

BIO INFORMATION
FOR
TOWN OF MONTGOMERY INDUSTRIAL DEVELOPMENT AGENCY
by
BURKE, MIELE, GOLDEN & NAUGHTON, LLP

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The following biographical information is submitted in support of the interest of Burke, Miele, Golden & Naughton, LLP to be considered for appointment as Agency Counsel for the Montgomery Industrial Development Agency.

As noted below Burke, Miele, Golden & Naughton, LLP is one of the most experienced law firms in the Hudson Valley for general municipal law, local government governance, land use and zoning, environmental law, construction law, contracts, and ethics.

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RELEVANT EXPERIENCE

The firm presently has six attorneys, four of whom particularly concentrate their practice in the field of municipal law, governance, land use and zoning, environmental law, construction law, contracts, and related ethical issues. The particular experience of each of the municipal law attorneys is detailed below. The firm is also very experienced in federal and state trial and appellate court litigation.

Although the firm has not been Agency Counsel for any I.D.A., Mr. Golden was previously Special Counsel to the Orange County I.D.A., providing advice to the I.D.A. on various issues related to Uniform Tax Exemption Policies, propriety of funding mechanisms to other entities, oversight by the Authorities Budget Office, the Freedom of Information Law (FOIL) and the Open Meetings Law. Specifically, Mr. Golden provided (i) formal opinion letters on the limits of direct and indirect funding of not-for-profits and municipal projects, (ii) advice regarding ethical issues, and (iii) advice regarding the propriety of certain micro-loans. He also successfully represented the I.D.A. in FOIL litigation in its withholding of certain information of a confidential nature in a report that, if disclosed, would have impaired potential contract awards.

In addition to the above specific I.D.A. representation noted above, the firm has relevant experience in its representation of many municipal boards. The firm currently represents 10 planning boards, 4 legislative (Village/Town) boards, and 5 zoning boards of appeal. As a consequence of those representations, the firm's attorneys have extensive experience in many large commercial and mixed-use development projects, and the related State Environmental Quality Review Act (SEQRA) environmental reviews. This extensive experience provides a uniquely profound and insightful understanding of the varied projects that may come before the Montgomery I.D.A. The following is a

representative sample of commercial and mixed-use projects we have overseen as attorneys for municipal boards:

- Woodbury Common upgrades and expansion from 2004 to present (presently 330,000 s.f. of retail with a parking garage; proposed expansion to add 157,492 s.f. of retail, two hotels, 12,000 s.f. of restaurant space, 6,000 s.f. spa facility, and an additional parking garage), in the Village of Woodbury.
- LEGOLAND Theme Park, 140-acre development on 522 acres, including 250-room hotel, aquarium, rides and attractions, theaters, restaurants, and 5,600 parking spaces (\$500 million project), in the Town of Goshen
- Gardens at Harriman Station, an integrated mixed use Transit Oriented Development on 130 acres, involving 1400 residential units (townhouses and multi-family housing, including apartments and condominiums) and 132,150 s.f. of retail, office, restaurants and personal service businesses in the Village of Woodbury.
- Amy's Kitchen Manufacturing Facility (369,000 s.f.), Conference Center (338,000 s.f.), and storage warehouse, (\$95 million project), in the Town of Goshen.
- Net Zero mixed use (residential/commercial) 4-story net-zero energy building (62,000 s.f.) in the Village of New Paltz.
- Monroe Commons mixed use project on 18 acres, with a 400,646 s.f. 4-story building with retail and hotel, in the Town of Monroe.
- Shops at Woodbury mixed use commercial center on 9 acres, including 40,050 s.f. of commercial/retail and a 12,600 s.f. 6-story hotel in the Village of Woodbury.

