

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

**TOWN BOARD PROCEEDINGS**  
Minutes #2017-24  
December 11, 2017

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 led by Deputy Town Clerk Amy Kobler.

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

Absent - None

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

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#### **24-A MINUTES TO BE APPROVED**

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2017-23 of November 27, 2017.

Ayes: All

Noes: None

Motion Carried

#### **24-B LEGAL ITEMS**

1. Proofs of publication and posting of legal notice: "OF THE ADOPTED CHANGE IN ZONING FOR PROPERTY LOCATED AT 965 CENTER ROAD, BEING PART OF LOT NO. 203, CHANGING ITS CLASSIFICATION FROM R-60A TO R-60(S), FOR A MULTI-FAMILY DEVELOPMENT" in the Town of West Seneca, received and filed.

#### **24-C COMMUNICATIONS**

1. Supervisor Meegan re Retirement of Alvin Kauderer

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Alvin Kauderer effective January 3, 2018 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Mr. Kauderer has been with the town for 23 year and will be missed.

Ayes: All

Noes: None

Motion Carried

24-C COMMUNICATIONS

- 2. Supervisor Meegan re Leave of absence extensions

Motion by Supervisor Meegan, seconded by Councilman Hanley, to grant the following an extension of their existing leave of absence through and including January 2, 2019:

Jacqueline Felser – Senior Clerk Stenographer  
Matthew English – Motor Equipment Operator  
John Gullo – Fire Inspector

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

- 3. Town Attorney re Dedication of Veronica Drive

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept dedication of Veronica Drive to the Town of West Seneca, conditioned upon receipt of a maintenance bond and title insurance to the satisfaction of the Town Attorney and authorize the Supervisor to execute the necessary documents.

Ayes: All                      Noes: None                      Motion Carried

- 4. Town Attorney re Agreement with SPCA

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the attached agreement with the SPCA, noting the term of the agreement shall be from January 1 – December 31, 2018 with automatic annual renewals.

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

- 5. Town Engineer re Closeout deduct change order – Rosewood Section Road Reconstruction Project

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a closeout deduct change order in the amount of \$37,256.61 for the Rosewood Section Road Reconstruction Project.

Ayes: All                      Noes: None                      Motion Carried

**24-C COMMUNICATIONS**

6. Town Engineer re Final change order no. 1 – phase 4 sewer project

Motion by Supervisor Meegan, seconded by Councilman Hart, to execute final change order no. 1 for the phase 4 Sewer Rehabilitation Project, noting the change order is a deduct of \$57,801.36 and the allows the town to close out the phase 4 sewer repair project.

Ayes: All                      Noes: None                      Motion Carried

7. Town Engineer re Change order no. 1 – Community Center & Library project

Motion by Supervisor Meegan, seconded by Councilman Hart, to execute change order no. 1 to Resetarits Construction Company in the amount of \$48,790.75 for the temporary library facility that has been installed and will be operational until completion of the Community Center & Library Project.

Ayes: All                      Noes: None                      Motion Carried

8. Town Engineer re Change order no. 2 – Community Center & Library project

Motion by Supervisor Meegan, seconded by Councilman Hart, to execute change order no. 2 to Resetarits Construction Company in the amount of \$187,335.87 for the build out of the first floor office space in the two-story portion of the new West Seneca Community Center & Library.

Ayes: All                      Noes: None                      Motion Carried

9. Town Engineer re Change order no. 3 – Community Center & Library project

Motion by Supervisor Meegan, seconded by Councilman Hart, to execute change order no. 3 to Resetarits Construction Company in the amount of \$60,591.48 for modifications, unforeseen conditions or improvements to the new West Seneca Community Center & Library project based on back up and quotes from the contractor.

