

Supervisor Gary Dickson called the meeting to order at 6:00 P.M.

**ROLL CALL:** Present - Gary Dickson Supervisor  
William Bauer Councilman  
Joseph Cantafio Councilman  
William P. Hanley, Jr. Councilman  
Jeff Piekarec Councilman

Absent - None

Supervisor Dickson 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 Victoria Frontera.

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### **MINUTES TO BE APPROVED**

- Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve minutes from the December 30, 2019 Special Meeting.

Ayes: All

Noes: None

Motion Carried

### **ANNOUNCEMENTS**

Supervisor Dickson led the Pledge of Allegiance followed by the Changing of the Colors signifying the change of command within the West Seneca Joint Veterans Committee.

### **PRESENTATIONS OF DEPARTMENT HEADS**

#### **Town Engineer, Steve Tanner**

Town Engineer, Steve Tanner presented the attached Power Point presentation with the following questions/comments summarized below:

- \$14 million has been spent to date; there is currently \$5 million available for Phase 5 & 6, anticipated costs for Phases 7 through 10 to be an additional \$8 million
- Installation of flow meters require professional engineering services to determine the specifications for the correct flow meters, design, and materials
- Projects are coordinated with the state and county paving schedules; slip lining is not evasive unless spot repairs are necessary
- The town is responsible for repairs of raised manhole covers in town owned sewer districts and they are placed on an emergency repair list
- It is illegal to charge property owners for sewer repairs in unaffected districts
- Orchard Park pays a maintenance fee to cover repairs made for sewer districts they tie into

(continued)

- The City of Buffalo separates and forwards the appropriate charges for repairs and maintenance to each municipality
- The Town of West Seneca only owns a portion of the sanitary sewer systems; Erie County is under a similar consent order and will pass on costs to property owners in those districts
- Of the town owned sewer districts, the combination of Districts 5 (10%), 13 (60%), and 20 (10%) account for 80% of property owners sharing this burden
- New developments contributing more than 1,000 gallons of water per day will be charged a one-time fee based on the expected flow per day
- The consent order does not require lateral replacement at the time of sale
- Basement inspections are done by Erie County or the town for their own sewer districts; illegal sump pump hookups need to be disconnected from the sanitary sewer and reconnected to the storm sewer; 469 inspections were completed in 2019, 112 illegal connections were identified.

**Assessors Office, Erik Finbar**

- Town Assessor, Kandace Wittmeyer will be retiring effective January 28, 2020
- Mr. Finbar is the newly elected President of the Erie County Assessors Association and will try to work with state lawmakers to stop the changes to the STAR Program which are negatively impacting senior property owners
- In 2019 the Assessor's Office received 1,100 deed changes with the average residential sale being \$176,967; 1,300 building permits were reviewed with assessment changes made accordingly; 17,717 exemptions were processed
- Currently 630 Senior Exemptions and 180 Veterans Exemptions are unfiled and final notices will be mailed this week
- There are 13 open Article 7 court cases involving commercial properties
- Office is now paperless – over 493,000 scans completed last year in accordance with NYS Records Retention Regulations

**Senior Center, Mary Josefiak**

- Last month a HEAP outreach and Medicare in-services were held to help assist senior residents with paperwork; Christmas and New Years celebrations were held
- Attendance for the month of December was 2,287 residents with 113 residents using the ceramics program, 493 residents attended fitness center, 1,405 lunches were served, 394 attended tai chi, 971 residents used the center for special activities and 431 seniors used the van service

**Recreation Supervisor, Lauren Masset**

- 948 residents served in the month of December across all programs
- Several free and low cost programs are offered for both youth and adults
- Over-30 hockey registration is open through the next two weeks

**Director of Finance, Megan Wnek**

- Office is busy closing out the 2019 fiscal year; all invoices will be entered by February 15<sup>th</sup>
- Significant costs to the 2019 budget included the recycling contract with Modern Disposal, contractual sick time buy back payments (General Fund) and (Highway Fund) workers compensation payments
- Update on the bonded debt:
  - ✓ General Fund has \$12,811,000 serial bond principal outstanding for items such as work on the ice rink, police headquarters, community center/library, garbage totes and general equipment; 2020 principal and interest payments are \$1,338,325; over the next five years, the principle payments are scheduled to decrease by approximately \$536,000
  - ✓ Highway Fund has \$14,705,000 in bonding principal outstanding for road projects and capital equipment purchases; 2020 principal and interest payments are \$2,622,625; over the next five years this is scheduled to decrease \$563,000
  - ✓ Special District bonds currently has a combined total of \$16,704,000 of principal outstanding; 2020 principal and interest payments are \$1,139,800; principal payments are scheduled to decrease \$165,000 over the next five years

**Town Attorney, Tina Hawthorne**

- Currently have 20 general liability claims (i.e. auto accident, flood damage, police issues, etc), the Burchfield Nature and Arts Building litigation is pending, a crime victims act case is pending, an Article 7 of the Real Property Law and a few dozen workers compensation claims are being worked on
- Will be drafting a new contract for the West Seneca Chamber of Commerce
- Meeting with the Supervisor to debrief on all open legal matters

