



Response to Request for Proposals

Legal Services for Administration and Defense of Freedom of
Information Law (FOIL) Requests

Town of Pendleton

Hodgson Russ LLP

July 6, 2026

Submitted by:

Charles W. Malcomb

Partner

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Cover Letter..... 3

Firm Qualifications..... 4

Why Hodgson Russ..... 4

Firm Overview 4

 Core Practice Areas..... 5

 Our Work in Western New York 5

Relevant Experience 6

Personnel 10

Approach and Methodology 11

References 12

Fee Proposal..... 13

Insurance..... 14

Attorney Bios 14

Cover Letter

July 6, 2026

Noreen Lemma
Town Clerk
Town of Pendleton – Town Hall
6570 Campbell Boulevard
Lockport, NY 14094

Dear Ms. Lemma:

Hodgson Russ is pleased to present its qualifications to provide legal services to the Town of Pendleton (the Town). In addition to having an existing relationship with the Town across matters, our Firm, with its many integrated Practice Groups, has a wealth of experience in providing towns and municipalities with comprehensive legal services associated with the New York Freedom of Information Law (FOIL).

This response to your Request for Proposals details the qualifications of our Firm and our team of attorneys, which has been carefully selected based on the legal areas of need that you have highlighted. We believe that our Firm is uniquely situated to provide you with high-quality and cost-efficient legal services across the entire scope of services outlined in your Request. We welcome the opportunity to meet with you to discuss in greater detail both our proposal and the extent of our experience in serving as counsel for many towns, cities, and municipalities across New York State.

Sincerely,



Charles W. Malcomb
Partner
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The Guaranty Building
140 Pearl Street, Suite 100
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Firm Qualifications

Charles Malcomb, a partner with substantial experience in municipal law, FOIL compliance, and public sector representation, would serve as your lead attorney for all FOIL and related legal matters. Chuck co-leads the Firm's Public Authority, Land Use & Economic Development Practice and brings deep familiarity with New York State public records obligations, Open Meetings Law, and municipal governance.

Chuck and the rest of the Hodgson Russ team will support the Town at every juncture. We are confident that our legal services will be an asset in ensuring the efficiency and success of the Town's operations going forward.

Why Hodgson Russ

Experience – Hodgson Russ brings advanced experience in freedom of information law, with a robust team of attorneys who are well-versed in the specific legal needs of towns and municipalities in this regard.

Client-Centered Service – We are responsive, transparent, and accountable in our service delivery and will develop a collaborative relationship with you so that we deliver the most relevant and timely advice.

Cost-Efficiency – As a Buffalo-headquartered firm with a strong regional presence across New York State, we deliver sophisticated legal services at rates that are more competitive than major metropolitan firms, without sacrificing local knowledge, accessibility, or quality.

Hodgson Russ offers the personalized attention and deep expertise of a boutique firm paired with large firm resources.

Firm Overview

Hodgson Russ LLP is a full-service Am Law 200 Firm with over 230 attorneys in 10 offices strategically located along the East Coast from Toronto to Palm Beach, and including Saratoga Springs, Albany, New York City, Buffalo, Rochester, Toronto, Palm Beach, Greensboro, and Hackensack.

Hodgson Russ LLP is a full-service Am Law 200 firm that has delivered tailored legal solutions to help organizations achieve their goals for more than two centuries.

Over that time our philosophy has remained simple and steadfast -- working respectfully and collaboratively with our clients is the key to our mutual success.

Core Practice Areas

Alternative Dispute Resolution	Healthcare	Product Liability & Complex Tort
Antitrust, Trade Regulation & Anticorruption	Immigration	Public-Private Partnerships
Corporate Finance	Intellectual Property	Real Estate
Bankruptcy & Restructuring	International Tax	Securities Regulation & Corporate Compliance
Class Action Litigation	Labor & Employment	State & Local Tax
Commercial Litigation	Land Use & Economic Development	Tax Investigations & Defense
Construction	Media & First Amendment	Technology
Construction Litigation	Mergers & Acquisitions	Transactional Tax
Corporate & Business	Municipal	Trusts & Estates
Corporate Governance	Public Finance	White Collar Crime
Cybersecurity & Privacy	Occupational Safety & Health Act	
Energy		
Employee Benefits		

Our Work in Western New York

While Hodgson Russ continues to grow across the United States and internationally, we pride ourselves on our strong history in Western New York. The Firm plays a vital role in the legal landscape of the region from our offices in Buffalo, where we are headquartered, and Rochester, as well as throughout the state from our additional offices in Albany, Saratoga Springs, and New York City.

