

KENMORE-TOWN OF TONOWANDA UNION FREE SCHOOL DISTRICT RESOLUTION UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR A CAPITAL PROJECT

WHEREAS, the Kenmore – Town of Tonawanda Union Free School District (the “District”) requires upgrades to its existing fuel tank system located at the District’s Transportation Building site located on Military Road, Town of Tonawanda, New York (“the Facility”) as part of the following proposal: (i) commission the 5000 Gallon portion of the existing split tank already in place (“the Split Tank”), by using the Split Tank to store unleaded gasoline (the Split Tank is in place but has not previously been used for this purpose); (ii) construct a new dual hose fuel dispenser and tank sump pump to be used on the remote fueling island adjacent to the Split Tank to accommodate unleaded fuel operations; (iii) extend the existing tank monitoring system to monitor the unleaded fuel operations proposed for the Split Tank linked to a new dispenser; and (iv) install a new chemical based fire suppression system over the fueling island to cover the new unleaded fuel dispenser that will be used to serve the unleaded operations of the Split Tank (hereinafter the foregoing shall be referred to as “the Capital Outlay Project 2015-2016” or “the Project”); and

WHEREAS, in accordance with New York State Education Department guidance and policy as well as is required by applicable New York Law, including pursuant to the New York State Environmental Conservation Law and applicable regulations including under 6 NYCRR Part 617.1 et seq. known as the New York State Environmental Quality Review Act (“SEQRA”) the District is required to analyze the potential environmental impact, if any associated with the Project.

NOW THEREFORE, based on the Board of Education for the District’s review of SEQRA and the Project components it hereby resolves as to the proposed Capital Outlay Project 2015-2016 as follows:

1. Section 617.5 of the SEQRA regulations (6 NYCRR Part 617.1 et. seq.) provides that certain activities are Type II actions which are not subject to review under SEQRA including: “routine activities of educational institutions,” “maintenance or repair involving no substantial changes in an existing structure or facility;” and/or “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site . . . unless such action meets or exceeds any of the thresholds in section 617.4. Type II actions are not subject to review under SEQRA, as they have been deemed to not result in a significant adverse impact on the environment.(6 NYCRR Part 617.5 (c)(1); and/or (2) and/or (8)). In addition, the Project will promote health and safety for the reasons stated above, including the installation of applicable measures to monitor use of gasoline, fire suppression capabilities as referenced etc.

2. The proposed Capital Outlay Project 2015-2016 constitutes such routine activities of educational institutions, maintenance or repair activities, and/or in-kind, same-site replacement, rehabilitation or reconstruction activities without exceeding any of the applicable thresholds pursuant to 6 NYCRR Part 617.5 as referenced above, and therefore the Project is a Type II action requiring no SEQRA review.

BE IT FURTHER RESOLVED, that the Board of Education declares this an ordinary contingent item for repairs that are necessary to preserve property and protect students and staff and therefore authorizes the necessary replacement and repairs not to exceed \$100,000 or as much therefore as may be necessary, which shall be funded by budgetary appropriations approved at the May 19, 2015 vote.

AYE

NAY

January __, 2016 Tonowanda, NY