Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719
www.fairhaven-ma.gov

Tel: (508) 979-4023

Select Board
Andrew Romano, Chair
Natalie A. Mello, Vice Chair
Pamela Kuechler, Clerk
Andrew B. Saunders
Richard Trapilo

Town Administrator/
Keith R. Hickey

MEMO

DATE: October 27, 2026

TO: Select Board

FROM: Keith R. Hickey, Town Administrator

RE: Additional Information for General and Labor Counsel Services o

Attached please find the updated scope and pricing proposals from Mead, Talerman and Costa, Harrington Heep and KP Law. Each firm provided two prices. The first includes all general and labor counsel services. The second includes all general and labor matters, ***excluding non-litigation labor matters.***

I sent an email to the three firms requesting their first annual fee include legal representation for the following:
The Select Board requests that your firm either submit a revised flat fee or confirm that the flat fee included in your original proposal covers all of the following services:

- All general municipal legal services and non-litigation labor matters.
- Legal opinions involving general municipal, land use, zoning, labor, and employment matters.
- Legal representation in land use, zoning, Board of Health, and Conservation Commission litigation, including mediation and arbitration.
- All work performed by paralegals and support staff.
- Participation in and ongoing support for collective bargaining negotiations.
- Attendance at the Town's Annual and Special Town Meetings.
- Licensing matters under the jurisdiction of the Select Board.
- Assistance with procurement matters and the preparation and review of contracts.
- An attorney's availability at the Fairhaven Town Offices twice per month for two hours per visit.
- Attendance at up to two Select Board meetings per month.

The following page is a summary of the monthly and annual proposals from each firm ***excluding*** litigation involving labor matters.

All Litigation-Excluding Litigation Involving Labor Matters		
Firm	**Monthly Fee**	**Annual Fee**
Mead, Talerman and Costa	$15,000	$180,000
Harrington Heep	$13,000	$156,000
KP Law	$14,000	$168,000

Attendance at Board meetings:

Mead, Talerman and Costa	3 per month
Harrington Heep	2 per month
KP Law	2 per month

Hourly rates for representation not included in the price:

Mead, Talerman and Costa	$225 per hour
Harrington Heep	$225 per hour
KP Law	$355 per hour

Representation not included in the price:

Mead, Talerman and Costa:

- Representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

Harrington Heep

- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

KP Law

- Paralegal services are billed at one half the quoted attorney rate.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

The following page is a summary of the monthly and annual proposals from each firm ***including*** litigation involving labor matters.

All Litigation-Including All Labor Matters		
Firm	**Monthly Fee**	**Annual Fee**
Mead, Talerman and Costa	$17,250	$207,000
Harrington Heep	$15,000	$180,000
KP Law	$16,000	$192,000

Attendance at Board meetings:

Mead, Talerman and Costa	3 per month
Harrington Heep	2 per month
KP Law	2 per month

Hourly rates for representation not included in the price:

Mead, Talerman and Costa	$225 per hour
Harrington Heep	$225 per hour
KP Law	$355 per hour

Representation not included in the price:

Mead, Talerman ad Costa:

- Representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

Harrington Heep

- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

KP Law

- Paralegal services are billed at one half the quoted attorney rate.
- The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G.

Harrington Heep

Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Ivria Glass Fried Bryan F. Bertram Christopher L. Brown Heather C. White
Ethan B. Dively Anthony J. Riley Eric B. Reustle Rian R. Holmquest Emily A. Meehan

October 20, 2026

Keith Hickey, Town Administrator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Mr. Hickey,

Harrington Heep submits the following fee proposal as the Select Board requested.

Flat Fee #1

$13,000 per month for the following matters as listed in your request:

- All general municipal legal services and non-litigation labor matters.
- Legal opinions involving general municipal, land use, zoning, labor, and employment matters.
- Legal representation in land use, zoning, Board of Health, and Conservation Commission litigation, including mediation and arbitration.
- All work performed by paralegals and support staff.
- Participation in and ongoing support for collective bargaining negotiations.
- Attendance at the Town's Annual and Special Town Meetings.
- Licensing matters under the jurisdiction of the Select Board.
- Assistance with procurement matters and the preparation and review of contracts.
- An attorney's availability at the Fairhaven Town Offices twice per month for two hours per visit.
- Attendance at up to two Select Board meetings per month.

Flat Fee #2

$15,000 per month for the above-listed matters and representation of the Town in litigation involving labor and employment matters.

Excluded from each of these flat fees are 1) all litigation not listed above; and 2) matters for which the Town's legal fees are paid by others. Excluded matters will be billed in 1/10 of an hour increments at a rate of $225 per hour for all attorneys and $150 per hour for paralegals.