Our attorneys serve a diverse client base that includes multinational corporations, privately held businesses, nonprofit organizations, government entities, and individuals. We are deeply engaged in regional economic and civic development, and our strategic growth has enhanced the Firm's capabilities in business and employment litigation, higher education, healthcare, and other key sectors.

Across the state, our Firm offers comprehensive legal services in diverse areas such as land use and economic development law, labor and employment, corporate law, real estate, intellectual property, tax, and trusts and estates, reinforcing our commitment to delivering sophisticated legal solutions tailored to the evolving needs of clients throughout New York State.

Municipal Law Experience

Hodgson Russ brings substantial municipal law experience across New York State, including serving as special counsel to numerous municipalities on a wide range of governance, compliance, and litigation matters. Our attorneys regularly advise local governments on compliance with the Open Meetings Law and the Freedom of Information Law (FOIL), as well as broader public sector disclosure obligations. This experience includes counseling municipal officials and staff on best practices for transparency, records management, and lawful responses to public access requests, while balancing operational and legal considerations.

FOIL-Specific Experience

Our FOIL-specific experience is both deep and practical. We have handled complex and sensitive FOIL matters involving threshold legal questions, such as whether an entity is subject to FOIL, as well as disputes

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concerning the scope of disclosure obligations and the applicability of statutory exemptions. Our litigators have represented municipalities in FOIL-related litigation, including matters involving confidential or protected information held by or connected to public agencies. This combination of advisory and litigation experience allows us to provide strategic, defensible guidance on even the most nuanced FOIL issues.

In addition, Hodgson Russ has direct, hands-on familiarity with the Town of Pendleton through our existing role as counsel. We have an established working relationship with the Town's attorney, staff, and boards, and a strong understanding of its governance structure, operations, and priorities. This institutional knowledge allows us to deliver efficient, informed, and immediately actionable guidance tailored to the Town's specific needs.

Hodgson Russ is recognized for its sophisticated solutions and service to clients.



Relevant Experience

Our firm and attorneys are frequently recognized for excellence in the practice of law across many practice areas, by Best Lawyers, Chambers & Partners, and others. In addition, we are recognized for our commitment to client service with BTI Consulting naming Hodgson Russ to its roster of 2025 Client Service A-Team law firms.

Hodgson Russ brings significant experience advising and representing New York municipalities in matters involving the Freedom of Information Law (FOIL), including administration, litigation, and records management.

New York Municipalities

Hodgson Russ regularly serves as general and special counsel to municipalities across New York State, providing comprehensive legal support across the full spectrum of municipal governance. We serve as Village Attorney for the Village of Kenmore and as Town Attorney for the Town of Grand Island, handling the day-to-day legal needs of those communities across a wide range of subject matter areas. In addition to those general counsel roles, we serve as special counsel to communities throughout the state on a regular basis, bringing focused expertise to specific legal needs as they arise.

These engagements span the full range of municipal legal services, including land use and zoning, labor and employment, municipal ethics and governance, local finance and public contracting, and litigation in state and federal courts and administrative forums. Our attorneys understand the legal, political, and operational realities facing local governments, and we are practiced at delivering practical, timely advice across all of

these areas. This depth of general municipal experience — across dozens of communities and a broad range of subject matters — is the foundation on which our FOIL practice is built.

As requested, we are happy to provide several examples of our recent work on behalf of New York municipalities, spanning multiple areas of legal service:

- **Land Use & Zoning Litigation:** We have represented municipal interests in litigation arising from rezoning approvals and large-scale development challenges (including for the Town of Amherst), defending local land use decisions and comprehensive plan compliance.
- **Environmental & Land Use Counseling (SEQRA):** We have advised municipalities statewide on SEQRA compliance, including environmental review, impact statements, and related litigation tied to development approvals.
- **Public Finance / Bond Counsel:** We serve as bond counsel to counties, cities, towns, villages, and school districts across New York in connection with tax-exempt financings for infrastructure and public improvement projects

FOIL Administration

Our FOIL administration work is both broad and specific. For a range of municipal and industrial development agency clients — including the City of Albany Industrial Development Agency, the Village of Kenmore, the Town of Grand Island, and the Herkimer County IDA — we have managed FOIL requests from initial receipt through final determination. This work includes reviewing incoming requests to assess scope and sufficiency, supporting the designated records access officer in meeting the statutory acknowledgment and response deadlines under Public Officers Law § 89(3), advising on the applicability of exemptions to sensitive economic development records, and drafting legally sufficient determinations whether granting, partially granting, or denying access. Where requests are overbroad or unclear, we assist in communicating with requesters to narrow scope while preserving their statutory rights.

