

OPERATIONS SUPPORT

- **151** **TOWN COUNSEL**
- **159** **SHARED SERVICES**

General Category : General Government

Department TOWN COUNSEL

Dept # 151

EXPENDITURES		Actual 2013	Appropriated 2014	Expended thru 12/31/2013	FY15 Level Services Request	FY15 Fin Comm Recommend	FY15 Town Administrator Budget
5301	Labor Negotiations	13,833	20,000	4,919.00	20,000		20,000
5302	Legal	65,459	50,000	16,096.47	50,000		50,000
	TOTAL EXPENSES	79,292	70,000	21,015.47	70,000	-	70,000
	TOTAL TOWN COUNSEL	79,292	70,000	21,015.47	70,000		70,000

YTD Exp include billings through 10/31/13

1. Program Description – Town Counsel (151)

Purpose of Department/Mission

The legal budget includes all expenses associated with the use of Town Counsel (Kopelman and Paige) and our labor attorney, (Sullivan & Hayes.)

Department Staffing

- None

Mandated Services

- Chapter 41: authority of Board of Selectmen to appoint town counsel to serve as legal adviser to the Town.
- Chapter 41, Section 26A: representing the Board of Assessors or the Selectmen acting as Assessors, before the State Appellate Tax Board.
- Chapter 41, Section 43A: defending the Tax Collector or Treasurer in legal actions for damages.
- Chapter 32, Section 20 (47): serving as legal adviser to the local retirement board, unless the board opts to retain its own counsel.
- Chapter 258, Section 6: defending all civil actions against town employees for injury, loss of property, personal injury, or death caused by their negligence, or wrongful act or omission.
- Chapter 268A, Section 22: issuing opinions on the conflict-of-interest law
- Chapter 150E: providing professional assistance in the collective bargaining process, and in the administration of collective bargaining agreements.

Other Programs/Services Provided

- Town Counsel is responsible for providing legal advice to all departments and defending the town in any lawsuits that are filed against it, with the exception of labor relations cases, which are usually handled by Sullivan and Hayes.
- Labor Counsel also negotiates all collective bargaining agreements for the town and assists in the administration of these contracts on an on-going basis. There are currently collective bargaining agreements in place with all three unions (DPW; the

Montague Employees Association and the Police). The Board of Selectmen negotiates separately with the department heads, which are not unionized.

Revenues Generated

- None

2. Budget Statement

The Town Counsel budget for FY 2015 has been level funded with FY 2014. This budget is probably one of the most difficult to project because it varies so much from one year to the next. Under the best case scenario, Town Counsel's workload will return to a more reasonable level and the town won't have to spend all of the funds that have been budgeted. While some of the more difficult and expensive cases have been wrapped up and resolved to the town's favor, there are other areas where legal expenses could increase. These include, for example, the cost of preparing legal documents needed for the transfer of property. The town remains hopeful that it will be downsizing its real estate portfolio. Code enforcement issues may also drive increased legal costs. The town also has its share of frivolous legal claims which cost money to defend even while often resulting in decisions favorable to the town.

Labor attorney costs fairly constant from year to year.

3. Objectives

Needs: The town hasn't had all of its unions under contract since 2010. Two of the unions were still without a contract as of the submission of this budget. The town would like to have all of its unions under contract with the same contract duration.

The Town has identified a serious problem with private properties that have been allowed to deteriorate to the point that they represent a health and safety risk. The Health Director has enrolled the town in the State Attorney General's Abandoned Buildings Initiative which will target the worst properties and bring them under more responsible ownership, possibly through receivership.

Objectives:

- To reach collective bargaining agreements with all of the town's unions.
- To resolve all outstanding issues with respect to on-going legal cases in the most efficient and cost effective manner, in the best interest of the town.

- To support the efforts of the Health Department and others in the implementation of the Abandoned Building Initiative through the provision of adequate support legal services.

4. Accomplishments

The legal department is pleased to report that it has prevailed in all of the cases in which has defended claims filed against the town or initiated legal action in defense of town by-laws and other enforcement actions. Admittedly, the town's success has not come without a price. Legal costs have risen significantly in recent years.

5. Performance/Workload Indicators

	FY 2013	FY 2014	FY 2015
Service Levels	Actual	Estimated	Estimated
Town Meetings Supported	3	4	4
Union Contracts Completed	2	3	3
Mediation Sessions	2	2	-
Arbitration Sessions	4	-	-
Litigations Defended	-	-	-
Litigation Initiated	-	-	-
Seminar Trainings Offered	1	1	-
Real Estate Transactions	2	2	3

General Category : General Government

Department SHARED COSTS

Dept #159

EXPENDITURES		Actual 2013	Appropriated 2014	Expended thru 12/31/2013	FY15 Level Services Request	FY15 Fin Comm Recommend	FY15 Town Administrator Budget
5100	IT Administrator Stipend	2000	2,000	957.75	2,000		2,000
	TOTAL WAGES	2000	2,000	957.75	2,000		2,000
5247	Computer Repair & Maintenance	14,500	15,250		16,000		16,000
5249	Copier/Duplicator Lease	4,822	4,700	1,455.85	5,200		5,200
5304	Annual Audit	30,500	31,000	28,500.00	31,500		31,500
5305	Printing Annual Report		300		300		300
5306	GASB 45 (every 3 yrs, next w/b FY17)		6,500		-		-
5307	Continuing Disclosure Fee (Debt)	1,500	1,500		1,500		1,500
5340	Shared Telephone Exp	459	700		700		700
5341	Comcast/Crocker DSL Line	1,334	1,331	713.05	1,331		1,331
5342	(Internet/Web Page) Dial Up Accounts						
5344	Postage Meter Rental	2,251	2,100	1,598.54	2,350		2,350
5347	Domain Hosting	125	201	150.00	125		125
5348	Website Maintenance	2,950	2,950	2,950.00	3,050		3,050
5349	Website Address Reg/Security Cert	162	200	125.00	200		200
5350	Code Red				6,500		6,500
5420	Shared Paper	1,590	2,000		2,000		2,000
5580	Copier/Duplicator Supplies	176	500	678.30	750		750
	TOTAL EXPENSES	60,368	69,232	36,170.74	71,506		71,506
5855	Computer Equipment						
	TOTAL CAPITAL OUTLAY	-	-	-	-	-	-
	TOTAL	62,368	71,232	37,128.49	73,506		73,506