**Code Enforcement Officer, Jeffrey Schieber**

- Issued over 200 Building permits in the month of December; one substantial permit was for \$28,000
- There is a Planning Board meeting this Thursday; Rosina will be seeking approval – currently working on remediating a brown field site; the bank on Main Street & Union Road will be reoccupied as a Citizens Bank
- New developments on Seneca Street near Sky Hi Drive will be starting soon; Marrano Builders will be starting a town house development on Transit Road
- Reports were distributed to the Town Board members informing them of what has been done up to date on a repair plan for the Burchfield Nature & Arts Center

**Highway Superintendent Brian Adams**

- Roads are being repaired with cold patch as needed
- Roads for summer paving projects are being evaluated
- Leaf collection is still ongoing weather permitting; residents may call the Highway Department with specific locations
- Blockages that had caused flooding issues were cleared on Robin Lane, Molnar Drive and Rolling Hills

**Chief of Police, Daniel Denz**

- Chief Denz provided the following statistics for 2019:
  - ✓ 22,748 calls for service
  - ✓ 4,692 traffic tickets issued along with 1,297 parking tickets noting, the parking ban was lifted from Thanksgiving to New Years Day and has been reinstated
  - ✓ 110 DWI arrests
  - ✓ Responded to 1,667 traffic accidents; 261 resulted in serious injury; 3 resulted in fatalities; 1,209 property damage accidents; 194 struck deer
  - ✓ 381 male prisoners and 64 female prisoners were housed
- Bail Reform Legislation has gone into effect and has affected the town and residents; crimes are being committed with perpetrators being immediately released; hoping this will be worked out soon.
- Lawsuits against the Police Department are not uncommon and usually arise when people have encounters with the police due to their own actions and are not happy with the outcome and has full confidence in the outcome.

**PUBLIC COMMENTS ON COMMUNICATIONS**

Three residents commented/questioned as follows:

- Are reserve funds are set aside for general liability claims – Director of Finance Megan Wnek replied there are not funds set aside; funds would come from litigation lines and then fund balance
- Thanked Senator Gallivan’s office for the road signs and commented on the ongoing traffic problems when cars cut through the gas station at Seneca Street and Harlem Road
- Will the Assessor still be shared with Elma after Kandace Wittmeyer’s retirement – Councilman Hanley and Supervisor Dickson agreed they would like the sharing of services to continue with Erik Finbar in charge

**NEW BUSINESS**

**1-A COMMUNICATIONS**

1. Supervisor Dickson re Attendance at Newly Elected Officials 2020 Training  
Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize Supervisor Dickson and Councilman Piekarec to attend the Newly Elected Officials Training in Rochester, NY January 8 – 10, 2020 at a cost not to exceed \$800 per person and further authorize Councilman Bauer and Councilman Cantafio to attend the Newly Elected Official Training in Albany, NY January 15 -17, 2020 at a cost not to exceed \$900 per person.

Ayes: All

Noes: None

Motion Carried

2. Highway Sup't. re Retirement of Gregory Kluck as Highway Laborer

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to accept the retirement of Gregory Kluck as Highway Laborer effective January 3, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

3. Highway Sup't. re Retirement of Mark Kerner as Highway Laborer

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to accept the retirement of Mark Kerner as Highway Laborer effective January 4, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

4. Town Clerk re Attendance at Newly Elected Officials 2020 Training

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to authorize Town Clerk, Amy Kobler to attend the Newly Elected Official Training in Albany, NY January 15 -17, 2020 at a cost not to exceed \$900.

Ayes: All                      Noes: None                      Motion Carried

5. Director of Finance re Bond resolution

Motion by Supervisor, seconded by Councilman Hanley to adopt the attached bond resolution for the acquisition of two garbage trucks at the estimated total cost of \$360,000.

On the question, Councilman Hanley stated the purchase of two trucks was approved in early 2018; the trucks take a year to build and were delivered in late 2019. At that time a motion was made to pay for them out of reserve funds. This current motion would create a bond and give the Town Board the option to either pay from reserve funds or a five year bond.

Supervisor Dickson noted the bond option will not deplete reserve funds and will be paid for by residents benefitting from the new trucks.

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

**1-B APPROVAL OF WARRANT**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$124,377.14; Sewer Fund - \$2,375.73; Gas Conversion Lighting - \$38.96; Electric Lighting - \$14,210.80 (vouchers 8786 - 9639)

Ayes: All

Noes: None

Motion Carried

**OLD BUSINESS**

**1-C TABLED ITEMS**

1. Supervisor Dickson re Operation logs for town owned vehicles                      The item remained on the table.
  
2. Supervisor Dickson re Rules of Order for meetings of the Town Board                      The item remained on the table.

