

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

TOWN BOARD PROCEEDINGS
Minutes #2012-09
May 21, 2012

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

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
John M. Rusinski Councilman

Absent - None

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

9-A MINUTES TO BE APPROVED

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve Minutes #2012-08 of May 7, 2012.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the May 16, 2012 bid opening for the Dover/Greenmeadow Drive Reconstruction Project.

Ayes: All Noes: None Motion Carried

9-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR REZONING FOR PROPERTY LOCATED AT 2735 CLINTON STREET, BEING PART OF LOT NO. 37, CHANGING ITS CLASSIFICATION FROM R-100A TO C-2, FOR A WAREHOUSE AND STORAGE OF CONSTRUCTION RELATED EQUIPMENT AND MATERIALS" in the Town of West Seneca, be received and filed. (EdBauer Construction Co.)

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to table Legal Item #1.

Ayes: All Noes: None Motion Carried

9-B LEGAL ITEMS

2. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM AUTHORIZING THE CONSTRUCTION OF A GARAGE TO HOUSE EQUIPMENT VEHICLES AND TO PROVIDE WORKING AREAS FOR THE TOWN OF WEST SENECA HIGHWAY DEPARTMENT AT A COST OF \$1,000,000; AND FURTHER, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR BOND ANTICIPATION NOTES IN THE AMOUNT OF \$1,000,000 TO COVER THE COSTS OF THE PROJECT PLUS THE COSTS OF ISSUANCE AS PERMITTED BY LAW" in the Town of West Seneca, received and filed.
3. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION AUTHORIZING THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO TOWN HIGHWAYS, NAMELY: THE RECONSTRUCTION OF DOVER DRIVE AND GREENMEADOW DRIVE AT A COST OF \$3,000,000; AND FURTHER, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR BOND ANTICIPATION NOTES IN THE AMOUNT OF \$3,000,000 TO COVER THE COSTS OF THE PROJECT PLUS THE COSTS OF ISSUANCE AS PERMITTED BY LAW" in the Town of West Seneca, received and filed.
4. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION AUTHORIZING THE CONSTRUCTION OF CERTAIN COMMON SANITARY SEWER FACILITIES TO SERVE SEWER DISTRICTS 5, 13 AND 20 AND TO OTHERWISE PROVIDE FOR OTHER IMPROVEMENTS CRITICALLY NEEDED FOR THE CONTINUED OPERATION OF THE SANITARY SEWER SYSTEM SERVING THE DISTRICTS; AND FURTHER, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR BOND ANTICIPATION NOTES IN THE AMOUNT OF \$30,000,000 TO COVER THE COSTS OF THE PROJECT PLUS THE COSTS OF ISSUANCE AS PERMITTED BY LAW" in the Town of West Seneca, received and filed.

9-C TABLED ITEMS

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

9-D COMMUNICATIONS

1. Supervisor Meegan re Termination of Thomas Sullivan
Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Thomas J. Sullivan as Secretary to the Supervisor effective May 2, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

9-D COMMUNICATIONS

2. Supervisor Meegan re Energy performance contract revisions
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the attached revised resolution regarding the energy performance contract approved at the May 7, 2012 Town Board meeting.

On the question, Supervisor Meegan stated that this revision was recommended by bond counsel to strengthen the security and fiscal responsibility of town.

Town Attorney Shawn Martin commented that this guarantees funding is coming from regular items in the budget as opposed to creating additional appropriations in the budget.

Ayes: All

Noes: None

Motion Carried
APPENDICES

3. Town Attorney re Villa Place abandonment
- Motion by Supervisor Meegan, seconded by Councilman Hart, to execute the attached certificate of abandonment of Villa Place, a paper street that was apparently abandoned in 1971.

On the question, Town Attorney Shawn Martin explained that Villa Place is at the rear of Veterans Memorial Park, some being town property and some not. This is basically a formality and by all accounts appears to have been previously abandoned, showing up on some but not all town documentation. Execution of this certificate will make the abandonment official.

