

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
REGULAR TOWN BOARD MEETING
MAY 10, 2010-page 1**

Opening of Regular Meeting

The meeting was called to order at 7:35pm by Supervisor Susan O'Rorke and followed by the Pledge of Allegiance. In attendance: Councilwoman Finke, Councilmen Byas, Meredith and Norris, Highway Superintendent Jordan, Town Clerk Brooks, and 24 members of public who signed attendance sheet.

Supervisor O'Rorke thanked everyone for coming.

Approval of Minutes

Councilman Norris moved and Supervisor seconded the approval of Minutes of **March 8, 2010 Regular Meeting** submitted by the Town Clerk.

The vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

Councilman Norris moved and Councilman Byas seconded the approval of Minutes of **March 22, 2010 Work Meeting** submitted by the Town Clerk.

The vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

Public Comment Period

Supervisor reminded attendees to speak loudly and use the podium, adding that comments may be raised now. Councilman Norris announced that the Emergency Response Plan resources list is being updated to reflect the new Board and other changes; the Board was asked to review and give any updates to Town Clerk Brooks.

Correspondence

From New Baltimore Reformed Church, "Food and Fun for Seniors" luncheon will be Wednesday, May 12, 2010 from 12noon-2pm. The guest speaker will be Vince Bradley from the NYS Attorney General's office and the topic: consumer fraud.

From New Baltimore Conservancy, the Taste of History Traveling House Party will be held on May 15, 2010 at 3 historic homes in the hamlet from 6-9pm to benefit the New Baltimore Conservancy's scholarship fund. The cost is \$12.50/person.

From AgFest Committee, a flyer announcing the event on Saturday and Sunday, June 5-6, 2010 from 8am-on. More information is on the Town's website.

From Greene County Solid Waste Management, a notice that Saturday, June 26, 2010 will be the Greene County Household Hazardous Waste collection event at the County Highway Garage, Route 9W, Athens, from 8-12noon. See the Town's website for list of acceptable items.

Old Business

There are 3 tape recorders running for the coverage of the meeting and a digital recorder is in trial tonight. Councilwoman Finke expressed concern about inaudible comments; Supervisor explained it is time-consuming for the clerk to listen to multiple recordings. Supervisor and Town Clerk Brooks attended the New York State Town Clerks' Association Conference and asked other clerks what is successful and affordable and

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bought a model on recommendation of other clerks. Councilman Norris was reminded that when he began on the Board he learned to speak louder.

- Appointment of Summer Recreation Director

Several candidates were interviewed; the Committee's choice is the prior assistant director.

**RESOLUTION
May 10, 2010**

**RESOLUTION APPOINTING SUMMER RECREATION PROGRAM
DIRECTOR**

RESOLVED, that Michelle Fortney is hereby appointed as the Summer Recreation Program Director, at an annual salary of \$1,900, payable in four installments of \$475 per week during the Summer Recreation Program.

Councilman Byas moved, seconded by Councilman Meredith. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

- Resolution to Renew Website contract
- Resolution to Contract for Computer Services

Expired May 1, 2010, Apogee Media was the original creator of the website and the committee is looking into different computer services. Councilman Meredith favors Intelligent Technology Solutions, and presents a contract for ITS.

Presentation

Joe Wolodkevich, President of Intelligent Technology Solutions, spoke about basic (does not include prepaid time) and enhanced services (includes prepaid time at 15% discount) contracts designed to meet the needs of the Town. He discussed the need for new router, firewall, and spam filter; remote access; response time of 2 hours to next day service; NYS Office of General Services has performed technology audits of email, backup, security, retention, and auditing processes; a cost effective ways to meet those needs is a goal. He stated that the Town's equipment, outside of the town court, is nearly 6 years old and the firewall router is 7 years old, and that the enhanced contract provides a technology planning and budgeting program. The \$125 charge for Microsoft Office 2007 includes 3 licenses for Student, Home and Teacher versions; loopholes allow for non-for-profit customers to purchase for \$60 and Microsoft Office OEM binds software to the particular machine. Topics discussed included: the access point on the desk of Building/Planning/Zoning Clerk, prorating the contract (7.5 months), prepaid time (1.5 hours used for assessor, believed town clerk work was already paid), remote access, data migration, virus configuration, email, importing and backup with RPS, and proper backup. Assessor Bennett pays for a yearly license fee from New York State to accomplish updates. Data migration for the assessor's computer would be covered by 6.5 hours in contract and would include 4 gigs of Windows updates that are not included on the computer when it arrives, antivirus and email configuration, and provision for proper backup. Supervisor stated \$1,100 is budgeted; \$880 was spent on the assessor's computer. Assessor Bennett said data migration was not needed, saving the Town \$250. Symantec antivirus will cost \$343 and the router (business class, 3 years warranty, and with firewall) will cost \$369. Prepaid time is discounted 15%; purchase of 5 hour blocks of time is discounted 20%.

