

ALDO A. CIPRIANO
ATTORNEY AND COUNSELLOR AT LAW

277 MAIN STREET
VICTORIA BUILDING
SECOND LEVEL • ATRIUM SUITE
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 485-7245
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E-MAIL: AldoC.ESQ@comcast.net

*Sent by Courier Service
and E-mail Communication*

May 4, 2021

Town of Southborough
Board of Selectmen Office
17 Common Street
Southborough, MA 01772


Re: Town Counsel Services RFP - Response [Aldo A. Cipriano, Esq.]

Dear Mr. Chairman and Board Members,

Enclosed hereto please find three (3) copies of my RFP response and all associated documentation pursuant to the above-referenced RFP for the Board's consideration. We have sent an electronic PDF copy to the Town Administrator at mpurple@southboroughtown.com this date.

Thank you for your attention in this regard.

Very truly yours,

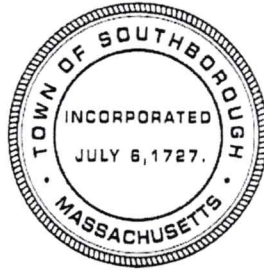


Aldo A. Cipriano, Esq.

AAC/fc

Enclosures

Cc: Mark Purple, Town Administrator (via e-mail: mpurple@southboroughtown.com)



OFFICE OF THE BOARD OF SELECTMEN

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

**TOWN OF SOUTHBOROUGH
REQUEST FOR PROPOSALS
FOR TOWN COUNSEL SERVICES
April 2021**

I. Objective

The Town of Southborough, Massachusetts ("the Town"), acting through its Board of Selectmen ("the Board"), seeks to appoint an attorney or law firm as Town Counsel effective July 1, 2021, and invites a legal firm or individual attorneys to submit a proposal and costs for services to provide general town counsel legal services for the Town. The successful appointee ("appointee") must meet or exceed the qualifications stated herein, be readily accessible to authorized public officials, exceptionally experienced in appropriate areas of municipal law, scrupulous in adhering to required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment.

II. Minimum Qualifications

A. Bar Admissions

The appointee and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts. The appointee must have Professional Liability Insurance in the amount of at least \$1,000,000 and must produce a certificate of insurance prior to appointment.

B. Experience

The appointee must represent or have represented as general town counsel a Massachusetts municipality for not less than five (5) years, or possess equivalent experience. References for all municipalities currently represented or represented in the past ten (10) years by the appointee must be furnished. The appointee also must have substantial experience in appropriate areas of municipal law, including but not limited to labor, land use - zoning and planning, Conflict of Interest and Open Meeting Law, public construction, public contracts, environmental law, municipal finance, litigation and open town meeting.

C. Accessibility

The appointee must commit to returning all calls and electronic correspondence from the Town Administrator or authorized town officials as appropriate (typically within 24 hours), either himself/herself or through a qualified back up. The appointee must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response. Electronic communications such as PDF documents are preferred when appropriate. The appointee must commit to preparing a brief quarterly written summary of all open issues at no cost to the Town and to preparing a report for the Town's Annual Report.

The Town expects Town Counsel attendance at the following:

- All sessions of Annual Town Meeting (on Saturday in late March) and Special Town Meetings (scheduled as necessary).
- Board of Selectmen meetings for quarterly update, and other meetings on request.
- Meetings of other Town boards or committees on request (approved by the Board).

D. Lead and Back-up Counsel

Appointment of an individual attorney automatically will designate that attorney as Lead Counsel for the Town. If a firm is selected by the Town, the firm shall identify a Lead Counsel as the primary contact for services, and the Lead Counsel will be responsible for coordinating the performance of all legal services provided by his or her firm. The Town shall have the right to approve the appointment of such Lead Counsel. The appointee, whether an individual attorney or a firm, must have, within his or her firm or through an established relationship, at least one (1) other qualified attorney available to render advice and otherwise represent the interests of the Town of Southborough when the appointee is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

E. Billing

The appointee must commit to providing invoices for services rendered on a monthly basis. Each invoice, if based on an hourly rate for services, must disclose, at a minimum, the date of the service, the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time required to perform that function, the hourly rate for the individual performing the function and the total fee for that service event. Expense items must also be itemized, with any relevant receipts available for inspection upon request by the Town.

III. Fees and Expenses

The Town's budget for legal expenses for FY 2022 is anticipated to be \$150,000. This budget includes fees and expenses for Town Counsel and special and labor counsel as necessary; the Board of Selectmen strongly desires to stay within this budgeted amount. Other budgets may contain amounts to be expended on legal services.

Towards this end, the Board will consider alternatives to the traditional hourly rate fee arrangement with counsel. For example, responding attorneys may propose a fixed retainer for a specified scope of services, with an hourly rate for work outside the established scope of services. Responding attorneys should feel free to be creative in this regard so long as the proposal is workable and reasonable.

Whether or not an alternative fee arrangement is proposed by the responding attorney, the attached fees and expenses response sheet must be completely filled out.

IV. Selection

In seeking and evaluating the proposals requested, the Board is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of its members. This process is being used to communicate the desired qualifications of Town Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, though, the Board will select the candidate that they deem to be in the best interests of the Town, in its sole discretion. Consequently, the Board, Town Administrator, and the Town of Southborough reserve the right to waive any irregularities in the RFP process and to accept or reject any or all proposals.

Below are the projected dates for this process. The Town reserves the right to modify this schedule as it determines convenient:

April 7, 2021	RFP issued
May 5, 2021	Proposals due by 12:00 PM
May 5 – May 12, 2021	Search Committee screening*

June 8, 2021
July 1, 2021

Board of Selectmen's decision
Effective date of appointment

*Date of Public interviews to be determined.

