WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

TOWN BOARD PROCEEDINGS
Minutes #2012-05
March 12, 2012

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance.

ROLL CALL:

Present	-	Sheila M. Meegan	Supervisor
		Eugene P. Hart	Councilman
		John F. Rusinski	Councilman
Absent	-	None	

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

The meeting was dedicated to the memory of Mary Ann Kinsley & Andrew J. Schalberg Sr.

Supervisor Meegan presented each member of the West Seneca Marching Band with certificates of merit acknowledging their third consecutive State Championship win in the NY Governor's Cup held in Syracuse NY.

5-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-04 of February 27, 2012.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the February 27, 2012 work session.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the February 28, 2012 bid opening for the purchase of five police vehicles.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the March 6, 2012 bid opening for the 2012 Veteran's Park Pool Rehabilitation Project.

  Ayes: All Noes: None Motion Carried

5-B LEGAL ITEMS

1. Proofs of publication and posting of legal notice: "OF THE ADOPTED CHANGE IN THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2801 SENECA STREET, BEING PART OF LOT NO. 198, CHANGING ITS CLASSIFICATION FROM C-1 TO C-1(S), FOR A 100' MONOPOLE TOWER AND WIRELESS COMMUNICATION ANTENNAS, 12 X 8 ROOFTOP EQUIPMENT SHED AND RELATED SITE IMPROVEMENTS." in the Town of West Seneca, received and filed.
(Upstate Cellular)

5-C TABLED ITEMS

1. Councilman Hart re Extension of Shared Assessor Agreement — Remained on the table.

5-D COMMUNICATIONS

1. Supervisor Meegan re Closing of Postal Service Facility on William Street — Motion by Supervisor Meegan, seconded by Councilman Hart, to join with the Erie County Association of Town Clerks, Receivers and Collectors of Taxes to go on record in vigorous opposition to the closing of the United States Postal Service William Street Facility in Buffalo, New York.

   Ayes: All Noes: None Motion Carried

2. Supervisor Meegan re Fiscal Advisors for Future Borrowing on Capital Projects — Motion by Supervisor Meegan, seconded by Councilman Hart, to enter into an agreement with Capital Markets to assist the town as fiscal advisors for future borrowing on capital projects.

   On the question, Councilman Hart commented that this agreement was reached through the RFP process and Capital Markets was the most cost effective bidder.

   Ayes: All Noes: None Motion Carried

3. Supervisor Meegan re Proposal for engineering & architectural services for Veteran's Park — Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the proposal from Clark Patterson Lee Engineering for development of concept plans for the proposed improvements to Veteran's Park at a lump sum amount of $50,000., which includes direct expenses.

5-D COMMUNICATIONS

3. (continued)

On the question, Councilman Rusinski was concerned that acceptance of this proposal was premature since an actual plan has yet to be established. He did not want the town to be billed for services that are not going to be provided for this year.

Councilman Hart agreed and asked Town Engineer Steven Tanner why this was necessary at this point when the board members had not yet rated the projects or decided on a capital plan.

Mr. Tanner stated that even though a schedule is not in place there are certain things required no matter what projects the board members decide to do. The elevator improvements are covered by a grant but the engineering services are not and they would like to get started on that project. The lighting and masonry work on Town Hall also need to be taken care of. Mr. Tanner stated that they will only charge for work that is actually done.

Supervisor Meegan stated they will adopt a five year capital plan but they have to get started on projects they know need to be done such as the police expansion and certain Town Hall issues.

Ayes: All Noes: None Motion Carried

4. Supervisor Meegan re Proposal for engineering & architectural services for highway garage

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the proposal from Clark, Patterson Lee Engineering for engineering and architectural services for the town highway garage located at 39 South Avenue at a cost of $75,000.

On the question, Councilman Hart commented that this work is necessary and needs to be done. Town Engineer Steven Tanner stated that some of the services to be provided include an asbestos survey and full design of roof replacement.

Ayes: All Noes: None Motion Carried

5. Councilman Rusinski re Repeal of Certificate of Occupancy Section 55-7

Motion by Supervisor Meegan, Seconded by Councilman Hart, to repeal Certificate of Occupancy section 55-7 (c) of the Town Code that states: "an up-to-date certificate of occupancy shall be required on property when ownership is transferred."

On the question, Supervisor Meegan stated her concerns include the $100 fee associated with the inspection and possible town liability.

