

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

**TOWN BOARD PROCEEDINGS**  
**Minutes #2014-07**  
**April 7, 2014**

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 to the Flag led by Councilman Hart.

**ROLL CALL:** Present - Sheila M. Meegan Supervisor  
Eugene P. Hart Councilman  
William P. Hanley Jr. Councilman

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 Ellen Veiders, Phyllis Hart, Kathryn Rudnicki, Joseph Rizzo, Thomas Keane, William Corrigan and George Paul.

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**7-A MINUTES TO BE APPROVED**

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2014-06 of March 24, 2014.

Ayes: All

Noes: None

Motion Carried

**7-B LEGAL ITEMS**

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING FOR PROPERTY LOCATED AT 14 CENTER ROAD, BEING PART OF LOT NO. 98, CHANGING ITS CLASSIFICATION FROM R-60A TO C-1 FOR A CHILD CARE FACILITY" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Connie Scioli stated the building at 14 Center Road was previously the Center Road Medical Facility and she is proposing to turn the bottom portion into a daycare center capable of accommodating 50 children ages 4 – 12 and employing 8 – 10 individuals.

No comments were received from the public.

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the public hearing until the April 21, 2014 Town Board meeting.

**7-B LEGAL ITEMS**

On the question, Supervisor Meegan stated that due to some personnel changes at Bee Newspapers, the legal notice for this hearing was not published so they had to adjourn this item until the next meeting to allow for proper publication.

Ayes: All

Noes: None

Motion Carried

**7-C TABLED ITEMS**

1. Supervisor Meegan re Designation of Step 3 Grievance Officer                      Remained on the table.
  
2. Supervisor Meegan re Transfer of paper street commonly known as Diane Drive                      Remained on the table.
  
3. Supervisor Meegan re Amendment for Cazenovia Creek Ice Control Agreement                      Remained on the table.

**7-D COMMUNICATIONS**

1. Supervisor Meegan re Resolution regarding placement of sex offenders in group homes                      Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution requesting the State of New York review its policy regarding placement of sex offenders in group homes and giving proper notification to neighborhood residents regarding location and placement.

On the question, Councilman Hart stated he strongly supports the resolution and emphasized the importance of preserving neighborhoods by not allowing placement of sex offenders in group homes that have residential homes with children adjacent to them.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

**7-D COMMUNICATIONS**

2. Supervisor Meegan re 2014 Annual Kiwanis Arts and Craft Show
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request of the West Seneca Kiwanis Club for use of Town Hall grounds and Veterans Memorial Park to hold their annual Craft Show on July 12 - 13, 2014.

Ayes: All                      Noes: None                      Motion Carried

3. Bond Counsel re Refunding Bond Resolution
- Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize refunding bonds in the amount of \$3,100,000 to advance refund the remaining outstanding general obligation serial bonds 2005 series A and to advance refund the remaining outstanding public improvement serial bonds of 2004 and its various purposes serial bonds of 2005, both as more specifically described in the attached resolution.

On the question, Councilman Hart stated this resolution involves the combination of older bonds with the intent of saving money and reducing interest. Approximately 4 percent will be saved annually on principal and interest.

Supervisor Meegan thanked Town Comptroller Jean Nihill for her assistance, noting they will be looking for permanent financing going forward.

Ayes: All                      Noes: None                      Motion Carried  
\*APPENDICES\*

4. Bond Counsel re Bond Resolution for Highway Improvements
- Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the issuance of general obligation bonds and bond anticipation notes to finance the construction of certain highway improvements as described in the attached resolution.

On the question, Councilman Hanley questioned if companies on North America Drive could bond for future damages.

Town Engineer Richard Henry responded that North America Drive is a public right-of-way that was dedicated to the town, so they could not ask businesses to pay for road reconstruction.

Supervisor Meegan stated the industrial park was not initially designed for the type of heavy traffic it receives.