**ISSUES OF THE PUBLIC**

- A resident commented/question the following:
  - ✓ Displeasure with the final meeting of 2019 and the absence of public comments
  - ✓ Displeasure of the extension of the White Collar contract questioning who approached who – Councilman Hanley stated all bargaining units were told they could talk; once conversations are started, per NYS law they must be seen through; the White Collar unit conceded to drug testing which was a critical component for management and will set the stage for the other units.
  - ✓ Referred to a 2018 New York State Comptroller’s fiscal stress test report and the town’s scores
  
- A resident commented/questioned the following
  - ✓ Suggested using the average sale price value from the Assessor’s Office instead of an arbitrary figure when using an example of a cost per resident
  - ✓ Requested clarification of the benefits of the inclusion of drug testing in the White Collar contract, incidents that would qualify for testing and the workers compensation costs from drug use – Councilman Hanley explained the component needs to be included in each bargaining unit’s agreement; the cost is unknown as previously the town was not allowed to test. Supervisor Dickson stated the White Collar allows for drug testing if you suspect the person is under the influence of alcohol or drugs and further commented on future protocol training for Department Heads.

(continued)

- A resident questioned if the Supervisor should have abstained from the health benefits vote for Department Heads/Elected Officials stating even if it was the practice of the past it appeared unethical– Supervisor Dickson stated it was always the practice in the past for previous votes, noting they also voted for their own salaries; believes every full-time town employee should be treated the same, and is open to review of stipends/in lieu of payments.
- A resident gave an example of past practice where the Supervisor voted on extended benefits for individuals outside the bargaining units, January 4, 2012.

**EXECUTIVE SESSION**

Motion by Supervisor Dickson, seconded by Councilman Bauer, to enter into Executive Session to interview a candidate for the Zoning Board of Appeals.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adjourn the meeting at 9:17 P.M.

Ayes: All

Noes: None

Motion Carried

  
\_\_\_\_\_  
AMY M. KOBLER, TOWN CLERK



TOWN OF  
**WEST SENECA**  
"PROUD PAST - UNLIMITED FUTURE"

# West Seneca Sanitary Sewer Improvements

Overview for the Town Board and Residents

January 6, 2020



# Order on Consent from NYSDEC

- ❖ Result of unregulated Sanitary Sewer Overflows (SSO's) within the Town sewer system.
- ❖ Required a schedule for elimination of SSO's into Cazenovia Creek. Recently revised by NYSDEC.
- ❖ The SSO's occur when the sewer system is over capacity.
- ❖ Major non-sanitary contributors to SSO's:
  - ❖ Inflow and Infiltration (I/I)
  - ❖ Private laterals
- ❖ Bottlenecks within the conveyance system