Ayes: All

Noes: None

Motion Carried
APPENDICES

4. Town Attorney re Peer Counseling Program
- Town Attorney Shawn Martin stated he has discussed the Peer Counseling program with the board members and the school district. The school district will support the town if the program remains; however, if eliminated they will manage to do without it. When the program was initially instituted there were fewer counselors in the schools. Today, due to the school budget and requirements under laws that affect them, a counselor is assigned to every school. With the school year coming to an end this is an appropriate time to raise the issue of whether or not to continue the program. Mr. Martin noted that \$12,000 of the program is funded by the school system.

9-D COMMUNICATIONS

4. (continued)

Councilman Rusinski questioned the educational background of the social workers in the schools. Mr. Martin responded that based on the information provided to him all school social workers have master's degrees.

Councilman Hart questioned if the YES program will continue with part-time employees. Mr. Martin stated that the Town Board can make that determination.

Supervisor Meegan stated that after thorough research and discussion she has come to the realization that the Peer Counseling Program is a duplication of services between the town and the West Seneca School District. There are drug abuse prevention programs currently in place (MADD, SADD, DARE) and the town also provides the school system with school resource officers. When the Peer Counseling Program was originally created there were only two social workers in the school district and currently there are between 14 to 16 certified social workers. Supervisor Meegan noted that the Peer Counseling Program serves approximately 80 children between the ages of 15 and 17, so less than 3 percent of the student population currently use this service, yet the current cost of the programming is well over \$100,000.

Motion by Supervisor Meegan, seconded by Councilman Hart, to advise the current Peer Counselors that the Town of West Seneca will be unable to fund the Peer Counseling Program in the 2013 budget and eliminate the following line items from the 2013 budget: 1.7313.0100; 1.7313.0433; 1.7313.0448; 1.7313.0475; 1.7313.0481.

On the question, Councilman Rusinski commented that this in no way downplays any of the good services that have been previously provided by the Peer Counselors, but fiscally it is the right thing to do.

Councilman Hart commented that after speaking with Dr. Crawford, Superintendent of West Seneca Schools, he learned that better services are now provided, and this factored in his decision to return this expenditure to the taxpayers. Mr. Hart further commented that the YES Program will remain in place.

Ayes: All

Noes: None

Motion Carried

5. Town Engineer re Bid date for 2012 Highway Garage Improvements Project – masonry restoration

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to set a date of June 19, 2012 at 10:00 AM for receipt of bids on the proposed 2012 Highway Garage Improvements Project – masonry restoration work.

Ayes: All

Noes: None

Motion Carried

9-D COMMUNICATIONS

6. Town Engineer re Bid date for 2012 Highway Garage Improvements Project – roofing work
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to set a date of June 19, 2012 at 10:00 AM for receipt of bids on the proposed 2012 Highway Garage Improvements Project – roofing work.

Ayes: All Noes: None Motion Carried

7. Town Engineer re Bid award for Dover Greenmeadow Drive reconstruction project
- Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the Dover/Greenmeadow Drive Reconstruction Project to DiPizio Construction Co., 100 Stradtman St., Cheektowaga, NY 14206 at their low bid amount of \$2,048,177.50, which includes the base bid of \$1,892,139.50 and bid alternate A of \$156,038.00.

On the question, Councilman Rusinski questioned if the town had worked with DiPizio Construction in the past and if they had a history of substantial change orders.

Town Engineer Steven Tanner responded that Clark Patterson Lee has worked with DiPizio Construction in the past year and there were warranted change orders due to unknown conditions at the time the drawings were made. Overall DiPizio's work was found to be satisfactory. Mr. Tanner further commented on the number of bids that were received, how close the amounts were and that all bids were under his engineer's estimate of \$2.6 million.

Councilman Hart questioned the bid alternate A.