**7-D COMMUNICATIONS**

4. (continued)

Councilman Hart questioned if town roads mentioned in the resolution are part of the annual rotation of highway reconstruction projects.

Highway Supt. Matthew English responded that he and Mr. Henry met and discussed streets and areas in town requiring reconstruction. The projects are chosen based on need and damage.

Councilman Hart questioned if the reconstruction of Commerce Drive includes all infrastructure.

Mr. Henry responded that only the storm sewer is being replaced. The watermain and sanitary sewer are in good condition.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

5. Town Engineer re 2013  
Phase 2 & 3 Sanitary Sewer  
Rehabilitation Project,  
change order #2

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #2 for the 2013 Phase 2 & 3 Sanitary Sewer Rehabilitation Project in the amount of \$36,265.82 to United Survey, Inc. for additional work performed as a result of unforeseen conditions (poor soil conditions, etc.), noting that funding is available under budget line 005.8100.0200.0524.

On the question, Councilman Hart stated the overall project is still under budget even with approval of this change order.

Ayes: All

Noes: None

Motion Carried

6. Town Engineer re SEQR  
determination for Commerce  
Parkway Reconstruction  
Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached SEQRA resolution and determination of Type II action relative to the 2014 Commerce Parkway Road Reconstruction Project.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

**7-D COMMUNICATIONS**

7. Town Engineer re Proposal for sewer inspection service

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Pipe & Plant Solutions, 231 West 29<sup>th</sup> Street, Unit 607, New York, NY 10001 to perform inspection service for the 36" sewer trunk main and siphons located between the West Seneca High School and the connection to the Buffalo Sewer Authority at their low alternate bid of \$36,900 and noting that funding is available under budget line 005.8100.0200.0524.

Ayes: All                      Noes: None                      Motion Carried

8. Highway Supt. re Attendance at 2014 School for Highway Superintendents

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Highway Supt. Matthew English and Deputy Highway Supt. Greg Zimmerman to attend the 2014 School for Highway Superintendents at Ithaca College, Ithaca, New York, June 2 – 4, 2014 at a cost not to exceed \$1500.

On the question, Councilman Hart questioned if \$1500 was the total cost.

Highway Supt. Matthew English responded that \$1500 is the total cost for both individuals.

Ayes: All                      Noes: None                      Motion Carried

9. Highway Supt. re Appointment of Derek Sleger as full-time Sanitation Laborer

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Derek Sleger as part-time sanitation laborer and appoint Derek Sleger as full-time sanitation laborer at a rate of \$18.06/HR effective April 7, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

10. Highway Supt. re Title change for Robert Finnegan as Highway Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Robert Finnegan as Highway Laborer and appoint Robert Finnegan as Highway Motor Equipment Operator, Group 2, Step 5, at a rate of \$27.13/HR effective April 7, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried



**7-D COMMUNICATIONS**

- 13. Chief Denz re Appointment of Melissa Denecke as Senior Police Clerk provisional

Motion by Supervisor Meegan, seconded by Councilman Hart, to create the position of Senior Police Clerk and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Melissa Denecke as part-time seasonal clerk and provisionally appoint Melissa Denecke as full-time Senior Police Clerk effective April 8, 2014 at an annual salary of \$32,078.34, Group 4, Step 1 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

- 14. Chief Denz re Retirement of Richard F. Cotter

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Richard F. Cotter and terminate him as Detective effective April 23, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Detective Cotter has served the Town of West Seneca for the last 30 years.

On the question, board members wished Detective Cotter well in his retirement.

Ayes: All                      Noes: None                      Motion Carried

- 15. Chief Denz re Retirement of Mary P. Caulfield

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the retirement of Mary P. Caulfield and terminate her as Detective effective April 22, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Detective Caulfield has served the Town of West Seneca for the last 25 years.

On the question, board members wished Detective Caulfield well in her retirement.

