

March 8, 2024

Village of Ossining-Request for Proposals-Special Counsel for Land Use

Proposal Submission Deadline: March 28, 2024 at 4:30 p.m.

The Village of Ossining ("Village") invites interested law firms to submit written proposals to provide special counsel services for land use matters to the Village. Working with the Village's Corporation Counsel, the Village's Planning Consultant, Building Inspector and staff, the selected law firm will provide legal representation to the Village's Planning Board/Board of Architectural Review and Zoning Board of Appeals. It is not anticipated that special counsel's work will include providing legal representation to the Village's other land use boards, the Historic Preservation Commission and Environmental Advisory Committee. It is anticipated that the selected law firm will enter into a **three (3) year agreement** with the Village. **The anticipated start date is July 1, 2024.**

The Village's Planning Board/Board of Architectural Review has seven members and two alternate members. The Planning Board/BAR (Planning Board) meets the fourth Tuesday of at 7:00 p.m. Work sessions of the board may be held on an as needed basis. The Village's Zoning Board of Appeals (ZBA) has five members and two alternate members. The ZBA meets the second Tuesday of the month at 7:00 p.m. The meetings of the Planning Board and ZBA are held at the Ossining Operations Center, 101 Route 9A, Ossining, New York. Presence of board members and of counsel is required to be in person.

The Village of Ossining is located approximately thirty-five miles north of New York City in Westchester County. The village, located on the Hudson River, has a population of approximately 27,000.

The work of special counsel for land use matters will include:

- Attend regular meetings and work sessions of the Planning Board and ZBA.
- Confer with the Planning Consultant and Planning Department staff, Building Inspector, Consulting Engineer and chairpersons of the Planning Board and ZBA regarding upcoming agendas, issues to highlight and other issues affecting the land use boards.
- Review plans, reports and other materials submitted to the Planning Board and Zoning Board of Appeals in a timely manner and without unreasonable delays, identify additional information required of the applicant and recommend a course of action. Materials are typically submitted thirty-three days before the meeting (new submission) and nineteen days before the meeting (returning applicants).
- Provide legal opinions and answer inquiries relating to site plans, subdivision plans, land improvement plans, and construction plans for projects proposed to be developed in the Village of Ossining.
- Communicate with applicants' counsel as needed.
- Attend pre-application meetings with village staff, consultants and applicants as needed.
- Review meeting minutes.
- Work closely with Building Inspector to review submissions to the ZBA for accuracy/ completeness and ensuring all necessary variances are identified prior to noticing.
- Draft resolutions detailing ZBA determinations within three weeks of determination date.
- Ensure that actions of the Planning Board and ZBA are consistent with the State Environmental Quality Review Act as well as other pertinent federal, state, and local laws and regulations.
- Represent the Planning Board and/or ZBA in federal and state court. It is anticipated that such representation would be a non-routine legal service to be provided on a contracted hourly rate beyond the established fee. For Article 78 proceedings, work with Planning Department staff to compile the certified record.

- Review revisions to the Village of Ossining Code in conjunction with the Corporation Counsel, Assistant Village Manager and Planning Consultant on topics including Freshwater Wetlands, Zoning, Subdivision, etc. and assist as needed. As with litigation, it is anticipated that this work would be provided on a contracted hourly rate beyond the established fee.
- Keep abreast of updates to land use law and apprise the Planning Consultant and Corporation Counsel of matters that will improve understanding of legal issues relating to land use and operations of the Village's Planning Department.
- Familiarity with pertinent chapters of the Village of Ossining Code.
- Provide training to members of the Planning Board and ZBA to meet statutory requirements, including on-boarding for new land use board members.

PROPOSAL FORM AND CONTENT

- **Number of Copies**- An original, seven (7) copies, and one electronic copy in PDF format of the proposal and other required documents must be submitted, sealed in an opaque envelope clearly marked with the name of the Proposal and the name and address of the responding law firm. If the proposal is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "Proposal Enclosed" on the face thereof. Firms mailing proposals shall allow sufficient time for delivery.

