



WILLIAM F. RYAN, JR.  
WILLIAM J. KENIRY\*  
ERIC N. DRATLER\*\*  
ANDREW E. CLARK  
FARRAH C. FIACCO  
MATTHEW D. MOSDELL  
\*ALSO ADMITTED IN THE STATE OF MASSACHUSETTS  
\*\*ALSO ADMITTED IN THE STATE OF FLORIDA

18 CORPORATE WOODS BOULEVARD, SUITE 8  
ALBANY, NEW YORK 12211

TRKLAW.COM

PHONE: (518) 465-9500  
FAX: (518) 465-5112

JOHN W. TABNER  
(1951-2021)  
HON. WILLIAM H. KENIRY  
JUSTICE OF THE SUPREME COURT RETIRED  
(1955-2024)

**FAX AND EMAIL SERVICE NOT ACCEPTED**

December 5, 2025

**Via Email Only** ([townclerk@townofnewlebanon.com](mailto:townclerk@townofnewlebanon.com))

Town of New Lebanon  
Attn: Town Clerk, Marcie Robertson  
PO Box 328  
New Lebanon, New York 12125

**RE: Response to Request for Qualifications for Legal Counsel to the  
Planning Board/Zoning Board of Appeals**

Dear New Lebanon Town Board Members:

Thank you for the opportunity to respond to your Request for Qualifications (“RFQ”) for the Planning Board/Zoning Board of Appeals Legal Counsel, dated November 14, 2025.

The concentration of our professional work is in service of municipalities, particularly towns and other local governments. Our dedicated service to these clients commenced in the early 1960s. Our law firm teaches the continuing legal education program entitled Case Law Update, each year for the Saratoga County Planning Conference. Our program is often attended by about 200 people who serve local government in many capacities, as well as many lawyers, engineers, appointed and elected officials. We also publish an annual case law compendium for attendees to reference in their work.

We would be pleased and privileged to represent the Town of New Lebanon. The individuals who would be primarily responsible for the representation of the Town’s Planning Board/Zoning Board of Appeals are partners William J. Keniry, Esq., Andrew E. Clark, Esq., and William F. Ryan, Jr., Esq., who anticipate being assisted by an associate attorney in our law firm.

Our firm was founded in 1963 and since its formation the firm has earned a stellar reputation for exemplary client service. We work hard and are relentless in our efforts to serve our clients. The firm has evolved and now includes eight attorneys, and one associate attorney scheduled to be admitted the New York bar in January 2026.

Our firm's relevant practice areas include: active representation of towns, planning boards, zoning boards, town boards and other local and regional governments, municipal law, environmental law, land use and zoning law, commercial real estate, real estate litigation, real estate transactions, government investigations and regulatory compliance, appellate litigation and

advocacy and tax certiorari defense, among others. We are frequently engaged in connection with Article 78 proceedings, reviewing actions of municipal boards.

Mr. Keniry, Mr. Ryan, and Mr. Clark have represented municipal boards from the initial stages of project intake, attending take-in meetings, initial board meetings, public hearings, workshop sessions, executive sessions, and site visits, through final approval and beyond to ensure compliance with any conditions of approval and coordination with relevant municipal departments to enforce compliance as necessary.

We have acted as counsel for many planning boards, zoning boards of appeals, town boards and ethics boards. Mr. Keniry is substantially experienced in the areas of zoning, planning and the State Environmental Quality Review Act. He represents many local planning and zoning boards and has given critical advice on many very significant and important projects throughout the region.

We routinely conduct continuing legal and other educational and training seminars on land use, proper meeting procedure, municipal law and caselaw updates.

Enclosed for your consideration and review are materials responsive to the Town's Request for Qualifications, including our relevant experience in the identified practice area with examples, curriculum vitae of the attorneys responsible for representation, a general list of municipalities currently served, relevant references, and a proposed draft professional services agreement. The scope of the services offered, as well as the proposed fee structure, are contained within the professional services agreement.

The RFQ seeks a fee structure proposal. We are willing to commit our services to the Town for a fair and reasonable fee. In this regard, we generally establish and agree on an annual retainer sum that is determined by the anticipated needs of the client. We are willing to do that here. Based upon the RFQ, it appears that the Boards may require an estimated ten (10) hours per month of professional services. As a general proposition it seems that the appropriate retainer is between \$20,000 and \$30,000.