As noted in our original proposal, we propose a six-month and year-end review of this arrangement, to ensure the number agreed-upon in initial discussion remains fair and transparent for both parties. We also refer the Board to our original proposal should the Board decide to engage us for all services at an hourly rate instead of a flat fee.

Thank you for your consideration. I enjoy working with the staff and officials of Fairhaven and hope to have the opportunity to continue to serve.

Sincerely,

Heather C. White

Mead, Talerman & Costa, LLC
Attorneys at Law

REVISED FEE PROPOSALS
TOWN OF FAIRHAVEN
TOWN COUNSEL

Our experienced administrative staff generates monthly invoices for each of our clients. Each invoice details the work performed, the hourly rate, if applicable, and by whom the work was performed. Invoices including expenses are similarly detailed. Our staff can create individualized sub-billing categories to fit the bookkeeping and organizational needs of the Town.

We propose four (4) fee structures for your consideration, as follows:

Proposal No. 1
Flat Fee Including ALL LITIGATION

1. The Firm proposes **a flat monthly fee of $17,250.00**, equal to **an annual fee of $207,000.00**, which shall include **substantially all general municipal and labor services work, including litigation**, performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. The flat fee includes all representation and legal opinions for general and land use matters as well as preparation for and attendance at Annual and/or Special Town Meetings, as necessary, and three (3) board hearings or meetings per month. Attendance at additional meetings per month will be billed at the firm's hourly rate of $225.00 per hour.

3. The flat fee includes defense and prosecution of all customary land use litigation; mediation and arbitration relating to zoning, planning, board of health and conservation matters; as well as litigation relating to the enforcement of general and zoning by-laws. Excluded litigation will be billed at the firm's hourly rate of $225.00 per hour.

4. The flat fee includes all opinions, negotiations and contracts relating to labor and employment matters, as well as any litigation or adversarial proceedings relating to the same.

5. The flat fee includes all reviews of municipal contracts and assistance with procurement issues.

6. The flat fee includes representation of the Town on all significant licensing matters handled by the Select Board, including liquor licensing.

7. The flat fee does not include representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.

8. The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G. For such matters, the firm will bill at the rate of $225.00 per hour.

9. The firm does not charge for work performed by paralegals and support staff.

10. The flat fee also includes monthly or bi-weekly "office hours" at Town Hall, as may be directed by the Town, as well as two (2) training seminars per year.

11. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

12. For matters subject to hourly billing, the firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. For matters billed hourly, travel time will be billed on a portal-to-portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

Proposal No. 2
Flat Fee Including GENERAL LITIGATION ONLY

1. The Firm proposes **a flat monthly fee of $15,000.00**, equal to **an annual fee of $180,000.00**, which shall include **substantially all general municipal and all non-litigation labor services work** performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. The flat fee includes all representation and legal opinions for general and land use matters as well as preparation for and attendance at Annual and/or Special Town

Meetings, as necessary, and three (3) board hearings or meetings per month. Attendance at additional meetings per month will be billed at the firm's hourly rate of $225.00 per hour.

3. The flat fee includes defense and prosecution of all customary land use litigation; mediation and arbitration relating to zoning, planning, board of health and conservation matters; as well as litigation relating to the enforcement of general and zoning by-laws. Excluded litigation will be billed at the firm's hourly rate of $225.00 per hour.

4. The flat fee includes all opinions, negotiations and contracts relating to labor and employment matters, but excludes any litigation or adversarial proceedings relating to the same.

5. The flat fee includes all reviews of municipal contracts and assistance with procurement issues.

6. The flat fee includes representation of the Town on all significant licensing matters handled by the Select Board, including liquor licensing.

7. The flat fee does not include representation at routine hearings before the Appellate Tax Board that can be, and are typically, undertaken without counsel; but does include all Appellate Tax Board hearings on more substantial matters that do routinely require the assistance of counsel. Nor does the flat fee include prosecution of tax titles or negotiation of cable services agreements, as these specialized items are generally handled by special counsel with related expertise.

8. The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G. For such matters, the firm will bill at the rate of $225.00 per hour.

9. The firm does not charge for work performed by paralegals and support staff.

10. The flat fee also includes monthly or bi-weekly "office hours" at Town Hall, as may be directed by the Town, as well as two (2) training seminars per year.

11. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

12. For matters subject to hourly billing, the firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. For matters billed hourly, travel time will be billed on a portal-to-

portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

Proposal No. 3
Flat Fee EXCLUDING Litigation

1. The Firm proposes **a flat monthly fee of $11,000.00**, equal to **an annual fee of $132,000.00**, which shall include **substantially all non-litigation legal services** performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. The flat fee includes all representation and legal opinions for general and land use matters as well as preparation for and attendance at Annual and/or Special Town Meetings, as necessary, and three (3) board hearings or meetings per month. Attendance at additional meetings per month will be billed at the firm's hourly rate of $225.00 per hour.

3. The flat fee does not include prosecution or defense of litigation, mediation and arbitration, whether in Massachusetts courts or before administrative agencies. Such matters will be billed at the firm's hourly rate of $225.00 per hour.

4. The flat fee does not include matters relating to labor and employment. Such matters will be billed at the firm's hourly rate of $225.00 per hour.

5. The flat fee includes all reviews of municipal contracts and assistance with procurement issues.

6. The flat fee includes representation of the Town on all significant licensing matters handled by the Select Board, including liquor licensing.

7. The flat fee does not include negotiation of cable services agreements, which is a specialized item generally handled by special counsel with related expertise.

8. The flat fee does not include matters for which fees are required to be paid by permit applicants under G.L. c. 44, § 53G. For such matters, the firm will bill at the rate of $225.00 per hour.

9. The firm does not charge for work performed by paralegals and support staff.

10. The flat fee also includes monthly or bi-weekly "office hours" at Town Hall, as may be directed by the Town, as well as two (2) training seminars per year.

11. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert

consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

12. For matters subject to hourly billing, the firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. For matters billed hourly, travel time will be billed on a portal-to-portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

Proposal No. 4
Hourly Rate

1. The Firm proposes **an hourly rate of $225.00 per hour**, which shall include substantially all legal work performed by the firm's partners, associates and/or attorneys-of-counsel and related services performed by the firm's support staff. For the Town's convenience, all services provided by the firm will be itemized.

2. Where applicable, legal fees will be paid by permit applicants under G.L. c. 44, § 53G; and billed separately.

3. At the request of the Town, the firm is available to conduct "office hours" at Town Hall, at the hourly rate.

4. The firm does not charge for work performed by paralegals and support staff.

5. The firm will provide one (1) training seminar per year, at no charge to the Town.

6. The firm's internal costs, such as telephone services, utilities and clerical assistance, are not the Town's responsibility. Nor are standard mailing fees or routine copying costs charged to the Town. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs and costs for other similar items are billed on a direct basis, i.e. with no markup by the firm. Expert consultant fees, fees for title examinations and the costs for stenographic transcripts shall also be the Town's responsibility, if and as applicable.

7. The firm bills in increments of one-tenth (1/10) of an hour. Substantive telephone calls and conferences and receipt, review and drafting of correspondence and e-mails are billed at a minimum rate of two-tenths (2/10) of an hour. It is the firm's practice NOT to charge for insubstantial telephone conversations or insubstantial e-mail exchanges with Town officials. Travel time will be billed on a portal-to-portal basis; provided, however, that travel to and from Town offices shall not exceed 1.5 hours roundtrip irrespective of origin.

KP LAW
THE LEADER IN PUBLIC SECTOR LAW

101 Arch Street, 12th Floor
Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
k-plaw.com

Lauren F. Goldberg
lgoldberg@k-plaw.com

October 22, 2026

BY ELECTRONIC MAIL ONLY (khickey@fairhaven-ma.gov)

Mr. Keith R, Hickey
Town Administrator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Re: Fee Proposal – Town Counsel and Labor and Employment Legal Counsel

Dear Mr. Hickey:

Below please find responses to each of the questions posed by the Select Board, as well as an enclosure setting forth our hourly and Fixed Fee proposals, as well as an updated proposal with a Labor and Employment General Services adder. See Exhibit A for a description of these three proposals.

The Select Board has asked whether the following are included in our Fixed Fee proposal:

- All general municipal legal services and non-litigation labor matters.

  The Fixed Fee proposal includes general municipal services as outlined, excluding the specific services listed and those matters on our Specialty Legal Services page.

- Legal opinions involving general municipal, land use, zoning, labor, and employment matters.

  The original Fixed Fee proposal does not include labor and employment matters, but does cover the other subject matters listed. We have included an updated Fixed Fee proposal with a Labor and Employment adder.

- Legal representation in land use, zoning, Board of Health, and Conservation Commission litigation, including mediation and arbitration.

  Litigation, as well as mediation and arbitration, are excluded from the Fixed Fee proposals.

- All work performed by paralegals and support staff.

  We do not charge for work performed by staff, and work performed by paralegals would be included in the fixed fee.

- Participation in and ongoing support for collective bargaining negotiations.

