may be found in **Exhibit 6**.
- Webinars – These internet-based electronic seminars are provided on timely topics, in a format which allows interaction by our clients. Recent webinars include,
 - *“Public and Private Ways: Navigating Your Way through the Laws on Highways and Byways”* addressed the complicated laws applicable to laying out, accepting, discontinuing and abandoning public ways.
 - *“There’s a New Game in Town: What Municipalities Need to Know about the New Casino Legislation”* provided contemporaneously with the adoption of the new gaming legislation.



12. Do you provide training in legal obligations and compliance for elected, appointed, and compensated town employees on issues such as conflict of interest, ethics, open meeting law and harassment, and if so, would this be a separate expense?

We take great pride in our comprehensive on-site seminar program offered at no charge to our municipal clients. Ensuring that elected and appointed officials and staff know about, and understand, the requirements of existing and new laws, as well as relevant court and agency decisions, helps municipalities avoid incurrence of costs in several ways. First, it ensures that Town officials and employees are provided with the same information, at the same time, reducing multiple legal requests and responses. Second, it provides critical information that may reduce the likelihood of costly litigation.

We have found that trainings in sexual harassment prevention and general municipal law issues, such as the Open Meeting, Public Records, and Conflict of Interest Laws, are in particular demand for newly elected and appointed officials and new employees, as well as those who are veterans in their positions. We would work with the Board of Selectmen and Town Manager to develop suitable seminar topics for the Town based upon its unique needs. A list of some of our more popular seminars and workshops is attached as **Exhibit 7**, and includes:

- Open Meeting and Public Records Law
- Avoiding Sexual Harassment
- Administration of the Family and Medical Leave Act
- Changes in the Conflict of Interest Law
- Disciplining Public Employees with Due Process
- How to Conduct a Public Hearing and Write a Defensible Decision

Additionally, as discussed in detail in response to Question 11, the firm utilizes a number of means to ensure that our clients are kept apprised of changes in municipal law, regulations and rulings relevant to our clients and their activities, as well as other noteworthy developments, and in connection therewith, provides training in legal obligations and compliance for all town officials and employees. For example, in addition to explanations of important matters in eUpdates, Memoranda to Municipal Clients and Webinars, we develop subject matter cards with relevant guidelines, checklists to ensure compliance with complicated laws, and outlines of processes needed to comply with various statutory requirements. All of these are services provided free of charge to our clients.

13. Please describe your suggestions for the transition from current town counsel.

The firm does not charge for "transition time". If we were appointed Town Counsel, we would meet with the Board of Selectmen, Town Manager, current Town Counsel as appropriate, and key Town boards and staff, and review existing background and case file materials. Additionally, it would be useful to review prior status reports provided by Town Counsel to have an overview of the types of matters Town Counsel regularly addresses. During this time we would collaborate to ensure that the team members proposed herein are most appropriate for the Town's needs, and adjust accordingly, if needed.



14. Please describe any complaints with the Board of Bar Overseers or suits against each identified attorney and how the complaints or suits have been resolved.

No such complaints or suits have been made or filed.

15. Please identify any past or current clients that may give rise to a conflict of interest as a result of representing the Town of Reading.

This is to confirm that it is the firm's standard practice, when serving as town counsel, to forgo representation of clients: in any suits or claims against the Town; in matters before boards, commissions, or officials of the Town; or, in non-official matters involving Town employees or officers. We have no knowledge of any present circumstances, legal issues, or court cases that would constitute a conflict of interest or otherwise limit the firm's ability to represent the Town of Reading. We frequently represent communities that abut one another in shared or related matters where there is no actual conflict of interest, after disclosure and consent to such representation. We know of no circumstances presently requiring such disclosure or consent.

16. For each Town you, and if applicable, members of your firm have represented, please list those cases where municipal litigation has been undertaken (do not list special ed or appellate tax board cases).

The firm is truly unsurpassed in the breadth and depth of its experience and expertise to represent the Town of Reading, its officers, and employees before every court and administrative forum in the Commonwealth. As previously indicated, the firm represents a significant number of municipalities, and, as such, represents clients before various courts of the Commonwealth on a daily basis.

Courts in which our litigators have distinguished records on behalf of clients include: the Superior and District Courts, Land Court, Appeals Court, and Supreme Judicial Court; and the U.S. District Court for the District of Massachusetts, the U.S. Court of Appeals, and the U.S. Supreme Court. Our litigation attorneys routinely appear before such administrative agencies of the Commonwealth as the: Alcoholic Beverages Control Commission; Appellate Tax Board; Department of Environmental Protection; Massachusetts Commission Against Discrimination; Housing Appeals Committee; Civil Service Commission; and others with jurisdiction over matters involving municipal interests.

Though it is not practicable to provide a comprehensive list of the multitude of litigation matters we have handled, please see a listing of representative matters the firm has successfully handled on behalf of our municipal clients attached as **Exhibit 8**.



Conclusion

As the state's preeminent municipal law firm, we are confident that we can provide timely, accurate and cost-effective legal services to the Town of Reading, coupled with our unparalleled commitment to excellent, personalized service. In selecting Kopelman and Paige, you can rely on a team of the highest-quality lawyers with specific expertise in the matters you are facing, with the value added by our record of four decades of success on behalf of our municipal clients. The Kopelman and Paige difference is our dedication to our municipal client base.

By my signature, I certify that the information contained in this Response to Request for Proposals is complete, and accurate to the best of my knowledge and belief.

Signed:  Date: 5.7.14
Lauren F. Goldberg

EXHIBIT 1

5d3-16



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law



LAUREN F. GOLDBERG

Member

E-mail: lgoldberg@k-plaw.com

Phone: 617.556.0007

Practice Areas: General Municipal, Litigation

Experience

Attorney Lauren Goldberg has over 15 years of public law experience advising clients on municipal governance, finance and administrative law, including the Public Records Law, Conflict of Interest Law, and Open Meeting Law. She has extensive experience reviewing, drafting, and revising municipal charters, and assisting municipal clients in interpreting and implementing charter provisions. Attorney Goldberg advises municipalities concerning the Home Rule Procedures Act and the Home Rule Amendment to the Massachusetts Constitution, drafts special legislation, and assists clients in the legislative process, including testifying on behalf of clients before joint committees of the General Court. She also specializes in drafting by-laws and ordinances and advocating on behalf of clients before the Attorney General with regard to approval of by-laws. Attorney Goldberg also provides advice, drafts opinions and litigates on behalf of municipalities relative to recalls, recounts, and other elections questions, as well as conducts recounts of municipal elections.

Attorney Goldberg joined the firm after serving as Legal Counsel to the Office of the Secretary of the Commonwealth, Elections Division. In this capacity, she drafted amendments to the state election laws and regulations and assisted city and town clerks in implementing state election laws.

Representative Matters

- Review and revise annual and special town meeting warrants for over 30 towns on an annual basis and represent various towns at town meeting.
- Represented the Town of Georgetown in high-profile recount of the 2007 Annual Town Election results for a Proposition 2 ½ ballot question.
- Successfully represented the Town of Hubbardston Board of Health in an investigation by the District Attorney regarding allegations of Open Meeting Law violations.
- Drafted special legislation for the Town of Wareham authorizing untimely vacancy in the office of Selectman to appear on the ballot at 2007 Annual Town Election and assisted Town with enactment of legislation. See Chapter 18 of the Acts of 2007.

5d3-17



Prior Experience

Office of the Secretary of the Commonwealth, Boston, Massachusetts

Legal Counsel, Elections Division, August 1997 to April 2000

Provided legal advice and guidance to Secretary of the Commonwealth, state and municipal officials, candidates, legislators, elections staff, and general public about all aspects of election law. Drafted and reviewed election legislation and regulations, and designed and implemented statewide training program on polling place accessibility. Served as legal counsel to the State Ballot Law Commission, the state agency that decides matters relative to access to state ballot. Drafted Commission decisions.

Staff Attorney, Public Records Division, August 1996 to August 1997

Drafted administrative appeals decisions and advisory opinions regarding the application of the Public Records Law and Public Records Access Regulations to records held by government agencies. Provided legal opinions and guidance to records custodians and the general public regarding availability and disclosure of public records.

Bar & Court Admissions

- Massachusetts Bar
- U.S. Court of Appeals
- U.S. District Court

Education

Boston University School of Law

Juris Doctor, 1995

Boston University Law Review

G. Joseph Tauro Scholar

Trinity College (Hartford, CT)

Bachelor of Arts, with Honors, 1991

Honors: Faculty Honors List

Chinese Language Achievement Book Award

Speaking Engagements

- Frequently conducts municipal seminars on a range of topics including: Public Records Law; Conflict of Interest Law; Open Meeting Law; Adoption and Amendment of a Municipal Charter; Adoption and Implementation of the Community Preservation Act; and Campaign Finance Law
- "Town Meeting from Soup to Nuts," Massachusetts City and Town Clerks' Associations, Fall Conference, September 2009
- "Freedom of Information and Public Records Law in Massachusetts," Massachusetts Continuing Legal Education Panel, June 2009
- "Initiating and Responding to Public Records Law Requests," Third Annual Public Law Conference, Massachusetts Bar Association, June 2009



- "The Mysterious World of Municipal Finance," Massachusetts City and Town Clerks' Associations, Winter Conference, February 2009
- "What about Recounts?," Massachusetts City and Town Clerks' Associations, Winter Conference, February 2007
- "Conducting an Election Recount," Massachusetts City and Town Clerks' Associations, Winter Conference, February 2007
- "Hot Topics and Trends in the Open Meeting Law," Massachusetts Bar Association Brown Bag Lunch Series Panel, December 2006
- "Town Meeting - Legal Issues in Preparation of the Warrant, Conducting Town Meeting, and Resolving Last Minute Issues," Massachusetts Moderators Association Conference, March 2005
- "Criminal Offender Record Information – Revised Regulations and Implementation Thereof," Small Town Administrators of Massachusetts, September 2005
- "Driver Privacy Protection Act," Massachusetts Treasurers and Collectors Association Conference, May 2004
- "Timeline of a Town Meeting," Massachusetts Town Clerks' Association Winter Conference, February 2003
- "Election Law Administration," Massachusetts Continuing Legal Election Seminar, February 2000

Publications

- Author, "Municipal Election Administration and Campaign Finance," *Massachusetts Municipal Law*, Massachusetts Continuing Legal Education, 2002
- Author, "Insurance Coverage for Municipalities," *Massachusetts Municipal Law*, Massachusetts Continuing Legal Education, 2002
- Co-Editor, *Massachusetts Election Administration, Campaign Finance and Lobbying Law*, Massachusetts Continuing Legal Education, 2000
- Author, "Voter Registration," *Massachusetts Election Administration, Campaign Finance and Lobbying Law*, Massachusetts Continuing Legal Education, 2000
- Author, "Nominations, Caucuses and Primaries," *Massachusetts Election Administration, Campaign Finance and Lobbying Law*, Massachusetts Continuing Legal Education, 2000
- Author, "Election Day Administration," *Massachusetts Election Administration, Campaign Finance and Lobbying Law*, Massachusetts Continuing Legal Education, 2000
- Author, "Related Federal Laws," *Massachusetts Election Administration, Campaign Finance and Lobbying Law*, Massachusetts Continuing Legal Education, 2000



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law



MARK R. REICH

Member

E-mail: mreich@k-plaw.com

Phone: 617.556.0007

Practice Areas: General Municipal, Environmental, Contracts & Procurement, Litigation, Green Communities

Experience

Attorney Mark Reich has 25 years of experience in municipal law. He specializes in environmental law, contract and construction law, board of health regulation and enforcement, and general municipal law. Attorney Reich is also an experienced litigator representing municipal boards, public agencies, and officials in state and federal courts and before administrative agencies on environmental and contracting issues.

