

# Memo

**To:** Honorable Mayor & Town Commissioners  
**From:** Thomas J. Baird, Town Attorney  
**Date:** September 18, 2024  
**Subject:** Budget Contingencies Consideration

I want to bring two items to the commission's attention as you consider the adoption of the FY 2024-2025 budget.

First, although the commission has allocated funds to the Town Attorney budget for the two lawsuits pending against the Town, the Plaintiffs in those cases are seeking damages. Although we hope to resolve these cases, a settlement with either Plaintiff could result in the payment of some amount by the Town. Also, if a settlement is not reached, an adverse verdict could occur with damages awarded to either Plaintiff. As part of your deliberation on the budget, please ensure there are sufficient funds either appropriated to an account, or otherwise made available, if needed, from a reserve account.

Second, as discussed with each of you, individually, I believe that the commission would benefit from a continuing services planning firm to assist me and community development staff with our review of the proposed densities in the downtown area and the compatibility of the two proposed projects to ensure consistency with the Town's Comprehensive Plan. Funds for planning studies may be appropriated from some American Rescue funds, and I respectfully urge the commission to do so tonight. Funds in the amount of \$50,000 for planning and engineering studies for the



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downtown and for studies and public outreach associated with the second density workshop (assuming the commission believes it to be necessary) in November should be sufficient. As for a planning firm to assist with the PADD study, I recommend that Kimley Horn be utilized, which already has a continuing service contract with the Town. This firm has a number of highly qualified AICP planners in its Planning Division who will be of great assistance in successfully working through the comprehensive planning issues pertaining to the two residential projects proposed by developers for Park Avenue and 10th Street. Please note, that its continuing services contract does not include its traffic engineering division for such things such as traffic studies.

**RECOMMENDED MOTION:** *Authorize the Town Attorney to negotiate a scope of work for planning services to be contained in a work order.*