Mr. Tanner explained that bid alternate A was included in the overall cost of the project specifically to cover costs associated with repair/replacement of the waterline. After speaking with the Erie County Water Authority it was determined that certain sections of waterline are in need of repair and will have to be replaced. Engineering recommends total replacement of the waterline on the project since the waterlines are old and the same age as those currently breaking. Costs associated with waterline replacement will be covered by bid alternate A.

Ayes: All Noes: None Motion Carried

8. Highway Sup't. re Bid date for three chassis trucks with plows and dump bodies
- Motion by Supervisor Meegan, seconded by Councilman Hart, to set a date of June 14, 2012 at 10:00 AM for receipt of bids on the purchase of three (3) cab and chassis trucks with three (3) plows and three (3) dump bodies for the Highway Department noting that funds are available in the Highway Reserve Fund.

Ayes: All Noes: None Motion Carried

9-D COMMUNICATIONS

9. Highway Sup't. re Title change for Michael Scarpello to Highway Heavy Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Michael Scarpello as Highway MEO and appoint Michael Scarpello as Highway Heavy Motor Equipment Operator, Group 5, Step 5, at a rate of \$26.49 per hour effective May 15, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

10. Highway Sup't. re Title change for Mark Kerner to Highway Motor Equipment operator

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Mark Kerner as Highway Heavy MEO and appoint Mark Kerner as Highway Motor Equipment Operator, Group 2, Step 5, at a rate of \$25.57 per hour effective May 15, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Highway Sup't. re Title change for Robert Garry to Highway Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Robert Garry as Highway Laborer and appoint Robert Garry as Highway Motor Equipment Operator, Group 2, Step 5, at a rate of \$25.57 per hour effective May 15, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Highway Sup't. re Appointment of Robert Schultz as part-time seasonal laborer in Highway Department

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Robert Schultz as part-time seasonal laborer in the Highway Department effective May 15 – August 31, 2012 at a rate of \$10 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the title for Robert Schultz. Highway Supt. Matthew English explained that Robert Schultz will be helping out in the office for the summer to cover vacations and time off for the clerical staff.

Ayes: All Noes: None Motion Carried

9-D COMMUNICATIONS

13. Highway Sup't. re
Termination of laborers in
Sanitation Department

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate sanitation laborers Zachary Dzierba, Peter Colson, Jeremy Klubek and Roger Onetto effective May 14, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

14. Highway Sup't. re
Appointment of part-time
seasonal laborers in
Buildings & Grounds
Department

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint the following part-time seasonal laborers in the Buildings & Grounds Department effective May 28 – August 17, 2012 at a rate of \$7.25 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Thomas Bebak
Austin Boehm
Andrew Breen

Devin Chavanne
Kelsey Dellaneve
Ian Kennedy

Nicholas Ruberto
John Scanlon
Tyler Sullivan

On the question, Councilman Hart questioned if this is all the summer help needed. Highway Supt. Matthew English responded this completes the summer hiring for Building & Grounds.

Ayes: All Noes: None Motion Carried

15. Chief Gehen re Status
change for part-time Public
Safety Dispatchers to
seasonal

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of part-time Public Safety Dispatchers William Szewc, Andrew Oscypala, Diane Nowicki and James McCullough to part-time seasonal effective June 1 - 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

16. Director of Recreation, Youth
& Senior Services re
Appointment of Barbara
Lehman

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Barbara Lehman as a part-time Recreation Fitness Instructor at a rate of \$15/HR effective March 23, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

