


TOWN OF OCEAN VIEW
DELAWARE

June 26, 2024

TO: Mayor and Council

FROM: Carol Houck, Town Manager 

SUBJECT: Awareness and Recommendation
Hiring of Special Legal Counsel to Represent the Board of Adjustment
Verizon Tower Application

Background

As you are aware there is an application moving through our planning process that will soon be considered by the Board of Adjustment. As is customary with applications of complicated nature that special counsel be brought in to ensure that the Board has access to guidance specific to its authority and nature of the decision it has to make.

Likewise, with the utmost caution, the hiring of special legal counsel to represent the Town's Board of Adjustment regarding the above noted application, allows Town Solicitor Faust to continue to represent and guide the proceedings of the Town's Planning Commission and Planning and Development Department.

Time of the Essence

In association with the timing of the Board of Adjustment meeting and to not unnecessarily delay the proceeding further, engagement with special counsel has been entered, effective June 25, 2026, at the recommendation of the Town Solicitor. A copy of the engagement letter with Parkowski, Guerke and Swayze is attached for reference.

Funding

Funds are available from the Town's legal expense budget, although unanticipated at time of the development of the FY25 Operating Budget. Any necessary budget amendments will be made as customary at the end of the fiscal year.

Recommendation

It is therefore recommended that, under the emergency purchase (in this case professional services engagement) requirement, I ask that Mayor and Council acknowledge and support the reasoning and need for hiring special legal counsel to the Town's Board of Adjustment for the proceedings associated with Verizon's Cell Tower application.

NOTE: this recommendation was presented to the Mayor and Council on June 26, 2024, for awareness to be followed by a vote at its meeting of July 9, 2024