
**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

TO: JULIAN SUSO, TOWN MANAGER
FROM: FRANK K. DUFFY, JR., TOWN COUNSEL
PATRICIA A. HARRIS, ASSOCIATE TOWN COUNSEL
SUBJECT: LITIGATION REPORT
DATE: 10/18/2018
CC: TOWN DEPARTMENTS AS NOTED

The following is the Legal Department's periodic report of pending cases and cases resolved since the previous report. Following the name of the case/action is the name of the Court or Agency involved, the nature of the case and the present status of the case. Special Counsel is noted where appropriate.

BOARD OF APPEALS

CASE: George N. Bagley, Elizabeth H. Bagley, Stephen Huban and Diane Huban v. ZBA and Midway Trap and Skeet Club of Falmouth, Inc.
PROPERTY: 284 Old Meeting House Road, East Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: January 2018
ISSUE: Appealing two decisions of ZBA regarding operations at Midway Trap and Skeet Club of Falmouth, Inc.
STATUS: Pending.

CASE: Fruit Orchard Trust, by its Trustees John J. Clymer and Evelyn V. Moreno v. Falmouth Zoning Board of Appeals and Ranne P. Warner, as Trustee for the Rose Garden Realty Trust of New York, NY
PROPERTY: 18 Woodriff Lane, Falmouth
COURT: Land Court
DATE OF ENTRY: February 2018
ISSUE: Appealing decision granting Ranne P. Warner, Trustee a special permit for an accessory apartment.
STATUS: Judgment of Dismissal approved by Court 10/11/18.

CASE: Richard and Kerry Dipietro, Individually and as Trustees of 8 Riverway Realty Trust v. ZBA
PROPERTY: 8 Riverway, North Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: August 2014
ISSUE: Appealing decision of ZBA denying plaintiffs a special permit to add a farmers porch and to construct an outside stairway.
STATUS: Trial scheduled for March 11, 2019.

CASE: Carol Duclos, Trustee of the 315 School Street Nominee Trust v. ZBA
PROPERTY: 198 Thomas B. Landers Road, East Falmouth, MA
COURT: Barnstable Superior Court
DATE OF ENTRY: July 2015
ISSUE: Appealing decision of ZBA after remand denying request for modification of use variance and alteration of nonconforming use.
STATUS: ZBA denied on remand. Plaintiff appealed Remand Decision. Case pending in Superior Court. Pre-trial conference was held January 19, 2018. Trial scheduled for November 19, 2018.

CASE: Falmouth Hospitality, LLC v. ZBA
PROPERTY: Lantern Lane
COURT: Dept. of Housing and Community Development/Housing Appeals Committee
DATE OF ENTRY: July 2017
ISSUE: Appeal of Appeals Board decisions purporting to approve a Comprehensive Permit with conditions.
STATUS: Pending. Final oral arguments October 31, 2018.

CASE: Diane and Barry Funfar and Linda Ohkagawa v. ZBA
PROPERTY: Wind Turbine 2
COURT: Barnstable Superior Court
DATE OF ENTRY: December 2015
ISSUE: Appeal of "Laches" Decision of the ZBA denying a cease and desist order for Wind 2.
STATUS: Motion for summary judgment filed with court, hearing held on May, 2017. On June 21, 2017 the Superior Court found there is no genuine issue as to material and fact affirmed the ZBA decision. Plaintiffs filed an appeal to the Appeals Court. Oral argument April 11, 2018. Judgment is vacated and a new judgment is to enter dismissing the case as moot.
SPECIAL COUNSEL: Diane Tillotson, Esquire

CASE: Matthew R. Gould, Davien B. Gould, Pierre Tillier and Gisella Tillier v. Zoning Board of Appeals, Falmouth Hospitality LLC, John J. Fay, III, Trustee, Robert A. Fay, Trustee of Fay's Realty Trust
PROPERTY: Lantern Lane
COURT: Barnstable Superior Court
DATE OF ENTRY: August 2017
ISSUE: Appeal of Appeals Board approval of 40B Development
STATUS: Case stayed until Housing Appeals Committee case is resolved.