Attorney Reich's environmental law experience includes prosecution of property contamination claims, representation of municipal clients with respect to the reuse and rehabilitation of contaminated property; compliance with G.L. c.21E and the Massachusetts Environmental Policy Act and federal Superfund law; and regulatory and enforcement actions by local conservation commissions and boards of health. He also has extensive contract experience, including drafting complex agreements, intermunicipal agreements, and construction documents.

In the area of general municipal law, Attorney Reich serves as the primary contact for several cities and towns. In this capacity, he advises in the areas of Open Meeting Law, Public Records Law, Town Meeting, and City and Town Council meetings; drafting special legislation; and analyzing and interpreting by-laws, ordinance, and charters.

Representative Environmental Matters

- Town of Ayer v. Eastern General Contractors, Inc. and Liberty Mutual Insurance Co. Won summary judgment on the Town's claims for breach of contract against the defendant. A settlement was reached requiring full payment of the bid security, plus interest, in the total amount of \$142,000.00.
- Waste Systems International Oxford Transfer Station, Inc. v. Town of Oxford Board of Health, et al. Successfully represented the Town of Oxford Board of Health on appeal in its decision to deny a major site assignment modification request.
- City of Woburn - Industriplex. Advised the City with respect to the implementation of remediation measures at the Industriplex Superfund Site.



- Town of Norton – Shpack. Advised the Town with respect to the terms of a consent decree and property disposition with respect to the Shpack landfill Superfund Site, resulting in the transfer of remediated open space property to the Town.
- Town of Kingston - Winthrop Street Well. Represented Town in claims against Exxon under G.L. c. 21E for damages to the Town's water supply resulting in a settlement in the amount of \$475,000.
- Advising numerous municipalities and transportation authorities on liability issues and resolutions regarding the Beede Waste Oil Federal Superfund Site.
- Negotiating Administrative Consent Orders with the Department of Environmental Protection.
- Advancing and defending against claims for property damage and response action costs under G.L. c. 21E.

Prior Experience

City of Everett, MA

Assistant City Solicitor (1990-1998)

Drafted and reviewed contracts for design and construction services and oversaw procurement procedures. Developed land use strategies for the reuse and redevelopment of Brownfields. Negotiated Tax Increment Financing Agreements. Counseled planning department and worked with prospective developers on strategies to optimize development and open space use and reuse. Provided legal opinions and interpretations of the City Charter and Ordinances. Drafted ordinances and special legislation. Represented the City and its boards and departments in diverse litigation before federal and state courts and agencies. Prosecuted enforcement actions on behalf of the Board of Health and Building Inspector with respect to sanitary and building code violations. Handled claims brought against the City under G.L. c. 84 and c. 258.

Mayor's Administrative Assistant (1989-1990)

Liaison between Mayor and City department heads. Negotiated with local businesses and developers in planning and implementing strategies for future city growth. Provided advice on numerous executive and legislative initiatives. Drafted and interpreted ordinances and Charter provisions. Represented the Mayor before the City Council. Mayor's designee on regional boards and committees.

Bar & Court Admissions

- Massachusetts Bar
- U.S. District Court (Mass.)
- U.S. Court of Appeals for the First Circuit

Education

Boston University School of Law
Juris Doctor, 1988

Cornell University
Bachelor of Arts, 1985



KOPELMAN AND PAIGE

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DARREN ROBERT KLEIN

Member

E-mail: dklein@k-plaw.com

Phone: 617.556.0007

Practice Areas: General Municipal, Employment & Labor, School/Education, Litigation

Experience

Attorney Darren Klein provides municipalities and school districts with legal representation, counseling and assistance in all facets of employment and labor law, school law, collective bargaining, and general municipal law. He represents clients before state and federal courts, labor arbitrators, retirement boards and numerous administrative agencies on such issues as employment discrimination, wrongful termination, organizing petitions, unfair labor practices, employee discipline, and contractual grievances. Attorney Klein also assists his clients at many different stages of negotiating collective bargaining agreements and individual employment contracts, including serving as the lead negotiator for employers in a wide range of union negotiations. He also advises his clients on managing and maintaining cost-effective health insurance and employee benefits. Attorney Klein provides his clients with proactive counseling, which includes drafting and implementing policies that strive for maintaining a diverse, non-discriminatory and efficient workplace that encourages and allows for optimal job performance and production.

Attorney Klein is also the primary contact for several town counsel clients assisting them in a full array of general municipal issues, including town meetings, municipal charters and by-laws, conflict of interests, public records, the Open Meeting Law, and municipal finance.

Representative Matters

- Negotiate collective bargaining agreements with numerous public employee unions including teachers, school administrators, police, fire fighters, public works, and library, over employment contracts and benefits. Actively involved in negotiations involving increases in employee health insurance contribution rates, co-pay amounts, and other health insurance plan design changes aimed at providing and maintaining affordable and effective health insurance.
- Advise and negotiate non-union employment contracts on behalf of employer with school and municipal officials and managers.
- Represent municipal and school employers before numerous administrative agencies and retirement boards, such as the MCAD and the Civil Service Commission, on matters involving such subjects as employee discipline, employment discrimination, and health insurance benefits.
- Represent clients in numerous labor arbitrations on issues of contract interpretation, employee discipline, and benefits administration. Also assist clients in processing and/or settling grievances at pre-litigation stages.



- Counsels clients on maintaining compliance with numerous federal and state labor and anti-discrimination laws and regulations.
- Provides formal training and seminars to clients on areas such as sexual harassment, disciplinary due process, public sector conflicts of interest, and employment discrimination.

Select Reported Decisions

- **Employment/Handicap Discrimination:** City of New Bedford v. MCAD, 440 Mass. 450 (2003). SJC reversed MCAD's decision to affirm arbitration award in favor of police officer, who claimed that decision to remove him from City's SWAT teams was based upon unlawful handicap discrimination. In case of first impression, SJC adopted federal courts' definition of "handicap" in ADA cases for purposes of claims under G.L. c.151B.
- **Employment/Handicap Discrimination:** Brienzo v. Town of Acushnet, 60 Mass.App.Ct. 917 (2004). After plaintiff's claims for alleged handicap discrimination were dismissed by the MCAD for lack of probable cause, the Appeals Court held that plaintiff was not entitled to review by the Superior Court in the nature of certiorari.
- **School Law/Civil Service/CORI Checks:** McCarthy v. Town of Burlington/Burlington School Committee, 60 Mass.App.Ct. 914 (2004). After Civil Service Commission held that employer improperly considered criminal offender record information (CORI) to bypass a provisional employee who was seeking an appointment to become a permanent school building custodian, the Appeals Court overturned the decision of the Civil Service Commission and held that the town and its school committee could consider the custodian's criminal offender record information.

Prior Experience

AFSCME Union-Council 93, Boston, MA

Staff Counsel (1995-1997)

Represented members of statewide public sector union in all areas of employment and labor law. Duties involved employment litigation, counseling on all labor issues, and collective bargaining. Argued before various courts, Massachusetts Commission Against Discrimination, Labor Relations Commission and National Labor Relations Board. Caseload included employment discrimination charges, wrongful terminations, organizing petitions and unfair labor practices.

Memberships & Affiliations

- Massachusetts Bar Association, Labor and Employment Section
- Chaired bipartisan committee for the Massachusetts Bar Association that drafted resolution on affirmative action and served on committee which revised Massachusetts Commission Against Discrimination handicap regulations.

Bar & Court Admissions

- Massachusetts Bar
- U.S. District Court (Mass.)



Education

Rutgers University School of Law
Juris Doctor, 1994

University of Rhode Island
Bachelor of Science, 1991

Speaking Engagements

- “The Impact of Rising Health Insurance Costs on Collective Bargaining,” Joint Conference, Massachusetts Association of School Committees and Massachusetts Association of School Superintendents, November 15, 2007
- “Labor Law Update,” IPMA Tri-State Conference, March 2007
- “Representing School Districts”, Joint Conference, Massachusetts Association of School Committees and Massachusetts Association of School Superintendents, November 2005

EXHIBIT 1 (A)

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JONATHAN D. EICHMAN

Associate

E-mail: jeichman@k-plaw.com

Phone: 617.556.0007

Practice Areas: General Municipal, Land Use,
Real Estate, Litigation

Experience

Attorney Jonathan Eichman's practice focuses on general municipal law, land use, and real estate law. In the municipal law area, he assists clients with a variety of issues, including town meetings, municipal charters and by-laws, conflict of interests, public records, the Open Meeting Law, and municipal finance. In the area of land use, Attorney Eichman counsels municipalities on the interpretation and application of zoning by-laws, subdivision control regulations, and wetlands statutes and by-laws, with particular emphasis on the analysis and handling of zoning nonconformities and the statutory protection afforded religious and educational uses. In the area of real estate, Attorney Eichman focuses on assisting municipalities with all aspects of eminent domain takings and laying out public ways, together with negotiating and drafting purchase and sale agreements, licenses, leases, and a wide array of easements and restrictions. He represents municipalities in zoning and real estate matters before all levels of the federal and state courts, including the United States District Court, the Massachusetts Appeals Court, and the Massachusetts trials courts.

Representative Matters

- Rehabilitative Resources, Inc. v. Ginger Peabody, et al., Worcester Superior Court, C.A. No. 03-1474C. Utilizing an argument that had yet be applied in the reported cases, convinced the Superior Court to uphold a denial of an educational user's application to expand its use of an already-overcrowded lot on the grounds that the user failed to show that it could not find a conforming location elsewhere.
- Cottone, et al. v. Cedar Lake, LLC, et al., 67 Mass.App.Ct. 464 (2006). In a case of first impression, the Appeals Court affirmed the authority of the municipality to create by charter a seven member zoning board of appeals, and rejected the appellants' arguments that G.L. c.40A requires a 4/5's vote of a seven-member board before the board can act.
- Maimone, et al. v. Town of Georgetown, et al., 58 Mass.App.Ct. 1105 (2003). The Appeals Court confirmed that a municipality's repair of a private way does not require the municipality to maintain the way for six years following the repair.



Prior Experience

Massachusetts Land Court, Boston, MA

Judicial Law Clerk to the Hon. Karyn F. Scheier (1998-1999)

Professional Memberships

- Massachusetts Bar Association
- Real Estate Bar Association for Massachusetts (REBA)

Bar & Court Admissions

- Massachusetts Bar
- U.S. District Court (Mass.)

Education

Boston University School of Law

Juris Doctor, *cum laude*, 1998

University of Colorado

Master of Music, 1982

University of Iowa

Bachelor of Music, Special Honors with Distinction, 1980



KOPELMAN AND PAIGE, P.C.

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DAVID J. DONESKI

Member

E-mail: ddoneski@k-plaw.com

Phone: 617.556.0007

Practice Areas: Contracts & Procurement
General Municipal, Litigation

Experience

Attorney David Doneski has 25 years of experience representing clients in municipal matters. He specializes in municipal procurement, contracting, and public construction. Attorney Doneski works closely with building committees and awarding authorities in selecting project architects and engineers and ensuring compliance with the state's designer selection law, drafting and reviewing bid and contract documents, providing general project support, and representing the interests of the public project owner in disputes with contractors. He is an experienced litigator and has tried numerous cases on behalf of municipalities in the District Court, Superior Court and Land Court departments of the Massachusetts Trial Court.