5-D COMMUNICATIONS

5. (continued)

Councilman Hart did not believe there was a liability issue but was concerned with the overall safety issue. He thought this should be a provided service that is not revenue generated and asked that this item be tabled for further discussion. He further suggested the fee be eliminated until this issue can be addressed in more detail and also suggested it be called a certificate of compliance instead of certificate of occupancy.

Councilman Rusinski thought this was governmental intrusion and the town should provide the service at no cost, but only if the homeowner requests an inspection. He suggested that packets be provided to new homeowners in town with information from individual departments informing them of safety concerns and other important information.

Town Attorney Shawn Martin suggested that a public hearing be scheduled for March 26, 2012 to approve Local Law #2012-02 concerning a modification to Section 55-7 of the Town Code.

Ayes: (2) Supervisor Meegan, Councilman Rusinski

Noes: (1) Councilman Hart Motion Carried

Motion by Councilman Hart, to adopt the following resolution:

Whereas, the West Seneca Town Board under Section 55-6 of the Town Code is authorized to set fees which the board may change from time to time as necessary for the issuance of permits, certificates of occupancy, temporary certificates of occupancy and for fire safety inspections; and

Whereas, as authorized under Section 55-6 of the Town Code the fees charged for the inspection and issuance of a certificate of occupancy upon transfer of ownership for all single and two family homes as required under Section 55-7 (c) of the West Seneca Code be reduced from $100 to $0.00 as allowed under the Code.

Motion failed due to lack of a second.

6. Town Engineer re Bid award for 2012 Veteran's Park Pool Rehabilitation

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to award the bid for the 2012 Pool Rehabilitation Project to William L. Watson Co., 8064 North Main Street, Eden, NY 14057 at their low bid amount of $197,500., noting the project will be paid for with funds remaining from a group of past recreation projects that were bonded all together and recorded in several different capital projects.

5-D COMMUNICATIONS

6. (continued)

On the question, Councilman Rusinski questioned the guarantee on the work.

Town Engineer Steven Tanner advised that the standard guarantee is one year from date of first use and that is what they requested. There is nothing standardized in the industry for an extended warranty on marciting, but he noted that William L. Watson Co. is the original company that installed the pool and their original installation lasted approximately 20 years before additional work was required.

Ayes: All Noes: None Motion Carried

7. Town Engineer re Bond resolution for Dover/Greenmeadow Reconstruction. & highway improvements

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached bond resolution authorizing the issuance of general obligation bonds of the Town of West Seneca, Erie County, New York, and also authorizing the issuance of bond anticipation notes to finance the construction of improvements along Dover and Greenmeadow Drive.

Ayes: All Noes: None Motion Carried
APPENDICES

8. Town Engineer re Sanitary Sewer Improvements, request for public hearing

Motion by Supervisor Meegan, Seconded by Councilman Hart, to schedule a public hearing for March 26, 2012 at 5:00 P.M. at the West Seneca Senior Center to consider improvements to the sanitary sewer facilities that serve Sewer Districts 5, 13, and 20.

Ayes: All Noes: None Motion Carried

On the question, Councilman Rusinski questioned the requirement for a two-thirds majority vote on bond issues. Town Attorney Shawn Martin advised that two-thirds majority vote is required on public finance issues and a public hearing is required. However, Mr. Martin is seeking a written opinion from the State Comptroller's Office as to whether a public referendum is required in this case since the town is currently under a consent order from the NYSDEC.

Ayes: All Noes: None Motion Carried

5-D COMMUNICATIONS

9. Chief Gehen re Bid award for purchase of five police vehicles

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to award the purchase of five police vehicles to Delacy Ford Inc., 3061 Transit Rd., Elma, New York 14059, at their low bid amount of $95,825.00, noting there are sufficient funds in the 2012 police vehicle line item 1.3120.0208.

Ayes: All Noes: None Motion Carried

10. Chief Gehen re Appointment of Simone Fallon as crossing guard

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Simone Fallon as part-time crossing guard at a rate of $8.00/HR effective March 13, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Chief Gehen re Increase of hourly wage for crossing guard Dianne Borth

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to increase the hourly wage for part-time crossing guard Dianne M. Borth from $7.25/HR to $8.00/HR effective immediately and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Town Clerk re Appointment of James Manley as part-time Records Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint James Manley as part-time Records Clerk at a rate of $12/HR effective March 13, 2012; and further, change the status of Mr. Manley and Patricia DePasquale to part-time seasonal effective March 13 – June 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Director of Recreation, Youth & Senior Services re status change for Carol Kennedy to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of Carol Kennedy from part-time to part-time seasonal effective March 1 – May 31, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

5-D COMMUNICATIONS

14. Director of Recreation, Youth & Senior Services re Summer Tournaments

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the New Era Fast Pitch Classic College Showcase Softball Tournament to be held at Sunshine Park on August 17, 18, and 19, 2012.

