



## RESOLUTION

*(Regarding the Appointment of Special Counsel regarding certain litigation)*

A meeting of the City of Poughkeepsie Industrial Development Agency was duly convened by the Chair of the Agency on November 23, 2020.

The following resolution was duly offered and seconded, to wit:

### RESOLUTION OF THE CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY REGARDING THE APPOINTMENT OF SPECIAL COUNSEL TO HANDLE CERTAIN LITIGATION

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 304 of the Laws of 1974 of the State of New York, as the same may be amended from time to time (collectively, the “Act”), the **CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY** (the “Agency”), was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, there is a litigation matter currently pending entitled *Poughkeepsie Waterfront Development, LLC, JM Development Group, LLC v. The City of Poughkeepsie Common Council, the City of Poughkeepsie Industrial Development Agency, and the City of Poughkeepsie in Dutchess County Supreme Court Index # 2020-53607* (“Litigation”); and

WHEREAS, the Agency desires to retain Adam Leitman Bailey, P.C., One Battery Park Plaza, Eighteenth Floor, New York, New York 10004 as special litigation counsel in accordance with the Agency procurement policy and the analysis conducted by the Chair, attached hereto as **Exhibit A**; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF POUGHKEEPSIE INDUSTRIAL AGENCY AS FOLLOWS:

**Section 1.** Adam Leitman Bailey, P.C. is appointed to defend the Agency in the Litigation and shall coordinate such defense with the Chairperson of the Agency.

**Section 2.** The Agency is hereby authorized to enter into a \$10,000 retainer agreement with Adam Leitman Bailey, P.C. as negotiated by the Chair.

**Section 3.** The Agency shall only pay for such services which relate to the defense of the Agency or its directors, officers, and employees.

**Section 4.** The Agency is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency with respect to such activities are hereby approved, ratified and confirmed.

Section 5. The directors, officers, employees and agents, including, without limitation Agency Counsel (Harris Beach PLLC) and the Secretary, of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 6. This Resolution shall take effect immediately.

## Exhibit A

Industrial Development Agency – City of Poughkeepsie, NY – Special Counsel for Litigation Evaluation and Selection – 11/23/20

Firms	Litigation Reputation	Harris Beach Relationship	Availability / Turnaround	Track Record / Reviews	Preliminary Strategy	Law Firm Interest Level	Compatibility / Alignment	Quality and Depth of Staff	Affordability	Average Score
Jared Altman (Solo Practitioner)	3	0	5	3	2	4	2	1	5	2.78
Adam Leitman Bailey (Medium Sized Specialist)	5	4	5	5	4	5	4	5	3	4.44
Patterson Belknap Webb & Tyler LLP (Large Firm)	5	2	5	5	2	5	2	5	0	3.44

### Firms Contacted (7)

- Griffin Alexander, P.C.
- Jared Altman
- Adam Leitman Bailey
- Newman Ferrara, LLP
- Gary J. Wachtel, Esq.
- Patterson Belknap Webb & Tyler LLP
- Jeffrey L. Weinstein

### Responded (4)

- Jared Altman
- Adam Leitman Bailey
- Patterson Belknap Webb & Tyler LLP
- Jeffrey L. Weinstein

### Declined (1)

- Jeffrey L. Weinstein

### Recommended (1)

- Adam Leitman Bailey