# Inflow and Infiltration

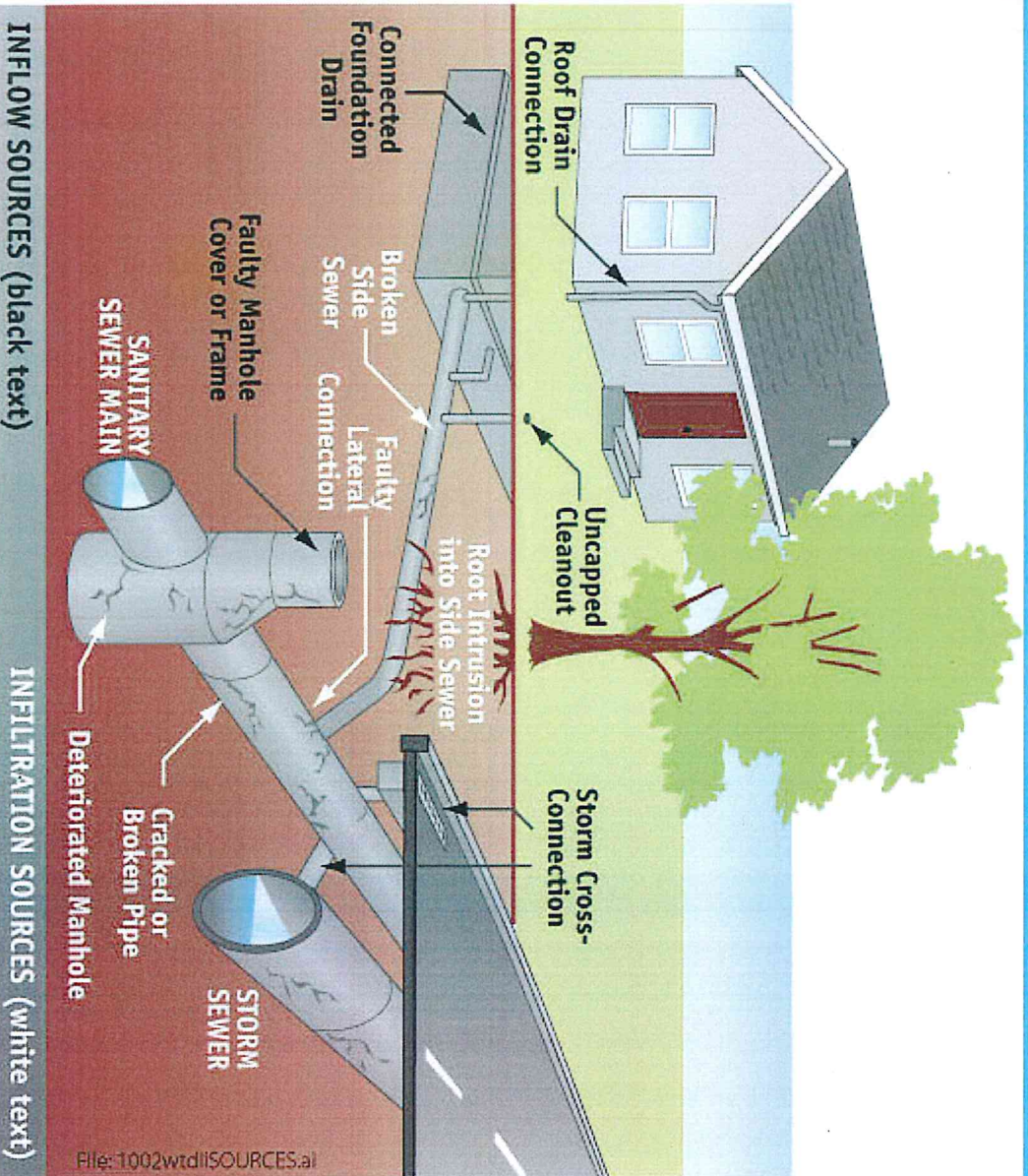
## ❖ Inflow

- ❖ Stormwater runoff entering the sanitary sewer system
- ❖ Peaks during rainfall storm events, often from direct sump pump connections to the sanitary sewer.

## ❖ Infiltration

- ❖ Ground water entering the sanitary sewer system
  - ❖ Peaks with seasonal high water table
- ❖ Due to:
- ❖ Breaks, cracks, holes, joint failures, and connection failures within underground pipes and manholes

# Inflow and Infiltration



INFLOW SOURCES (black text)

INFILTRATION SOURCES (white text)

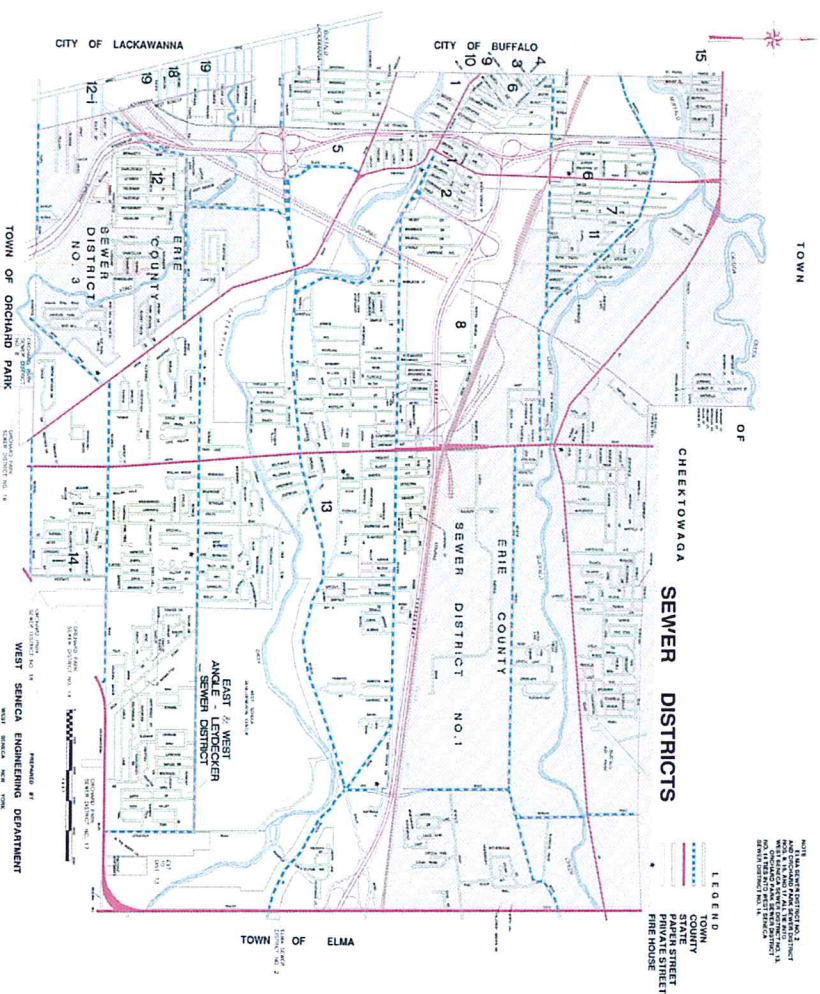
# Private Laterals

- ❖ Non-sanitary flows entering house sanitary laterals:
  - ❖ Illegal sump pump/downspout connections
  - ❖ Inflow and Infiltration into aging lateral pipe on private property
  - ❖ House foundation drains connected to sanitary instead of storm sewer