We have also supported the records access officer function on an ongoing basis for these and other agency clients, helping to establish internal processes for logging requests, calendaring deadlines, coordinating document searches, and preparing the administrative record. Where requesters have pursued administrative appeals, we have counseled appeal officers and prepared written appeal determinations grounded in the statutory record. This combination of hands-on administrative support and legal guidance reflects the practical, end-to-end approach we bring to FOIL compliance for public agency clients across the state.

Below, we detail our process for responding to a FOIL request, which may be tailed to the specific needs of the Town of Pendleton. Handling a FOIL request is not a clerical function — it requires legal judgment at every step. Our attorneys work closely with municipal staff and records access officers throughout the process, from the moment a request is received through final determination and, where necessary, judicial review. The specific activities we undertake include:

Receipt and Initial Assessment

Upon receipt of a FOIL request, we review it to assess scope, clarity, and whether it is reasonably described as required by Public Officers Law § 89. Where a request is overbroad or unclear, we assist the records access officer in promptly communicating with the requester to narrow or clarify the request, reducing burden on the agency while protecting the requester's rights.

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Statutory Deadline Management

New York FOIL imposes mandatory timelines: an agency must acknowledge receipt within five business days and must either provide the records or issue a written denial within twenty business days. We calendar and track all active requests against these deadlines, prepare timely acknowledgment letters, and advise on appropriate extensions when additional time is required to locate, assemble, or review responsive records. We also prepare any required extension notices citing the specific basis for additional time.

Records Identification and Review

We assist staff in identifying what records are potentially responsive, including electronic records such as email, text messages, and records held by third-party contractors that may be subject to FOIL. We advise on the scope of the agency's search obligations and help develop search protocols that are both legally defensible and operationally realistic.

Exemption Analysis

We carefully analyze each responsive record against the full range of FOIL exemptions, including those protecting: intra-agency and inter-agency materials; records compiled for law enforcement purposes; trade secrets and proprietary information; records that would constitute an unwarranted invasion of personal privacy; and information the disclosure of which would endanger life or public safety. Where exemptions apply in part, we advise on appropriate redaction rather than wholesale withholding, and we document the basis for each redaction to support any subsequent appeal or litigation.

Response Drafting

We draft or review all written determinations, whether granting full access, granting partial access with redactions, or denying access. Denial letters must cite the specific statutory exemption(s) relied upon and advise the requester of the right to appeal. We ensure that every denial letter is legally sufficient, accurate, and structured to withstand appellate and judicial review.

Handling Contested Matters and Appeals

When a requester challenges a determination — whether through an administrative appeal or Article 78 litigation — the stakes rise considerably. Our process for contested matters includes:

Administrative Appeal Support

Under FOIL, a requester who is denied access has the right to appeal to the agency's designated appeal officer within thirty days. We assist the appeal officer in conducting the appeal review, analyzing the record, and preparing a written decision that is well-reasoned and legally grounded. A strong administrative record is essential, as it forms the basis for any subsequent judicial review.

Article 78 Litigation Defense

Where a requester commences an Article 78 special proceeding to challenge a denial, we handle all aspects of the defense, including: reviewing the administrative record to confirm it supports the agency's determination; preparing a verified answer and memorandum of law; briefing the applicable exemptions with supporting case law; and, where appropriate, seeking in camera judicial review of disputed records. We have litigated FOIL proceedings on behalf of municipalities, including representing the City of Niagara Falls and Town of Cheektowaga in contested FOIL matters, and we draw on that experience to develop efficient, defensible litigation strategies tailored to each agency's specific circumstances.

