

PROPOSAL

OF

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TOWN OF BOONSBORO - TOWN ATTORNEY

March 3, 2022

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COVER LETTER

KUCZYNSKI & KUCZYNSKI, P.A.

Attorneys at Law
KUCZYNSKI BUILDING
55 N. JONATHAN STREET
HAGERSTOWN, MARYLAND 21740

Telephone
(301) 797-9120

Edward L. Kuczynski

of Counsel
Robert E. Kuczynski

Facsimile
(301) 797-4317

March 3, 2022

Paul Mantello
Town Manager
Town of Boonsboro
21 N. Main Street
Boonsboro, MD 21713

Re: Town Attorney RFP

Dear Mr. Mantello:

Please consider this letter and the associated attachments as our firm's Proposal to serve as Town Attorney for Boonsboro.

I have been a practicing lawyer with Kuczynski & Kuczynski, P.A. in Washington County and the surrounding Counties since passing the Maryland Bar Examination in July of 1982. After graduating from T.C. Williams School of Law, my wife and I returned to our hometown from Richmond, Virginia so I could join my father in his practice which he commenced in 1960.

During my career I have been fortunate to handle a broad and varied array of transactional and litigation (civil and criminal) matters for all types of individuals, businesses and local government entities. This experience has allowed me to develop the necessary skills and knowledge to successfully carry out the duties and handle the responsibilities of Town Attorney for any incorporated municipality in the State of Maryland.

In particular, a significant portion of my practice over the years has included providing advice to and handling litigation for most of the incorporated municipalities in Washington County as well as various municipalities in Frederick County. Specifically, for the first twenty years of my legal career I assisted my father in representing the City of Hagerstown – a representation for him that spanned close to forty years. Throughout a span of more than 60 years our firm through my father and/or I, we have provided advice and guidance to our municipal clients.

During my career I have striven to develop a reputation as a competent, capable, and respected attorney who cares about and zealously represents his clients. With our small municipal clients, I try to mix accurate legal with practical advice so that the elected bodies and

their staff are able to make informed decisions for the best interests of the citizenry of the Towns. We work hard to develop personal relationships with the elected officials and employees of the Towns we serve which I believe creates the trust and credibility that are necessary to effectively carry out the duties and responsibilities of Town Attorney.

My active and varied practice combined with my extensive community involvement have allowed me to develop the breadth and depth of experience that I believe has enabled me to develop a specialty in local government law and has provided me with the tools to successfully serve as Town Attorney for any small Maryland municipality, including Boonsboro. .

Throughout my career, which has spanned forty years, some part of each day of my work life has involved advising our municipal clients regarding the multitude of issues that arise, including but not limited to: evaluating potential claims; handling litigation matters and/or managing litigation; defending civil rights and constitutionality challenges; interacting with LGIT and other insurance carriers on behalf of our Towns; attending meetings and public hearings; negotiating, preparing and evaluating contracts; assisting with bond issues and working with bond counsel; researching and drafting Resolutions, Ordinances and Charter Amendments; working with Towns and developers to annex contiguous land into the corporate limits; handling employment issues including LEOBR matters; providing formal and informal legal opinions on topics as they arise; assisting and advising Planning Commissions and Zoning Appeals Boards and other municipal agencies and commissions; reviewing and advising regarding zoning, subdivision, building and other similar applications; reviewing and preparing RFP's; working with lobbying consultants; addressing Open Meetings issues and MPIA requests; providing advice and assistance with employment issues; assisting staff with code enforcement issues; handling the purchase and sale of real estate; addressing, handling and addressing election issues, etc.

With our Proposal, I have included a *Resume* and a listing of my *Legal Experience* which provide specific information regarding my education, experience and qualification to serve as Town Attorney. I am currently representing five small municipalities. The overall focus of my practice in recent years has been increasingly shifting toward local government representation. I am able to attend meetings and workshops when and as necessary.

We pride ourselves in being readily accessible to our clients and having the ability to provide professional, timely and cost-efficient service to our clients. Kuczynski & Kuczynski, P.A. is fortunate to have staff who have been with us for many years and who understand the unique challenges and associated work involved in representing municipalities. As a team we believe that we can handle any matter or challenge that arises during our representation of our Towns.

Enclosed with this letter is our Proposal which you will see contains two Options.

If you have any questions or need any additional information, please do not hesitate to contact me. Thank you for your consideration of our Proposal, and I look forward to meeting you and interviewing for the position.

Anti-Lobbying Statement

Kuczynski & Kuczynski, P.A.'s officers, employees, agents, consultants, or lobbyists will not attempt to lobby or influence a vote or recommendation related to this proposal submitted in response to this RFP; directly or indirectly, through any contact with Town Commissioners or other Town officials between the date that the request is sent out and the date the contract resulting here-from is awarded by the Board of Town Commissioners. It is understood that such behavior may be an immediate cause for rejection of the Vendor's proposal.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: 

Edward L. Kuczynski

ELK/

Enclosures as noted

Corr.Boonsboro.Letter.Proposal.03.2022.