# Bottlenecks within the Conveyance System

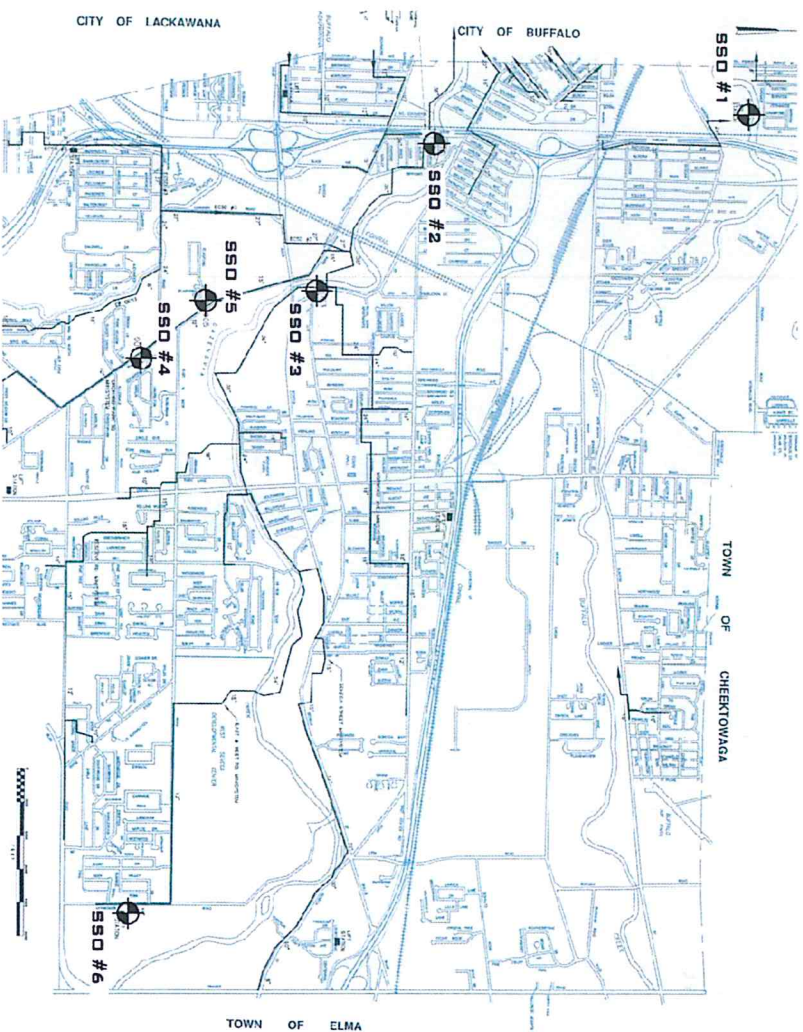
- ❖ Flat/reverse sloped transmission lines create 'ponding'
- ❖ Sharp pipe angles within manholes generate poor hydraulics at higher flows
- ❖ Undersized lines limit conveyance capacity

# Town Sanitary Sewer System



- ❖ Integral part of complex sanitary sewer system for multiple municipalities
- ❖ Limited discharge to the Buffalo Sewer Authority (BSA) for treatment
- ❖ Portion of Town serviced by Erie County Sewer Districts

# Sanitary Sewer Overflow Locations



- ❖ SSO's occur when discharge to BSA system for treatment is limited during high flows, typically during rainfall events
- ❖ Overflows have ranged from 130 million gallons to 350 million gallons per year
- ❖ SSO#6 “discovered” in 2011, work in that mini system has essentially eliminated overflow
- ❖ SSO#4 has not been used in several years
- ❖ SSO#5 has decreased dramatically

# What can be done to eliminate SSO's without increasing discharge rates from the system?

- ❖ How to reduce Inflow and Infiltration?
  - ❖ Slip line, replace or grout sanitary sewer pipes and rehabilitate or replace manhole structures. Basement inspections to eliminate illicit connections.
- ❖ How to repair private laterals?
  - ❖ Update Town code to develop a method to fix private laterals. First attempt was unsuccessful.
- ❖ How to increase conveyance system capacity and eliminate bottlenecks?
  - ❖ Upgrade pump station efficiencies (Most have been rehabilitated)
  - ❖ Improve hydraulic routing of system (some areas remain issues)
  - ❖ Increase pipe size and capacity (DEC has not allowed this)
  - ❖ Eliminate flat and reverse slope pipes (Some still exist in the system)

