



A Future Inspired by Our Legacy

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May 2, 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 (2017-2018 Budget)

Following from our conversations and e-mail exchanges, enclosed please find an extract of minutes document containing a resolution directing that a modest (\$100,000) capital outlay project be included as part of the District's 2017-2018 budget. This project is anticipated to include the reconstruction and construction of modest upgrades and improvements at the District's Charles A. Lindbergh Elementary School building. This assumes Board of Education action on May 9, 2017. As you know, there is no requirement for a separate public vote on this matter--the public's approval of the overall budget (that includes this item) will suffice.

This resolution also documents the Board's SEQRA-related findings regarding the proposed project. A simple majority vote of the Board will suffice to pass this resolution. We will eventually need for our file two certified copies of the enclosed extract of minutes document (showing the vote results and signed by the 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. If you have any questions, please call John Alessi (716.848.1567), Emily Dinsmore (716.848.1729) or me.

Very truly yours,

Jeffrey W. Stone

JWS

Enclosures

ccs: Stephen Bovino, Superintendent of Schools (sbovino@ktufsd.org)
M. Jean Weglarski, District Treasurer (mweglarski@ktufsd.org)
Gina Santa Maria, District Clerk (gsantamaria@ktufsd.org)
John A. Alessi, Esq.
Emily A. Dinsmore, 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 (2017-2018 Budget)

Date: _____, 2017

I enclose the following legal documents:

_____ two (2) certified copies of the extract of minutes document containing a resolution calling for a modest (\$100,000) capital outlay project to be included as part of the District's 2017-2018 annual budget

Forwarded by: _____ phone: _____

Questions:

	<u>Phone</u>	<u>Fax</u>	<u>E-mail</u>
John A. Alessi, Esq.	716.848.1567	716.819.4660	jalessi@hodgsonruss.com
Emily A. Dinsmore, Esq.	716.848.1729	716.819.4660	edinsmor@hodgsonruss.com
Catherine Schindler	716.848.1696	716.819.4660	cschindl@hodgsonruss.com
Annmarie L. Staniszewski	716.848.1234	716.819.4660	astanisz@hodgsonruss.com
Amy M. Krzywicki	716.848.1741	716.819.4660	akrzywic@hodgsonruss.com
Robin L. Oprean	716.848.1257	716.819.4660	roprean@hodgsonruss.com

**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 duly convened at _____ o'clock P.M., local time, in the _____ at _____, in Buffalo, New York, on May 9, 2017.

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:

A RESOLUTION, DATED MAY 9, 2017, OF THE BOARD OF EDUCATION OF THE KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE “DISTRICT”) DECLARING THE DISTRICT’S PROPOSED CAPITAL OUTLAY PROJECT (INVOLVING THE RECONSTRUCTION AND CONSTRUCTION OF MODEST UPGRADES AND IMPROVEMENTS TO THE DISTRICT’S CHARLES A. LINDBERGH ELEMENTARY SCHOOL BUILDING) TO BE A TYPE II ACTION UNDER SEQRA, AND AUTHORIZING AND DIRECTING THE INCLUSION OF FUNDING FOR SUCH PROJECT IN THE DISTRICT’S PROPOSED 2017-2018 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 resolved that the District should propose to undertake, during the District’s pending (2017-2018) fiscal year, a capital outlay project involving the reconstruction and construction of modest upgrades and improvements to the District’s Charles A. Lindbergh Elementary School building, such work being anticipated to include, but not necessarily be limited to, the removal and in-kind replacement of exterior windows (collectively, the “Project”); and

WHEREAS, the estimated maximum cost of the Project (inclusive of all preliminary and incidental costs) has been determined by SEI Design Group to be \$100,000; and

WHEREAS, the District is proposing that the Project be financed by the application of \$100,000 of funds to be earmarked for such purpose as a “Transfer to Capital Fund” in the District’s pending (i.e., 2017-2018) budget, with the work on the Project to occur (and be completed) during the 2017-2018 fiscal year of the District; and

WHEREAS, in accordance with State Education Department guidance and policy, the District/Board of Education is the appropriate agency to be the lead agency to undertake Project review under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, Section 617.5 of the 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 and construction of a structure or facility, in kind, on the same site...unless such action meets or exceeds any [Type I] thresholds in section 617.4”; and

WHEREAS, the proposed Project constitutes such routine activities of educational institutions; maintenance or repair activities; and/or in-kind, same-site replacement, rehabilitation or reconstruction activities not exceeding Type I thresholds; and

WHEREAS, while SEI Design Group has determined that the proposed work involved with the Project is exempt from review by the State Historic Preservation Office (“SHPO”), given that it has no anticipated impacts on cultural resources under the terms of the Letter of Resolution between SHPO and the New York State Education Department, SEI Design Group may nonetheless submit information on the work to SHPO for confirmation;

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

RESOLVED, that the proposed Project shall be included as a “Transfer to Capital Fund” line item (not exceeding \$100,000 in amount) in the District’s proposed budget for the 2017-2018 fiscal year (with appropriate additional notification to District voters regarding the specific details of the work to be given in connection with the District’s regular budget presentation and approval process), so that such Project may be initiated and completed (assuming voter approval of the District’s proposed budget) during the District’s 2017-2018 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 May 9, 2017 and entitled:

A RESOLUTION, DATED MAY 9, 2017, OF THE BOARD OF EDUCATION OF THE KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE "DISTRICT") DECLARING THE DISTRICT'S PROPOSED CAPITAL OUTLAY PROJECT (INVOLVING THE RECONSTRUCTION AND CONSTRUCTION OF MODEST UPGRADES AND IMPROVEMENTS TO THE DISTRICT'S CHARLES A. LINDBERGH ELEMENTARY SCHOOL BUILDING) TO BE A TYPE II ACTION UNDER SEQRA, AND AUTHORIZING AND DIRECTING THE INCLUSION OF FUNDING FOR SUCH PROJECT IN THE DISTRICT'S PROPOSED 2017-2018 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 May 9, 2017.

District Clerk

(SEAL)