In addition to its municipal representations, we represent on a more limited basis private developer clients, for which we assist in the preparation of land use applications and the necessary SEQRA reviews, as well as appear before the relevant land use boards and assist in any associated transactional matters. Following is a project list of our past private commercial developer clients:

- Mixed use development of 110-room national brand hotel, warehouse (minimum 100,000 s.f.), and other non-residential development for industrial, office and/or medical user groups, on more than 100 acres adjacent to Stewart International Airport in the Town of New Windsor
- Adaptive Re-Use of 131,000 s.f. warehouse/manufacturing facility for international fragrance company in the Village of Harriman
- Warehouse and production facility (6,000 s.f.) for a Cannabis Concentrate Productions Facility (low THC hemp/cannabidiol [CBD]) in the Town of Warwick
- Mixed use development on 189 acres with 300-room hotel, 238 condominiums and 520,000 s.f. of commercial space in the Town of Deerpark
- Indoor waterpark and activities center, with 250-room hotel, that explored locations in the Towns of Blooming Grove and Chester
- Double warehouse project (total 140,000 s.f.) on 19 acres in the Town of Montgomery

- Mechanical biological treatment resource recovery facility (65,000 s.f.) in the Town of New Windsor

QUALIFICATIONS OF ATTORNEYS IN THE FIRM'S MUNICIPAL PRACTICE:

RICHARD B. GOLDEN is a partner and peer rated AV® Preeminent™ attorney,¹ experienced in various areas of municipal law, including municipal governance, land use law, contracts, environmental law, municipal employment law, constitutional law, construction law, and public bidding and procurement law. He also is an experienced litigator in these and other areas of the law in both the State and federal courts. Mr. Golden has been practicing law for 40 years, and is listed in the peer nominated and awarded New York Super Lawyers – Upstate, for 2012 through 2020.

Mr. Golden's municipal practice has included being the former County Attorney for Orange County (1994-2001), and representing numerous municipalities as special litigation counsel, including Dutchess County, Rockland County, Orange County, Jefferson County, City of Newburgh, City of Peekskill, Town of New Windsor, Town of Carmel, Town of Goshen, and the Orange County Industrial Development Agency. These litigation matters involved varied municipal issues, including land use and zoning, environmental issues, federal Section 1983 litigation (including First Amendment, Due Process Equal Protection, and other Constitutional claims), negligence defense, employment, public construction, general governance issues, and transactional matters.

Mr. Golden presently represents (1) Village of Woodbury Planning Board, (2) Town of Tuxedo Planning Board, (3) Village of New Paltz Planning Board, (4) Village of Tuxedo Park Planning Board, (5) Town of New Paltz Planning Board, (6) Town of Goshen, as Attorney for the Town, (7) several quasi-governmental Cornell Cooperative Extension organizations (Orange County, Dutchess County, Ulster County and Rockland County), (8) Village of Monroe as Special Counsel (annexation and zoning matters), (9) City of Newburgh as Special Counsel, and (10) Orange County Partnership, as Special Litigation Counsel in a successful lawsuit determining that the Partnership was not a public authority subject to A.B.O. oversight.

Mr. Golden is presently a member of the Orange County Ethics Board, and a Town Justice for the Town of Hamptonburgh. He is a former member of the Attorney Ethics Grievance Committee of the 9th Judicial District, the New York State Continuing Legal Education Board, and the New York City Bar Association Committee on Government Ethics. He is past-President of the Orange County Bar Association, past-President of the New York State County Attorneys' Association, and past member of the Governor's Judicial Screening Committee (Second Department, Orange County). Mr. Golden is admitted to practice in the United States Supreme Court, United States Courts of Appeals (Second and Eighth Circuits), the Federal Circuit Court of Appeals, United States District Courts for the Southern, Eastern, Northern and Western Districts of New York, United

¹ An AV® Preeminent™ rating, is an anonymous attorney peer rating that, according to the description set forth by the rating entity Martindale-Hubbell, is "the highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers."

States Court of Federal Claims, and all state trial and appellate courts in New York. Mr. Golden has argued many cases before federal and State appellate courts.