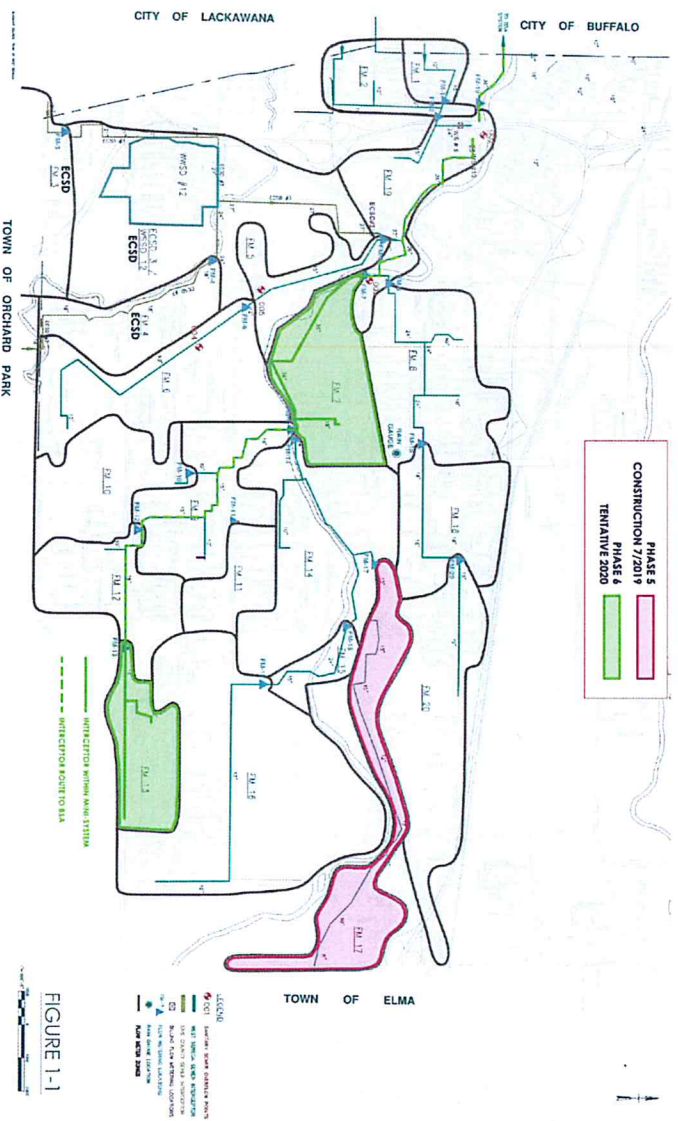


# Reducing Inflow and Infiltration

- ❖ Prepared Sewer Infiltration and Inflow Evaluation report to analyze overall system and prioritize improvements.
- ❖ Slip lining of sanitary sewer pipes:
  - ❖ Trenchless rehabilitation of existing pipes
  - ❖ Cost effective and easy to install, 1/3 the price of replacement
- ❖ Grouting of sewer pipe joints: effective when joints are the only issue found during sewer video review.
- ❖ Manhole rehabilitation:
  - ❖ Sprayed with cementitious grout to seal interior walls of structure
  - ❖ Chimney seals fitted to seal between manhole lid and structure
  - ❖ Manhole lid inserts installed to prevent surface water from entering vents

