



## Continuing Legal Education Series

# NY Government Reorganization and Citizen Empowerment Act of 2009

December 15, 2009

**Presenter:**  
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## CONTINUING LEGAL EDUCATION SERIES

# NY Government Reorganization and Citizen Empowerment Act of 2009

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CONTINUING LEGAL EDUCATION SERIES

**NY Government Reorganization and  
Citizen Empowerment Act of 2009**

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**Tuesday, December 15, 2009**

**Agenda**

- I. Introduction and Background -- 10 minutes
- II. Existing consolidation and dissolution laws --5 minutes
- III. New consolidation procedures -- 15 minutes
- IV. New dissolution procedures -- 15 minutes
- V. Miscellaneous issues -- 5 minutes
- VI. Q&A -- 10 minutes





## CONTACT

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### PRACTICE AREAS

Economic & Land Development  
Environmental  
Municipal

### EDUCATION

State University of New York at  
Buffalo Law School  
(J.D., *summa cum laude*, 1995)

Columbia University  
(M.A., 1992)

Colgate University  
(B.A., *summa cum laude*, 1989)

Charles D. Grieco is Administrator of the Firm's Environmental practice group and is a member of the Firm's Economic & Land Development practice group. He concentrates his practice in environmental litigation, environmental compliance and land use planning/environmental review. His experience in the environmental and land use areas includes environmental cost recovery litigation in both federal and state courts, as well as counseling and representing private sector and public sector clients with respect to zoning and environmental review procedures under the State Environmental Quality Review Act and National Environmental Policy Act. Mr. Grieco also has extensive experience in general municipal law and is currently acting as attorney of record for the Village of Williamsville, New York.

Admitted to practice in New York State, Mr. Grieco is a past Chair of the Environmental Law Committee of the Bar Association of Erie County, and is a member of the New York State and American Bar Associations. Mr. Grieco currently serves as Director of Partners for a Livable Western New York and is a member of The City of Buffalo Environmental Management Commission.



## **The New York Government Reorganization and Citizen Empowerment Act of 2009**

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### **The New York Government Reorganization and Citizen Empowerment Act**

- AG Cuomo's lone program bill for 2009
- Signed into law June 24, 2009
- Creates new Article 17-A of the General Municipal Law governing the consolidation and dissolution of most (but not all) forms of local government
- Effective March 21, 2010

## The New York Government Reorganization and Citizen Empowerment Act

- Purpose
  - According to AG, the law “empowers citizens, local officials and counties to reorganize outdated and inefficient local governments. The Act establishes uniform and user-friendly procedures for local government entities to consolidate or dissolve. Through the use of these procedures, in appropriate cases, local governments can enhance the delivery of services, achieve savings and reduce local real property taxes and other taxes and fees.”

## The New York Government Reorganization and Citizen Empowerment Act

- Justifications
  - 10,521 “local government entities” in NYS
    - 57 counties
    - 62 cities
    - **932 towns**
    - **556 villages**
    - 996 school districts
    - 991 authorities
    - **> 6,927 special districts**
  - 1,044 LGE’s in Erie County
    - 3 cities, 25 towns, 16 villages, and 971 districts

## The New York Government Reorganization and Citizen Empowerment Act

- Justifications (con't.)
  - Procedural rationalization
    - **Town Law Article 5-A (dissolution of towns)**
    - Town Law Article 5-B (consolidation of towns)
    - Town Law § 57 (dissolution of special improvement districts)
    - Town Law §§ 172, 172-b and 174 (consolidation of fire districts)
    - Town Law §§ 172-d, 185, 189-c (dissolution of fire districts)
    - Town Law § 185 (dissolution of fire districts)
    - Town Law § 202-c (dissolution of certain districts)
    - Town Law §§ 206, 206-a (consolidation of special districts)
    - Town Law § 208-b (dissolution of lighting, parking districts in Oyster Bay)