Mr. Golden has also lectured on many occasions on a variety of municipal topics, specifically including SEQRA and the powers and the regulatory administration of planning boards and ZBAs. He has also published an article in the American Journal of Trial Advocacy concerning the defense of qualified immunity in defending municipal officials involving claims of constitutional/civil rights violations. Mr. Golden is a member of the Leadership Orange Hall of Fame.

ASHLEY N. TORRE is a senior associate with the firm. Ashley joined the firm as an associate in 2013. Ms. Torre concentrates the majority of her practice in municipal law, planning and land use issues, and related litigation.

Ms. Torre is the attorney for (1) the Town of Monroe Planning Board, (2) the Town of Minisink Planning Board, (3) the Village of New Paltz Zoning Board of Appeals, and (4) the Village of Walden as Special Labor Counsel. Ms. Torre has also taken on primary responsibility for much of the municipal litigation for the firm, involving various aspects of all zoning regulation, standards of review, SEQRA, and other planning and zoning issues, as well as code enforcement matters. She has also shared responsibility in the firm's representation of municipalities as special litigation counsel in federal Section 1983 matters that challenge municipal actions. She also, with Mr. Golden, successfully litigated the issue that the Orange County Partnership was not a public authority subject to A.B.O. regulatory oversight. In the course of that representation Ms. Torre became familiar with the A.B.O.'s PARIS reporting system.

Ms. Torre is admitted to practice in all state trial and appellate courts in New York and New Jersey, and the federal Southern District of New York and District of New Jersey. She is a member of the Orange County Bar Association, the Women's Bar Association of Orange and Sullivan Counties, and the New York State Bar Association. She was a Sr. Editor at Albany Law Review and authored a Note on *Akjak Native Cmty.* at 31 N.Y. Env. Law 71, 2011. Ms. Torre is listed in the peer nominated and awarded N.Y. Super Lawyers Rising Star-Upstate, 2015 through 2020.

KELLY M. NAUGHTON is a partner of the firm and has been practicing law for 14 years. She is an experienced municipal attorney, and her practice is concentrated in the area of municipal and land use law, including zoning and planning, and related trial and appellate litigation. Ms. Naughton is also experienced in construction and commercial litigation. Presently, Ms. Naughton is the Attorney for the Village of Maybrook, Attorney for the Village of Woodbury, and also represents the following municipal boards: (1) Town of Goshen Planning Board, (2) Town of Goshen Zoning Board of Appeals, (3) Village of Maybrook Planning Board, (4) Village of Maybrook Zoning Board of Appeals, (5) Village of Monroe Zoning Board of Appeals, (6) Special Counsel for Town of Kingston Planning Board, and (7) Special Counsel for City of Newburgh for tax certiorari litigation. Ms. Naughton is also Special Counsel to the Village of Woodbury Zoning Board of Appeals, and Attorney for the Mental Health Association of Rockland County.

Ms. Naughton is admitted to practice in all state trial and appellate courts in New York and Massachusetts, the federal Southern and Northern Districts of New York, and the United States Supreme Court. She is a member of the Orange County Bar Association, the Women's Bar Association of Orange and Sullivan Counties, and the New York State Bar Association. Ms. Naughton is presently a member of the Attorney Ethics Grievance Committee of the 9th Judicial District. Ms. Naughton is listed in the peer nominated and awarded New York Super Lawyers Rising Star – Upstate, 2014 through 2020.

JOHN E. AHEARN is an associate with the firm. John joined the firm in 2016. His primary areas of practice include general municipal law, construction and lien law, commercial law and general civil litigation. John assists Ms. Naughton and Mr. Golden in the representation of several municipalities, especially Town of New Paltz Planning Board, the Town of Kingston Planning Board, and the boards of the Village of Maybrook.

It is a privilege to be considered for the position of Agency Counsel to the Town of Montgomery Industrial Development Agency.

December 21, 2020
Goshen, New York

Respectfully submitted,

Richard B. Golden