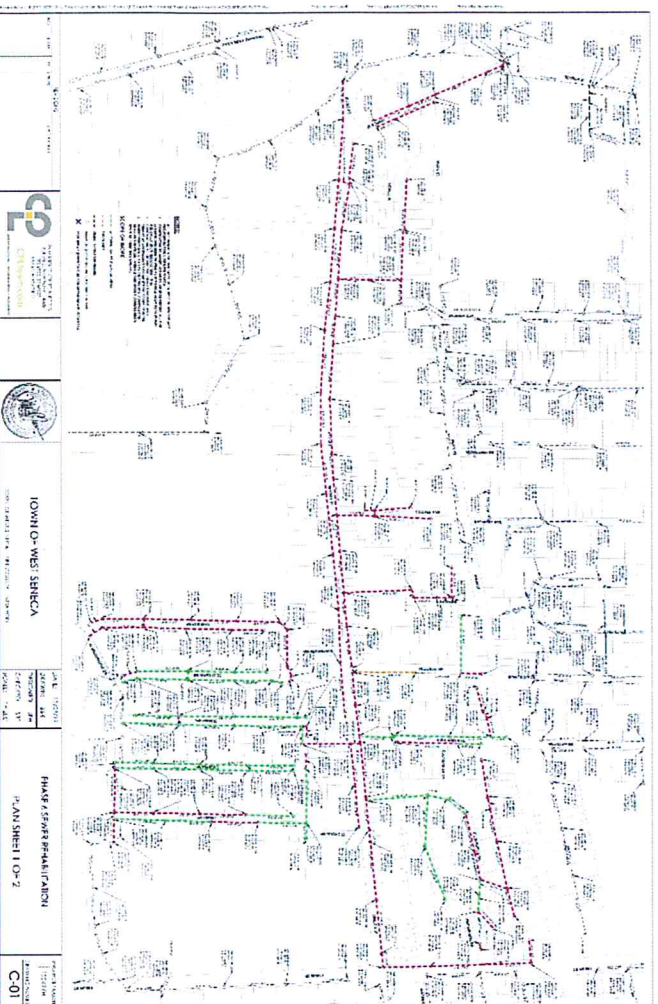


# Phase 6 Sewer Rehab overview



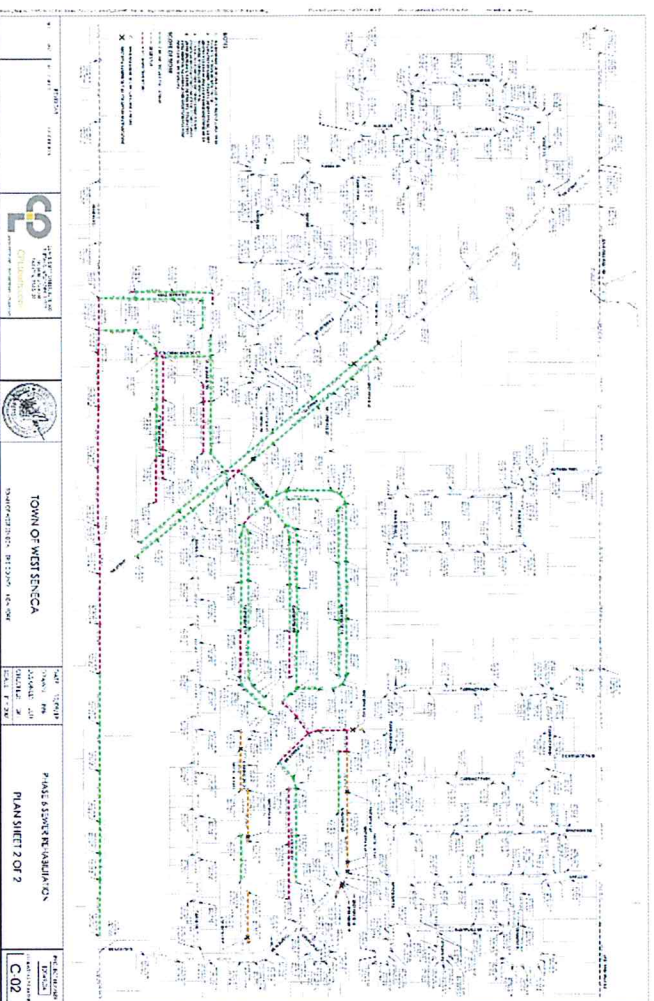
- ❖ Phase 5 and 6 are associated with a NYSEFC grant. 25% grant, 75% loan
- ❖ Phase 5 Construction is approximately 75% complete
- ❖ Phase 6 SSES has been sent to NYSDEC for approval, once approved, Town can set a bid date

# Phase 6 Detailed Rehab Areas



- ❖ Seneca Street Area
- ❖ The majority of this area will be televised by the Phase 6 contractor and rehabilitated accordingly
- ❖ All manholes will be rehabilitated

# Phase 6 Detailed Rehab Areas



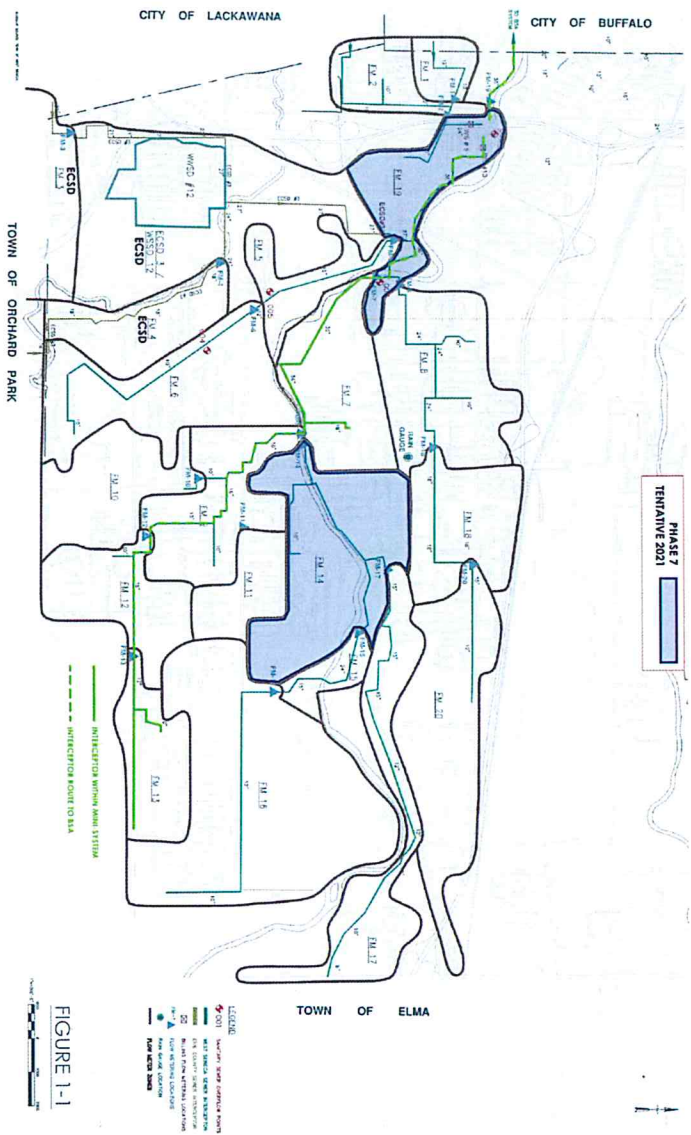
- ❖ Angle Road and Reserve Road Area
- ❖ Majority of the lines were televised by Town Forces, remainder will be televised by Phase 6 contractor
- ❖ All manholes will be rehabilitated