## The New York Government Reorganization and Citizen Empowerment Act

- Justifications (con't.)
  - Procedural rationalization (con't.)
    - Town Law § 209-r (dissolution of sewer, drainage or water districts)
    - Village Law § 9-912 (consolidation or dissolution of villages)
    - Village Law Article 18 (consolidation of villages)
    - Village Law Article 19 (dissolution of villages)
    - County Law §§ 274-a, 274-b (consolidation of certain county districts)
    - **Education Law §§ 1501, 1504-1505, 1512-1515, 1524-1526, 1902 and 1912** (consolidation and dissolution of school districts)
    - Municipal Home Rule Law § 33-a (county initiated transfer or abolition of local government functions)
    - **General Municipal Law Article 17** (municipal annexation law)

## **The New York Government Reorganization and Citizen Empowerment Act**

- Overview of Existing Consolidation and Dissolution Provisions
  - Similar in many respects for various types of LGE's, but a number of (mostly procedural) differences:
    - number and form of petitions
    - timing and conduct of elections
    - requirements for studies/plans
    - effective dates

## **The New York Government Reorganization and Citizen Empowerment Act**

### Overview

- Four Titles
  - Title I ( § 750) -- Definitions
  - Title II ( § § 751-772) -- Consolidation
  - Title III ( § § 773-790) -- Dissolution
  - Title IV ( § § 791-793) -- Miscellaneous

## The New York Government Reorganization and Citizen Empowerment Act

- Definitions/Applicability
  - "Local Government Entity" – town, village and virtually any special district, but does **not** include school districts, city districts or county-created special districts
  - "Consolidation" – shall mean either (a) the combination of two or more local government entities resulting in the termination of the existence of each of the entities to be consolidated and the creation of a new entity which assumes jurisdiction over all of the terminated entities, or (b) the combination of two or more local government entities resulting in the termination of the existence of all but one of the entities which shall absorb the terminated entity or entities.
  - "Dissolution" – the termination of the existence of a LGE

## The New York Government Reorganization and Citizen Empowerment Act

- Consolidation
  - Provides that 2 or more LGE's may be consolidated into a single LGE, so long as (1) they are contiguous (in the case of towns or villages) and (2) the consolidated entity of a kind authorized by NYS law.
    - *Can different types of LGE's consolidate?*
  - Commenced by either (1) joint resolution of governing boards or (2) elector initiative

## **The New York Government Reorganization and Citizen Empowerment Act**

- Governing Board Initiated Consolidation
  - Development of proposed joint consolidation agreement
    - names, type, class and boundaries
    - governmental organization of new entity and transition plan for officials and employees
    - fiscal estimate of cost of and potential savings
    - schedule and plan for disposition of assets and liabilities
    - administration of local laws, etc.
    - effective date
    - time and place of public hearing
  - Publication and posting of PJCA
    - within 5 days
    - for 4 weeks

## **The New York Government Reorganization and Citizen Empowerment Act**

- Governing Board Initiated Consolidation (con't.)
  - Public Hearing
    - Held within 35-90 days of initiation
    - 10-20 days published and posted notice
  - Approve, Reject or Amend PJCA
  - Approval of Final JCA must occur within 180 days of public hearing

## The New York Government Reorganization and Citizen Empowerment Act

- Governing Board Initiated Consolidation (con't.)
  - For non-town/village consolidations, effective upon adoption of FJCA
  - For towns and/or villages, referenda held within 60-90 days of adoption of FJCA
    - special election, unless town/village general election falls within period
    - notice, including summary of JCA, published for 4 weeks immediately preceding referenda
    - each town/village bears only costs for holding referendum in its territory
  - If approved, effective upon specified date
  - If defeated, 4 year moratorium on consolidation

