

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

TOWN BOARD PROCEEDINGS
Minutes #2016-03
February 8, 2016

Supervisor Sheila M. Meegan called the meeting to order at 7:05 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Town Engineer David Johnson.

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.

The meeting was dedicated to the memory of Jeffrey Sgroi.

3-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2016-02 of January 25, 2016.

Ayes: All

Noes: None

Motion Carried

3-B COMMUNICATIONS

1. Supervisor Meegan re Attendance at NYS Association of Towns annual meeting

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Supervisor Sheila Meegan and Town Attorney John Fenz to attend the Association of Towns annual meeting in New York City, February 12 – 16, 2016 at a cost not to exceed \$2,000 per person and further designate Supervisor Meegan as voting delegate for the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re West Seneca Kiwanis Annual Arts & Crafts Festival

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the request of the West Seneca Kiwanis Club to hold their annual arts & crafts festival July 16 - 17, 2016 on Town Hall property.

Ayes: All

Noes: None

Motion Carried

3-B COMMUNICATIONS

3. Supervisor Meegan re Retirement of Joyce Mallette, Environmental Commission Member

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Joyce Mallette as a member of the West Seneca Environmental Commission.

On the question, board members thanked Mrs. Mallette for her many years of service on the environmental commission.

Ayes: All Noes: None Motion Carried

4. Town Attorney re Settlement Agreement with National Grid

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the attached Settlement Agreement with National Grid, noting that pursuant to the agreement National Grid will pay the town \$6,012.07 to settle the town's claim for amounts improperly charged for street lighting services between February 1, 2007 and November 15, 2015.

Ayes: All Noes: None Motion Carried
APPENDICES

5. Town Attorney re 2016 Senior Transportation & Escort Services Agreement

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute the Senior Transportation & Escort Services Agreement with Erie County, noting that pursuant to the agreement Erie County will provide the town with use of a 2006 Ford 12-passenger van and a 2014 Ford 8-passenger van in exchange for the town providing transportation services to high-risk elderly from their homes to and from medical, nutritional, financial, social, shopping, and personal needs appointments.

Ayes: All Noes: None Motion Carried

6. Town Attorney re Real property tax assessment challenge – 5029 Clinton Street

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Town Attorney John Fenz to execute the attached Consent Order to resolve the real property tax assessment challenge of Genergy Property, LLC, 5029 Clinton Street (SBL #126.17-1-7).

Ayes: All Noes: None Motion Carried
APPENDICES

3-B COMMUNICATIONS

7. Town Attorney re Appointment of Minority Women Business Enterprise (MWBE) Compliance Officer

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Town Attorney John Fenz as Minority Women Business Enterprise (MWBE) Compliance Officer for the year 2016 without remuneration.

On the question, Town Attorney John Fenz explained that when the town receives grant money there is at times a stipulation that they meet certain MWBE percentages and the MWBE Compliance Officer's job is to ensure project expectations are being met.

Ayes: All Noes: None Motion Carried

8. Town Attorney re Public Hearing for Local Laws No. 5 and No. 6

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for February 29, 2016 at 7 P.M. to hear all persons interested in adoption of the following proposed local laws: Local Law No. 5: Modification to Chapter 30 of the Town Code - Procurement Policy; Local Law No.6: Establishment of the West Seneca Industrial and Commercial Incentive Board.

Ayes: All Noes: None Motion Carried

9. Town Engineer re SEQR review & determination for 2016 road reconstruction projects

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached SEQR resolution for the scope of road reconstruction work expected to be completed in 2016.

Ayes: All Noes: None Motion Carried
APPENDICES

10. Town Engineer re SEQR review & determination for construction of improvements to Buildings & Grounds Department

Motion by Supervisor Meegan seconded by Councilman Hanley, to adopt the attached SEQR resolution relative to construction of improvements to the town Buildings & Grounds Department.

Ayes: All Noes: None Motion Carried
APPENDICES

3-B COMMUNICATIONS

11. Town Engineer re Bid date for Theresa Court Road Reconstruction Project

Motion by Supervisor Meegan, seconded by Councilman Hanley, to set a bid date of March 10, 2016 at 10 A.M. for receipt of bids on the Theresa Court Road Reconstruction Project.

Ayes: All Noes: None Motion Carried

12. Town Engineer re Bid date for Boncroft Drive Watermain Replacement Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of March 10, 2016 at 10:30 A.M. for receipt of bids on the Boncroft Drive Watermain Replacement Project, noting this is one of the most repaired town owned watermains based on information provided by Erie County Water Authority and replacement will allow the town to consider milling and resurfacing Boncroft Drive with future grant funding.