RESUME

EDWARD L. KUCZYNSKI
KUCZYNSKI & KUCZYNSKI, P.A.
55 N. Jonathan Street
Hagerstown, Maryland, Maryland 21740
ed.kuczlaw@gmail.com
301-797-9120 (w)
301-991-1762 (c)

EDUCATION

Williamsport High School (9/1971 thru 6/1975)

Williamsport, Maryland
Diploma
Honors Graduate

Washington and Lee University (9/1975 thru 5/1979)

Bachelor of Arts (U.S. History)
Honors Graduate in U.S. History
GPA – 3.75
Summa Cum Laude
Phi Beta Kappa
Society of Cincinnati Award for Excellence (U.S. History Honors Thesis)

T. C. Williams School of Law – University of Richmond (9/1979 – 12/1981)

Richmond, Virginia
Juris Doctor
Book Award – Agency and Partnership

EMPLOYMENT

Kuczynski & Kuczynski, P.A. (1/1982 – present)

55 N. Jonathan Street
Hagerstown, Maryland 21740
Lawyer
Maryland Bar (May 1982 to present)
Partner with Robert E. Kuczynski through 2003
Owner/president since 2003 following Robert Kuczynski's retirement
General practice of law (civil and criminal litigation, mediation, transactional matters,
specialty in local government and municipal law – please see supplemental submittal
“Legal Professional Experience” for more detail

RELATED EMPLOYMENT EXPERIENCE

Law Offices of Robert E. Kuczynski (Summers 1974, 76, 77, 78 and 79)

55 N. Jonathan Street
Hagerstown, Maryland 21740

Real Estate Title Abstractor

General administrative assistance as assigned

Richmond City Sheriff's Department (11/1979 - 5/1980)

Richmond City Jail
Richmond, Virginia

Grievance Coordinator

*Processed and evaluated inmate complaints for Sheriff's Department
Administration*

Simon and Jones (5/1980 - 6/1981)

Richmond, Virginia

Law Clerk to Stuart Simon, Esq. and William Jones, Esq.

Research projects

Process and evaluate incoming civil and criminal cases

Title Abstracting and recording

Other duties as assigned

Law Offices of Robert E. Kuczynski (6/1981 - 8/1981)

Hagerstown, Maryland

Law Clerk

Legal Research

Interview clients and witnesses

Preparation of Pleadings and Memoranda

Assist in trial preparation

Attend meetings of local government clients

Other duties as assigned

Law Offices of William Cawthorn (8/1981 - 12/1981)

Richmond, Virginia

Law Clerk

Title abstracting and recording

Other duties as assigned

COURT/BAR ADMISSIONS

Court of Appeals of Maryland (May 1982)

U.S. District Court Maryland (June 1982)

U.S. District Court Trial Bar (April 1982)

Supreme Bench of Baltimore City (May 1982)

U. S. Fourth Circuit Court of Appeals (January 1992)

U. S. Tax Court (August 1983)

Pro Hac Vice Admissions (case specific to Federal District Courts in Virginia and State Courts in West Virginia, Pennsylvania and Texas)

Approved Mediator - Circuit Court Washington County, Frederick County, Alleghany County, Garrett County

PROFESSIONAL ASSOCIATIONS

American Bar Association (5/1982 to present)

Maryland State Bar Association (5/1982 to present)

Committee Member – MSBA Judicial Nominating Committee

Washington County Bar Association (5/1982 – present)

Past Director

Past Law Day Chairman

International Municipal Lawyers Association

Baltimore City Bar Association

American Trial Lawyers Association (1982 – 2005)

Maryland Trial Lawyers Association (1982 – 2005)

Washington County Criminal Defense Lawyers Association

COMMUNITY AND CIVIC INVOLVEMENT

Antietam Exchange Club (1983 – 1992)

Director (1985 – 1987)

Hagerstown Goodwill Industries

Director (1984 – 3/1990)

Benevolent and Protective Order of Elks Lodge No. 378

Presiding Justice (1984 – 2004)

Family Services Agency

Director (1984 – 1990)

Mason Dixon Wrestling League

President (1991 – 1999)

Williamsport Wrestling Club

Vice President (1991)

President (1992 – 1999)

Washington County Junior Football League

Director (1993 – 1999)

Williamsport Youth Soccer

Director (1998 – 2003)

Fountain Rock Elementary School PTA

Vice President (1991 – 1993)

President (1993 – 1994)

Conococheague Little League

Vice President (1995)

President (1996, 1997)

Washington County Wrestling Referee's Association (1999 – 2003)

Williamsport High School Athletic Boosters

Director (1998 – 2006)