## The New York Government Reorganization and Citizen Empowerment Act

- Effect of Consolidation
  - "[T]he consolidating local government entities shall be treated and considered for all purposes as one local government entity, under the name and on the terms and conditions set forth in the [JCA]"
  - Assets, rights, real and personal property, etc. of each LGE deemed transferred to the consolidated LGE "without further act or deed"
  - Debts, liabilities, obligations, contracts, liens, etc. of component LGE's assumed by consolidated LGE
  - Consolidated LGE may be substituted as party in pending legal actions, or proceeding may be prosecuted to judgment as if no consolidation had taken place
  - If JCA calls for dissolution of a justice court, its records and pending cases transferred to another justice court as determined by administrative judge of judicial district
  - Subject to JCA, local laws of component LGE's remain in effect for up to 2 years

## The New York Government Reorganization and Citizen Empowerment Act

- Effect of Consolidation (con't.)
  - New officials elected as provided for in JCA an in accordance with applicable laws
  - New officials take office first Monday in January following election
  - Appointive officials appointed by person or entity so authorized by either JCP or general law governing such appointments
  - Transfer of employees not protected by tenure of office, civil service provisions or CBA governed by JCA
  - Such plan "may provide for instances in which there is duplication of positions and for other matters such as varying length of employee contracts, different civil service regulations in the constituent entities and differing ranks and position clarifications for similar positions"
    - Civil Service Law § 70(2) governs transfer of personnel upon transfer of function between LGE's

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation
  - Initiated by the filing of a petition signed by lesser of 5000 or 10% of the electors in each LGE (or 20% in LGE with 500 or fewer electors)
    - *How are electors calculated?*
    - *any time period?*
  - Form of petition prescribed in statute (see attached)
  - Liberally construed
    - *time period for filing?*
    - *removal or addition of signatures?*

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation (con't.)
  - Clerk must determine sufficiency within 10 days of filing
  - Within 30 days of determination, governing body must adopt resolution calling for referendum within 60-90 days
    - special elections unless general elections fall within period
    - must be within 20 days of each other
  - Notice published for 4 weeks preceding referendum, summarizing contents of petition
  - Costs borne by each LGE for own referendum

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation (con't.)
  - Question prescribed by statute:  
"Shall [names of LGE] be consolidated with [name of LGE]?  
YES \_\_\_  
NO \_\_\_"
  - No plan or study prior to referendum

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation (con't.)
  - If referendum fails, moratorium on elector initiated consolidation "for same purpose" for 4 years
  - If approved by majority of voters in each LGE, governing boards of LGE's must meet within 30 days to begin developing Joint Consolidation Plan
  - Must prepare and approve by resolution a JCP within **180 days**
    - *realistic deadline?*

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation (con't.)
  - If LGE's fail to adopt plan, any 5 petition signors may commence Article 78 to compel adoption of plan
  - If court finds good faith, may order mediation
  - If petitioners substantially prevail, court shall issue injunction ordering the LGE's to "comply with the applicable provisions of this article"
  - If injunction violated, court shall appoint hearing officer to develop JCP, with costs borne by LGE's

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation (con't.)
  - Within 5 days of adoption of JCP, LGE's must post and publish plan
  - LGE's must schedule public hearing(s) to be held within 35-90 days of adoption of JCP
  - Hearing(s) held on 10-20 days published notice
  - After hearing, may amend and adopt amended JCP within 60 days

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation (con't.)
  - Consolidation takes effect pursuant to JCP (but not less than 45 days after final adoption)
  - **Unless**, within 45 days of final adoption, petition signed by at lesser of 25% or 15,000 electors seeking permissive referendum is filed in at least one of the LGE's
  - Clerk must determine sufficiency within 10 days of filing, and governing board must, within 30 days, enact resolution calling for referendum to be held within 60-90 days

## The New York Government Reorganization and Citizen Empowerment Act

- Elector Initiated Consolidation (con't.)
  - 4 weeks notice, summarizing JCP
  - Question: "The voters of [each LGE] having previously voted to consolidate, shall the elector initiated consolidation plan take effect?"

YES \_\_\_

NO \_\_\_"
  - If passes, consolidation takes effect as otherwise provided. If it fails, no consolidation

## The New York Government Reorganization and Citizen Empowerment Act

- Dissolution
  - Any LGE "other than a town" may be "dissolved and terminated" by these procedures
    - Town Law Article 5-A remains unchanged
    - Special districts rarely dissolved
    - Most likely used for villages
  - Procedures and timelines parallel those governing consolidation, *except* . . .