On the question, Councilman Hart questioned if insurance was in place for this event. Supervisor Meegan stated the insurance has been taken care of along with the fee. A report will be provided to all board members at the beginning of August outlining the fee along with copies of the certificates of insurance.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the Great Lakes Cup Soccer Tournament to be held at the soccer complex on May 26 & 27, 2012.

Ayes: All Noes: None Motion Carried

15. Code Enforcement Officer re Rezoning request for Terrace Blvd.

Motion by Supervisor Meegan, seconded by Councilman Hart, to table this item.

Ayes: All Noes: None Motion Carried

16. Finance Office re 2011 Year end budget transfers

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the attached year end budgetary transfers from funds 1 & 2 for the fiscal year ending December 31, 2011.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to increase the appropriation for line item 002.9010.0801, NYS Employees Retirement System, in the amount of $76,355.10 with the source of this funding being the unreserved, unappropriated fund balance.

Ayes: All Noes: None Motion Carried

17. Supervisor Meegan re Closing checking account

Motion by Supervisor Meegan, seconded by Councilman Hart, to close the checking account at Evans Bank with last four digits ending in #3002, noting that it has reached an inactive status.

Ayes: All Noes: None Motion Carried

5-E WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hart, that the General Fund, Highway Fund, Special Districts, Trust & Agency Fund and Capital Fund being vouchered and submitted for audit, chargeable to the respective funds be approved:

General Fund - $260,118.10; Highway Fund - $107,771.06; Special Districts - $12,134.79; Trust & Agency Fund - $46,278.84; Capital Fund - $0.00

Ayes: All Noes: None Motion Carried

5-F REPORTS

- Jacqueline A Felser, Town Clerk's report for February 2012 received and filed
- John A Gullo, Code Enforcement Officer's report and Plumbing report for February 2012 received and filed.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 7:45 P.M. to discuss a disciplinary matter with Chief Gehen.

Ayes: All Noes: None Motion Carried

The board members returned from Executive Session at 7:50 P.M.

ISSUES OF THE PUBLIC

SEWER MEETING

David Kims referred to the sewer meeting scheduled for March 26th at the Senior Citizens Center and noted there is a conflict with a work session scheduled for the same date and time.

Supervisor Meegan stated the work session will be the sewer meeting.

Councilman Hart questioned if they will move back to Town Hall for the regular meeting and after discussion it was decided to remain at the Senior Citizens Center for the regular meeting.

Town Attorney Shawn Martin stated the change of location for the regular meeting will have to be published. He also suggested stationing someone at Town Hall to direct people to the Senior Citizens Center.

ISSUES OF THE PUBLIC

SEWER MEETING (continued)

Amy Carpenter questioned where the meeting will be announced.

Mr. Martin stated they will advertise in the Pennysaver, West Seneca Bee, and Buffalo News and Town Engineer Steven Tanner stated the public hearing was already forwarded to the West Seneca Bee as a legal notice.

Beverly Leising questioned if only residents of sewer districts 5, 13 & 20 will be invited to the public hearing.

Mr. Martin responded that it is a public hearing and anyone can attend.

Mrs. Leising further commented on the average annual cost of $200 per household for the proposed sewer improvements and if exemptions will affect the amount charged.

Town Engineer Steven Tanner stated that the town is actively pursuing grant funding to help with the cost of the sewer improvements. He did not believe that special district taxes were affected by any exemptions but suggested that Mrs. Leising bring these questions to the public hearing.

DOVER & GREENMEADOW DR. RECONSTRUCTION

David Kims referred to the meeting scheduled for March 20th on improvements to Dover & Greenmeadow Drives and the notice indicating that sanitary sewer improvements will be discussed if deemed necessary. He understood sewer improvements for districts 5, 13 & 20 will be paid for by the residents of those districts and questioned if any sewer improvements on the Dover/Greenmeadow Drive project will be rolled into the bond.

Town Engineer Steven Tanner responded that if sanitary sewer improvements are deemed necessary it makes sense to do them when the street is being reconstructed. The Dover/Greenmeadow Drive sewers were relined about 15 years ago and after videoing the lines they found very minor repairs that were necessary.

UNION CONTRACTS

David Kims stated he was looking for the town's union contracts on the website and was unable to find them.

