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Via Facsimile Only @518-766-4422

Town of Nassau Town Board
P.O. Box 587
29 Church Street
Nassau, New York 12123

Re: Troy Sand & Gravel Co., Inc.

Dear Supervisor Fleming and Nassau Town Board Members:

Please be advised that Troy Sand & Gravel Co., Inc. will not be appearing at tonight's Nassau Town Board meeting, and we understand that no action will be taken by the Nassau Town Board concerning the Troy Sand & Gravel's Special Permit application.

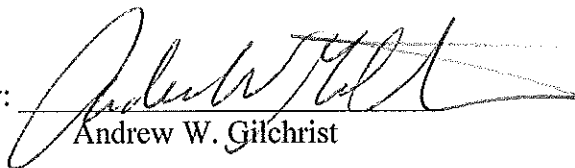
On behalf of Troy Sand & Gravel and Henkel Realty Associates, LLC, we have commenced a declaratory judgment action against the Town of Nassau and the Nassau Town Board concerning the scope of review by the Town Board on Troy Sand & Gravel's application in light of prior Court rulings and the SEQRA determination issued for this action. We have made application to the Court for immediate injunctive relief concerning the Town Board's retention of a planning consultant for review of issues which have been finally determined and binding upon the Town. Also, on behalf of Troy Sand & Gravel and Henkel Realty Associates, we have also sought an Order in the declaratory judgment action immediately disqualifying Supervisor Fleming and Board Member Seney from any further participation in the Town Board's review of the Troy Sand & Gravel application based on clear conflicts of interest, and have requested immediate injunctive relief in that regard as well.

Thank you for your attention.

Respectfully yours,

TUCZINSKI, CAVALIER, GILCHRIST & COLLURA, P.C.

By:



Andrew W. Gilchrist

AWG/tla

cc: Joseph Catalano, Esq. (via email only)