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April 12, 2007

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**CONFIDENTIAL – ATTORNEY/CLIENT PRIVILEGED COMMUNICATION**

VIA EMAIL (jgreen06146@yahoo.com)

Gerald Green, Esq.  
Paravati, Karl, Green & DeBella  
12 Steuben Park  
Utica, NY 13501

Re: Town of New Hartford, Oneida County  
Town-Wide Storm Sewer Management Improvements  
Orrick File: 42382-2-30

Dear Gerry:

We have been asked to review your memo to the Town of New Hartford Town Board dated April 11, 2007 concerning the re-count process in connection with the bond vote on March 29, 2007. In particular, you have asked for our input concerning the publication of the legal notice of estoppel with respect to the bond resolution for the storm water improvements which I had mistakenly understood to be certified as approved by the voters prior to the publication of the estoppel notice in connection therewith.

Under Section 81.00 of the Local Finance Law, the legal notice of estoppel may be published with respect to a bond resolution once the resolution has become effective. In light of the detailed information set forth in your memo, it is now clear to me that that effective date may be brought into question as a result of the re-count process which the Town is currently undertaking. Accordingly, we would recommend that the Town await completion of the re-count and if it is concluded that the storm water bond proposition has been approved based upon the revised certificate of election, that a new legal notice of estoppel be published together with an explanation of the vote re-count and indicating that the twenty day estoppel period will commence as of the date the new legal notice of estoppel is published rather than the prior publication date.

Since the prior publication can be construed as premature, we will cover the cost associated with that publication.

With best wishes,

Very truly yours,

Thomas E. Myers

/es