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Supervisor asked for the Committee's recommendation on how to proceed: the contract and website separated or together. Councilman Meredith said it would cost \$900 to migrate website into a content management system onsite and to relocate the hosting of the website would be \$200/year (with 2 hours of training for the designated individual). Councilman Meredith said the Town Clerk would continue to post statutory requirements (meeting announcements, minutes of Town Board meetings) and the Technology Committee would take on the posting of events and all other content. Councilman Norris said the town clerk has simply emailed the webmaster in the past; she does not create pdfs. Mr. Bennett suggested adding another couple of hours to a clerical person. Supervisor clarified that the town clerk would no longer be posting anything outside the statutory requirements, the Technology Committee would be doing everything else. Councilman Byas asked if it is just another button. Supervisor said many municipalities perform the function of maintaining the website by one or more individuals. Nils Backlund asked if the contract has a support system built-in; yes, three methods of support. Arlene McKeon stated there previously wasn't a lot of web content; a typed document was transferred, the process is pdf. doc, log in; click upload pdf. file, and software optimizes it for web presence. Rich Guthrie asked whether funding is available in other Towns; Office of Court Administration grants. Supervisor asked for recommendation from the Technology Committee? Asking for maintenance contract 7.5 months, plus router, plus antivirus, - is IT recommending taking over the website? \$3957, with computer ordered for Assessor's office. Councilman Norris said we are updating and if we replaced all computers with the 5 year plan. Mainframe to use as a server. Diane Louis asked whether other estimates were gotten and is this one the best deal for the Town; Councilman Meredith said 3 or 4 others, and some decided not to participate because it was a municipality. NorDutch recommended using a pay-as-you-go system. Councilman Norris said old, outdated, replace systems and software. Diane asked are we going for a Cadillac? Councilman Norris said \$4000. Richard Guthrie asked will it still be possible to enter into website. With a public calendar, an event will disappear after it occurs.

**RESOLUTION
MAY 10, 2010**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT
WITH INTELLIGENT TECHNOLOGY SOLUTIONS, INC.**

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with Intelligent Technology Solutions, Inc. for the period of May 15, 2010 to December 31, 2010 for computer services for \$4000 or less.

Councilman Meredith moved, seconded by Councilman Byas. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

New Business

- Resolution to Pay Claims

**RESOLUTION
MAY 10, 2010**

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

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WHEREAS, the Town Clerk has presented claims to the Town Board for audit and review and,

WHEREAS, the Town Board has audited claims G20100301-42; H20100301-27; and S20100301-07, for a total amount of \$39,496.33, it is.

RESOLVED, that the Supervisor is hereby authorized to pay claims totaling \$39,496.33.

BE IT FURTHER RESOLVED that the Town Clerk has prepared an abstract and holds it for public review until May 21, 2010.

Councilman Meredith moved, seconded by Supervisor. No discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

**RESOLUTION
MAY 10, 2010**

**RESOLUTION TO AUTHORIZE ATTENDANCE BY TOWN CLERK AT
CORNELL MUNICIPAL CLERKS INSTITUTE**

RESOLVED, that the Town Board does hereby authorize Janet Brooks, Town Clerk, to attend the Cornell Municipal Clerks Institute 2010 annual professional training to be held from July 18-22, 2010, and authorizes reasonable expenses for transportation, lodging and meals.