In connection with your review and consideration, we believe that we have the professional experience, skills and ability to meet the requisite qualifications and exceed expectations.

Thank you for your time and consideration. We look forward to working with you to provide exemplary representation of the Town's Planning Board and Zoning Board of Appeals.

Very truly yours,

**TABNER, RYAN & KENIRY, LLP**

  
William J. Keniry  
Direct Dial: (518) 512-5304  
[wjk@trklaw.com](mailto:wjk@trklaw.com)



TABNER, RYAN & KENIRY, LLP  
December 5, 2025

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**Experience in Legal Counsel for Planning Boards and Zoning Boards**

Our representation in the practice area of Planning and Zoning includes, but is not limited to the following:

- Decades of experience representing many Planning Boards, Zoning Boards of Appeals, and local and regional government entities throughout the capital district. We have been special counsel on specific projects and matters throughout the state.
- Providing exemplary legal advice in connection with client matters and projects ranging from some of the largest in the state to some of the smallest, including for example numerous subdivisions, site plans, special use permits, area variances, use variances, public utility variances, eligible facilities requests, interpretation requests, appeals of denials and contested land use actions, among other things.
- Oversight, compliance and participation in all stages of various boards' State Environmental Review Quality Act ("SEQRA") review from intake through completion, inclusive of Type II actions, Type I actions, Unlisted actions, coordinated review, Lead Agency disputes, Positive Declarations, Negative Declarations, Conditioned Negative Declarations, preparation of Environmental Impact Statements ("EIS"), drafting and finalizing Findings Statements, conducting associated public hearings as required by law, drafting and analysis of mitigation measures relating to identified environmental impacts, and coordination with the Department of Conservation ("DEC") relating to the new Freshwater Wetlands regulations effective January 1, 2025, among other things.
- Guidance and legal advice to ensure compliance with all statutorily imposed deadlines inclusive of review deadlines, compliance with the Open Meetings Law, guidance and advice on materials subject to or exempt from FOIL, guidance and advice for potential and actual conflicts of interest and resulting recusals or abstentions.
- Relevant guidance and advice to Boards and coordination with code enforcement, building department and engineers concerning land use applications and proposals in relation to compliance with the review criteria contained within relevant Town Codes, Ordinances, Local Laws and the New York State Town Law.
- Guidance and legal advice to municipalities in drafting and adopting Comprehensive Plan updates and amendments, municipality-wide mitigation fees, land use moratoriums, Purchase of Development Rights ("PDR") programs, park and community recreation funds, and open space funds, among other things.



**TABNER, RYAN & KENIRY, LLP**  
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- Provide legal advice concerning the initial application review in conjunction with respective Boards from initial project intake through final project approval, inclusive of monitoring and ensuring compliance with any relevant conditions of approval.
- Drafting and submitting recommended Town Code and zoning amendments and zoning Local Laws relating to respective Boards' land use review.
- Representing Boards and municipalities in Article 78 proceedings defending Board actions, inclusive of representation before the Appellate Division for cases on appeal.
- Attention to review requirements to ensure all relevant laws are fully complied with and proper procedure is followed and adhered to.



**TABNER, RYAN & KENIRY, LLP**  
December 5, 2025

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**REFERENCES**

1. Jack Conway, Supervisor  
Town of East Greenbush  
225 Columbia Turnpike  
Rensselaer, New York 12144  
[JConway@eastgreenbush.org](mailto:JConway@eastgreenbush.org)  
(518) 447-4775
  
2. Eric Connolly, Supervisor  
Town of Ballston  
323 Charlton Road  
Ballston, New York  
[Econnolly@townofballstonny.gov](mailto:Econnolly@townofballstonny.gov)  
(518) 490-2800
  
3. John Dolce, Supervisor  
Town of Rensselaerville  
87 Barger Road  
Medusa, New York 12120  
[Jdolce@rensselaerville.com](mailto:Jdolce@rensselaerville.com)  
(518) 239-4225
  