Attorney Doneski is also an authority in general municipal law and has extensive experience in matters of municipal governance, including Town Meeting, drafting of by-laws and regulations, licensing and local administrative proceedings. He previously served as Assistant Town Counsel for the Towns of Danvers and Sudbury.

Representative Matters

- Defended the Town of Mashpee against a claim of an improper tax taking of land that had been designated as the Town Forest and obtained an Appeals Court ruling permitting the Town to retroactively assess back taxes for the 50 years between the date of the taking and the date of the Land Court judgment, ultimately allowing for the Town to retain the land through a global settlement.
- Nashoba Communications Ltd. Partnership No. 7 v. Town of Danvers, 893 F.2d 435 (1st Cir. 1990). Briefed and argued successful appeal, on jurisdictional grounds, on a complaint by Town's cable television operator that sought a declaratory judgment against Town's enforcement of a rate freeze provision in the cable license.
- Board of Selectmen of Sudbury v. Alcoholic Beverages Control Commission, 25 Mass. App. Ct. 470 (1988). As Assistant Town Counsel to the Town of Sudbury, Attorney Doneski was part of the team that litigated the case in which the court effectively invalidated so-called "pocket" liquor licenses.



- Emanouil Brothers v. Town of Watertown, Middlesex Superior Court, C.A. No. 04-4241 (2008). Successfully defended town against construction contractor's additional compensation claim and obtained \$250K+ judgment on town's counterclaim for deficient performance.
- Flowers v. Town of Groton, Land Court Case No. 08 MISC 383623 (2011). Obtained summary judgment for town on landowner's claim that Town had not properly discontinued public way and landowner was entitled to municipal services provided for town ways.
- Successful defense of numerous construction bid protest claims before the Attorney General's Fair Labor and Business Practice Division and contract claims in Massachusetts' courts.

Prior Experience

Towns of Danvers and Sudbury, MA

Assistant Town Counsel (1986-1993)

Represented all Town departments and boards in matters of municipal law and civil litigation, including review and drafting of contracts and planning and zoning documents; drafting of by-law amendments and Town Meeting warrant articles; and preparation of advisory opinions and explanatory memoranda.

Memberships & Affiliations

- Massachusetts Bar Association, Public Law Section

Bar & Court Admissions

- Massachusetts Bar
- U.S. District Court (Mass.)
- U.S. Court of Appeals for the First Circuit

Education

Boston College Law School

Juris Doctor, 1985

Clinical Placement Director and Articles Editor, *Boston College Environmental Affairs Law Review*

University of Notre Dame

Bachelor of Arts, with Honors, 1982



KOPELMAN AND PAIGE, P.C.

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JACKIE COWIN

Associate

E-mail: jcowin@k-plaw.com

Phone: 617.556.0007

Practice Areas: General Municipal, Litigation

Experience

Attorney Jackie Cowin represents clients in civil rights litigation matters. In this capacity, she provides counsel to municipalities on issues related to police misconduct, and represents police officers, police chiefs and municipalities in civil rights suits before the state Superior Court and federal District Court. She also represents municipalities and their employees in common-law tort claims. Additionally, Attorney Cowin assists clients with a variety of municipal law issues, including town meetings, municipal charters and by-laws, conflict of interests, public records, the Open Meeting Law, and municipal finance.

Prior Experience

Federal District Court Judge Patti B. Saris, Boston, MA
Intern (Spring 2002)

Attorney General's Office, Boston, MA
Intern (Fall 2001)

The Boston Globe, Boston, MA
Staff Reporter (2000-2001)

The MetroWest Daily News, Framingham, MA
Assistant Sports Editor (1999-2000)

Bar & Court Admissions

- Massachusetts Bar
- U.S. District Court (Mass.)
- U.S. Court of Appeals for the First Circuit

Education

New England School of Law
Juris Doctor, 2002

Barnard College
Bachelor of Arts, 1994

EXHIBIT 2

EXHIBIT 3

Town of Reading– Proposal for Town Counsel Services

**References for selected municipalities currently represented or represented in the past ten years as
Primary Contact Attorney by**

Attorney Lauren Goldberg

MUNICIPALITY	CONTACT NAME	YEARS OF SERVICE
Dedham 26 Bryant Street Dedham, MA 02026	Ms. Nancy Baker <i>Acting Town Manager</i> Tel: (781)751-9100	1 Year
Norton 70 East Main Street Norton, MA 02766	Mr. Michael Yunits <i>Town Manager</i> Tel: (508) 285-0210	11 Years
Oakham 2 Coldbrook Road Oakham, MA 01068	Ms. Donna Couture <i>Administrative Assistant</i> Tel: (508)882-5549 ext. 300	7 Years
Topsfield 8 West Common Street Topsfield, MA 01983	Ms. Kellie A. Hebert <i>Town Administrator</i> Tel: (978)887-1500	11 Years
Upton 1 Main Street, Box 1 Upton, MA 01568	Ms. Blythe C. Robinson <i>Town Manager</i> Tel: (508)529-6901	5 Years
Wales P.O. Box 834 Wales, MA 01081-0834	Ms. Kaye Worth <i>Administrative Assistant</i> Tel: (413)245-7571 ext. 100	10 Years
Weston P.O. Box 378 Weston, MA 02493	Ms. Donna S. VanderClock <i>Town Manager</i> Tel: (781)786-5020	10 Years
Winchendon 109 Front Street Winchendon, MA 01475	Mr. James M. Kreidler, Jr. <i>Town Manager</i> Tel: (978)297-0085	10 Years

Town of Reading– Proposal for Town Counsel Services

**References for selected municipalities currently represented or represented in the past ten years as
Primary Contact Attorney by**

Attorney Mark Reich

MUNICIPALITY	CONTACT NAME	YEARS OF SERVICE
Amesbury 62 Friend Street Amesbury, MA 01913	Hon. C. Kenneth Gray <i>Mayor of Amesbury</i> Tel: (978)388-8121	12 Years
Ashby 895 Main Street Ashby, MA 01431	Mr. Robert Hanson <i>Town Administrator</i> Tel: (978)386-2501	6 Years
Ayer One Main Street Ayer, MA 01432	Mr. Robert A. Pontbriand <i>Town Administrator</i> Tel: (978)772-8220	12 Years
Blandford One Russell Stage Rd., Suite 1 Blandford, MA 01008	Mr. William Levakis <i>Chairman, Board of Selectmen</i> Tel: (413)848-2782	12 Years
Freetown P.O. Box 438 Assonet, MA 02702	Mr. Richard Brown <i>Town Administrator</i> Tel: (508)644-2201	10 Years
Heath One East Main Street Heath, MA 01346	Ms. Kara M. Leistyna <i>Town Coordinator</i> Tel: (413)337-4934	13 Years
Lancaster 695 Main Street Lancaster, MA 01523	Mr. Orlando Pacheco <i>Town Administrator</i> Tel: (978)365-3326	10 Years
Millis Memorial Building 900 Main Street Millis, MA 02054	Mr. Charles Aspinwall <i>Town Administrator</i> Tel: (508)376-7040	8 Years
Newburyport 60 Pleasant Street Newburyport, MA 01950	Hon. Donna D. Holaday <i>Mayor of Newburyport</i> Tel: (978)465-4413	3 Years
Oxford 325 Main Street Oxford, MA 01540	Mr. Joseph Zeneski <i>Town Manager</i> Tel: (508)987-6030	8 Years

Town of Reading– Proposal for Town Counsel Services

MUNICIPALITY	CONTACT NAME	YEARS OF SERVICE
Sheffield P.O. Box 325, Main Street Sheffield, MA 01257	Ms. Rhonda LaBombard <i>Town Administrator</i> Tel: (413)229-7000	2 Years
Watertown 149 Main Street Watertown, MA 02472	Mr. Michael J. Driscoll <i>Town Manager</i> Tel: (617)972-6465	11 Years
Turners Fall District Board of Water Commissioners 226 Millers Falls Road Turners Falls, MA 01376	Prudential Committee Ms. Eileen Tela <i>District Accountant</i> Tel: (413)863-4542	13 Years
Lowell Regional Transit Authority 12 Olive Street, Suite 1 Greenfield, MA 01301	Mr. James H. Scanlan <i>Administrator</i> Tel: (978) 459-0164	7 Years
Merrimac Valley Regional Transit Authority 85 Railroad Avenue Haverhill, MA 01835	Mr. Joseph Costanzo <i>Administrator</i> Tel: (978) 469-1251	8 Years
Worcester Regional Transit Authority 60 Foster Street Worcester, MA 01608	Mr. Stephen F. O'Neil <i>Administrator</i> Tel: (508) 453-3500	4 Years

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Town of Reading– Proposal for Town Counsel Services

**References for selected municipalities currently represented or represented in the past ten years as
Primary Contact Attorney by**

Attorney Darren Klein

MUNICIPALITY	CONTACT NAME	YEARS OF SERVICE
Acushnet 122 Main Street Acushnet, MA 02743	Mr. Alan G. Coutinho <i>Town Administrator</i> Tel: (508)998-0200	15 Years
Burlington School Committee Burlington Public Schools 123 Cambridge Street Burlington, MA 01803	Dr. Eric Conti <i>Superintendent</i> Tel: (781)270-1801	13 Years
North Reading 235 North Street North Reading, MA 01864	Mr. Greg L. Balukonis <i>Town Administrator</i> Tel: (978)664-6010	15 Years
Rockport 34 Broadway Rockport, MA 01966-1537	Ms. Linda Sanders <i>Town Administrator</i> Tel: (978)546-6786	12 Years
Tyngsborough Town Hall 25 Bryants Lane Tyngsborough, MA 01879	Mr. Michael P. Gilleberto <i>Town Administrator</i> Tel: (978)649-2300	12 Years

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EXHIBIT 4



TOWN COUNSEL AND CITY SOLICITOR CLIENT LIST

Abington, 6 years
Acushnet, 23 years
Amesbury, 25+ years
Amherst, 6 years
Ashby, 13 years
Ayer, 17 years
Becket, 3 years
Belchertown, 25+ years
Berlin, New in 2013
Blandford, 25+ years
Boxborough, 25+ years
Boxford, 18 years
Brimfield, 25+ years
Brookfield, 12 years
Buckland, 25+ years
Burlington, 25+ years
Carver, 20 years
Charlemont, 17 years
) Chelmsford, 18 years
Chesterfield, 23 years
Clarksburg, 11 years
Colrain, 25+ years
Dalton, 22 years
Dedham, 23 years
Dennis, 25+ years
East Brookfield, 14 years
Eastham, 21 years
Essex, 14 years
Florida, 23 years
Freetown, 15 years
Georgetown, 25+ years
Goshen, 25+ years
Granville, 25+ years
Great Barrington, 20 years
Groton, 25+ years
Groveland, 25+ years
Hadley, 25+ years
Hardwick, 25+ years
Harwich, 17 years
) Heath, 21 years
Hinsdale, 17 years
Hopedale, 21 years

