

**Carver Select Board
Meeting Minutes
Town Hall- meeting room #4
June 15, 2022 - 5:00pm**

In Attendance: Chair Mark Townsend, Vice-Chair Sarah Hewins, Jen Bogart, John Cotter & Jim Hoffman, Interim Town Administrator Robert Fennessy and Assistant Town Administrator Elaine Weston.

Chair led the Pledge of Allegiance and read the community prayer.

Minutes of 5/19/22:

Motion to approve minutes of 5/19/22 by Hewins, second by Hoffman.

Vote 0-5 Motion Fails.

KP Law Rate Increase:

Gregg Corbo and Tim Zessin of KP Law present.

Corbo introduced himself – he has been with the firm for over 25 years and has been the primary attorney for Carver representing the Town at the last approximately 20 Town Meetings.

Corbo stated that the firm had to take a hard look at the rates to determine how to keep the firm running. They found that after comparing rates with their counterparts, they needed to raise their rates.

In FY 2000, the hourly rate for Carver was \$120/hour and for FY 23 it is \$225 per hour which is about a \$100 increase over 20 years.

Zessin stated he has been with the firm for approximately 11 years and the firm takes great pride in representing Carver. A lot of thought was put into the rate change and he stated this was a conscience change. He stated there is a respectful relationship that exists with the Town.

Townsend questioned the ‘special’ rate for zoning bylaw revision. Corbo stated this is for bylaws that would be completely re-written, which is a substantial undertaking and that there are companies out there that charge more than their proposed hourly rates. Not included in this is the year-to-year changes that happen at Town Meeting. Corbo stated that is subject to the usual Town Counsel rate, to discuss at Town Meeting and to implement them.

Hewins stated the last time Carver’s bylaws were re-written was 1998.

Corbo stated for a 40B proposal, there would be an opportunity for the Town to get a reimbursement from the developer and the playing field needs to be leveled in that respect, qualifying for a higher rate to be charged by the firm.

Corbo clarified that a Title V matter or a liquor license hearing, would be subject to the regular Counsel rate, not a special rate.

Cotter asked when the last increase was. Corbo stated the last increase was last year from \$195 to \$205 per hour.

Corbo stated that the way the economy was going over the last few months, the current rates are not going to be enough for the firm to sustain their services.

Cotter asked how the category of cases we have now fall into the new rate structure. Corbo stated no cases we have now will apply to the categories in the bulleted section in their fee memo, and we just completed a Cable contract. The new rates are not in effect until July 1, 2022.

Fennessy asked Corbo if a new memo could be drafted to clarify more clearly what is included in each category.

Fennessy expressed concern that the budget for next year has already been set. Corbo stated the economy has been changing and while the firm had been hesitating to go this route, they had to choose a time to change the rates and could not wait. KP Law will work with the Town to stay within the budget as much as possible.

Bogart questioned working on a zoning bylaw being more laborious than working on a standard issue. She stated it makes it seem like the 'easy' stuff is cheaper and the 'harder' stuff is more expensive.

Corbo stated that it would be in an instance when something out of the ordinary came up and they decided it should be in a category on its own.

Hewins stated at a time when the Town was faced with a hostile 40B challenge, the Town needs someone paying close attention.

Fennessy asked for them to clarify what is included in their services that do not charge a fee:

Corbo stated a Litigation status update, One training seminar per year on a topic of the Town's choice and the firm tries to keep the Town apprised of any changes in the law in a more informal way.

Motion to go into Executive Session at 5:25pm pursuant to MGL 30A §21(a)(3), to discuss strategy with respect to contract negotiations with the Town Administrator, that may have a detrimental effect on the bargaining position of the Town if held in open session, and to return to open session by Hewins second by Cotter.

Roll call: Affirmative: Cotter, Bogart, Townsend, Hewins, Hoffman