V. Application

Qualified attorneys/firms interested in responding to this RFP should fill out the attached forms completely, attach copies of all documents requested therein, and return the same in an envelope, clearly **labeled "Town Counsel RFP"** to:

Town of Southborough
Board of Selectmen Office
17 Common Street
Southborough, MA 01772

Please provide three (3) copies of the RFP response and all associated documentation on 8½ x 11 paper. All materials also should be provided electronically (PDF copies) to the Town Administrator at mpurple@southboroughtown.com.

All responses to this RFP must be received at the Office of the Board of Selectmen at the above address no later than 12:00PM on May 5, 2021.

RESPONSE TO REQUESTS FOR PROPOSALS FOR SOUTHBOROUGH TOWN COUNSEL

NAME: Aldo A. Cipriano, Esq.
FIRM NAME: Law Offices of Aldo A. Cipriano
ADDRESS: 277 Main Street, Marlborough, Massachusetts 01752
TELEPHONE: 508-485-7245 FAX: 508-485-2304
EMAIL: Aldoc.esq@comcast.net

Please respond to each of the following:

1. Please identify by name (address and phone number if different than above) the proposed Town Counsel and each proposed back-up counsel. The Board of Selectmen wants to know the specific individual attorney who will serve as Lead Counsel.
See attached Exhibit A, Response No. 1
2. Please attach resume or *curriculum vitae* for each attorney identified above.
See Exhibit B attached.
3. Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than "yes", please explain.
Yes.
4. With respect to each attorney identified, please list each 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. (See attached sheet)
See Page 7 attached and Exhibit B attached.
5. Please describe each identified attorney's experience in the municipal law, including but not limited to the following areas: labor, land use - zoning and planning, Conflict of Interest and Open Meeting Law, public construction, public contracts, environmental law, municipal finance, litigation and open town meeting.
See attached Exhibit A, Response No. 5.
6. Has any of the above identified attorneys had a complaint filed with the Board of Bar Overseers in the past five (5) years? If yes, provide applicable details.
No.
7. Please describe how you propose to satisfy the Accessibility requirements of the RFP.
See Exhibit A attached, Response No. 7.
8. Please describe how you propose to satisfy the Back-up requirements of the RFP.
See Exhibit A attached, Response No. 8.
9. Please explain how you plan to meet the Billing requirements of the RFP, and whether you have used alternative fee arrangements with previous municipal clients and/or would propose using an alternative fee arrangement regarding services to the Town?
I will meet the billing requirements of the RFP and will continue to utilize the current form of billing for the Town, if appointed, unless otherwise requested by the Board.

10. State whether you have represented a client in the preceding three (3) years who has or had a matter pending before any officer, agency board or committee of the Town.

None.

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

None known.

12. Confirm that you will not, during the time of your representation of the Town, represent any client in any matter in which the interests of the client are adverse to those of the Town, or in any matter seeking action by any officer, agency, board or committee of the Town, in accordance with MGLA 44A c268A s17.

Confirmed.

13. Provide a general description of the firm, its history, significant changes in its makeup over the last three years (3) and its range of business.

See attached Exhibit A, Response No. 13.

14. For Municipal Clients identified in paragraph 4, above, have you or the firm:

A. Exceeded the municipal legal budget appropriation (general fund) in the last three (3) fiscal years (FY2018, FY2019, FY2020) and if so, by what percent?

No.

B. If you have a retainer arrangement with the above clients, please note the retainer amount vs. total amount billed for the last three (3) fiscal years.

See breakdown for the Town of Southborough and Town of Hudson attached, Exhibit C.

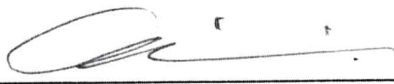
15. Provide details of any criminal investigation, regulatory or disciplinary proceedings or material litigation against your firm or members of your firm, which is either pending or has been completed in the preceding five (5) years.

None.

16. Provide details as to the nature and amounts of your firm's professional insurance and of any claims asserted or made against such coverage in the preceding three (3) years.

See attached Exhibit A, Response No. 16.

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

Signed:  Date: May 4, 2021

Print Name and Firm Aldo A. Cipriano, Esq.; Law Offices of Aldo A. Cipriano

NAME/FIRM NAME Aldo Cipriano, Esq.; Law Offices of Aldo A. Cipriano

Lists of Municipalities represented during the last 10 years/References:

Municipality	Contact Name and Title	Contact Information (Telephone and/or email)
Town of Southborough	Brian Shea, Member of the Board of Selectmen,	(617) 549-5451
Town of Hudson	Scott Duplisea, Member of the Hudson Select Board	(978) 771-2245
City of Marlborough, Marlborough Community Development Authority	Arthur Vigeant, Mayor City of Marlborough	(508) 624-6908
Reference: Bonnie Phaneuf	Former Selectperson, Town of Southborough	(617) 413-4230 - Cell (508) 485-8683 - Home
Reference: Daniel Kolenda, Esq.	Former Selectman, Town of Southborough	(617) 435-1967
Reference: John Rooney, Esq.	Former Selectman, Town of Southborough	(617) 966-0851
Reference: Paul Cimino, Esq.	Town Moderator, Former Selectman	(508) 505-0797

**RESPONSE TO REQUESTS FOR PROPOSALS FOR SOUTHBOROUGH TOWN COUNSEL
Fees and Expenses Response Sheet**

(To be attached to and made a part of the overall Response to Requests for Proposals)

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

See Exhibit D attached.

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.

See Exhibit D attached.

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).

See Exhibit D attached.

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

See Exhibit D attached.

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

See Exhibit D attached.

6. Do you intend to propose an alternative fee arrangement? Yes _____ No X If "yes", please attach additional sheet(s) fully describing and explaining your proposal.