CASE: Robert J. Hudson, Jr. Trustee of Recovable Living Trust Agreement of Robert J. Hudson, Jr. v. ZBA and NewPort Exchange Corp. Q.I. for Andrew Reale
PROPERTY: 460 Grand Avenue, Falmouth
COURT: Land Court
DATE OF ENTRY: June 14, 2017
ISSUE: Appealing decision of ZBA which ordered removal of structure built without required permits.
STATUS: Pre-trial conference scheduled for November 2, 2018.

CASE: Cornelius K. Hurely, Jr., Individually and as Trustee of the C.K.H. Trust and Sheila H. Canty, Trustee of the Canty Family Trust v. Susanne H. Keohane, Trustee of the Harold J. Keohane Irrevocable Income Only Trust I; Harold J. Keohane individually and in his capacity as Trustee of the Keohnae Santuit Realty Trust; Patricia H. Keohane; Falmouth Zoning Board of Appeals; and Kimberly Bielan, Kenneth Forman, Terrence Hurrie, Edward Van Keuren, Paul Murphy and Mark Cook, as they are the members of the Falmouth Zoning Board of Appeals
PROPERTY: 80 Santuit Road, North Falmouth
COURT: Land Court
DATE OF ENTRY: March 2016
ISSUE: Appealing decision of Zoning Board of Appeals affirming 80 Santuit Road is a buildable lot.
STATUS: Decision of the Land Court February 8, 2018 overturning Board of Appeals decision. Appealed filed with Appeals Court.

CASE: JP Morgan Chase Bank, National Association v. Patricia M. Culline, ZBA, Falmouth Housing Trust, Inc., Cool It!!!, LLC and Mill Farm Condominium Trust
PROPERTY: Unit 15 Mill Farm Way Condo
COURT: Barnstable Superior Court
DATE OF ENTRY: December 2017
ISSUE: Interpleader to determine distribution of surplus funds following foreclosure of mortgage on deed restricted affordable housing unit.
STATUS: Case dismissed by court 9/2018.

CASE: Robert Laird v. Town of Falmouth and ZBA
PROPERTY: Wind Turbine I
COURT: Barnstable Superior Court
DATE OF ENTRY: September 2015
ISSUE: Appealing decision of ZBA affirming an order of the Building Commissioner that the former sec. 240-166 of the zoning bylaw applies to Wind 1.
STATUS: Stipulation of Dismissal filed by parties on April 20, 2018.
SPECIAL COUNSEL: Diane Tillotson, Esquire

CASE: Lawrence Lynch Realty Corp. v. ZBA, Rod Palmer, Building Commissioner, Planning Board of Town of Falmouth
PROPERTY: 65 acres off Locustfield Road
COURT: Land Court
DATE OF ENTRY: July 2018
ISSUE: Appealing decision of ZBA, which denied plaintiff's appeal from the Building Commissioner that plaintiff not entitled to construct a ground mounted solar photovoltaic array on property.
STATUS: Case management conference held September 13, 2018.

CASE: The Climate Foundation v. ZBA and John Gardner
PROPERTY: 3 Little Harbor Road, Woods Hole
COURT: Land Court
DATE OF ENTRY: May, 2016
ISSUE: Appealing decision of ZBA denying plaintiff status as an exempt educational use.
STATUS: Pending.

CASE: Sean Revenaugh v. ZBA
PROPERTY: 50 English Street, Teaticket, MA
COURT: Barnstable Superior Court
DATE OF ENTRY: May, 2016
ISSUE: Appealing decision of ZBA denying request for special permit to allow the operation of a home-based business.
STATUS: Case dismissed.

CASE: Sandra Stosz and Mark Stowes v. ZBA and Helms Circle, LLC
PROPERTY: Alma Road "Little Pond Village at Falmouth Heights"
COURT: Barnstable Superior Court
DATE OF ENTRY: September 2018
ISSUE: Appealing a decision of ZBA to issue a comprehensive permit under MGL 40B (affordable housing).
STATUS: Pending.