Hubbardston, 25+ years
Huntington, 25+ years
Lakeville, 14 years
Lancaster, 23 years
Lanesborough New 2014
Lenox, 1 year
Leominster, 20 years
Leyden, 25+ years
Lincoln, 11 years
Lunenburg, 21 years
Manchester-by-the-Sea, 25+ years
Mattapoisett, 10 years
Methuen, New in 2013
Middlefield, 18 years
Millbury, 25+ years
Millis, 25+ years
Montague, 20 years
Montgomery, 25+ years
Mount Washington, 18 years
Nantucket, 3 years
New Ashford, 14 years
New Braintree, 21 years
Newburyport, 10 years
New Salem, 17 years
Norfolk, 3 years
Northborough, 22 years
Northbridge, 25+ years
North Brookfield, 20 years
Northfield, 25+ years
North Reading, 25+ years
Norton, 23 years
Oakham, 10 years
Oxford, 25+ years
Pelham, 19 years
Pembroke, 25+ years
Peru, 20 years
Petersham, 19 years
Phillipston, 12 years
Plainfield, 12 years
Plainville, 8 years
Plymouth, 25+ years
Plympton, 18 years

Provincetown, 25+ years
Rockport, 12 years
Rowe, 10 years
Royalston, 20 years
Salisbury, 25+ years
Sandwich, 25+ years
Seekonk, 14 years
Sheffield, 2 years
Shirley New in 2014
Southampton, 25+ years
Sterling, New in 2013
Stoughton, 25+ years
Sturbridge, 18 years
Sunderland, 13 years
Sutton, 16 years
Swampscott, 18 years
Tisbury, 19 years
Topsfield, 20 years
Townsend, 12 years
Upton, 12 years
Wales, 11 years
Walpole, 25+ years
Warren, 10 years
Watertown, 21 years
Webster, 21 years
Wellfleet, 15 years
Wendell, 9 years
West Boylston, 19 years
Westford, 5 years
Westhampton, 22 years
Westminster, 4 years
Weston, 23 years
Westport, 17 years
West Stockbridge, 18 years
Whately, 16 years
Williamsburg, 14 years
Williamstown, 23 years
Winchendon, 12 years
Winthrop, 4 years
Worthington, 1 year

EXHIBIT 5



KOPELMAN AND PAIGE

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FULL RANGE OF MUNICIPAL LAW SERVICES

Airports

Americans With Disabilities Act – Building Compliance, Discrimination

Appellate Tax Board/Assessors

Board of Health, Site Assignments, Title 5

Cable Television License Renewal and Negotiations

Casinos and Gaming

Chapter Lands 61, 61A, 61B (Forestry, Agriculture, Recreation Land)

Chapter 91 Permitting, Tidelands

Charter Commissions – Establishment and Revision

Civil Rights Complaints

Coastal Zone Management/Harbor Regulation

Community Preservation Act

Comprehensive Permits c. 40B – Affordable Housing

Conflict of Interest (State Ethics)

Conservation and Preservation Restrictions

Discrimination Law (MCAD)

Districts

Economic Development and Tax Incentives

Elections and Campaign Finance

Eminent Domain and Regulatory Takings

Environmental Law

Facility Siting/MEPA

Firearms Licensing and Revocation

Forms of Government and Reorganizing Departments

Harbormaster/Shellfish Constable

Historic District Commissions

Housing Authorities

Human Resources (FLSA, FMLA, COBRA, HIPAA, etc.)

Industrial Development and Redevelopment

Insurance Defense and Coverage

Intermunicipal Agreements

Internal Investigations

Labor and Employment Law – Including Sexual Harassment Prevention Training and Health Insurance

Land Bank Issues

Licensing and Leasing

Litigation and Enforcement

Local Legislation – Bylaws, Charters, Regulations, Special Legislation

Municipal Finance and Prop. 2 1/2

Open Meeting Law and Public Records

Parks, Commons, Conservation Land, Playgrounds

Police Misconduct

Procurement – Contracting

Public and Charitable Trusts

Public Construction – Designer Selection

Public Utility Law

Public and Private Ways

Real Estate Transactions

Regional Agreements

Renewable Energy Projects

School Law

Smart Growth, c. 40R and c. 43D

Stone Water Management

Subdivision Control

Tax Collection/Tax Title

Telecommunications

Transit Authorities

Water/Sewer/Drainage – Supply, Compliance, Permitting, Financing, Betterment Assessments

Wetlands

Zoning/Planning/Land Use



KOPELMAN AND PAIGE, P.C.

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OVERVIEW OF PRACTICE AREAS

Kopelman and Paige attorneys are seasoned advocates and skilled negotiators providing cities and towns with a level of in-depth knowledge and expertise that only municipal specialists attuned to statewide trends can provide. All of our principals are experts in general municipal law including town meetings, elections, municipal charters and by-laws, conflict of interest, public records, the Open Meeting Law, and municipal finance. To serve the specialized needs of our clients, we are also organized into broad practice groups:

LITIGATION

Our litigation practice is unsurpassed in the Commonwealth in breadth and depth of experience and expertise in all aspects of litigation involving municipalities – including specialty areas such as land use, labor and employment, real estate, environmental, Appellate Tax Board, and contracts. In addition to representing our large municipal client base, this group provides defense for public employers for a large public sector insurance company. This client insures approximately 125 Massachusetts cities and towns; 200 public and private schools; and 150 public sector agencies, from water districts to public housing authorities and various commissions. The coverage includes defense of the full range of issues facing municipalities. This representation requires a complete understanding of a client's insurance coverage and availability for financial participation in the defense and/or payment of claims.

Our litigation practice also serves as defense counsel for the Boston Housing Authority, providing defense of personal injury and property damage claims. These include premises liability, "slip and fall" cases, as well as cases involving alleged defective building components, elevators, playground equipment, assault, negligent security, and the presence of toxic substances.

LAND USE

Our land use attorneys are expert in all aspects of land use law, including zoning, subdivision control, historic districts, affordable housing (G.L. c. 40B), Title 5 and wetlands protection. The group provides a full range of legal services to planning boards, zoning boards of appeal, building inspectors, boards of health, and conservation commissions. All of the attorneys in the land use practice possess considerable and relevant practical experience. Some have served as town planners, others as members of planning boards and conservation commissions. Our land use, zoning, and planning services routinely include:

- Providing opinions on land use matters such as Form A (ANR) requests and subdivision plans.
- Reviewing, prior to final issuance, various decisions of the Planning Board, Conservation Commission, and Zoning Board of Appeals.
- Representing Building Inspectors and Health Agents with enforcement actions.
- Assisting communities in adopting the newly enacted Chapter 43D.
- Reviewing and drafting by-laws and regulations.



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law

CHAPTERS 40B & 40R – AFFORDABLE HOUSING

The high cost of housing in Massachusetts is cited as one of the major factors inhibiting economic growth. As a result, the Commonwealth has put increased pressure on municipalities to provide greater opportunities for the construction of affordable housing through the use of Chapter 40B. At the same time, however, new legislation offers incentives to municipalities to permit development of affordable housing through use of Chapter 40R (Smart Growth Zoning). Kopelman and Paige is a leader in all areas of affordable housing, from assisting towns with developing tools for their affordable housing initiatives to providing counsel to local boards that have denied projects for failure to address local concerns. Our services include:

- Assisting with the creation of community-based affordable housing trusts, affordable accessory unit and inclusionary zoning by-laws, and transfer of municipal land for development of affordable housing.
- Assisting in all stages of the G.L. c. 40B process, including: review of applications; attendance at hearings of Board of Appeals; coordination of expert consultants; negotiation of project revisions; drafting of decisions; and, if necessary, representation before the Housing Appeals Committee, as well as before the Land Court, Superior Court and Appellate Courts.
- Assisting in negotiating and obtaining the approval of smart growth overlay districts under the new Chapter 40R. including two of the first three districts approved by the Commonwealth in North Reading and Plymouth.
- Assisting in post-approval review and enforcement of affordable housing conditions, including: the drafting of regulatory agreements and use restrictions; coordination with subsidizing agencies; and auditing of project costs and revenues.

REAL ESTATE

Kopelman and Paige's real estate practice is diverse and highly sophisticated. It encompasses every aspect of real estate, including purchases, sales, leases, eminent domain, easements, and financing. Our real estate practice group has carefully developed legal strategies and techniques to assist our clients with achieving their goals. Our lawyers not only understand real estate law, but also strive to realize our clients' goals with innovative solutions. We work closely with our firm's other practice groups (such as land use and litigation) to bring the right combination of experience and skills to the project.

CONTRACTS & PROCUREMENT

This practice includes attorneys who regularly provide legal services for Massachusetts public construction projects. All attorneys in this practice group are thoroughly familiar with the requirements of Chapters 30 and 149 of the General Laws that govern the bidding procedures for public building and public works construction projects, as well as specification standards for construction materials and payment to contractors and sub-contractors. This group also represents municipal building committees and designer selection committees on all aspects of designer selection. We have extensive experience in the areas of general procurement of supplies and services under the Uniform Procurement Act, Chapter 30B, and local procurement requirements, including design/build procurements. The group is well-versed in municipal finance requirements, town meeting procedures, and Proposition 2 ½ issues.



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law

LABOR AND EMPLOYMENT LAW

This practice area has been providing a full range of services in labor, employment, discrimination, and related litigation to public sector entities since the firm was founded. We are the largest provider of public sector labor services in the Commonwealth. We provide collective bargaining, labor relations, and employment discrimination legal services to numerous communities and county type governments and agencies, as well as to state agencies. Within labor and employment law, several attorneys specialize in employment discrimination law and the representation of clients before the Massachusetts Commission Against Discrimination (MCAD) and other venues.

ENVIRONMENT

In addition to providing wetlands protection-related services, the firm has several attorneys who are eminently qualified to provide other environmental law services such as water and wastewater permitting and compliance, solid waste management and disposal, site assignment, and 21E liability. The firm is currently serving as Special Counsel to the Central Massachusetts Resource Recovery Committee that has negotiated, on behalf of 34 central Massachusetts communities, a long-term solid waste disposal agreement with Wheelabrator Millbury, Inc.

SCHOOL LAW/EDUCATION

Experienced in the unique issues arising in the school environment, such as students' rights, collective bargaining, Special Education, and the hiring and firing of school personnel (including teachers), Kopelman and Paige can meet the complete legal needs of school committees and school districts. Through periodic bulletins, we keep our clients up to date on the latest case law, statutory changes, and employment trends impacting schools.

CABLE TELEVISION AND TELECOMMUNICATIONS

Kopelman and Paige is a leader in cable television licensing. We have successfully represented over 20% of the cities and towns in Massachusetts in all phases of license renewals, including negotiations, consultations, evaluations, rate increases, and execution of contracts and have negotiated with all Massachusetts cable providers, including Verizon. We have guided many communities through the complex process of license renewal negotiation and competitive initial cable television licenses and are familiar with the major issues confronting licensing agencies during the renewal process. We have conducted and overseen public hearings, offered advice and direction about the ascertainment process, advised about and conducted compliance hearings, and drafted and negotiated many cable renewal licenses. We have also advised and assisted in license transfer proceedings, and in the establishment of not-for-profit cable access corporations.

Our telecommunications team likewise possesses extensive experience and expertise with the Federal Telecommunications Act of 1996, FCC requirements, and issues currently and previously litigated concerning Personal Wireless Service Facilities. We have assisted various committees, planning boards, town meetings, and zoning boards of appeal in developing and/or amending by-laws that satisfy the federal law while protecting the community's interest to the maximum extent possible. In addition, we have significant experience successfully defending numerous municipal clients in the state and federal courts and agencies with jurisdiction over telecommunications and related matters.