EXHIBIT A

Response No. 1

- a. **Lead Counsel:** Aldo A. Cipriano, Esq.
- b. Back-up Counsel: James B. Lampke, Esq., Lampke & Lampke, 115 North Street, Hingham, MA 02043, Tel: 781-749-9922, james.lampke@lampkelaw.com and Of Counsel, Lampke Law LLC, 100 State Street, 9th Floor, Boston, MA, Tel: 781-749-9922
- c. Network Attorneys (See Exhibit B)

Response No. 5

Our land use experience commenced during our time at Boston College Law when I took all courses offered by the then Dean Richard Huber who rewrote M.G.L. Chapter 40A together with Attorney Julian D'Agostine; thereafter, arguing one of the first zoning cases under the new c.40A which was *Neuhaus v. Building Inspector of Marlborough & Others*, 11 Mass. App. Ct 230 (1981) establishing the need to exhaust administrative remedies before resort to the Courts for zoning enforcement.

Since then, we have been continuously involved in the Land Court, Superior Court and the Appeals Court as to various zoning matters relative to the defense of decision making municipal Boards and/or prosecution of zoning violations.

We have represented Planning Boards for over 40 years relative to subdivision control issues which include enforcement of conditions on plans and issuing legal opinions guiding them through Chapter 41, the subdivision control statute.

We have addressed Open Meeting Law violations as filed with the Attorney General's office with predominant success in representing local officials. Relative to Conflict of Interest, pursuant to M.G.L. c. 268A, we have regularly written legal opinions approved by the Ethics Commission, as needed, or have advised local officials in guidance under the Conflict of Interest Law.

We have participated in contract review, interpretation, enforcement, and requisite claims against general contractors and architects for a variety of public construction projects including public buildings, public safety buildings, and schools. In the Town of Southborough, we had to address a variety of issues relative to the construction of Woodward School and renovations at the Trottier School and Neary School.

We have reviewed no fewer than several hundred public contracts including public construction contracts and enforce the provisions thereof.

Since 1986, we have assisted in the enforcement of local and state environmental law on behalf of municipalities, including but not limited to wetland protection and hazardous waste issues.

We have advised on all aspects of municipal finance and prosecuted aggressive tax collection and defense of tax valuation, all of which affects bond ratings for the municipality together with related questions under the applicable municipal finance laws since 1986.

We have prosecuted and defended municipal agencies at all levels of the courts of the Commonwealth up through the Supreme Judicial Court, with a concentration on Superior Court, Land Court and District Court and any appeals that may be taken from Superior and Land Court actions to the Appeals Court of the Commonwealth. Besides being a member of the Massachusetts Bar, we are also authorized to practice before the Federal District Court, Massachusetts District Court and the U.S. Court of Appeals, First Circuit.

We have participated as a municipal counsel in no fewer than 270 Open Town Meetings, giving advice throughout the Town Meeting proceedings on all aspects of the Town Warrant. As with all other categories, with over 40 years of experience, we are well versed in the process, practice and procedure of Town Meetings.

We have reviewed, negotiated and approved many Community Host Agreements as to all use aspects of medical, commercial, distribution (including delivery and courier licensing), cultivation and manufacturing of marijuana. We are up to date with all regulations and guidance as issued by the Cannabis Control Commission (CCC) and continue to monitor any updates or amendments to said guidance or regulations from the CCC and the Commonwealth. We have also most recently participated in the webinar for Adult Use Marijuana Delivery Regulations through MMLA in March, 2021.

Response No. 7

All calls and electronic correspondence from the Town Administrator or authorized officials will be responded to within 24 hours of the communication. Legal Opinions will be responded to in the time frame provided as needed, or at minimum, within one (1) week as specified in Section C of the RFP.

We will commit to prepare a brief quarterly written summary of all open issues at no cost to the Town. We will prepare a report for the Town's Annual Report.

I will continue to attend all sessions of Annual Town Meetings and Special Meetings, Board of Selectmen meetings for quarterly update and other meetings upon request, and any meetings of other Town boards or committees on request, as approved by the Board.

Response No. 8

The requirements as specified in Section D of the RFP are satisfied. See Exhibit B, Resume of James P. Lampke, Esq.

Response No. 13

Law Offices of Aldo A. Cipriano is predominantly local government law together with Land Court based litigation and business law since 1979. There have been no significant changes in its makeup over the last three (3) years.

Lampke Law LLC possesses more than 40 years of legal experience in municipal and government representing individuals, businesses and government entities throughout Massachusetts assisting with issues such as employment law, civil litigation, land use and zoning, business and commercial law, real estate law, municipal law, estate planning, collection law. There have been no significant changes in its makeup over the last three (3) years.

Response No. 16

Professional Liability Insurance (including Privacy Breach and Security Breach):

Limit - \$1,000,000 each Claim not to exceed; \$1,000,000 Maximum Aggregate
Deductible - \$1,000 each Claim

Subpoena Assistance

Limit - \$1,000,000 each Subpoena not to exceed; Sublimit - \$1,000,000 Maximum
Aggregate
Deductible \$1,000 each Subpoena

Disciplinary Proceedings:

Limits - \$25,000 not to exceed; \$25,000 Maximum Aggregate
Deductible \$0

Loss of Earnings:

Limits - \$500 each day, \$20,000 each Insured, \$50,000 Maximum Aggregate

Crisis Event Expenses:

Limits - \$25,000 each Crisis Event not to exceed; \$25,000 Maximum Aggregate
Deductible \$1,000 each Crisis Event

No claims asserted or made against my firm's professional insurance in the preceding three (3) years.

EXHIBIT B

Resumes of:

Aldo A. Cipriano, Esq.

James B. Lampke, Esq.

James A. Scanlon, Esq.

Michael J. Tremblay, Esq.

Luke H. Legere, Esq.

Gregor I. McGregor, Esq.

