HISCOCK & BARCLAY LP

Mark R. McNamara Portner

June 4, 2012

Ms. Catherine DeWolff Tax Collector P. O. Box 45 Essex, New York 12936

RE: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Index No. 437-11 Our File: 3054108

Dear Ms. DeWolff:

As we discussed, enclosed is the redacted version of the response to S. B. Lewis's May 16, 2012 FOIL request.

Very truly yours,

Mark R. McNamara

MRM/srm Enclosure

cc: Town of Essex (via email with enclosure)

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

> (518) 963-4287 (518) 963-4288 FAX

VOUCHER

Abstract Number: 2012-4

Voucher Number: 2012 - 255

Check Number: 7499

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DATE	INVOICE #	Description of Services & Materials	Amount	Debit Account (Office Use Only)

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	The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.				
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and the second	Date:Authorized Officials Signature				
STATE OF STREET					

HISCOCK & BARCLAY "

Town of Essex 2313 Main Street Essex, NY 12936 May 8, 2012 Involce No: 4335690 File No: 311903-3054108 Mark R. McNamara

Re: Tax Appeal/Lewls

For Professional Services rendered through April 30, 2012

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Total Fess

897.00

Timekeeper Summary

7	THE RESIDENCE OF THE PROPERTY				
Timekeeper	Title	Hours	Rate	Amount	
Mark R. McNamara	Partner	1.90	335.00	636.50	
Jessica A. Norgrove	Sr Associate	0.90	220.00	198.00	
Lisa M. Shaver	Paralegal	0.50	125.00	62.50	

COST5

P.009/075

May 8, 2012 Invoice No. 4335690 File No. 311903-3054108 Town of Essex

DESCRIPTION		AMOUNT
Copy Charges	minimum kanan k	0.10
Total Costs		.10
Total Current Fees and Costs	US	8D 897.10
ADDITIONAL INFORMATION		e e

05/25/2012 10:03 Town of Essex (FAX)5189634288 P.010/075

HISCOCK & BARCLAY

Remittance Copy

April 19, 2012 Involce No: 4333841 Flle No. 311903-3054108 Town of Essex

	AMOUNT
Total Current Fees and Costs	4,608.20
Prior Unpaid Balance due to Hiscock & Barclay, LLP	538.20
Total Payment Enclosed	

Payment Due Upon Receipt in US Dollars

Please remit payment to:

Hiscock & Barclay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number: Reference Name/number:

(800) 821-2829 311903-3054108

ABA#:

021300077

329681022391

Account #: Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hbiaw.com"

Identifying which invoice(s) is being paid.

HISCOCK & BARCLAY

Town of Essex 2313 Main Street Essex, NY 12936 April 19, 2012 Invoice No: 4333841 File No: 311903-3054108 Mark R. McNamara

Re: Tax Appeal/Lewis

For Professional Services rendered through March 31, 2012

DATE INIT DESCRIPTION HOURS AMOUNT

April 19, 2012 Invoice No. 4333841 File No. 311903-3054108 Town of Essex

DATE	INIT	DESCRIPTION	HOURS	AMOUNT

Total Fees

4,601.50

Timekeeper Summary

Timekeeper	Title	Hours	Rate	Amount
Mark R. McNamara	Partner	11.90	335.00	3,986,50
Jessica A. Norgrove	Sr Associate	2.00	220.00	440.00
Lisa M. Shaver	Paralegal	1.40	125.00	175.00

COSTS

DESCRIPTION		TAUOMA
Copy Charges		6.70
Total Costs		8.70
Total Current Fees and Costs	USD	4,608.20
ADDITIONAL INFORMATION		
Prior Unpaid Balance due to Hiscock & Barclay, LLP		538.20

05/25/2012 10:04 Town of Essex (FAX)5189634288 P.013/075

HISCOCK & BARCLAY "

Remittance Copy

May 8, 2012 Invoice No: 4335690 File No. 311903-3054108 Town of Essex

	TNUOMA
Total Current Fees and Costs	897.10
Prior Unpaid Balance due to Hiscock & Barclay, LLP	4,808.20
Total Payment Enclosed	36-5049-1-40-4-0002015-14-50-0000000-00-00-00-00-00-00-00-00-00-0

Payment Due Upon Receipt in US Dollars

Please remit payment to:

Hiscock & Barclay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

Instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number: Reference Name/number:

(800) 821-2829 311903-3054108

ABA#:

Account #:

021300077 329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com"

identifying which invoice(s) is being paid.

Town of Essex

2313 Main Street

Essex, NY 12938

HISCOCK & BARCLAY

KECF

APR 23 2017

TU.... UF ESSEX

April 19, 2012 Invoice No: 4333842 File No. 311903-3045264 Mark R. McNamara

Re: Review of Construction Contracts

For Professional Services rendered through April 19, 2012

DATE	INIT	DESCRIPTION	
Total Fees			25.00

COSTS

DATE	DESCRIPTION	UNITS	RATE	TMUOMA
01/31/12	Computerized Legal Research -ESSEX	1	75.00	75.00
03/13/12	Computerized Legal Research -ESSEX	1	75.00	75.00
Total Cos	ets			150.00
Total C	current Fees and Costs	Ų	JSD	175.00
ADDITIONAL INFORMATION				

HISCOCK & BARCLAY

Remittance Copy

April 19, 2012 Invoice No: 4333842 File No. 311903-3045264 Town of Essex

AMOUNT

Total Current Fees and Costs

175.00

Payment Due Upon Receipt in US Dollars

Please remit payment to:

Hiscock & Barclay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

Instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number:

(800) 821-2829 311903-3045264

Reference Name/number: ABA#:

021300077

Account #:

329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com" identifying which invoice(s) is being paid.

TOWN OF ESSEX

Histork & Bartlay LLP

4335690 & 43338 5/15/2012 \$5,505.30 \$0.00 \$3,505.30

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\$5,505.30

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936 (518) 963-4287

(518) 963-4288 FAX

VOUCHER

Abstract Number: 2012-4

Voucher Number: 12-198

Check Number: 744Z

CLAIMANTS NAME AND ADDRESS	Entered Date	: 4-18-12
HISCOCK & Barclay, LLP	Batch Number	: 1468
80 State 87.	,	
Albany, NY 12207		
DATE INVOICE# Description of Services & Materials	Amount	Debit Account
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	Water State William Control of the C	Total:	538.20	13554,1

	CLAIMANT'S CERTIFICATION
I, (Claimants' Signature)	Certify that the above account in the amount of \$
Date Signed were rendered to or for the TOW! from the municipality are exempt,	is true and correct; that the items, services and disbursements charged NOF ESSEX on the dates stated; that no part has been paid or satisfied; that taxes, are not included; and that the amount claimed is actually due.

Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: 4) 10 13	Authorized Officials Signature	: Sharm	Poris
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1100 MAT CENTER 3 FOUNTAIN PLAZA BUFFALO, NEW YORK 14208 T716.585.1300 - F716.565.1301

FEDERAL ID NO. 15-0339022

Remittance Copy

March 18, 2012 Invoice No: 4330716 File No. 311903-3054108 Town of Essex

Total Current Fees and Costs

Prior Unpaid Balance due to Hiscock & Barclay, LLP

Total Payment Enclosed

AMOUN' POQ. Ch#7409

Ab. # 2012-3

Payment Due Upon Receipt in US Dollars

Please remit payment to:

Hiscock & Barcley, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number: Reference Name/number:

(800) 821-2829 311903-3054108

ABA#: Account#: 021300077 329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com" Identifying which invoice(s) is being paid.

BARELAY

1100 M&T CENTER 3 FOUNTAIN PLAZA BUFFALO, NEW YORK 14203 T 716.566.1300 - F 716.566.1301

FEDERAL ID NO. 18-0339022

Town of Essex 2313 Main Street Essex, NY 12936 March 16, 2012 Invoice No: 4330716. File No: 311903-3054108 Mark R. McNamara

Re; Tax Appeal/Lewiss

For Professional Services jendered through February 29, 2012

DATE	INIT	DESCRIPTION	HOURS	AMOUNT
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Total Fees

and the same

Timekeeper Summary

Tlmekeeper	Title	Houre	Rate	Amount
Mark R. McNamara	Partner	1.40	335.00	469.00
Jessica A. Norgrove	Sr Associate	0.30	220.00	66.00

COSTS

DESCRIPTION	AMOUNT
<u></u>	
Capy Charges	3.20

Total Costs

3.20

March 16, 2012 Invoice No. 4330716 File No. 311903-3054108 Town of Essex

Total Current Fees and Costs	USD	538.20
ADDITIONAL INFORMATION		
Prior Unpaid Balance due to Hiscock & Barcley, LLP		20,286.93

05/25/2012 10:06 Town of Essex (FAX)5189634288

P.021/075

TOWN OF EBSEX MULTIFUND 7442

Hiscock & Barelay LLP 4/19/2012 \$538.20 7442

4330716 4/18/2012 \$538.20 \$0.00 \$538.20

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TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

> (518) 963-4287 (518) 963-4288 FAX

	UCHER
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Abstract Number: 20/24

Voucher Number: 12-19/

Check Number: 1436

CLAIMANTS NAME AND ADDRESS	Entered Date:	4-17-12
ESAC	Batch Number:	1467
ile Hudson Street Kinderhook, Ny 12106		
DATE INVOICE# Description of Services & Materia	ls Amount	Dæbit Account (Office Use Only)

Total: 3385,20

CLAIMANT'S CERTIFICATION I, _______, Certify that the above account in the amount of \$ _______ (Claimants' Signature) Date Signed _______ is true and correct; that the items, services and disbursements charged were rendered to or for the TOWN OF ESSEX on the dates stated; that no part has been paid or satisfied; that taxes, from the municipality are exempt, are not included; and that the amount claimed is actually due.

Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: Lillello	Authorized Officials Signature	: Thaner	s Port
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EMPIRE STATE APPRAISAL CONSULTANTS, INC.

SIXTEEN HUDSON STREET KINDERHOOK, NEW YORK 12106 518/758-7594 FAX/758-1993 esac@berk.com

Main Street Sharon Boisen, Supervisor

April 1, 2012

Essex, NY 12936

AMOUNT DUE	Principal: 19.25 hours @ \$175.00 = \$3,368.75 Disbursements posted to date: 16.45	Re: LEWIS FAMILY FARM V. TOWN OF ESSEX	FOR PROFESSIONAL SERVICES RENDERED. Mostch 1 through Marich 31, 2012
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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

April 02, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12355

Professional Services

<u>Hrs/Rate</u> <u>Amount</u>

Principal

Essex				Page 2
			rs/Rate	Amount
	SUBTOTAL:	[19,25	3,368.75]
	For professional services rendered	BOOKER	19.25	\$3,368.75
	Additional Charges :			
		Pric	<u> Ω</u> t	Ϋ́
	Principal			
3/31/2012	Telephone	\$16 <i>.</i> 4	5	16.45 1
	SUBTOTAL:			[16.45]
	Total additional charges			\$16.45
	Total amount of this bill			\$3,385.20

05/25/2012

TOWN OF ESSEX MULTIFUND . 7436

Empire State Appraisal Consulta 4/19/2012 \$3,385.20 7436

12355 4/17/2012 \$3,385.20 \$0.00 \$3,385.20

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

(518) 963-4287 (518) 963-4288 FAX

VOU	CHER
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Abstract Number: 20/2-3

Voucher Number: 2012-138

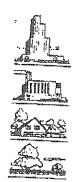
Check Number: 7580

	CLAIMANT	5 NAME AND ADDRESS	Entered Date:	3/13/12
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Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: _	3114/12	Authorized Officials Signature	shown !	DEZ
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ESAC

EMPIRE STATE APPRAISAL CONSULTANTS, INC. SIXTEEN HUDBON STREET KINDERHOOK, NEW YORK 12108

518/758-7594 FAX/758-1993

esac@berk.com

Sharon Boisen, Supervisor Main Street Essex, NY 12936

March 1, 2012

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED January 1 through February 29, 2012 FEE Re: LEWIS FAMILY FARM V. TOWN OF ESSEX Principal: 7.00 hours @ \$175.00 \$1,225.00 AMOUNT DUE \$1,225.00

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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

Merch 02, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12331

Professional Services

<u>Principal</u>

Hrs/Rate

Amount

Essex

Page

__Hrs/Rate

Amount

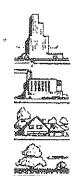
SUBTOTAL:

For professional services rendered

7.00 1,225.00]

7.00 \$1,225,00

A1355,4,1





ESAO

EMPIRE STATE APPRAISAL CONSULTANTS, INC.

SIXTEEN HUDSON STREET KINDERHOOK, NEW YORK 12106 518/758-7694 FAX/758-1893 essc@berk.com

Sharon Boisen, Supervisor Main Street Essex, NY 12936

March 1, 2012 THIRD STATEMENT

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED December 1 through December 31, 2012

FEE

Re: LEWIS FAMILY FARM v. TOWN OF ESSEX

Principal: 30.50 hours @ \$175.00 = Disbursements posted to date:

\$5,337.50 6.00

AMOUNT DUE

\$5,343.50

TOWN OF ESSEX

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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

March 02, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12331

Professional Services

Principal

__Hrs/Rate

__Amount

Essex

Hrs/Rate Amount

Page

SUBTOTAL:
For professional services rendered

[7.00 1,225.00] 7.00 \$1,225.00

 05/25/2012
 10:11 Town of Essex
 (FAX)5189634288
 P.037/075

 TOWN OF ESSEX
 MULTIFUND
 7380

 Empire State Appraisal Consulta
 3/16/2012
 \$6,568.50
 7380

1/1/12-2/29/12 3/13/2012 \$6,568.50 \$0.00 \$6,568.50

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

(518) 963-4287. (518) 963-4288 FAX

VOUCHE

Abstract Number: ROR-3

Voucher Number: 20/2 - 149

Check Number: 7400

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CLAIMANTS NAME AND ADDRESS				Entered Date:	
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pang samunahalah dan		То	tal:	20,286.95	
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Date Sign	ed	is true and correct; that the			
from the m	erea 10 or 10r the nunicipality are 6	TOWN OF ESSEX on the dates stated; that exempt, are not included; and that the amount	u no p u clair	an nas neen paro (ned is actually due	n sausmou; mar taxes,
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		Authorized Officials Approval - Town	of Es	sex Use Only	

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date:	Authorized Officials	Signature	C	AND THE PROPERTY OF THE PROPER

. &BARDLAY

1100 M&T CENTER 3 FOUNTAIN PLAZA BUFFALO, NEW YORK 14203 T 716,566,1300 - F 716.866.1301

Town of Essex 2313 Main Street Essex, NY 12936 FEDERAL ID NO. 18-0339022

February 13, 2012 Invoice No: 4327136 File No: 311903-3054108 Mark R, McNamera

Re: Tax Appeal/Lewis

For Professional Services rendered through February 13, 2012

DATE INIT DESCRIPTION HOURS AMOUNT

February 13, 2012 Invoice No. 4327136 File No. 311903-3054108 Town of Essex

DATE INIT DESCRIPTION HOURS AMOUNT

February 13, 2012 Invoice No. 4327138 File No. 311903–3054108 Town of Essex

	N In In Maria	the second second second second		
DATE	INIT	DESCRIPTION	Hours	ARREST
				AMOUNT

February 13, 2012 Involce No. 4327138 File No. 311903-3054108 Town of Essex

	*****	- West of Control of Marine Carlos		
DATE	INIT	DESCRIPTION	HOURS	TNUOMA
-				

Total Fees

19,743.50

Timekeeper Summary

Timekeeper	Title	Hours	Rate	Amount
Christopher J. Hanlfin	Counsel	8.30	235.00	1,950.50
Mark R. McNamara	Partner	3.50	335.00	1,172.50
Mark R. McNamara	Partner	34.50	320.00	11,040.00
Jessica A. Norgrove	Sr Associate	21.90	220.00	4,818.00
Lisa M. Shaver	Paralegal	6.10	125.00	762.50

COSTS

DESCRIPTION		AMOUNT
Copy Charges		13.60
Payment to - Mark R. McNamera- Travel expenses to Albany, NY to attend 12/13/11 Property Inspection		217.08
Payment to - Hampton Inn & Sultes- Hotel expense 12/12/11		158.46
Payment to - Jessica A. Norgrove- Travel to Essex, NY to Inspect client-related property (Lewis Farm) with appraiser on 12/13/11	ily	154.29
Total Costs		543.43
Total Current Fees and Costs US	SD.	20,286.93
ADDITIONAL INFORMATION		
Prior Unpaid Balance due to Hiscock & Barclay, LLP		.00.

SHARELAY

1100 M&T CENTER \$ FOUNTAIN PLAZA BUFFALO, NEW YORK 14208 T 716.866.1800 - F 716.866.1801

FEDERAL ID NO. 15-0339022

Remittance Copy

February 13, 2012 Invoice No: 4327136 File No. 311903-3054108 Town of Essex

Total Current Fees and Costs

20,286.93

Prior Unpaid Balance due to Hiscock & Barclay, LLP
.00

Total Payment Enclosed

Payment Due Upon Receipt In US Dollars

Please remit payment to:

Hiscock & Barciay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

Instructions for payment by wire transfer are:

Bank Name: Key Bank National Association

Bank Address: 201 South Warren St., Syracuse, NY 13202

Bank Telephone Number; (800) 821-2829
Reference Name/number: 311903-3054108
ABA#: 021300077
Account #: 329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com"

identifying which invoice(s) is being paid.

TOWN OF BEEEX

MULTIFUND

7409

Hiscock & Barclay LLP

3/16/2012

\$20,286.93

7409

6/2/11 to 1/31/12 3/16/2012

\$20,286.93

\$0.00 \$20,286.93

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TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

(518) 963-4287 (518) 963-4288 FAX

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Abstract Number: 2012-2

Voucher Number: 2012-67

Check Number: 7345

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3 Founti	n Plaza	`	
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DATE INVOICE#	Description of Services & Materials	Amount	Debit Account (Office Use Only)

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H.M.	
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I,	Certify that the above account in the amount of \$
(Claimants' Signature) Date Signed	is true and correct; that the items, services and disbursements charged
were rendered to or for the TOW	NOF ESSEX on the dates stated; that no part has been paid or satisfied; that taxes,
from the municipality are exempt,	are not included; and that the amount claimed is actually due.

Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: 2(15)13	Authorized Officials Signatur	e s	Naum	



1100 MAT CENTER

3 FOUNTAIN PLAZA

BUFFALO, NEW YORK 14203

7716.566.1300 . F716.566.1301

MARK R. MCHAMARA

DIRECT DIAL 716.566.1536
DIRECT FAX 716.846.1210
MMCNAMARA@HBLAW.COM
ALSO ADMITTED IN: DISTRICT OF COLUMBIA

February 3, 2012

Ms. Sharon Boisen Supervisor, Town of Essex P.O. Box 355 2313 Main Street Essex, New York 12936

E: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Our File: 3054108

Dear Sharon:

Enclosed is Empire State Appraisal Consultants, Inc.'s January 1, 2012 statement and breakdown of its work in preparing an appraisal on the subject property in this case. You can either send payment to Hiscock & Barclay and I will cut a check directly to Empire State Appraisal Consultants, Inc. or simply send a check directly to them. If you are paying ESAC directly, please copy me on the transmittal letter and check.

Please contact me if you have any questions.

Very truly yours,

Mark R. McNamara

MRM:kr Enclosure

cc: Oksana Ludd, Esq. (with Enclosure)







EMPIRE STATE APPRAISAL CONSULTANTS, INC.

SIXTEEN HUDSON STREET KINDERHOOK, NEW YORK 12106 518/758-7594 FAX/758-1993 esac@berk.com

Mark R. McNamara, Esq. Hiscock and Barclay 110 M&T Center 3 Fountain Plaza Buffalo, NY 14203 January 1, 2012

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED December Shrough December 31, 2012

Re: LEWIS FAMILY FARM v. TOWN OF ESSEX

Principal: 30.50 hours @ \$175.00 = \$5,337.50
Disbursements posted to date: 6.00

AMOUNT DUE \$5,343.50

FEE

P.049/075 (FAX)5189634288 05/25/2012 10:14 Town of Essex TOWN OF ESSEX. Purchase Order No. DO NOT WRITE IN THIS BOX Data Yougher Received VOUCHER -THUOMA FUND - APPROPRIATION N PARTMENT EMPIRE STATE APPRAISAL CONSULTANTS Sixteen Hudson Street AIMANT'S Kinderhook, NY 12106 アシャ AND TOTAL DORESS Abstract No. Vandor's TERMS Rel. No. Unit Price Description of Materials or Services Quantity Amo Dales \$\$,343.5 SEe attached 1/1/12 TOTAL \$5,343. · CLAIMANT'S CERTIFICATION Barry, M. Herbold __ certify that the above account in the amount of \$ 51343.50 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that part has been paid or satisfied; that laxes, from which the municipality is exempt, are not included; and that the amount claimed is actually c President 1/1/12 SIGNATURE STAC SPACE BELOW FOR MUNICIPAL USE) APPROVAL FOR PAYMENT DEPARTMENT APPROVAL This claim is approved and ordered paid from

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

This claim is approved and bidgied paid not the appropriations indicated above.

DATE

AUTHORIZED OFFICIAL

Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

January 04, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12314

Principal_

Professional Services

Hrs/Rate Amount

Essex				Pa	ge	2
			Hrs/Rate	enda	Amo	<u>unt</u>
	SUBTOTAL:		30.50		5,337	7.50]
	For professional services rendered Additional Charges:		30.50	in the second	\$5,33	7.50
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	Principal					
12/16/2011	Deed copies		\$6.00	1		6.00
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	Total additional charges			w.	Ş	\$6.00
	Total amount of this bill			Lebordo	\$5,34	43.50

(FAX)5189634288

P.052/075

TOWN OF ESSEX

MULTIFUND .

7345

Supplier: Hiscock & Barclay LLP

Acct#:

Date: 2/16/2012 Amt: \$5,343.50

7345

invoice Number

Date

Amount

Discount Amnt to Pay Invoice Number

Date

Amount

Discount Amnt. to Pay

12314

2/13/2012

\$5,343.50

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PO Box 355 Essex, NY 12936	Land	Fund Appropr	riation Amount
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Department	•		
Claimant's Name	& address		
HISCOCK ?	Barciay LLP		
		Total	2,50
albany,	Strue+ NY 12207		
MODERATE OF THE PROPERTY OF TH	may be attached and total entered	on this voucher. Certificati	ion below must be signed.
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7/20/2011			2,500.00
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HISCOCK SBARDLAY

OKSANA M. LUDD

DIRECT DIAL 618,429,429 4 DIRECT FAX 518,427,3490 OLUDD@HBLAW.COM ALSO ADMITTED IN, OHIO

80 STATE STREET ALBANY, NEW YORK 12207 T 518.429.4200 . F 518.429.4201

June 16, 2011

Ms. Sharon Boisen Supervisor Town of Essex Essex, New York 12936

Re:

Engagement of Hiscock & Barclay, LLP by

Town of Essex.

Dear Ms. Boisen:

Thank you for engaging the Firm to represent you in the following matters:

All matters relating to such tax certiorari cases filed in 2011 with respect to property located in the Town of Essex, which the Town Supervisor may determine from time to time to assign to this Firm, and all related issues and litigation, including, but not limited to, Freedom of Information Law ("FOIL") requests or any other related matters. ("Matter"):

The Firm is pleased to undertake this representation. As a matter of Firm policy, it is necessary that the Firm provide you with this engagement letter to set out the specific terms applicable to the representation. These terms consist of the terms set forth in this letter and in the Standard Terms of Engagement for Legal Services ("Standard Terms") attached hereto (collectively, the "Engagement Letter"). Please be aware that we are not to be considered to be your attorneys on the Matter until this Engagement Letter has been signed and returned by you, so please respond promptly. You should not sign this Engagement Letter if you do not understand the terms of the representation or if they are unacceptable.

Ms. Sharon Boisen Junė 16, 2011 Page 2

Thank you for allowing H&B to be of service to you in connection with this engagement. If the terms of this Engagement Letter meet with your approval, please so indicate by signing and returning the original to me. A counterpart of this Engagement Letter is enclosed for your files.

Very truly yours,

HISCOCK & BARCLAY, LLP

By: Oksana M. Ludd

AGREED TO AND ACCEPTED:

Sharon Boisen, Supervisor
Dated:

HISCOCK & BARCLAY, LLP

Standard Terms of Engagement for Legal Services ("Standard Terms")

Introduction

This Standard Terms of Engagement for Legal Services contains the standard terms of our engagement as your lawyers. Unless modified in writing by mutual agreement, these terms will be an integral part of the letter (the "Letter") to which this Standard Terms of Engagement is attached (collectively, the "Engagement Letter"). Therefore, we ask that you review this document carefully and contact us promptly if you have any questions.

- 1. Parties. This Standard Terms states the terms under which Hiscock & Barclay, LLP (we or "H&B") shall provide and the Town of Essex ("Client") shall pay for legal services.
- 2. <u>Scope of Services ("Matter")</u>. H&B shall provide legal services to Client in connection with the Matter described in the Letter. Legal services not required for the Matter as described therein will not be provided unless Client requests such services and H&B agrees, in writing, to provide them.
- responsibility for work on the Matter (the "Primary Attorney"). The Primary Attorney may be reached at the following contact information: telephone (716) 566-1536, facsimile (716) 846-1210, e-mail mmcnamara@hblaw.com. The legal secretary for the Primary Attorney is Kathy Roesch who may be reached at the following contact information: telephone (716) 566-1523, facsimile (716) 566-4037, e-mail kroesch@hblaw.com. Jessica A. Norgrove will also provide legal services on this matter. Jessica can be reached at the following contact information: telephone (518) 429-4262, facsimile (518) 533-2941, e-mail jnorgrove@hblaw.com. Issues with respect to FOIL will be addressed by Matthew Kerwin who may be reached at the following contact information: telephone (315) 425-2820, facsimile (315) 425-8552, email mkerwin@hblaw.com. The Primary Attorney may use other H&B attorneys and non-attorney staff (such as paralegals) to do work on the Matter. Client has the right, exercisable at any time, to require a change in the Primary Attorney and other attorneys and staff working on the Matter. H&B also reserves the right to make changes to such personnel at any time.
- 4. <u>Client Confidentiality</u>. H&B will protect client confidences and secrets as required by law. Please use special care when communicating with H&B via electronic mail or by cellular telephone because such methods of communication are not always secure and could lead to the inadvertent waiver of attorney-client privilege.

5. Conflicts of Interest.

(a) <u>Client's "Affiliates"</u>. In this engagement, H&B represents only the person or entity that is identified as the "Client" in the Letter.

- (b) Other Clients Adverse to "Client". H&B is a large law firm which represents many clients in a variety of matters. It is possible that in the future, H&B may be asked by one of those clients to represent it in a matter where Client is an adverse party or has an adverse interest. If such a future matter is substantially unrelated to the Matter in this engagement and if Client has not given H&B any confidential information that is materially relevant to such a future matter, then Client agrees prospectively (1) to waive any conflict of interest in connection with H&B representing another client in such a future matter even though it may be against Client or an interest of Client; and (2) not to seek to disqualify H&B from representing another client in any such future matter.
- 6. Fees. The fees H&B will charge for its services will be based on the amount of time spent by its attorneys and paralegals on the Matter. Time is charged in units of tenths of an hour. The fee will be the time spent by attorneys and paralegals multiplied by their hourly billing rate in effect when the work is done. The hourly billing rates are subject to change at the beginning of each calendar year. The current hourly billing rate of Mark R. McNamara is \$320, of Jessica A. Norgrove is \$220 and of Matthew Kerwin is \$220 Upon request, H&B will provide Client with the hourly billing rate for each person working or expected to work on the Matter.
- 7. Expenses. In addition to the fees described above, H&B will charge Client for expenses it incurs that are related to the Matter. Examples of such expenses are filing fees, expert witness fees, travel expenses, mileage, transcripts, judgments and lien searches, computerized legal research and the like. Expenses may either be incurred/paid by H&B and billed to Client, the bill for the expense may be submitted to Client for payment directly to the billing party, or H&B may assist Client in setting up a billing relationship between the third party vendor and Client so Client can pay the charges directly.
- 8. Retainer Account. Client shall maintain the \$2,500.00 retainer in accordance with the Engagement Letters dated February 10, 2010 and January 26, 2011, respectively.
- 9. <u>Billing and Payment</u>. H&B's normal practice is to send Client a monthly bill for fees and expenses for the prior month, although that practice may vary. Payment is due on receipt of the bill. In the event of a fee dispute, Client may have the right to seek arbitration; we will provide Client with the necessary information regarding arbitration in the event of a fee dispute, or upon Client's request.