Attorney Fee and Costs Risk Management

Courts may award attorney fees to a prevailing requester where the agency had no reasonable basis for withholding records. We advise agencies throughout the process on the strength of each exemption asserted, with an eye toward minimizing fee exposure and ensuring that withholding decisions are legally supportable from the outset.

Post-Litigation Compliance

Where a court orders disclosure, we assist the agency in complying with the order, including reviewing records to be produced for any remaining applicable exemptions and preparing a compliant production. We also advise on any remedial policy or procedural changes indicated by the litigation outcome.

Systemic Compliance and Training

Beyond individual requests and contested matters, we help agencies address the root causes of FOIL disputes by advising on records retention policies, the designation and support of records access officers, and the development of internal FOIL response procedures. We provide training to municipal staff and boards on FOIL obligations, exemptions, and best practices — reducing the likelihood of inadvertent violations and the disputes that follow.

FOIL Litigation

When FOIL disputes escalate to litigation, our attorneys are prepared to defend municipal determinations at every level. We have represented the City of Niagara Falls and Town of Cheektowaga in FOIL litigation and assisted in compliance matters, including advising on responses to contested requests and supporting the development of defensible internal procedures. In that and similar engagements, our work has included reviewing the administrative record, preparing verified answers and memoranda of law, briefing the applicability of statutory exemptions with supporting case law, and — where appropriate — seeking in camera judicial review of disputed records.

More broadly, our municipal litigation practice includes defending agencies in Article 78 proceedings arising from FOIL denials, advising on the risk of attorney fee awards to prevailing requesters, and assisting clients with court-ordered disclosure in a manner that preserves remaining applicable exemptions. Across these engagements, we have developed efficient, defensible litigation strategies that draw on both our depth of FOIL-specific knowledge and our broader experience in administrative and public law proceedings.

Records Management Advisory Services

We provide ongoing advisory services related to records management, data governance, and compliance with public records laws. We guide clients on issues concerning information sharing, confidentiality, and the safeguarding of sensitive data, particularly in the context of FOIL requests and regulatory requirements. Our attorneys work closely with municipal clients to align internal practices with statutory obligations, establishing defensible processes for records retention, classification, and disclosure.

Together, we believe that this deep experience enhances our ability to provide municipalities with practical, legally sound guidance on FOIL compliance and to effectively represent them in disputes arising under New York's public records laws.

Personnel

As a firm with an established working relationship with the Town of Pendleton (the Town), Hodgson Russ is well-positioned to serve as your special counsel for Freedom of Information Law (FOIL) matters. Our existing familiarity with the Town's governance structure, staff, and operations means we can deliver informed, immediately actionable guidance from day one. Our Firm, through its many integrated Practice Groups, brings a wealth of experience providing towns and municipalities with comprehensive legal services associated with the New York Freedom of Information Law (FOIL).

This response to your Request for Proposals details the qualifications of our Firm and our team of attorneys, carefully selected based on the legal areas of need you have identified. We are prepared to provide the Town with high-quality, cost-efficient legal services across the full scope of services outlined in your Request — from day-to-day FOIL request review and response through administrative appeals, Article 78 litigation defense, policy and compliance assistance, and staff training. We would welcome the opportunity to meet with you to discuss in greater detail both our proposal and our experience serving as counsel to towns, cities, and municipalities across New York State.

Charles Malcomb will serve as the lead attorney and primary point of contact for the Town of Pendleton for all FOIL-related legal matters. Chuck will be responsible for ensuring all statutory deadlines are met and will designate a named backup attorney to ensure continuity of coverage in his absence.

Chuck brings meaningful experience and legal acumen to each FOIL and municipal law matters. *Super Lawyers* and *Best Lawyers in America* have recognized Chuck as a leading attorney. His practice encompasses advising municipalities on FOIL compliance, statutory exemptions, Open Meetings Law, records management, and representation in Article 78 proceedings and related public records litigation.

Michael Boncardo, an associate with our Firm, will also provide research and drafting support across FOIL administration, appeals, and related proceedings. Using his experience supporting municipalities and public-sector clients on regulatory, compliance, and administrative-law matters, Michael assists with detailed legal research, statutory interpretation, and the preparation of written analyses and submissions. Michael's strong research background and experience addressing issues affecting New York governmental entities strengthen our team's ability to provide practical, responsive counsel on FOIL and related municipal law matters.

