

**THE BERKSHIRE BANK***The Bank that puts your interest first*

June 27, 2006

Top Hat Plan Exemption
Pension and Welfare Plan Administration
Room N-5644
U.S. Department of Labor
200 Constitution Avenue, NW
Washington DC, 20210

06 JUL -6 AM 11:17

Ladies and Gentlemen:

Pursuant to Sections 201(2), 301(a)(3), and 401(a)(1) of the Employee Retirement Income Security Act of 1974 ("Act") (as amended), The Berkshire Bank ("Bank") located at 4 East 39th Street, New York, NY, 10016, has established a deferred compensation plan intended to be a nonqualified and unfunded plan maintained primarily for the purposes of providing deferred compensation for a select group of management or highly compensated employees effective as of July 1, 2006. The Federal tax identification number of the Bank is 13-3509921.

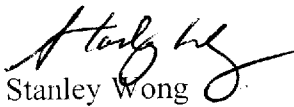
The Bank maintains one plan and it is anticipated that less than 10 employees will participate in the plan.

Based on the guidance set forth under Section 29 CFR 2520.104-23, the Bank is requesting an exemption pursuant to Section 29 CFR 2520.104-24 relating to the annual reporting and disclosure requirements under part 1 of Title I of Act.

Thank you for your consideration regarding this matter.

If you have any questions, please call the undersigned at 212-802-1020.

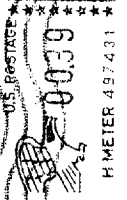
Sincerely,


Stanley Wong
Senior Vice President and
Chief Risk Officer


THE BERKSHIRE BANK
4 East 39th Street
New York, New York 10016

NEW YORK NY

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