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law

TRANSPORTATION/TRANSIT AUTHORITIES

As general counsel for several regional transit authorities we are fully familiar with their unique operations, regulations, and funding. Our attorneys have extensive knowledge of Chapter 161B and are well-versed in the funding, purchasing, and grant administration of the U.S. Department of Transportation and the Massachusetts Executive Office of Transportation. We have the in-depth expertise that is needed to handle the increasingly complex laws and regulations governing transit authorities today, including:

- Grants, agreements, contracts and certifications
- Competitive procurements
- Public hearings, open meetings law, compliance with local mandates and by-laws
- Real estate and property acquisition and transfer
- Employment and labor
- Litigation

CONTACT US

For more information, please contact:

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(toll free) 800-548-3522, ext. 1759
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(e-mail) lgoldberg@k-plaw.com

Or visit us online at www.k-plaw.com

EXHIBIT 6

5d3-46



CLIENT E-UPDATES

2014 E-UPDATES

- March 11 Webinar: What Municipalities and Public Entities Should Know about CORI Reform in Massachusetts
- February 3 2014 Massachusetts Municipal Association Annual Meeting Handouts
- January 31 New State Ethics Commission Regulation
- January 7 Webinar: Public and Private Ways: Navigating Your Way Through the Law on Highways & Byways

2013 E-UPDATES

- September 19 Upcoming Deadlines for Requirements Under the Affordable Care Act
- July 31 Regulation of Medical Marijuana-Related Uses: Last of a Three Part Series
- July 31 Regulation of Medical Marijuana-Related Uses: Second in a Three Part Series
- July 31 Draft Model Medical Marijuana Overlay District Bylaw
- July 31 Regulation of Medical Marijuana-Related Uses: First in a Three Part Series
- July 19 Amendment to G.L. c.30B
- June 26 Updated Sexual Harassment Policy and Sample Anti-Discrimination Policy
- May 3 Expanded Gaming Act Update
- March 25 Use of CPA Funds Appropriated Prior to July 1, 2012, for Acquisition of Artificial Turf
- March 21 Webinar: Everything You Always Wanted to Know About Town Meeting but Were Afraid to Ask
- March 14 Medical Marijuana Update – Attorney General Approves Moratorium and Disapproves Ban
- February 6 Emergency Legislation Authorizing Rescheduling of Certain Municipal Elections
- February 4 United States Court of Appeals Vacates \$14 Million + Verdict



CLIENT E-UPDATES

- February 4 Medical Marijuana Update - Status of Department of Public Health Regulations
- January 25 First Community E-Update for 2013
- January 3 Medical Marijuana Update - Temporary Zoning Moratorium (w/ attachments)

2012 E-UPDATES

- December 14 Holiday Greetings from Kopelman and Paige, P.C.
- November 14 New Medical Marijuana Law
- November 6 Legal Assistance Available for November 6, 2012, Election
- October 3 New Veterans Tax Work Off Program
- September 6 New Alcoholic Beverages License for Caterers
- August 29 Revisions to Permit Extension Act
- April 27 Taxation of Telephone Company Poles and Wires
- March 9 High Court Rules on Quinn Bill Statute
- January 18 Webinar: There's a New Game in Town - What Municipalities Need to Know About the Casino Legislation
- January 13 A Friendly Reminder of Upcoming Events
- January 9 Appeals Court Invalidates Cap on Class 2 Licenses

2011 E-UPDATES

- December 23 Holiday Greetings from Kopelman and Paige, P.C.
- December 6 Collective Bargaining "Evergreen Clauses" Validated by New Statute
- December 6 Gender Identity Law to Take Effect July 1, 2012
- November 15 Attorney General Releases New Regulations for Remote Participation



CLIENT E-UPDATES

- November 8 Appellate Tax Board – Comcast
- September 15 Changes to Municipal Health Insurance
- September 15 Potential EPA Penalties for Failure to Submit Annual Stormwater System Reports
- September 9 Appellate Tax Board – Sprint
- August 26 Natural Disasters - Relevant Statutes and Agency Info
- August 22 Appellate Tax Board - Sprint Spectrum and Nextel, 08/22/11
- August 10 Appellate Tax Board - New Cingular Wireless

2010 E-UPDATES

- November 10 “Evergreen Clauses” No Longer Valid in Municipal Collective Bargaining Agreements
- August 6 Land Use Permit Extensions
- July 9 Changes to Alcoholic Beverages Pouring License Statutes Allowing Sunday Morning Sales
- June 25 Effective Date of Revised Open Meeting Law Not Postponed
- June 24 Cape Cod Five Cents Savings Bank, et al. v. Board of Assessors of the Town of Harwich
- June 3 Willowdale LLC v. Topsfield Board of Assessors, ATB Nos. F288893 and F297036 (Appeals Court No. 2010-P-0605)
- May 27 “Quinn Bill” Arbitration Ruling in Town’s Favor
- May 14 MASSPCSCO v. Commissioner of Revenue, City of Woburn, et al, F283510 and F293338
- April 26 CJD Real Estate Limited Partnership v. Board of Assessors of the Town of Chelmsford, et al., Appellate Tax Board Nos. F298316 & F304236

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EXHIBIT 7



**K&P KNOWLEDGE IS PREVENTION
FREE SEMINARS AND WORKSHOPS FOR CLIENTS**

TOPICS INCLUDE:

**Public and Private Ways: Navigating Your way through the Law on Highways and Byways
Everything You Always Wanted to Know About Town Meeting but Were Afraid to Ask**

Massachusetts Casino Law

Community Preservation Act

Writing Sound Decisions for Planning Boards, Zoning Boards of Appeal, and Conservation Commissions

Drafting Reasonable Wetlands By-laws and Regulations to Withstand Successful Challenge

Open Meeting Law and Public Records Law

Pre-existing Nonconforming Residences

Street Layout Process

Comprehensive Permits

Discrimination/Harassment Avoidance Training

The Effects of Technology on the Public Records and Open Meeting Laws

How to Conduct a Flawless Public Hearing

Disciplining Public Employees with Due Process

Conflict of Interest

Show Cause and Disciplinary Hearings

Land Use Law and Procedures

Procurement and Contracting

Betterment Assessments

Private and Public Ways – Municipal Duties and Liabilities

How to Conduct a Liquor License Hearing

Municipal Tort Claims and Street Defects

Effective Enforcement for Zoning, Planning, Health Boards, and Conservation Commissions

Cable TV – License Negotiations in the Age of Competition

Acquisition and Disposition of Land, Leases, Easements, and Restrictions

Avoiding Unfair Labor Practice Charges

EXHIBIT 8

5d3-52



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law

REPRESENTATIVE LITIGATION

Joel B. Bard

- Burnham v. Town of Hadley, 58 Mass. App. Ct. 479 (2003). Established that a Zoning Board of Appeals which makes its decision within the statutory 100-day deadline may issue its decision after that deadline if it is within fourteen days of the 100-day deadline; also, court deferred to the Town's discretion in determining that a home occupation is not an allowable accessory use.
- Mieczkowski v. Board of Registrars of Hadley, 53 Mass. App. Ct. 62 (2001). Successfully argued in favor of the Town's interpretation of its Special Act allowing recall of elected officials.
- FIC Homes of Blackstone v. Conservation Commission of Blackstone, 41 Mass. App. Ct. 681, rev. den. 424 Mass. 1104 (1996). Defended the defendant Conservation Commission against a challenge to its decision denying a wetlands order of conditions and successfully argued that the denial of the landowner's right to build on one lot in a subdivision was not a regulatory taking under the U.S. Constitution.
- T.D.J. Corporation v. Conservation Commission of North Andover, 36 Mass. App. Ct. 124, rev. den., 418 Mass. 1103 (1994). Established that the Conservation Commission had the authority under a town by-law to regulate activities in a wetlands buffer zone and to protect wetlands interests in addition to those in state law.

Jeffrey T. Blake

- Town of Wellesley DPW, et al. v. Massachusetts Department of Environmental Protection, Norfolk Superior Court Civil Action No. 08-00174. Represented the Towns of Harwich, Manchester-by-the-Sea, North Reading, Millis, and the City of Brockton in a successful challenge to the authority of the Massachusetts Department of Environmental Protection to condition a Water Registration Statement renewal.
- Paulino d/b/a Wareham Laundry Center v. Town of Wareham, Barnstable Superior Court, Civil Action No. 07-00020. Successfully defended the Town in a challenge to its method of calculating sewer user fees.
- Thore v. Howe, U.S. District Court, C.A. No. 03-CV-11999-NG (2006). Assisted in the representation of defendant in a police excessive force case involving numerous allegations of civil rights violations resulting in a favorable defense verdict on summary judgment.



- Barbara Deighton Haupt, Trustee of BD Realty Trust v. Town of Wareham, et al., U.S. District Court, District of Massachusetts C.A. No. 05-11745-RWZ (2007). Assisted in the defense of the Town in this eminent domain action securing a verdict that reduced the plaintiff's claimed value of the taken property by \$1.5 million dollars.

Patricia A. Cantor

- Zaskey v. Town of Whately, 61 Mass. App. Ct. 609 (2004). Court upheld a 19th century vote to discontinue a public way.
- Durbin v. Board of Selectmen of Kingston, 62 Mass. App. Ct. 1 (2004). Court established standards applicable to appeals in vicious dog case.
- Fragopoulos v. Rent Control Board of Cambridge, 408 Mass. 302 (1990). Court affirmed the authority of a municipal agency to grant conditional permits and upheld the constitutionality of a city ordinance.

Gregg J. Corbo

- Walker v. Town of Essex, Essex Superior Court, C.A. No. 2012-02221 (2013). Superior Court ruled in favor of Town in class action lawsuit in which a class of over eighty tenants on Town-owned land claimed that the Town violated a special act of the legislature by charging them rents that exceeded the fair market value of the property.
 - Successfully defended the Town of Essex in a similar class action lawsuit involving over eighty tenants on Town-owned land known as Conomo Point. Again, the Court ruled in favor of the Town.
- Charles F. McCoy, Jr. v. Town of Kingston, 68 Mass.App.Ct. 819 (2007). Massachusetts Appeals Court upheld Superior Court's ruling in favor of Town on indemnification dispute.
- Thore v. Howe, 466 F.3d 173 (1st Cir. 2006). First Circuit Court of Appeals upheld District Court decision granting police officer's motion for summary judgment on excessive force claim arising out of officer's decision to shoot at a moving vehicle to prevent imminent bodily harm to himself and others.
- Padden v. Town of West Boylston, 64 Mass.App.Ct. 120 (2004). Massachusetts Appeals Court reversed a Superior Court finding that a Board of Health mandatory sewer connection regulation was invalid and entered judgment upholding Board of Health regulations.

David J. Doneski

- Barr Incorporated v. Town of Holliston, 462 Mass. 112 (2012). The Commonwealth's highest appellate court confirmed that municipal construction contract awards are not confined in all cases to the lowest bidder, and that awards may be based on other information in addition to the bidder's certification file maintained by DCAM and the information listed in the bidder's own update statement submitted with its bid.



- Nashoba Communications Ltd. Partnership No. 7 v. Town of Danvers, 893 F.2d 435 (1st Cir. 1990). Briefed and argued successful appeal, on jurisdictional grounds, on a complaint by Town's cable television operator that sought a declaratory judgment against Town's enforcement of a rate freeze provision in the cable license.
- Board of Selectmen of Sudbury v. Alcoholic Beverages Control Commission, 25 Mass. App. Ct. 470 (1988). As Assistant Town Counsel to the Town of Sudbury, Attorney Doneski was part of the team that litigated the case in which the court effectively invalidated so-called "pocket" liquor licenses.