Finally, Chelsea Schiedel, a paralegal with our Firm, supports our FOIL practice by assisting with the preparation, organization, and tracking of records requests, as well as managing document review and production processes to help ensure timely and compliant responses to FOIL inquiries.

For more information on both Chuck, Michael, and Chelsea's legal experience, please see the enclosed biographies.



Charles W. Malcomb
Partner



Michael N. Boncardo
Associate



Chelsea E. Schiedel
Paralegal

“[Hodgson Russ] has experienced attorneys who are extremely diligent and provide top-quality, practical legal advice. They are responsive and efficient in working through a transaction.”

Client Interviews – Chambers

Approach and Methodology

Hodgson Russ approaches each engagement with a focus on achieving the client’s definition of success, managing matters from both a legal and business perspective while pursuing creative, practical solutions to complex issues.

Approach to Handling Requests

Matters are staffed with experienced litigators who assess both legal risk and business impact at the outset, enabling tailored strategies that may include early resolution, alternative dispute mechanisms, or aggressive litigation where appropriate.

Turnaround Procedures

Our Firm emphasizes timely, strategic advice and adapts its approach to the needs and urgency of each matter, delivering responsive and efficient service aligned with client objectives. We are specifically familiar with New York FOIL’s mandatory statutory timelines, including the five-business-day acknowledgment requirement and the twenty-business-day response period under Public Officers Law § 89(3). Our team uses a matter-tracking protocol to ensure that all active FOIL requests are calendared and monitored against their applicable statutory deadlines. Where statutory extensions are appropriate, we advise Town staff promptly and prepare compliant extension notices. In urgent matters involving imminent deadlines, the Town may contact either the lead attorney or the designated backup attorney to ensure timely action.

Litigation Management Approach

Hodgson Russ litigators provide end-to-end case management across state and federal courts, administrative agencies, and arbitration forums, combining zealous advocacy with cost-effective strategies and ongoing risk evaluation. Their approach also includes proactive counseling and compliance guidance to help clients mitigate and prevent disputes before they arise.

Quality Control Procedures

The Firm maintains high standards through experienced trial lawyers, rigorous preparation, and a focus on practical, defensible outcomes, supported by deep subject-matter knowledge and proven litigation experience across complex disputes.

Communication Protocols

Attorneys prioritize clear, ongoing communication and collaboration with clients, ensuring alignment on

strategy, risks, and objectives throughout the lifecycle of a matter, including during negotiations, alternative dispute resolution (ADR), or litigation proceedings.

Technology Tools Utilized

Hodgson Russ leverages modern legal and enterprise technologies – such as our secure communication platforms, document management systems, and knowledge management tools – to enhance efficiency, collaboration, and information security across engagements.

Training Services

Hodgson Russ is prepared to provide comprehensive, practical training to Town personnel on FOIL compliance and related matters. Training sessions can be tailored to the specific needs of each audience — including Records Access Officers, department heads, administrative staff, and elected officials — and can be delivered in person at Town Hall or remotely, on a recurring or as-needed basis.

Training topics include:

- FOIL compliance requirements, statutory timelines, and response obligations;
- Interaction between FOIL and the Open Meetings Law;
- Best practices for managing email and electronic records subject to FOIL;
- Redaction procedures and applicable statutory exemptions;
- Litigation avoidance strategies and proactive compliance measures.

References

1. Steven Bengart
Town Attorney
Town of Amherst
Email: sbengart@amherst.ny.us
Phone: (716) 631-7030
Business Address: 5583 Main St., Williamsville, NY 14221
2. Kathleen Johnson
Village Clerk Treasurer
Village of Kenmore
Email: kjohnson@vi.kenmore.ny.us
Phone: (716) 873-5700
Business Address: 2919 Delaware Ave, Buffalo, NY 14217
3. Jennifer Strong
Town Attorney
Town of Lancaster
Email: jstrong@lancasterny.gov
Phone: (716) 684-3342
Business Address: 21 Central Ave., Lancaster, NY 14086

Fee Proposal

We recognize that the standard hourly rate is a significant factor when retaining legal services. However, other relevant factors should also be considered, such as the efficient way transactions are managed, the quality of the work, and the extent to which objectives are achieved. We believe we can provide the Town with a distinct advantage when measured against these standards and that our experience and capability will allow us to provide our legal services cost-effectively.

Our current hourly rates that would apply to our engagement appear below.

