

ANNUAL REPORT OF TOWN COUNSEL –FY 2015

The role of Town Counsel is to provide information about what the law requires, to advise Town officials and boards concerning the law, to protect the legal interests of the Town in the conduct of its affairs, and to represent the Town in judicial and administrative proceedings. This involves the preparation of legal memoranda and the negotiation, drafting or review of protocols, memoranda of understanding or other types of agreements and contracts. In addition, Town Counsel answers questions on topics such as procurement, contracts, insurance, land use, environmental law, wetlands protection, municipal finance, construction law, employment, open meeting and public records requirements, and ethics.

What follows is a description of the lawsuits by or against the Town filed or pending during FY2015 handled by Town Counsel.

- *Wellesley Realty Associates, LLC v. Town of Wellesley, Adv. Pro. 14-01159* (Bankr. Ct. D. Mass). The bankrupt developer sued the town to recover as assets of the bankrupt estate monies paid to secure commitments to construct a mixed-use project pursuant to a special permit. The parties settled.
- *Growth Homes Elm, LLC v. Wellesley Planning Board, 14-MISC-482194* (KFS) (Mass. Land Court): The Land Court determined that an “Approval Not Required” plan showing two residential building lots on property located at 910 Washington Street was entitled to endorsement pursuant to M.G.L. c.41, 81P. This case is now completed.

This past year marked the beginning of our tenure as Town Counsel in Wellesley. We believe that each matter that comes before Town Counsel deserves careful thought, and we strive to provide the Town with personal, direct and responsive legal counsel, diligent attention to the Town's needs, and good humor.

Respectfully submitted,

Thomas J. Harrington
Miyares and Harrington LLP
Town Counsel