



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

Legislation Details (With Text)

File #: 23-1395 **Version:** 1 **Name:**

Type: Financial Business Request **Status:** Passed
(FBR)

File created: 3/20/2023 **In control:** Town Council

On agenda: 4/12/2023 **Final action:** 4/12/2023

Title: MOTION to overspend account 10110205-53610 Specialty Approved Counsel through June 30, 2023.

Attachments:

Date	Ver.	Action By	Action	Result
4/12/2023	1	Town Council	Approved and so declared	Pass
4/5/2023	1	Finance Committee	Recommended for Approval	Pass

FINANCIAL BUSINESS REQUEST (FBR)

Motion/Request:

MOTION to overspend account 10110205-53610 Specialty Approved Counsel through June 30, 2023.

Background:

Specialty Approved Counsel account covers labor attorney fees, land use attorney fees, tax attorney fees and other specialty counsel. The FY 2023 budget is \$30,000. There are outstanding February invoices for both Shipman & Goodwin (labor) and Fahey & Landolina (land use). We can anticipate that both Labor and Land Use will continue to incur attorney fees for the remainder of FY 2023.

Department Comment/Recommendation:

Finance Director Comment/Recommendation:

The account has a current expended balance of \$31,086. This does not include any outstanding invoices.

Mayor Comment/Recommendation:

Land Use incurred significant added costs this year with the Zoning Regulation rewrite as well as the Subdivision Regulation rewrite and several technical applications that required legal counsel. Labor counsel has also been required more for several outstanding labor issues.

Meeting Action Detail:

Finance Committee Meeting 04/19/2023:

File #: [23 -1395](#) Version: 1

Type: Financial Business Request (FBR)

Title: MOTION to overspend account 10110205-53610 Specialty Approved Counsel through June 30, 2023.

Moved: Saums Seconded: Ingalls

Action: Approved

Minute Note:

Moved by Councilor Saums, seconded by Councilor Ingalls

Discussion: Councilor Saums stated that the Specialty Approved Counsel Account covered labor attorney fees, land use attorney fees, tax attorney fees and other specialty counsel. He stated the Fiscal Year 2022/2023 Budget included \$30,000 for these expenses. He stated to date the Account had an expended balance of \$31,086; which did not include the outstanding invoices for February from both Shipman & Goodwin (labor); and Fahey & Landolina (land use).

Councilor Saums explained that the Land Use Department incurred significant costs this year for the rewriting of the Zoning Regulations as well as the Subdivision Regulation rewrite. He also noted that there were several technical applications that required legal counsel and that labor counsel was also required for several outstanding labor issues.

Councilor Saums went on to state although he did not like to overspend accounts that the town's practice for these types of expenses has been not budget everything they might spend because companies look at municipal budgets. He stated by authorizing to overspend an account, when needed, that it kept the law firms guessing on what the town was willing to spend and it kept everyone honest.

Councilor Ingalls stated that she would repeat the comments that she made at the Finance Committee's April 5, 2023 meeting noting that if Councilor Ryan was present this evening his point would be that they were voting "yes" on an increase without stating a budget number; and therefore, she wanted to say it for him.

Councilor Saums stated that he would agree with Councilor Ryan's position that this appeared to be an open check book. However, he stated it was not an open check book and they could always vote down a request to overspend an account.

Councilor Rodriguez questioned whether the Town Council could go into executive session to discuss the legal fees. Councilor Saums stated that legal fees for these expenses did not meet the criteria to enter into executive session. He noted that they could enter into executive session for the following reasons:

- Appointment, employment, performance, evaluation, health or dismissal of a public officer or employee;
- Strategy and negotiations with respect to Pending Claims or Pending Litigation.
- Matters concerning security strategy;
- Selection of a site or the lease, sale or purchase of real estate;
- Discussion of any matter which would result in the disclosure of public records, or the information contained therein;
- Selection of a candidate or candidates for an executive-level employment position.

Chairman Dombrowski stated as Councilor Saums' mentioned, that although the action to overspend an account gives the appearance of an open check book, that it was not an open check book. He stated expenses were scrutinized and monitored by the Finance Committee, Mayor, and the Finance Director and was based on expensed incurred and projections on known cases.

Mayor Allyn, III, stated the town does not rewrite the Zoning Regulations and Subdivision Regulations every year. He stated this was a significant amount of work, noting that Land Use Attorney Carl Landolina was very involved in the process.

VOTE: 7 - 0 Approved and so declared

Action: Approved

Finance Committee Meeting 04/5/2023:

File #: [23 -1395](#) Version: 1

Type: Financial Business Request (FBR)

Title: MOTION to overspend account 10110205-53610 Specialty Approved Counsel through June 30, 2023.

Moved: Ingalls Seconded: Saums

Action: Recommend to Approve

Minute Note:

Moved by Councilor Ingalls, seconded by Councilor Saums

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Councilor Saums explained that the Land Use Department incurred significant costs this year for the rewriting of the Zoning Regulations as well as the Subdivision Regulation rewrite. He also noted that there were several technical applications that required legal counsel and that Labor Counsel was also required for several outstanding labor issues.

Councilor Saums went on to state although he did not like to overspend accounts that the town's practice for these types of expenses has been not budget everything they might spend because companies look at municipal budgets. He stated by authorizing to overspend an account, when needed, kept the law firms guessing on what the town was willing to spend and it kept everyone honest.

Councilor Ingalls stated she understood the strategy to not include an "up-to" amount to overspend an Account. However, she stated if Councilor Ryan was present this evening that his point would be that they were voting "yes" without stating a budget number; and therefore, she wanted to say it for him.

Councilor Saums stated that Councilor Ryan would also question where the additional funds to overspend the Account were coming from.

Finance Director Matthew Bonin explained that it was difficult to project what the costs would be to cover the expenses to the end of the fiscal year. He noted that the funds would come from under spent accounts at year-

end.

VOTE: 2 - 0 Approved and so declared

Action: Recommend to Approve