



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke - Director of Administrative Services

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of submission:** Request for Proposals for Legal Counsel to the Town of Simsbury
2. **Date of submission:** December 6, 2012
3. **Date of Board Meeting:** December 10, 2012

4. **Individual or Entity making the submission:**

Thomas F. Cooke – Director of Administrative Services

5. **Action requested of the Board of Selectmen (Acceptance of gift, creation of reserve, approval of contract, information only, etc. Be as specific as possible with respect to the desired action of the Board.):**

The Individual or Entity making the submission requests that the Board of Selectmen:

- a) Continue the retention of Town Counsel and Labor Counsel on the same terms and conditions for calendar year 2013, with an RFP to be issued in November, 2013 for selection of counsel for these roles in January, 2014; and
 - b) Authorize the issuance of an RFP for selection of counsel to advise the Town of Simsbury on pension and other retirement plan matters.
6. **Individual(s) responsible for submission (Please include complete contact information. The identified individual(s) should be prepared to present information to the Board of Selectmen at the Board Meeting.):**

Thomas F. Cooke – Director of Administrative Services

tcooke@simsbury-ct.gov

(860) 658-3264

7. **Summary of Submission** (Include in your summary (i) relevant dates and timelines; (ii) parties involved; (iii) a description of financial terms and conditions specifically identifying the financial exposure/commitment of the Town of Simsbury; (iv) whether or not contracts, licenses and other legal documents have been reviewed by the Town's counsel; and (v) other information that will inform the Board of Selectmen's consideration of your submission. Include any additional information in an attached memorandum.):

At its organizational meeting in December, 2011 the Board of Selectmen approved the reappointment of Town Counsel and Labor Counsel based on the then-existing rates and terms with the understanding that the Board would consider issuance of a request for proposal in a year's time.

Both Town Counsel and Labor Counsel are currently involved in ongoing legal matters where their prior involvement is of significant value to the Town. Messrs. DeCrescenzo and Janus have indicated that they are willing to continue in their current roles at the rates and on the same conditions as in previous years. Under the circumstances, I am recommending that issuance of a request for proposal for these roles be scheduled for next November on a timeline designed to provide the next administration to participate in the selection process.

Counsel for pension matters presents a different situation. Changes to the pension plan documents and Town ordinances are necessary as a result of changes to the Town of Simsbury's labor contracts. Likely as a result of the infrequency of legal matters in this area, no request for proposal has been issued for the role in recent years. Accordingly, we are recommending that a request for proposal for the role of counsel on pension and retirement plan matters be issued immediately.

8. **Description of documents included with submission** (All documents must be in final form and signed by the appropriate party.):

The following documents are included with this submission and attached hereto:

Letter from Peter A. Janus, Esq., December 3, 2012

Letter from Robert M. DeCrescenzo, Esq., December 4, 2012



Robert M. DeCrescenzo
(t) 860.548.2625
(f) 860.548.2680
rdcrescenzo@uks.com

December 4, 2012



Mary A. Glassman
First Selectman
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Appointment of Town Attorney

Dear Mary:

I am writing to request that the firm of Updike, Kelly & Spellacy, P.C. be reappointed as Town Attorney for a one year term beginning December 10, 2012, pursuant to Section 806 of the Town Charter.

To assist the Town in its cost containment efforts, we will hold our retainer and hourly billing rates established in 2008 fixed for the one year term of the appointment. We renew our commitment to providing training sessions free of charge and all other elements of the scope of our representation set forth in our original Proposals. We believe our current arrangement has enabled us to provide Simsbury with a high level of services as its Town Attorney at a predictable, reasonable, cost.

It has been our privilege to serve as Town Attorney. Over the years we have become intimately familiar with all local issues, ordinances and regulations. We believe we have an excellent working relationship with all elected and appointed officials and Town staff.

Thank you for your consideration of this request. If you need additional information, please do not hesitate to contact me.

Very truly yours,

Robert M. DeCrescenzo, Esq.

RMDe/psm

Updike, Kelly & Spellacy, P.C.

100 Pearl Street ■ PO Box 231277 ■ Hartford, CT 06123 (t) 860.548.2600 (f) 860.548.2680 www.uks.com

LAW OFFICES

SIEGEL, O'CONNOR, O'DONNELL & BECK, P.C.

150 TRUMBULL STREET
HARTFORD, CONNECTICUT 06103
(860) 727-8900
FAX (860) 527-5131

www.siegelconnor.com

14 EUGENE O'NEILL DRIVE, SUITE 202
NEW LONDON, CONNECTICUT 06320
(860) 442-4747
FAX (860) 442-4714

PLEASE REPLY TO HARTFORD OFFICE

December 3, 2012

Mary A. Glassman
First Selectman
Town of Simsbury
933 Hopmeadow Street
P.O. Box 495
Simsbury, CT 06070



Dear Mary:

This letter will confirm our firm's interest in continuing to represent the Town of Simsbury in future labor and employment law matters during calendar year 2013. As previously explained, our firm is engaged in the practice of, among other things, labor and employment law and related litigation. We offer a full range of services in these areas.

Our fees are based on factors prescribed by the American Bar Association Code of Professional Responsibility to be considered as guides when determining the reasonableness of fees for legal services. These factors include (1) the time and labor required, the novelty and difficulty of the question involved and the skill required to perform the legal services properly; (2) the fee customarily charged in the locality for similar legal services; (3) the amount involved in the controversy and the results obtained; (4) the time limitation imposed by the client or by the circumstances; (5) the nature and length of the professional relationship with the client; and (6) the experience, reputation and the ability of the lawyer or lawyers performing the services.

The firm's current hourly rates for attorneys working in public sector representation range from \$165.00 per hour to \$265.00 per hour depending upon the nature of the work performed and the attorney actually involved. Our firm is agreeable to maintaining our present rates during the coming calendar year. Accordingly, all partners of the Firm would continue to be billed at \$225 per hour, and Associate rates will not exceed \$170 per hour. Such rates will remain unchanged until December 31, 2013.

In addition to hourly rates, direct expenses, such as computer-aided legal research, are also billed. Due to the lag time in our receipt of billings for direct expenses, it is possible that you will occasionally receive expense bills in a month following the actual occurrence of the expense and the billing of time incurred in such expense. The billing statement will be issued in whatever format and at whatever level of specificity you require.

Feel free also to contact me directly if you have any billing questions at any time.

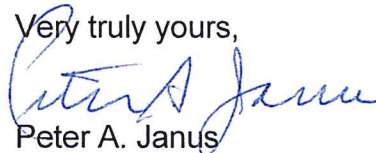
SIEGEL, O'CONNOR, O'DONNELL & BECK, P.C.

Mary A. Glassman
December 3, 2012
Page 2 of 2

If the terms described herein are acceptable, please arrange to have a copy of this letter signed where indicated below and return to me.

Please do not hesitate to call our office at any time for an update on the amount of time that has been spent on your behalf. We are pleased that you have decided to have us reappointed to represent you and look forward to a continuing pleasant and successful relationship.

Very truly yours,



Peter A. Janus

Cc: Thomas Cooke

PAJ/so

I am in agreement and acceptance of the foregoing terms for legal representation by Siegel, O'Connor, O'Donnell & Beck, P.C. on behalf of the Town of Simsbury for the matters herein described.

READ AND ACKNOWLEDGED:

Town of Simsbury

Date: _____

By: _____