Community Housing Resource Board, Inc. (Advisor)

Citizens Advisory Committee – Williamsport High School

Member (1996 – 1997)

Chairman (1997 – 2006)

Springfield Middle School Inclusion Task Force (1995 – 1996)

Washington County Board of Education Task Force for Scheduling (1997)

South Hagerstown High School Mock Trial Team

Attorney Advisor (2009 – 2012)

Fourth Circuit Public Defender Review Commission

***WE THE PEOPLE* (Judge/Evaluator)**

Salem Avenue Elementary School

High School Regional Competition

William G. Porter Foundation (Charitable Organization)

Trustee (from formation to present)

Pro Bono services to a variety of youth, civic and religious organizations through formation of non-stock membership corporations, collaboration with accountants to obtain tax exempt status and general advice regarding organization and operations (1982 – present).

SPEAKING OPPORTUNITIES

National Business Law Institute

Lecturer - Uninsured and Underinsured Motorist Law

Topic – Alternative Dispute Resolution

Lecturer – Complex Tort Actions

Topic – Settlement Strategies and Tools

Moderator – What Civil Court Judges Want You to Know

Washington County Historical Society

Lecturer – Religious and Societal Influences Which Lead to Prohibition

Washington County Public Schools

Speaker upon request at numerous Career Days in Washington County Elementary, Middle and High Schools

Speaker upon request at Washington County Elementary, Middle, and High Schools regarding government and the law

Speaker upon request at Washington County Elementary, Middle and High Schools regarding the interaction between math, engineering and the law

Edward L. Kuczynski

Legal Professional Experience

LOCAL GOVERNMENT AND ADMINISTRATIVE EXPERIENCE

Public Sector Positions

Assistant City Attorney City of Hagerstown (1982 - 1997)

Attorney Town of Williamsport (38 years) through present

Attorney Town of Funkstown (30+ years) through present

Attorney Town of Keedysville (38 years) through present

Attorney Town of Hancock (1988 – 3/2017; 5/2021 to present)

Attorney Town of Smithsburg (1988 – 1998) (11/2021 to present)

Legal services upon request by other area municipalities, county government and administrative agencies

Miscellaneous Case/Project Specific work for Washington County

As Legal Advisor to the above-listed Municipalities my duties and responsibilities have included:

- Attending meetings for the Legislative Bodies and related Agencies.
- Advising the Legislative bodies and their departments on a multitude of issues.
- Review and interpret the Ordinances and Charters of the various municipalities.
- Overseeing, drafting, reviewing and approving Annexations.
- Drafting for review and adoption Charter Amendments.
- Drafting and reviewing for adoption Ordinances including revisions and amendments to Zoning Ordinances, Subdivision Ordinances and Comprehensive Plans.
- Drafting and reviewing proposed legislation for introduction and passage by the Maryland Legislature.
- Preparing for passage Comprehensive Codifications of Municipal Ordinances.
- Advising and moderating public hearings on a variety of issues and/or proposed Ordinances.
- Drafting for passage Ethics Ordinances and amendments to insure compliance with the Maryland Ethics Law.
- Review and advise Town's on the interpretation and application of Ethics Ordinances.

- Contract review and preparation for a variety of matters including real estate acquisition and sale, abandonment of streets, acquisition of easements and rights of way, acceptance of public improvements, construction of public improvements and capital improvement projects.
- Bid and RFP (Request for Proposals) preparation and review.
- Researching and issuing Legal Opinions on innumerable issues including validity and enforceability of existing or requested legislation, potential liability and exposure relating to claims made against the municipality or its officials, election issues, right of way and/or property rights claims, zoning issues, contract enforcement, issues regarding authorization by elected officials and/or government employees to act, etc.
- Negotiating and litigating Water and Sewer issues and agreements with and between other governmental entities.
- Advising various administrative agencies such as Boards of Zoning Appeals, Planning Commissions, Election Boards, Water and Sewer Boards, Law Enforcement Officer's Board of Rights Hearing Boards, etc.
- Assisting in the preparation of formal written decisions, directives and opinions issued by the various agencies and departments of municipalities.
- Advising and assisting with personnel issues, termination issues, EEOC complaints, compliance with Employment Policies and Procedures and/or applicable State and Federal laws, rules and regulations as same apply to local government employees.
- Representation as primary and/or assistant counsel in State and Federal Courts defending claims of liability against municipalities including tort claims, discrimination claims, civil rights claims, etc.
- Representation as primary and/or assistant counsel in litigation matters involving the validity, enforceability and/or constitutionality of municipal ordinances and/or actions.
- Representation as primary and/or assistant counsel in litigation matters involving contract disputes, mandamus requests, injunctions, regulatory enforcement, zoning, forfeiture actions, etc.
- Representation as primary and/or assistant counsel in appeals to State and Federal Appellate Courts from Trial Court decisions.
- Prosecuting on behalf of Police Departments alleged violations of Rules and Regulations of the Police Department by Officers pursuant to the Law Enforcement Officers Bill of Rights.
- Negotiating, defending, and mediating claims and/or enforcement actions brought by State and/or Federal Regulatory Agencies, i.e., EEOC, MDE, Public Service Complaints, Maryland Department of Natural Resources, National Park Service, Washington County Department of the Environment, etc.
- Overseeing and managing litigation and other matters by outside counsel when necessary.
- Provide the necessary title work, research and documentation, including required Ordinances, for the acquisition and sale of real property, acceptance/abandonment of streets or other related matters.