# Phase 6 Summary

PROBABLE CONSTRUCTION COST SUMMARY				
Item	Estimated Quantity (Inspected)	Units	Phase 6 Unit Price	Estimated Cost
<b>Sewer line:</b>				
18" Lining	1,490	LF	\$80.00	\$119,200.00
12" Lining	360	LF	\$60.00	\$21,600.00
10" Lining	2,120	LF	\$44.00	\$93,280.00
8" Lining	39,860	LF	\$42.00	\$1,674,120.00
Clean, Televis, Inspect	30,000	LF	\$4.00	\$120,000.00
Lateral Grouting	920	EA	\$460.00	\$423,200.00
Spot Repair	25	EA	\$6,800.00	\$170,000.00
<b>Manhole Rehab:</b>				
Cement Spray	920	VF	\$225.00	\$207,000.00
Chimney Seal	332	EA	\$450.00	\$149,400.00
Seal Manhole Joints	250	EA	\$120.00	\$30,000.00
Open and Inspect	26	EA	\$165.00	\$4,290.00
Locate and Inspect	25	EA	\$300.00	\$7,500.00
Field Change Allowance	1	LS	\$330,000.00	\$330,000.00
			<b>Total:</b>	<b>\$3,349,590.00</b>

- ❖ Field Change Allowance covers items inspected during construction and unforeseen repairs

# Phase 7 – 2021 Construction



- ❖ Phase 7 cleaning and televising underway. Report Due End of Year
- ❖ Phase 7 to be bid/constructed in 2021
- ❖ Apply for grant for phase 7 this spring – but would require additional direct expense

# Revised Consent Order – Signed

## October/2019

- ❖ Capacity Management Operation and Maintenance (CMOM) draft due to NYSDEC February 28, 2020
- ❖ New Flow Metering Plans at Plant 5 due to NYSDEC May 29, 2020
- ❖ Phase 6 SSES was due 12/31/2019, submitted 12/23/2019
- ❖ Phase 7 Repairs completed 2020
- ❖ Phase 8 repairs completed 2021
- ❖ Phase 9 repairs completed 2023
- ❖ Phase 10 repairs completed 2024
- ❖ For each phase a sanitary sewer evaluation and survey (SSES) is required to be submitted to NYSDEC the year previous.
- ❖ Town to conduct interior and exterior house inspections, consider a “time of sale” provision.
- ❖ Periodic public outreach (update to public)
- ❖ After phase 6, conduct a post construction monitoring study to determine the effectiveness of the correction actions.
- ❖ Submit annual reports to NYSDEC of all work completed townwide including emergency repairs, sewer cleaning, etc.



## **ESTOPPEL NOTICE**

The resolution published herewith has been adopted on January 6, 2020. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of West Seneca, Erie County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Amy M. Kobler, Town Clerk  
Town of West Seneca  
Erie County, New York

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 January 6, 2020

PRESENT: Gary A. Dickson, Supervisor  
William J. Bauer, Councilman  
Joseph J. Cantafio, Councilman  
William P Hanley Jr., Councilman  
Jeffrey Piekarac, Councilman

ABSENT:

The following resolution was offered by Supervisor Gary Dickson, who moved its adoption, seconded by Councilman William P. Hanley, Jr., to-wit:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ACQUISITION OF TWO GARBAGE TRUCKS; ESTIMATING THAT THE TOTAL COST THEREOF IS \$360,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$360,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

WHEREAS, the Town Board of the Town of West Seneca (the "Town") proposes to authorize the issuance of \$360,000 in serial bonds of the Town to finance acquisition of two garbage trucks, as described herein; and

WHEREAS, each of such public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution.

WHEREAS, the Town Board of the Town now wishes to appropriate funds for such acquisition and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake and to issue up to \$360,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law,

constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of acquisition of two garbage trucks (2020 Freightliner 108SD chassis with Loadmaster rear load refuse packer bodies installed). It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$360,000; said amount is hereby appropriated therefor and the plan of financing thereof shall include the issuance of up to \$360,000 in serial bonds of the Town and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation and 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.

SECTION 2. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose described in Section 1 is five (5) years, pursuant to subdivision 29 of Section 11.00a. of the Law.

SECTION 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d.9. of the Law.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale

and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 11. As soon as reasonably possible after the date that this resolution takes effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

The following vote was taken and recorded in the public or open session of said meeting:

AYES: All

NAYS: None

This resolution shall take effect immediately.