10. Termination.

- (a) <u>By Client</u>. Client may terminate this engagement at any time for any reason by notifying H&B in writing. Client shall be responsible for outstanding invoices, for unbilled fees and expenses incurred before termination, and for fees and expenses in connection with an orderly transition of the Matter.
- (b) <u>By H&B</u>. H&B may terminate this engagement at any time for any reason, including Client's failure to pay H&B's fees and expenses, provided, however, that H&B's right to

terminate is subject to the applicable rules of professional conduct and the rules of any court having jurisdiction of the Matter.

- (c) On Completion of the Matter. H&B's representation of Client on this Matter shall terminate automatically when the Matter is complete. The relationship of attorney-client between H&B and Client thereafter shall continue only if Client has engaged H&B on other matters or once again engages H&B on this Matter.
- 11. Entire Agreement. This Engagement Letter constitutes the entire agreement between H&B and Client as to the Matter and may be changed only by a written document, signed by both parties.
- 12. Governing Law. Any dispute arising under this Engagement Letter shall be governed by the laws of the State of New York. Client consents to the personal and subject matter jurisdiction of the Supreme Court of the State of New York in and for the County of Albany to resolve any such disputes.
- 13. <u>Additional Services</u>. H&B is a full-service law firm with a wide array of expertise as described in the enclosed list of our Practice Groups. Please feel free to contact the Practice Group Chair about additional services offered by H&B.



PRACTICE OFFERINGS

(As of 1/25/11)

demarks & Copyrights	(212) 784-5806
Himmin	(212) /04-1000
Litigation Jon P. Devendorf	(315) 425-2724
Brian E. Whiteley	(617) 274-2903
Construction & Surety	(716) 566-1510
	(21 P) 40 P (18/2)
	(315) 425-2763
hts	(315) 425-2716
Project Development	
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tutions & Lending	(716) 566-1413
Human Services	
	(518) 429-4250
ward	(716) 566-1558
	(315) 425-2784
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Christopher B. Blank Douglas J. Nash	(585) 295-4308 (315) 425-2828
Business	
Richard J. Day	(716) 566-1422

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Liability		
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Tax & Condemnation		
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ndo	(315)425-2773	
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Sports & Entertainment Robert J. Lanza	(212) 784-5809	
Thomas I. Mandelbaum	(212) 784-5816	
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	(315) 425-2829	
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05/25/2012 10:18 Town of Essex (FAX)5189634288 P.060/075

town of essex

General fund

7013

Supplier: Hiscock & Barclay LLP Acet #: Date: 7/20/2011 Amt: \$2,500.00 1381

Invoice Number Date Amount Discount Amnt. to Pay Invoice Number Date Amount Discount Amnt. to Pay

7-20-2011 7/20/2011 \$2,500.00 \$0.00 \$2,500.00

LMP12 M/P CHECK

Amount

Fund - Appropriation

A/P Invoice Voucher

TOWN OF ESSEX

2313 Main Street Essex, NY 12936 USA (518) 963-4287 Fax: (518) 963-4288

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Voucher	2011-365

Ordered From		Abstract No	N-N-Section Incomes	A A CONTRACTOR OF THE CONTRACT		
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17/08/2011 3:46:52 PM	Page 1 of 1 D	Sig.	Signature:	

HISCOCK SBARBLAY

MARK R. MCNAMARA

1100 M&T CENTER
3 FOUNTAIN PLAZA
BUFFALD, NEW YORK 14203
7 716 566.1300 F 716.366.1301

DIRECT DIAL 716,566,1536
DIRECT FAX:716,846,1210
MMCNAMARA@H8LAW.COM
ALSO ADMITTED IN: DISTRICT OF COLUMBIA

December 6, 2011

Ms. Sharon Boisen Supervisor, Town of Essex P.O. Box 355 2313 Main Street Essex, New York 12936

RE: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Our File: 3054108

Dear Sharon:

Enclosed is Empire State Appraisal Consultants, Inc.'s statement and breakdown of its work in preparing an appraisal on the subject property in this case. You can either send payment to Hiscock & Barclay and I will cut a check directly to Empire State Appraisal Consultants, Inc. or simply send a check directly to them. If you are paying ESAC directly, please copy me on the transmittal letter and check

Please contact me if you have any questions.

very truly yours

Mark R McNamara

MRM:kr Enclosure

'co: Oksana Ludd, Esq. (with Enclosure)

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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

December 01, 2011

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12307

Professional Services

Hrs/Rate Amount

<u>Principal</u>

SUBTOTAL:

Essex

Page 2

__Hrs/Rate <u>Amount</u>

65.25 11,418.75]

	For professional services rendered Additional Charges:	tttm:rumunu	35.25	\$11,418.75
	Principal Principal	Price	<u>Qty</u>	
11/17/2011	Mileage	\$0,50	178	89.00
	Lodging	\$122.09	1	122.09
11/18/2011	Ferry	\$10.20	1	10.20
	Mileage	\$0.50	293	146,50

Essex 3 Page Price Qty Amount 11/21/2011 Mileage 120.00 \$0.50 240 11/28/2011 Mileage 45.50 \$0.50 91 23.20 11/30/2011 Telephone \$23.20 1 619.34] SUBTOTAL: Total additional charges \$619.34 \$12,038.09 Total amount of this bill



1100 MAT CENTER

3 FOUNTAIN PLAZA

BUFFALO, NEW YORK 14203

T 716.566.1300 . F 716.566.1301

MARK R. MONAMARA

DIRECT DIAL 716.566, 1336
DIRECT FAX 716.846.1210
MMCNAMARA@HBLAW.COM
ALSO ADMITTED IN: DISTRICT OF COLUMBIA

December 19, 2011

Ms. Sharon Boisen Supervisor, Town of Essex P.O. Box 355 2313 Main Street Essex, New York 12936

RE: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Our File: 3054108

Dear Sharon:

Enclosed is Empire State Appraisal Consultants, Inc.'s December 16, 2011 statement and breakdown of its work in preparing an appraisal on the subject property in this case. Please note Mr. Robinson's explanation as to the additional charges being due to the complex nature of the subject property.

As with the previous invoice, you can either send payment to Hiscock & Barclay and I will cut a check directly to Empire State Appraisal Consultants, Inc. or simply send a check directly to them. If you are paying ESAC directly, please copy me on the transmittal letter and check.

Also enclosed is ESAC's follow-up discovery request for documents and other data necessary to complete the appraisal.

Please contact me if you have any questions.

Very thyly yours,

Mark R. McNamara

MRM:kr Enclosures

cc: Oksana Ludd, Esq. (with Enclosures)

05/25/2012 10:20 Town of Essex

TOW	N OF LEWIS	•		Purchase	,	٠
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Empire State Appreisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

December 16, 2011

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12312

Professional Services

Hrs/Rate Amount

Principal

Essex

Page 2

	Hrs/Rate	Amount
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SUBTOTAL:	[25,25	4,418.75]
	<u>accommonorment and the second and t</u>	
For professional services rendered	25.25	\$4,418.75





EMPIRE STATE APPRAISAL CONSULTANTS, INC.

 SIXTEEN HUDSON STREET
 KINDERHOOK, NEW YORK 12106

 518/758-7594
 FAX/758-1993
 essc@berk.com

Mark R. McNamara, Esq. Hiscock & Barclay 1100 M&T Center 3 Fountain Plaza Buffalo, NY 14203

December 16, 2011

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED December 1 through December 15, 2011

PEE

Re: LEWIS FAMILY FARM V. TOWN OF ESSEX

Principal:

25.25 hours @ \$175 ==

\$4,418.75

AMOUNT DUE

\$4,418.75

ì

HISCOCK & BARCLAY LP

Mark R. McNamara Portner

June 4, 2012

Ms. Catherine DeWolff Tax Collector P. O. Box 45 Essex, New York 12936

RE: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Index No. 437-11 Our File: 3054108

Dear Ms. DeWolff:

As we discussed, enclosed is the redacted version of the response to S. B. Lewis's May 16, 2012 FOIL request.