Ayes: All                      Noes: None                      Motion Carried

10. Highway Sup't. re Termination of Jason Lons part-time Buildings & Grounds laborer

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Jason Lons as part-time Buildings & Grounds laborer effective December 5, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

**24-C COMMUNICATIONS**

11. Chief Denz re Resignation of Richard Miller part-time public safety dispatcher

Motion By Supervisor Meegan, seconded by Councilman Hart, to accept the resignation of part-time public safety dispatcher Richard Miller effective December 11, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

12. Chief Denz re Status change for part-time public safety dispatcher John Pingitore to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time public safety dispatcher John Pingitore to part-time seasonal effective December 1 – 31, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

13. Chief Denz re Status change for part-time public safety dispatcher John Williams to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time public safety dispatcher John Williams to part-time seasonal effective December 1 – 31, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

14. Senior Code Enforcement Officer re Removal of unsafe conditions – 32 Benson Avenue

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Senior Code Enforcement Officer John Gullo to proceed with removal of the unsafe conditions at 32 Benson Avenue and advertise for bids for demolition, noting the conditions set forth in Chapter 57 of the Town Code have been met without any responsible person replying.

Ayes: All                      Noes: None                      Motion Carried

**24-C COMMUNICATIONS**

15. Senior Code Enforcement Officer re Adoption of Land Bank Resolution
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution:

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned and tax-delinquent properties, New York State passed the Land Bank Act as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns and villages within Erie County to address the growing problem of distressed, vacant, abandoned and tax-delinquent properties; and

WHEREAS, the Town of West Seneca, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem; now, therefore, be it

RESOLVED, the Town of West Seneca hereby officially requests that BENLIC acquire the following properties:

69 Steiner Ave. West Seneca, NY 14224 SBL# 124.18-4-30  
25 Manhasset St. West Seneca, NY 14210 SBL# 133.27-1-9  
53 Woodcrest Dr. West Seneca, NY 14220 SBL# 133.20-2-16

and be it further

RESOLVED, the Town of West Seneca has completed the required Acquisition Applications for each property listed above and has attached the Acquisition Applications to this resolution; and be it further

RESOLVED, the Town of West Seneca agrees to reimburse Erie County for the costs associated with foreclosure of this property; and be it further

**24-C COMMUNICATIONS**

15. (continued)

RESOLVED, the Town of West Seneca agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property including removal of motor vehicles upon BENLIC property by use of municipal emergency services (i.e. police and fire department); and be it further

RESOLVED, in the event that after a period of one year from the date of BENLIC acquisition, BENLIC is unable to dispose of vacant lots which do not contain structures and which are identified herein and BENLIC directs transfer to the Town of West Seneca, the Town of West Seneca agrees to accept a transfer of title of all non-disposed vacant lots which do not contain structures by quit claim deed; and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

Ayes: All

Noes: None

Motion Carried

16. Town Attorney re Adoption of amending bond resolution for sewer districts 5, 13 & 20

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached amending bond resolution for sewer districts 5, 13 & 20.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

**24-D REPORTS**

- Jacqueline A Felser, Town Clerk's report for November 2017 received and filed
- John Gullo, Code Enforcement Officer's building & plumbing reports for November 2017 received and filed
- Burchfield Nature & Art Center Annual Report & Narrative received and filed

**24-E APPROVAL OF WARRANT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$370,041.64; Highway Fund - \$57,323.95; Special Districts - \$159,972.24; Capital Fund - \$1,032,086.12 (vouchers 102029 - 103004) Trust - \$312,304.25 (vouchers 102619 - 103058)

Ayes: All

Noes: None

Motion Carried

**ISSUES OF THE PUBLIC**

- The West Seneca Veterans Committee requested that Supervisor Meegan send a letter declining the offer of the obsolete military tank from the Department of Army and Congressman Brian Higgins and release the tank back to the army donations program.
- An Inter Drive resident questioned why \$200,000 was added to the Community Center & Library project. Supervisor Meegan stated the Town Board did not realize going into the project that the Kiwanis building would be torn down and the Burchfield Center would be closed, which displaced town offices. The Town Board is now asking the contractor to build out the offices with the money coming from bonding.