9-D COMMUNICATIONS

17. Director of Recreation, Youth & Senior Services re Increase of hourly wage for ID Clerk Lynn Green
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to increase the hourly wage for part-time ID Clerk Lynn Green from \$7.25/HR to \$8.00/HR effective immediately and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
18. Director of Recreation, Youth & Senior Services re Title change for Sarah Flattery from part-time Clerk Typist to full-time Recreation Leader
- Motion by Supervisor Meegan, seconded by Councilman Hart, to table this item.
- Ayes: All Noes: None Motion Carried
19. Chief Gehen re Status change for part-time Public Safety Dispatcher Joshua Scanlon to seasonal
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of part-time Public Safety Dispatcher Joshua Scanlon to part-time seasonal effective June 1 – 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
20. Chief Gehen re Appointment of Anthony Andolina as part-time Public Safety Dispatcher
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Anthony Andolina as part-time Public Safety Dispatcher at a rate of \$10.95 per hour effective May 22, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
21. Supervisor Meegan re Resolution to amend Dormitory Authority of the State of New York Community Capital Assistance Program grant
- Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution amending the Dormitory Authority of the State of New York (DASNY) Community Capital Assistance Program (CCAP) grant for the West Seneca Senior Center exercise room (CCAP #1536) to be used for the Police Department expansion.

9-D COMMUNICATIONS

21. (continued)

On the question, Supervisor Meegan commented that the Town's grant writer, Connie Miner found a \$100,000 grant in the Dormitory Authority of the State of New York (DASNY) Community Capital Assistance Program (CCAP) that was to be used for the Senior Center in 2005. Supervisor Meegan is requesting that the money be re-appropriated to help fund the Police Department expansion and hoped this could be accomplished by September.

Councilman Hart thought that a program should be implemented to prevent the town from losing potential grant money that had been applied for and awarded. Mr. Hart suggested that the Finance Office be provided with a list of all grants and their status so that they can be tracked properly.

Supervisor Meegan stated she has discussed this with Laura Landers of the Finance Department and Mrs. Landers will be meeting on a regular basis with Connie Miner to ensure accountability.

Chief Gehen thanked the board members for their pursuit of this money.

Ayes: All

Noes: None

Motion Carried
APPENDICES

9-E 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 - \$328,010.40; Highway Fund - \$224,804.15; Special Districts - \$146,276.38 (voucher #'s 72904-73161); Trust & Agency Fund - \$31,811.32 (voucher #'s 72922-73007); Capital Fund - \$0.00

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

FORMER HILLS DEPARTMENT STORE AT SENECA CITY LINE

Linda Toy commented on the condition of the old Hills store at the Seneca City Line. She expressed concern over black mold in the building and would like to see it cleaned out and the building codes enforced.

ISSUES OF THE PUBLIC

FORMER HILLS DEPARTMENT STORE AT SENECA CITY LINE (continued)

Code Enforcement Officer Jeffrey Schieber stated there was a fire on the Buffalo side of the building this past weekend and his office is in contact with the agency who is working to subdivide the property.

Supervisor Meegan commented that the town is in conversation with the current owner who is in conversation with a potential purchaser.

Mr. Schieber further commented that his office deals strictly with the enforcement of code items such as parking and setbacks, noting that property owners do not reveal the names of tenants or potential tenants.

Town Attorney Shawn Martin noted that the owners were previously cited and appeared in court. The building was secured and repairs were made to the roof making it compliant with the code.

Councilman Hart assured Mrs. Toy that the Town is aware of the problem and will continue to work on it.

PEER COUNSELING PROGRAM

Karen Lucachik thanked the Town Board for their action on the Peer Counseling Program, noting that the school system not only has counselors, they also have social workers in every building. Mrs. Lucachik also commented on the YES program in other school districts and asked for the board's consideration with any further actions.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps monthly payments and the sale of the house on School Street.

Laura Landers of the Finance Department stated she received a payment of \$8,000 on May 8th and nothing from the sale of the house.

Town Attorney Shawn Martin stated he has met with AmeriCorps and they are going to schedule another meeting in the future to address the problems and concerns that both parties have. Maintaining a good relationship allows AmeriCorps to continue to reimburse the town for monies owed.

ISSUES OF THE PUBLIC

NEW WELCOME SIGNS

Karen Lucachik requested an update from Highway Sup't. Matthew English on the town's new welcome signage.