4. Jay Wilkinson, Former Planning Board Chairman (retired)  
Richard Potts, Planning Board Chairman  
Town of Charlton  
758 Charlton Road  
Charlton, New York 12019  
[Pottsrj@gmail.com](mailto:Pottsrj@gmail.com)  
(518) 384-0152
  
5. Patricia Grogan, Chairwoman  
Town of Coeymans Planning/Zoning Board of Appeals  
18 Russell Avenue  
Ravena, New York 12143  
[Pgrogan@coeymans.org](mailto:Pgrogan@coeymans.org)  
(518) 756-6006
  
6. Anna Brooks, Chairwoman  
Town of Rensselaerville Planning Board  
87 Barger Road  
Medusa, New York 12120  
[At08broo@gmail.com](mailto:At08broo@gmail.com)  
(518) 239-4225



TABNER, RYAN & KENIRY, LLP  
December 5, 2025

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### MUNICIPALITIES SERVED

This is a partial list which generally represents the municipalities which we currently serve. Historically, we have served as special counsel on many matters for many municipalities throughout the state.

#### County of Chautauqua

Special counsel since 2024 through the present. Representation includes formation of various special districts, inclusive of water and sewer districts.

#### County of Columbia

Special counsel since 2018 through the present on an as-needed basis. Representation includes litigation and the formation of various special districts.

#### Town of East Greenbush

Special counsel on an as-needed basis since 2015. Representation includes the formation of various special districts, inclusive of water and sewer, tax certiorari proceedings and the defense of the Town in Article 78 proceedings.

#### Town of Ballston

Special counsel 2020 through the present. Representation includes general municipal legal services, town board, planning board, zoning board of appeals, ethics board and litigation.

#### Town of Charlton

Special counsel 2002 through the present. Representation includes the planning board and litigation.

#### Town of Coeymans

Special counsel 2023 through the present. Representation includes the joint planning board/zoning board of appeals.

#### Town of Rensselaerville

Special counsel 2004 – 2006, 2013 through the present. Representation includes general municipal legal services, town board, planning board, zoning board of appeals, ethics board and special prosecutor in Town Court.

#### Town of Schuyler Falls

Special counsel 2012 through the present. Representation includes formation of various special districts, inclusive of water and sewer districts.



**TABNER, RYAN & KENIRY, LLP**  
December 5, 2025

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*Town of Hoosick*

Special counsel 2014 through the present. Representation includes formation of various special districts, inclusive of water and sewer.

*Town of Moreau*

Special counsel 2008 through the present. Representation includes formation of various special districts, inclusive of water and sewer.

*Town of Westerlo*

Special counsel 2024 through the present. Representation includes defending an Article 78 proceeding and guidance for compliance with the Public Officers Law, Open Meetings Law and the Freedom of Information Law.

*Town of Schodack*

Special counsel 2008 through the present. Representation includes formation of various special districts, inclusive of water and sewer.

# TABNER, RYAN & KENIRY, LLP

18 CORPORATE WOODS BOULEVARD, STE. 8  
ALBANY, NEW YORK 12211

WILLIAM J. KENIRY  
PARTNER



Email: [wjk@trklaw.com](mailto:wjk@trklaw.com)  
Phone: (518) 512-5304

## AREAS OF PRACTICE

Municipal Law  
Commercial Real Estate  
Tax Certiorari  
Commercial Litigation  
Employee Rights & Advocacy  
Business Divorce  
Accountings  
Malpractice  
Unsafe Conditions

## BAR ADMISSIONS

New York, 1990  
Massachusetts, 1989  
U.S. District Court Northern District of New York, 1990  
U.S. District Court Western District of New York, 2001  
U.S. District Court Southern District of New York, 2001

Support Staff:  
Kara K. Flanagan  
Email: [kkf@trklaw.com](mailto:kkf@trklaw.com)  
Phone: (518) 512-5315

Bill is widely known and recognized for his instincts and unique insight in how to effectively and efficiently solve client problems. He is known as the lawyer at the negotiation table who will go the distance. Whether in an arbitration proceeding or a lawsuit, he consistently delivers excellent results. In recognition of his skill and commitment to excellence, he has been retained by some of the world's largest, and most successful, publicly traded corporations in commercial litigation cases, as well as by lawyers as clients. He conscientiously also represented some of the poorest and most economically disadvantaged members of society. All of his clients are important.