Darren R. Klein

- **Employment/Handicap Discrimination**
 - Brienzo v. Town of Acushnet, 60 Mass.App.Ct. 917 (2004). After plaintiff's claims for alleged handicap discrimination were dismissed by the MCAD for lack of probable cause, the Appeals Court held that plaintiff was not entitled to review by the Superior Court in the nature of certiorari.
- **School Law/Civil Service/CORI Checks**
 - McCarthy v. Town of Burlington/Burlington School Committee, 60 Mass.App.Ct. 914 (2004). After Civil Service Commission held that employer improperly considered criminal offender record information (CORI) to bypass a provisional employee who was seeking an appointment to become a permanent school building custodian, the Appeals Court overturned the decision of the Civil Service Commission and held that the town and its school committee could consider the custodian's criminal offender record information.

Lauren F. Goldberg

- Mieczkowski v. Board of Registrars of Hadley, 53 Mass. App. Ct. 62 (2001). Successfully represented Town against challenge to recall process as established under Special Act.

George X. Pucci

- Regis College v. Weston, et al., 17 Mass. Land Court Rptr. 79 (2010). Obtained summary judgment for the Town of Weston and Weston Zoning Board of Appeals, affirming the denial of the plaintiff's proposal to construct 362 luxury residential units for senior citizens on its Weston Campus along with other educational facilities spread among eight buildings, on the grounds that the proposal would not constitute an educational use protected by the Dover Amendment since its dominant purpose was not educational. The proposal would have required elderly residents to take four college courses a year and to pay a one-time fee of \$700,000-\$1 million, 90% refundable upon leaving the facility, with a monthly service fee of \$4,000. The Court (Sands, J.) accepted the Town's



- summary judgment argument that the financial components of the project “dwarfed” any educational components, that the entrance and service fees were far in excess of the cost of the educational programs provided, that two-thirds of the square footage in the project would be dedicated to housing, and that the seriousness of the academic component was questionable given its lack of any matriculation requirements and the fact that the courses were not designed to help the residents attain independent living.
- Plymouth v. Boston Edison Co., 71 Mass. App. Ct. 1107 (2008). Successfully appealed an adverse summary judgment decision ruling that an easement which was granted to Boston Edison in the 1960’s to allow construction of lines for the transmission of electricity, including lines for “communication, signal and control purposes,” entitled Edison’s successor, NSTAR, to lease space to wireless telecommunications carriers on infrastructure located in the area of easement. Ultimately reached a mutually beneficial settlement agreement with NSTAR, by which the Town agreed to amend the easement to expressly allow the continued operation of wireless telecommunications facilities in the area of easement, and NSTAR agreed to pay the Town a specified percentage of all past and future revenue derived from its leases with wireless telecommunications carriers operating out of the area of easement.
- Winchendon v. Dillon Investments, LLC, Lawyers Weekly No. 14-147-08 (Land Court, Scheier, C.J., October 30, 2008). Prevailed at trial of the Town’s claim seeking specific performance of an option to purchase more than 700 acres of valuable forestry land under G.L. c. 61. Defeated the defendant/developer’s arguments that 1) the Town waived its specific performance rights by accepting the developer’s payment of roll-back taxes and re-classifying the property as unrestricted land after the developer’s purchase of the property, and 2) that if the Town were to prevail on its specific performance claim, the land had a fair market value of \$1.8 million, versus the \$1.2 million dollar purchase price which was tendered by the Town.
- Middleborough v. Freitas. Successfully litigated a vigorously contested Chapter 61A agricultural land case as special counsel for the Town of Middleborough, arguing that an owner’s “indicia of intent” to convert protected, agricultural land for future development as a residential subdivision was enough to trigger the Town’s specific performance rights under G.L. c.61A. Ultimately reached a favorable settlement which enabled the Town to partner with The Nature Conservancy and the homeowner, in order to preserve an historic agricultural landscape along the Nemasket River in Southeastern Massachusetts.
- Winchendon v. Boyd. Obtained \$583,706 in settlement of a contested Land Court foreclosure action, including 16% interest and attorneys’ fees, after defeating the defendant/developer’s summary judgment argument that a flaw in the Town’s original notice of taking voided any foreclosure action against subsequent purchasers until the tax taking process was initiated anew.
- Adams Road Trust v. Grafton Board of Appeals. Successfully defended the Grafton Zoning Board of Appeals in a seven day trial of a developer’s appeal of a G.L. c.40B comprehensive permit decision. Obtained a ruling from the State’s Housing Appeals Committee upholding the validity of the Board’s denial of



extension of Town water to the proposed 40B development on the grounds that the proposed extended water line would result in an increased likelihood of development through an area where the Town had intended to preserve rural character for open space purposes and natural resource protection, and that local needs thus outweighed the need for affordable housing with respect to the water line issue.

- Dedham v. Home Depot. Obtained \$178,548 for the Town of Dedham in settlement of a breach of contract claim in order to fund engineering analyses to determine the extent of roadway and infrastructure improvements necessitated by a box-store commercial development.
- Hopedale v. Alderman & MacNeish, Inc. 2001 WL 544024, 13 Mass.L.Rptr. 91 (Mass.Super.2001). Obtained \$140,000 in settlement of an architectural malpractice claim after a successful summary judgment ruling in which the Court accepted the Town's argument that the defendant architect was subject to a six year statute of limitations governing contract actions for breach of express warranties, versus the three year limitations period ordinarily applicable to professional negligence claims, based upon the architect's acceptance of a higher standard of care than that contained in the standard AIA contract.

Michele E. Randazzo

- Carleton v. Commonwealth of Massachusetts, 447 Mass. 791 (2006) (*amici* brief)
- Mad Maxine's Watersports, Inc. v. Harbormaster of Provincetown, 67 Mass. App. Ct. 804 (2006)
- Aulson v. Blanchard, 83 F.3d 1 (1st Cir. 1996)
- Martinez v. Wolferseder, 997 F. Supp. 192 (D. Mass. 1998)

Brian W. Riley

- Tedeschi Food Shops, Inc. v. Abington Board of Selectmen, PLCV2011-01383 (2013). Successfully defended a Board of Selectmen's denial of an underground storage tank license for a proposed service station, based on public health and safety concerns.
- Town of Holden v. Wachusett Regional School District Committee, et al., 445 Mass. 656 (2005). Defended a small town from an amendment to a regional school agreement that would have overcharged the town for its share of the budget, in violation of the Education Reform Act.
- Sullivan v. State Police and Chief of Police of Pembroke, et al., 57 Mass. App. Ct. 10 (2003). Defended Chief's interpretation of state law prohibiting the sale of firearms from a residential structure, notwithstanding the structure's separate entrance for business area.
- North and South Rivers Watershed Assoc. v. Town of Scituate, 949 F.2d 552 (1991). Successfully defended town from a suit pursuant to the Federal Clean Water Act.



Jonathan M. Silverstein

- **Civil Rights/Tort**
 - Rocheleau v. Town of Millbury, 115 F.Supp. 173 (D.Mass. 2000). Federal District Court awarded summary judgment to the Town and Town officials on various civil rights and tort claims against the Town and police officers, arising out of a pretrial detainee's alleged injuries while in a Town lock-up facility.
 - Marinelli v. Stoughton Board of Selectmen, NOCV2008-00121 (2008). Superior Court dismissed equal protection and due process claims arising out of the Board of Selectmen's vote to discontinue maintenance of a private road. Plaintiff claimed that he was treated differently from others similarly situated and suffered damages as a result of the Board's decision. The Court also rejected the plaintiff's request for a judicial review of the Board's vote to discontinue maintenance.
- **Comprehensive Permits/Enforcement**
 - Town of Boxborough v. Boxborough Meadows, LLC. In the settlement of the first-ever action by a municipality to enforce the profit limitation imposed upon recipients of comprehensive permits for affordable housing projects under G.L.c.40B, the developer agreed to pay \$1.2 million to the Town, to be used for affordable housing purposes.
- **Constitutional/Licensing**
 - DHL Associates v. Town of Tyngsborough, 64 Mass.App.Ct. 254 (2005). In a case of first impression, the Appeals Court held that Article 16 of the Massachusetts Declaration of Rights does not afford broader protections to adult entertainment than the First Amendment.
- **Employment/Handicap Discrimination**
 - City of New Bedford v. MCAD, 440 Mass. 450 (2003). SJC reversed MCAD's decision to affirm arbitration award in favor of police officer, who claimed that decision to remove him from City's SWAT teams was based upon unlawful handicap discrimination. In case of first impression, SJC adopted federal courts' definition of "handicap" in ADA cases for purposes of claims under G.L. c.151B.
- **Education**
 - Doe v. Superintendent of Schools of Stoughton, 437 Mass. 1 (2002). In the first case to interpret student-discipline provisions of G.L. c.71, §37H½ part of the Education Reform Act, the SJC upheld the decision of the Town's Superintendent of Schools to suspend a student charged with a felony that took place off school premises and during the summer break. This decision reaffirms the broad discretion of school officials with respect to student discipline and safety.
- **Environmental**
 - Town of Sturbridge v. Mobil Oil Company. \$1.6 million settlement in groundwater contamination action, pursuant to G.L. c.21E.



- **Municipal/Presentment**
 - Antonio v. City of Peabody, 51 Mass.App.Ct. 655 (2001), MLW June 4, 2001 (opinion digest). Appeals Court reversed denial of City's motion for summary judgment on grounds of inadequate presentment and ordered that judgment enter for City.
- **Municipal Finance**
 - Iacobucci v. Town of Amesbury, 77 Mass.App.Ct. 1109 (1:28 Decision), further appellate review denied, 458 Mass. 1104 (2010). Appeals Court held that debt authorization for capital expenditure (library renovation project) was not subject to referendum process under municipal charter. Court also held that plaintiffs' Open Meeting Law claim and mandamus claim (seeking enforcement of various charter provisions) were properly dismissed.
- **Open Meeting Law**
 - Paicopolis v. Dartmouth School Committee, 72 Mass.App.Ct. 1117, further appellate review denied, 452 Mass. 1109 (2008). Appeals Court rejected a claim that the School Committee held improper executive sessions and also rejected a claim that the School Committee breached obligation of good faith and fair dealing with the public by considering various employment and contract matters in executive session.
- **Junk Yard/Contempt**
 - City of Woburn v. Alfred V. Fraumeni, Jr., Inc., MICV1998-1437 and MICV2001-1231 (2006). After trial, Superior Court entered a Contempt Judgment against owner of property being used for storage of approximately 160 junk and disused vehicles. Court ordered repayment of City's costs and attorney fees and provided for appointment of receiver (at property owner's expense) if all vehicles, debris and equipment were not removed by set deadline.
- **Real Estate (Registered Land)**
 - Town of Sandwich v. Panciocco, 48 Mass.App.Ct. 556, further appellate review denied, 431 Mass. 1105 (2000). Appeals Court affirmed summary judgment for plaintiff Town in right-of-way case involving inconsistencies between confirmation plan of defendant's property and registration plan of plaintiff's property.
- **Real Estate (Right of Reverter)**
 - Faneuil Investors Group v. Board of Selectmen of Dennis, 458 Mass. 1 (2010). Supreme Judicial Court held that Town could enforce right of reverter to void sale of municipal land to housing authority, based upon housing authority's failure to obtain permission of selectmen prior to granting mortgage on property. Mortgagee/Bank claimed that mortgage was not "conveyance" sufficient to trigger reverter clause.
- **Sewer Connection**
 - Lemansky v. Charlton Water & Sewer Commission, WOCV2004-01107 (2005). Summary Judgment rejecting the claim of property owners that they were improperly denied connections to municipal sewer for a large-scale development based upon a narrow strip of land connecting the



development site to a public way in which municipal sewer line was located. Court also upheld sewer connection moratorium as valid exercise of Commission's authority.

