

Warren County Board of Supervisors

RESOLUTION NO. 507 OF 2012

Resolution introduced by Supervisors Thomas, Taylor, Sokol, Monroe, Bentley, Wood, Kenny, Merlino and Conover

AUTHORIZING THE COUNTY OF WARREN TO CONTINUE JOINING THE COUNTIES OF ALBANY, RENSSELAER, SARATOGA AND WASHINGTON WITH AN APPEAL TO THE COURT OF APPEALS REGARDING THE OPINION OF THE SUPREME COURT APPELLATE DIVISION - THIRD DEPARTMENT IN THE HUDSON RIVER BLACK RIVER REGULATING DISTRICT MATTER AND AUTHORIZING AN AGREEMENT WITH MILLER, MANNIX, SCHACHNER & HAFNER, LLC TO PROVIDE LEGAL SERVICES WITH REGARD TO THE APPEAL AND ADMINISTRATIVE PROCEEDINGS PENDING BEFORE THE DISTRICT

WHEREAS, the County Attorney is requesting that Warren County continue joining the Counties of Albany, Rensselaer, Saratoga and Washington (“the five (5) Counties”) with an appeal to the Court of Appeals regarding the opinion of the Supreme Court Appellate Division - Third Department in the matter of the five (5) Counties against the Hudson River Black River Regulating District (“District”) and in administrative proceedings pending before the District, with necessary legal services provided to the five (5) Counties by the law firm of Miller, Mannix, Schachner & Hafner, LLC, which legal services shall include:

- a. applying to the Court of Appeals for permission to appeal the opinion of the Supreme Court Appellate Division - Third Department and if permission is granted, perfecting such appeal, and representing the five (5) Counties in administrative proceedings pending before District with the understanding that the expenses for Warren County’s share of such legal services shall not exceed the sum of Ten Thousand Dollars (\$10,000) without a further resolution adopted by the Warren County Board of Supervisors.
- b. authorizing the law firm of Miller, Mannix, Schachner & Hafner, LLC, on behalf of the five (5) Counties to retain such expert consultants as they deem appropriate

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and/or necessary in administrative proceedings pending before the District with the fees for the consultants included in the aforesaid authorized fees for legal services and the precise amount of the consulting fees apportioned to Warren County to be negotiated by the Warren County Attorney.

now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute a new agreement with Miller, Mannix, Schachner & Hafner, LLC and the Counties of Albany, Rensselaer, Saratoga and Washington for legal services based upon the foregoing, and be it further

RESOLVED, that the funds shall be expended from Code A.1990 469 Contingent Account, Other Payments/Contributions and transferred to Code A.1010 440 Legislative Board, Legal/Transcript Fees.