



# Town of Wareham

54 Marion Road  
Wareham, MA 02571

#11-02

Replaces #88-02, 89-08 & 05-02

## BOARD OF SELECTMEN

### POLICY STATEMENT

#### **ACCESS TO TOWN COUNSEL**

Requests for opinion and/or use of services of town counsel shall first be initiated by a vote of the majority of a Town board, committee or commission or by a department head. The chair of the board, committee or commission shall then forward such request to the board of selectmen together with the purpose of such services, and shall also provide the minutes of the meeting when the vote was taken. Any Town department head who requests for an opinion and/or use of services of town counsel shall forward such requests to the town administrator, along with the (purpose) reason for (of) such request (services). If the town administrator agrees that the purpose is appropriate (and proper), he/she will forward the request (carry the request forward) in writing to town counsel. The town administrator shall notify the board of selectmen by confidential memo or in an executive session of such requests, when appropriate, and in compliance with the Open Meeting Law. This policy shall not pertain to the board of selectmen as it has the right to access counsel either individually or collectively for board of selectmen business.

Requests for the initiation of litigation or in defense of litigation shall require the approval of the board of selectmen or by the chair of the board of selectmen in instances requiring expeditious action by the town.

The board of selectmen shall approve or deny the requests of any board, committee or commission. In the event the town administrator should deny the request for town counsel services, he or she will place in writing, the reason(s) and forward this to the department head and to the board of selectmen. An appeal of the decision of the town administrator may be done so to the board of selectmen.

Written inquiries to and opinions from town counsel by a board, committee or commission, the town administrator or a department head shall be filed with the selectmen and the town clerk, except in matters involving litigation of prospective litigation, which shall be marked "confidential".

This policy shall not conflict with Town officers entrusted to uphold and enforce the Massachusetts General Laws including, but not limited to the health agent, police, animal control officer, planning director, conservation agent, and the building inspector.

This policy shall take effect immediately.

Date Amended: February 14, 2017

#### **WAREHAM BOARD OF SELECTMEN**

---

Judith Whiteside, Chairman

---

Peter W. Teitelbaum, Clerk

---

Patrick G. Tropeano

---

Alan H. Slavin

---

## ACCESS TO TOWN COUNSEL POLICY (Cont'd)

Anthony R. Scarsciotti, Jr.