Ayes: All                      Noes: None                      Motion Carried



**7-D COMMUNICATIONS**

19. Sr. Recreation Therapist of Senior Services re Appointment of Van Drivers

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Richard Kelley, Charles Mager and Christopher Rusin as part-time van drivers at a rate of \$8.50/HR effective April 8, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

20. Sr. Recreation Therapist of Senior Services re Appointment of G. Busse as part-time Clerk Typist

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Georgiann Busse as part-time Clerk Typist at a rate of \$9/HR effective April 8, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

21. Sr. Recreation Therapist of Senior Services re Status change for J. Kropczynski to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Clerk Typist Janet Kropczynski to part-time seasonal effective April 8 – May 16, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

22. Recreation Director re Status change for Lauren Masset to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Recreation Supervisor Lauren Masset to part-time seasonal effective April 7 – August 22, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

23. Recreation Director re Pay rate change for Jillian Piniewski

Motion by Supervisor Meegan, seconded by Councilman Hart, to grant a rate increase to \$9.50/HR to part-time Recreation Attendant Jillian L. Piniewski effective April 7, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

**7-E REPORTS**

- Jacqueline A Felser, Town Clerk's report for March 2014 received and filed.
- John A. Gullo, Code Enforcement Officer's report and plumbing report for March 2014 received and filed.
- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of April 7, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of April 7, 2014 received and filed.

**ISSUES OF THE PUBLIC**

**HUMAN RESOURCE CONSULTANT**

David Kims referred to the presentation given by Public Sector HR Consultants at the March work session and questioned why they are no longer working for the town.

Councilman Hart responded after evaluating the situation Public Sector HR Consultants decided it was in their best interest to back out of the contract. He stated he was not going to give any further reasons because he felt some of the information provided was private and sensitive.

**SENIOR CENTER IMPROVEMENTS**

Brownie Michalczak thanked Sr. Recreation Therapist of Senior Services Mary Josefiak and the Town Board for increasing the parking lot at the Senior Center and for the installation of a new sidewalk at the rear entrance of the building.

**AMERICORPS PAYMENT**

Karen Lucachik questioned if the AmeriCorps payment had been received and the outstanding amount still owed to the town.

Town Comptroller Jean Nihill responded that the AmeriCorps payment was received.

Supervisor Meegan stated AmeriCorps recently sold property and they are looking to settle their account with the town. Discussions are continuing as the board members review their offer and she hoped that it would be finalized by this time next year.

Mrs. Lucachik questioned if the entire debt will be paid, noting that AmeriCorps almost put the town out of business.

Supervisor Meegan responded that the town attempted to keep AmeriCorps healthy enough so they could manage the monthly payment while continuing their service to the community. That was the objective and they were able to fulfill it.

**ISSUES OF THE PUBLIC**

**LEXINGTON GREEN FLOOD VICTIMS**

Joe Koziol thanked Councilman Hanley for providing information about discounted appliances at Orville's for victims of the Lexington Green flood.

**SUMMER DAY CAMP PROGRAM**

John Domagala referred to the successful summer camp program in Orchard Park, the high number of children attending the program and the large amount of money it generates for the town. He hoped the summer camp program in West Seneca will be run adequately and asked the board members for their full support.

Recreation Director Craig Kroll responded that Orchard Park has been running their summer camp program for eleven years and they are very experienced. He hoped the summer day camp program in West Seneca will grow accordingly and generate revenue for the town.

**SCHOOL STREET PROPERTY**

Amy Carpenter questioned the status of the School Street property.

Supervisor Meegan responded the property is sold and she understood there was no profit after AmeriCorps paid their bills.

**BUDGETARY TRANSFERS**

Amy Carpenter referred to budget transfer forms used by the town and commented they are vague, do not indicate vendors or what the transfer is for and dollar amounts are questionable. She further questioned if the town is under contract with a vendor for cleaning supplies.

Supervisor Meegan responded that budget transfers are not for specific purchases. They are for projected shortfalls in line items so they do not go over what was budgeted.

