

## Evans Town Board

At a meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, June 17, 2015 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	J. Grant Zajas	Town Attorney
	Ernie Masullo	Chief of Police
	Diana Cafferty	Supervisor Department

**RESOLUTION 2015 #236 Approve Minutes**

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of July 15, 2015 be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT:            ADOPTED  
                                   AYES - Feldmann, Cooper, Dash  
                                   NAYS - none

**Communications**

Supervisor Dash read a communication from the planning department regarding: Minor Subdivision Review - dividing a 37.25± acre parcel to create a 33.61± acre portion to be annexed to 1425 Wisconsin Rd., SBL# 206.00-4-14.2, a 1.60± acre parcel and a 2.04± acre parcel, located at 1431 Wisconsin Rd., Derby, NY 14047, SBL# 206.00-4-14.1. Petitioner: Estate of Mary Manning, 1431 Wisconsin Rd., Derby, NY 14047

**RESOLUTION 2015 #237 Adopt Findings of the Town of Evans Minor Subdivision Review Committee - 1425 Wisconsin Road, Derby NY, Petitioner: Estate of Mary Manning**

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated August 7, 2015, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Estate of Mary Manning Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Estate of Mary Manning Minor Subdivision.  
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 206.00-4-14.1, dividing a 37.25± acre parcel to create:

1. a 33.61± acre portion with 358.2± feet of frontage on Wisconsin Road to be annexed to 1425 Wisconsin Rd., SBL# 206.00-4-14.2, and
2. a 1.60± acre parcel with 162.34± feet of frontage on Wisconsin Road, and
3. a 2.04± acre parcel with 194.78± feet of frontage on Wisconsin Road.

Petitioner: Estate of Mary Manning, 1431 Wisconsin Rd., Derby, NY 14047

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

VOTE RESULT:            ADOPTED  
                                  AYES - Feldmann, Cooper, Dash  
                                  NAYS - none

**RESOLUTION 2015 #238 Approval of the Estate of Mary Manning Subdivision**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated August 7, 2015, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Estate of Mary Manning Minor Subdivision, a division of SBL# 206.00-4-14.1, dividing a 37.25± acre parcel to create:

1. a 33.61± acre portion with 358.2± feet of frontage on Wisconsin Road to be annexed to 1425 Wisconsin Rd., SBL# 206.00-4-14.2, and
2. a 1.60± acre parcel with 162.34± feet of frontage on Wisconsin Road, and

3. a 2.04± acre parcel with 194.78± feet of frontage on Wisconsin Road.

Petitioner: Estate of Mary Manning, 1431 Wisconsin Rd., Derby, NY 14047

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office, the Assessor's Office and the Code Enforcement Office.

VOTE RESULT:                   ADOPTED  
  AYES - Feldmann, Cooper, Dash  
  NAYS - none

### **Communications Con't**

Supervisor Dash has submitted the Supervisor's Monthly report for May to the Town Board and filed a copy with the Town Clerk in accordance with Town Law.

Supervisor Dash read a letter of commendation to Lieutenant Bradley Di Martino, Patrolman Jeffrey Devinney and Patrolman Greg Szarowicz for their heroic actions which saved an 11 year old girl from drowning on July 30, 2015.

### **Privilege of the Floor on Agenda Items and Other Issues**

Ed Schneider, 9575 Redwing Street, Angola NY questioned the status of the required repairs on Mr. Maurers property. Questioned the Town's position on the development of property next to Lake Erie Beach Park. He also voiced opposition to the Bond resolutions that are on the agenda due to lack of interest rates and an amortization schedule.

### **Committee and Department Head Reports**

Councilman Feldmann reminded residents that the Party for the Playground will be held September 2, 2015 at Mickey Rats.

Councilman Cooper congratulated the Highland Hose Fire Company and the Police Officers and Dispatchers for a successful South Western Volunteer Fireman's Convention that was held in Highland August 6<sup>th</sup> - 8<sup>th</sup>.