Mr. English stated that ten signs have been ordered and will be in soon. The signs will be blue with gold lettering reading, "Welcome to the Town of West Seneca."

GRANT MONEY

Amy Carpenter stated she was present at previous board meetings when grant money became available for improvements at the Senior Citizens Center and residents were assured at that time that the grant money was being used for such. Mrs. Carpenter suggested that the minutes provide more accountability using tracking methods of having deliverables posted and accounted for until they go away, so that things such as available grant money are not lost or forgotten.

Councilman Hart commented on a program called City Stat. This program allows issues to be tracked and made available to the public through the Internet. He was not sure of its affordability, but acknowledged that a better system needs to be put into place and work has to be done to bring departments together.

RECYCLING PROGRAM

Charlene Poole questioned if there was a contract with the town's recycling company, noting she is unhappy with the service that is provided because not all recycling items are picked up and the remaining items often end up in her yard.

Highway Supt. Mathew English stated that a private contractor hired by the town handles the recycling program.

SENIOR CENTER

Beverly Leising was concerned that money re-appropriated to the Police Department will compromise purchase of appliances, etc. at the Senior Center.

Supervisor Meegan assured Mrs. Leising that the money re-appropriated to the Police Department will not affect work scheduled to be done at the Senior Center. A substantial amount of money is coming to the town as a CDBG project and will be used at the Senior Center to cover these expenses.

ISSUES OF THE PUBLIC

TERMINATION OF SECRETARY TO SUPERVISOR

Beverly Leising questioned the termination of Thomas Sullivan, Secretary to the Supervisor

Supervisor Meegan stated that she has not yet replaced her secretary and doing so is at her discretion.

NEW EMPLOYEES

Beverly Leising referred to the proposal to check driving records of newly hired employees and questioned if current employees that drive town vehicles are also checked.

Supervisor Meegan stated that the town has a program in place where Chief Gehen and Highway Sup't. Matthew English are notified of any license issues that arise.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to recess to Executive Session at 8:00 P.M. to discuss two litigation matters and one negotiation matter.

The board members returned from Executive Session at 8:25 P.M.

FIRE EXITS AT SUPERMARKETS

Councilman Rusinski asked the Code Enforcement Office to look at the supermarkets in town and the placement of shopping carts blocking the fire exits, noting that the fire service has tried to address this situation.

JOB OPENINGS

Councilman Hart stated he has received many calls about job openings in the town and questions about how to submit applications.

Supervisor Meegan stated that this information is available on the town website and currently there is a job opening for a legal secretary in the Town Attorney's office. Supervisor Meegan further stated that job applications will soon be available in the Town Clerk's office.

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PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SENECA CITY LINE AREA

Chief Gehen referred to problems in the Seneca City line area and stated they are working with the Buffalo police on a project in that area. They will be going door-to-door to give the residents information about the Police Department, tip lines, etc. to hopefully have a positive impact on that section of town.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to adjourn the meeting at 8:35 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK

**TOWN OF WEST SENECA
AUTHORIZING RESOLUTION**

**ENERGY PERFORMANCE CONTRACT
May 21, 2012**

A RESOLUTION AUTHORIZING, RESTATING, CLARIFYING AND AUGMENTING THE NEGOTIATION AND EXECUTION BY THE TOWN OF WEST SENECA OF AN ENERGY PERFORMANCE CONTRACT AND RELATED FINANCING AS DEFINED BY THE NEW YORK STATE ENERGY LAW, AS AMENDED AS DESCRIBED HEREIN.