Proposals must be received no later than **4:30 p.m. on March 28, 2024** at the following address:

Village of Ossining
 16 Croton Avenue, 2nd Floor
 Ossining, New York 10562
 Attention: Maddi Zachacz
 Assistant Village Manager
maddi@villageofossining.org

- **Proposal Content**- The **proposal should not exceed fifteen (15) pages** (exclusive of any required attachments). The proposal shall provide a concise description of the law firm's capabilities to satisfy the requirements of the Request for Proposals. The following information should be provided:
 - Name, address and telephone number and website address of the law firm (including local office address, if different).
 - Name of contact person, address, telephone number and email address.
 - Narrative about the history of the law firm.
 - Detailed resumes of persons proposed to work directly with the Village of Ossining (professional staff only).
 - Indicate the level of responsibility of each attorney who will be assigned to work with the Village of Ossining. The responsible partner should have a minimum of fifteen (15) years' experience in land use law, particularly working with municipalities.
 - A description of the law firm's clerical and support staff.
 - Library and research capabilities.
 - Technology support- computers, printers and other equipment.
 - Any potential conflicts of interest in representing the Village on land use matters.
 - Specific litigation experience involving land use matters (Article 78 proceedings, federal court actions).
 - Contact information for no more than five (5) municipalities in the Hudson Valley where the law firm currently provides similar special counsel services.
 - Fee Proposal- a) monthly fee for services described above; b) escrow matters- Hourly billing rate for substantial land use application matters where the Village will require applicants to pay for the services of the Village's professionals through an escrow system (Village of Ossining Code chapter 91, article IV); and c) hourly fee for litigation services.
 - Other information as the responding law firm may wish to provide.

- **Additional Submissions-**

- Redacted Zoning Board of Appeals resolution granting and/or denying area or use variance applications.
- Redacted substantive motion or appeal (federal or state court) relating to litigation involving land use matters.
- Certificate of Insurance showing that the law firm has commercial general liability, automobile liability, professional liability, employer's liability and excess/umbrella liability coverages. The village will be expected to be named as an additional insured on the commercial general liability and automobile liability coverages. Certificates showing workers' compensation and NYS Disability coverages shall be provided before the selected law firm begins work for the Village.
- Transmittal letter signed by a member of the law firm who is authorized to bind the applicant to the terms in the proposal.
- Respond to Vendor Due Diligence Questionnaire (attached).

General Conditions-

- **Limitations on Work-**

- The selected law firm must agree not to perform any work representing any individual or corporation making application to or appearing before any board of the Village of Ossining while serving as special counsel for land use matters.
- The Village shall not be responsible for any physical injuries or death to the law firm's agents, servants or employees or to any other person or for damage to any property sustained during the law firm's work as special counsel for land use matters for the Village resulting from any omission of action, commission of acts or error in judgment of any of the law firm's employees, agents, servants or contractors. The law firm shall hold harmless and indemnify the Village from liability upon any and all such claims for damages on account of such injuries or death to any such person or damages to property on account of any neglect, fault or default of the law firm, its officers, employees, agents, servants and independent contractors.

- The Village reserves the right to obtain legal services from other providers, if for any given project, it determines such services to be necessary.

Record Keeping-

- The selected law firm shall maintain complete legal records and files on any matter in which it has rendered services to the Village. All such records pursuant to any agreement with the Village shall revert to the Village upon the termination of the agreement with the law firm. This will include pleadings, transcripts, written reports, memoranda, studies, printouts and other recorded data.

Process-

- Proposals will be evaluated by Village staff including the Village Manager, Assistant Village Manager, Corporation Counsel and Planning Consultant. Village staff shall make a recommendation to the Board of Trustees which will select a law firm to serve as special counsel for land use matters and authorize the Village Manager to sign an agreement with the selected law firm. Village Staff (including as many as two members of the Board of Trustees) expect to conduct interviews of some of the law firms as early as the week following the RFP opening date and no later than the week prior to the Board of Trustees' meeting where an award recommendation will be made. The selection will be made on or about May 1, 2024.

Questions- Please direct questions to Assistant Village Manager Maddi Zachacz at maddi@villageofossining.org.