## **The New York Government Reorganization and Citizen Empowerment Act**

- **Dissolution (con't.)**
  - **Contents of proposed dissolution plan:**
    - name, type, class and territorial boundaries of LGE
    - cost estimate
    - “any” plan for the transfer or elimination of public employees
    - statement of assets, liabilities and indebtedness, and terms for disposition (including any necessary taxes or assessments)
    - “any” agreements with town(s) to carry out dissolution

## **The New York Government Reorganization and Citizen Empowerment Act**

- **Dissolution (con't.)**
  - **Contents of proposed dissolution plan: (con't)**
    - the means by which residents will continue to receive municipal services
    - findings as to whether local laws shall remain in effect after dissolution or remain in effect for some time other than provided for in § 789 (up to 2 years)
    - effective date of dissolution
    - time and place(s) for public hearing(s)

## The New York Government Reorganization and Citizen Empowerment Act

- Dissolution (con't.)
  - Petition (*see attached*) and referendum language
    - "Shall [name of village] be dissolved?  
  
YES \_\_\_\_  
  
NO \_\_\_\_"
  - No study or report prior to referendum

## The New York Government Reorganization and Citizen Empowerment Act

- Dissolution (con't.)
  - If approved, governing board "shall wind down the affairs [of the LGE], dispose of property as provided by law, make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, and, if applicable and appropriate under law, levy taxes and assessments as necessary to accomplish the dissolution"
  - As part of winding down, governing board must give notice requiring all claims (excluding securities) to be filed within 3-6 months, and at end of that period adjudicate filed claims.
  - Any claim not filed as so provided will be barred
  - Dissolution shall not affect pending action by or against dissolving LGE

## **The New York Government Reorganization and Citizen Empowerment Act**

- Dissolution (con't.)
  - All records, books and papers of dissolved LGE deposited with town clerk
  - All records of dissolved village court transferred to another justice court as designated by administrative judge
  - Except as otherwise provided in plan, existing laws remain in effect for up to 2 years, but can be repealed or amended at anytime by town board
  - Outstanding debts, liabilities and obligations assumed by the town in which the dissolved entity was located and shall be a charge upon the property located in area of dissolved LGE.
    - As practical matter, dissolution of village will require establishing 1 or more special districts

## **The New York Government Reorganization and Citizen Empowerment Act**

- Dissolution (con't.)
  - Repeals Article 19 of Village Law
    - changes petition requirement
    - eliminates mandatory study committee and dissolution plan prior to referendum
    - eliminates requirement to study alternatives to dissolution

## **The New York Government Reorganization and Citizen Empowerment Act**

- **County Initiated Consolidation or Dissolution**
  - Amends Mun. Home Rule Law § 33-a to authorize county board of supervisors to abolish “units of government” (not defined) in addition to offices, departments and agencies
  - Subject to referendum and must be approved by majority of votes in (1) area of county outside cities; (2) cities (considered as 1 unit); and (3) if impacting 1 or more villages, all villages so affected (considered as one unit)

## **The New York Government Reorganization and Citizen Empowerment Act**

- **Miscellaneous**
  - Repeals or amends most other consolidation/dissolution provisions relating to towns, special districts and villages
  - Supersedes “inconsistent” laws unless “less restrictive or burdensome.” Law that imposes procedures not addressed in Act deemed inconsistent.

## The New York Government Reorganization and Citizen Empowerment Act

- Miscellaneous (con't.)
  - SEQRA?
    - Act does not address SEQRA compliance
    - “Action” includes
      - agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions
      - adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment
    - Court of Appeals has held that annexation is “action” subject to SEQRA
  - Supersession?