Supervisor Meegan responded that the board members just recently received copies of the union contracts and they can be put on the website. Town Attorney Shawn Martin also stated he can provide a copy on request.

Town Clerk Jacqueline Felser stated she can attempt to upload the contracts to the website, but if the file is too large she may have to forward it to IEvolve and have them add it.

ISSUES OF THE PUBLIC

DOLLAR TREE STORE

Linda Toy referred to the Dollar Tree store proposed for Tops Plaza on Harlem Road and questioned if the Dollar Tree at the Seneca Street city line will be closed. This is the only nearby store for residents of that area and she was concerned they will have no place to shop.

Supervisor Meegan stated she will find out their intentions but noted that the town cannot dictate to them.

SUMMER TOURNAMENTS

Rudy Russo questioned if the Town Board consulted with anyone in recreation about the soccer park tournaments that were approved at this meeting. He further inquired if any fees will be charged and the cost in overtime for town employees.

Supervisor Meegan referred Mr. Russo to Recreation Director Mary Josefiak, noting that she is the department head and has the authority to decide on events that will take place in the town parks.

Mr. Russo commented on the activity at the soccer park and the disturbance to the Parkside Drive residents. He stated they fought to get the park back for West Seneca kids and there are out-of town tournaments coming to West Seneca that get bigger every year. There is not enough parking so vehicles end up parking on Seneca Street.

Supervisor Meegan responded that every neighborhood in West Seneca is faced with activity at some time throughout the year (i.e. - Veterans Memorial Park with Community Days, baseball tournaments, etc). She further stated that tournaments bring in revenue for the town.

Mr. Russo asked to see a financial report indicating the revenue that is brought in and the cost of town employees' overtime for working at the tournaments.

LICENSING OF ELECTRICAL CONTRACTORS

Keith Burlinski, owner of Hotwire Electrical, stated he has ten master licenses around WNY and requested that the town require electrical contractors to be licensed. Supervisor Meegan responded that Code Enforcement Officer John Gullo has requested this and they will be discussing it.

POTHOLE ON FISHER ROAD

Erin McCarthy commented on a huge pothole on Fisher Road close to the bridge near Princeton Estates. Highway Supt. Matthew English stated Fisher Road is a county road and he will report the pothole to the Erie County Highway Department tomorrow.

ISSUES OF THE PUBLIC

VETERAN'S MEMORIAL PARK

Amy Carpenter questioned if the $50,000 for engineering services for improvements to Veterans Memorial Park included additional parking and Supervisor Meegan advised that it did.

RECYCLING PROGRAM

Amy Carpenter referred to recent conversations on the town's recycling program and questioned if there was any consideration given on making money on recycling.

Highway Supt. Matthew English stated they would have to hire additional employees and buy more trucks to run a program where they make money on recycling.

Mrs. Carpenter suggested outside contracting to do the work.

Mr. English stated that the Town of Tonawanda picks up their recyclables themselves and has a plant right in their town. They have also added more recyclable items that their town picks up. West Seneca picks up garbage but contracts out their recyclables for pickup.

Mrs. Carpenter noted that Amherst is outsourcing their recycling and still making money on it. She suggested the town research this and possibly work with other towns.

Mr. English understood that Amherst renegotiated their contract and that was how they saved $1 million. He further stated that he went to Advocacy Day and a lot of towns don't have an electronics recycling program like West Seneca does, noting that the town receives 6.5 cents per pound on electronics.

Linda Toy understood the Highway Dept. would not pick up TV sets.

Mr. English responded that if someone calls he tries to help them out.

HIGHWAY IMPROVEMENTS

Bill Hanley questioned the $75,000 authorized for improvements to the highway garage and what that involved.

Town Engineer Steven Tanner responded that this involved full evaluation of necessary improvements to the west wall and roof, an asbestos survey, and complete design documents that will be bid ready.

CHANGE ORDERS ON TOWN PROJECTS

Bill Hanley referred to change orders that were approved for past construction projects on French Road and Columbia Parkway and questioned if the engineering firm can be held accountable.

ISSUES OF THE PUBLIC

CHANGE ORDERS ON TOWN PROJECTS

Town Engineer Steven Tanner explained some of the unforeseen circumstances that cause change orders and noted that certain projects are designed by town engineering personnel, not an engineering firm.

TAX REDUCTION IDEAS

George Clifford complimented the Town Board on their efforts so far this year. He further commented on the number of houses up for sale in town and challenged the board members to come up with ideas to reduce taxes.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ELIMINATION OF CERTIFICATE OF OCCUPANCY FEE

Town Attorney Shawn Martin clarified Councilman Hart's earlier motion to reduce the fee for a certificate of occupancy from $100 to zero, noting that this will eliminate the fee pending repeal of the certificate of occupancy requirement.