- Work with Bond Counsel, review Bond Issuance Documents and render necessary opinions in connection with Municipal Bond Issuances.
- Providing advice, support and assistance as needed and assigned by the Towns through the Mayor and Council and/or the Town Manager/Administrator.
- Reviewing, evaluating and advising municipalities regarding Public Information Requests.
- Advising elected bodies regarding compliance with the Open Meetings Act.
- Researching, developing and drafting protocols and procedures relating to open meeting compliance, related Executive Orders, local elections and legislative procedures in the context of the COVID-19 Pandemic.
- Assisting in the creation and organization of the Washington County Narcotics Task Force.
- Serving as a team member, negotiator or liaison in connection with a variety of issues including inter-governmental issues.
- Serving on various ad hoc committees formed by Washington County Government.
- Working collaboratively with elected officials and staff in resolving issues and developing/managing projects with Federal, State, County and Local Government entities.

Transactional Experience (Private Sector)

- Bank Representation
- Business Entity Formation and representation and preparation of related documents (Corporations, Partnerships, LLC's, etc.)
- Bulk Sales
- Business Sales
- Business Dissolutions and Mergers
- Charitable and Religious Corporations/Foundations (formation and representation)
- Commercial transactions
- Contract negotiation
- Contract review
- Contract drafting
- Contractor Representation (general and sub)
- Easements/Rights of Way/Land Use Agreements/Covenants and Conditions (review, negotiation and preparation)
- Estate Planning and Probate
- Employment Contracts (review, reparation and enforcement)
- Employment Policies, Practices and Manuals (preparation, review and modification)
- Fiduciary/Trust/Foundation representation
- Home Owner Association formation and representation
- Insurance Company representation and advisement

- Land Development
- Leases – Commercial and Residential
- Licensing Applications and Administrative Compliance Document completion and submission
- Liquor Licenses – applications, local agent, etc.
- Real Estate Transactions – Commercial and Residential
- Real Estate Title Abstract and Review
- Representation of Developers in Land Development/Planning/Zoning matters
- Title Insurance
- UCC/Secured Transactions
- Wills, Powers of Attorney, and Advance Directives
- Zoning

Civil Litigation (State and Federal Courts)

- Abuse of Civil Process
- Adoption
- Appeals to Circuit Court from Administrative Agencies
- Appeals to Circuit Court from District Court
- Appeals to Court of Special Appeals from Circuit Court
- Appeals to Court of Appeals
- Appeals to Fourth Circuit Court of Appeals
- Assault/Battery
- Breach of Contract
- Breach of Fiduciary Duties
- Business Litigation
- Caveat Proceedings/Appeals from Orphans' Court
- Civil Conspiracy
- Civil Contempt
- Civil Rights 1983/1985
- Condemnation
- Confessed Judgment
- Construction Litigation (Private/Government)
- Constitution/Validity Challenges to Municipal Legislative Action
- Contested Estates
- Contract Interpretation
- Conversion
- Declaratory Actions:
- Adverse Possession
- Contract Interpretations
- Insurance Coverage
- Prescriptive Easements

- Real Estate Quiet Title
- Defamation
- Detinue/Replevin
- Domestic (Divorce, Custody, Support, etc.)
- Duress/Undue Influence
- Educational Rights
- Employment (Plaintiff & Defendant):
- Contract
- Covenants Not to Compete
- Unfair Representation by Union
- Wrongful Discharge
- First Amendment Claims (Defense)
- Foreclosure
- Forfeiture Actions (Cash Contraband seized by Hagerstown PD)
- Freedom of Information Suits
- Government Liability (Plaintiff & Defendant)
- Guardianship
- Injunctions (TRO/Permanent)
- Intentional Infliction of Emotional Distress
- Intentional Interference with Contractual Relations
- Invasion of Privacy
- Intentional Interference with Contractual Relations
- Landlord/Tenant (Rent, Security Deposit, Holding Over, etc.)
- Malicious Prosecution
- Mandamus
- Mechanics' Liens
- Misrepresentation
- Motor Tort (Plaintiff & Defendant)
- Negligent Misrepresentation
- Partition Suits
- Petitions Against Domestic Violence
- Petitions for Protective Orders
- Premises Liability (Plaintiff & Defendant)
- Product Liability (Plaintiff & Defendant)
- Small Claims
- Subrogation
- Warranty
- Workers' Compensation Appeals
- Zoning Appeals