CASE: Town of Falmouth v. Funfar and ZBA
COURT: Barnstable Superior Court
PROPERTY: 27 Ridgeview Drive
DATE OF ENTRY: August 2013
ISSUE: Appealing decision of ZBA finding wind turbines are a nuisance at the property.
STATUS: June 20, 2017 Superior Court affirmed decision of Zoning Board of Appeals and ordered Wind I and Wind II to cease operation. Board of Selectmen voted to not appeal this decision. Third party filed post trial motion to intervene. Motion denied by Superior Court. Denial appealed to Appeals Court with oral argument scheduled in October.
SPECIAL COUNSEL: Michelle O'Brien, Esquire

BOARD OF ASSESSORS

NONE

BOARD OF SELECTMEN

CASE: Ballymeade v. Board of Selectmen, et al
PROPERTY: Ballymeade
COURT: Barnstable Superior Court
DATE OF ENTRY: April 2015
ISSUE: Plaintiffs filed an application for preliminary injunction to prevent town from billing them for costs associated with connecting Ballymeade to town water tank at Falmouth Tech Park.
STATUS: Settled by agreement of parties 7/2018.

BUILDING DEPARTMENT

NONE

CONSERVATION COMMISSION

CASE: Joanne Delapa, Trustee Delcor Realty Trust v. Conservation Commission
PROPERTY: 418 Menauhant Road, Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: October 2016
ISSUE: Appeal from Commission decision denying an application to construct a dock.
STATUS: Superior Court affirmed Conservation Commission decision. Plaintiff appealed to Appeals Court. Appeals Court affirmed Superior Court decision 8/2018.

CASE: Patricia Dundulis v. Conservation Commission and Steven Balas and Michael Kachadoorian
PROPERTY: 64 and Lot 77 Muskegat Road, East Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: August 2018
ISSUE: Appeal from Commission decision granting an order of conditions to construct a dock in the waterbody known as Eel Pond.
STATUS: Pending.

CASE: Stephen and Ann Sherman v. Conservation Commission
PROPERTY: 28 Nichols Road, East Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: July 2018
ISSUE: Appealing a certain special condition (#1) of the order of conditions.
STATUS: Pending.

CASE: Janice Smyth v. Conservation Commission and Town of Falmouth
PROPERTY: 250 Alder Lane, North Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: February 2013
ISSUE: Appeal from Commission decision denying variance to construct a single family residence within wetland resource areas. Complaint includes a Regulatory Taking against the Town of Falmouth.
STATUS: Superior Court affirmed ConCom's decision 2/7/14. Jury awarded judgment for Plaintiff in the amount of \$660,000 in the regulatory taking claim. Board of Selectmen have authorized appeal. Appeal pending, oral argument held September 7, 2018. Awaiting decision.
SPECIAL COUNSEL: Michelle O'Brien, Esquire (for Regulatory Taking claim)

CASE: Ari Soroken, Trustee of the AMS Revocable Trust v. Conservation Commission
PROPERTY: 77 Fay Road, Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: October 2018
ISSUE: Appeal from Commission decision denying an application to construct a 175 long elevated walkway and 16 x 16 elevated platform to provide access from the residence to the beach and the waters of Vineyard Sound.
STATUS: Pending.

CASE: Thomas F. Ward, Trustee of 77 Muskegat Road Nominee Trust v. Conservation Commission
PROPERTY: 77 Muskegat Road, East Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: April, 2017
ISSUE: Appealing special conditions of the Order of Conditions that was issued to plaintiff on January 11, 2017.
STATUS: Judgment confirming Conservation Commission's decision June, 2018.

CASE: John R. Zizza v. Conservation Commission
PROPERTY: 82 Waterside Drive, North Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: November 2017
ISSUE: Appeal of Conservation Commission decision denying notice of intent to relocate boulders off shore in Buzzards Bay.
STATUS: Hearing scheduled November 6, 2018.

FALMOUTH FIRE RESCUE DEPARTMENT

CASE: Town of Falmouth v. Elm Arch Inn
COURT: Falmouth District Court
DATE OF ENTRY: February 2018
ISSUE: Defendant failed and neglected to pay the alarm monitoring fee.
STATUS: Settled 7/2018. Judgment of Dismissal entered.

CASE: Town of Falmouth v. Joseph Ferra
COURT: Falmouth District Court
DATE OF ENTRY: February 2018
ISSUE: Defendant failed and neglected to pay the alarm monitoring fee.
STATUS: Case settled 7/2018. Judgment of Dismissal entered.

