

MILLER, MANNIX, SCHACHNER & HAFNER, LLC

ATTORNEYS AT LAW
15 WEST NOTRE DAME STREET
P.O. BOX 765
GLENS FALLS, NEW YORK 12801
(518)793-6611

Mark Schachner★
Robert H. Hafner
Cathi L. Radner◆
Michael J. Hill
Leah Everhart
Jacquelyn E. Poulos

★Also Admitted in Massachusetts
◆Also Admitted in Maryland and Pennsylvania

John W. Miller (1908-1968)
John C. Mannix (1931-2006)

Facsimile: (518)793-6690
Toll Free: 1-800-421-6166

E-Mail: mail@mmshlaw.com
Web Site: millermannix.com

August 27, 2012

David Berkstresser, Chairperson
Michael Astafan, Board Member
Mark Finkle, Board Member
Thomas Stover, Board Member
Albert Hayes, Board Member
Hudson River-Black River Regulating District
350 Northern Boulevard – Suite 304
Albany, NY 12204

VIA E-MAIL: hrao@hrbrrd.com
& FIRST CLASS MAIL

Re: Apportionment Grievance Hearing

Dear Board Members:

We are Special Counsel to the Counties of Albany, Rensselaer, Saratoga, Warren and Washington and write regarding the apportionment Grievance Hearing currently scheduled for September 18th.

The Counties are in the process of reviewing the State-owned land and infrastructure at issue and the materials generated by the District concerning the proposed apportionment. As the District is likely aware, given the extent of State interests within the five Counties, this is a monumental undertaking. While the Counties have devoted substantial time and energy to this task during the last several weeks, our analysis cannot be completed prior to the Grievance Hearing of September 18th and certainly not by September 11th, the date by which the District requires written submissions from the Counties. In addition, the Counties have a significant conflict because our principal consultant, who must accompany us at the hearing, will be observing the Jewish holiday which falls on September 18th. We recognize that the scheduled meeting's conflict with the day of observance was presumably unintentional, but the Counties would be prejudiced if the date is not changed.

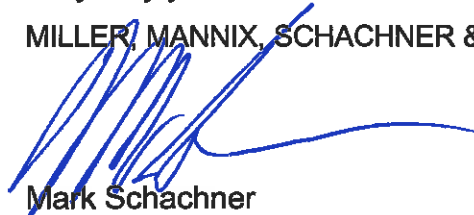


Provided the Counties have adequate time to do so, we need to bring to the District's attention any flaws that may later form the basis of objection. Given that this apportionment may be in effect for decades or longer and the significance of the task at hand, this evaluation could easily take several months. However, mindful that the District is pursuing reapportionment as expeditiously as possible, we request that the District postpone the Grievance Hearing by 45 days. This will provide the Counties sufficient time to submit meaningful written and verbal comments and will avoid conflict with the religious holidays observed by our consultant.

Thank you for your anticipated cooperation.

Very truly yours,

MILLER, MANNIX, SCHACHNER & HAFNER, LLC



Mark Schachner

LE/

cc: Martin Auffredou, Esq., Warren County Attorney
Stephen Dorsey, Esq., Saratoga County Attorney
Thomas Marcelle, Esq., Albany County Attorney
Stephen Pechenik, Esq., Rensselaer County Attorney
Roger Wickes, Esq., Washington County Attorney
Robert Leslie, Esq., District Counsel

G:\CORR\WWARS\HRBRRD BOARD.doc