Bill has tried a variety of cases to conclusion, both by jury verdict and bench decision. He has successfully litigated cases concerning a multitude of subject areas including complex medical negligence cases and wrongful death, stock valuation proceedings, shareholder, business litigation including business and partner disputes, trust and estate litigation cases including will and trust contests, patent and trademark work as well as cases concerning protected apple varieties, music, designs and logos and complex product liability cases involving products such as commercial pumps, automobiles and wire rope, among others.

He is a lawyer's lawyer. He represents many attorneys and other licensed professionals. He represents the interests of many attorneys' clients on discrete matters, often of a highly sensitive, private and important magnitude. Over the years, Bill has gained a reputation as being firm, but fair, in his approach toward solving legal problems.

Bill has also faithfully served a wide group of established municipal clients for many years. He frequently advises municipal boards in connection with governance, zoning and planning matters. A firm but fair advocate, he has the skills and experience to conduct public meetings and defend board determinations in court.

In his business litigation practice, issues litigated often relate to valuation of shares of stock in corporations, partnerships, interests in closely held family businesses, and division and valuation of complex equipment and large amounts of land.

He has a significant amount of experience in business matters, contractual interference, breaches of fiduciary duty, and employment related subjects including employee dishonesty, harassment, terminations, discrimination and matters involving covenants not to compete and confidentiality/non-disclosure prohibitions.

Bill is also retained in connection with highly sensitive and confidential investigations. He has been retained to conduct and coordinate investigations on behalf of companies, corporations and municipal entities. He has successfully represented individuals in varied roles, from subject to witness in the context of civil, administrative and criminal charges and investigations, including professional licensure matters, Inspector General investigations, Attorney General investigations, and professional standards inquiries.

# TABNER, RYAN & KENIRY, LLP

18 CORPORATE WOODS BOULEVARD, STE. 8  
ALBANY, NEW YORK 12211

## **EDUCATION**

- ❖ Western New England University School of Law, Springfield, Massachusetts, 1989, J.D.
- ❖ Albany Law School Union University, Albany, New York
- ❖ Union College, Schenectady, New York, 1986, Bachelor of Arts

## **PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS**

- Supreme Court, Appellate Division Third Judicial Department Committee on Professional Standards
  - Chairman: 2011-2012
  - Vice Chairman: 2010-2011
  - Executive Committee Member: 2007-2010
  - Member: 2007-2013

Members of the Committee on Professional Standards are appointed by the Justices of the Supreme Court, Appellate Division Third Judicial Department. The Chairperson and Vice-Chairperson are named by the Justices of the Court after considering the recommendations of the Committee.

- Supreme Court, Appellate Division Third Judicial Department Committee on Character and Fitness
  - Member: 2013 – Present
- Members of the Committee on Character and Fitness are appointed by the Justices of the Supreme Court, Appellate Division Third Judicial Department. The Committee investigates the character and fitness of applicants for admission to the practice of law in the State of New York.
- The New York Bar Foundation
  - Fellow: 2006 – Present
  - Director: 2013 – 2015

Membership as Fellow is recognition of professional distinction at the Bar of New York State and constitutes a professional honor. Election as a member of the Fellows of the New York Bar Foundation acknowledges outstanding professional achievement, dedication to the profession and commitment to the bar.

The affairs of the Foundation are managed by a Board of twenty-five Directors who are elected by the members.

- New York State Bar Association, Trial Section
  - Chairman: 2011-2012
  - Vice Chairman: 2010-2011
  - Secretary: 2009-2010
  - Treasurer: 2008-2009
  - Executive Committee: 2001-Present
- New York State Academy of Trial Lawyers, Member
- New York State Trial Lawyer's Association, Member
- Albany County Bar Association, Member
- Saratoga County Bar Association, Member
- Massachusetts Bar Association, Member