Sr. Recreation Therapist of Senior Services Mary Josefiak stated that vendors such as Morgan and Chudy along with the Buildings & Grounds Department provide cleaning supplies for the senior center. The building is inspected by the Health Department so they have to keep it clean.

Councilman Hart explained that expenditures are charged to a particular appropriation account, and when it nears its budgeted amount the board can adjust the budget by transferring money to allow for continued purchasing against that budget line. Budget transfers are not made for specific vendors. By law the town cannot overspend an appropriation, but they can adjust it with a budget transfer.

**ISSUES OF THE PUBLIC**

**BUDGETARY TRANSFERS** (continued)

Mrs. Carpenter questioned if seniors pay for craft supplies and how that is reflected in the budget.

Mrs. Josefiak responded the town provides craft supplies and the seniors pay for any ceramics pieces they make.

Councilman Hart stated any incoming money is reflected in revenue lines of the budget and offered to show Mrs. Carpenter a report outlining specific revenue appropriated lines.

Brownie Michalczak stated he is one of over 600 volunteers that help run the senior center and money is not spent frivolously. Mr. Michalczak further commented that Mrs. Josefiak is doing a great job.

**ETHICS COMMITTEE**

Dale Clarke questioned the status of appointments to the Ethics Committee.

Supervisor Meegan stated the committee will consist of Town Clerk Jacqueline Felser and six individuals recommended by the board members. Each board member will be submitting two names to the Town Attorney tonight and Mrs. Felser will schedule meetings as issues of concern are presented.

Dale Clarke referred to a discussion at the last Town Board meeting and questioned the status of Zoning Board of Appeals Chairman Tim Elling receiving gifts.

Councilman Hanley responded he reached out to the Town Attorney and has spoken to Mr. Elling. He does not believe an ethics violation took place; however, once established the Ethics Committee will investigate the matter.

Mr. Clarke referred to a statement Councilman Hart made at the last Town Board meeting implying Mr. Clarke had hired relatives to town positions while he served as councilman and questioned if Councilman Hart was able to provide any names of relatives that were appointed.

Councilman Hart responded he did not have any names and Supervisor Meegan stated she is not aware of Mr. Clarke appointing any family members during his term as councilman.

**ISSUES OF THE PUBLIC**

**PARKING SITUATION ON CENTER ROAD**

Mike Truscott referred to a previous Town Board meeting where he voiced a concern regarding parking issues on Center Road and stated the visual problems still exist for vehicles pulling out of Louis Avenue. He further asked that the property be cleaned up.

Chief Denz responded they have looked at the situation and are contemplating what can be done. The issue will be brought to the Traffic Committee by the end of April to discuss a resolution to the problem.

Code Enforcement Officer John Gullo stated he is waiting to hear back from the property owner concerning the property maintenance issue. He further noted there is a parking lot across the street that belongs to the owner so they could park there instead.

**GARBAGE TOTES**

Johanna Guenther thanked Highway Superintendent Matthew English for all his personal assistance and questioned the status of her request for assisting senior and disabled citizens with the handling of garbage totes.

Mr. English responded he will look into the possibility of helping disabled and qualifying senior citizens that require tote assistance as soon as the exchange program is completed.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**EMERGENCY OPERATION CENTER**

Chief Denz stated he has been working with West Seneca School Superintendent Dr. Crawford to establish a new Emergency Operations Center (EOC) and the school district has agreed to provide space at the Alternative Education Center on Mill Road.

Councilman Hart questioned what type of equipment will be needed, if grants are available and where the red alert system will be run from.

Chief Denz responded that grants are available and the school district will also be helping out. He thanked Dr. Crawford and the school board for their assistance in the establishment of the new Emergency Operation Center.