Motion by Councilman Hart, seconded by Councilman Rusinski, to adopt the following resolution reducing the fee for certificates of occupancy from $100 to zero:

WHEREAS, the West Seneca Town Board, under Section 55-6 of the Town Code, is authorized to set fees which the board may change from time to time as necessary for the issuance of permits, certificates of occupancy, temporary certificates of occupancy and for fire safety inspections; and

WHEREAS, as authorized under Section 55-6 of the Town Code the fees charged for the inspection and issuance of a certificate of occupancy upon transfer of ownership for all single and two-family homes as required under Section 55-7(c) of the West Seneca Code be reduced from $100 to zero as allowed under the code.

Ayes: All Noes: None Motion Carried

WINTER PARKING BAN LIFTED

Chief Gehen announced that the all night parking ban expires Thursday night, March 15th, and residents will once again be permitted to park on the road between 1 AM and 7 AM.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

LEIN AVENUE PROPERTIES

Town Engineer Steven Tanner stated he received correspondence from Erie County concerning Lein Avenue, a paper street near the Burchfield Center. The county was asking if the town wanted to take deed of three 1/4 acre parcels on Lein Avenue for a $1 each. Mr. Tanner noted that the town has an easement on these properties and he recommended accepting the county's offer.

Supervisor Meegan, Councilman Hart and Councilman Rusinski all agreed and asked Mr. Tanner to accept the offer.

SPECIAL ELECTION – 145TH ASSEMBLY DISTRICT

Councilman Hart reminded everyone of the special election for filling the vacancy in the 145th assembly district to be held Tuesday, March 20th and commented on the importance of this election.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:30 P.M.

Ayes: All Noes: None Motion Carried

JACQUELINE A FELSER, TOWN CLERK

TOWN OF WEST SENECA
BOND RESOLUTION No.1-2012
March 12, 2012

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE THE CONSTRUCTION OF CERTAIN HIGHWAY IMPROVEMENTS AS DESCRIBED HEREIN.

WHEREAS, the TOWN OF WEST SENECA, in the County of Erie, by its Town Council has determined it necessary for the Town to construct certain improvements to the Town highways, to wit: the reconstruction of Dover Drive and Greenmeadow Drive (the "Project").

WHEREAS, the estimated maximum costs for the Project is $3,000, 000 plus the cost of issuance of the bonds or notes.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of West Seneca, Erie County, New York, as follows:

Section 1. The Project constitutes a specific object or purpose defined by Section 11.00.(a)20 of the New York State Local Finance Law (the "Local Finance Law").

Section 2. The Project is hereby authorized subject to the terms and conditions of this Resolution.

Section 3. The financing of the Project, is hereby authorized at a maximum estimated cost of $3,050,000.00.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town in an aggregate principal amount not exceeding $$3,050,000.00.00 which are hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subparagraph 20 of Section 11.00.(a) of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of fifteen (15) years.

Section 6. The faith and credit of the Town of West Seneca, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the chief fiscal officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election.

Section 12. Upon the effective date as defined by Section 1.1 hereof, an abstract of this resolution shall be published in the West Seneca Bee, as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form prescribed in Section 81.00 of the Local Finance Law.

* * * * *

The foregoing resolution was moved by *Supervisor Meegan* and seconded by *Councilman Hart*, and the vote thereon was as follows:

Supervisor Meegan voted *Aye*

Councilman Rusinski voted *Aye*

Council man Hart voted *Aye*

CERTIFICATE OF THE TOWN CLERK

STATE OF NEW YORK) ss.:
COUNTY OF ERIE)

I, Jacqueline A. Felser, the Town Clerk of the Town of West Seneca, Erie County, New York (the "Town"), DOES HEREBY CERTIFY:

1. That a meeting of the Town of West Seneca Town Council was duly called, held and conducted on the 12th day of March, 2012.
2. That such meeting was a regular meeting.
3. That attached hereto is a copy of Bond Resolution No. 1-2012 of the Town which was duly adopted at such meeting by the Town Council.
4. That such attachment constitutes a true and correct copy of the entirety of such Resolution as adopted by the Town Council.
5. That all members of the Town Council had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law."
7. That the attached Resolution was adopted subject to Permissive Referendum.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town as of the 12th day of March, 2012.

Jacqueline A Felser, Town Clerk