Very truly yours,

Mark R. McNamara

MRM/srm Enclosure

cc: Town of Essex (via email with enclosure)

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

> (518) 963-4287 (518) 963-4288 FAX

VOUCHER

Abstract Number: 2012-4

Voucher Number: 2012 - 255

Check Number: 7499

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	The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.
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and the second	Date:Authorized Officials Signature
STATE OF STREET	

HISCOCK & BARCLAY "

Town of Essex 2313 Main Street Essex, NY 12936 May 8, 2012 Involce No: 4335690 File No: 311903-3054108 Mark R. McNamara

Re: Tax Appeal/Lewls

For Professional Services rendered through April 30, 2012

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Total Fess

897.00

Timekeeper Summary

7	THE RESIDENCE OF THE PROPERTY			**************************************	
Timekeeper	Title	Hours	Rate	Amount	
Mark R. McNamara	Partner	1.90	335.00	636.50	
Jessica A. Norgrove	Sr Associate	0.90	220.00	198.00	
Lisa M. Shaver	Paralegal	0.50	125.00	62.50	

COST5

P.009/075

May 8, 2012 Invoice No. 4335690 File No. 311903-3054108 Town of Essex

DESCRIPTION			AMOUNT
Copy Charges	*** And the state of the state	***************************************	0.10
Total Costs			01.
Total Current Fees and Costs		USD	897.10
ADDITIONAL INFORMATION			9

05/25/2012 10:03 Town of Essex (FAX)5189634288 P.010/075

HISCOCK & BARCLAY

Remittance Copy

April 19, 2012 Involce No: 4333841 Flle No. 311903-3054108 Town of Essex

	AMOUNT
Total Current Fees and Costs	4,608.20
Prior Unpaid Balance due to Hiscock & Barclay, LLP	538.20
Total Payment Enclosed	

Payment Due Upon Receipt in US Dollars

Please remlt payment to:

Hiscock & Barclay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number: Reference Name/number:

(800) 821-2829 311903-3054108

ABA#:

021300077

329681022391

Account #: Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hbiaw.com"

Identifying which invoice(s) is being paid.

HISCOCK & BARCLAY

Town of Essex 2313 Main Street Essex, NY 12936 April 19, 2012 Invoice No: 4333841 File No: 311903-3054108 Mark R. McNamara

Re: Tax Appeal/Lewis

For Professional Services rendered through March 31, 2012

DATE INIT DESCRIPTION HOURS AMOUNT

(FAX)5189634288

P.012/075

April 19, 2012 Involce No. 4333841 File No. 311903-3054108 Town of Essex

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DATE	INIT	DESCRIPTION	HOURS	AMOUNT

Total Fees

4,601.50

Timekeeper Summary

Timekeeper	Title	Hours	Rate	Amount
Mark R. McNamara	Partner	11.90	335.00	3,986,50
Jessica A. Norgrove	Sr Associate	2.00	220.00	440.00
Lisa M. Shaver	Paralegal	1.40	125.00	175.00

COSTS

DESCRIPTION	T.	AMOUNT
Copy Charges		6.70
Total Costs		8.70
Total Current Fees and Costs	USD	4,608.20
ADDITIONAL INFORMATION		
Prior Unpaid Balance due to Hiscock & Barclay, LLP		538.20

05/25/2012 10:04 Town of Essex (FAX)5189634288 P.013/075

HISCOCK & BARCLAY "

Remittance Copy

May 8, 2012 Invoice No: 4335690 File No. 311903-3054108 Town of Essex

	TNUOMA
Total Current Fees and Costs	897.10
Prior Unpaid Balance due to Hiscock & Barclay, LLP	4,808.20
Total Payment Enclosed	36-5049-1-40-4-0002015-14-50-0000000-00-00-00-00-00-00-00-00-00-0

Payment Due Upon Receipt in US Dollars

Please remit payment to:

Hiscock & Barclay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

Instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number: Reference Name/number:

(800) 821-2829 311903-3054108

ABA#:

Account #:

021300077 329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com"

identifying which invoice(s) is being paid.

Town of Essex

2313 Main Street

Essex, NY 12938

HISCOCK & BARCLAY

KECF

APR 23 2017

TU.... UF ESSEX

April 19, 2012 Invoice No: 4333842 File No. 311903-3045264 Mark R. McNamara

Re: Review of Construction Contracts

For Professional Services rendered through April 19, 2012

DATE	INIT	DESCRIPTION	
Total Fees			25.00

COSTS

DATE	DESCRIPTION	UNITS	RATE	TMUOMA
01/31/12	Computerized Legal Research -ESSEX	1	75.00	75.00
03/13/12	Computerized Legal Research -ESSEX	1	75.00	75.00
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Total C	current Fees and Costs	Ų	JSD	175.00
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HISCOCK & BARCLAY

Remittance Copy

April 19, 2012 Invoice No: 4333842 File No. 311903-3045264 Town of Essex

AMOUNT

Total Current Fees and Costs

175.00

Payment Due Upon Receipt in US Dollars

Please remit payment to:

Hiscock & Barclay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

Instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number:

(800) 821-2829 311903-3045264

Reference Name/number: ABA#:

021300077

Account #:

329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com" identifying which invoice(s) is being paid.

TOWN OF ESSEX

Histork & Bartlay LLP

4335690 & 43338 5/15/2012 \$5,505.30 \$0.00 \$3,505.30

7499 7499

\$5,505.30

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936 (518) 963-4287

(518) 963-4288 FAX

VOUCHER

Abstract Number: 2012-4

Voucher Number: 12-198

Check Number: 744Z

CLAIMANTS NAME AND ADDRESS	Entered Date	: 4-18-12
HISCOCK & Barclay, LLP	Batch Number	: 1468
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Albany, NY 12207		
DATE INVOICE# Description of Services & Materials	Amount	Debit Account
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Para Santi Santa de Carlo de C				
	Water State William Control of the C	Total:	538.20	13554,1

	CLAIMANT'S CERTIFICATION
I, (Claimants' Signature)	Certify that the above account in the amount of \$
Date Signed were rendered to or for the TOW! from the municipality are exempt,	is true and correct; that the items, services and disbursements charged NOF ESSEX on the dates stated; that no part has been paid or satisfied; that taxes, are not included; and that the amount claimed is actually due.

Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: 4) 10 13	Authorized Officials Signature	: Sharm	Posis_
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1100 MAT CENTER 3 FOUNTAIN PLAZA BUFFALO, NEW YORK 14208 T716.585.1300 - F716.565.1301

FEDERAL ID NO. 15-0339022

Remittance Copy

March 18, 2012 Invoice No: 4330716 File No. 311903-3054108 Town of Essex

Total Current Fees and Costs

Prior Unpaid Balance due to Hiscock & Barclay, LLP

Total Payment Enclosed

AMOUN' POQ. Ch#7409

Ab. # 2012-3

Payment Due Upon Receipt in US Dollars

Please remit payment to:

Hiscock & Barcley, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

instructions for payment by wire transfer are:

Bank Name:

Key Bank National Association

Bank Address:

201 South Warren St., Syracuse, NY 13202

Bank Telephone Number: Reference Name/number:

(800) 821-2829 311903-3054108

ABA#: Account#: 021300077 329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com" Identifying which invoice(s) is being paid.

BARELAY

1100 M&T CENTER 3 FOUNTAIN PLAZA BUFFALO, NEW YORK 14203 T 716.566.1300 - F 716.566.1301

FEDERAL ID NO. 18-0339022

Town of Essex 2313 Main Street Essex, NY 12936 March 16, 2012 Invoice No: 4330716. File No: 311903-3054108 Mark R. McNamara

Re; Tax Appeal/Lewiss

For Professional Services jendered through February 29, 2012

DATE	INIT	DESCRIPTION	HOURS	AMOUNT
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Total Fees

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Timekeeper Summary

Tlmekeeper	Title	Houre	Rate	Amount
Mark R. McNamara	Partner	1.40	335.00	469.00
Jessica A. Norgrove	Sr Associate	0.30	220.00	66.00

COSTS

DESCRIPTION	AMOUNT
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Capy Charges	3.20

Total Costs

3.20

March 16, 2012 Invoice No. 4330716 File No. 311903-3054108 Town of Essex

Total Current Fees and Costs	USD	538.20
ADDITIONAL INFORMATION		
Prior Unpaid Balance due to Hiscock & Barcley, LLP		20,286.93

05/25/2012 10:06 Town of Essex (FAX)5189634288

P.021/075

TOWN OF EBSEX MULTIFUND 7442

Hiscock & Barelay LLP 4/19/2012 \$538.20 7442

4330716 4/18/2012 \$538.20 \$0.00 \$538.20

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TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

> (518) 963-4287 (518) 963-4288 FAX

	UCHER
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Abstract Number: 20/24

Voucher Number: 12-19/

Check Number: 1436

CLAIMANTS NAME AND ADDRESS	Entered Date:	4-17-12
ESAC	Batch Number:	1467
ile Hudson Street Kinderhook, Ny 12106		
DATE INVOICE# Description of Services & Materia	ls Amount	Dæbit Account (Office Use Only)

Total: 3385,20

CLAIMANT'S CERTIFICATION I, _______, Certify that the above account in the amount of \$ _______ (Claimants' Signature) Date Signed _______ is true and correct; that the items, services and disbursements charged were rendered to or for the TOWN OF ESSEX on the dates stated; that no part has been paid or satisfied; that taxes, from the municipality are exempt, are not included; and that the amount claimed is actually due.

Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: Lillello	Authorized Officials Signature	: Thaner	s Port
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EMPIRE STATE APPRAISAL CONSULTANTS, INC.

SIXTEEN HUDSON STREET KINDERHOOK, NEW YORK 12106 518/758-7594 FAX/758-1993 esac@berk.com

Essex, NY 12936 Main Street Sharon Boisen, Supervisor

April 1, 2012

ABOUNI DUD	Principal: 19.25 hours @ \$175.00 = \$3,368.75 Disbursements posted to date: 16.45	Re: LEWIS FAMILY FARM V. TOWN OF ESSEX	FOR PROFESSIONAL SERVICES RENDERED March 1 through March 31, 2012
	\$3.38 5 .20		P. P.