Code Enforcement Officer John Gullo stated that some equipment has already been acquired such as radios, computers and furniture. He will compile a list of necessary equipment once he is aware of what the school district is able to provide. Mr. Gullo stated the proposed mass notification system will be run from the new EOC and/or the dispatch center.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**DETECTIVES RETIREMENT**

Chief Denz thanked Detectives Cotter and Caulfield for their service to the town and wished them well in their retirement.

**SUMMER RECREATION PROGRAM**

Recreation Director Craig Kroll announced that summer recreation program signup begins Saturday, April 12<sup>th</sup>, 10:00 AM - 2:00 PM. A brochure outlining all summer programs is available on the town's website.

**PRESCRIPTION DROP OFF / HEALTH & SAFETY FAIR**

Sr. Recreation Therapist of Senior Services Mary Josefiak announced a prescription drug drop off event will take place on Saturday, April 26<sup>th</sup> at the senior center from 10:00 AM – 2:00 PM along with a Health & Safety Fair sponsored by Senator Patrick Gallivan. The YES group will be offering a Kids Zone and police officers will be available for child car seat inspections.

**REQUEST FOR EXECUTIVE SESSION**

Town Attorney Charles Grieco requested an executive session to update the board members on a pending litigation matter.

**EXECUTIVE SESSION**

Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to Executive Session at 7:55 P.M. to discuss a litigation matter with Town Attorney Charles Grieco.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:30 P.M.

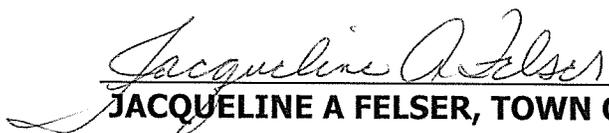
**ADJOURNMENT**

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

**A RESOLUTION TO BE SUBMITTED BY  
TOWN SUPERVISOR MEEGAN**

WHEREAS, a recent decision by the New York State Office for People with Developmental Disabilities has placed multiple sex offenders in two group homes located at 510 and 526 Leydecker Road in West Seneca; and

WHEREAS, the individuals placed at these group homes were previously placed at a far more secure facility in Monroe County, which was closed due to budget cuts; and

WHEREAS, Leydecker road and the surrounding area is a residential neighborhood, bordering a well-used West Seneca Town Park and softball fields.

WHEREAS, the group homes were initially acquired for and occupied by individuals with mental disabilities and developmental challenges requiring State supervision and care, which is not a secure environment for medium to high level sex offenders; and

WHEREAS, local residents were not given proper notice regarding the placement of these sex offenders, in that they were led to believe the homes were to be used for housing developmentally challenged individuals without criminal records; and

WHEREAS, the placement of several level 2 and level 3 sex offenders in a residential neighborhood represents a dangerous situation for area residents, their children, and anyone who utilizes the neighboring park; and

WHEREAS, many of the residents in the area would not have moved their families to that particular neighborhood had they known a group of sex offenders requiring state care would be located there as well; and

WHEREAS, the group homes have a central location to local area schools and parks, which would normally have precluded the location of these individuals had they not been placed in the state run facility; and

WHEREAS, the movement of the previous residents of these two group homes into new surroundings is highly disruptive to their progress and development.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of West Seneca requests that the State of New York review its policy regarding placement of sex offenders, in particular with regard to group homes used to house said offenders requiring continued State care; and be it further

RESOLVED, that New York State review its policy with regard to giving proper notice to neighborhood residents regarding the location and placement of sex offenders, especially when they are placed in large groups like the present situation; and be it further

RESOLVED, that certified copy of this resolution be sent to Governor Andrew Cuomo's office, the Western NY delegates to the State Senate and Assembly, Commissioner of the New York state office for People with Developmental Disabilities Laurie Kelley and all other parties deemed necessary and proper.