Aldo A. Cipriano, Esq.
277 Main Street
Marlborough, Massachusetts 01752
(508) 485- 7245
Fax: (508) 485- 2304
AldoC.ESQ@comcast.net

Education:

- 1974 Graduate of Boston College School of Arts and Sciences
Bachelor of Arts Political Sciences, *cum laude*.
- 1978 Graduate of Boston College Law School
Post core curriculum concentration in litigation skills and
strategy, commercial law, real estate law, zoning and planning
law. Second and third year, Professor supervised trial practice in
the Courts of the Commonwealth.

Experience:

- 1974-1975 Assistant to City Planner, City of Marlborough, Massachusetts.
Administering first community development strategic planning grant
for housing rehabilitation.
- 1979 Admission to the Massachusetts Bar, Federal District Court and United
States Court of Appeals.
- 1979- Present Private Practice concentrating in municipal and zoning law, real estate
conveying, civil litigation, commercial and business law.
- 1979-1983 Assistant City Solicitor and City Solicitor, City of Marlborough,
Massachusetts. Concentration in ordinance drafting, zoning and
planning litigation and labor law.
- 1979-1988 Representation Shawmut Commercial Bank and Shawmut Bank NA on
complex multi finance commercial loans in Metro West and Worcester
regions.
- 1981-1987 Selectman for the Town of Southborough, Massachusetts.
- 1981-1998 Local Bank Counsel for Shawmut Bank N.A. and Fleet National Bank
for commercial loans, collection litigation and lender liability issues.

- 1985-2010 Special Counsel for the City of Marlborough as to select municipal law and Appellate Tax Board Issues.
- 1986-1987 Chairman Metro West Growth Management sub-regional Planning Committee consisting of Selectmen and Planning Board Members from the Towns of Framingham, Wellesley, Weston, Natick, Southborough, Ashland and Wayland.
- 1986-Present Town Counsel for the Town of Hudson, Massachusetts as to all general municipal legal matters.**
- 1989-1990 Special Counsel for the Town of Southborough, Massachusetts as to zoning matters.
- 1990-1991 Special Counsel for the Town of Framingham, Massachusetts as to municipal issues regarding public and private ways and Chapter 32B retirement issues of public employees.
- 1990-1998 Representation Shawmut N.A. Fleet Bank: District Court- Superior Court US. Bankruptcy Court litigation on loan default, lender liability issues, RICO issues and OREO issues.
- 1991-1995 Representation Hudson National Bank Commercial Loan Division on Commercial Loan Defaults, loan work out issues and new commercial loan closings.
- 1996 Administrative Hearing Officer for the City of Marlborough, Massachusetts, Site Assignment Bedminster Industries, municipal solid waste composing facility.
- 1997-Present General Counsel to United Way Tri County Inc., and Boys and Girls Clubs of Metro West Inc., The Patrick Donnelly Foundation Inc., and various regional business entities.
- 1998-2000 Member, Town of Hopedale, Committee to review and revise Town Bylaws.
- 2001-Present General Town Counsel to the Town of Southborough, Massachusetts as to all general municipal legal matter.**
- 2004 Special Counsel to the Town of Maynard, Massachusetts. TIF issues.
- 2008-2018 Special Counsel to Marlborough Cable Trust m-8 station on litigation matters.

- 2008-2018 General Counsel to the Marlborough Community Development Authority on property sales acquisitions, loan programs, and housing rehabilitation disputes between homeowners, contractors, and the Community Development Authority.
- 2008 Attendance and successful completion of Mediation Works, Executive Mediation Training Program, Boston.
- 2008- Present Participated in joint mediation on business disputes and individual mediation on municipal administrative matters.

RESUME OF JAMES B. LAMPKE

Principal Office

LAW OFFICES OF
LAMPKE & LAMPKE
115 North Street
Hingham, MA 02043

(781) 749-9922
Fax (781) 749-9923
cell- 617-285-4561
james.lampke@lampkelaw.com

OF COUNSEL,
LAMPKELAW, LLC
100 State Street, 9th Fl
Boston, MA
Phone: 781-749-9922 | Fax: 781-749-9923
Mobile: 617-285-4561
Email: james.lampke@lampkelaw.com
Website: www.lampkelaw.com

Residential Office

5 C Street
Hull, MA 02045
(781) 925-1587
c- (617) 285-4561 best #

PROFESSIONAL EMPLOYMENT

1977 to Present	Attorney at Law, Lampke & Lampke, 115 North Street, Hingham, MA 02043, (781) 749-9922, fax (781) 749-9923; second office is located in Hull
2019 to Present	Of Counsel, LampkeLaw, LLC, 100 State Street, 9 th Fl, Boston, MA General practice of law with concentration in municipal law, real estate, civil law, general individual legal problems and litigation. Am at present or have formerly also served as Legal Counsel, Special Counsel, Assistant Town Counsel, Acting Town Counsel and Hearing Officer to various municipalities and municipal boards, commissions and departments. Have also conducted numerous Internal Affairs Investigations, and administrative hearings serving as the Hearing Officer.

RESUME OF JAMES B. LAMPKE, CONT'D.

1978 to
Present

Town Counsel, Town of Hull, Municipal Building,
Hull, MA 02045, (781) 925-2000, fax (781) 925-0224

As Town Counsel, am in charge of the legal matters affecting the Town of Hull, including litigation, drafting of documents, advising boards, representing the interests of the Town and its officers, employees and officials in various matters, issuing opinion letters, etc. Also represent the Town in all real estate and zoning matters such as purchases and sales of property, eminent domain matters, leases, zoning appeals and related litigation. Serve as counsel to all Town Boards, Committees and Departments

January, 1989
to July, 1989
Mid-August, 2002
to October 6, 2002

Acting Executive Administrator/Town Manager, Town of Hull, Municipal Building, Hull, MA 02045. Served as interim Chief Administrative Officer of Town during implementation of new form of local government. Also served as Acting Town Manager during change of Managers and vacations of Town Manager. Oversaw day to day operation of Town

Other current positions include Mediator/Arbitrator/Hearing Officer/Internal Affairs Investigations/Audits (available to serve as such); Justice of the Peace

Service as an Independent Hearing Officer in numerous local Civil Service matters, labor matters and other municipal matters involving disciplinary actions against police officers (including the termination of a Police Chief), fire fighters, emergency medical technicians and other public employees; municipal hearing regarding lease/license termination.