Ayes: All Noes: None Motion Carried

13. Town Engineer re Bid date for East & West Road & Angle Road Watermain Replacement Project

Motion by Supervisor Meegan, seconded by Councilman Hanley, to set a bid date of March 10, 2016 at 11:00 A.M. for receipt of bids on the East & West Road & Angle Road Watermain Replacement Project, noting these are areas of town owned watermain recommended to be repaired based on information provided by Erie County Water Authority and replacement of the watermain will allow the Highway Department to mill and resurface Angle Road after the watermain is replaced.

Ayes: All Noes: None Motion Carried

14. Town Engineer re Designation of Town Board as Lead Agency for Library Improvement Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to designate the West Seneca Town Board as Lead Agency for the renovation and additions to the Town of West Seneca Library, authorize the Supervisor to sign all SEQR documents on the Town Board's behalf and authorize the Town Engineer to coordinate review of this unlisted action with all applicable involved and interested agencies.

Ayes: All Noes: None Motion Carried

3-B COMMUNICATIONS

- | | |
|---|---|
| 19. Code Enforcement Officer re Appointment of Leah Zicarelli as full-time Clerk Typist | Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Leah Zicarelli as full-time Clerk Typist, Group 2, Step 1, at an annual salary of \$26,884.58 effective February 9, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Ms. Zicarelli was selected off the current Civil Service list for this title. |
| | Ayes: All Noes: None Motion Carried |
| 20. Code Enforcement Officer re Revised fee schedule | Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached revised fee schedule for the Code Enforcement Office. |
| | Ayes: All Noes: None Motion Carried
APPENDICES |
| 21. Code Enforcement Officer re LED sign at 1510 Orchard Park Road | Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve an LED sign on the Orchard Park Road Storage building located at 1510 Orchard Park Road. |
| | Ayes: All Noes: None Motion Carried |
| 22. Code Enforcement Officer re LED sign at 2566 Seneca Street | Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a free-standing LED sign for S & G Supermarket located at 2566 Seneca Street. |
| | Ayes: All Noes: None Motion Carried |
| 23. Code Enforcement officer re LED sign at 3887 Seneca Street | Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a free-standing LED sign for West Seneca Smiles Family Dentistry located at 3887 Seneca Street. |
| | Ayes: All Noes: None Motion Carried |

3-B COMMUNICATIONS

24. Town Justices re Retirement of Darlene Sommer, Senior Clerk Typist

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Darlene Sommer and terminate her as Senior Clerk Typist effective March 3, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Mrs. Sommer has been a dedicated worker in the Justice Court for twenty years.

On the question, board members wished Mrs. Sommer well in her retirement.

Ayes: All Noes: None Motion Carried

25. Town Justices re Appointment of Rachel M. Nalewajek as temporary part-time clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Rachel M. Nalewajek as temporary part-time clerk in the Justice Court effective February 11, 2016 at a rate of \$14 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting this temporary position will assist the office which is currently missing a full-time employee due to illness.

Ayes: All Noes: None Motion Carried

26. Senior Recreation Therapist of Sr. Services re Change of status for Carol Kennedy to part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status for part-time food service worker Carol Kennedy to part-time seasonal effective February 1 - 29, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

27. Youth Service Coordinator re Termination of Sarah Boneberg, part-time recreation attendant

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Sarah Boneberg as part-time recreation attendant effective February 9, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

3-B COMMUNICATIONS

28. Town Attorney re Bond resolution for road reconstruction and repaving projects

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing road reconstruction and repaving improvements, estimating the total cost is \$5,000,000, appropriating said amount therefor and authorizing the issuance of \$5,000,000 in serial bonds of the town to finance said appropriation.

Ayes: All Noes: None Motion Carried
APPENDICES

29. Town Attorney re Bond resolution for partial reconstruction of various town buildings

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing partial reconstruction of various town buildings, estimating the total cost is \$150,000, appropriating said amount therefor and authorizing the issuance of \$150,000 in serial bonds of the town to finance said appropriation.

Ayes: All Noes: None Motion Carried
APPENDICES

30. Town Attorney re Bond resolution for town pool vehicles

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing acquisition of vehicles for the town motor pool, estimating the total cost thereof is \$80,000, appropriating said amount therefor and authorizing the issuance of \$80,000 in serial bonds of the town to finance said appropriation.

Ayes: All Noes: None Motion Carried
APPENDICES

31. Town Attorney re Bond resolution for acquisition of equipment for Police Department

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing acquisition of equipment for the Police Department, estimating the total cost thereof is \$120,000, appropriating said amount therefor and authorizing the issuance of \$120,000 in serial bonds of the town to finance said appropriation.

On the question, Chief Denz stated the current dispatch console is 11 years old and is beginning to fail. The town will pay half the cost and the remainder will be split by the six fire districts.

3-B COMMUNICATIONS

31. (continued)

Town Attorney John Fenz stated bond counsel had advised to borrow the entire \$120,000 and when the cash is received from the fire districts it will be applied to the bond anticipation note.