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

- Supervisor Meegan stated the reorganization meeting will be held Thursday, January 4, 2018 at 6:00 P.M.
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to executive session at 7:15 P.M. to discuss a Blue Collar bargaining issue.

Ayes: All

Noes: None

Motion Carried

The board members returned from executive session at 7:25 P.M.

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 7:25 P.M.

Ayes: All

Noes: None

Motion Carried

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**JACQUELINE A FELSER, TOWN CLERK**

# AGREEMENT

THIS AGREEMENT made this 1st day of January, 2018 by and between the Town of West Seneca, New York (the "Town") and the Erie County Society for the Prevention of Cruelty to Animals d/b/a SPCA Serving Erie County, a not-for-profit corporation having an office located at 300 Harlem Road, West Seneca, New York, 14224 (the "SPCA").

WITNESSETH WHEREAS, the Town and the SPCA desire to enter into a contract providing that after the statutory holding period as per New York State Agricultural and Markets Law, a seized dog may be offered for adoption according to New York State Agricultural and Markets Law, Article 7 and Article 26.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. During the term of this Agreement, SPCA will only accept dogs that it considers safe adoption candidates after they have been held the legal stray holding period as determined by NYS Agriculture and Markets laws. The Town will be responsible for identifying dogs who are overtly behaviorally unsound, suffering irredeemably, or dangerous with people or other animals. In that event, the Town shall be responsible for the animal's humane euthanasia at the veterinary facility of its choice. The Town understands that its representatives are welcome to contact SPCA's behavior department with any questions pertaining to behavior or temperament.
2. The term of this agreement shall commence on January 1<sup>st</sup>, 2018 and shall end on December 31<sup>st</sup>, 2018 and shall be automatically and continuously renewed for each succeeding calendar year until the Town or the SPCA provides written notice to the other, at least thirty (30) days prior to the commencement of the succeeding year, of its desire to terminate this Agreement.
3. The Town understands that it is their sole responsibility to seek and provide veterinary care for a sick or injured impounded animal. The Town agrees to seek said care from a licensed Veterinarian, and to adhere to the care/treatment recommendations from said Veterinarian. Furthermore, the Town understands and acknowledges that failure to provide medical care to an impounded animal in need may immediately void this agreement, and could lead to criminal charges.
4. In the event the Town feels that the physical condition of the dog at the time of initial impoundment may rise to the level of animal cruelty, the Town understands it may contact the SPCA. The SPCA agrees to arrange for the Town to bring the dog to the shelter and to have a member of its medical and/or Law Enforcement team examine the dog. If the SPCA deems the condition of the dog may in fact be evidence of the crime of cruelty to animals, the SPCA will accept said dog, hold the dog stray time and open an investigation. The Town understands that it must take the dog back, hold stray time and to provide medical treatment as described above in the event the SPCA declines to accept the dog for further investigation.
5. In the event that a dog relinquished by the Town to the SPCA is subsequently euthanized due to significant medical or behavioral problems, the euthanasia shall be performed by registered Licensed Animal Health Technicians employed by the SPCA, and shall be carried out humanely with an injection of sodium pentobarbital.
6. The Town agrees to send all dogs that are physically and behaviorally healthy to the SPCA.
7. The SPCA will accept dogs as space permits. The Town agrees to call ahead before transporting a dog to the shelter. The SPCA understands that if space does not permit, the Town may seek alternative placement for the dogs with other organizations.



8. The Town agrees to pay the SPCA the following fees for services rendered pursuant to this Agreement per dog:
- a) An adoption fee of thirty dollars (\$30.00).
  - b) A euthanasia fee of thirty (\$30.00).
  - c) A crematory and disposal fee of thirty (\$30.00).

Also, the Town understands it is its sole responsibility to provide animal control services for its municipality.

The fees accrued during each month shall be paid no later than the fifteenth day of the next subsequent month.

Any payments accrued but not paid as of the date of termination of this Agreement shall be paid no later than the fifteenth day subsequent to said date.