Have also conducted Internal Affairs investigations for municipal and private entities.

Hearing Officer, Open Meeting Law, Public Records, Conflict of Interest Law and other municipal topics training for local officials

EDUCATION

1976

*New England School of Law, Boston, MA
Juris Doctorate, cum laude*

RESUME OF JAMES B. LAMPKE, CONT'D.

1973

George Washington University, the School of Public and International Affairs, Washington, D.C., Bachelor of Arts degree in Public Affairs

Have participated in as an attendee, organizer, contributor of material or presenter in numerous continuing legal education programs sponsored by Massachusetts Bar Association, Massachusetts Continuing Legal Education, Massachusetts Municipal Lawyers Association (formerly the City Solicitors and Town Counsel Association), International Municipal Lawyers Association (formerly the National Institute of Municipal Law Officers), Real Estate Bar Association, Boston Bar Association and Plymouth County Bar Association. Have also attended educational programs on legal, civil rights and labor/employment related matters sponsored by Georgetown University Law School, Suffolk University Law School, University of Massachusetts, Babson College, Council on Education in Management, Massachusetts Criminal Justice Training Council and American Arbitration Association

Have also attended Flaschner Judicial Institute programs for Hearing Officers

BAR ADMISSIONS AND CERTIFICATIONS

United States Supreme Court

First Circuit Court of Appeals

U.S. District Court-District of Massachusetts

Commonwealth of Massachusetts

Local Government Fellow, 2000 - 2005; re-certified, 2005-2010; re-certified, 2010-2015; re-certified, 2015-2020; re-certified, 2020-2025; Designation by Certification by the International Municipal Lawyers Association - this specialized designation is conferred by the IMLA upon candidates who have successfully completed the Program requirements for this Certification, which consists of, among other criteria, a written exam, required number of years of experience in municipal law, attendance at Continuing Legal Education courses and researching/drafting of a research paper; One of under 150 municipal attorneys in North

RESUME OF JAMES B. LAMPKE, CONT'D.

America to receive this designation and the first in Massachusetts.

Certificates of attendance and completion of programs in Internal Affairs (Massachusetts Criminal Justice Training Council); Conducting Internal Discrimination Complaint Investigations (Massachusetts Commission Against Discrimination and Massachusetts Continuing Legal Education); Have also attended and completing similar programs sponsored by other education and professional organizations

AWARDS

<i>1996</i>	<i>City Solicitors and Town Counsel Association - President's Award</i>
<i>2003</i>	<i>Massachusetts Bar Association - Public Service Award</i>
<i>2005</i>	<i>International Municipal Lawyers Association - Distinguished Public Service Award</i>
<i>2011</i>	<i>International Municipal Lawyers Association- State Chair National Award</i>
<i>2013</i>	<i>International Municipal Lawyers Association- Charles Rhyne Lifetime Achievement in Municipal Law Award</i>
<i>2020</i>	<i>International Municipal Lawyers Association- State Chair Award</i>

PROFESSIONAL ASSOCIATIONS

Massachusetts Bar Association; Longtime Member; past Member and past Chairman, Public Law Council; past Member and past Chairman of the Municipal Law Committee, member, Public Law Section, Labor and Employment Law Section

Plymouth County Bar Association

Massachusetts Municipal Lawyers Association (formerly the City Solicitors and Town Counsel Association) - (presently serving as Executive Director/Secretary -Treasurer of this statewide bar association; oversee day to day operation of professional association of municipal attorneys; develop educational programs for

RESUME OF JAMES B. LAMPKE, CONT'D.

public officials and municipal attorneys; act as liaison between Association and various groups; served on Board of Editors for "The Municipal Exchange", prior monthly publication of the Association; editor of MuniLaw Cases for website)

*International Municipal Lawyers Association
(State Chair- 2001- present; Program Planning Committee, longtime member; Fellows Program Committee, longtime member; Vision 2020 Committee member)*

SELECTED PUBLICATIONS, SEMINARS AND PROGRAMS SINCE 2010

- | | |
|------|---|
| 2010 | <i>Massachusetts Continuing Legal Education- panelist and contributor or material- "The New Lobbying Law- How It Affects Municipal Counsel"</i> |
| 2010 | <i>Massachusetts Association of Conservation Commissions- Annual Conference-speaker and contributor of materials "New Changes to the Open Meeting Law, Public Records Law, Ethics Law and Lobbying Law"</i> |
| 2010 | <i>Massachusetts Continuing Legal Education- City Solicitors and Town Counsel Association Annual Conference, co-chair- "Municipal Law Update 2010"</i> |
| 2010 | <i>Massachusetts Continuing Legal Education- panelist and contributor or material- "The New Lobbying Law- 6 Months Later- How It Affects Municipal Counsel"</i> |
| 2010 | <i>Citizens Planner Training Collaborative- "Ethics for Municipal Boards Under the New Ethics Law"</i> |
| 2010 | <i>City Solicitors and Town Counsel Association - Editor of seminar handbook on "Technology Meets Municipal Law"</i> |
| 2010 | <i>City Solicitors and Town Counsel Association - Editor of seminar handbook on "2010 Annual Convention Seminars"</i> |
| 2011 | <i>Massachusetts Association of Conservation Commissions- Annual Conference-speaker and contributor of materials "New Changes to the Open Meeting Law, Public Records Law, Ethics Law and Lobbying Law"</i> |

RESUME OF JAMES B. LAMPKE, CONT'D.