Ayes: All

Noes: None

Motion Carried
APPENDICES

3-C REPORTS

- John Gullo, Senior Code Enforcement Officer's report for year end 2015 and January 2016 and Plumbing Inspector's report for year end 2015 and January 2016, received and filed.

3-D 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 - \$468,068.77; Highway Fund - \$153,034.59; Special Districts - \$129,782.83; Capital Fund - \$750,886.19 (voucher #'s 92311-92834).

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

DEER POPULATION

Supervisor Meegan stated she has been inundated with deer issues from residents and suggested Chief Denz go forth with designating officers to thin the herds.

Councilman Hart questioned if the police will work regular shifts and get overtime at night.

Chief Denz responded he would like to work with the DEC to set up a program. He projected it to be a three to four month venture, but did not anticipate an enormous amount of overtime cost to the town.

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Chief Denz to work with the DEC in thinning the deer population in West Seneca.

On the question, Councilman Hart commented this is not always the answer because when a herd is thinned the deer tend to migrate to the same area again, but he hoped collaboration with the DEC will come up with a successful program.

ISSUES OF THE PUBLIC

DEER POPULATION (continued)

Supervisor Meegan stated West Seneca is still working with the City of Lackawanna for areas bordering the city and the key to making this successful is being continuous and remaining faithful to the thinning of the herds.

Ayes: All

Noes: None

Motion Carried

Beverly Leising questioned if meat from the thinning of the deer herds will be donated to soup kitchens. Chief Denz stated that is usually done, but it is a detail of the program to be worked out with the DEC.

CLEAN WATER ACT GRANT FUNDS

Susan Kims requested clarification of comments made by Town Engineer Steven Tanner at the January 25, 2016 meeting regarding a zero percent interest loan and \$100,000 grant money. Supervisor Meegan explained this is the Clean Water Act and because of Clark Patterson Lee's work, the town has now qualified as an applicant and recipient of the grant funds.

KIWANIS CENTER DEMOLITION

Susan Kims referred to the Kiwanis Center demolition and questioned if fees are charged to the Kiwanis Club for their arts & crafts festival. Supervisor Meegan clarified that although the building was called the Kiwanis Center, it was owned by the town not the Kiwanis organization. The Arts & Crafts Festival is an outdoor event held on town property. Charging fees to cover town costs for events is new this year and they are based on the needs outlined by the applicant in the signed agreement.

GRANT MONEY FOR TOTES

Susan Kims commented that the City of Lockport received \$200,000 grant money for their totes. Supervisor Meegan responded that West Seneca had also received grant money, but each year the amounts available are different. West Seneca also received a grant for streetscaping.

PURCHASE OF POOL VEHICLES

Susan Kims referred to the bond resolution for purchase of pool vehicles and questioned what type and how many vehicles are being purchased. Supervisor Meegan responded they are purchasing Ford Fusions for the Code Enforcement Officers and an SUV for Engineering.

ISSUES OF THE PUBLIC

CDBG PROJECTS

Linda Toy questioned if Burch Avenue and Grace Street are being reconstructed. Supervisor Meegan responded those streets were part of the Community Development Block Grant application, but only North Covington Drive was chosen.

OPEN MEETINGS AND PUBLIC PARTICIPATION

Karen Lucachik commented on the positive outcome of public participation in developing the waterfront and stated Orchard Park will be holding a brainstorming session to discuss redoing their library. She questioned what West Seneca is doing to include public participation and recited the Open Meetings Law, asking that it be followed to its fullest. Mrs. Lucachik further commented the public does not hear the board members deliberations on decisions made.

Supervisor Meegan responded that many items on the Town Board agendas are housekeeping in nature and do not involve deliberation.

Councilman Hart also disagreed that board members do not deliberate in public and stated many issues are cut and dry. He referred to the library project and presentation that was made to community groups and the public meeting on the Comprehensive Plan and Seneca Place project. Councilman Hart stated he has met with many groups on the library project where the general public has been invited and going forward they will use Code Red for meeting notifications. He further noted West Seneca will not be participating in the Seneca Place project, and referred to problems the developer, Mr. Congel, is facing in the Rochester area.

Amy Carpenter stated many of the public meetings held were not on the town website or in the Buffalo News. She further offered her opinion that prairie style or Frank Lloyd Wright style for the library is not appropriate for the town and did not approve of allowing LED signs in town.

Councilman Hanley stated they will provide Town Clerk Jacqueline Felser with various meeting dates for posting on the website.

West Seneca Environmental Commission member Karl Spencer disagreed with previous statements made regarding a lack of communication with the public and commented it is not the board member's fault if the Buffalo News doesn't publish things. He further stated the environmental commission has met with the schools and Chamber of Commerce and responded to a request by the library to make a presentation and the meetings were open to the public.