HEALTH DEPARTMENT

NONE

HISTORICAL COMMISSION

NONE

MARINE ENVIRONMENTAL SERVICES

CASE: Bestrev Ltd. as Owner and Operator of S/V Best Revenge 5
(Complaint for Exoneration)
COURT: United States District Court (Boston)
DATE OF ENTRY: January 2018
ISSUE: Settlement of claims arising out of boat fire on July 11, 2017 in Falmouth Inner Harbor, which damaged town property and shellfish propagation program.
STATUS: Settled in mediation 6/2018.

CASE: Joseph LaFreniere v. Ben Lynch, Program Chief of the Waterways Regulations Program of the Department of Environmental Protection and Gregg Fraser, Harbormaster of the Town of Falmouth
PROPERTY: Mooring in Falmouth Inner Harbor
COURT: Middlesex Superior Court
DATE OF ENTRY: February 2018
ISSUE: Appealing decision of Harbormaster denying Plaintiff's change of vessel request for a mooring in Falmouth Inner Harbor.
STATUS: Case settled. Judgment of Dismissal entered.

PLANNING BOARD

CASE: Hugh F. McGourty, Jr. et als v. Planning Board and Brian E. Sandlin, Trustee and Trent Toran-Sandlin, Trustee
PROPERTY: 209 Maravista Avenue, Teaticket
COURT: Land Court
DATE OF ENTRY: December 2016
ISSUE: Appealing decision of Planning Board allowing Defendants, Brian E. Sandlin and Trent Toran-Sandlin to subdivide said property.
STATUS: Pending.

CASE: Nathan Ellis Highway, LLC (Cavossa) v. Planning Board
PROPERTY: 210 Nathan S. Ellis Highway, East Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: July 2015
ISSUE: Appealing decision of Planning Board approving in part, denying in part, request for special permit for waste disposal contractor use.
STATUS: Pending.

CASE: William V. Stafford, David F. Stafford, Jayne R. Duggan, Jayne R. Duggan v. Planning Board and Louis Larry a/k/a Louis Larrey, Trustee of the Symon Realty Trust
COURT: Barnstable Superior Court
PROPERTY: Route 28A, North Falmouth
DATE OF ENTRY: February 2016
ISSUE: Appealing the decision of the Planning Board granting special permit for planned residential development.
STATUS: Action dismissed upon Defendant, Larrey's Motion to Dismiss. Decision appealed. Appeals Court reversed Superior Courts decision and remanded back to lower court December 8, 2017. Trial assignment held in Superior Court September 14, 2018.

POLICE DEPARTMENT

CASE: Brian and Kimberly Hunt v. David Massi, James Porter and Town of Falmouth
COURT: United States District Court
DATE OF ENTRY: March 2013
ISSUE: § 1983 civil rights police misconduct case.
STATUS: Federal court allowed Motion to Dismiss (filed by Defendants) and dismissed all remaining claims. There is still a state tort of malicious prosecution pending. (Case being handled by insurance counsel)

CASE: Falmouth Police Dept. v. Ryan P. Langnickel
COURT: Falmouth District Court
DATE OF ENTRY: 2018
ISSUE: Police petition to revoke license to carry firearm.
STATUS: Judgment for Police Dept. with follow-up status conference scheduled for October, 2018.

CASE: Carli Taylor v. Officer Ryan Moore and Town of Falmouth
COURT: United States District Court
DATE OF ENTRY: August 2017
ISSUE: Plaintiff alleging civil rights violations of 4th and 14th Amendments to the US Constitution following arrest for OUI.
STATUS: Pending. (Case being handled by insurance counsel)

CASE: Robert Jude Wilber v. Officers Robert Curtis, Brian Kinsella, Michael Rogers and Michael Simoneau
COURT: U.S. District Court
DATE OF ENTRY: January 2015
ISSUE: Claiming MGL c. 12, § 11I and 42 USC §1983 (civil rights violations and common law torts regarding false arrest and other related claims).
STATUS: Court entered summary judgment for town and police officers. Plaintiff filed a Notice to Appeal with the First Circuit Court of Appeals. US Court of Appeals affirmed district court grant of summary judgment on federal and state civil rights claim, but vacated summary judgment on state law claims and remanded case to Barnstable Superior Court for jury trial of state law claims. Mediation scheduled for November, 2018. (Case being handled by insurance counsel).