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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

April 02, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12355

Professional Services

<u>Hrs/Rate</u> <u>Amount</u>

Principal

Essex				Page 2
			rs/Rate	Amount
	SUBTOTAL:	[19,25	3,368.75]
	For professional services rendered	BOOKER	19.25	\$3,368.75
	Additional Charges :			
		Pric	<u> Ω</u> t	Ϋ́
	Principal			
3/31/2012	Telephone	\$16 <i>.</i> 4	5	16.45 1
	SUBTOTAL:			[16.45]
	Total additional charges			\$16.45
	Total amount of this bill			\$3,385.20

05/25/2012

TOWN OF ESSEX MULTIFUND . 7436

Empire State Appraisal Consulta 4/19/2012 \$3,385.20 7436

12355 4/17/2012 \$3,385.20 \$0.00 \$3,385.20

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

(518) 963-4287 (518) 963-4288 FAX

VOU	CHER
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Abstract Number: 20/2-3

Voucher Number: 2012-138

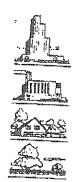
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Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: _	3114/12	Authorized Officials Signature	shown !	DEZ
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A1355.4.1

ESAC

EMPIRE STATE APPRAISAL CONSULTANTS, INC. SIXTEEN HUDBON STREET KINDERHOOK, NEW YORK 12108

518/758-7594 FAX/758-1993

esac@berk.com

Sharon Boisen, Supervisor Main Street Essex, NY 12936

March 1, 2012

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED January 1 through February 29, 2012 FEE Re: LEWIS FAMILY FARM V. TOWN OF ESSEX Principal: 7.00 hours @ \$175.00 \$1,225.00 AMOUNT DUE \$1,225.00

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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

Merch 02, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12331

Professional Services

<u>Principal</u>

Hrs/Rate

Amount

Essex

Page

__Hrs/Rate

Amount

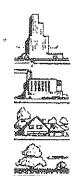
SUBTOTAL:

For professional services rendered

7.00 1,225.00]

7.00 \$1,225,00

A1355,4.1





ESAO

EMPIRE STATE APPRAISAL CONSULTANTS, INC.

SIXTEEN HUDSON STREET KINDERHOOK, NEW YORK 12106 518/758-7694 FAX/758-1893 essc@berk.com

Sharon Boisen, Supervisor Main Street Essex, NY 12936

March 1, 2012 THIRD STATEMENT

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED December 1 through December 31, 2012

FEE

Re: LEWIS FAMILY FARM v. TOWN OF ESSEX

Principal: 30.50 hours @ \$175.00 = Disbursements posted to date:

\$5,337.50 6.00

AMOUNT DUE

\$5,343.50

TOWN OF ESSEX

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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

March 02, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12331

Professional Services

Principal

__Hrs/Rate

__Amount

Essex

Hrs/Rate Amount

Page

SUBTOTAL:
For professional services rendered

[7.00 1,225.00] 7.00 \$1,225.00

 05/25/2012
 10:11 Town of Essex
 (FAX)5189634288
 P.037/075

 TOWN OF ESSEX
 MULTIFUND
 7380

 Empire State Appraisal Consulta
 3/16/2012
 \$6,568.50
 7380

1/1/12-2/29/12 3/13/2012 \$6,568.50 \$0.00 \$6,568.50

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

(518) 963-4287. (518) 963-4288 FAX

VOUCHE

Abstract Number: ROR-3

Voucher Number: 20/2 - 149

Check Number: 7400

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	CLAIMANTS	NAME AND ADDRESS	-	Entered Date:	
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The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date:	Authorized Officials	Signature	£	NOTE AND A STREET AND ASSESSMENT AND ASSESSMENT ASSESSM

. &BARDLAY

1100 M&T CENTER 3 FOUNTAIN PLAZA BUFFALO, NEW YORK 14203 T 716,566,1300 - F 716.866.1301

Town of Essex 2313 Main Street Essex, NY 12936 FEDERAL ID NO. 18-0339022

February 13, 2012 Invoice No: 4327136 File No: 311903-3054108 Mark R, McNamera

Re: Tax Appeal/Lewis

For Professional Services rendered through February 13, 2012

DATE INIT DESCRIPTION HOURS AMOUNT

February 13, 2012 Invoice No. 4327136 File No. 311903-3054108 Town of Essex

DATE INIT DESCRIPTION HOURS AMOUNT

February 13, 2012 Invoice No. 4327138 File No. 311903–3054108 Town of Essex

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DATE	INIT	DESCRIPTION	Hours	ARREST
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February 13, 2012 Involce No. 4327138 File No. 311903-3054108 Town of Essex

	*****	- War of Constant All Market Park		
DATE	INIT	DESCRIPTION	HOURS	AMOUNT
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Total Fees

19,743.50

Timekeeper Summary

Timekeeper	Title	Hours	Rate	Amount
Christopher J. Hanlfin	Counsel	8.30	235.00	1,950.50
Mark R. McNamara	Partner	3.50	335.00	1,172.50
Mark R. McNamara	Partner	34.50	320.00	11,040.00
Jessica A. Norgrove	Sr Associate	21.90	220.00	4,818.00
Lisa M. Shaver	Paralegal	6.10	125.00	762.50

COSTS

DESCRIPTION		AMOUNT
Copy Charges		13.60
Payment to - Mark R. McNamera- Travel expenses to Albany, NY to attend 12/13/11 Property Inspection		217.08
Payment to - Hampton Inn & Sultes- Hotel expense 12/12/11		158.46
Payment to - Jessica A. Norgrove- Travel to Essex, NY to Inspect client-related property (Lewis Farm) with appraiser on 12/13/11	ily	154.29
Total Costs		543.43
Total Current Fees and Costs US	SD	20,286.93
ADDITIONAL INFORMATION		
Prior Unpaid Balance due to Hiscock & Barclay, LLP		.00.

SHARELAY

1100 M&T CENTER \$ FOUNTAIN PLAZA BUFFALO, NEW YORK 14208 T 716.866.1800 - F 716.866.1801

FEDERAL ID NO. 15-0339022

Remittance Copy

February 13, 2012 Invoice No: 4327136 File No. 311903-3054108 Town of Essex

Total Current Fees and Costs

20,286.93

Prior Unpaid Balance due to Hiscock & Barclay, LLP
.00

Total Payment Enclosed

Payment Due Upon Receipt In US Dollars

Please remit payment to:

Hiscock & Barciay, LLP 1100 M&T Center 3 Fountain Plaza Buffalo, New York 14203-1414

Instructions for payment by wire transfer are:

Bank Name: Key Bank National Association

Bank Address: 201 South Warren St., Syracuse, NY 13202

Bank Telephone Number; (800) 821-2829
Reference Name/number: 311903-3054108
ABA#: 021300077
Account #: 329681022391

Swift Code for International Wire: KEYBUS33

When remitting by wire please notify us by email at "payments@hblaw.com"

identifying which invoice(s) is being paid.

7409

TOWN OF ESSEX MULTIFUND

Hiscock & Barclay LLP 3/16/2012 \$20,286.93 7409

6/2/11 to 1/31/12 3/16/2012 \$20,286.93 \$0.00 \$20,286.93

TOWN OF ESSEX

2313 MAIN ST. PO BOX 355 ESSEX, NY 12936

(518) 963-4287 (518) 963-4288 FAX

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Abstract Number: <u>2012-2</u>

Voucher Number: 2012-67

Check Number: 7345

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Ι,	, Certify that the above account in the amount of \$
(Claimants' Signature)	
Date Signed	is true and correct; that the items, services and disbursements charged
were rendered to or for the TOWN OF	ESSEX on the dates stated; that no part has been paid or satisfied; that taxes,
from the municipality are exempt, are n	ot included; and that the amount claimed is actually due.

Authorized Officials Approval - Town of Essex Use Only

The above services or materials were rendered or furnished to the TOWN OF ESSEX on the dates stated and the charges are correct.

Date: 2 (5) (8	Authorized Officials Signature	52	Marin	vor
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1100 MAT CENTER

3 FOUNTAIN PLAZA

BUFFALO, NEW YORK 14203

7716.566.1300 . F716.566.1301

MARK R. MCHAMARA

DIRECT DIAL 716.566.1536
DIRECT FAX 716.846.1210
MMCNAMARA@HBLAW.COM
ALSO ADMITTED IN: DISTRICT OF COLUMBIA

February 3, 2012

Ms. Sharon Boisen Supervisor, Town of Essex P.O. Box 355 2313 Main Street Essex, New York 12936

E: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Our File: 3054108

Dear Sharon:

Enclosed is Empire State Appraisal Consultants, Inc.'s January 1, 2012 statement and breakdown of its work in preparing an appraisal on the subject property in this case. You can either send payment to Hiscock & Barclay and I will cut a check directly to Empire State Appraisal Consultants, Inc. or simply send a check directly to them. If you are paying ESAC directly, please copy me on the transmittal letter and check.

Please contact me if you have any questions.

Very truly yours,

Mark R. McNamara

MRM:kr Enclosure

cc: Oksana Ludd, Esq. (with Enclosure)







EMPIRE STATE APPRAISAL CONSULTANTS, INC.

