

Legal Services Contract Fails to Pass Borough Assembly

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Brianna Gibbs/KMXT

A contract for legal services associated with the sale of revenue bonds for the new long term care facility failed to get borough assembly approval last night. During a regular meeting the assembly voted 3-2 against the contract with the attorney firm of Wohlforth Brecht Cartledge and Brooking.

The firm has provided the borough with past bond counsel services, but the contract failure last night came as a result of a fee increase. In July 2012 the firm bid for the contract with a fee of \$17,500. But last night the assembly was faced with a revised contract for \$25,000, plus any additional expenses.

Assemblyman Mel Stephens said he didn't understand why the fees increased.

"There has been not word one either from staff or from the Wohlforth Brecht law firm about that anything has changed so drastically so that particular figure should change," he said. "Adding \$7,500 to it is an increase of over 40 percent."

Borough Finance Director Karl Short tried to explain some of the reasoning behind the cost increase, citing the complexity of the bonds as the primary reason.

"And what I would like to say in favor of this is if we do not approve this with Cheryl Brooking and Wohlfort, we will have to do an rfp for another bond attorney. They won't have the past experience of working on this long term care center lease. And it's a very complicated lease and a new attorney firm would have to follow it so I don't know that they could give it another price," Short said.

The complexity of the bonds wasn't a good enough reason for Assemblyman Tuck Bonney, who said he would certainly vote against the contract.

"I don't like this. And I feel strongly about this. You don't make a contract and break it. And that's what I feel. If it was so complex, that's their own damn fault," he said.

Assemblyman Dave Kaplan said he felt the same way as Stephens and Bonney and asked that the contract be postponed until the assembly could hear from the firm about its decision to increase the fees. Stephens said he didn't think the contract warranted postponement, but also didn't think it should pass.

"Because quite frankly the Wohlforth Brecht Cartledge firm did not have the courtesy to send so much as a single page letter saying this is why we want to do what we want to do," Stephens said. "I don't think it's something that should be postponed; I don't think it should pass. They should simply comply with their original contractual responsibilities which is to finish out what they said they would do."

The motion to postpone failed, as did the contract.