- 2011 *Massachusetts Continuing Legal Education- City Solicitors and Town Counsel Association Annual Conference, co-chair- "Municipal Law Update 2011"*
- 2011 *Massachusetts Continuing Legal Education- Environmental Law Conference- Municipal Law Issues Update 2011"*
- 2011 *City Solicitors and Town Counsel Association - Editor of seminar handbook on "2011 Annual Convention Seminars"*
- 2012 *Massachusetts Continuing Legal Education- City Solicitors and Town Counsel Association, Co-editor and contributing chapters author of two volume set Massachusetts Municipal Law Handbook, 2012 Edition*
- 2012 *Massachusetts Continuing Legal Education- City Solicitors and Town Counsel Association Annual Conference, co-chair- "Municipal Law Update 2012"*
- 2012 *City Solicitors and Town Counsel Association - Editor of seminar handbook on "2012 Annual Convention Seminars"*
- 2013 *Massachusetts Continuing Legal Education- City Solicitors and Town Counsel Association Annual Conference, co-chair- "Municipal Law Update 2013"*
- 2013 *City Solicitors and Town Counsel Association - Editor of seminar handbook on "2013 Annual Convention Seminars"*
- 2014 *Massachusetts Continuing Legal Education- Massachusetts Municipal Lawyers Association Annual Conference, co-chair- "Municipal Law Update 2014"*
- 2015 *Massachusetts Continuing Legal Education- Massachusetts Municipal Lawyers Association Annual Conference, co-chair- "Municipal Law Update 2015"*
- 2015 *Massachusetts Continuing Legal Education- Massachusetts Municipal Lawyers Association, Co-editor and contributing chapters author of two volume set Massachusetts Municipal Law Handbook, 2015 Edition*
- 2016 *Massachusetts Continuing Legal Education- Massachusetts Municipal*

RESUME OF JAMES B. LAMPKE, CONT'D.

Lawyers Association Annual Conference, co-chair- "Municipal Law Update 2016"

2017 *Massachusetts Continuing Legal Education- Massachusetts Municipal Lawyers Association Annual Conference, co-chair- "Municipal Law Update 2017"*

2018 *Massachusetts Continuing Legal Education- Massachusetts Municipal Lawyers Association Annual Conference, co-chair- "Municipal Law Update 2018"*

2018 *Real Estate Bar Association (REBA) Annual Meeting & Conference, material and panel speaker on "Short Term Rentals"*

2019 *Massachusetts Continuing Legal Education- Massachusetts Municipal Lawyers Association Annual Conference, co-chair- "Municipal Law Update 2019"*

2019 *Real Estate Bar Association (REBA) Spring Conference, material and panel speaker on "Short Term Rentals"*

2019 *LexisNexis Practice Guide: Massachusetts Administrative Law and Practice, Co-author of chapter on Open Meeting Law, 2019 Edition*

2019 *Massachusetts Continuing Legal Education- City Solicitors and Town Counsel Association, Co-editor and contributing chapters author of two volume set Massachusetts Municipal Law Handbook, 2019-2020 Edition*

More recent publications and programs available upon request

3.3.21

JAMES A. SCANLON, ATTORNEY AT LAW

403 MAIN STREET, WALTHAM, MA 02452

(781) 899-8500 FAX (781) 899-2872

j.scanlaw@verizon.net

EDUCATION:

Waltham High School 1971
School Committee Key Recipient
Class Rank 7 out of 750 students

Boston College, B.A. Political
Science, June 1975
Magna Cum Laude

Boston College Law School 1978
Juris Doctorate

CAREER:

Assistant to City of Waltham
Corporate Counsel, 1976-1979

Sole Practitioner, 1979 to present
Primary areas of concentration:
Real Estate, Conveyancing, Zoning,
Contract, Estate Planning and Probate,
Qualified expert witness Land Court

PUBLIC SERVICE:

Past Clerk and Board Member of Waltham
Committee, Inc., a nonprofit which coordinates
housing for developmentally disabled persons

Marlborough Youth Soccer Coach, 18 years,
Future Problem Solvers Coach - Marlborough
Middle School Delve Program

Fundraising for various charities such as
Leukemia Lymphoma Society, Livestrong
and American Cancer Society through
participation in and coaching of century bicycle rides

PERSONAL:

Married. Father of four sons - ages
25 years to 31 years

REFERENCES:

James J. McCarthy (978) 423-2766
Robert T. Naumes, Sr. (617) 720-1333
Aldo Cipriano (508) 485-7245

Resume of:

Michael J. Tremblay, Esq.

Attorney-Mediator

277 Main Street
Marlborough, MA 01752
Tel. 508-485-4500
Fax: 508-449-3969
email: attorney@tremblay.com

Education

1979 Northeastern University, Boston, MA
B.S. *cum laude* in Criminal Justice; Alpha Phi Sigma Honor Society

1982 New England School of Law, Boston, MA
J.D. *cum laude*; Technical Editor, New England Law Review

Bar Admissions

Supreme Judicial Court and all state courts in Massachusetts, 1982
United States District Court, District of Massachusetts, 1983
United States Bankruptcy Court, District of Massachusetts, 1983
United States Court of Appeals, First Circuit, 2003
Bankruptcy Appellate Panel, First Circuit, 2013

Publications

"Evolution of the Co-conspirator Exception to the Hearsay Rule,"
16 N.E. L.Rev. 617 (1981)

"Survey of Prisoner Access to the Courts: Local Experimentation a' Bounds,"
9 N.E. Prison Law J. 47 (1983)(research assistant to author, Richard E. Ducey)

"Computerized Legal Research Training Manual,"
New England School of Law, 1983; Co-authored with Richard E. Ducey and Anne Acton

"How to Cut Your Mortgage Almost in Half,"
Leeward Publishing, 1994

Experience

1984-present Law Office of Michael J. Tremblay, Marlborough, MA.
Private practice of law concentrating in divorce mediation and bankruptcy.