**TOWN OF WEST SENECA  
REFUNDING BOND RESOLUTION  
VARIOUS PURPOSE REFUNDING BONDS-2014**

**A RESOLUTION AUTHORIZING REFUNDING BONDS OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK, IN THE AMOUNT OF \$3,100,000.00 TO ADVANCE REFUND THE REMAINING OUTSTANDING TOWN OF WEST SENECA GENERAL OBLIGATION SERIAL BONDS, 2005 SERIES A, AND TO ADVANCE REFUND THE REMAINING OUTSTANDING TOWN OF WEST SENECA PUBLIC IMPROVEMENT SERIAL BONDS, 2004 AND ITS VARIOUS PURPOSES SERIAL BONDS, 2005 BOTH AS MORE SPECIFICALLY DESCRIBED HEREIN**

**WHEREAS**, as more specifically described hereinafter the Town of West Seneca in the County of Erie, State of New York (the "Town") issued its \$7,890,000 Public Improvement Serial Bonds, 2004 dated December 1, 2004 (the 2004 "Bonds") and its \$4,756,000 Various Purposes Serial Bonds, 2005 dated August 15, 2005 (the "2005 Bonds") (both the 2004 Bonds and the 2005 Bonds jointly referred to as the "Prior Bonds"); and

**WHEREAS**, at the time of the proposed refunding, there will be outstanding principal on the Prior Bonds in the aggregate amount of \$2,810,000, consisting of outstanding principal on the 2004 Bonds in the amount of \$1,310,000, and outstanding principal on the 2005 Bonds in the amount of \$1,500,000, as set forth on a refunding summary (the "Refunding Summary") which is annexed hereto at Exhibit A and fully made a part of this Refunding Resolution; and

**WHEREAS**, a financial plan for the refunding of the remaining outstanding Prior Bonds (the "Refunding Plan") has been prepared and is fully set forth in the Refunding Plan; and

**WHEREAS**, the Town by its Town Council has determined that the Town would realize a net present value debt service savings of not less than 4.112% by issuing refunding bonds to retire the outstanding Prior Bonds at their earliest permissible redemption date as hereinafter set forth, as required by Section 90.10 of the Local Finance Law; and

**WHEREAS**, it would in the public interest to refund all or a portion of the Prior Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council as follows:

**Section 1.** A series of Refunding Bonds to be identified as the Town of West Seneca Various Purposes Refunding Bonds, 2014 in an amount not to exceed \$3,100,000.00 (the "Refunding Bonds") is hereby authorized pursuant to Section 90.00 of the New York State Local Finance Law (the "Local Finance Law"), for the object or purpose of refunding all or a portion of the Prior Bonds as further provided hereinafter at Section 12.

3.  
APR 07 2014

Section 2. The 2004 Bonds were authorized pursuant to Bond Resolutions adopted by the Town Council on March 13, 2000 and April 9, 2002 to finance Various Public Improvements, (the "2004 Projects") at a cost not exceeding \$7,890,000. The 2005 Bonds were authorized pursuant to Bond Resolutions adopted by the Town Council on July 12, 2004 to finance Various Purposes, (the "2005 Projects") at a cost not exceeding \$4,746,000.

Section 3. Pursuant to applicable subsections of Local Finance Law ("LFL") Section 11.00 the maximum period of probable usefulness for the 2004 Projects at the time the 2004 Bonds were issued was not greater than 15 years and the period of probable usefulness for the 2005 Projects at the time the 2005 Bonds were issued was not greater than 15 years

Section 4. It is hereby determined that:

A. The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

B. The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probably usefulness of each of the objects or purposes for which the Prior Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Prior Bonds, in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law; and

C. The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provision of Section 90.10(b)(2)) (c) of the Local Finance Law, is as shown in the Refunding Plan described in Section 5 hereof.

Section 5. The Refunding Plan shows the sources and amounts of all moneys required to accomplish the refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings. The Refunding Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$2,920,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit A.

Section 6. The Refunding Plan calls for the retirement of the 2004 Bonds on or after July 3, 2014 and the retirement of the 2005 Bonds on or after August 15, 2014 (the "Redemption Dates").

Section 7. The faith and credit of the Town of West Seneca are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding 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 the Refunding Bonds becoming due and payable in such year.

Section 8. All other matters, except as specifically provided herein, relating to the Refunding Bonds by this Refunding Resolution, including the date, denominations, interest rates,

maturities and interest payment dates, the manner of execution of the same, 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. The Refunding 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, as required by Section 51.00 of the Local Finance Law, and such additional recitals as the Town Supervisor shall determine to be necessary, consistent with the provisions of the Local Finance Law.

Section 9. The validity of the Refunding Bonds may be contested only if:

- 1) The Refunding Bonds 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) The Refunding Bonds are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. The Town hereby determines that the issuance of the Refunding Bonds is an action that will not have a significant effect on the environment and, therefore no other determinations or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

Section 11. A Notice of Adoption of the Refunding Resolution along with an abstract of this Refunding Resolution shall be published in full in the West Seneca Bee as the official newspaper of the Town for such purpose, together with an estoppel notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. The principal amount of the Refunding Bonds, along with moneys which together with the interest earned from the investment of certain proceeds of the Refunding Bonds does not exceed an amount sufficient to pay the sum of (a) the principal amount of the Prior Bonds, which is outstanding as of the date of issue of the Refunding Bonds, (b) the aggregate amount of unmatured interest payable on the Prior Bonds to, and including, either the date or dates such bonds mature or, if such bonds are to be called for redemption prior to their maturities, the date or dates set for such redemption in accordance with the refunding financial plan, (c) redemption premiums, if any, payable on the Prior Bonds as of such redemption date or dates, (d) costs and expenses incidental to the issuance of the Refunding Bonds, including Bond Counsel fees, the development of the refunding financial plan, fees and costs of the Financial Advisor of the Town, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the escrow holder, and (e) the premium or premiums of any municipal bond insurance or other form of credit enhancement facility or facilities for the Bonds or any portion thereof.

Section 13. The proposed maturity dates of the Refunding Bonds will not extend beyond the final maturity date of the Prior Bonds, as more particularly set forth in the Refunding Plan.

Section 14. The Town Supervisor, as the Chief Fiscal Officer of the Town, shall file with the Town Council a certificate, which shall be final and conclusive upon all parties, setting forth the present value of the total debt service savings to the issuer resulting from the issuance of the Refunding Bonds computed in accordance with the provisions of § 90.10(b)(2)(a) of the Local Finance Law, except that the actual amount, rather than an estimate, of the amount of accrued interest to be paid on such bonds shall be used in determining the effective interest cost thereof.

Section 15. The Town elects to call in and redeem the Prior Bonds for payment prior to the date of their maturity on the Redemption Dates set forth in Section 6 of this Resolution. The escrow holder as appointed by the Town Supervisor pursuant to Section 16 of this Resolution is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided by Section 53.00(a) of the Local Finance Law.

Section 16. The Town Supervisor, as the Chief Fiscal Officer of the Town, is hereby delegated the duty to contract on behalf of the Town with a bank or trust company located and authorized to do business in the State of New York for the purpose of having such bank or trust company act as the escrow holder of the proceeds, inclusive of any premium, from the sale of such Refunding Bonds, together with all income derived from the investment of such proceeds, and any other moneys to be provided by such issuer to effectuate the refunding financial plan.

Section 17. This Resolution shall take effect immediately upon its adoption by the Town Council.

\* \* \* \* \*

**TOWN OF WEST SENECA  
BOND RESOLUTION**

*April 7, 2014*

**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, including but not limited to, the repair and reconstruction of the following Town highways: Hilltop Court and Beechwood Drive at a cost of \$1,600,000.00, Stephenson Avenue at a cost of \$1,500,000.00, and North America Drive/Commerce Parkway and Ransier Drive at a cost of \$1,400,000.00 as well as additional highway repairs and improvements as necessary throughout the Town (the "Project").

**WHEREAS**, the estimated aggregate maximum costs for the Project is \$4,500,000.00, 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 \$4,400,000.00.

**Section 4.** The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds (the "Bonds") of the Town in an aggregate principal amount not exceeding \$4,400,000.00 which are hereby authorized to be issued therefor pursuant to the Local Finance Law, and by the use of Community Development Block Grant funds in the amount of \$100,000.00.

**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 exceed five (5) years but will not be in excess of fifteen (15) years.

**Section 6.** The faith and credit of the Town of West Seneca, Erie County, New

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York, are hereby irrevocably pledged for the payment of the principal of and interest on the 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 the 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 and renewals thereof (the "Notes") in anticipation of the issuance and sale of the Bonds is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, as the Chief Fiscal Officer of the Town. The 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.** Except as provided otherwise by this Resolution, all other matters relating to the Bonds including the date, denominations, interest rates, maturities and interest payment dates, the manner of execution of the Bonds, 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. The 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 required by Section 51.00 of the Local Finance Law, and shall contain such additional recitals as the Town Supervisor shall determine necessary consistent with the provisions of the Local Finance Law.

**Section 9.** The validity of the Bonds and Notes may be contested only if:

- 1) The Bonds or Notes 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) The Bonds or Notes 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. The Town Clerk is authorized and directed to publish a notice of the adoption of this Resolution along with an abstract hereof as provided by Town Law Section 90.

**Section 12.** Upon the effective date as defined by Section 11 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 Councilperson Hart, and the vote thereon was as follows:

Supervisor Meegan voted	<u>yes</u>
Councilman Hanley voted	<u>yes</u>
Councilman Hart voted	<u>yes</u>

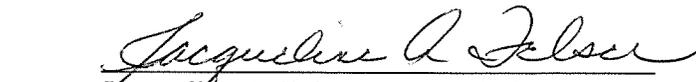
**CERTIFICATE OF THE TOWN CLERK**

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 7th day of April, 2014.
2. That such meeting was a regular meeting.
3. That attached hereto is a copy of Bond Resolution No. 1-2014 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 7th day of April, 2014.

  
Jacqueline A. Felser, Town Clerk

## SUGGESTED RESOLUTION

### TOWN OF WEST SENECA SEQRA DETERMINATION FOR 2014 COMMERCE PARKWAY ROAD RECONSTRUCTION

WHEREAS, the Town of West Seneca Town Board (the "Board") has considered the impact to the environment of the following Scope of Work to be completed on the Commerce Parkway Road Reconstruction Project in the Town of West Seneca;

- Work includes, but not limited to the roadway reconstruction of Commerce Parkway and Ransier Drive, including the complete removal of existing pavement and replacing with full depth pavement section, new concrete curb, gutters and roadside treatment improvements.

WHEREAS, the Board has reviewed the Scope of Work set forth above as one Proposed Action, and has further consulted with its Engineer and legal counsel with respect to the potential for environmental impacts resulting from the Proposed Action,

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR. Part 617 of the Environmental Conservation Law, Article 8 ("SEQRA") and concluded that the work involves:

- Maintenance or reconstruction involving no substantial changes in an existing facility, structure or infrastructure (6 NYCRR §617.5(c)(1));
- Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site, including upgrading buildings and sewer infrastructure (6 NYCRR §617.5(c)(2));
- Repaving of existing highways not involving the addition of new travel lanes (6 NYCRR §617.5(c)(4));
- street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities (6 NYCRR §617.5(c)(5));

THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The Proposed Action, individually and cumulatively, does not constitute substantial changes to the existing facilities or infrastructure and involves routine activities required for proper operation and maintenance of the Town Sewer System, and, therefore, does not exceed the thresholds for a Type II Action established under 6 N.Y.C.R.R. Part 617.
2. The Board hereby determines the Proposed Action is a Type II action in accordance with SEQRA regulations.
3. No further review of the Proposed Action is required under SEQRA.
4. This resolution shall be effective immediately.