

**MINUTES OF THE CHESHIRE TOWN COUNCIL PLANNING COMMITTEE VIRTUAL MEETING HELD ON WEDNESDAY, SEPTEMBER 9, 2020 AT 7:15 P.M.**

**Public Access made available through live streaming on YouTube at [www.youtube.com/c/CheshireChannel14](http://www.youtube.com/c/CheshireChannel14)**

**Public comments accepted at [Comments@cheshirect.org](mailto:Comments@cheshirect.org), and by voice mail message at 203-271-6638.**

**Present**

Timothy Slocum, Chairman, David Borowy and Jim Jinks

**1. ROLL CALL**

The clerk called the roll and a quorum was determined to be present.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. DISCUSSION RE: CONSIDERATION OF POET LAUREATE**

Mr. Slocum commented on the letter of September 5, 2019 from Pat Mottola on her volunteering to be appointed as Cheshire's Poet Laureate, and her personal presentation to the Council on this matter. The information in the letter cited 25 Connecticut towns and the State having a Poet Laureate. At the presentation, the Council was told by Ms. Mottola that she spoke with Library Director Crowley who was pleased with the concept.

Mr. Borowy thought a Poet Laureate was a great idea with the appointment being similar to the Town Historian.

Mr. Jinks also supported the idea of a Poet Laureate, which has come forward due to the Sustainability Connecticut program. The role would bring cultural and art ideas, coordinated through the Cheshire Library and other organizations. It is a statewide role and something Cheshire should consider.

Stating it is not a bad idea, Mr. Slocum does not believe the Town needs a Poet Laureate, and it seems to be a less needed position. This role could be a function of the Dept. of Education (DOE) or tied to the arts/CPFA or Library, building a program around it. He noted the past request for a Town Crier because some towns have one, and it was to be an addition to the role of Town Historian. It was never approved by the Council. Mr. Slocum is not interested in making a Poet Laureate role as part of the Town's roster of professional volunteers.

The committee discussed the possibility of creating and posting a Poet Laureate position, and finding out if there are other applicants interested in the position. At this time one person has expressed interest. Posting the position would indicate if others are interested in the role/job and it would be a Town Council appointment with a sunset

provision. It was agreed there is some investigative work to be undertaken by the DOE, Library Director, and possibly others with referral to the Town Council when everything is ready for review.

It was pointed out by Mr. Slocum that the Town Historian, Ms. Chesanow, has an independent role and has focused her assignments over the years without direct Council input.

Mr. Jinks said doing nothing is shortchanging what a Poet Laureate could become. He supports the idea of DOE, Library, CPFA researching the role, learning more about the position before it comes to the full Council.

Following discussion, the committee decided to go forward and ask some Town departments about their interest in the Poet Laureate position, reach out to staff, get more input, and the Planning Committee can more fully explore the matter. The idea comes from the Sustainability Connecticut program and there was no referral to the Town Council at this time.

#### **4. DISCUSSION RE: RFP SUBMISSIONS FOR LEGAL SERVICES**

The committee reviewed the information submitted by Mr. Kimball and Ms. Talbot.

The current town attorney firm, Murtha Cullina, (Attorney Al Smith) has been employed since 2007.

Bercham Moses was the former town attorney firm, and they are still the labor attorney for the Town (Attorney Ducas). The Town and BOE each pay for their labor legal fees.

Bond Counsel – Three (3) law firms submitted proposals for Bond Counsel legal services.

Bond Counsel costs are financed by the bonding; they are not charged against the town budget; there are only a few law firms that specialize as bond counsel. Finance Director Jaskot and staff interact with bond counsel on capital projects. Bond Counsel informs the Council on projects that must go to referendum and be in compliance with the Town Charter (\$500,000 threshold). Bond Counsel is separate from other legal services.

At times there is confusion about projects for review and breaking them up, i.e. school projects, which are being funded for individual schools or town facilities. Mr. Kimball said this is staff driven and sometimes confusing to bond counsel due to the complicated projects spread out amongst schools and fiscal years. He will talk with Mr. Jaskot about bond counsel and get an evaluation on these specialized legal services.