WHEREAS, Section 9-102 (4) defines an Energy Performance Contract as “an agreement for the provision of energy services, including but not limited to electricity, heating, ventilation, cooling, steam or hot water, in which a person agrees to install, maintain or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with, a building or facility in exchange for a portion of the energy savings or revenues.”; and

WHEREAS, pursuant to Section 9-103 (1) of the New York State Energy Law, , the TOWN OF WEST SENECA, in the County of Erie, (the “Town”) is empowered to enter into an Energy Performance Contract; and

WHEREAS, the Town by its Town Council has determined it in the best interest of the Town to enter into an Energy Performance Contract (the “Contract”) to realize significant savings in energy costs by the installation of energy savings equipment (the “Improvements”) in connection with various facilities owned and operated by the Town as more specifically described hereinafter at Exhibit A; and

WHEREAS, as set forth on Schedule A, the estimated maximum costs for the Contract is \$9,460,749 plus the costs of issuance; and

WHEREAS, specifically set forth hereinafter on Schedule B, the total estimated energy cost savings from the improvements is Contracted to be \$22,811,839 less total estimated annual Contract costs in the amount of \$13,153,704 for a net estimated cumulative cash flow savings in the amount of \$9,658,134; and

WHEREAS, pursuant to New York State Energy Law Section 9-103 (6) the Town issued a written request for proposals (the “RFP”) from interested Energy Services Companies; and

WHEREAS, by a resolution adopted May 7, 2012 the Town Council authorized the negotiation and execution of the Contract with the John W. Danforth Company and this Resolution is intended to restate, clarify and augment said Resolution.

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 Contract is hereby authorized at a maximum estimated cost of \$9,460,749 plus the costs of issuance.

Section 2. A lease and/or a purchase agreement for a term not in excess of 15 years, plus installation period, or such other period of time as coincides with the life of the Contract is hereby

authorized.

Section 3. Pursuant to Energy Law Section 9-103 (1) it is hereby determined that the duration of the Contract shall not exceed the reasonably expected useful life of the Improvements.

Section 4. Pursuant to Energy Law Section 9-103 (2) the Contract shall contain the following clause: "This contract shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the contract, and no liability on account therefor shall be incurred beyond the amount of such monies. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purpose of the contract".

Section 5. The power to authorize and execute the Contract is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town, subject to the review and approval of the Town Attorney; Bond Counsel for the Town; and the Town Fiscal Advisor, Capital markets Advisors, LLC.

Section 6. All other matters except as provided herein relating to the Contract herein authorized including the term, principal and interest rate of any lease executed pursuant, within the limitations prescribed herein and the manner of execution of the same, shall be determined by the Town Supervisor, as the chief fiscal officer of the Town.

Section 7. (a) The Town reasonably expects to reimburse itself for expenditures made for the Project from the proceeds of the Lease-Purchase Agreement herein authorized. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by this resolution shall be from the Town's General Fund. Other than as specified in this resolution, no monies are reasonably expected to be received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein; and

(b) 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 Improvements described herein.

Section 8. This Resolution is intended to restate, clarify and augment the related Resolution adopted and authorized by the Town Council on May 7, 2012

* * * * *

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

Supervisor Meegan voted	<u>Aye</u>
Councilman Rusinski voted	<u>Aye</u>
Councilman Hart voted	<u>Aye</u>

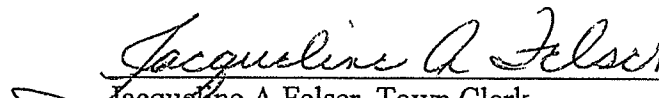
CERTIFICATE OF THE TOWN CLERK

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town as of the 7th day of May, 2012.


Jacqueline A Felsler, Town Clerk

CERTIFICATE OF ABANDONMENT
OF VILLA PLACE, TOWN OF WEST SENECA, NEW YORK

I, Matthew D. English, TOWN SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF WEST SENECA, County of Erie, State of New York, do hereby certify that the Town of West Seneca highway, known as Villa Place, has not been opened or worked for the past six (6) years. It has been abandoned by the public, and is no longer used as a public highway.