SIXTEEN HUDSON STREET KINDERHOOK, NEW YORK 12106 518/758-7594 FAX/758-1993 esac@berk.com

Mark R. McNamara, Esq. Hiscock and Barclay 110 M&T Center 3 Fountain Plaza Buffalo, NY 14203 January 1, 2012

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED December Shrough December 31, 2012

Re: LEWIS FAMILY FARM v. TOWN OF ESSEX

Principal: 30.50 hours @ \$175.00 = \$5,337.50
Disbursements posted to date: 6.00

AMOUNT DUE \$5,343.50

FEE

P.049/075 (FAX)5189634288 05/25/2012 10:14 Town of Essex TOWN OF ESSEX. Purchase Order No. DO NOT WRITE IN THIS BOX Data Yougher Received VOUCHER -THUOMA FUND - APPROPRIATION N PARTMENT EMPIRE STATE APPRAISAL CONSULTANTS Sixteen Hudson Street AIMANT'S Kinderhook, NY 12106 アシャ AND TOTAL DORESS Abstract No. Vandor's TERMS Rel. No. Unit Price Description of Materials or Services Quantity Amo Dales \$\$,343.5 SEe attached 1/1/12 TOTAL \$5,343. · CLAIMANT'S CERTIFICATION Barry, M. Herbold __ certify that the above account in the amount of \$ 51343.50 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that part has been paid or satisfied; that laxes, from which the municipality is exempt, are not included; and that the amount claimed is actually c President 1/1/12 SIGNATURE STAC SPACE BELOW FOR MUNICIPAL USE) APPROVAL FOR PAYMENT DEPARTMENT APPROVAL This claim is approved and ordered paid from

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

This claim is approved and bidgied paid not the appropriations indicated above.

DATE

AUTHORIZED OFFICIAL

Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

January 04, 2012

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12314

Principal_

Professional Services

Hrs/Rate Amount

Essex				Page	2
			Hrs/Rate	Ar	nount
4					
	SUBTOTAL:		[30.50	5,3	337.50]
	For professional services rendered		30.50	\$5,	337.50
	Additional Charges:	BARROWER	Price C	<u>\ty</u>	
	Principal				
12/16/2011	Deed copies		\$6.00	1	6,00
	SUBTOTAL:				6.00]
	Total additional charges			***************************************	\$6.00
	Total amount of this bill			\$5	i,343.50

(FAX)5189634288

P.052/075

TOWN OF ESSEX

MULTIFUND .

7345

Supplier: Hiscock & Barclay LLP

Acct#:

Date: 2/16/2012 Amt: \$5,343.50

7345

invoice Number

Date

Amount

Discount Amnt to Pay Invoice Number

Date

Amount

Discount Amnt. to Pay

12314

2/13/2012

\$5,343.50

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	ality on the dates stated and the	4 **	s indicated above.
AIN	Shann Port		
Date	Authorized Official	Market Andrews	Marie of the state

HISCOCK SBARDLAY

OKSANA M. LUDD

DIRECT DIAL 618.429.429 6 DIRECT FAX 518.427.3490 OLUDD@HBLAW.COM ALSO ADMITTED IN. OHIO

80 STATE STREET ALBANY, NEW YORK 12207 T 518.429.4200 . F 518.429.4201

June 16, 2011

Ms. Sharon Boisen Supervisor Town of Essex Essex, New York 12936

Re:

Engagement of Hiscock & Barclay, LLP by

Town of Essex.

Dear Ms. Boisen:

Thank you for engaging the Firm to represent you in the following matters:

All matters relating to such tax certiorari cases filed in 2011 with respect to property located in the Town of Essex, which the Town Supervisor may determine from time to time to assign to this Firm, and all related issues and litigation, including, but not limited to, Freedom of Information Law ("FOIL") requests or any other related matters. ("Matter"):

The Firm is pleased to undertake this representation. As a matter of Firm policy, it is necessary that the Firm provide you with this engagement letter to set out the specific terms applicable to the representation. These terms consist of the terms set forth in this letter and in the Standard Terms of Engagement for Legal Services ("Standard Terms") attached hereto (collectively, the "Engagement Letter"). Please be aware that we are not to be considered to be your attorneys on the Matter until this Engagement Letter has been signed and returned by you, so please respond promptly. You should not sign this Engagement Letter if you do not understand the terms of the representation or if they are unacceptable.

Ms. Sharon Boisen Junė 16, 2011 Page 2

Thank you for allowing H&B to be of service to you in connection with this engagement. If the terms of this Engagement Letter meet with your approval, please so indicate by signing and returning the original to me. A counterpart of this Engagement Letter is enclosed for your files.

Very truly yours,

HISCOCK & BARCLAY, LLP

Disana M. Ludd

AGREED TO AND ACCEPTED:

Sharon Boisen, Supervisor Dated:

5404924.1

HISCOCK & BARCLAY, LLP

Standard Terms of Engagement for Legal Services ("Standard Terms")

Introduction

This Standard Terms of Engagement for Legal Services contains the standard terms of our engagement as your lawyers. Unless modified in writing by mutual agreement, these terms will be an integral part of the letter (the "Letter") to which this Standard Terms of Engagement is attached (collectively, the "Engagement Letter"). Therefore, we ask that you review this document carefully and contact us promptly if you have any questions.

- 1. Parties. This Standard Terms states the terms under which Hiscock & Barclay, LLP (we or "H&B") shall provide and the Town of Essex ("Client") shall pay for legal services.
- 2. <u>Scope of Services ("Matter")</u>. H&B shall provide legal services to Client in connection with the Matter described in the Letter. Legal services not required for the Matter as described therein will not be provided unless Client requests such services and H&B agrees, in writing, to provide them.
- responsibility for work on the Matter (the "Primary Attorney"). The Primary Attorney may be reached at the following contact information: telephone (716) 566-1536, facsimile (716) 846-1210, e-mail mmcnamara@hblaw.com. The legal secretary for the Primary Attorney is Kathy Roesch who may be reached at the following contact information: telephone (716) 566-1523, facsimile (716) 566-4037, e-mail kroesch@hblaw.com. Jessica A. Norgrove will also provide legal services on this matter. Jessica can be reached at the following contact information: telephone (518) 429-4262, facsimile (518) 533-2941, e-mail jnorgrove@hblaw.com. Issues with respect to FOIL will be addressed by Matthew Kerwin who may be reached at the following contact information: telephone (315) 425-2820, facsimile (315) 425-8552, email mkerwin@hblaw.com. The Primary Attorney may use other H&B attorneys and non-attorney staff (such as paralegals) to do work on the Matter. Client has the right, exercisable at any time, to require a change in the Primary Attorney and other attorneys and staff working on the Matter. H&B also reserves the right to make changes to such personnel at any time.
- 4. <u>Client Confidentiality</u>. H&B will protect client confidences and secrets as required by law. Please use special care when communicating with H&B via electronic mail or by cellular telephone because such methods of communication are not always secure and could lead to the inadvertent waiver of attorney-client privilege.

5. Conflicts of Interest.

(a) <u>Client's "Affiliates"</u>. In this engagement, H&B represents only the person or entity that is identified as the "Client" in the Letter.

- (b) Other Clients Adverse to "Client". H&B is a large law firm which represents many clients in a variety of matters. It is possible that in the future, H&B may be asked by one of those clients to represent it in a matter where Client is an adverse party or has an adverse interest. If such a future matter is substantially unrelated to the Matter in this engagement and if Client has not given H&B any confidential information that is materially relevant to such a future matter, then Client agrees prospectively (1) to waive any conflict of interest in connection with H&B representing another client in such a future matter even though it may be against Client or an interest of Client; and (2) not to seek to disqualify H&B from representing another client in any such future matter.
- 6. Fees. The fees H&B will charge for its services will be based on the amount of time spent by its attorneys and paralegals on the Matter. Time is charged in units of tenths of an hour. The fee will be the time spent by attorneys and paralegals multiplied by their hourly billing rate in effect when the work is done. The hourly billing rates are subject to change at the beginning of each calendar year. The current hourly billing rate of Mark R. McNamara is \$320, of Jessica A. Norgrove is \$220 and of Matthew Kerwin is \$220 Upon request, H&B will provide Client with the hourly billing rate for each person working or expected to work on the Matter.
- 7. Expenses. In addition to the fees described above, H&B will charge Client for expenses it incurs that are related to the Matter. Examples of such expenses are filing fees, expert witness fees, travel expenses, mileage, transcripts, judgments and lien searches, computerized legal research and the like. Expenses may either be incurred/paid by H&B and billed to Client, the bill for the expense may be submitted to Client for payment directly to the billing party, or H&B may assist Client in setting up a billing relationship between the third party vendor and Client so Client can pay the charges directly.
- 8. Retainer Account. Client shall maintain the \$2,500.00 retainer in accordance with the Engagement Letters dated February 10, 2010 and January 26, 2011, respectively.
- 9. <u>Billing and Payment</u>. H&B's normal practice is to send Client a monthly bill for fees and expenses for the prior month, although that practice may vary. Payment is due on receipt of the bill. In the event of a fee dispute, Client may have the right to seek arbitration; we will provide Client with the necessary information regarding arbitration in the event of a fee dispute, or upon Client's request.

10. Termination.

- (a) <u>By Client</u>. Client may terminate this engagement at any time for any reason by notifying H&B in writing. Client shall be responsible for outstanding invoices, for unbilled fees and expenses incurred before termination, and for fees and expenses in connection with an orderly transition of the Matter.
- (b) <u>By H&B</u>. H&B may terminate this engagement at any time for any reason, including Client's failure to pay H&B's fees and expenses, provided, however, that H&B's right to

terminate is subject to the applicable rules of professional conduct and the rules of any court having jurisdiction of the Matter.