Councilman Norris moved, seconded by Supervisor. No discussion. Councilman Byas asked the price; answer: \$775. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

New Ethics Policy

The NYS Comptroller's audit proved wanting, the Town Board has had a chance to review the new ethics policy and it has been posted on website. Councilwoman Finke asked whether it had gone before the Town Attorney; the Attorney for the Town deemed the policy acceptable. Councilman Norris said the NYS Comptroller's Office had come and audited during Supervisor Louis' tenure and had made recommendations. Without enacting a Town Ethics Board, an issue would fall automatically under Greene County's Ethics Board. The Town has 90 days to respond; Councilwoman Finke asked not to have a local Ethics Board, rather take it to the county level and take out the personality component.

Supervisor read.

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RESOLUTION
APRIL 13, 2009

RESOLUTION ADOPTING TOWN OF NEW BALTIMORE ETHICS POLICY

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable, and

WHEREAS, the present ethics code having not been revised for many years and having been found not to cover certain topics of section 806 of the General Municipal Law, and needing a procedure in place to assure acknowledgment and receipt of the code and the recording thereof,

NOW, THEREFORE, be it resolved that the Town of New Baltimore of the County of Greene of the State New York, hereby repeals the present code of ethics adopted by the Town Board on December 8, 1970 and now adopts this code of ethics, dated May 10, 2010.

Councilman Norris moved, seconded by Supervisor. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

- Resolution to Allow Supervisor to Sign Lease Agreement for Antique Machinery and Agricultural Festival-AgFest/Van Etten Family

The Town Board has taken on the AgFest as a Town function. To procure insurance, a written contract or lease agreement is necessary for period of time that the property is used for AgFest; the contract has not been reviewed by AgFest chair. Supervisor said the quote will be \$750 for the Tractor Pull and covers the Bouncy Bounce also. Action tonight would allow for it to be sent to the Van Etten family. This is a one-year agreement.

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Lease") is made as of the ____ day of _____, 2010, by and between the Town of New Baltimore, a New York municipality, with an address of 3809 County Route 51, Hannacroix, New York 12087 (hereinafter called the "Tenant"), and Robert and Shelly Van Etten, with an address of 1314 Saw Mill Road, Ravena, New York 12143 (hereinafter called the "Landlord").

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WITNESSETH:

WHEREAS, Landlord is the owner of the real property, and improvements thereon, located at 1314 Saw Mill Road, Ravena, New York 12143 (the "Property"),

WHEREAS, Tenant desires to lease a portion of the Property from Landlord for the annual Antique Machinery and Agricultural Festival ("Ag Fest"), and

WHEREAS, Landlord is willing to lease a portion of the Property to Tenant on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing mutual covenants herein contained, and for One Dollar and 00/100 (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto mutually covenant and agree as follows:

1. Description of the Leased Premises. The property to be leased to Tenant is the real property located at 1314 Saw Mill Road (the "Leased Premises").
2. Term. The term of the Lease shall commence on June 3, 2010 and end on June 8, 2010 at midnight.
3. Lawful Possession. The Landlord covenants that it is lawfully seized and in possession of the Leased Premises above described, and that it will put and keep Tenant in the peaceable possession thereof during the term of this Lease.
4. Business Use; Termination. The Leased Premises shall be used and occupied by the Tenant and Tenant's invitees solely for the Ag Fest, and such use is in compliance with all applicable laws, ordinances and governmental regulations. Landlord and Tenant hereby expressly acknowledge and agree that the Lease shall be immediately terminated, and the parties shall be released from any and all obligations hereunder, in the event that Tenant ceases to use the property for the aforesaid purpose.
5. Tenant's Return of the Leased Premises. Tenant shall, at Tenant's expense, return the Leased Premises in a clean and sanitary condition, and in compliance with applicable laws, ordinances, regulations and codes.
6. Indemnification. Tenant shall protect, indemnify and save harmless the Landlord and its successors and assigns, and Landlord's agents from and against all claims, damages and suits arising directly or indirectly, in whole or in part, from any activity, work or thing done, permitted, suffered or omitted to be done by Tenant, or by any of Tenant's agents, employees, or invitees in or about the Leased Premises.
7. Insurance. Tenant agrees to maintain appropriate liability insurance for the Ag Fest and to name Landlord as an Additional Insured.
8. Assignment and Subletting. Tenant may not sublet or assign this Lease to any person or any corporation, partnership, or other entity, without obtaining the prior written consent of Landlord, which consent may be unreasonably withheld.
9. Waiver. No mention in this Lease of any specific right or remedy shall preclude Landlord from exercising any other right or from having any other remedy or from maintaining any action to which it may be otherwise entitled either at law or in equity. The waiver of any breach, covenant, condition or agreement herein contained must be in writing. The failure of Landlord to insist in any one or more instances upon a strict performance of any covenant of this Lease or to exercise any option or right therein contained shall not be construed as a waiver or relinquishment for the future of such

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covenant, right or option, but the same remain in full force and effect unless the contrary is expressed in writing by Landlord.