## **AWARDS**

Upstate New York Super Lawyer – Personal Injury General: Plaintiff

## **PAST EMPLOYMENT POSITIONS**

- Tabner, Ryan & Keniry, LLP: Associate, 1990 - 1996

# TABNER, RYAN & KENIRY, LLP

18 CORPORATE WOODS BOULEVARD, STE. 8  
ALBANY, NEW YORK 12211

WILLIAM F. RYAN, JR.  
PARTNER



Email: [wfr@trklaw.com](mailto:wfr@trklaw.com)  
Phone: (518) 512-5303

## AREAS OF PRACTICE

Municipal Law  
Real Estate Litigation  
Tax Certiorari Litigation  
Commercial Litigation  
Commercial Lending & Work Out  
Strategic Business Development  
Employment Law  
Personal Injury/Wrongful Death

## BAR ADMISSIONS

New York, 1983  
U.S. District Court Northern District of New York, 1985  
U.S. District Court Eastern District of New York, 2012  
U.S. Court of Appeals 2nd Circuit, 1990  
U.S. Tax Court, 1984

Support Staff:  
Sadie R. Kerwin  
Email: [srk@trklaw.com](mailto:srk@trklaw.com)  
Phone: (518) 512-5312

Born in Troy, New York on December 13, 1956, Mr. Ryan is the oldest of *five* children raised by William F. Ryan, Sr. and Mary D. Ryan. His youth was spent in Albany, New York attending grammar school there and always looking to participate in athletic contests that the capital city had to offer at its various playgrounds. Mr. Ryan graduated Cum Laude from The Albany Academy in 1975. While a student at the Academy, Mr. Ryan lettered in varsity baseball for three years and was captain of the baseball team during his senior year.

The next seven years brought Mr. Ryan to both New York City and London, England. After graduating from The Albany Academy, Mr. Ryan enrolled at Fordham University and graduated from that esteemed Jesuit institution in 1979, Phi Beta Kappa and Summa Cum Laude. During his junior year at Fordham, Mr. Ryan participated in the junior year abroad program and studied at the London School of Economics, an experience that still glows like burning coal within the recesses of his mind.

Fordham University School of Law welcomed Mr. Ryan in 1979. He graduated from this premier law school in 1982 and was the recipient of the Ahearn Scholarship during his senior year there. After graduation from Fordham University School of Law he returned to Albany, New York where he initially became associated with the law firm of Tabner and Carlson, a predecessor to the firm, Tabner, Ryan & Keniry, LLP. He has remained with that law firm since 1982 and is now Senior Partner.

His areas of practice include Education Law, representing school districts throughout the Capital District region and as far north as Lake George, New York; representing plaintiffs in personal injury litigation; municipal defense primarily in the practice area of tax certiorari litigation defending towns; establishing water and sewer districts for those towns wishing to provide municipal water and sewer to their constituents; and commercial litigation. In addition, Mr. Ryan is counsel to the New York State Association of School Business Officials.

Mr. Ryan has attained notable accomplishments, securing multiple recoveries for plaintiffs in excess of \$1,000,000. Recent successes include two wrongful death cases with recoveries in the amounts of \$925,000.00 and \$600,000.00, a successful defense of the Town of Ulster of its tax assessment on an industrial parcel of real property, and defending the Town of Guilderland in a tax assessment case initiated by the owners of Crossgates Mall.

In addition to his employment, Mr. Ryan is also *involved* in the community. A former Trustee for the Albany Public Library, Mr. Ryan now serves on the Board of Directors for the Police Athletic League in Albany, New York and on the Finance Committee for the Church of All Saints. Mr. Ryan volunteers as a Eucharistic Minister at the Church of All Saints and at St. Peter's Hospital.

## EDUCATION

- ❖ Fordham University School of Law, New York, New York, 1982, J.D.
- ❖ Fordham University, New York, New York, 1979, B.A. Economics, *Summa Cum Laude, Phi Beta Kappa*