1982-1984 Law Offices of Hon. Armand Fernandes, New Bedford, MA
Staff attorney in medium sized law firm concentrating in divorce, bankruptcy, and litigation; Co-counsel with Hon. David Turcotte; counsel to City of New Bedford for municipal litigation.

1982-1984 New England School of Law, Boston, MA
Instructor of Computerized Legal Research (Westlaw and Lexis); Part-time, evenings.

1981 Suffolk County District Attorney's Office, Boston, MA
Criminal Prosecutor in Dorchester District Court

1974-1979 Concord Police Department, Walden St., Concord, MA
Police Officer.

Military

1974 - 1985 U.S. Army, Reserve Commissioned Officer, Honorable Discharge.
Taylor Barracks, Mannheim, Germany: Office of the Staff Judge Advocate; Criminal Law Division.
Ft. Devens, MA: Office of the Staff Judge Advocate; Legal Assistance Office
Ft. Gordon, GA: Military Police School (Crime Scene Search and Crime Scene Photography)
Ft. McClellan, AL: Military Police School (Traffic Control, Traffic Accident Investigation, Traffic Accident Reconstruction)

Published Appellate Opinions

Authored and argued:

American Lithuanian Naturalization Club v. Board of Health of Athol, 446 Mass. 310 (2005)
Jacobs v. Yamaha Motor Corp. U.S.A., 420 Mass. 323, 649 N.E.2d 758 (1995)
Commonwealth v. Fitta, 391 Mass. 394, 461 N.E.2d 820 (1984)
Clark v. Trumble, 44 Mass. App. Ct. 438, 692 N.E.2d 74 (1998) (Bankruptcy Case)
Allen v. R.K. Associates (unpublished) Mass. App. 2004-P-1142
In Re Boucher, 203 B.R. 10 (Bankr. Mass. 1996)
Ahepa Charitable Corp. v. Marlboro West Associates Ltd., 95 Mass. App. Div. 15 (1995)
Lease Acceptance Corp. v. Elwell, 94 Mass. App. Div. 238 (1994)
Lakin v. Leoleis, 94 Mass. App. Div. 121 (1994)
Smither v. Brook Realty Constr. Corp., 90 Mass. App. Div. 137 (1990)
Vautour v. Kolokythas, 90 Mass. App. Div. 14 (1990)
David R. Rykbost Corp. v. O'Conner, 2004 Mass. App. Div. 75 (Ma. App. Div. 2004)
American Lithuanian Naturalization Club of Athol v. Board of Health of Athol, 466 Mass. 310 (2006)
Soal v. Pimentel, 79 Mass. App. Ct. 1110 (2011)
Bailey v. Wells Fargo Bank, NA (In re Bailey), 468 B.R. 464 (Bankr. Mass., 2012)
In re Kology, 499 M.B. 152 (Bankr. Mass. 2013)
In re Cunningham, 490 B.R. 152 (Bankr. Mass. 2013)
Nickless v. Catton (In re Catton) 542 B.R. 33 (D. Mass. 2015)
Soal v. Pimentel, 15-P-85 (Mass. App. Ct. 2016)

Unreported, authored only, or assisted:

Costa v. Markey, 677 F.2d 158 (1st Cir. 1982, rev'd aft. rehearing en banc, 706 F.2d 1 (1st. Cir. en banc 1982), cert. den. --- U.S. --- (19__)(authored petition for certiorari, petition for rehearing en banc; second appellate brief, brief in opposition to certiorari)
Commonwealth v. Walsh, --- Mass. App. ___, (92-P-0892) (1994)(rescript)(authored and argued)(unreported)
Commonwealth v. Smythe, 23 Mass. App. Ct. 348, 502 N.E.2d 162 (1987)(served as trial counsel, case reversed on appeal by other counsel)
Harris v. Harris, 23 Mass. App. 931, 500 N.E.2d 1359 (1986)(co-authored brief)

Other Noteworthy Cases:

Leoleis v. Shaw's Supermarkets, Inc., \$180,000 jury verdict (District Court record)

Lectures

“Data Privacy, Data Security, Written Information Security Programs, and Data Breach for Massachusetts Small Businesses including Family Law Practices,” Keynote Panel Address
Massachusetts Continuing Legal Education (“MCLE”), Boston, April 8, 2011
14th Annual Family Law Conference

“The Intersection of Divorce and Bankruptcy”
Massachusetts Council on Family Mediation, Wellesley, December 9, 2011
10th Annual Family Mediation Institute

Other

Qualified Mediator under M.G.L. c. 233 §23C.
Member Massachusetts Council of Family Mediators
Member, Worcester County Bar Association, Bankruptcy Section
Pro Bono Honor Roll Award, U.S. Bankruptcy Court, District of Massachusetts

McGREGOR & LEGERE

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FAX (617) 338-0737

LUKE H. LEGERE, ESQ.
E-mail: lleger@mcgregorlaw.com
(617) 338-6464 ext. 126

EXPERIENCE

McGregor & Legere, P.C.

Partner

Associate

Law Clerk

Boston, MA

October 2014 – Present

November 2005 – October 2014

May 2004 – November 2005

- Practice focuses on wetlands, zoning, claims for environmental damage, hazardous materials, development agreements, health and safety regulations and related litigation.
- Litigation in state Superior Court and Land Court, federal District Court, as well as appeals before the Massachusetts Appeals Court and Supreme Judicial Court.
- Representation at administrative hearings and enforcement conferences at the MassDEP.
- Representation at numerous hearings before local municipal boards across the state.
- Extensive research and writing on topics such as the Wetlands Protection Act, non-zoning wetlands bylaws, regulatory takings, Brownfields Redevelopment, and effective court enforcement strategies for conservation commissions.
- Submitted numerous successful briefs amicus curiae with the state Supreme Judicial Court on behalf of environmental organizations including the Massachusetts Association of Conservation Commissions and Compact of Cape Cod Conservation Trusts.
- Published articles in numerous newsletters, including the Massachusetts Association of Conservation Commissions, Real Estate Bar Association, and Association of Massachusetts Wetland Scientists.
- Served as co-chair of the Boston Bar Association's Wetlands, Waterways, and Water Quality Committee.
- Authored chapter on Water Pollution Control in Massachusetts Continuing Legal Education's treatise on Massachusetts Environmental Law.

