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February 8, 2017

VIA E-MAIL: jbrucato@ktufsd.org

John J. Brucato
Assistant Superintendent for Finance
Kenmore-Town of Tonawanda Union Free School District
1500 Colvin Boulevard
Buffalo, New York 14223

Dear John:

Re: Kenmore-Town of Tonawanda Union Free School District, Erie County, New York;
Resolution Regarding Capital Outlay Project (2016-2017 Budget Year)

Following from our recent conversations and e-mail exchanges, enclosed please find an extract of minutes document containing the resolution confirming and documenting the Board of Education's SEQRA-related findings as to the modest (\$100,000) capital outlay project (for the replacement of exterior windows at the District's Charles A. Lindbergh Elementary School) that was included as part of the District's approved 2016-2017 annual budget. In this draft we have assumed Board action on February 14. A simple majority vote of the Board will suffice to pass this resolution.

We will eventually need for our file two certified copies of this extract of minutes document (showing the vote results and being signed by Gina as District Clerk). For your convenience, we have included a checklist.

We again thank you and your District colleagues for this opportunity to be of continuing service to the District as bond counsel. If you have any questions, please call John Alessi (716.848.1567) or me.

Very truly yours,

Jeffrey W. Stone

JWS/als
Enclosures

ccs: Stephen Bovino, Interim Superintendent of Schools (sbovino@ktufsd.org)
M. Jean Weglarski, District Treasurer (mweglarski@ktufsd.org)
Gina Santa Maria, District Clerk (gsantamaria@ktufsd.org)
Richard J. Little, Jr. (rlittle@seidesigngroup.com)
John A. Alessi, Esq.



To: John A. Alessi, Esq.
Partner
Hodgson Russ LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202

Re: Kenmore-Town of Tonawanda Union Free School District, Erie County, New York;
Resolution Regarding Capital Outlay Project (2016-2017 Budget Year)

Date: _____, 2017

I enclose the following legal documents:

_____ two (2) certified copies of the extract of minutes document containing a resolution confirming and documenting the Board of Education's SEQRA-related findings as to a modest (\$100,000) capital outlay project that was included as part of the District's 2016-2017 annual budget

Forwarded by: _____ phone: _____

Questions:

	<u>Phone</u>	<u>Fax</u>	<u>E-mail</u>
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Catherine Schindler	716.848.1696	716.819.4660	cschindl@hodgsonruss.com
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**KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT
ERIE COUNTY, NEW YORK**

EXTRACT OF MINUTES

A meeting of the Board of Education (the "Board") of the Kenmore-Town of Tonawanda Union Free School District, Erie County, New York (the "District") was convened in public session at _____ in the District, on February 14, 2017 at ____ p.m., local time.

The meeting was called to order by _____ and, upon roll being called, the following members of the Board were:

PRESENT:

ABSENT:

ALSO PRESENT:

The following resolution was offered by _____, and seconded by _____, to-wit:

RESOLUTION OF THE KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE “DISTRICT”) CONFIRMING THE DISTRICT’S CAPITAL IMPROVEMENTS PROJECT INVOLVING THE REPLACEMENT OF EXTERIOR WINDOWS AT THE DISTRICT’S CHARLES A. LINDBERGH ELEMENTARY SCHOOL TO BE A TYPE II ACTION UNDER SEQRA, AND CONFIRMING SUCH WORK AS CONSTITUTING A “CAPITAL OUTLAY PROJECT” UNDER THE DISTRICT’S APPROVED 2016-2017 ANNUAL BUDGET

WHEREAS, the Kenmore-Town of Tonawanda Union Free School District, Erie County, New York (the “District”), after consultation by District officials with the District’s retained architectural firm (SEI Design Group), has determined to undertake, during the District’s current (2016-2017) fiscal year, a modest capital outlay project involving the removal and in-kind replacement of exterior windows at the District’s Charles A. Lindbergh Elementary School (collectively, the “Project”); and

WHEREAS, the estimated maximum cost of the Project, including all incidental costs relating thereto, has been determined by SEI Design Group to be \$100,000; and

WHEREAS, the qualified voters of the District have approved the District’s 2016-2017 budget that provided for a \$100,000 transfer to capital to fund the Project, with the work on the Project to occur during the District’s 2016-2017 fiscal year; and

WHEREAS, Section 617.5 of the State Environmental Quality Review Act (“SEQRA”) regulations (6 NYCRR Part 617) provides that certain activities are Type II actions which are not subject to review under SEQRA, and that such activities include routine activities of educational institutions; maintenance or repair involving no substantial changes in an existing structure or facility; and replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site; and

WHEREAS, the Project constitutes such routine activities of educational institutions; maintenance or repair activities; and/or in-kind, same-site replacement, rehabilitation or reconstruction activities;

NOW THEREFORE, BE IT RESOLVED, that the District’s Board of Education hereby confirms and formalizes its prior determination that the Project is a Type II action, which is not subject to review under SEQRA, and that the Project will not result in a significant adverse impact on the environment; and be it further

RESOLVED, the Project shall continue to be funded by means of a “transfer to capital” (not exceeding \$100,000 in amount) in the District’s approved budget for the 2016-2017 fiscal year, so that the Project can be undertaken and completed, as planned, in the District’s 2016-2017 fiscal year; and be it further

RESOLVED, that this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

* * *

CLERK'S CERTIFICATE

The undersigned hereby certifies that:

(1) I am the duly qualified and acting District Clerk of the Kenmore-Town of Tonawanda Union Free School District, Erie County, New York (the "District") and the custodian of the records of the District, including the minutes of the proceedings of the Board of Education of the District (the "Board"), and I am duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution that was duly adopted at a meeting of the Board that was held on February 14, 2017 and entitled:

RESOLUTION OF THE KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE "DISTRICT") CONFIRMING THE DISTRICT'S CAPITAL IMPROVEMENTS PROJECT INVOLVING THE REPLACEMENT OF EXTERIOR WINDOWS AT THE DISTRICT'S CHARLES A. LINDBERGH ELEMENTARY SCHOOL TO BE A TYPE II ACTION UNDER SEQRA, AND CONFIRMING SUCH WORK AS CONSTITUTING A "CAPITAL OUTLAY PROJECT" UNDER THE DISTRICT'S APPROVED 2016-2017 ANNUAL BUDGET

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

(4) The seal appearing below constitutes the official seal of the District and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has executed this certificate as of February 14, 2017.

District Clerk

(SEAL)