- **Subdivision Control**
 - Wine v. Planning Board of Newburyport, 74 Mass.App.Ct. 521 (2009). Appeals Court upheld denial of definitive subdivision approval and rejected property owners' claims that: (1) compliance with current subdivision rules and regulations was not required due to prior approval of subdivision plan for the same property; and (2) that the Planning Board's denial of a waiver requirement for centerline offset was motivated by an improper attempt to prevent further subdivision of the property in question.
- **Subdivision Control/Damages**
 - Arelló v. Town of Auburn, WOCV2008-02542 (2009). Superior Court dismissed claims for damages and to remove cloud on title, arising from filing of conditions of subdivision approval approximately fifteen years after the original decision of Planning Board and seven years after the plaintiff purchased subject property.
- **Zoning**
 - Kennard v. Zoning Board of Appeals of Eastham, 52 Mass.App.Ct. 1005 (2001), MLW July 23, 2001 (opinion digest). Affirming judgment after trial upholding a decision of the Zoning Board of Appeals to deny plaintiff a special permit for the enlargement of a preexisting nonconforming structure and rejecting plaintiff's argument that denial of a special permit for "de minimis" enlargement was abuse of discretion.
 - Perotti-Cyrus v. Town of Sandwich, BACV2004-0767 (2009). After trial, Superior Court upheld a zoning enforcement order against the use of a cottage that was unlawfully sold into separate ownership from remaining cottages in a former seasonal cottage colony.

Joseph L. Tehan, Jr.

- LaFrenier v. Town of Townsend, et al., U. S. District Court, C.A. No. 04-40114-FDS (2007). Obtained summary judgment in U.S. District Court in a police excessive force case.
- Garrison v. Sergeant Souza, et al., Barnstable Superior Court, C.A. No. 03-0121 (2007). Received defense verdict in Barnstable Superior Court in a police excessive force case.
- Paton v. Norfolk County Sheriff's Office, et al., U.S. District Court, C.A. No. 03-12048-PBS (2006). Received defense verdict in U.S. District Court in a malicious prosecution civil rights case.
- Thore v. Howe (City of Fitchburg), U.S. District Court, C.A. No. 03-CV-11999-NG (2006). Obtained summary judgment in U.S. District Court in a police excessive force case; affirmed by First Circuit Court of Appeals.



Jonathan D. Eichman

- Rehabilitative Resources, Inc. v. Ginger Peabody, et al., Worcester Superior Court, C.A. No. 03-1474C. Utilizing an argument that had yet be applied in the reported cases, convinced the Superior Court to uphold a denial of an educational user's application to expand its use of an already-overcrowded lot on the grounds that the user failed to show that it could not find a conforming location elsewhere.
- Cottone, et al. v. Cedar Lake, LLC, et al., 67 Mass.App.Ct. 464 (2006). In a case of first impression, the Appeals Court affirmed the authority of the municipality to create by charter a seven member zoning board of appeals, and rejected the appellants' arguments that G.L. c.40A requires a 4/5's vote of a seven-member board before the board can act.
- Maimone, et al. v. Town of Georgetown, et al., 58 Mass.App.Ct. 1105 (2003). The Appeals Court confirmed that a municipality's repair of a private way does not require the municipality to maintain the way for six years following the repair.

John J. Goldrosen

- Chiancola v. Board of Appeals of Rockport, 65 Mass. App. Ct. 636 (2006). Appeals Court upheld the denial of a variance that had been sought to allow the construction of a driveway across private rights of way to access a parcel that lacked usable access across the parcel's frontage. Court also held that the variance denial did not constitute a regulatory taking.

Brian M. Maser

- Successfully defended the City of Leominster in a termination grievance arbitration case filed by the Leominster Patrolmen's Union, MassCOP Local 364, which challenged Mayor Dean J. Mazarella's termination of an officer as being without just cause.

Jeffery D. Ugino

- Town of Winchendon v. Boyd. Recovered \$583,706 in unpaid taxes, including 16% in annual interest and attorneys' fees from an out-of-state developer after the Land Court issued judgment in favor of the Town for possession of subject properties.
- Pelletier v. Town of Southbridge. Secured judgment against building supply company ordering removal of warehouse impermissibly built in residential zoning district.



Brian J. Winner

- Noto v. Town of Weston. Successfully defended a challenge to the validity of the Zoning By-law's "Substantial Irregularity" provision and to the Zoning Board's denial of a variance thereof.
- Hennessey v. Lancaster Building Commissioner. Successfully defended Town in an action brought by a residents group aimed to thwart a proposed 'Wal-Mart' development.
- Southend Farm, LLC v. Millis Conservation Commission. Successfully defended a challenge to a \$22,265.00 fine issued by the Conservation Commission for the unpermitted relocation of a portion of an intermittent stream.
- Town v. Apple D'Or Tree, Inc., et al. Prevailed in lawsuit to shut down a tree stump grinding and soil processing business operating in violation of the Town Zoning By-law.
- Sheehan v. Town of Wareham. Successfully defended lawsuit challenging the Town Wetlands Protective By-law and the Conservation Commission's denial of permit to construct a pier on Buzzards Bay.
- Melnik v. Goshen Board of Health. Successfully defended Board of Health's denial of an application for a variance where applicant sought to develop a parcel .02 acres below the Board's local lot size requirement.
- Town of Chelmsford v. Kaminski. Successfully pursued action enforcing Zoning By-law and collected \$45,517.19 in penalties and attorney's fees.
- Dias v. Freetown Conservation Commission. Successfully defended the Commission against a complaint brought by an abutters group seeking to compel the Commission to undertake enforcement against a developer.
- Reyes v. Boston Housing Authority, et al. Obtained dismissal of claims against the BHA where third-party contractor was allegedly negligent in replacing insulation on hot water pipe causing burns to tenant's child.

Other Significant Firm Victories

- Plainville Asphalt Corp. v. Town of Plainville, 83 Mass.App.Ct. 710 (2013): the Appeals Court ruled that an ongoing commercial operation could not be grandfathered through from an amendment to the Zoning Bylaws to allow the termination of legal pre-existing nonconforming uses not only upon abandonment, but also upon the mere discontinuance of the pre-existing nonconforming use. In doing so, the Appeals Court rejected the plaintiff's request to extend to commercial uses the Supreme Judicial Court's ruling in Rourke v. Rothman, 448 Mass. 190 (2007) that residential lots could be protected from amendments to the grandfathering provisions of local zoning bylaws.
- Coscia v. Town of Pembroke, 659 F.3d 37 (2011). The Court of Appeals (Souter, J.) reversed a decision by the United States District Court for the District of Massachusetts and ruled that individual Pembroke police officers did not violate a young man's right to due process under the U.S. Constitution. The young man had expressed suicidal thoughts while he was in custody. The police kept him safe in custody. The day after he was released from custody, the young man committed



suicide. His family sued, claiming the police should have sought medical attention for him while he was in custody and the failure to do so resulted in his suicide. The Court determined that the police officers could not be held responsible for actions taken when the young man was no longer in their custody and therefore did not violate the young man's right to due process. The U.S. Supreme Court later denied the plaintiff's petition for writ of certiorari.

- Thivierge v. Amesbury (2010). Defense verdict in a federal jury trial in which the plaintiff alleged that the Town of Amesbury had violated his right to free speech, assembly and petition for redress of grievances under the Constitution and the Massachusetts Declaration of Rights after banning him from the Amesbury Public Library for one year and restricting his access to other town facilities after staff made numerous complaints that the plaintiff had engaged in sexual harassment and other misconduct. The verdict was later affirmed by the United States Court of Appeals for the First Circuit (C.A. No.10-1389).
- Walsh v. Town of Lakeville, 431 F. Supp.2d 134 (D. Mass. 2006). Court granted summary judgment to all defendants on a complicated claim of a violation of a property owner's right to equal protection of the law, as well as a defamation claim against a member of the Board of Selectmen.
- Amberwood Development Corp. v. Board of Appeals of Boxford, 65 Mass. App. Ct 205 (2005). Successfully argued to the Appeals Court that a property owner cannot pursue a G.L. c.240 §14A challenge to a local by-law or ordinance without demonstrating that the application of such by-law or ordinance caused harm to the owner's property interests.
- Tanner v. Board of Appeals of Boxford, 61 Mass.App.Ct. 647 (2004). The Appeals Court affirmed the decision of the Land Court that a veterinary hospital was not protected by the agricultural exemption of G.L. c.40A §3 merely because the use of a veterinary hospital involves the caring for animals.
- Nextel Communications of Mid-Atlantic, Inc. v. Town of Hanson, 311 F.Supp.2d 142 (D. Mass. 2004). Successfully defeated an attempt by a telecommunications company to argue that the denial of a building permit for a telecommunications facility that did not comply with the requirements the Massachusetts Building Code violated an earlier Agreement for Judgment with regard to a denial of zoning relief for the same facility, as well as the federal Telecommunications Act of 1996.
- Stone-Ashe v. Rockport, 68 Mass. App. Ct. 1112 (2007). Court upheld and clarified lower court ruling that an easement grant created a public right of foot passage over coastal property.
- Connell v. Board of Selectmen of Harwich, 215 F.3d 1311 (2000) (Unpublished). Upheld dismissal, as outside the statute of limitations, of suit against municipal officials alleging a conspiracy to deprive plaintiffs of their civil rights in connection with the approval and permitting process for operation of a lodging house and restaurant. The Court rejected a theory of "continuing violations" reaching back to the pre-limitations period.
- Aulson v. Town of Georgetown, 83 F. 3d.1 (1st Cir. 1996). Court affirmed district court's dismissal of case, in which plaintiff alleged civil rights violations, including conspiracy based upon plaintiffs' political viewpoints.



- National Amusements v. Town of Dedham, 43 F. 3rd 731 (1st Cir. 1995), cert denied, 115 S. Ct. 2247. Court upheld a town by-law prohibiting late night film shows in movie theatres against a First Amendment challenge.
- Freeman v. Planning Board of West Boylston, 419 Mass. 548 (1995), cert denied, 516 U. S. 931 (1995). Court reversed jury verdicts in favor of civil rights plaintiffs and entered judgments in favor of a town and individual members of a planning board.
- DeCota v. Town of Stoughton, 23 Mass. App. Ct. 642 (1994). Established right of town to set off unpaid taxes and other obligations against funds paid out by municipalities.
- Barlow v. Town of Wareham, 401 Mass. 408 (1988). Court upheld constitutionality of town regulation restricting commercial harvesting of shellfish to residents or taxpayers of town.
- Benevolent & Protective Order of Elks, Lodge No. 65 v. Planning Board of Lawrence, 403 Mass. 531 (1988). Court upheld judgment for Emerson College, its president and City of Lawrence dismissing civil rights suit and upholding legality of Urban Renewal Plan based upon relocation of Emerson College to Lawrence.
- Alexopoulos v. Board of Selectmen of Stoughton, 13 Mass. App. 1101 (1982). Court upheld rollback of entertainment and liquor licenses of nude dancing establishments against constitutional challenge.