9. If it is necessary for the SPCA to accept a stray dog found within the Town, the Town agrees to pick up said dog within 4 SPCA business hours of receiving a phone call from the SPCA. The Town understands that if the dog is not picked up, there will be a \$50 transport fee for an SPCA representative to deliver the dog to the Town's Animal Control Office.
10. If for any reason the Town accepts and transports an owned animal for surrender, the Town understands the SPCA will not accept said animal without a completed SPCA Owner Surrender profile, paper proof of permanent ownership relinquishment to the Town, and reliable contact information for the previous owners.
11. The Town and the SPCA each agree to cooperate and assist the other in fulfilling the terms of this Agreement.
12. The parties hereto represent and warrant to each other that they each have the full right, power and authority to enter into this Agreement.
13. Each party agrees to indemnify the other party, its directors, officers and employees from and against any and all claims, actions, liabilities, damages, costs, expenses and reasonable attorney fees, including, but not limited to, those for personal injury and/or death and/or property damage, that arise against or are incurred by the Indemnified Party as a result of any breach, performance or non-performance by the Indemnifying Party of the terms and services set forth in this Agreement or from any negligent or intentional acts or omissions of the Indemnifying Party, its employees, or agents.

The provisions this section shall survive the termination of this Agreement.

14. This Agreement may only be modified or amended through the written consent of both parties hereto.

In witness whereof, the parties hereto have caused their hands and seals to be hereunto affixed the day and year first above written.

TOWN OF WEST SENECA ("Town")

By: \_\_\_\_\_

Its: \_\_\_\_\_

ERIE COUNTY SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS ("SPCA")

By: \_\_\_\_\_

President and C.E.O.

At a regular meeting of the Town Board of the Town of West Seneca, in the County of Erie, New York, held at Town Hall, 1250 Union Road, West Seneca New York 14224 on December 11, 2017

PRESENT: Sheila M. Meegan, Supervisor  
William P Hanley Jr., Councilman  
Eugene P. Hart, Councilman

ABSENT: None

The following resolution was offered by Supervisor Meegan, who moved its adoption, seconded by Councilman Hanley, to-wit:

AMENDING BOND RESOLUTION DATED DECEMBER 11, 2017

BOND RESOLUTION OF THE TOWN OF WEST SENECA, NEW YORK, ADOPTED DECEMBER 11, 2017, FURTHER AMENDING BOND RESOLUTION NO. 2-2012 ADOPTED MAY 7, 2012 AND AMENDED SEPTEMBER 16, 2013 IN RELATION TO FINANCING THE COST OF CONSTRUCTION OF CERTAIN COMMON IMPROVEMENTS AND INCREASES TO SANITARY SEWER FACILITIES TO SERVE TOWN SEWER DISTRICTS 5, 13 AND 20, AT THE TOTAL ESTIMATED COST OF \$30,000,000.

Recitals

WHEREAS, the Town Board of the Town of West Seneca, New York, has heretofore duly authorized construction of certain increases and improvements to certain common sanitary sewer facilities to serve Sewer Districts 5, 13 and 20, at the estimated maximum cost of \$30,000,000 (the "Project"), which amount was appropriated therefore pursuant to Bond Resolution No. 2-2012 duly adopted on May 7, 2012 and amended on September 16, 2013 (the "Bond Resolution"), and it has now been determined that the Town expects to receive financing assistance from the New York State Environmental Facilities Corporation ("EFC") for the portion of the Project which is eligible for such financing assistance, through (i) two grants in the estimated total amount of \$1,712,832, and (ii) short-term interest-free loan financing and eventual long-term bond financing in the estimated total amount of \$4,838,494 which will be applied to refinance outstanding bond anticipation notes issued by the Town pursuant to the Bond Resolution; and

WHEREAS, it is now appropriate to amend the Bond Resolution to reference the inclusion of such EFC financing assistance in the plan of finance for the Project;

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 not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

