

# BOND

## MUNICIPALITIES LEGAL SERVICES

Bond, Schoeneck & King PLLC has a long history of representing municipalities in New York State with a comprehensive array of services to meet their varied and sophisticated needs. Our past and present client roster includes more than 400 entities. Our Municipalities Practice draws upon the experience of attorneys from across the firm to match their areas of concentration with the many and sometimes complex legal issues facing municipalities throughout New York State.

**General Counsel Services.** We advise public authorities on operating within their enabling legislation and provide extensive counsel regarding compliance with the New York State Public Authorities Accountability Act.

Some of the services provided by our business attorneys include:

- Preparing, reviewing and counseling clients on contracts and agreements, including operating agreements, licenses, distribution and supply agreements, employment and independent contracting arrangements, merger and other business purchase and sale agreements and other business contracts;
- Conducting internal investigations of actions and transactions of board members and officers;
- Investigating, preparing applications for, defending and securing intellectual property and associated rights and ownership, including patent, trademark and copyrights;
- Reviewing hedging agreements, including agreements for fuel and other commodities;
- Reviewing federal and state transportation grant agreements;
- Preparing and rendering approving opinions on public authority debt issues;
- Structuring and documenting joint venture and other partnering arrangements; and
- Documenting and reviewing bank financing and other third party financing and capital arrangements and agreements.

**Labor and Employment Law.** The firm's Labor and Employment Law Practice encompasses a full range of services. For clients with unionized workforces, this includes collective bargaining, labor arbitration, public interest arbitration with police and firefighters and representation before the New York State Public Employment Relations Board for improper practice and representation matters.

We provide day-to-day counseling to our clients on all other employment issues encountered by municipal employers. This includes advice on Civil Service Law issues; leaves of absence; the FMLA; COBRA; workplace investigations; federal and state wage and hour matters; PESH investigations and issues; state and federal employment rights for military personnel and veterans; health insurance and other insurances; as well as other matters.

### About Bond, Schoeneck & King

Bond, Schoeneck & King PLLC serves individuals, companies and public-sector entities in a broad range of areas.

With 250 lawyers and 13 offices, we represent clients in manufacturing; agribusiness; commercial lending and real estate and construction; energy; health care and long term care as well as municipalities, school districts, higher education and other exempt and nonprofit organizations. We maintain nine offices across New York; and one each in Boston; Kansas City; Naples, Florida and Red Bank, New Jersey.

Bond is committed to understanding our clients' needs and providing comprehensive, practical, high-quality and responsive solutions. We strive to maintain the highest professional and ethical standards, and to provide leadership in community activities, pro-bono work and service to the Bar.

For more information, visit [bsk.com](http://bsk.com).

We also represent our clients in matters before the New York State Division of Human Rights and the Equal Employment Opportunity Commission, as well as in state and federal court. Our representation includes defending employers against claims of employment discrimination (e.g., race, gender, sexual harassment, age and disability discrimination), as well as in Article 78 proceedings challenging all types of employment decisions made by employers. In addition, we represent our clients in disciplinary hearings pursuant to Section 75 of the Civil Service Law.

**Administrative Law, Zoning and Planning.** Bond's Administrative Law, Zoning and Planning experience on behalf of municipalities includes subdivision applications and approvals, zoning legislation, variances, special permits and like matters involving towns, villages, cities and counties.

On local planning and zoning issues, we represent clients in the review of applications for variances, subdivision and site plan approval, special use permits and applications for zoning changes. We also advise on all aspects of compliance with the State Environmental Quality Review Act (SEQRA) and with other state and federal laws affecting local land use decisions, such as the Historic Preservation Act, Wetlands Acts and the Federal Telecommunications Act.

Bond attorneys represent clients in formal adjudicatory hearings before state and federal agencies, such as the NYSDEC and the Army Corps of Engineers. The firm also advises municipalities on the development and implementation of plans and public works projects, including landfills, water and wastewater treatment plants, as well as the redevelopment of contaminated property known as "brownfields." In addition, Bond was recently selected by the NYSDEC to draft a guidance document on all legal aspects of financing the new MS4 requirements for municipal storm water systems.

These projects use the both the firm's experience in land use and in environmental cleanup matters. Attorneys in this area work closely with attorneys in the following practices: Environmental, Public Finance, Government Relations and Administrative, Municipal, Real Estate, Litigation and its Real Estate, Tax Assessment, Condemnation and Property Valuation.

**Aviation.** Bond has represented the City of Syracuse, Department of Aviation since 1995, in connection with its proposed siting of a new 7,500-foot runway at Syracuse Hancock International Airport, and in connection with the proposed expansion of an existing runway. Both projects were subject to environmental impact reviews under SEQRA and NEPA. Bond also has provided regulatory compliance counsel to the department in connection with stormwater discharges, petroleum and chemical bulk storage and various airport improvement projects. In addition, Bond has been representing the City of Naples Airport Authority since 2002 with respect to its landmark ban of noisier Stage 2 jets.

**Bond Counsel/Public Finance.** Bond has acted as bond counsel to municipalities and school districts for over 30 years. We are listed in the "Red Book" directory of nationally recognized bond counsel. We are bond counsel for more than 50 New York municipalities and school districts, as well as numerous industrial development agencies and other public benefit corporations.

We have extensive experience with financings through the Dormitory Authority of the State of New York (DASNY), the New York State Environmental Facilities Corporation (EFC) and the U.S. Department of Agriculture, Rural Development. Our public finance attorneys also represent municipalities in the formation or extension of sewer, water and other special improvement districts, and in New York State Empire Zone matters.

**Construction.** We have depth and experience in providing legal services to municipalities engaged in the construction of public works capital improvements throughout New York State.

Our services to municipalities commence with the negotiation of an agreement with the architect, engineer or other design professional. We provide legal counsel on the competitive bidding statutes and regulations under which public owners procure construction services on public works projects. We understand the legal framework within which irresponsible bidders may be disqualified.

We participate in the negotiation and execution of construction contracts and other contract documents necessary for projects to proceed in a timely manner

and within cost estimates. When disputes arise, we counsel our clients on negotiation strategies, and we prosecute litigation, arbitration, other forms of dispute resolution and surety bond claims, as required.

**Energy.** Bond has considerable experience in counseling municipal clients about legal obligations that can arise in connection with the purchase, sale, production and distribution of energy under New York State and federal laws and regulations. Our attorneys have recently worked on matters involving the siting of new electric generating facilities, electric and natural gas transmission facilities, negotiation of electricity, steam and natural gas purchase agreements, pipeline construction proposals, and environmental compliance reviews associated with energy projects.

We have negotiated energy performance contracts for municipalities in New York State under Article 9 of the New York Energy Law. We also regularly provide advice regarding market and tariff analysis, power purchase agreements and related government approvals.

Where applicable, we have worked with clients to identify and utilize beneficial governmental programs, including those offered by the New York State Energy Research Development Authority. Our energy attorneys practice extensively before the New York State Public Service Commission, and have excellent governmental contacts that serve to benefit our municipal and school district clients.

**Environmental.** Our Environmental attorneys regularly assist municipalities with environmental issues arising under local, state and federal environmental laws and regulations.

We are proficient in all aspects of permitting and compliance under air quality, water quality, wetlands, hazardous and industrial waste management, storage tank, emergency planning, toxic substance programs, among others. Our permitting and regulatory compliance experience extends to successful representation of clients before state and federal regulatory agencies, including the New York State Department of Environmental Conservation (DEC), the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers.

We have assisted municipalities to satisfy legal

requirements associated with site development initiatives, such as permit modification, historic preservation and State Environmental Quality Review Act (SEQRA) procedures applicable to facility construction and expansion. In the event of a release of petroleum or hazardous substance, our attorneys assist clients to comply with reporting requirements and help implement any necessary investigation and remediation activities.

In addition, we have extensive experience with the redevelopment of brownfield sites, and have represented municipalities under the Brownfield Cleanup Program and the Voluntary Cleanup Program. We regularly provide advice on the legal and financial structure of brownfield redevelopment projects, and have provided counsel to Empire State Development under the ReBuild Now-NY program.

**Environmental Enforcement and Litigation.** We also have represented clients in numerous administrative enforcement proceedings brought by the DEC and EPA, as well as other agencies. In these enforcement proceedings, our attorneys work to eliminate or mitigate monetary penalties that might otherwise be imposed, and to negotiate favorable terms in consent orders or settlement documents.

As appropriate, our attorneys have also represented clients in environmental litigation in New York State and federal court, including SEQRA litigation. Our attorneys understand the complex procedural rules that are particular to environmental litigation, as well as the environmental laws and regulations that can form the basis of a claim.

**Government Relations.** Our firm has represented clients, including municipalities, before the New York State Legislature, the executive branch and all state agencies for over 75 years. We have drafted and shepherded through the legislature special legislation needed by municipalities in connection with water districts, bond issues and other needs. We have represented clients in qualifying for Empire Zone benefits and Brownfield benefits. Routinely, we appear on behalf of clients in administrative and regulatory matters before most state agencies, including the Departments of Environmental Conservation, Law, State, Labor, Transportation and Taxation and Finance.

**Litigation.** The firm's Litigation Department has represented municipalities in a wide range of matters in both state and federal courts. The firm has defended municipalities in numerous Article 78 proceedings. Our trial attorneys also have experience in defending breach of contract and other claims, including construction disputes regarding municipalities. We have represented municipalities and their employees in Section 1983 and other civil rights actions in federal and state courts. We handle disputes between municipalities and other governmental entities.

#### **Municipal Dissolution and Shared Services.**

We have substantial experience with municipal dissolution and the variety of legal issues that arise in the planning and implementation of municipal dissolution and consolidation. We were counsel to the Village of Seneca Falls, reportedly the largest village to dissolve in New York State history, throughout its three year dissolution process. Our attorneys are also experienced with shared municipal services, intermunicipal agreements and other methods of achieving local government efficiencies, as an alternative to municipal consolidation or dissolution.

#### **Property Valuation: Tax Assessment and Eminent Domain.**

Each of these areas of practice requires a detailed understanding of the methodologies used to determine the fair market value of real property. In the area of condemnation-appropriation, the practice also involves a review of the legality of the taking process, advice to condemnors on procedures to follow and negotiations with affected parties to resolve issues prior to litigation. In the area of Real Property Taxation, the firm has done substantial work across the state on behalf of property owners and municipalities, addressing a variety of valuation issues associated with all types of property. We have had substantial contact with real estate appraisers, engineering valuation consultants, assessors, boards of assessment review, judicial hearing officers and the courts regarding a multitude of property valuation challenges. Our valuation proceedings experience covers land, private residences, seasonal resorts, domed stadia, private lakes and lodges, supermarkets, minimarts, commercial businesses and

a wide variety of industrial and manufacturing facilities including utilities. We are also asked to advise both municipal and corporate clients regarding PILOT negotiation and the tax implications thereof.

**Special Projects.** Though not necessarily carried out on behalf of municipal clients, the following large projects may be of interest to municipalities in terms of the scope of our experience. Other projects included coordination with state and local development agencies.

- Construction of new and expansion of existing manufacturing facilities
- Construction and development of major hotels, shopping centers and enclosed malls, commercial offices, warehouses, parking garages and condominium conversion of office buildings
- The selection of suitable industrial plant sites
- Advice regarding tax and business incentives available from State and local agencies
- Negotiation of real estate tax or pilot agreements
- Negotiation of water supply and waste disposal services with local governments
- Preparation of special legislation
- Negotiation of agreements for highway improvements and railroad sidings
- Zone change applications
- Condominium conversion registration documents

#### **Contacts:**

**Richard S. Finkel**  
516.267.6328  
rfinkel@bsk.com

**Brody D. Smith**  
315.218.8225  
bsmith@bsk.com