  The original Fixed Fee proposal does not include labor and employment matters. Our Fixed Fee and Labor and Employment General Legal Services (the updated proposal prepared at the Select Board's request) includes general counsel and advice on labor and employment matters, but not participation in collective bargaining negotiations.

- Attendance at the Town's Annual and Special Town Meetings.

  Yes, the Fixed Fee includes any pre-meeting, post-meeting debriefing, preparation and review of warrant articles, motions, and anything else Town Meeting related.

- Licensing matters under the jurisdiction of the Select Board.

  Licensing matters, other than Cable Licensing, are included in the Fixed Fee. If such matters were to proceed to litigation, however, that portion would not be included in the Fixed Fee.

- Assistance with procurement matters and the preparation and review of contracts.

  Yes, this is included within the Fixed Fee.

- An attorney's availability at the Fairhaven Town Offices twice per month for two hours per visit.

  Yes, our Fixed Fee Proposal includes up to six hours of meetings per month, which could include Office Hours.

- Attendance at up to two Select Board meetings per month.

  Yes, we can provide this service as part of the Fixed Fee.

In addition to the hourly and Fixed Fee proposals previously provided, we have included a Fixed Fee and General Labor and Employment Legal Services Proposal, as requested, all of which are described in Exhibit A.

In closing, I would also like to convey that we are available to further explain our proposal, and to discuss and adjust as needed to best align with the Board's legal services needs and protocols. Please contact me with any further questions about our proposed fee structure.

Very truly yours,

Lauren F. Goldberg

LFG/aem
Enc.

Exhibit A

KP LAW
THE LEADER IN PUBLIC SECTOR LAW

101 Arch Street, 12th Floor
Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
k-plaw.com

EXHIBIT A TO OCTOBER 22, 2026 LETTER TO KEITH HICKEY

Fee Proposal for Town of Fairhaven
Prepared for Select board October 26, 2026 Meeting

Hourly Legal Services: Legal services provided at a rate of $285/hour, with Specialty Legal Services at the rates set forth in ***Exhibit 1***. If reappointed, hourly legal services rates will annually increase by $10.00.

Fixed Fee:[1] Legal services provided at the annual rate of $168,000 ($14,000/month) for all Town Counsel services, excluding Specialty Legal Services as listed in ***Exhibit 1***, and the following, which will be billed at the rate for Hourly Legal Services:

- Labor and employment;
- Litigation and other adversarial matters, including mediation and arbitration;
- Real estate transactions;
- Meetings and/or Office Hours in excess of six hours (unrelated to Specialty Legal Services matters), which could include Office Hours or attendance at meetings, as requested;
- Drafting decisions, permits or orders (unrelated to Specialty Legal Services matters);
- Construction and building committee issues and related litigation; and
- Special projects.

Fixed Fee and General Labor and Employment Legal Services: Includes the same legal services as provided in the Fixed Fee option described above, but with an additional monthly fee of $2,000 for general labor and employment advice, specifically excluding:

- Collective Bargaining;
- Labor and employment litigation and other adversarial matters including grievances and arbitrations;
- Dismissal/Removal Hearings (i.e., not general guidance about processes which are included in the Fixed Fee, but actually advising and participating in the process in connection with particular individual employees); and
- Proceedings before state and federal agencies (i.e., MCAD, CRAB, LRB, etc.).

[1] The standard Fixed Fee option does not include any labor and employment legal services. Those services are, however, included in the Fixed Fee and General Labor and Employment Legal Services proposal as requested by the Select Board.

Exhibit 1

KP LAW

THE LEADER IN PUBLIC SECTOR LAW

SPECIALTY LEGAL SERVICES RATES
(Town Counsel/City Solicitor)

FY27 and FY28

"Specialty Legal Services" rates reflect the high demand for such services and the intensity of the work required to provide such services.

- Comprehensive permit matters, including hearings, and similar matters paid for by third parties such as host community agreement negotiations and the like, and including any administrative or court appeals ($385/hour if fees are not paid by municipality; or $355/hour if paid by the municipality);
- Comprehensive general or zoning bylaw revision or review and comprehensive form of government charter or special act adoption or amendment services ($340);
- Election recounts ($340);
- Cable television licensing ($340);
- Employment Investigations ($340); and
- Bond counsel work (fees calculated based upon "standard" factors in the field).

Note: Paralegal services are billed at one-half the quoted attorney rate. Disbursements and other costs incurred by the firm are passed through to the City or Town. We do not charge for any in-house costs.

Please contact Lauren Goldberg at lgoldberg@k-plaw.com or at (617) 654-1759 with questions.

825625/KP/0005