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January 30, 2018

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 Authorizing SEQRA for State and Municipal Facilities Program ("SAM")
Grant for Big Picture Program Reconstruction/Restoration Project

Here is the resolution documenting the Board of Education's SEQRA-related findings as to the modest (\$125,000) Big Picture Program Reconstruction/Restoration project. We understand that this project is in the process of being approved to receive a State and Municipal Facilities Program ("SAM") grant that has been secured. In this draft we have assumed Board action on February 13. A simple majority vote of the Board will suffice to pass this resolution.

Upon adoption, please arrange for two certified copies of the enclosed extract of minutes document to be returned to me (showing the vote results and being signed by Gina as District Clerk).

We again thank you and your District colleagues for this opportunity to be of continuing service to the District. Please call me with any questions.

Very truly yours,

Jeffrey W. Stone

JWS/als
Enclosure

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.
Andrew R. Mark, Esq.

**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 the _____ in the District, on February 13, 2018 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:

A RESOLUTION, DATED FEBRUARY 13, 2018, OF THE KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE "DISTRICT") CONFIRMING (A) THAT THE DISTRICT'S PROPOSED CAPITAL IMPROVEMENTS PROJECT INVOLVING CERTAIN RECONSTRUCTION/RESTORATION WORK AT THE DISTRICT'S FORMER MIDDLE SCHOOL BUILDING (IN SUPPORT OF THE DISTRICT'S BIG PICTURE PROGRAM) IS A TYPE II ACTION UNDER SEQRA AND (B) THAT SUCH PROJECT HAS BEEN APPROVED BY THE STATE OF NEW YORK TO RECEIVE A \$125,000 STATE AND MUNICIPAL FACILITIES PROGRAM ("SAM") GRANT TO COVER THE COST OF THE WORK INVOLVED.

WHEREAS, the Kenmore-Town of Tonawanda Union Free School District, Erie County, New York (the "District") has determined to undertake, and is expected to complete by September of 2018, a modest capital improvements project involving reconstruction/restoration work at the District's former Middle School building in support of the District's Big Picture Program, such work being anticipated to include, but not necessarily be limited to, accessibility upgrades, corridor enhancements, fit and finish upgrades, and other improvements and upgrades to enhance the learning environment (collectively, the "Project"); and

WHEREAS, the estimated maximum cost of the Project has been determined to be \$125,000; 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;" "replacement, rehabilitation or reconstruction 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/or "emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment"; 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 not exceeding Type I thresholds;

NOW THEREFORE, BE IT RESOLVED, that the District's Board of Education hereby determines 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, that the Project shall be funded by the District's receipt of a State and Municipal Facilities Program ("SAM") grant in the amount of \$125,000, with such grant to be administered by the Dormitory Authority State of New York ("DASNY"); and be it further

RESOLVED, that the District's Assistant Superintendent for Finance or Superintendent of Schools be, and they hereby are, authorized and directed to submit a copy of this resolution (and any and all additional required documentation) to DASNY to facilitate the District's receipt of the SAM grant so that the Project may be undertaken and completed; 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 13, 2018 entitled:

A RESOLUTION, DATED FEBRUARY 13, 2018, OF THE KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE "DISTRICT") CONFIRMING (A) THAT THE DISTRICT'S PROPOSED CAPITAL IMPROVEMENTS PROJECT INVOLVING CERTAIN RECONSTRUCTION/RESTORATION WORK AT THE DISTRICT'S FORMER MIDDLE SCHOOL BUILDING (IN SUPPORT OF THE DISTRICT'S BIG PICTURE PROGRAM) IS A TYPE II ACTION UNDER SEQRA AND (B) THAT SUCH PROJECT HAS BEEN APPROVED BY THE STATE OF NEW YORK TO RECEIVE A \$125,000 STATE AND MUNICIPAL FACILITIES PROGRAM ("SAM") GRANT TO COVER THE COST OF THE WORK INVOLVED.

(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 13, 2018.

District Clerk

(SEAL)