Supervisor Dash thanked the Chief of Police for helping to complete the project to obtain grant money for the new Police Boat. The dedication was held earlier today with residents, officers and the media in attendance. He announced the final movie night in the park will be held tomorrow at the Town Park. He reported that Charlie & Checkers was a great show that was held at Lake Erie Beach Park and thanked Lori Szewczyk and Metro Roberts Agency for bringing this show. He also thanked John Ruszaj, Ernie Masullo and other Town employees for their assistance with the water issue due to heavy rains on July 9<sup>th</sup>.

**RESOLUTION 2015 #239 Town Clerks Reports**

Supervisor Dash moved and Councilman Cooper seconded to accept the reports of the Town Clerk as presented for the month of July 2015:

Town Clerk receipts July	\$19,825.18
Interest July	\$ 1.51
County & Town Penalties	\$42,722.47
\$2 Delinquent Notice Fees	\$ 288.00
Lock Box Overage	\$ .28

VOTE RESULT: ADOPTED BY ROLL CALL  
 Councilman Feldmann - AYE  
 Councilman Cooper-AYE  
 Supervisor Dash- AYE

**RESOLUTION 2015 #240 Authorize Supervisor to Enter into Agreement with Network Consulting Group of WNY**

Councilman Cooper moved and Supervisor Dash seconded,

RESOLVED, that the Supervisor is authorized to enter into an agreement with Network Consulting Group of WNY, aka NCGWNY of Derby, NY for computer services from September 1, 2015 to August 31, 2016 pending approval of the Town Attorney and the Director of Finance.

VOTE RESULT: ADOPTED BY ROLL CALL  
 Councilman Feldmann - AYE  
 Councilman Cooper-AYE  
 Supervisor Dash- AYE

**RESOLUTION 2015 #241 Declare Surplus Police Equipment**

Supervisor Dash moved and Supervisor Feldmann seconded,

RESOLVED, that the following equipment is hereby declared surplus equipment and will be sold at auction with proceeds to be deposited in the Police Department's Expendable Trust Account - TA996:

1989 25' Wellcraft Boat, Title ID WELD3038C989

1989 Shore Trailer, Title ID 1YR131299KR000390

VOTE RESULT: ADOPTED BY ROLL CALL  
 Councilman Feldmann - AYE  
 Councilman Cooper-AYE  
 Supervisor Dash- AYE

**RESOLUTION 2015 #242 Appointment of Part Time Assistant Working Crew Chief**

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED that effective July 13, 2015 John Ruszaj is hereby appointed to the position of part time Assistant Working Crew Chief.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
  Councilman Feldmann - AYE  
  Councilman Cooper-AYE  
  Supervisor Dash- AYE

**RESOLUTION 2015 #243 Bonding for \$200,000.00 for Improvements to Historical Building**

Councilman Cooper moved and Supervisor Dash seconded,

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE TOWN TO ISSUE \$200,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN RENOVATIONS, ALTERATIONS AND IMPROVEMENTS TO THE TOWN HISTORICAL BUILDING LOCATED AT 8351 ERIE ROAD, AT A MAXIMUM COST OF \$200,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$200,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

**WHEREAS**, the Town Board (the "Board") of the Town of Evans, Erie County (the "Town") is considering to undertake certain renovations, alterations and improvements to a Historical Building owned by the Town located at 8351 Erie Road, including site improvements, any ancillary or related work required in connection therewith, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof (collectively, the "Project"); and

**WHEREAS**, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board (the "Town Board") of the Town of Evans, Erie County, New York (the "Issuer" or the "Town") (by the favorable 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 certain renovations, alterations and improvements to a Historical Building owned by the Town located at 8351 Erie Road, including site improvements, any ancillary or related work required in connection therewith, and any engineering and other preliminary costs, legal expenses

and other costs incidental to the financing thereof (collectively, the "Project"), at an estimated maximum cost of \$200,000 and said amount is hereby appropriated therefor. Serial bonds of the Town (including, without limitation, statutory installment bonds) in the principal amount of \$200,000 are hereby authorized to be issued 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 said appropriation. The plan for the financing thereof shall consist of (i) the issuance of \$200,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 12(a)(3). of paragraph a. of Section 11.00 of the Law.