- (c) On Completion of the Matter. H&B's representation of Client on this Matter shall terminate automatically when the Matter is complete. The relationship of attorney-client between H&B and Client thereafter shall continue only if Client has engaged H&B on other matters or once again engages H&B on this Matter.
- 11. Entire Agreement. This Engagement Letter constitutes the entire agreement between H&B and Client as to the Matter and may be changed only by a written document, signed by both parties.
- 12. Governing Law. Any dispute arising under this Engagement Letter shall be governed by the laws of the State of New York. Client consents to the personal and subject matter jurisdiction of the Supreme Court of the State of New York in and for the County of Albany to resolve any such disputes.
- 13. <u>Additional Services</u>. H&B is a full-service law firm with a wide array of expertise as described in the enclosed list of our Practice Groups. Please feel free to contact the Practice Group Chair about additional services offered by H&B.



PRACTICE OFFERINGS

(As of 1/25/11)

demarks & Copyrights	(212) 784-5806
Himmin	(212) /04-1000
Litigation Jon P. Devendorf	(315) 425-2724
Brian E. Whiteley	(617) 274-2903
Construction & Surety	(716) 566-1510
H	(315) 425-2763
thts	(315) 425-27 ¹ 6
Project Development infe	(315) 425-2875
lities zza	(315) 425-2710
	(518) 429-4224
itutions & Lending	(716) 566-1413
Human Services	(518) 429-4250
ward	(716) 566-1558
	(315) 425-2784
verage & Regulation	(585) 295-4420
Christopher E. Blank Douglas J. Nash	(585) 295-4308 (315) 425-2828
Business Richard J. Day	(716) 566-1422

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Liability		
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	(315) 425-2787	
Tax & Condemnation		
ara	(716) 566-1536	
ndo	(315)425-2773	
ner	(518) 429-4220	
Cuarta & Entartainment		,
Sports & Entertainment Robert J. Lanza	(212) 784-5809	
Thomas I. Mandelbaum	(212) 784-5816	
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	(315) 425-2829	
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ttlaufer	(716) 566-1430	

05/25/2012 10:18 Town of Essex (FAX)5189634288 P.060/075

town of essex

General fund

7013

Supplier: Hiscock & Barclay LLP Acet #: Date: 7/20/2011 Amt: \$2,500.00 1381

Invoice Number Date Amount Discount Amnt. to Pay Invoice Number Date Amount Discount Amnt. to Pay

7-20-2011 7/20/2011 \$2,500.00 \$0.00 \$2,500.00

LMP12 M/P CHECK

Amount

Fund - Appropriation

A/P Invoice Voucher

TOWN OF ESSEX

2313 Main Street Essex, NY 12936 USA (518) 963-4287 Fax: (518) 963-4288

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Voucher	2011-365

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HISCOCK SBARBLAY

MARK R. MCNAMARA

1100 M&T CENTER
3 FOUNTAIN PLAZA
BUFFALD, NEW YORK 14203
7 716 566.1300 F 716.366.1301

DIRECT DIAL 716,566,1536
DIRECT FAX:716,846,1210
MMCNAMARA@H8LAW.COM
ALSO ADMITTED IN: DISTRICT OF COLUMBIA

December 6, 2011

Ms. Sharon Boisen Supervisor, Town of Essex P.O. Box 355 2313 Main Street Essex, New York 12936

RE: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Our File: 3054108

Dear Sharon:

Enclosed is Empire State Appraisal Consultants, Inc.'s statement and breakdown of its work in preparing an appraisal on the subject property in this case. You can either send payment to Hiscock & Barclay and I will cut a check directly to Empire State Appraisal Consultants, Inc. or simply send a check directly to them. If you are paying ESAC directly, please copy me on the transmittal letter and check

Please contact me if you have any questions.

very truly yours

Mark R McNamara

MRM:kr Enclosure

'co: Oksana Ludd, Esq. (with Enclosure)

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Empire State Appraisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

December 01, 2011

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12307

Professional Services

Hrs/Rate Amount

Principal _____

SUBTOTAL:

Essex

Page 2

__Hrs/Rate <u>Amount</u>

65.25 11,418.75]

	For professional services rendered Additional Charges:	tttm:rumunu	35.25	\$11,418.75
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Essex 3 Page Price Qty Amount 11/21/2011 Mileage 120.00 \$0.50 240 11/28/2011 Mileage 45.50 \$0.50 91 23.20 11/30/2011 Telephone \$23.20 1 619.34] SUBTOTAL: Total additional charges \$619.34 \$12,038.09 Total amount of this bill



1100 MAT CENTER

3 FOUNTAIN PLAZA

BUFFALO, NEW YORK 14203

T 716.566.1300 . F 716.566.1301

MARK R. MONAMARA

DIRECT DIAL 716.566, 1336
DIRECT FAX 716.846.1210
MMCNAMARA@HBLAW.COM
ALSO ADMITTED IN: DISTRICT OF COLUMBIA

December 19, 2011

Ms. Sharon Boisen Supervisor, Town of Essex P.O. Box 355 2313 Main Street Essex, New York 12936

RE: Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

Our File: 3054108

Dear Sharon:

Enclosed is Empire State Appraisal Consultants, Inc.'s December 16, 2011 statement and breakdown of its work in preparing an appraisal on the subject property in this case. Please note Mr. Robinson's explanation as to the additional charges being due to the complex nature of the subject property.

As with the previous invoice, you can either send payment to Hiscock & Barclay and I will cut a check directly to Empire State Appraisal Consultants, Inc. or simply send a check directly to them. If you are paying ESAC directly, please copy me on the transmittal letter and check.

Also enclosed is ESAC's follow-up discovery request for documents and other data necessary to complete the appraisal.

Please contact me if you have any questions.

Very thyly yours,

Mark R. McNamara

MRM:kr Enclosures

cc: Oksana Ludd, Esq. (with Enclosures)

05/25/2012 10:20 Town of Essex

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Empire State Appreisal Consultants 16 Hudson Street Kinderhook, NY 12106

Invoice submitted to: Essex

December 16, 2011

In Reference To: FOR PROFESSIONAL SERVICES RENDERED Invoice #12312

Professional Services

Hrs/Rate Amount

Principal

Essex

Page 2

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EMPIRE STATE APPRAISAL CONSULTANTS, INC.

 SIXTEEN HUDSON STREET
 KINDERHOOK, NEW YORK 12106

 518/758-7594
 FAX/758-1993
 essc@berk.com

Mark R. McNamara, Esq. Hiscock & Barclay 1100 M&T Center 3 Fountain Plaza Buffalo, NY 14203

December 16, 2011

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED December 1 through December 15, 2011

PEE

Re: LEWIS FAMILY FARM V. TOWN OF ESSEX

Principal:

25.25 hours @ \$175 ==

\$4,418.75

AMOUNT DUE

\$4,418.75

ì



MARK R. MCNAMARA

DIRECT DIAL 716.566.1536
DIRECT FAX 716.846.1210
MMCNAMARA@HBLAW.COM
ALSO ADMITTED IN: DISTRICT OF COLUMBIA

November 7, 2011

Ms. Sharon Boisen Supervisor, Town of Essex P.O. Box 355 2313 Main Street Essex, New York 12936

RE:

Lewis Family Farm, Inc., et al. v. Town of Essex, et al.

File No. 3045264 3054 108

Dear Sharon:

Enclosed is a copy of the Empire State Appraisal Consultants, Inc.'s retainer agreement which I have accepted on behalf of the Town of Essex consistent with the Town Board's prior resolution and your direction to move forward with this case.

Please contact me if you have any questions.

Very trally yours,

Mark R! McNamara

MRM:kr Enclosure



ESAC

EMPIRE STATE APPRAISAL CONSULTANTS, INC.

SIXTEEN HUDSON STREET 518/758-7594 FAX/758-1993

KINDERHOOK, NEW YORK 12106 esac@berk.com

October 20, 2011

Mark R. McNamara, Esq. Hiscock & Barclay 1-100 M&T Center 3 Fountain Plaza Buffalo, NY 14203

RE:

LEWIS FAMILY FARM, ET AL

TOWN OF ESSEX

Dear Mark:

In accordance with your request, we are pleased to submit this fee proposal to provide real estate valuation and consulting services with regard to the following properties.

an approximate 1,100 acre organic beef cattle farm, numerous dwellings and farm buildings.

single-family residence on 5.2 acres. It is our understanding the scope of work is to derive value opinions applicable to the 2011 tax roll. We propose to conduct the necessary data collection and analysis to derive our value conclusions.



it is not possible to quote a flat fee. Therefore, our fee for the appraisals will be billed at hourly rates of \$125 for associates and \$175 for principals.

ESAC

EMPIRE STATE APPRAISAL CONSULTANTS

Mark R. McNamara, Esq., October 20, 2011, Page 2

Additional fees for consulting services including conferences, travel, pre-trial preparation, appraisal review, expert testimony, etc. will be billed at the quoted hourly rates.

All work products generated by our firm will be prepared in accordance with the Unitorm Standards of Professional Appraisal Practice, as promulgated by the Appraisal Foundation, the Principles of Appraisal Practice and Code of Ethics of the American Society of Appraisers, and Appraisal Institute, and the Uniform Rules of the New York State Trial Courts.

If you have any questions concerning this proposal, please do not hesitate to contact us.

Yours very truly,

ESAC APPRAISERS - CONSULTANTS

JÉFÉREYE. ROBINSON, MAI, SRA

NYS Certified-General Real Estate Appraiser Certificate #46-37947

JR/sp.

Enclosure

Accepted on behalf

Essex.

Hiscock I BARdo