- Sign-in
- Parking validation
- Feedback forms

## **The New York Government Reorganization and Citizen Empowerment Act of 2009**

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PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

We, the undersigned electors and legal voters of **(insert type of local government entity — e.g., town, village or district)** of **(insert name of local government entity)**, New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors and legal voters of **(insert type and name of local government entities proposed to be consolidated)**, for their approval or rejection at a referendum held for that purpose, a proposal to consolidate **(insert type and name of local government entity)** with **(insert type and name of local government entity or entities)**.

In witness whereof, we have signed our names on the dates indicated next to our signatures.

	Date	Name – print name under signature	Home Address
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

(On the bottom of each page of the petition, after all of the numbered signatures, insert a signed statement of a witness who is a duly qualified elector of the state of New York. Such a statement shall be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false statement, shall subject the person signing it to the same penalties as if he or she has been duly sworn. The form of such statement shall be substantially as follows:

I, (insert name of witness), state that I am a duly qualified voter of the State of New York. Each of the persons that have signed this petition sheet containing (insert

number) signatures have signed their names in my presence on the dates indicated above and identified themselves to be the same person who signed the sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit, and if it contains a materially false statement, shall subject me to the penalties of perjury.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Witness)

(In lieu of the signed statement of a witness who is a duly qualified voter of the state of New York, the following statement signed by a notary public or a commissioner of deeds shall be accepted:

On the date indicated above before me personally came each of the electors and legal voters whose signatures appear on this petition sheet containing (insert number) signatures, who signed the petition in my presence and who, being by me duly sworn, each for himself or herself, identified himself or herself as the one and same person who signed the petition and that the foregoing information they provided was true.

\_\_\_\_\_

Date

\_\_\_\_\_

Notary Public or Commissioner of Deeds)

PETITION FOR LOCAL GOVERNMENT DISSOLUTION

We, the undersigned electors and legal voters of **(insert type of local government entity — e.g., village or district)** of **(insert name of local government entity)**, New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors and legal voters of **(insert type and name of local government entities proposed to be dissolved)**, for their approval or rejection at a referendum held for that purpose, a proposal to consolidate **(insert type and name of local government entity)** with **(insert type and name of local government entity or entities)**.

In witness whereof, we have signed our names on the dates indicated next to our signatures.

	Date	Name – print name under signature	Home Address
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

(On the bottom of each page of the petition, after all of the numbered signatures, insert a signed statement of a witness who is a duly qualified elector of the state of New York. Such a statement shall be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false statement, shall subject the person signing it to the same penalties as if he or she has been duly sworn. The form of such statement shall be substantially as follows:

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\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Witness)

(In lieu of the signed statement of a witness who is a duly qualified voter of the state of New York, the following statement signed by a notary public or a commissioner of deeds shall be accepted:

On the date indicated above before me personally came each of the electors and legal voters whose signatures appear on this petition sheet containing (insert number) signatures, who signed the petition in my presence and who, being by me duly sworn, each for himself or herself, identified himself or herself as the one and same person who signed the petition and that the foregoing information they provided was true.

\_\_\_\_\_

Date

\_\_\_\_\_

Notary Public or Commissioner of Deeds)

# The New N.Y. Government Reorganization and Citizen Empowerment Act

## Governing Body Initiated Consolidation

Development of Proposed Joint Consolidation Agreement  
and Resolution by Governing Bodies Endorsing It



Publication of Proposed Joint Consolidation Agreement



Hearings on Proposed Joint Consolidation Agreement



Governing Bodies Approve Final Version of Joint Consolidation Agreement



Towns and Villages

Consolidation Effective for All Other  
Local Government Entities



Referendum Resolution  
and Notice of Referendum  
Issued by Governing Bodies



Referendum Held



Voters  
Approve

Approve  
Disapprove



Consolidation  
Effective

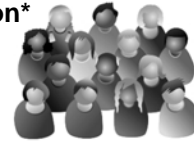
4-Year Moratorium  
on Consolidation



# The New N.Y. Government Reorganization and Citizen Empowerment Act

## Elector Initiated Consolidation

10% or 5,000 Electors in Two or More Entities Sign and Filed Petitions Seeking Consolidation\*