# TABNER, RYAN & KENIRY, LLP

18 CORPORATE WOODS BOULEVARD, STE. 8  
ALBANY, NEW YORK 12211

## **PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS**

- New York State Bar Association, Trial Section Member
- New York State Trial Lawyers Association Member
- New York State Association of School Attorneys, Inc. Member
- National School Boards Association - Council of School Attorneys Member
- American Trial Lawyers Association Member
- Education Law Association Member
- Supreme Court, Appellate Division Third Judicial Department Committee on Professional Standards  
Member, June 28, 2013 – March, 2019  
Chairperson, April 1, 2018 to March 31, 2019  
Members of the Committee on Professional Standards are appointed by the Justices of the Supreme Court, Appellate Division Third Judicial Department.
- Supreme Court, Appellate Division Third Judicial Department Committee on Character and Fitness  
Member, 2003 – June, 2013  
Members of the Committee on Character and Fitness are appointed by the Justices of the Supreme Court, Appellate Division Third Judicial Department. The Chairperson and Vice-Chairperson are named by the Justices of the Court after considering the recommendations of the Committee.
- Albany Law School Inns of Court, Past Member
- New York State School Boards Association

## **AWARDS**

- AV Rated by Martindale Hubbell
- Super Lawyer Designation in Area of Education Law

## **COMMUNITY ACTIVITIES**

- Albany Institute of History and Art Member, Board of Trustees
- Albany Public Library Board of Trustees (Past member) Police Athletic League, Albany, New York, Member, Board of Directors
- Finance Committee, Church of All Saints

## **PAST EMPLOYMENT POSITIONS**

- Town of Knox, Town Attorney, 1992 -1993
- Town of Rensselaerville, Town Attorney, 2006 – 2007; 2010 – present;
- Town of Ballston, 2023 - present

# TABNER, RYAN & KENIRY, LLP

18 CORPORATE WOODS BOULEVARD, STE. 8  
ALBANY, NEW YORK 12211

Andrew E. Clark, Esq.  
PARTNER



Email: [aec@trklaw.com](mailto:aec@trklaw.com)  
Phone: (518) 512-5324

## AREAS OF PRACTICE

Municipal Law  
Real Estate  
Transactions Real  
Estate Litigation Tax  
Certiorari Litigation  
Commercial  
Litigation  
Commercial Lending &  
Work Out Strategic  
Business Development  
Sewer and Water  
Districts Procurement

### Support Staff:

Kara K. Flanagan  
[kkf@trklaw.com](mailto:kkf@trklaw.com)  
(518) 512-5315

Andrew is a member of the firm's municipal and governmental law group. Andrew has years of experience representing clients in municipal and governmental matters, land use matters, homeowners' association issues, tax certiorari proceedings, commercial real estate transactions and leasing, and in general litigation.

Andrew concentrates his work in municipal law with a focus on planning and zoning. He is experienced in amending comprehensive plans and the undertaking of zoning amendments. He also represents municipal clients in court prosecuting code enforcement actions and other compliance matters. Andrew serves as special counsel for the Town of Rensselaerville Planning and Zoning Boards. Additionally, Andrew serves as the Town of Rensselaerville Civil Prosecutor.

He also has significant responsibility in connection with the representation of client commercial and business interests. He is experienced in both the buyer and seller side of commercial and residential transactions, as well as commercial leasing. He is well versed at operating in front of municipal boards and obtaining land use approvals. His client service and attention to client objectives has resulted in very favorable solutions to complex problems. Andrew is highly responsive to client goals and objectives.

Andrew is a 2017 graduate of Syracuse University where he received a Bachelor of Science in Public Health. He received his law degree from Albany Law School in 2020 and was awarded the John Dugan Prize. Prior to his practice of law, Andrew was successfully employed in the banking industry and the Authorities Budget Office and the Division of Tax Appeals Tribunal for the State of New York. He has been with the firm since 2021.

## EDUCATION

- ❖ Albany Law School, New York, New York, 2020
- ❖ Syracuse University, Syracuse, New York, 2017, B.S. Public Health

## BAR ADMISSIONS

- ❖ New York, 2021
- ❖ U.S. District Court Northern District of New York, 2021

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- ❖ New York State Bar Association
- ❖ Albany County Bar Association

**PROFESSIONAL SERVICE AGREEMENT  
FOR  
LEGAL SERVICES**

**THIS AGREEMENT** by and between the TOWN OF NEW LEBANON (hereinafter called the "TOWN") and TABNER, RYAN & KENIRY, LLP, 18 Corporate Woods Boulevard, Suite 8, Albany, New York 12211 (hereinafter called the "ATTORNEY"), dated January 1, 2026:

**WITNESSETH:**

WHEREAS, the TOWN has noticed an intention to accept qualifications for legal services; and

WHEREAS, the ATTORNEY has offered to provide the TOWN with legal services specifically defined within this Professional Service Agreement, and

WHEREAS, the parties desire to make this AGREEMENT based upon the ATTORNEY'S willingness and the TOWN'S request for legal services.

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

**ARTICLE I.            SERVICES TO BE PERFORMED**

The ATTORNEY shall perform the professional services hereinafter set forth under Article II entitled "SCOPE OF WORK".

**ARTICLE II.            SCOPE OF WORK**

During the period of this Agreement the ATTORNEY agrees to perform professional services as follows:

A.     Legal services as required in connection with duties generally associated with the Town of New Lebanon Planning Board and the Zoning Board of Appeals, including, but not limited to, attendance at regularly scheduled meetings, legal advice and guidance, preparation of written legal materials as needed and when requested.

B.     Legal services in connection with such other additional or extra projects or matters as determined in writing by the Town Board, or the Planning Board/Zoning Board of Appeals.

C.     All services other than those described in Article II A above, which shall be considered non-retainer services, will be billed as a non-retainer service item within a range of \$(To Be Determined) through \$(To Be Determined) per hour. Litigation is a non-retainer service.

ARTICLE III.            AVAILABLE DATA

All technical or other data relative to the representation in the possession of the TOWN or in the possession of the ATTORNEY shall be made available to the other party to this AGREEMENT without expense to the other party.

ARTICLE IV.            COOPERATION

The ATTORNEY shall cooperate with representatives, agents and employees of the TOWN and the TOWN shall cooperate with representatives, agents and employees of the ATTORNEY to the end that work may proceed expeditiously and economically.

ARTICLE V.            FEES

In consideration of the terms and obligations of this AGREEMENT, the TOWN agrees to pay, and the ATTORNEY agrees to accept, as compensation for services rendered under this AGREEMENT, fees and reimbursements determined as follows:

The ATTORNEY shall bill the TOWN and render services for and on behalf of the TOWN on an annual retainer as follows:

The annual retainer shall be \$(To Be Determined) for the legal services in connection with representation of the Town Board, Planning Board/Zoning Board of Appeals and related Town matters. The annual retainer shall be billed and paid on a monthly basis for services performed in accordance with Article II A. When TOWN shall assign an additional or extra project to ATTORNEY, pursuant to Article II B and C, ATTORNEY shall bill the TOWN according to the rate set forth in Article II C above on a monthly basis.

ATTORNEY shall only bill for disbursements incurred upon the prior authorization of the TOWN, excluding disbursements necessary for recording of papers in the County Clerk's Office, obtaining title insurance, filing fees for permits paid to official agencies, publication expenses and other such necessary legal expenditures. No reimbursement shall be made for other expenses unless prior authorization shall have been obtained. Bills shall be submitted to the TOWN on a monthly basis or at such more frequent time as TOWN shall require.

In the event the TOWN disputes any fees, the TOWN may exercise the right to arbitrate fee disputes under Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to you upon written request.

ARTICLE VI.        EXTRA WORK

If the ATTORNEY is of the opinion that any work the ATTORNEY has been directed to perform is beyond the scope of this AGREEMENT and as set forth in Article II B and C above, the ATTORNEY shall comply with the procedure set forth in the above-referenced Article II C of this AGREEMENT.

ARTICLE VII.        ASSIGNMENTS

The ATTORNEY specifically agrees as required by Section 109 of the New York State General Municipal Law that ATTORNEY is prohibited from assigning, transferring, conveying, subcontracting, or otherwise disposing of this AGREEMENT, or of ATTORNEY'S right, title or interest therein without the previous consent in writing of the TOWN.

ARTICLE VIII.        OWNERSHIP OF MATERIALS

All rights, title and ownership in and to all materials prepared under the provisions of this AGREEMENT shall be in the TOWN including the right of republication.

ARTICLE IX.        RELATIONSHIP

ATTORNEY shall at all times be deemed to be an independent contractor and shall not be considered an agent or employee of the TOWN for any purpose, and shall not be entitled to participate in any programs maintained by the TOWN for its officers, agents and employees such as pension system, health and welfare plans or other benefit plans.