Administrative Proceedings - (State, Federal & Local)
Private and Public Sector Representation

- Department of the Environment
- Department of Housing and Urban Development
- Department of Social Services (Child Abuse/Neglect Designation Proceedings)
- Equal Employment Opportunity Commission
- IEP/ 504 conferences and proceedings
- Internal Revenue Service
- Law Officers Bill of Rights Proceedings
- Maryland Commission on Human Relations
- Maryland Insurance Commission
- Maryland Nursing Board
- Maryland State Department of Education
- Maryland Unemployment Cases
- Maryland Parole Board
- Motor Vehicle Administration
- Social Security Administration
- Washington County Board of Education (Educational & Personnel Matters)
- Washington County Liquor Board
- Workers' Compensation Cases
- Zoning Cases

Criminal Litigation (Private Sector)

- Animal Cruelty
- Assault (1st Degree/2nd Degree)
- Assault with Intent to Maim
- Assault with Intent to Kill
- Accessory after the Fact
- Breaking & Entering
- Burglary
- Carrying Concealed Weapon
- Child Abuse
- CDS Distribution/Manufacturing/Sale etc.
- CDS Possession
- Conspiracy

- Criminal Contempt
- Disorderly Conduct
- Disturbing the Peace
- Firearms Violations
- Gambling
- Harassment
- Illegal Alcohol Sales
- Illegal Wire Tapping
- Incest
- Indecent Exposure
- Juvenile
- Malicious Destruction of Property
- Minor Motor Vehicle Violations
- Murder
- Natural Resources Violations
- Obstruction of Justice
- Parole Revocation Hearings
- Perjury
- Rape
- Robbery
- Serious Motor Vehicle (DUI/DWI/Driving Revoked, etc.)
- Sex Offenses
- Telephone Misuse
- Theft (Misdemeanor and Felony)
- Trespass
- Violations of Probation/Parole
- Violation of Protective Orders

PERSONNEL OF KUCZYNSKI & KUCZYNSKI, P.A.

ATTORNEY

Edward L. Kuczynski

Ed currently is the sole, actively practicing attorney with the firm. He will be the principal point of contact with the Mayor, the Commissioners and the Staff. Please refer to his *Resume* and *List of Experience* for more specific information.

SUPPORT STAFF

Jeanne Riley

Jeanne has worked with our firm for 35 years as a real estate paralegal. She has the ability to abstract titles, review and evaluate title abstracts performed by others, prepare for review and finalization Contracts of Sale, Deeds, Settlement Statements, Loan Documents, Title Binders, Title Policies and other documents that are typically related to residential and commercial real estate transactions. For many years our firm has relied on Jeanne to coordinate, schedule and prepare for real estate settlements and assist in other matters where her real estate expertise is helpful or needed. In addition, Jeanne assists with the probate and estate administration work that our firm provides to our clients.

Linda Kuczynski

Linda, with a Bachelor's Degree in Elementary Education, Master's Degree in Special Education and a Certificate in Supervision and Administration, retired from *Washington County Public Schools* after serving for over 35 years as a teacher and an administrator. She has been working for Kuczynski & Kuczynski, P.A. since her retirement as the Office Manager and is the primary point of contact for all of our clients. Linda also serves as the Land Use Administrator for the Town of Williamsport where she processes that Town's Building Permits, reviews zoning issues, serves as the administrator for the Planning Commission and administers the Ordinances impacting land use in the Town. Linda assists our firm with insuring that Resolutions, Ordinances and Charter Amendments are properly handled, advertised and recorded. Her Land Use experience also allows her to assist our other municipal clients who need help addressing zoning and land use matters. In addition, Linda provides litigation support to the firm in connection with its pending civil and criminal cases.

KUCZYNSKI & KUCZYNSKI, P.A.'s

STATEMENT REGARDING RFP SCOPE OF SERVICES

1. General Legal Guidance: Advise the Mayor and Council and Town Manager on legal questions arising in the conduct of Town business.

Currently our firm provides general legal guidance to the Towns we represent on a daily basis as questions and legal issues arise. Many issues can be handled with phone calls and/or emails which we try to address in a prompt and timely fashion. In an effort to allow easy accessibility at times outside of business hours, Edward Kuczynski's cell phone number is available to the Town management as well as the elected officials so matters can be discussed at times that are convenient for the clients.

2. Prepare Legislation: Prepare and/or revise resolutions and ordinances when requested by the Mayor and Council or Town Manager.

Our firm routinely and for many years have reviewed, revised, and prepared resolutions, ordinances and charter amendments for the municipalities we represent. We have also been involved in the legislative process at the State level regarding bills affecting municipalities.