10. Termination. This Lease may be terminated by written agreement of the parties.

11. Complete Agreement. This Lease contains the entire understanding among the parties with respect to the transactions contemplated hereby and supersedes all other agreements and understandings among the parties. Except as expressly set forth in this Lease, none of the parties has relied upon any oral representation or oral information given to it by any representative of either party. This Lease can only be modified pursuant a written agreement signed by both parties.

12. Governing Law. This Lease shall be governed by, and construed in accordance with, the laws of the State of New York.

IN WITNESS WHEREOF, Landlord and Tenant have executed and delivered this Lease, intending to be bound hereby, as of the day and year first above written.

TENANT
TOWN OF NEW BALTIMORE

Name: Susan O'Rorke
Title: Supervisor

LANDLORD

Robert Van Etten

Shelly Van Etten

RESOLUTION
MAY 10, 2010

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN LEASE AGREEMENT
WITH VAN ETTEN FAMILY FOR THE 2010 AGFEST**

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a lease with Van Etten Family for the period of June 5 and 6, 2010, for the use of their farm as the location for the AgFest.

Councilman Norris moved, seconded by Councilman Meredith. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE:	BYAS-AYE	FINKE-AYE	MEREDITH-AYE
	NORRIS-AYE	O'RORKE-AYE	

Adopted

- Renovations to Meeting Room

Supervisor said the Town Justices came before the Town Board in fall 2009 asking for certain renovations to the meetingroom; the Town Board passed a resolution to support that grant. The Justices were successful, but no windows or cameras were included in grant. Justices now ask the Town Board to consider replacing or repairing windows. Councilman Byas, Supervisor, and Mark Peckham and Code Enforcement Officer met; Councilman Byas said his main concern was lead and PESCH, the public version of OSHA, will be here on May 19. Councilman Byas suggested covering over the current walls; Joe Cosenza will contact contractor, Supervisor asked for additional cost of

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wainscoting- Joe C said it should come in at a lower cost. Wainscoting not as high. Justice*also wanted money for lighting for parking lot- nothing for dawn to dusk lighting, not \$2500. Supervisor asked for inside storms; outside wooden storms. Mr. Peckham suggested wood panel inside storms. The grant was for insulation, said Janet Angelis. Councilman Norris asked what the law stated for the lead abatement; Councilman Byas said he's heard different things. Cless Bush asked not to overblow the lead; rules changed a few days later from contractor. Rich Guthrie said there was a timeline for getting the work done. Supervisor repeated that Justice Cosenza asked for definite decision at June Regular Board Meeting. Bill Finke suggested doing it right the first time; Lisa Benway agreed. Under new regulations the contractor and hiree can be fined. Alta Turner agreed to do it correctly. Regarding the outdoor lighting, covers were suggested to reduce impact to neighbors. Bob Knighton felt ½ inch sheetrock covering current walls would result in about the same insulation value. Councilman Byas said the lead content was not known. Cless Bush said the wording of the grant was to be better, although not a value of R50. Building Inspector John Cashin said PESCH will be more concerned about asbestos. Councilman Byas asked what insulation is here now. Bob Turan asked for blown in cellulose or foam insulation. Cless Bush said there was little money to do the job. Supervisor asked not to do any damage to historical features in the event of future money. Diane Louis clarified there had been effort to put it (Town Hall) on National Register of Historic Places as last one-room schoolhouse, however the addition took the Town by that and it now seems unlikely to get it on Register. The purpose now: more professional and warmer.

- Creation of Economic Development Committee

In accordance with Comprehensive Plan, Councilman Norris wants to get business owners/ stakeholders together to discuss growth and expansion, electricity, a small line item for outreach, and possibly Greene County IDA. The Committee needs a Chair and Secretary. Councilwoman Finke would like to think about this. Supervisor suggested tabling due to lateness of the hour. Cocksackie did something like this recently; the town of New Baltimore is in competition with other Towns. Ellie Alfeld asked when Business Appreciation Breakfast will be held; answer: June 23, sponsored by Bank of Greene County.