George Clifford stated the Town Board lost an opportunity to ask the 160 people in attendance at the Seneca Place project meeting what they would like to see at the Seneca Mall site. He further believes property owners should be able to have LED lights if they are following Town Code and was happy government could not deny them the right to advertise their business.

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

TOWN BOARD PROCEEDINGS
Minutes #2016-03
February 8, 2016
Page twelve . . .

ISSUES OF THE PUBLIC

ETHICS COMMITTEE

Amy Carpenter commented that no appointments were made to the Ethics Board during the Reorganization Meeting and suggested placing an article in the newspaper for interested applicants. Mrs. Carpenter stated many people would like to see the committee continue and the law revised to give them the tools it needs to be effective.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

TROJANS TAKE ACTION

Supervisor Meegan announced that Friday, May 20, 2016, East Senior High School students will be participating in "Trojans Take Action" a day of service to the community. Organizers are looking for volunteer opportunities throughout the community as well as sponsorships and in-kind donations. Information will be available on the town's website.

RECREATION UPDATES

Youth Service Coordinator Lauren Masset reminded all that resident registration for Summer Day Camp is currently taking place. Also, the Recreation Department will be hosting a Superhero skate at the West Seneca Ice Rink on February 21st. Participants should dress as their favorite superhero and regular admission fees apply.

POLICE CHIEF WARNINGS

Chief Denz cautioned the public that IRS scams are ongoing. He further cautioned residents to lock their vehicles as many were broken into over the past weekend.

HARLEM ROAD PARK

Councilman Hanley announced the NYSDOT will attend the February 29th Town Board meeting to discuss improving waterflow out of Harlem Road Park.

UPCOMING ATHLETIC EVENTS

Councilman Hart attended meetings with the Girls Softball Association concerning the World Series of Softball event taking place this summer and the Gaelic Athletic Association concerning the Continental Youth Championship in 2017, noting the next meeting will be held in West Seneca. The meeting is open to the public and they will be discussing bussing, off-site parking, fundraising and concessions.

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

TOWN BOARD PROCEEDINGS
Minutes #2016-03
February 8, 2016
Page thirteen . . .

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to executive session at 8:25 P.M. to discuss an employee issue.

Ayes: All

Noes: None

Motion Carried

The board members returned from executive session at 8:45P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:45 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

THIS SETTLEMENT AGREEMENT AND MUTUAL RELEASE ("Agreement"), entered into and effective as of the 1st day of October, 2015, by and between Niagara Mohawk Power Corporation d/b/a National Grid ("the Company") and the town of West Seneca, New York ("the Customer" and collectively with the Company, "the Parties").

WHEREAS, the Customer receives street lighting service from the Company under the Company's billing account number 15738-80100.

WHEREAS, Troy & Banks ("Consultant") as an authorized representative of the Customer, issued a complaint on behalf of the Customer ("the Complaint") on 2/1/2013 with the Company challenging the charges for street lighting services collected by the Company during the period from 2/1/2007 to present; and

WHEREAS, the Company issued its response to the Complaint on 9/2/2015 ("the Response"); and

WHEREAS, the Parties wish to resolve all claims relating to the Complaint and to the street lighting services provided by the Company to the Customer at all times prior to and through and including 9/15/2015 (collectively, "the Claims");

NOW THEREFORE, in exchange for the covenants and releases contained herein and intending to be legally bound thereby, the Parties stipulate and agree as follows:

1. The Company agrees to pay the Customer the sum of \$6,012.07, which amount shall be due and payable ten (10) days after the Customer provides to the Company proof in writing that this Agreement has been accepted and approved by the authorized representative(s) of the Customer. Should such evidence of approval by Customer's authorized representative(s) be unreasonably withheld or delayed, the Company may terminate this Agreement on ten (10) days written notice to the Customer.

2. The Customer for itself, its successors and assigns, shall and hereby does release, remise, acquit and forever discharge the Company, its successors and assigns, representatives and agents, of and from any and all manner of claims, demands, damages, debts, dues, sums, accounts, costs, obligations, proceedings, actions, causes of action, or suits, of any nature whatsoever, whether in tariff, law, equity or otherwise, which it, its successors and assigns, now have or hereafter can, shall or may have arising in any way out of, or with respect to, the Claims, or any matter related thereto, including those not yet ascertainable, if any, resulting therefrom at any time prior to and through and including 11/15/2015.