That piece or parcel or property located in the Town of West Seneca, Erie County, State of New York, bounded and described as follows:

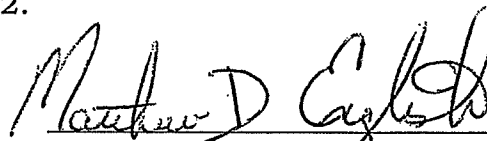
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot 114 of the Ebenezer Lands and part of Plot 2 as shown on a map filed in the Erie County Clerk's Office under Cover 867, known as Villa Place, a proposed 50 foot roadway running westerly from Union Road to the west line of lands subdivided under Cover 867.

Also, we the undersigned members of the Town Board constituting the whole or majority thereof, do hereby consent to the making and filing of this Certificate, and do hereby sign the same.

Thereby pursuant to Section 205 of the Highway Law, the highway is declared to be, and hereby is, discontinued and abandoned.

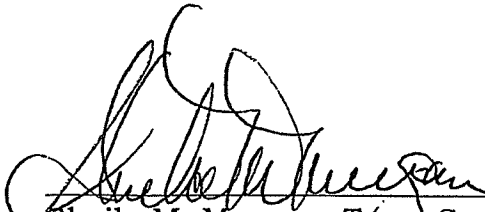
Town of West Seneca

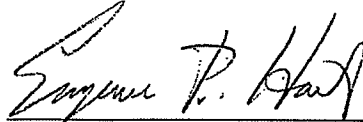
Dated this 21st day of May, 2012.

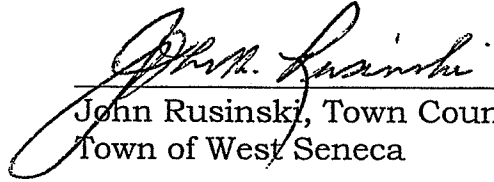


Matthew D. English

Town Superintendent of Highways
Town of West Seneca


Sheila M. Meegan, Town Supervisor
Town of West Seneca


Eugene P. Hart, Town Councilman
Town of West Seneca


John Rusinski, Town Councilman
Town of West Seneca

**Resolution To Amend Dormitory Authority of the State of New York (DASNY)
Community Capital Assistance Program (CCAP) Grant for West Seneca Senior
Center Exercise Room CCAP #1536 to be used for the Police Department
Expansion**

WHEREAS, the Town of West Seneca's \$350,000 EDAP Grant from DASNY for the Police Department Expansion was deleted in June 2011 by the New York State Senate, leaving an unanticipated funding gap for the Police Department Expansion Project;

WHEREAS, the Town of West Seneca was nominated in 2005 for a \$100,000 Grant for fitness equipment for the West Seneca Senior Center, to be administered by DASNY;

WHEREAS, all of the Senior Center fitness equipment purchases were completed before DASNY issued an executed contract to the Town of West Seneca;

WHEREAS, the existence of this appropriation was not known by the current Town Board until it was discovered in a request made to DASNY by the Town's Grants Consultant;

WHEREAS, the Town of West Seneca considers the Police Department Expansion Project to be a priority because the Town's Buildings and Grounds Department has commenced work that is part of the Town's in-kind contribution to this project, and additional outside funding is needed to continue the project;

NOW, THEREFORE, BE IT RESOLVED that the Town of West Seneca requests from DASNY and the New York State Senate and the New York State Assembly that the \$100,000 CCAP Senior Center Fitness Equipment Project be amended to be used for the Police Department Expansion Project.

NOW BE IT FURTHER RESOLVED that Connie D. Miner & Co. Grant Consultants, the Town's grants consultants, be authorized and directed to complete the necessary application, forms, and attachments to be submitted to DASNY for the purpose of amending this grant; and,

AND BE IT FURTHER RESOLVED that Sheila M. Meegan, Supervisor of the Town of West Seneca, is hereby authorized and directed to sign all necessary documents required to amend this project, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of West Seneca for the Police Department Expansion.