#483151

TAB B

5d3-65



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law

RESPONSE TO REQUEST FOR PROPOSALS FOR TOWN OF READING TOWN COUNSEL – FINANCIAL INFORMATION

ATTACHMENT B

Fees and Expenses Response Sheet

- 1. Please list the name and hourly rate for proposed Town Counsel and for each attorney intended or likely to serve as back up.**

Kopelman and Paige, P.C. proposes that Attorney Lauren F. Goldberg serve as primary contact attorney and Attorney Mark R. Reich serve as back-up to Attorney Goldberg. Additionally, the Town's primary contact team would include Attorney Darren R. Klein for school-related matters.

It is proposed that the Town Counsel services listed in Section III of the Request for Proposals be provided to the Town at the single, blended hourly rate of \$175.00. We also provide two seminars free of charge.

Were we appointed as Town Counsel, we would also work collaboratively with the Board of Selectmen and Town Manager to outline and implement a transition process, at no charge to the Town.

- 2. If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill.**

We do not charge for work by clerical staff, or other non-attorney personnel, with the exception of paralegal time, which is charged at one-half the attorney rate, or \$87.50/hour.

- 3. Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e., any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any fees for stenographers, court fees, service fees and the like).**

Mileage is charged at the rate allowed by the Internal Revenue Code. As noted above, we do not charge for time by clerical or other administrative staff. Our costs for items such as recording fees, deposition and transcript fees, photocopying and landline use or other out-of-pocket disbursements on Town matters are charged at cost with no mark up.

- 4. In what hourly increments do you intend to bill?**

We bill in 1/10th hour increments.

- 5. Do you bill out attorney time out of the office on a portal-to-portal basis or some other basis? Please describe.**

We will bill travel time on a portal to portal basis from our Boston office to the Town, or such closer location actually travelled by the attorney. Please note that many of the courts and administrative agencies in which the Town may have matters pending are within a short walking distance of our Boston office, and many of our attorneys, including Attorneys Reich and Klein, live in close proximity to the Town of Reading, reducing travel time expenses.

- 6. Please describe any proposed alternative fee arrangement.**

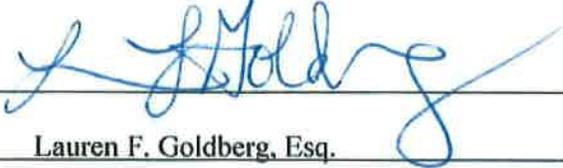
In the alternative to the "straight" billable hour proposal set forth above, Kopelman and Paige proposes to provide all legal services as described in Section III of the Request for Proposals as follows. General Town Counsel matters would be provided for the hourly rate of \$170. Any matters adversarial in nature, such as litigation, administrative proceedings (such as hearings before any state or federal agency including, for example, the Alcoholic Beverages Control Commission, Massachusetts Commission Against Discrimination, Civil Service Commission, etc.), collective bargaining, disciplinary actions, or the like, would be billed at the hourly rate of \$180. Similarly, legal services paid for by other parties, including but not limited to assistance with permitting matters for which the applicant pays for legal services, street acceptances for which the developer pays for legal services, or insured claims for which fees are paid by the insurer would be billed at the hourly rate of \$180.

Finally, over 98% of our firm's work is municipal legal work. We are thus keenly aware that our revenue derives from public sector funds. We understand the cost constraints and service expectations facing municipalities. The firm draws heavily on the economies of scale stemming from our depth of experience and expertise to limit the costs of our services. We pride ourselves on the fact that our clients can utilize our services for just what they need, when and as they need them. While this fee proposal was developed based on our understanding of the Town's needs and expectations, we are available to discuss alternative arrangements that may prove more beneficial to the Town in managing its resources.

AUTHORIZED RESPONDENT'S SIGNATURE AND ACCEPTANCE FORM

I hereby certify that: (i) I am an authorized representative of the Respondent herein; and (ii) the statements made in this Fees and Expenses Response Sheet, offered in response to the Request for Proposals for Town of Reading Town Counsel, which Fee and Response Sheet shall be incorporated by reference into Kopelman and Paige's Response to said Request for Proposals made of this same date, including all attachments and exhibits, are true and correct to the best of my knowledge.

Respondent: Kopelman and Paige, P.C.

By: 

Name: Lauren F. Goldberg, Esq.

Title: President, Kopelman and Paige, P. C.

Date: May 7, 2014

TAB C

5d3-69

Lauren F. Goldberg, Esq.

ATTACHMENT C

**MUNICIPAL LAW EXPERIENCE CHECKLIST
(To be completed for each team member)**

Rate your experience in the following areas of municipal law using the scale below

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

<u>5</u>	General Municipal Law
<u>5</u>	Municipal Finance
<u>5</u>	Town bylaws and regulations
<u>5</u>	Open Meeting, public record, executive session, and conflicts of interest law
<u>3</u>	Zoning G. L. c. 40A and land use
<u>4</u>	Real estate issues: acquisitions, sales, eminent domain, easements, leases, tax taking
<u>5</u>	Town Meeting: drafting and review of warrant articles and motions, advice on issues before and at Town Meeting
<u>5</u>	Drafting and monitoring special legislation
<u>4</u>	Public Bidding, Construction Law and Municipal Procurement Law
<u>3</u>	Chapter 40B Affordable Housing
<u>3</u>	Subdivision Control Law
<u>5</u>	Community Preservation Act G. L. c. 44B
<u>3</u>	Wetlands Regulation (State and Local)
<u>2</u>	Oil & Hazardous Waste Contamination G. L. c. 21E
<u>5</u>	Elections Law
<u>4</u>	Liquor Licensing
<u>3</u>	Municipal Labor Law
<u>3</u>	Chapter 32B

Mark R. Reich, Esq.

ATTACHMENT C

**MUNICIPAL LAW EXPERIENCE CHECKLIST
(To be completed for each team member)**

Rate your experience in the following areas of municipal law using the scale below

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

<u>5</u>	General Municipal Law
<u>5</u>	Municipal Finance
<u>5</u>	Town bylaws and regulations
<u>5</u>	Open Meeting, public record, executive session, and conflicts of interest law
<u>3</u>	Zoning G. L. c. 40A and land use
<u>5</u>	Real estate issues: acquisitions, sales, eminent domain, easements, leases, tax taking
<u>5</u>	Town Meeting: drafting and review of warrant articles and motions, advice on issues before and at Town Meeting
<u>5</u>	Drafting and monitoring special legislation
<u>5</u>	Public Bidding, Construction Law and Municipal Procurement Law
<u>2</u>	Chapter 40B Affordable Housing
<u>2</u>	Subdivision Control Law
<u>5</u>	Community Preservation Act G. L. c. 44B
<u>3</u>	Wetlands Regulation (State and Local)
<u>5</u>	Oil & Hazardous Waste Contamination G. L. c. 21E
<u>4</u>	Elections Law
<u>4</u>	Liquor Licensing
<u>2</u>	Municipal Labor Law
<u>2</u>	Chapter 32B

5d3-71

Darren R. Klein, Esq.

ATTACHMENT C

**MUNICIPAL LAW EXPERIENCE CHECKLIST
(To be completed for each team member)**

Rate your experience in the following areas of municipal law using the scale below

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

<u>5</u>	General Municipal Law
<u>5</u>	Municipal Finance
<u>5</u>	Town bylaws and regulations
<u>5</u>	Open Meeting, public record, executive session, and conflicts of interest law
<u>3</u>	Zoning G. L. c. 40A and land use
<u>3</u>	Real estate Issues: acquisitions, sales, eminent domain, easements, leases, tax taking
<u>5</u>	Town Meeting: drafting and review of warrant articles and motions, advice on issues before and at Town Meeting
<u>5</u>	Drafting and monitoring special legislation
<u>3</u>	Public Bidding, Construction Law and Municipal Procurement Law
<u>2</u>	Chapter 40B Affordable Housing
<u>2</u>	Subdivision Control Law
<u>4</u>	Community Preservation Act G. L. c. 44B
<u>2</u>	Wetlands Regulation (State and Local)
<u>2</u>	Oil & Hazardous Waste Contamination G. L. c. 21E
<u>4</u>	Elections Law
<u>4</u>	Liquor Licensing
<u>5</u>	Municipal Labor Law
<u>5</u>	Chapter 32B

5d3-72

TAB D

5d3-73

Lauren F. Goldberg, Esq.

ATTACHMENT D

**STATEMENT OF LITIGATION EXPERIENCE
(To be completed for each team member)**

Rate your experience practicing with the following Courts, Boards and Commissions based on the scale listed below.

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

<u>3</u>	Trials before State Courts (District, Superior, Land Courts)
<u>1</u>	Trials before Federal District Courts
<u>3</u>	Appeals before Massachusetts Appeals Court
<u>3</u>	Appeals before Massachusetts Supreme Judicial Court
<u>1</u>	Administrative Proceedings before Massachusetts Civil Service Commission
<u>1</u>	Arbitration Proceedings
<u>1</u>	Mediation Proceedings
<u>1</u>	Administrative Proceedings before Massachusetts Appellate Tax Board
<u>3</u>	Administrative Proceedings before Massachusetts Department of Environmental Protection
<u>2</u>	Administrative Proceedings before Massachusetts Commission Against Discrimination
<u>1</u>	Administrative Proceedings before the ABCC
<u>2</u>	Administrative Proceedings before the Housing Appeals Committee
<u>2</u>	Administrative Proceedings before Division of Administrative Law Appeals

5d3-74

Mark R. Reich, Esq.

ATTACHMENT D

**STATEMENT OF LITIGATION EXPERIENCE
(To be completed for each team member)**

Rate your experience practicing with the following Courts, Boards and Commissions based on the scale listed below.

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

<u>5</u>	Trials before State Courts (District, Superior, Land Courts)
<u>2</u>	Trials before Federal District Courts
<u>4</u>	Appeals before Massachusetts Appeals Court
<u>1</u>	Appeals before Massachusetts Supreme Judicial Court
<u>1</u>	Administrative Proceedings before Massachusetts Civil Service Commission
<u>1</u>	Arbitration Proceedings
<u>4</u>	Mediation Proceedings
<u>3</u>	Administrative Proceedings before Massachusetts Appellate Tax Board
<u>5</u>	Administrative Proceedings before Massachusetts Department of Environmental Protection
<u>2</u>	Administrative Proceedings before Massachusetts Commission Against Discrimination
<u>3</u>	Administrative Proceedings before the ABCC
<u>1</u>	Administrative Proceedings before the Housing Appeals Committee
<u>4</u>	Administrative Proceedings before Division of Administrative Law Appeals

Darren R. Klein, Esq.

ATTACHMENT D

**STATEMENT OF LITIGATION EXPERIENCE
(To be completed for each team member)**

Rate your experience practicing with the following Courts, Boards and Commissions based on the scale listed below.

1. No experience
2. Limited experience
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<u>5</u>	Trials before State Courts (District, Superior, Land Courts)
<u>4</u>	Trials before Federal District Courts
<u>5</u>	Appeals before Massachusetts Appeals Court
<u>4</u>	Appeals before Massachusetts Supreme Judicial Court
<u>5</u>	Administrative Proceedings before Massachusetts Civil Service Commission
<u>5</u>	Arbitration Proceedings
<u>5</u>	Mediation Proceedings
<u>1</u>	Administrative Proceedings before Massachusetts Appellate Tax Board
<u>1</u>	Administrative Proceedings before Massachusetts Department of Environmental Protection
<u>5</u>	Administrative Proceedings before Massachusetts Commission Against Discrimination
<u>3</u>	Administrative Proceedings before the ABCC
<u>2</u>	Administrative Proceedings before the Housing Appeals Committee
<u>5</u>	Administrative Proceedings before Division of Administrative Law Appeals

5d3-76