3. Give Opinions: Give opinions on any municipal legal matter or question submitted to them by the Mayor and Council or Town Manager.

We have been called upon to provide formal and informal opinions, written and verbal, on a multitude of subjects and issues impacting our municipalities and appreciate the opportunity to weigh-in on the various issues that require legal research and analysis.

4. Attend Council Meetings: As requested, attend Mayor and Council Meetings and/or any other Commission or Board Meetings.

We believe that attending meetings allows us to keep in touch with our clients, their constituents and the ongoing business of the Town. Ed attends the regular Meetings of most of our municipal clients and finds that attendance at the meetings allows him to identify and address many issues on the spot and helps reduce the time to process through those issues. Attending the meetings allows our firm to further develop a working relationship with the elected officials and town personnel.

5. Application Review: When applicable, provide a review, oversight, and legal advice concerning permit and other applications to the Town.

For all the Towns we represent, our clients request us to review and provide oversight on building permit, planning and zoning, code enforcement and other similar matters including the application and permit issuance/interpretation connected with them. Also, we are called upon to review grant applications as well as the stipulations and conditions of those grants.

6. Prepare Legal Instruments: Prepare for execution or review of contracts, deeds, and other instruments to which the Town is a party when so requested by the Mayor and Council or Town Manager.

Edward Kuczynski and the staff of Kuczynski & Kuczynski regularly prepare and review instruments and documents including contracts, deeds, and other transactional documents for municipal and other clients. Our firm has had an active real estate and business transactional component which has required the preparation, review and implementation of a wide array of legal instruments and related documents.

7. Prosecute Claims and Defend the Town and its Officials and Employees: Under the direction of the Mayor and Council and Town Manager, prosecute legal claims on behalf of the Town and defend the Town and its officials and employees in any action or claim against them in their official capacity. In those claims where the Town's insurance company has appointed legal counsel, the Town attorney shall provide only those services requested by the Mayor and Council.

Kuczynski & Kuczynski, P.A. (Edward Kuczynski) has actively litigated thousands of civil cases at the trial and appellate level at the state and federal level. (Please refer to *Litigation Experience and Resume* sections of this proposal for specific bar/court admissions and for a listing of the types of cases litigated). Prior to the active involvement of insurance companies in the defense of actions against municipalities, our firm handled all litigation in state and federal courts initiated and maintained against our municipal clients. As insurance companies (i.e., LGIT and other carriers insuring municipalities) started assigning counsel of their choosing in the late eighties, we have continued to remain involved suits against our municipalities as requested by our clients to "watch the store" and serve as a point of contact with assigned defense counsel. Because our litigation experience has included insurance defense work for various insurance carriers that we have represented, our firm is familiar with the litigation process and the management of ongoing litigation either as primary counsel and/or in a secondary role. When necessary, we have also filed and pursued a variety of civil actions for our municipal clients. Because of our broad ranging litigation experience, we believe we are qualified to handle almost any litigated legal issue(s) that face our municipal clients.

8. Make Reports: Immediately report to the Town Manager (or designee) and Mayor and Council the filing of any litigation against the Town, update the Mayor and Council and Town Manager on pending litigation on a regular basis, and inform the Mayor and Council and Town Manager of the final outcome of any such claims. Provide the Mayor and Council, and Town Manager with a monthly report of all work performed on their behalf.

Making timely reports regarding filed and ongoing litigation is critical to the elected body's understanding of those cases as well as developments and changes that may impact the outcome and/or possible settlement of those cases. Most reporting regarding ongoing litigation should and does occur in Closed Sessions. As to monthly reports regarding the general services provided over the course of the month, those matters can be addressed during a Commissioners Meeting verbally and/or in writing.

9. Real Estate: Prepare or review deeds, easements, and contracts pertaining to real estate and/or property being acquired or sold by the Town.

Our firm is capable of providing any services related to real estate transactions. Kuczynski & Kuczynski, P.A. has handled over 5,000 real estate transactions. From the municipal standpoint, we are familiar with the procedures, actions, and ordinances necessary to allow municipalities in Maryland to acquire and/or sell real estate and have guided municipal clients through the process many times. Edward Kuczynski is a licensed title insurance agent with Security Title and Guaranty Corporation. Jeanne Riley is a Real Estate Paralegal who has been with the firm for 35 years and has had direct involvement with the real estate matters handled by the firm during her tenure. She has the ability to prepare contracts, deeds, easements, etc.; research land records; abstract titles; prepare real estate transactions for closing including the documents necessary to close the transaction; interact with lenders, realtors and other individuals involved; prepare and issue title insurance binders and policies and handle the other matters (expected and unexpected) that may arise.

10. Keep Records: Keep records as required for attorneys general and in compliance with rules for retention of local government records.