**RESOLUTION
MAY 10, 2010**

**RESOLUTION ESTABLISHING TOWN OF NEW BALTIMORE
ECONOMIC DEVELOPMENT COMMITTEE**

WHEREAS, The Town of New Baltimore Comprehensive Plan recommends the establishment of an Economic Development Committee, and

WHEREAS, a committee should be established to promote the growth of the Town's existing businesses, assist new businesses wishing to establish in the Town, participate in ongoing economic development efforts within the Town, IDA, Greene County Economic Development, Tourism and Planning, and the Cocksackie Area Chamber of Commerce.

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby establishes the Town of New Baltimore Economic Development Committee; and

BE IT FURTHER RESOLVED that the committee shall consist of local business people, a Town Board member, and interested citizens.

BE IT FURTHER RESOLVED; that said Committee shall make periodic reports to the Town Board and to the town's citizens, and

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BE IT FURTHER RESOLVED that Deputy Supervisor Norris is to serve as the Town Board Liaison to the Town of New Baltimore Economic Development Committee.

Councilman Norris moved, seconded by Supervisor. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BYAS-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Adopted

Creation of Senior Citizens' Committee

RESOLUTION
MAY 10, 2010

RESOLUTION ESTABLISHING TOWN OF NEW BALTIMORE
SENIOR CITIZENS COMMITTEE

WHEREAS, the Town of New Baltimore has established a fund for Aging Programs, and

WHEREAS, a committee should be established to plan and coordinate activities for seniors in the Town

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby establishes the Town of New Baltimore Senior Citizens' Committee to undertake the planning of activities for seniors; and

BE IT FURTHER RESOLVED, that the committee shall consist of the following members, Ellie Alfred, Fran Melick, Bud Melick, John Weidel, Betty Weidel, Santo Costanza, Betty Costanza, Bonnie DiSanto-Hotaling, and

BE IT FURTHER RESOLVED, that participation on the Town of New Baltimore Senior Citizens' Committee shall be open to any interested citizens of the Town of New Baltimore, and

BE IT FURTHER RESOLVED, that said Committee shall make periodic reports to the Town Board and to the town's citizens, and

BE IT FURTHER RESOLVED that Supervisor O'Rorke is to serve as the Town Board Liaison to the Town of New Baltimore Senior Citizens' Committee.

Councilman Norris moved, seconded by Supervisor. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BYAS-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Adopted

With no more from the Town Board or the public, Councilman Norris moved, seconded by Supervisor, to adjourn to executive session for the purpose of discussion of litigation.

BYAS-AYE FINKE-AYE MEREDITH-AYE
NORRIS-AYE O'RORKE-AYE

Motion Carried

Executive Session

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The Town Board entered executive session at 9:26 pm; executive session began at 9:30 p.m.

The Town Board discussed the options regarding the New Baltimore Sunny Farms, Inc. assessment lawsuit.

Motion to close executive session was made by Councilman Norris and was seconded by Councilman Meredith.

BYAS-AYE
NORRIS-AYE

FINKE-AYE
O'RORKE-AYE

MEREDITH-AYE

Motion Carried

Executive session was closed at 10:50 p.m.

**RESOLUTION
MAY 10, 2010**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT
WITH
EMPIRE STATE APPRAISALS**

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with Empire State Appraisal Consultants Inc. for the purpose of appraising property owned by New Baltimore Sunny Farms, Inc. The contract amount will not exceed \$4500.

Councilman Norris moved, seconded by Supervisor. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

BYAS-AYE
NORRIS-AYE

FINKE-AYE
O'RORKE-AYE

MEREDITH-AYE

Adopted

Motion to adjourn the Town Board meeting was made by Councilman Meredith and seconded by Councilman Norris.

BYAS-AYE
NORRIS-AYE

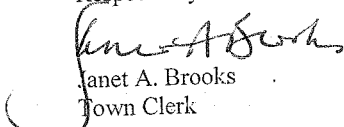
FINKE-AYE
O'RORKE-AYE

MEREDITH-AYE

Motion Carried

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,


Janet A. Brooks
Town Clerk