Clerk Determines Petitions Properly Filed



Referendum Resolution & Notice Issued



Referendum Held



Voters Approve



Voters Disapprove



Governing Bodies Develop Proposed Elector Initiated Consolidation Plan

4-year Moratorium



Publication of Plan



Public Hearings on Plan



Governing Bodies Fail to Finalize Plan



Governing Bodies Approve Final Version of Plan



Court-Appointed Mediator or Hearing Officer



Consolidation Effective

Permissive Referendum if 25% or 15,000 Electors Petition



Clerk Determines Petitions Properly Filed



Referendum Resolution & Notice Issued



Referendum Held

Permissive Referendum if 25% of 15,000 Electors Petition



Voters Approve Consolidation Effective



Voters Disapprove



\*For populations under 500, you need 20% of the electors.



# The New N.Y. Government Reorganization and Citizen Empowerment Act

## Governing Body Initiated Dissolution

Development of Proposed Dissolution Plan  
and Resolution by Governing Bodies Endorsing It



Publication of Proposed Dissolution Plan



Hearings on Proposed Dissolution Plan



Governing Bodies Approve Dissolution Plan



Towns and Villages

Dissolution Effective for All Other Local  
Government Entities Except Towns and  
Villages



Referendum Resolution  
and Notice of Referendum  
Issued by Governing Bodies



Referendum Held



Voters  
Approve

Approve  
Disapprove



Dissolution  
Effective

4-Year Moratorium  
on Dissolution



# The New N.Y. Government Reorganization and Citizen Empowerment Act

## Elector Initiated Dissolution

10% or 5,000 Electors in Local Government Entity Sign and File Petitions Seeking Dissolution\*



Clerk Determines Petitions Properly Filed



Referendum Resolution & Notice Issued



Referendum Held



Voters Approve



Voters Disapprove



Governing Bodies Develops Proposed Elector Initiated Dissolution Plan

4-year Moratorium



Publication of Plan



Public Hearings on Plan



Governing Bodies Fail to Finalize Plan



Governing Bodies Approve Final Version of Plan



Court-Appointed Mediator or Hearing Officer



Dissolution Effective

Permissive Referendum if 25% or 15,000 Electors Petition



Clerk Determines Petitions Properly Filed



Referendum Resolution & Notice Issued



Referendum Held



Permissive Referendum if 25% or 15,000 Electors Petition



Voters Approve Consolidation Effective



Voters Disapprove



\*For populations under 500, you need 20% of the electors.





### CAPABILITIES

- Brownfield Cleanup Program
- Brownfield Cleanup Program Tax Credits
- Empire Zone Benefits
- Environmental & Local Permitting
- Historic Rehabilitation Tax Credits
- Industrial Development Revenue Bonds
- Limited Partnerships & Limited Liability Companies
- Low Income Housing Tax Credits
- NEPA/SEQRA & Zoning
- Project Labor Agreements
- Public Sector Financing Participation & Incentives
- Real Estate Investment Trust Transactions
- Renewal Community Tax Benefits
- SEQRA Litigation
- Wetlands: Section 404 & 10 permits

### OUR APPROACH

Jaeckle Fleischmann's Economic and Land Development Practice Group, comprised of attorneys with extensive experience with real estate, environmental, tax, and labor laws, assists businesses and developers in obtaining funding, approvals and economic development agreements for future and ongoing projects. The group also counsels businesses in securing the maximum tax benefits available through a variety of programs at the local, state and federal levels. Using a team approach, we actively assist clients in navigating the complex laws, regulations and ordinances related to economic development. The group provides a seamless resource for clients to take advantage of incentive programs covering real property acquisition, brownfield development, tax savings, labor compliance and financing options. Fundamental to the process are careful coordination and mindful attention to avoiding costly construction delays, litigation, labor strife or other problems that may threaten the economic viability of a development project. Our multi-disciplinary economic and land development team harmonizes the numerous and often complex legal requirements for the benefit of the client.