RECREATION DEPARTMENT

NONE

SCHOOL DEPARTMENT

CASE: Sharon Lessard v. Falmouth Public Schools
COURT: MCAD
DATE OF ENTRY: October 2016
ISSUE: Claiming discrimination related to age.
STATUS: Pending. (Case being handled by insurance counsel)

CASE: Kara Quinn v. Lilia Davis
COURT: Barnstable Superior Court
DATE OF ENTRY: December, 2017
ISSUE: Claiming defamation in performance evaluation.
STATUS: Pending. (Case being handled by insurance counsel)

TOWN OF FALMOUTH

CASE: Brian Elder, et al v. Town of Falmouth
PROPERTY: 161 Blacksmith Shop Road
COURT: Barnstable Superior Court
DATE OF ENTRY: March 2013
ISSUE: Claiming loss of property value and personal injuries related to wind turbines.
STATUS: Case settled 2018. (Case being handled by insurance counsel)

CASE: Brian Handy v. Town of Falmouth, et al
PROPERTY: Cranberry bog south of Carriage Shop Road
COURT: Land Court
DATE OF ENTRY: October 1999
ISSUE: Petition to register/confirm title to cranberry bog. Town owns abutting land subject to sanding rights.
STATUS: Pending.

CASE: Mary Jane Hunt v. Robert B. Our, Inc. and Town of Falmouth
PROPERTY: Personal Injury
COURT: Barnstable Superior Court
DATE OF ENTRY: January 2018
ISSUE: Claiming injuries sustained in a fall because of construction of a new sewer line near Spring Bars Road, between Worcester Court and Davis Straits.
STATUS: Case with Town settled 7/2018, case pending with Robert B. Our, Inc. (Case being handled by insurance counsel)

CASE: Linda Ohkagawa v. Town of Falmouth
PROPERTY: 821 West Falmouth Highway, West Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: February 2015
ISSUE: Claiming Wind 2 at the WWTF constitutes a nuisance and a trespass onto the property of the plaintiff.
STATUS: Case settled 2018. (Case being handled by insurance counsel)

CASE: Carol S. Petit, Trustee of Beach House Realty Trust v. Town of Falmouth
COURT: Land Court
DATE OF ENTRY: August 2013
ISSUE: Land Court registration case – County Road, Megansett.
STATUS: Pending.

CASE: Henry Pollock v. Town of Falmouth
COURT: Land Court
DATE OF ENTRY: August 2013
ISSUE: Land Court registration case – Country Road, Megansett.
STATUS: Pending.

CASE: Suzanne M. Sullivan v. Town of Falmouth
COURT: Land Court
DATE OF ENTRY: November, 2013
ISSUE: Land Court registration case – County Road, Megansett.
STATUS: Pending

CASE: Town of Falmouth v. Amerisourcebergen Drug Corporation, et al
COURT: United States District Court of Massachusetts
DATE OF ENTRY: October 2018
ISSUE: Complaint filed against numerous pharmaceuticals and pharmacies for public nuisance; violations of racketeer influenced and corrupt organizations Act (RICO); negligence and negligent misrepresentation; civil conspiracy; and fraud and fraudulent misrepresentation; violations of Massachusetts General Laws, Chapter 93A, Sections 2 and 11 and aiding and abetting. (The misuse, abuse, diversion and over-prescription of opioids.)
STATUS: Pending. (Case being handled by Richard M. Sandman, Esquire of Rodman, Rodman & Sandman)

CASE: Town of Falmouth v. Citibank, NA, as Trustee for PMT NPL Financing 2015-1 and Jamie Pearson, MassHousing and Housing Assistance Corporation
PROPERTY: 49 Altons Lane, East Falmouth
COURT: Barnstable Superior Court
DATE OF ENTRY: August, 2018
ISSUE: To enforce the affordable housing restrictions set forth in a Deed Rider recorded with an Affordable Unit Deed of an affordable housing unit pursuant to a comprehensive permit under MGL ch. 40B.
STATUS: Stimulation of Dismissal filed with the Court September 21, 2018.

TAX COLLECTOR/TREASURER

This office is now handling all Tax Taking cases.