Kuczynski & Kuczynski, P.A. is familiar with the record retention rules and maintains its files accordingly.

11. Public Information Act: Handle or provide advice regarding Public Information Act requests.

Edward Kuczynski has a working knowledge of the *Maryland Public Information Act* and its application to local government. He routinely handles and/or provides advice and guidance in connection with PIA requests, has handled administrative complaints for alleged non-compliance and on occasion has litigated issues which have been presented at the Circuit Court level.

12. Personnel Matters: Advise the Mayor and Council, Town Manager, and Department Heads on personnel issues.

Our firm is capable of providing advice and assistance in personnel issues. Edward Kuczynski has handled many types of personnel and employment issues during his career in the private and public sectors. These matters have involved Maryland Human Relations and EEOC complaints, Wage and Hour matters, wrongful discharge suits, Unemployment Compensation matters, Employment Contract issues and suits, Worker's Compensation matters, discrimination and sexual harassment claims and other matters that have arisen in the context of the employer/employee relationship. In addition, we have assisted in the preparation and interpretation of employment contracts

13. Annexation: Provide guidance to the Mayor and Council and Town Manager on annexation and prepare necessary legal documentation.

Kuczynski & Kuczynski, P.A. is familiar with the statutorily proscribed procedures that must be followed to properly annex property to a Maryland municipality. For our large and small municipal clients, we have handled and are currently handling annexations. These annexations have included

small and large tracts of land and also have included annexations petitioned by the property owners/developers or initiated by the legislative body. In most of those annexations we have been responsible for the preparation of the Petitions, Agreements, Certifications, Resolutions, Notices and other documents necessary to commence, process and finalize the annexations.

14. Municipal Elections: Provide Guidance to the Town Manager, Town Clerk, and Board of Supervisors of Elections on the proper conduct of the Town's elections.

In every election cycle for every municipality in Edward Kuczynski's forty-year career, our firm has been called upon to provide advice and guidance in the proper conduct of municipal elections in the context of the State law, the Town's Charter/Ordinance provisions, and the Rules and Regulations promulgated by the various Town Boards of Election Supervisors. Because of the various competing interests that typically exist during municipal elections, we strive to remain objective and neutral in rendering our advice and guidance.

REFERENCES

Mr. Donnie Stotelmyer
Town Manager -Town of Williamsport
301-491-6700
townmanager@williamsport.md.org

Lisa Riner
Town Administrator
Town of Keedysville
301-432-5795
lriner@keedysvillemd.com

Tim Smith
Mayor
Town of Hancock
301-988-2776
mayor@townofhancock.org

Mr. Donald Souders
Mayor
Town of Smithsburg
dsoudersf@townofsmithsburg.org

Mr. Chad Rooney
Town Manager
Town of Smithsburg
301-824-7234
Crooney@townofsmithsburg.org

James McCleaf
Former Mayor -Town of Williamsport/Client
301-992-8555
jim@hopewellmfg.com

Donna Spickler
City of Hagerstown – City Clerk/Client
301-766-4183
dspickler@hagerstownmd.org

Kirk Downey
County Attorney – Washington County
240-313-2230
kdowney@washco-md.net

Gregory Snook
CEO Chief/Client/former President Washington County Commissioners
301-730-9903
gsnook@chiefhag.com

Jeffrey Smith
Business Owner/Client
301-573-1145
jeffsmachs@gmail.com

Selena Wilkes
Business Owner/Client
240-707-1508
selenawilkes@outlook.com

Patricia Cushwa
Chairwoman Federal Parole Board/Client
301-991-5501(c)/301-223-7436
v.cushwa@myactv.net

CERTIFICATES OF INSURANCE



**LAWYERS PROFESSIONAL LIABILITY POLICY
DECLARATIONS**

Agency:
708359

Branch:
912

Policy Number:
192785563

Insurance is provided by Continental Casualty Company,
151 North Franklin Street Chicago IL 60606
A Stock Insurance Company.

1. NAMED INSURED AND ADDRESS:

Kuczynski & Kuczynski, P.A.
Kuczynski Building
55 North Jonathan Street
Hagerstown, MD 21740

NOTICE TO POLICYHOLDERS:

This is a Claims Made and Reported policy. It applies only to those claims that are both first made against the insured and reported in writing to the Company during the policy period. Please review the policy carefully and discuss this coverage with your insurance agent or broker.

2. POLICY PERIOD:

Inception: 08/01/2021
at 12:01 A.M. Standard Time at the address shown above

Expiration: 08/01/2022

3. LIMITS OF LIABILITY:

Inclusive of Claims Expenses

Each Claim: \$2,000,000

Aggregate: \$2,000,000

Death or Disability and Non-Practicing
Extended Reporting Period Limit of Liability:

Each Claim: \$1,000,000

Aggregate: \$2,000,000

4. DEDUCTIBLES:

Inclusive of Claims Expenses

Aggregate: \$1,000

5. POLICY PREMIUM:

Annual Premium: \$5,254.00

Total Amount: \$5,254.00

Includes CNA Risk Control Credit of \$- 426.00

Includes Lawyers Data Breach and Network Security Premium, see coverage endorsement if applicable.