*The Economic and Land Development Practice Team of Jaeckle Fleischmann & Mugel, LLP has a proven track record in major economic development projects and the experience necessary to oversee such projects from concept to completion in a timely and cost-effective fashion.*

## Your Team

**SEAN P. BEITER**[sbeiter@jaeckle.com](mailto:sbeiter@jaeckle.com); 716.843.3805**PARTNER**

Sean P. Beiter is the partner in charge of the Firm's Labor and Employment practice group. He has represented employers in collective bargaining, contract administration and employment discrimination law in both Federal and State Court. He also has experience before the National Labor Relations Board, the New York State Public Employment Relations Board, the United States Equal Employment Opportunity Commission, and the New York State Human Rights Division. He has extensive collective bargaining negotiation experience in both the private and public sectors, including fact-finding and interest arbitration in the public sector. He has lectured and written on a number of topics, including the Americans with Disabilities Act, the Family and Medical Leave Act, Alcohol and Drug Testing and the New York State Human Rights Law.

**CHARLES D. GRIECO**[cgrieco@jaeckle.com](mailto:cgrieco@jaeckle.com); 716.843.3844**PARTNER**

Charles D. Grieco is a partner in the Firm's Environmental and Economic & Land Development practice groups. He concentrates his practice in environmental litigation, environmental compliance and land use planning/environmental review. His experience in the environmental and land use areas includes environmental cost recovery litigation in both federal and state courts, as well as counseling and representing clients with respect to zoning and environmental review procedures under the State Environmental Quality Review Act and National Environmental Policy Act.

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Dennis P. Harkawik is a partner in the Firm's Environmental, Economic & Land Development, and International Trade practice groups. For more than 20 years, Mr. Harkawik has practiced environmental law and brings significant experience in complex environmental matters including permitting and enforcement proceedings before federal, state and local regulatory agencies and courts. He has successfully represented clients in Superfund litigation in federal and state courts and obtained necessary permits and approvals for controversial large solid and hazardous waste management facilities, public utility and energy projects, industrial facilities and commercial developments.

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Michael A. Piette is a partner in the Firm's Corporate and Real Estate practice groups. He concentrates his practice in commercial real estate, including transactions involving the acquisition, financing, development, leasing and exchange of commercial real estate. Mr. Piette has counseled lending institutions and commercial owners in sophisticated forms of financing. His practice also involves environmental and land use regulation matters, including freshwater wetlands issues.

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Raymond P. Reichert has devoted substantially his entire career to the practice of tax law, including federal and New York income tax, New York sales and use tax, and other miscellaneous taxes. In addition to general transactional tax planning, his practice includes structuring real estate joint ventures, low income housing and historic tax credit partnerships and economic development planning.

**STEVEN J. RICCA**[sricca@jaeckle.com](mailto:sricca@jaeckle.com); 716.843.3887**PARTNER**

Steven J. Ricca is a partner in the Firm's Environmental and Economic & Land Development practice groups. His practice focuses on land use planning and environmental review procedures under the State Environmental Quality Review Act and National Environmental Policy Act. His practice has also included environmental litigation in state and federal courts as well as regulatory compliance and enforcement matters. He routinely coordinates the preparation of complex environmental impact statements and has appeared in numerous public hearings on land development projects. Mr. Ricca has also successfully defended and opposed industrial and commercial projects for clients in the public and private sectors, and has extensive experience with regulatory compliance matters affecting the petroleum industry, including the development and implementation of complex permitting strategies under the Clean Air Act Amendments of 1990.

This description of the Jaeckle Economic & Land Development practice group was prepared by the attorneys at Jaeckle Fleischmann & Mugal, LLP and is intended for general information purposes only and should not be considered legal advice. You are urged to contact an attorney concerning any specific questions you have relating to your own situation. Prior results do not guarantee a similar outcome.