SECTION 3. 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. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 4. 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 pursuant to this resolution.

SECTION 5. 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 subject to applicable statutory limits, if any. 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 6. 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 serial bonds and 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 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond

anticipation notes and prescribing 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, are hereby delegated to the Supervisor, as the chief fiscal officer of the Town (the "Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 7. The 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 8. The Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers 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 9. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and 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 the Board.

SECTION 10. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

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.

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.

SECTION 14. Upon this resolution becoming effective, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk substantially the form provided in Section 81.00 of the Law.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
   Councilman Feldmann - AYE  
   Councilman Cooper-AYE  
   Supervisor Dash- AYE

**RESOLUTION 2015 #244 Bonding for \$365,000.00 for the Undertaking of Construction & Installation of Various Public Improvements**

Supervisor Dash moved and Councilman Cooper seconded

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF  
 EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING  
 THE TOWN TO UNDERTAKE THE CONSTRUCTION AND**



**INSTALLATION OF VARIOUS PUBLIC IMPROVEMENTS; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$365,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$365,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

**WHEREAS**, the Town Board (the "Board") of the Town of Evans, Erie County (the "Town") proposes to authorize the issuance of \$365,000 in serial bonds of the Town to finance (i) the acquisition of equipment for use by the Town's Highway Department including a truck cab and chassis, tilt hitch, wing system, plow, wing, and dump body, (ii) the acquisition of a heavy duty plow truck for use by the Park's Department, and (iii) the reconstruction and installation of improvements at the Town Park, consisting of the replacement of concrete and drain tile at the park tunnel and additional drainage improvements, all at an estimated maximum cost of \$365,000 (collectively, the "Project"); and

**WHEREAS**, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board (the "Town Board") of the Town of Evans, Erie County, New York (the "Issuer" or the "Town") (by the favorable 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 (i) the acquisition of equipment for use by the Town's Highway Department including a truck cab and chassis, tilt hitch, wing system, plow, wing, and dump body, (ii) the acquisition of a heavy duty plow truck for use by the Park's Department, and (iii) the reconstruction and installation of improvements at the Town Park, consisting of the replacement of concrete and drain tile at the park tunnel and additional drainage improvements, for a total aggregate estimated maximum cost of \$365,000. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$365,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (i) the issuance of \$365,000 in serial bonds of the Town authorized to be issued pursuant to by Section 2 hereof to finance said appropriation, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Town in the principal amount of \$365,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the specific objects or purposes described in Section 1 hereof.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivisions 19(c), 28. and 91. of paragraph a. of Section 11.00 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. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations 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 pursuant to this resolution.

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 subject to applicable statutory limits, if any. 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 serial bonds and 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 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing 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, are hereby delegated to the Supervisor, as the chief fiscal officer of the Town (the "Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The 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 Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers 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 Supervisor sufficient authority to execute those applications, agreements and 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 the Board.

SECTION 11. The Town Board hereby determines that the equipment and improvements included within the Project collectively constitute a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 12. 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 13. 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.

SECTION 14. 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.

SECTION 15. Upon this resolution becoming effective, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk substantially the form provided in Section 81.00 of the Law.

VOTE RESULT:                    ADOPTED  
    AYES - Feldmann, Cooper, Dash  
    NAYS - none

**RESOLUTION 2015 #245 Bonding for \$60,000.00 for Alternations & Improvements to the Town Hall**

Councilman Feldmann moved and Councilman Cooper seconded,

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE TOWN TO ISSUE \$60,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN ALTERATIONS AND IMPROVEMENTS TO THE TOWN OF EVANS TOWN HALL, LOCATED AT 8787 ERIE ROAD, AT A MAXIMUM COST OF \$60,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$60,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

**WHEREAS**, the Town Board (the "Board") of the Town of Evans, Erie County (the "Town") proposes to authorize the issuance of \$60,000 in serial bonds of the Town to finance the estimated cost of certain alterations to the electrical systems at the Town of Evans Town Hall, located at 8787 Erie Road, including the installation of a replacement main switchboard with new panel board and breakers, the installation of a new concrete cable vault, the modification of the existing underground service, the installation of conductors and the updating of the main service, including site improvements, any ancillary or related work required in connection therewith (collectively, the "Project"); and

**WHEREAS**, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board (the "Town Board") of the Town of Evans, Erie County, New York (the "Issuer" or the "Town") (by the favorable 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 certain alterations to the electrical systems at the Town of Evans Town Hall, located at 8787 Erie Road, including the installation of a replacement main switchboard with new panel board and breakers, the installation of a new concrete cable vault, the modification of the existing underground service, the installation of conductors and the updating of the main service, including site improvements, any ancillary or related work required in connection therewith (collectively, the "Project"), at an estimated maximum cost of \$60,000 and said amount is hereby appropriated therefore. Serial bonds of the Town (including, without limitation, statutory installment bonds) in the principal amount of \$200,000 are hereby authorized to be issued 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 said appropriation. The plan for the financing thereof shall consist of (i) the issuance of \$60,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 13. of paragraph a. of Section 11.00 of the Law.

SECTION 3. 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. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 4. 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 pursuant to this resolution.

SECTION 5. 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 subject to applicable statutory limits, if any. 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 6. 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 serial bonds and 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 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing 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, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph 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 7. 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 8. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking 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 9. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and 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 the Board.

SECTION 10. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 11. 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.

SECTION 12. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

VOTE RESULT:            ADOPTED  
                                 AYES - Feldmann, Cooper, Dash  
                                 NAYS - none

**RESOLUTION 2015 #246 Amend Resolution #245**

Councilman Cooper moved and Councilman Feldmann seconded,

BE IT RESOLVED: that Resolution #6 (#246) be amended to correct the specified amount from \$200,000.00 to \$60,000.00.

VOTE RESULT:            ADOPTED  
                                 AYES - Feldmann, Cooper, Dash  
                                 NAYS - none

**RESOLUTION 2015 #247 Audit of Bills**

Councilman Cooper moved and Councilman Feldmann seconded,

BE IT RESOLVED, that all properly audited bills be paid out of their respective accounts per abstract brought forth:

**DATE: 7/22/2015**  
**ABSTRACT NO. 15**  
**VOUCHER NO. 1168-1261**

GENERAL	153,545.12
PART TOWN	, 39,459.57
HIGHWAY DA	
HIGHWAY	28,940.22
WATER	10,484.18
CAPITAL PROJECTS	
SPECIAL DISTRICTS	2,496.94
DEBT SERVICE	
COMM DEVELOPMENT	
<b>TOTAL</b>	<b>\$ 234,926.03</b>

**DATE: 8/05/2015**  
**ABSTRACT NO. 16**  
**VOUCHER NO. 1353-1431**

GENERAL	66,561.46
PART TOWN	29,091.41
HIGHWAY DA	
HIGHWAY	56,381.06
WATER	
CAPITAL PROJECTS	
SPECIAL DISTRICTS	251,436.15
DEBT SERVICE	
COMM DEVELOPMENT	
<b>TOTAL</b>	<b>\$ 403,470.08</b>

VOTE RESULT:           ADOPTED BY ROLL CALL  
                                   Councilman Feldmann - AYE  
                                   Councilman Cooper-AYE  
                                   Supervisor Dash- AYE

**RESOLUTION 2015 #248 Adjournment**

Supervisor Dash moved and Councilman Cooper seconded to adjourn Wednesday, August 26, 2015 @ 6:15pm for a Work Session and then to Wednesday, September 2, 2015 at 6:30pm for an Agenda Meeting and 7:00pm for the Town Board Meeting.



VOTE RESULT:           ADOPTED  
                              AYES - Feldmann, Cooper, Dash  
                              NAYS - none

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Lynn M. Krajacic  
Town Clerk