

ARTICLE 25. TOWN COUNSEL

25.1. Office and Qualifications. The Town shall have a Town Counsel who shall be an attorney admitted to practice in the Commonwealth. Town Counsel need not be a resident of the Town or maintain a law office in the Town.

25.2. Term. Town Counsel shall be appointed annually by the Select Board for a yearly term to commence on July 1. The Select Board shall have the power to remove Town Counsel whenever in their judgment the interests of the Town so require. In case of a vacancy in the office, the Select Board shall fill the same by a new appointment.

25.3. Responsibility. Town Counsel shall be responsible for the performance of all legal services to the Town.

25.4. Duties. It shall be the duty of Town Counsel:

- a. To examine, or cause to be examined, all titles to property in which the Town may be interested;
- b. To draw, supervise the drawing, or review all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required by any bylaw, vote or action of the Town, or by any Board or Official, or to which the Town or its agent may be a party, and which by law, usage or agreement the Town is obligated to draw;
- c. To draw, or supervise and approve, all votes for the laying out, discontinuance, change or improvement of streets or ways, for the taking of lands for any municipal purpose whatever, for the assessment of betterments, and all other forms of assessment;
- d. To commence and prosecute all actions and other legal proceedings and suits by or on behalf of the Town or any Board or Official, upon vote duly taken by such Board or written direction of such Official and after the Select Board have been notified of and approved such vote; except that approval by the Select Board shall not be required if Town Counsel deems the situation to be of an emergency nature or in those instances when such Board or Official is vested by statute with the authority to commence and prosecute legal proceedings;
- e. To defend all actions and suits brought against the Town in any Court or other tribunal in this Commonwealth or elsewhere;
- f. To appear as counsel, when directed by the Select Board, in any other action, suit, or prosecution which may involve the rights and interests of the Town;
- g. To defend all persons elected or appointed to any Board and all Officers and Officials of the Town in suits or prosecutions against them for any official action, or for the performance of any official duty, when any right, privilege, act or direction of the Town may be brought into question;
- h. To defend, subject to the approval of the Select Board, all employees of the Town in suits or prosecutions against such employees for acts within the scope of their authority as agents of the Town, unless such suits or prosecutions are brought by the Town or on its behalf;
- i. To appear as Counsel before the Legislature of the Commonwealth or any committee thereof, whenever the Select Board determine that the interests or welfare of the Town may be directly or indirectly concerned, or when requested to do so by a vote of the Town;
- j. To consult with, advise or attend meetings of any Board, Officer or Official, either upon the request of the chair thereof or the Officer or Official involved, or when in the Select Board's opinion any matter before such Board, Officer or Official has significant legal implications to the Town, and in either instance to furnish a legal opinion upon any subject respecting the official duties of the Board, Officer or Official;
- k. To prepare, when requested, any article for the Warrant for any Town Meeting and to review all articles and motions for form and legal sufficiency;
- l. To make a monthly report to the Select Board on all actions taken during the preceding month and to other Boards, Officers and Officials on legal matters which occurred during the preceding month and specifically relate to such Board, Officer or Official; and

- m. To make an annual report of the work done during the preceding year and the status of all business and litigation pending at the close of that year.

25.5. Special Counsel. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Select Board, no Board, Officer or Official of the Town shall engage, whether or not for remuneration, any attorney, other than Town Counsel, with regard to its or their official duties, or any Town business, or the business of any of the departments thereof. The Select Board may, whenever they deem necessary, employ special counsel to assist or act in place of Town Counsel.