6. FORMS AND ENDORSEMENTS ATTACHED AT INCEPTION:

G-118011-A (Ed. 06/2015), G-118012-AC (Ed. 03/1999), G-118014-A (Ed. 12/2011), G-118016-ACC (Ed. 12/2011),
G-118039-A19 (Ed. 06/2008), G-118049-A (Ed. 04/2008)

7. WHO TO CONTACT:

To report a claim:
CNA – Claims Reporting
P.O. Box 8317
Chicago, IL 60680-8317
Fax: 866-773-7504 / Online: www.cna.com/claims
Email: SpecialtyProNewLoss@cna.com
Lawyers Claim Reporting Questions: 800-540-0762

Shawn T. Hoffman

Authorized Representative

08/02/2021

Date



KUCZ&KU-01

DSD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/8/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wright Gardner Insurance, Inc. 100 West Antietam Street Hagerstown, MD 21740	CONTACT NAME: PHONE (A/C, No, Ext): (301) 733-1234	FAX (A/C, No): (301) 733-5821
	E-MAIL ADDRESS:	
INSURED Kuczynski & Kuczynski, P.A. 55 N Jonathan Street Hagerstown, MD 21740	INSURER(S) AFFORDING COVERAGE	
	INSURER A: ACE Property and Casualty Insurance Company	
	INSURER B: Federal Insurance Company	
	INSURER C:	
	INSURER D:	
		NAIC # 20281
		INSURER E:
		INSURER F:

COVERAGES
CERTIFICATE NUMBER:
REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			D95743122	12/29/2020	12/29/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 COMBINED TOTAL \$ 4,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			D95743122	12/29/2020	12/29/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB. <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB. <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			D95743134	12/29/2020	12/29/2021	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ Aggregate \$ 3,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below			71793410	12/29/2020	12/29/2021	<input checked="" type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER
CANCELLATION

File Copy	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>F. Christa Wright</i>
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PROPOSAL

Option 1

Kuczynski & Kuczynski, P.A. would propose to provide legal services to the Town of Boonsboro, Maryland as requested and assigned as follows:

- For the first four (4) hours of a project (excluding litigation) - \$250.00 per hour for attorney time and \$100.00 per hour for legal assistant/paralegal time. If authorized, after the initial \$1,000.00 threshold, attorney time would be reduced to \$220.00 per hour and legal assistant/paralegal time would be reduced to \$90.00 per hour. All time would be billed in quarter ¼ hour increments. If the attorney and paralegal/legal assistants are consulting with each other, the Town would be billed at the higher rate. Any expenses incurred and advanced by Kuczynski & Kuczynski, P.A. would be billed to the Town.
- Litigation would be billed in quarter ¼ hour increments at \$250.00 per hour for attorney time and \$100.00 per hour for paralegal/legal assistant time. Any expenses of litigation, i.e., depositions, experts, court fees, etc., would be the responsibility of the Town.
- Any expenses incurred or to be incurred as part of the representation will be discussed and pre-approved with same being paid by the Town and/or reimbursed to Kuczynski & Kuczynski, P.A. if advances.

Option 2

Kuczynski & Kuczynski, P.A. would propose to provide legal services to the Town of Boonsboro, Maryland as requested and assigned in all matters, including litigation, at the rate of \$220.00 per hour (attorney time) and \$100.00 per hour (paralegal/legal assistant time) in quarter ¼ hour increments. Any expenses incurred or to be incurred as part of the representation will be discussed and pre-approved with same being paid by the Town and/or reimbursed to Kuczynski & Kuczynski, P.A. if advances. If the attorney and paralegal/legal assistants are consulting with each other, the Town would be billed at the higher rate

Billing

A monthly itemized invoice in the form and substance specified by the Town would be provided to the Town and due upon receipt. The Town would be billed for Attorney and Staff time and advances expended in the course of the delivery of legal services during the applicable billing period.

Under either proposal all work performed would be billed at the specified rates with the exception of gratuitous informational correspondence sent to the Town or shared with the Town involving matters of interest to Maryland municipalities. The Town would not be charged for mileage and/or travel time for Edward Kuczynski to attend Council Meetings or other meetings in Boonsboro, Maryland. Travel time to and from Court (outside of Washington County) or other

Town related matters would be billed at the specified rate. No mileage would be charged. Attendance at MML meetings, elective or at the request of the Town, or other similar associations would not be billed the Town as legal services. However, the cost involved for such activities requested by the Town would be borne by the Town.