Division of Administrative Law Appeals

Legal Intern

Boston, MA

Spring 2004

EDUCATION

New England School of Law

Juris Doctor

Class Rank: 19/243

Boston, MA

May 2005

Colgate University

Bachelor of Arts

Hamilton, NY

Class of 1999



Printed on recycled paper.

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GREGOR I. MCGREGOR, ESQ.
E-mail: gimcg@mcgregorlaw.com
(617) 338-6464 ext. 123

GREGOR I. MCGREGOR is a principal of McGregor & Legere, PC in Boston. He specializes in environmental law, land use, energy law, real estate, and related litigation.

His court cases for clients and several amici curiae have created precedents on environmental law, municipal Home Rule legal authority, wetland and floodplain protection, land conservation and taxation, civil and criminal law enforcement, Environmental Impact Statements, Article 97 and other parkland and open space protections, and the constitutional principles and procedures on Regulatory Takings.

The firm is a founding member of the Environmental Law Network (ELN), an international alliance of specialty law firms, in the United States and abroad.

Mr. McGregor is editor of the two-volume treatise on Massachusetts Environmental Law, published by Massachusetts Continuing Legal Education, Inc.(MCLE). He is co-chair of MCLE's annual Environmental, Land Use, and Energy Law Conference and MCLE's Real Estate and Environmental Law Curriculum Advisory Committee.

He received from MCLE in 2013 its Scholar-Mentor Award recognizing his career-long dedication to legal scholarship and leadership to the attorneys and students in Massachusetts.

Mr. McGregor co-chairs the Environmental Section of the Real Estate Bar Association for Massachusetts (REBA) and participates in REBA's spring and fall conferences.

He is an active member of the Massachusetts Municipal Lawyers Association (MMLA) from which he received its Robert W. Ritchie Special Achievement Award for his contributions to the jurisprudence, understanding and use of the Home Rule doctrine, and MMLA's President's Award recognizing his contributions, presentations, and assistance to MMLA over the years.

Mr. McGregor is the author of *Environmental Law and Enforcement* (Lewis Publishers 1994). He and his family are featured in *Rescuing Wetlands Close to Home: Ten Stories of New England Landowners* (Trust for Public Land 2006).

Before 1975, Mr. McGregor was an Assistant Attorney General of Massachusetts and the first chief of the Attorney General's Division of Environmental Protection.

Mr. McGregor is a graduate of Dartmouth College and Harvard Law School.

EXHIBIT C
Retainer Arrangements

1. TOWN OF SOUTHBOROUGH

Yearly retainer in the amount of \$1,704.33 per salary administrative plan relates to communications with Town Administrator.

The yearly retainer has been the same for the past three years.

Total Amount Billed:	2020 - \$92,280.85
	2019 - \$97,009.60
	2018 - \$104,357.50

2. TOWN OF HUDSON

Yearly retainer in the amount of \$9,600.00 which covers all Board of Selectmen meetings and telephone conferences with Board Members and the Executive Assistant.

The yearly retainer has been the same for the past three years.

Total Amount Billed:	2020 - \$94,067.00
	2019 - \$95,794.50
	2018 - \$80,909.44

EXHIBIT D
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 backup when the appointee is unavailable.

Aldo A. Cipriano, Esq. **\$150.00** **(LEAD COUNSEL)**

James B. Lampke, Esq. *Rate to be determined on an as needed basis, but will be billed at discounted municipal rate.*

a. General practice of law with concentration in municipal law, real estate, civil law and litigation. Attorney Lampke is also the Executive Director of the Massachusetts Municipal Lawyers Association and Town Counsel for the Town of Hull.

James Scanlon, Esq. **\$150.00**

a. Special Counsel for conveyancing matters, full title examinations on municipal property matters and if necessary, to write Title insurance and/or to assist in prosecution or defense in Land Court as he is a qualified expert witness in the Land Court system.

b. Title Examinations range from \$500-\$750.

Michael Tremblay, Esq. **\$150.00**

a. Special Counsel for bankruptcy matters that may affect municipality relative to bankrupt contracting parties to municipality or tax foreclosure proceedings or any other comparable need for specialized bankruptcy professional services in the Federal Court system.

McGregor & Legere *Rates for municipal clients are \$280/hr blended rate (all lawyers charge the same rate) for non-litigation matters.*

a. Luke H. Legere, Esq. – Partner, Focus on wetlands, zoning, claims for environmental damage, hazardous materials, development agreements, health and safety regulations and related litigation

b. Gregor L. McGregor, Esq. – Principal, Specializes in environmental law, land use, energy law, real estate and related litigation.

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

No proposed bill for such services.

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).

No charge for copying, telephone, fax or mileage/travel. Only charges imposed are as stated in No. 3 and No. 5 herein.

4. In what hourly increments do you bill?

Quarter Hour (0.25)

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

The time out of office to be billed to the Town of Southborough is currently for in-person Court appearances only, with a one half (0.5) hour charge to the Court House and one half (0.5) hour charge from the Court House, no matter the length of travel. Billing for the commute to and from in-person Court appearances would not exceed the equivalent of one hour at our standard rate for legal services. Travel time to any municipal meeting or conference is no charge.

6. Do you intend to propose an alternative fee agreement? Yes _____ No X If "yes", please attached additional sheet(s) fully describing and explaining your proposal.

N/A