

Chapter 43

LEGAL AFFAIRS

[HISTORY: Adopted by the Special Town Meeting of the Town of Lee 5-26-1971 by Art. 10 as Ch. 2, Art. VII of the 1971 Code. Amendments noted where applicable.]

§ 43-1. Selectmen to be legal agents of Town.

The Selectmen shall be agents of the Town to institute, prosecute and defend any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

§ 43-2. Settlement of claims.

The Selectmen may, at their discretion, compromise or settle any claim or suit to which the Town is a party which does not require payment by the Town of an amount in excess of \$1,000. No settlement of a claim or suit obligating the Town in an amount in excess of \$1,000 shall be made, except as authorized by law, without consent of the Town Meeting.

§ 43-3. Annual legal report.

The Selectmen, in their annual report, shall state what actions have been brought against the Town, what cases have been compromised or settled and the current standing of all suits at law involving the Town or any of its interests.

§ 43-4. Town Counsel.

- A. The Selectmen shall, annually in May, after final adjournment of the Annual Town Meeting, appoint a member in good standing of the bar, giving preference where they deem it practicable to a resident of the Town, to serve as Town Counsel for the term of one year from the first day of July following and until his or her successor is appointed and enters upon the performance of his or her duties. They shall likewise fill any vacancy in said office for the unexpired term and may employ special counsel to assist said Town Counsel whenever, in their judgment, necessity arises. [Amended 6-27-1974 STM by Art. 5]
- B. Duties of Town Counsel. It shall be the duty of the Town Counsel to:
 - (1) Conduct the prosecution, defense or compromise of claims, actions and proceedings to which the Town is a party and the prosecution of actions or proceedings by or on behalf of any Town officer, board or committee as such.
 - (2) Conduct the defense of any action or proceedings brought against any Town officer, board or committee as such when the Selectmen, having determined that any right or interests of the Town are or may be involved therein, shall so request.
 - (3) Conduct proceedings brought by or against the Assessors before the Board of Tax

Appeals.

- (4) Assist in the prosecution of complaints for violation of any bylaw of the Town, when requested so to do by the Board or officer enforcing the same.
- (5) Examine and report upon title to all land to be acquired by the Town.
- (6) Prepare or approve contracts, bonds, deeds and other legal instruments in which the Town is a party or in which any right or interest of the Town is involved.
- (7) Appear at any and all hearings on behalf of the Town whenever his or her services may be required.
- (8) Generally advise and act for the Town officers, boards and committees upon and in legal matters touching the duties of their respective offices.

§ 43-5. Joint management of Foxhollow property. [Added 2-2-1973 STM by Art. 18]

The Conservation Commission is authorized to enter into an agreement with the Conservation Commission of the Town of Lenox for joint management of the Foxhollow property owned by the two towns at Laurel Lake, under the provisions of MGL c. 40, § 4A.