CASE: Board of Trustees of Pond View Park Condominium Trust v. Condominium Unit 10 of Pond View Park Condominium and David L. Hinds, Trustee, ALDLUC Realty Trust, Town of Falmouth Collector of Taxes
PROPERTY: Pond View Park Condominium, Unit 10 (536 Main Street)
COURT: Falmouth District Court
DATE OF ENTRY: May 2017
ISSUE: Lien Foreclosure
STATUS: Satisfied Judgment filed with court 4/27/2018

WATER DEPARTMENT

NONE

**TOWN OF FALMOUTH – LITIGATION REPORT
SUBMITTED BY LABOR COUNSEL
COLLINS, LOUGHRAN AND PELOQUIN, PC
October 2018**

POLICE

CASE: Falmouth Police Superior Officers (Sergeant Rogers), NEPBA Local 61 and Town of Falmouth
COURT: AAA
DATE OF FILING: July 23, 2018
ISSUE: Sergeant ordered to weekly check in while on paid injury leave in accordance with Dept procedure; Union claims the check-in is not in accordance with past practice.
STATUS: Arbitration Hearing scheduled for December 7, 2018.

CASE: Falmouth Police Federation and Town of Falmouth (Swaps Grievance)
COURT: AAA
DATE OF FILING: June 28, 2018
ISSUE: Officer denied a swap pursuant to supervisor’s discretion; union claiming contract was violated.
STATUS: Arbitration Hearing scheduled for October 23, 2018.

FIRE

CASE: Falmouth Firefighters, Local 1397 IAFF and Town of Falmouth
COURT: JLMC
DATE OF FILING: August 21, 2018
ISSUE: CBA issues in dispute.
STATUS: Mediation being scheduled for November 13 or 14

CASE: Falmouth Firefighters, Local 1397 IAFF and Town of Falmouth
COURT: Grievance over new facial hair policy
DATE OF FILING: August 28, 2018
ISSUE: Union contends Town has to bargain over facial hair policy designed to insure safe seal when FF wearing masks
STATUS: Grievance at Town Manager's level.

**TOWN OF FALMOUTH – LITIGATION REPORT
SUBMITTED BY LABOR COUNSEL
MIRICK O'CONNELL
October 2018**

CASE: AFSCME v. Town of Falmouth
COURT: Dept. of Labor Relations (DLR)
DATE OF FILING: 2017
ISSUE: AFSCME represents the DPW employee who filed a charge against the Town in connection with the reclassification of the Facilities Manager. Union alleges the Town has engaged in bad faith bargaining in connection with the implementation of the arbitration award, which required the Town to reclassify the Facilities Manager.
STATUS: DLR held an investigative conference 8/22/2018. Awaiting decision on whether a complaint will issue.

CASE: Town of Falmouth v. AFSCME
COURT: Dept. of Labor Relations (DLR)
DATE OF FILING: 2018
ISSUE: Town filed a charge of repudiation of the collective bargaining agreement and arbitration award against AFSCME regarding the reclassification of the Facilities Manager.
STATUS: DLR held an investigative conference 8/22/2018. Awaiting decision on whether a complaint will issue.

CASE: AFSCME v. Town of Falmouth
COURT: American Arbitration Association
DATE OF FILING: 2018
ISSUE: AFSCME filed a demand for arbitration charging Town for not paying the reclassified Facilities Manager call back pay. The Town did not do so because the reclassified Facilities Manager is classified as exempt.
STATUS: Arbitration hearing scheduled for March 22, 2019.

CASE: Falmouth Fire Fighters Local 1397
COURT: American Arbitration Association
DATE OF FILING: 2018
ISSUE: The Falmouth Fire fighters Local 1397 filed a demand for arbitration concerning alleged violations by the Town of minimum manning provisions in the collective bargaining agreement.
STATUS: Issue resolved by agreement of parties.

**SPECIAL COUNSEL
LEGAL FEES
FY 2019
7/1/18 – 10/18/2018**

Blatman, Bobrowski & Haverty, LLC (Falmouth Hospitality v. ZBA)	\$ 7,005.00
Collins Loughran & Peloquin, PC (Labor)	\$ 6,435.00
Norris, Murray & Peloquin, PC (Labor)	\$13,695.00
Mirick, O'Connell, Demallie & Lougee, LLP (Labor)	\$ 4,185.00
Pierce Atwood, LLP (Smyth v. ConCom \$8,957.13) (Wind Turbines \$2,517.07)	\$11,474.20
TOTAL	\$42,794.20