Attorney	Rate
Charles W. Malcomb	\$ 395
Michael N. Boncardo	\$ 370
Chelsea E. Schiedel	\$ 210

We reevaluate our rates annually. We anticipate our rate increase will not exceed 2.5% in succeeding years.

Alternative Fee Arrangements: Hodgson Russ is open to discussing alternative fee arrangements for discrete, recurring FOIL tasks — such as flat fees for standard acknowledgment letters, denial letters, or extension notices. We welcome a discussion with the Town following selection to explore arrangements that align with the Town's budget and anticipated volume of FOIL activity.

Retainer Structure: A formal retainer arrangement is not proposed at this time; however, we are open to discussing a retainer structure if preferred by the Town.

Litigation Rates: The hourly rates set forth above apply to all matters, including FOIL-related litigation. We do not apply a separate, higher rate for litigation work.

Travel Policy:

Should Hodgson Russ be chosen as the Town's legal service provider, we would anticipate minimal travel, as a Buffalo-headquartered firm. Further, as a standing policy to reduce client costs, we strive to conduct as much of our work as possible without the use of travel. This is, again, aided by our strong presence in virtually all major cities within the state. Where travel is unavoidable, the actual cost of attorney travel for a Town matter, including the approved mileage rate, parking, plane or train fares, taxi, hotel, and meals, will be invoiced to the Town. Travel expense may also be evaluated on a case-by-case basis.

Conflicts of Interest

The Firm has run a conflict check with respect to the Town in connection with preparation of this request for information submission, as it does for any new matter or client, and no conflicts were identified. If a conflict of interest arises under the applicable Rules of Professional Responsibility (or any other applicable ethical code), it is the Firm's policy to make immediate, full disclosure thereof to the affected parties and seek such parties' informed consent in accordance with such ethical code or to refuse such conflicting engagement or

immediately withdraw from all such representations. Hodgson Russ has an Office of General Counsel that is experienced and knowledgeable with respect to professional responsibility and conflict matters.

If our Firm is selected to provide legal services, we review all matters or cases assigned to us for any potential conflict and will fully advise you of any issues that arise. If any waiver is required, granting of a waiver would be solely at your discretion.

Insurance

We have attached our Professional Liability Insurance Form. We have also attached an example of our General Liability Insurance and Workers' Compensation Coverage Form. Please note, we can provide a certificate with the Town of Pendleton listed as the certificate holder if we are selected.

Attorney Bios

The following section of our proposal contains descriptions of the practices and experiences of each Hodgson Russ attorney who would assist with your legal matters.

Charles W. Malcomb

PARTNER

Buffalo

cmalcomb@hodgsonruss.com

p 716.848.1261



Charles W. Malcomb (Chuck) is a partner at Hodgson Russ and co-leader of the firm's Public Authority, Land Use & Economic Development, and Data Center Practices. He advises clients on complex development and technology infrastructure projects involving environmental review, zoning and permitting, and related approvals. Clients turn to Chuck when projects involve layered regulatory requirements, sensitive stakeholder dynamics, or a meaningful risk of challenge.

Environmental Review and Historic Preservation

Chuck advises clients on matters under the New York State Environmental Quality Review Act (SEQRA), particularly in connection with complex and high-profile projects. He represents municipalities, developers, industrial development agencies (IDAs), and public authorities and is often engaged when a project is expected to draw scrutiny or face challenge.

Working with both lead agencies and project sponsors, he brings a practical understanding of how environmental review decisions are made and challenged. He helps structure the review process, build clear and defensible records, and address issues as they arise so projects can progress. He also represents clients in SEQRA litigation and has successfully defended determinations at both the trial and appellate levels.

His work under SEQRA also extends to historic and cultural resource review under applicable state and federal laws, where he helps clients identify potential impacts early and incorporate solutions into project planning and approvals.

BUFFALO

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

SERVICES

Administrative, Regulatory
& Municipal Litigation
Brownfield Redevelopment
Business Litigation
Cleantech
Energy
Environmental
Green Building
Land Use & Economic
Development
Municipal
Oil & Gas
Public Authority
Renewable Energy
Wine, Beer & Spirits

EDUCATION

University at Buffalo, B.A.,
summa cum laude

Renewable Energy, Energy Storage, and Data Centers

Chuck advises developers on renewable energy, energy storage, and technology infrastructure projects, including utility-scale wind and solar developments and large-scale data center facilities across the eastern United States. His work includes navigating the siting and permitting process under Article VIII of the New York Public Service Law before the Office of Renewable Energy Siting (ORES), as well as coordinating related state and local approvals.