3. The Company for itself, its successors and assigns, shall and hereby does release, remise, acquit and forever discharge the Customer, its successors and assigns, representatives and agents, of and from any and all manner of claims, demands, damages, debts, dues, sums, accounts, costs, obligations, proceedings, actions, causes of action, or suits, of any nature whatsoever, whether in tariff, law, equity or otherwise, which it, its successors and assigns, now have or hereafter can, shall or may have arising in any way out of, or with respect to, the Claims, or any matter related thereto, including those not yet ascertainable, if any, resulting therefrom at any time prior to and through and including 11/15/2015.
4. The Customer further stipulates and agrees:
 - (i) that New York Public Service Commission ("PSC") policies and orders require the Company to offset or "net" undercharges and overcharges occurring within a billing account for each billing period to determine whether the customer was overcharged for service during that billing period; and
 - (ii) that such netting is not prohibited by the PSC's regulations concerning backbilling; and
 - (iii) that they shall not object to the use of such netting by the Company within each billing period for individual billing accounts in determining the refunds due to the Customer, if any, in any future claim or proceeding.
5. Solely for the purpose of determining charges for street lighting service provided by the Company to the Customer on and after 11/16/2015, the Customer agrees either to (a) accept the inventory presented in the Company's Response and as reviewed by the Consultant as a true and accurate inventory of the Company's street lighting facilities in the Town of West Seneca on 11/16/2015 and to execute a new Form SL2 Service Agreement incorporating that inventory or (b) to pay the cost of contracting with an independent third party consultant, mutually accepted by all parties, to perform a new survey of all street lighting facilities billable to the Customer in the Town of West Seneca. In the event that Customer elects to hire an independent third party consultant to perform a new survey of the Company's street lighting facilities in the Town of West Seneca, the Company will reimburse Customer for one half of the cost of that survey within ten (10) days of the execution by Customer of a new Form SL2 Service Agreement incorporating that inventory, provided the survey meets the specification requirements established by the Company and the Company, at its sole discretion, finds such cost reasonable. At the Customer's option, the Customer's cost of this survey may be funded from the payment amount provided in paragraph 1 above if applicable.
6. Each of the Parties agrees to support the terms of this Agreement as a negotiated resolution of the Claims, agrees not to take a position in any proceedings before the PSC or any court relating to these matters (the "Proceedings") contrary to the agreements set forth herein, and agrees not to assist another participant in taking such a contrary position.
7. The discussions between and among the Parties that have resulted in this Agreement have been conducted with the explicit understanding, pursuant to the PSC's regulations, that all

written and oral offers, prior proposals of settlement and discussions relating thereto, as well as supporting materials, will remain confidential communications, are without prejudice to the position of any of the Parties, are not admissible into evidence in the Proceedings or any other proceedings, and will not be used in any manner in connection with the Proceedings, other proceedings, or for any other purpose other than enforcement of the provisions hereof. As such, each of the Parties agrees to maintain the confidentiality of all discussions, all offers of settlement and discussions related thereto, as well as all supporting materials.

8. Except as expressly stated herein, the making of this Agreement shall not be construed, interpreted or otherwise deemed in any respect to constitute an admission by any of the Parties regarding any allegation, contention, or issues raised in the Claims or addressed in this Agreement.

9. If a court or other adjudicative or regulatory body rules that any provision of this Agreement is invalid or unenforceable, the remaining provisions shall nevertheless continue in full force.

10. This Agreement may be executed in one or more counterparts, all of which taken together shall constitute one and the same instrument.

11. This Agreement represents the entire agreement of the Parties with respect to the matters resolved herein.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date first written above by their duly authorized representatives.

Niagara Mohawk Power Corporation d/b/a National Grid

By: _____

Name (Print): Jeffrey Eddy

Title (Print): Manager Regional Account Services

Date _____

Town of West Seneca

By: _____

Name (Print): _____

Title (Print): _____

Date: _____

At a Special Term of the Supreme Court, Erie
County, held at 25 Delaware Avenue, Buffalo, New
York, on the _____ day of _____,
2015.

PRESENT: HON. SHEILA A. DITULLIO, A.J.S.C.
Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

GENERGY PROPERTY, LLC,

Petitioner,

v.

TOWN OF WEST SENECA

Respondent,

AND

WEST SENECA CENTRAL SCHOOL DISTRICT

Intervenor.

CONSENT ORDER

Index No.: 808402/2014

FOR REVIEW OF THE 2014-2015 TAX ASSESSMENT OF CERTAIN
REAL PROPERTY IN THE SAID TOWN OF WEST SENECA, NEW YORK

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of West Seneca, New York, known as 5029 Clinton Street, West Seneca, New York, S.B.L. # 126.17-1-7 for the tax year 2014-2015 having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of West Seneca, Attorney

for the West Seneca Central School District, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of West Seneca provides the basis for the imposition of ad valorem taxes assessed by the Town of West Seneca and the West Seneca Central School District, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2014-2015 for the premises at 5029 Clinton Street, West Seneca, New York be set at One Hundred Thousand Dollars (\$100,000.00) and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law shall apply for only the 2015-2016 assessment roll, and it is further

ORDERED, STIPULATED, AND ADJUDGED that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of the Town of West Seneca, West Seneca Central School District, and any other taxing unit affected by the above assessment reductions shall issue adjusted tax bills based upon this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of the Town of West Seneca, West Seneca Central School District, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Nolan & Heller, LLP as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Order,

Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

HON. SHEILA A. DITULLIO, A.J.S.C.