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## ENVIRONMENTAL PRACTICE GROUP



### CAPABILITIES

- Auditing
- Brownfield Cleanup Agreements
- Brownfield Opportunity Areas
- Citizens' Lawsuits Under Federal Environmental Laws
- Corporate Transactions
- NEPA
- NYS Navigation Law (Oil Spills)
- Permit Proceedings
- Private Party and Agency Enforcement
- Property Transfers
- Public Utility and Electric Generating/Gas Distribution Issues
- Regulatory Compliance
- SEQRA
- State and Federal Superfund Litigation
- Wetlands
- Wind & Alternative Energy Generation
- Zoning Issues

This description of the Jaeckle Environmental practice group was prepared by the Environmental attorneys at Jaeckle Fleischmann & Mugel, LLP and is intended for general information purposes only and should not be considered legal advice. You are urged to contact an attorney concerning any specific questions you have relating to your own situation. Prior results do not guarantee a similar outcome.

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*Today, businesses and municipalities are faced with the challenge of establishing a policy of environmental responsibility that will comply with a complex set of Federal and State rules and regulations in a world where the law is constantly changing.*

### OUR APPROACH

The attorneys in our Environmental practice group represent industrial facilities, manufacturers, municipalities, public corporations and energy generation and distribution facilities. We provide practical advice relying on regulatory practice as well as existing and anticipated legal requirements. Issues of strategy, business risk and cost are evaluated with the client playing an active role in each matter.

Our attorneys are New York State leaders in the negotiation and execution of permits, consent orders and Brownfield cleanup agreements in the management of environmental risk and liability. The group also has long-standing experience handling matters involving the New York State Department of Environmental Conservation and the United States Environmental Protection Agency and serve as strategic advisors to public and private entities in connection with the State Environmental Quality Review Act approval process.

*Our environmental attorney's are highly knowledgeable and talented and utilize their skills by providing personal attention to the particular needs of each client.*

## Your Team



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PARTNER

Brenda J. Joyce is a partner in the Firm's Environmental practice group. She has substantial experience in the performance of due diligence in transactional matters and in counseling facility operators in connection with day-to-day compliance, permitting strategies, and enforcement matters. Ms. Joyce has assisted owners of contaminated properties in negotiating with the New York State Department of Environmental Conservation to agree on the remediation to be undertaken, and in recovering cleanup costs from responsible parties. She has also been involved in Superfund litigation and prosecuting citizen suits.



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PARTNER

Charles D. Grieco is Administrator of the Firm's Environmental practice group and a member of the Firm's Economic & Land Development practice group. He concentrates his practice in environmental litigation, environmental compliance and land use planning/environmental review. His experience in the environmental and land use areas includes environmental cost recovery litigation in both federal and state courts, as well as counseling and representing clients with respect to zoning and environmental review procedures under the State Environmental Quality Review Act and National Environmental Policy Act.



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Dennis P. Harkawik is a partner in the Firm's Environmental and Economic & Land Development practice groups. For nearly 30 years, Mr. Harkawik has practiced environmental law and brings significant experience in complex environmental matters including Brownfield remediation and development, permitting and enforcement proceedings before federal, state and local regulatory agencies and courts. He has successfully represented clients in Superfund litigation in federal and state courts and obtained necessary permits and approvals for controversial large solid and hazardous waste management facilities, public utility and energy projects, industrial facilities and commercial developments.



**STEVEN J. RICCA** sricca@jaeckle.com; 716.843.3887  
PARTNER

Steven J. Ricca is a partner in the Firm's Environmental practice group and a member of the Firm's Economic and Land Development practice group. His practice focuses on land use planning and environmental review procedures under the State Environmental Quality Review Act and National Environmental Policy Act. His practice has also included environmental litigation in state and federal courts as well as regulatory compliance and enforcement matters. He routinely coordinates the preparation of complex environmental impact statements and has appeared in numerous public hearings on land development projects. Mr. Ricca has also successfully defended and opposed industrial and commercial projects for clients in the public and private sectors, and has extensive experience with regulatory compliance matters affecting the petroleum and chemical manufacturing industries, including the development and implementation of complex permitting strategies under the Clean Air Act Amendments of 1990.