Chuck works with clients early in the development process to identify potential obstacles, develop permitting strategies, and keep projects advancing through complex and highly scrutinized approvals. He advises on key infrastructure considerations, including power supply and interconnection, land use compatibility, and the integration of large-scale facilities.

For data center projects, he represents developers and industrial development agencies in connection with projects across New York, including land use and environmental review, negotiation of payments in lieu of taxes (PILOT) arrangements and power agreements, and IDA financial assistance approvals. He also advises on community benefit agreements, focusing on how those arrangements are structured and negotiated.

Environmental Law

Environmental regulatory work forms a core part of Chuck's practice, particularly where compliance obligations, permitting requirements, and agency oversight converge. He counsels clients on matters arising under New York's Environmental Conservation Law and related federal statutes, including air and water quality, wetlands, waste management, and spill response.

Clients rely on Chuck to navigate interactions with the New York State Department of Environmental Conservation, including compliance issues, agency inquiries, and enforcement actions. He also represents clients in Article 78 proceedings challenging environmental determinations.

Public Authorities, Industrial Development Agencies, and Eminent Domain

University at Buffalo School
of Law, J.D., magna cum
laude

ADMISSIONS

New York

Economic development work is a significant part of Chuck's practice. He advises public authorities, municipalities, and IDAs on how projects are structured, approved, and carried out, with a focus on aligning legal requirements with practical realities.

His work frequently involves large-scale redevelopment efforts where site assembly, project timing, and statutory requirements must be managed together. He has substantial experience with eminent domain proceedings, including pre-acquisition planning, public hearings, and just compensation litigation. Further, Chuck has considerable experience handling matters through appeals involving complex valuation issues.

Chuck also advises IDAs on project approvals, tax exemption policies, and governance issues, and has represented agencies in litigation involving their statutory authority, payments in lieu of taxes, and environmental review obligations, including cases that have reached the New York Court of Appeals.

Land Use and Municipal Law

Chuck's practice includes extensive work involving local decision making. He advises municipalities, planning boards, zoning boards of appeals, and private clients on zoning and land use matters, including development approvals, enforcement issues, and related litigation.

Because he regularly advises local boards and officials, Chuck brings a practical understanding of how decisions are made and defended. He counsels clients on navigating approval processes, handling enforcement matters, and developing records that will withstand scrutiny. He also serves as counsel to a municipality and advises on governance, ethics, and conflicts of interest, including issues involving procedural fairness and the defensibility of municipal actions.

Speaking and Training

Chuck regularly presents on SEQRA, zoning, municipal law, ethics, and renewable energy development. He trains local government officials across New York State and frequently speaks at programs hosted by the Association of Towns and the New York Planning Federation.

Representative Work

Appellate Division Upholds Town Overlay District Protecting Wildlife Refuge

New York Court of Appeals Reverses Fourth Department Order

Outside Environmental Counsel to National Solar Energy Facility Developer

Real Estate and Financing Counsel for Canadian Client

Refinancing of Revolving Credit Facility

Represented Renewable Energy Developer Before ORES

Represented Renewable Energy Developer in Litigation

Successful Defense of the County Executive Dispute over Authority Granted by a County Charter

Recognitions

Listed, *Best Lawyers in America* (Land Use and Zoning Law, Litigation-Municipal Law, Municipal Law)
2023 - 2026

- Listed, *Upstate New York Super Lawyers*, 2021-2026
- Listed, *Upstate New York Super Lawyers Rising Stars*, 2014-2020

Civic

- Rivershore Foundation, Inc. board member

Professional

- Environmental Law Institute
- New York State Bar Association
- Bar Association of Erie County

Michael N. Boncardo

ASSOCIATE

Albany

mboncardo@hodgsonruss.com

p 518.433.2410



Michael is an associate in the firm's Environmental and Renewable Energy Practices, where he assists attorneys in counseling clients on a wide range of environmental matters.

Prior to joining Hodgson Russ, Michael served as a law clerk for the U.S. Environmental Protection Agency's Office of Inspector General. He also clerked for a boutique litigation firm in the New York metro area.