GRANTED:

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

**FOR PETITIONER
GENERGY PROPERTY, LLC**

**PETITIONER
GENERGY PROPERTY, LLC**

By: _____
JUSTIN A. HELLER, ESQ.
Attorney for Petitioner

By: _____
on behalf of Petitioner

Date: _____

Date: _____

**FOR RESPONDENT
TOWN OF WEST SENECA**

**FOR RESPONDENT,
TOWN OF WEST SENECA**

By: _____
RICHARD H. COLE, ESQ.
Attorney for Respondent

By: _____
JOHN J. FENZ, ESQ., Town Attorney.
Attorney for Respondent

Date: _____

Date: _____

**FOR INTERVENOR, WEST SENECA
CENTRAL SCHOOL DISTRICT**

**INTERVENOR, WEST SENECA
CENTRAL SCHOOL DISTRICT**

By: *J. Ryan White*
J. RYAN WHITE, ESQ.

By: *Janice Lewandowski*
JANICE LEWANDOWSKI
Asst. Manager Financial and Computer
Services.

Date: *September 14, 2015*

Date: *9/9/15*

TOWN OF WEST SENECA TOWN BOARD SEQRA DETERMINATION FOR 2016 ROAD RECONSTRUCTION PROJECT

WHEREAS, the Town of West Seneca Town Board (the "Board") has considered the impact to the environment of following Scope of Work to be completed:

1. Road Reconstruction in the Town of West Seneca

- Work to be completed on Theresa Court, Rosewood Drive, Azalea Drive, Reynolds Drive, Brianwood Drive and other roadways owned by the Town of West Seneca
- Work includes, but not limited to, Full Depth Road reconstruction along with storm sewer rehabilitation, sanitary sewer improvements, water main improvements, new curbs and gutters and new driveway approaches.

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

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

- Maintenance or reconstruction involving no substantial changes in an existing facility, structure or infrastructure (6 NYCRR §617.5(c)(1));
- Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site, including upgrading buildings,

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

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

TOWN OF WEST SENECA TOWN BOARD SEQRA DETERMINATION FOR 2016 BUILDINGS AND GROUNDS ROOFING IMPROVEMENTS

WHEREAS, the Town of West Seneca Town Board (the "Board") has considered the impact to the environment of following Scope of Work to be completed:

1. Town Buildings and Grounds Roofing Improvements

- Work to be completed on the Buildings and Grounds Building located on South Avenue at the Highway Department Complex in the Town of West Seneca;
- Work includes, but not limited to, installation of new roofing, roof drains, roof copings and roof coatings, removal and disposal of existing roofing, and misc. repairs to the building;
- Misc. repairs to other town facilities as deemed necessary;

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

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

- Maintenance or reconstruction involving no substantial changes in an existing facility, structure or infrastructure (6 NYCRR §617.5(c)(1));
- Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site, including upgrading buildings,

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

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



Town of West Seneca Code Enforcement Office – Fee Schedule

Fee Schedule for Building and Zoning Compliance Permits Extract from Executive Law, Article 18 and Section 383:
".....each municipality.....is expressly authorized and empowered to make, amend and repeal rules for the administration and enforcement and for the collection of reasonable fees in connection therewith...."

BUILDING PERMITS:

One and Two Family Homes \$.25/sq ft

Note: Floor area shall not include cellar, non-habitable basement, non-habitable attic or carport, but shall include an accessory garage.

Floor area shall be based upon outside dimensions of the building.

3” Truss ID Decal \$ 4.00 each

Multiple Dwellings \$.25/sq ft

Building of Non-Residential Occupancy (New Building) \$.30/sq ft

\$250.00 min.

Repairs, Alterations & Decks - Residential

Up to \$500 \$ 20.00

Over \$500 up to \$1,000 \$ 30.00

For each \$1,000 over the first \$1,000 \$ 5.00

Re-Roofing and Siding \$ 40.00

Additions – Residential \$.35/sq ft

Commercial Fee (Repairs, Alterations, Additions) \$275.00 min.

