

January 1, 2020

*VIA E-MAIL*

Mayor Lee Kyriacou  
City of Beacon  
One Municipal Plaza  
Beacon, NY 12508

Re: Legal Services; Keane & Beane, P.C. 2020 Retainer

Dear Lee:

I write to confirm the terms of our firm's provision of legal services to the City of Beacon for 2020. As discussed, our firm will carry-over the basic terms of the City's 2019 retainer for general municipal legal services at a fixed monthly retainer of \$15,250.00 for such general municipal services, including meeting attendance. We will charge on an hourly basis using a discounted blended rate of \$225.00 for special projects and litigation. We will charge on an hourly basis using a rate of \$225.00 for associates and \$275.00 for partners for review of land use matters. We will also provide general municipal labor services (analysis of current contracts, drafting of policies, general advice on personnel matters, as some examples) as detailed below, within the monthly retainer. We will represent the City in traffic court matters within a separate monthly retainer of \$2,000.00.

General Retainer

For general municipal services, we will provide advice and counseling on the full range of municipal issues that will arise from time to time for a fixed annual charge to be paid in equal monthly installments billed the first of each month after the services are rendered. Among other things, the retainer will cover attendance at all City Council meetings, meeting with City staff at City Hall, consultation, advice, opinions on questions presented by City officials, review and preparation as necessary of routine City contracts, resolutions and other actions, and the like.

Special Projects, Labor & Litigation

For special projects, Labor (arbitration, mediation, fact finding, labor litigation, disciplinary proceedings and the like) and litigation, we will charge \$225.00 per hour for our services on a straight hourly basis at a blended rate, regardless of the attorney performing the work, as we have in prior years. We will obtain written approval from

Mayor Lee Kyriacou  
January 1, 2020  
Page 2

the City Administrator before working on matters outside the retainer so that Keane & Beane, P.C. and the City agree on what work is outside of the monthly retainer. We will render bills on the first day of each month for work done the prior month.

Litigation consists of any matter that is commenced by a formal court or arbitration notice, such as a Summons, Complaint, Petition, Notice of Petition, or Notice of Claim. In contrast, general advice on possible litigation prior to commencement of a proceeding or receipt of such notice will fall under the general municipal retainer.

Special projects consist of major City endeavors that are not typically done. This category includes matters such as special district formation and extension, land acquisition and disposition, complex contract work, preparation of complex legislation, major rezoning or comprehensive plan revisions, and the like. In contrast, advice to officials, standard vendor contract preparation and review, and drafting of routine legislation would be general retainer work.

We do not charge for travel time to attend meetings at City Hall. Travel time to other locations during business hours will be billed as though travelled from our Fishkill office, unless the actual starting point is closer to the destination. For example, if a meeting is scheduled with NYSDEC in New Paltz and we first meet at City Hall or I am in court in Poughkeepsie, travel time would be billed from City Hall.

#### Land Use Applications

For review of land use applications our firm will charge the City at a rate of \$225.00 per hour for associates and \$275.00 per hour for partners. We will bill in each instance on the first day of each month for work done in the prior month.

The City has authority to require land use applicants to reimburse the City's legal fees for State Environmental Quality Review Act reviews under New York State Environmental Conservation Law § 8-109(7)(a) and for special permit and other land use reviews under New York State Municipal Home Rule Law § 10 and § 22, the New York State General City Law and the City Code, so long as the fees are reasonable and necessary and incurred in connection with the City's examination and action on the applicant's project. Thus, review of an applicant's documents and submissions for compliance with law or approval requirements will be reimbursable and billed at full rates. Conversely, enforcement or Article 78 review proceedings will not be reimbursable, and they will, upon approval from the City Administrator, be charged to the City at the discounted rate set forth above depending on their nature.

Mayor Lee Kyriacou  
January 1, 2020  
Page 3

We look forward to continuing our work with the City.

Very truly yours,



Nicholas M. Ward-Willis

NMW/sj

cc: Anthony Ruggiero, City Administrator

**ACKNOWLEDGED AND AGREED TO BY:**

By: \_\_\_\_\_  
Mayor Lee Kyriacou

Dated: \_\_\_\_\_