**Section (A).** The bond resolution of said Town duly adopted by the Town Board on May 7, 2012 and amended on September 16, 2013, entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL REVENUE BONDS OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE THE CONSTRUCTION CERTAIN COMMON IMPROVEMENTS AND INCREASES TO SANITARY SEWER FACILITIES TO SERVE TOWN SEWER DISTRICTS 5, 13 AND 20

is hereby amended to read as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL REVENUE 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 COMMON IMPROVEMENTS AND INCREASES TO SANITARY SEWER FACILITIES TO SERVE TOWN SEWER DISTRICTS 5, 13 AND 20; AND AUTHORIZING THE EXPENDITURE OF \$1,712,832 GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST THEREOF

WHEREAS, the Town Council of the Town of West Seneca, in the County of Erie, New York (the "Town"), determined that it is NECESSARY to construct certain increases and improvements of certain common sanitary sewer facilities to serve Sewer Districts 5, 13 and 20 (the "Districts") and to otherwise provide for other improvements critically needed for the continued operation of the sanitary sewer system serving the Districts. Such increases and improvements consist of the rehabilitation and construction of sanitary facilities to eliminate active sanitary sewer overflows; the upgrade and rehabilitation of several pumping stations; the installation of slip lining to sewer mains; the construction of enhancements to increase system capacity to accommodate current service needs; repairs to an overflow retention facility; and any and all equipment, machinery and apparatus incidental thereto; and (the "Project").

WHEREAS, the estimated maximum costs for the Project is \$30,000,000 plus the cost of issuance of the bonds or notes; and

WHEREAS, a public hearing pursuant to Town Law Section 202-b was duly held by the Town Council on March 26, 2012;

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) 4 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 \$30,000,000 and said amount is hereby appropriated for such purpose.

Section 4. The plan of financing includes the issuance of \$30,000,000 bonds of the Town herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes, and application of \$1,712,832 expected to be received from the New York State Environmental Facilities Corporation to be expended towards the cost thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal and interest on said bonds or notes.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subparagraph 4 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 forty (40) 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. The Town Clerk is hereby directed to publish notice of the adoption of this Resolution in the *West Seneca Bee* along with notice of the foregoing grounds for the contesting thereof pursuant to Local Finance Law Section 81.

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. The Project is defined by 6NYCRR Part 617.5 to be a TYPE II Action under the State Environmental Quality Review Act which by Regulation has been determined not to have a significant impact on the environment.

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.

**Section (B).** The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

**Section (C).** This resolution shall take effect immediately.

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

**Supervisor Meegan voted Aye**

**Councilman Hart voted Aye**

**Councilman Hanley voted Aye**

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

I, the undersigned Clerk of the Town of West Seneca, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of West Seneca, Erie County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town of West Seneca, Erie County, State of New York, was held on December 11, 2017, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.

3. Attached hereto is a true and correct copy of a board resolution duly adopted at a meeting of the Town Board held on December 11, 2017 and entitled:

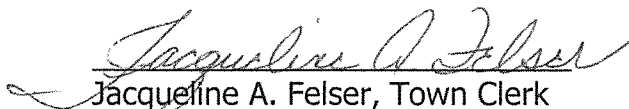
BOND RESOLUTION OF THE TOWN OF WEST SENECA, NEW YORK, ADOPTED DECEMBER 11, 2017, FURTHER AMENDING BOND RESOLUTION NO. 2-2012 ADOPTED MAY 7, 2012 AND AMENDED SEPTEMBER 16, 2013 IN RELATION TO FINANCING THE COST OF CONSTRUCTION OF CERTAIN COMMON IMPROVEMENTS AND INCREASES TO SANITARY SEWER FACILITIES TO SERVE TOWN SEWER DISTRICTS 5, 13 AND 20, AT THE TOTAL ESTIMATED COST OF \$30,000,000

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3 of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of West Seneca this 15<sup>th</sup> day of December, 2017.

[SEAL]

  
Jacqueline A. Felser, Town Clerk