Up to \$1,000 \$ 20.00

For each \$1,000 over the first \$1,000 \$ 10.00

6” Truss ID Decal \$ 8.00 each

Demolition Work

Up to \$1,000 \$ 50.00

Over \$1,000 up to \$5,000 \$ 70.00

For each \$1,000 over \$5,000 \$ 8.00

Certificate of Occupancy - Commercial \$100.00

Private Garages

Unattached \$.15/sq ft

Attached \$.20/sq ft

Accessory Structures

Storage Sheds, Fences, Pools, etc.-1st \$1,000 estimated cost \$ 18.00

For each additional \$1,000 estimated cost \$ 8.00

Mechanical (Furnace, Rooftop, etc.) \$ 25.00



Town of West Seneca Code Enforcement Office – Fee Schedule

Re-Inspections **\$ 35.00**

Permit Extension

After 6 month Extension **\$ 15.00**

After 1 year Extension **Permit Fee Issued**

Tower Special Permit Fee – Application Fee **\$2000.00**

Plus additional costs for outside consultants incurred by the
Town for review of propagation Studies, search ring and analysis,
co-location possibilities of any other review deemed by Town Officials

New Tower

(measure from grade to uppermost part of tower) **\$ 20.00/linear ft of height**

Co-User of Existing Telecommunications Tower (Change out) **\$ 500.00/user/antenna**

**Located on Existing Structure, Other Than Existing Tower
(Water Tower)** **\$ 1000.00/user**

SITE PLAN REVIEW FEE **\$ 3000.00**

ZONING SPECIAL PERMITS & SPECIAL DEVELOPMENT PLANS

This fee is presently \$75.00 per application, and the cost for processing, public hearing and required legals has *substantially* increased. Requests to reschedule meetings with the Planning Board, Zoning Board & Town Board will result in additional charges to cover cost of publication, correspondence and postage. Recommended is the following schedule:

.5 acres or less	\$175.00
.6 acres to 2 acres	\$300.00
2.1 acres to 5 acres	\$300.00
[Plus \$50.00 for each acre over 2]	
5.1 to 10 acres	\$475.00
[Plus \$15.00 per acre over 5]	
10.0 acres or more	\$525.00
[Plus \$10.00 per acre over 10]	

HOME OCCUPATION APPLICATION **\$125.00**

BOARD OF APPEALS APPLICATION **\$150.00**



PLUMBING FEES

Filing Fee:

One and Two Family Dwellings	\$ 35.00
All Others	\$ 55.00
From 1 to 5 Fixtures	\$ 4.00 ea. fixture
From 6 to 10 Fixtures	\$ 2.50 ea. fixture
Over 10 Fixtures	\$ 2.00 ea. fixture
Dishwashers	\$ 5.00 ea. fixture
Garbage Disposals	\$ 5.00 ea. fixture
Open Waste Fixtures	\$ 5.00 ea. fixture
Hot Water Tank Replacement	\$ 35.00
Must include installation of hard-wired smoke/co detectors and must be installed by a West Seneca licensed plumber	

SEWER CONNECTION & INSPECTION FEES

ERIE COUNTY SEWER 1 & 3

WEST SENECA SEWER DISTRICTS

SINGLE FAMILY	\$100.00	\$400.00
DOUBLES/DUPLEX	\$100.00 FIRST UNIT \$ 50.00 SECOND UNIT	\$400.00 FIRST UNIT \$300.00 SECOND UNIT
MULTIPLE	\$100.00 FIRST UNIT \$ 50.00 EACH ADDITIONAL	\$400.00 FIRST UNIT \$300.00 EACH ADDITIONAL
MOTELS/HOTELS	\$100.00 FIRST UNIT \$ 50.00 EACH ADDITIONAL	\$400.00 FIRST UNIT \$200.00 EACH ADDITIONAL
COMMERCIAL		
Industrial & Others	\$400.00 MINIMUM	
First 5 Fixtures	\$ 80.00 EACH ADDITIONAL FIXTURE	
Sewer Lateral Replacement/Repair		\$ 75.00
Water Service “ “		\$ 55.00
Geothermal Heating System		\$ 25.00



Plumbing Exam Application Fee	\$130.00
Special Exam Fee	\$225.00
Sewer Contractor Exam Fee	\$100.00
Master Plumber License Annual Renewal Fee	\$125.00
Sewer Contractor License Annual Renewal Fee	\$ 75.00
Master Electrician License Annual Renewal Fee	\$100.00
Residential Electrician License Annual Renewal Fee	\$100.00

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 February 8, 2016

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 Hart, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ROAD RECONSTRUCTION AND REPAVING IMPROVEMENTS; ESTIMATING THAT THE TOTAL COST THEREOF IS \$5,000,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$5,000,000 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 \$5,000,000 in serial bonds of the Town to finance road reconstruction and repaving improvements, 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 the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes and application of current funds 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 \$5,000,000 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 reconstruction and repaving of Town roads, including but not limited to Theresa Court, Rosewood Drive, Azalea Drive, Reynolds Drive and Brianwood, and also including the construction or reconstruction of curbs, driveway approaches and any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned class objects or purposes is \$5,000,000; said amount is hereby appropriated therefor and the plan of financing thereof shall include the issuance of up to \$5,000,000 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 class of objects or purposes described in Section 1 is fifteen (15) years, pursuant to subdivision 20(c) 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 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. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 12. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval. 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 13. 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

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 February 8, 2016, 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 February 8, 2016 and entitled:

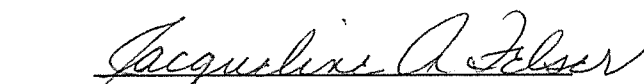
BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ROAD RECONSTRUCTION AND REPAVING IMPROVEMENTS; ESTIMATING THAT THE TOTAL COST THEREOF IS \$5,000,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$5,000,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

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 9th day of February, 2016.