During law school, Michael interned for the Honorable Vincent L. Briccetti in the U.S. District Court for the Southern District of New York.

Prior to law school, Michael worked as a paralegal at law firms in Raleigh and Philadelphia.

Recognitions

- Former Productions Editor, *Pace Environmental Law Review*
- Research Assistant at Pace University - Elisabeth Haub School of Law

ALBANY

677 Broadway
Suite 401
Albany, NY 12207

SERVICES

Environmental
Renewable Energy

EDUCATION

Gettysburg College, B.A.
Pace University - Elisabeth
Haub School of Law, J.D.,
magna cum laude

ADMISSIONS

New York

Chelsea E. Schiedel

PARALEGAL

Buffalo

cschiedel@hodgsonruss.com

p 716.848.1548



Chelsea assists the firm's Environment and Energy attorneys. Her work involves being responsible for discovery on pending litigation, including: document management and production; factual investigation and research; drafting and responding to subpoenas; managing and tracking the NYS Public Service Commission proceedings; and communicating with Government agencies on various matters including FOIL requests. She also tracks and reviews various filings on NYSCEF and NYSDMM for purposes of providing client and in house updates. Chelsea is a graduate of the Daemen University ABA-approved Paralegal Studies Bachelor of Science program. She previously worked at another law firm in Buffalo as a paralegal.

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The Guaranty Building
140 Pearl Street
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SERVICES

Energy
Environmental

EDUCATION

Daemen University



January 5, 2026

Hodgson Russ LLP
The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

To Whom It May Concern:

CONFIRMATION OF INSURANCE

We hereby confirm that Hodgson Russ LLP has Professional Liability Coverage under Policy LPL-1091-2026 with an annual limit of \$50,000,000 per claim and \$100,000,000 in the aggregate with the right, under stated conditions, to purchase extended reporting rights upon termination of such Policy by ALAS.

The self-insured retention under such Policy is \$1,000,000 each claim up to an aggregate of \$2,000,000 and \$100,000 each claim thereafter.

The Policy effective date is from January 1, 2026 to January 1, 2027.

Such Policy is subject to the terms, conditions, limitations and exclusions stated therein.

**ATTORNEYS' LIABILITY ASSURANCE SOCIETY LTD.,
A RISK RETENTION GROUP**

By:

Anne M. Mahoney
Assistant Director of Underwriting

Date: 1/5/2026

10 South Riverside Plaza
Suite 1100
Chicago, IL 60606
312.697.6900 tel
312.697.6901 fax

alas.com



HODGRUS-01

ATHOMAS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/31/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 1009544

Lawley, LLC
361 Delaware Avenue
Buffalo, NY 14202

CONTACT NAME: Stephanie Alsheimer

PHONE (A/C, No, Ext): (716) 849-4345

FAX (A/C, No): (716) 849-8291

E-MAIL ADDRESS: salsheimer@lawleyinsurance.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : The Continental Insurance Co

35289

INSURER B : Continental Casualty Company

20443

INSURER C : American Casualty Company of Reading, PA 20427

INSURER D :

INSURER E :

INSURER F :

INSURED

Hodgson Russ LLP
140 Pearl St., Ste 100
Buffalo, NY 14202

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY CLAIMS-MADE ☒ OCCUR ☒ STOP GAP COV (ND, WA) GEN'L AGGREGATE LIMIT APPLIES PER: POLICY ☐ PROJECT ☒ LOC OTHER:			7017923432	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY ☐			7017923429	12/31/2025	12/31/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR EXCESS LIAB CLAIMS-MADE DED ☒ RETENTION \$ 10,000			7017923463	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 25,000,000 AGGREGATE \$ 25,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y ☒ N/A If yes, describe under DESCRIPTION OF OPERATIONS below			717923446	12/31/2025	12/31/2026	☒ PER STATUTE OTH-ER E L EACH ACCIDENT \$ 1,000,000 E L DISEASE - EA EMPLOYEE \$ 1,000,000 E L DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured and Waiver of Subrogation coverage shown above and marked with an X.
Terms set forth as evidenced by the attached endorsement(s) identified on the ACORD 101.

CERTIFICATE HOLDER

CANCELLATION

PROVIDED AS EXAMPLE
ONLY

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE