

_____ offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. ____ -2016

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, NEW YORK, ADOPTED ON JANUARY 11, 2016, CALLING FOR A PUBLIC HEARING TO BE HELD ON JANUARY 25, 2016, FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF ELECTRIC LIGHTING DISTRICTS 1-35, 38-42 and 55 PURSUANT TO SECTION 202-b OF THE TOWN LAW

Recitals

WHEREAS, the Town Board has undertaken proceedings pursuant to Section 202-b of the Town Law for the joint increase and improvement of certain street lighting facilities (“Facilities”) of Electric Lighting Districts 1-35, 38-42 and 55 (herein called the “Districts”) and elsewhere in the Town of West Seneca (herein called the “Town”), in the County of Erie, New York, in preparation for the purchase of the Facilities from New York State Electric & Gas Corporation (“NYSEG”) and conversion of the Facilities to LED lighting for the benefit of street lighting system users in the Districts and elsewhere in the Town; and

WHEREAS, the Town and NYSEG have entered into an Agreement for Purchase and Sale of Street Lighting Facilities dated as of November 13, 2014 pursuant to the terms of which all right, title and interest to and in the Facilities shall vest in the Town and the Town shall thereafter be solely responsible and liable for the operation, maintenance and condition of the Facilities; and

WHEREAS, the Town and John W. Danforth Company (“ESCO”) have executed an Energy Performance Contract between the Town and ESCO dated November 15, 2014, pursuant to the authorizing resolution adopted by the Town Board on May 21, 2012, and an

amendment to the Phase II portion of such Energy Performance Contract pursuant to the authorizing resolution adopted by the Town Board on January 11, 2016 (such contract as amended being hereinafter referred to as the “EPC”) pursuant to the terms of which ESCO will (1) facilitate the Town’s purchase of the Facilities from NYSEG, (2) install and implement Facility Improvement Measures for the Facilities, the Town’s Ice Rink Scoreboard and the Town Library (“FIMs”) in order to provide energy cost savings and operational cost savings and (3) guarantee the level of such savings calculated in conformance with the requirements of the EPC; and

WHEREAS, such joint increase and improvement of the Facilities and the other FIMs are more particularly described in the EPC filed with the Town Clerk of the Town; and

WHEREAS, the estimated cost of the joint increase and improvement of the portion of the Facilities benefiting the Districts is \$650,000 plus the reasonable cost of financing, accrued taxes, if any, associated administrative fees and expenses, which is proposed to be financed, together with the other FIMs, through a lease/purchase agreement in accordance with the Town Board’s May 21, 2012 authorizing resolution; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the increase and improvement of the Facilities may have on the environment and the Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law and the applicable documentation thereof has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has reviewed a Short Environmental Assessment Form prepared and signed by the Town Attorney and hereby determines that the proposed increase and improvement of the Facilities is an unlisted action and will not have a significant impact on the environment;

Now, therefore

THE TOWN BOARD OF THE TOWN OF WEST SENECA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of a majority of all the members of said Town Board) AS FOLLOWS:

Section 1. A meeting of the Town Board of the Town shall be held at the Town Hall, 1250 Union Road, West Seneca New York 14224, on the 25th day of January, 2016, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Districts, as described in the Recitals hereto, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

Section 2. The Town Clerk is hereby authorized and directed to publish, or cause to be published, at least once in the "WEST SENECA BEE," a newspaper having a general circulation in the Town and hereby designated as the official newspaper for such publication, and to post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, in substantially the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Section 3. This resolution shall take effect immediately.