[SEAL]


Jacqueline A. Felser, Town Clerk

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 February 8, 2016

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 Hart, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING PARTIAL RECONSTRUCTION OF VARIOUS TOWN BUILDINGS; ESTIMATING THAT THE TOTAL COST THEREOF IS \$150,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$150,000 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 \$150,000 in serial bonds of the Town to finance partial reconstruction of various town buildings, 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 the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes and application of current funds 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 \$150,000 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 partial reconstruction of various Town buildings, including, but not limited to, roof replacement and engineering required in connection therewith for the Buildings and Grounds structure, located adjacent to the Town Highway Garage. It is hereby determined

that the maximum estimated cost of the aforementioned class of objects or purposes is \$150,000; said amount is hereby appropriated therefor and the plan of financing thereof shall include the issuance of up to \$150,000 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 class of objects or purposes described in Section 1 is fifteen (15) years, pursuant to subdivision a. 12(a)(2) of Section 11.00 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 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. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 12. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval. 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 13. 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

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 February 8, 2016, 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 February 8, 2016 and entitled:

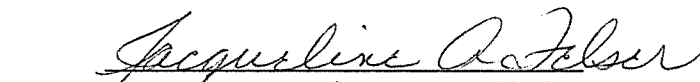
BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING PARTIAL RECONSTRUCTION OF VARIOUS TOWN BUILDINGS; ESTIMATING THAT THE TOTAL COST THEREOF IS \$150,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$150,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

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 9th day of February, 2016.

[SEAL]


Jacqueline A. Felser, Town Clerk

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 February 8, 2016

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 Hart, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ACQUISITION OF VEHICLES FOR THE TOWN MOTOR POOL; ESTIMATING THAT THE TOTAL COST THEREOF IS \$80,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$80,000 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 \$80,000 in serial bonds of the Town to finance acquisition of vehicles for the Town motor pool, 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 the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes and application of current funds 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 \$80,000 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 vehicles for the Town motor pool for general use by all Town departments. It is hereby determined that the maximum estimated cost of the aforementioned class objects or purposes is \$80,000; said amount is hereby appropriated therefor and the plan of financing thereof shall include the issuance of up to \$80,000 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 class of objects or purposes described in Section 1 is three (3) years, pursuant to subdivision 77 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.

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 February 8, 2016, 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 February 8, 2016 and entitled:

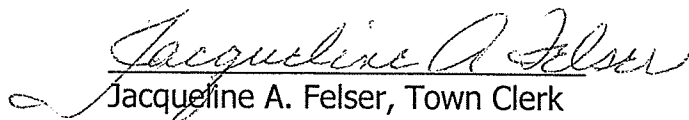
BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ACQUISITION OF VEHICLES FOR THE TOWN MOTOR POOL; ESTIMATING THAT THE TOTAL COST THEREOF IS \$80,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$80,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

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 9TH day of February, 2016.

[SEAL]


Jacqueline A. Felser, Town Clerk

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 February 8, 2016

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 Hart, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ACQUISITION OF EQUIPMENT FOR THE POLICE DEPARTMENT; ESTIMATING THAT THE TOTAL COST THEREOF IS \$120,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$120,000 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 \$120,000 in serial bonds of the Town to finance acquisition of equipment for the Police Department, 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 the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes and application of current funds 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 \$120,000 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 equipment for the Police Department, including a new Police Dispatch Console. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$120,000; said amount is hereby appropriated therefor and the plan of financing thereof shall include the issuance of up to \$120,000 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 32 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.

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 February 8, 2016, 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 February 8, 2016 and entitled:

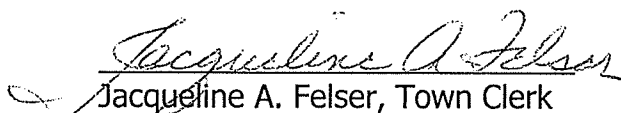
BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ACQUISITION OF EQUIPMENT FOR THE POLICE DEPARTMENT; ESTIMATING THAT THE TOTAL COST THEREOF IS \$120,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$120,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

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 9th day of February, 2016.

[SEAL]


Jacqueline A. Felser, Town Clerk