ARTICLE X.        INDEMNIFICATION

The ATTORNEY shall defend, indemnify and save harmless the TOWN, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorney's fees) arising out of, or in consequence of any negligent act or omission of the ATTORNEY, its employees or agents, to the extent of its responsibility for such claims, damages, losses and expenses.

ARTICLE XI.        INSURANCE

The ATTORNEY agrees to procure and maintain without additional expense to the TOWN, until final acceptance by the TOWN, of the services covered by this AGREEMENT, insurance of the kinds and in the amounts provided under Schedule "A" attached hereto. Before commencing work, if requested the ATTORNEY shall furnish to the TOWN, a certificate or certificates, showing that the requirements of this Article have been satisfied.

ARTICLE XII.      PAYMENTS BY CLAIM FORM

All requests for payment to ATTORNEY shall be made upon claim forms of the TOWN and submitted for approval to the Financial Officer of the TOWN on a monthly basis or more frequently as directed by TOWN.

ARTICLE XIII.      TERM OF AGREEMENT

This AGREEMENT shall be effective upon its acceptance by the Town Board of the Town of New Lebanon and shall be until December 31, 2026.

ARTICLE XIV.      TERMINATION OF AGREEMENT

The TOWN shall have the right at any time to terminate the work required of the ATTORNEY by this AGREEMENT, by written notice of such termination provided to the ATTORNEY by the TOWN, and, in the event of such termination of this AGREEMENT, the ATTORNEY shall be entitled to compensation for all work authorized and performed, pursuant to this AGREEMENT, such compensation to be in accordance with this AGREEMENT.

*-----the rest of this page is intentionally left blank-----*

**IN WITNESS WHEREOF**, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

Date: January \_\_\_\_, 2026

**TOWN OF NEW LEBANON**

**TABNER, RYAN & KENIRY, LLP**

By: \_\_\_\_\_  
Tistrya Houghtling, Supervisor

By: \_\_\_\_\_  
William J. Keniry, Esq.

**SCHEDULE A**

**INSURANCE COVERAGE**

The kinds and amounts of insurance to be provided are as follows:

A. Workers' Compensation and Employees Liability Insurance - A policy or policies providing protection for Employees of the obligor in the event of job related injuries.

B. Automobile Liability Policies with the limits of not less than \$500,000 for each accident because of bodily injury, sickness or disease, including death at any time, resulting therefrom, sustained by any person caused by accident, and arising out of the ownership, maintenance or use of any automobiles and with the limits of \$500,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobiles.

C. General Liability including comprehensive form, contractual premises/completed operations and broad form property insurance shall be furnished with limits of not less than:

| <u>Liability For</u>            | <u>Combined Single Limit</u> |
|---------------------------------|------------------------------|
| Bodily Injury & Property Damage | \$500,000                    |

D. Errors and Omissions policy with limit of not less than \$1,000,000.



Town Clerk &lt;townclerk@townofnewlebanon.com&gt;

## Confidential Response to Request for Qualifications - Tabner, Ryan & Keniry LLP Response

1 message

Andrew E. Clark, Esq. &lt;aec@trklaw.com&gt;

Fri, Dec 5, 2025 at 12:41 PM

To: "townclerk@townofnewlebanon.com" &lt;townclerk@townofnewlebanon.com&gt;

Cc: "William J. Keniry, Esq." &lt;wjken@trklaw.com&gt;, "Kara K. Flanagan" &lt;kkf@trklaw.com&gt;

DEC 05 2025

Good afternoon:

Attached please find Tabner, Ryan & Keniry LLP's response to the Town of New Lebanon's Request for Qualifications.

Thank you for your consideration.

Respectfully submitted,

Andrew Clark

Andrew E. Clark, Esq.

Tabner, Ryan &amp; Keniry, LLP

18 Corporate Woods Blvd., Suite 8

Albany, New York 12211

Telephone: (518) 465-9500 Ext. 324

Direct Dial: (518) 512-5324

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**Tabner Ryan & Keniry Response to RFQ.pdf**

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