Town Attorney Hourly Fee Sheet – This information was submitted to the committee through Ms. Talbot. Mr. Slocum noted the cumulative hours totaling 1,212 over 12

months (July 2019-June 2020) total fee of \$300,353. With adding in the labor legal fees (\$33,000 Bercham Moses fees), the total legal services cost is closer to \$333,192. The question of whether this is the total of legal fees was raised by Mr. Slocum, including BOE fees.

Labor Legal Services – Mr. Slocum stated the Council interviewed for labor legal services in 2007 because Murtha Cullina did not offer this service. The Council decided to stay with Bercham Moses for labor services.

Mr. Kimball informed the committee that billing for town labor service fees are paid by the Town and BOE pays its own labor fees. BOE can choose its own labor attorney, and the Town chooses its own labor attorney. For the next Planning Committee meeting there will be information on labor service legal fees. The BOE may also have other another school specialist attorney for educational legal matters.

Ms. Talbot advised that any BOE costs through Murtha Cullina are covered under “Separate Billable Matters” and are billed back to the BOE. This year fewer dollars were spent for BOE labor fees.

Spread Sheet/Law Firms – Ms. Talbot reviewed the information on the spread sheet with the committee.

Murtha Cullina – The Town of Cheshire pays \$21,000 per month retainer to this law firm as Town Attorney. This firm is the only proposer with a retainer. Some months the Town Attorney barely exceeds the retainer or is close to it. The monthly legal fees go between \$29,000 to \$21,000

Ms. Talbot said the chart outlines and takes into consideration the impact of the retainer. It looks at the right ups and right downs based on the retainer, nets it out and compares an average blended hourly rate of \$247; under the gross amount it is \$254 hourly rate; there is a slight savings being on a retainer.

In looking at the information submitted, Mr. Slocum cited 1,212 hours over 12 months, billable at \$247.82 = about \$300,000.

Murtha Cullina is the only firm with a retainer, and Mr. Kimball said the town must know the number of hours the Town Attorney worked for the year. This can be compared with the other firms to get an expected hourly rate.

In 2020 the Town has had Murtha Cullina as Town Attorney for 11 years; average cost is \$338,000 in yearly legal fees over 11 years; \$1,600 is more than the average for the coming year; costs have been fairly consistent; there have been higher legal costs for trials and other legal actions/contracts, etc.

Mr. Kimball can come up with a blended rate. He said the retainer is inclusive of all of this, and different firms work at different fees.

It was suggested by Mr. Slocum that the list of law firms be narrowed down to three (3) proposers to be interviewed. He asked about it being reasonable to say the Town is comfortable with a retainer based on services...some more expensive than others.

Mr. Jinks questioned the sense of how the Town Attorney works with the town, know what the hourly rate should be, look at what is needed based on the hourly rate.

The list can be narrowed to a few firms to be interviewed. Mr. Slocum commented on how the town departments interact with the Town Attorney and the legal staff.

Regarding the hours and charges, Mr. Borowy talked about using 90 hours a month. He noted one proposal was a retainer price; the proposal is more hours than now being used; and he asked about negotiating the price down for the retainer.

According to Ms. Talbot the accuracy of the chart is uncertain, so she will look at actual submission. Murtha Cullina is at 40 hours a week...and this must be clarified.

Using 100 hours a month should enable getting the numbers on what the rates should be, and Mr. Slocum said the town is not looking into increase in costs and decrease in services.

The current Murtha Cullina retainer is \$21,000 per month and Mr. Borowy said the chart shows 40 hours a week. The blended rate is one method of comparison, and this information can be provided to the committee for the next meeting...along with decision on firms to be interviewed.

### EXECUTIVE SESSION

MOTION by Mr. Borowy; seconded by Mr. Jinks.

MOVED to enter Executive Session at 8:10 p.m. to include Town Manager Kimball and Asst. Town Manager Talbot to discuss legal services/fees for the Town of Cheshire.

VOTE           The motion passed unanimously by those present.

The Planning Committee exited Executive Session at 8:56 p.m.

### **5.     ADJOURNMENT**

MOTION by Mr. Borowy; seconded by Mr. Jinks.

MOVED to adjourn the meeting at 8:56 p.m.

VOTE        The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk