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August 29, 2024

Via E-mail: dfeldmann@sweethomeschools.org

Donald Feldmann
Assistant Superintendent for Finance & Plant Services
Sweet Home Central School District
1901 Sweet Home Road
Amherst, New York 14228

Dear Don:

Re: Sweet Home Central School District, Erie County, New York;
Resolution Regarding Capital Outlay Project (2024-2025 Budget)

Following from the recent communications that have been taking place among the working group members (we appreciate the helpful input), here is an extract of minutes document containing a resolution confirming the details of a modest (\$100,000) capital outlay project that was included as part of the District's approved 2024-2025 budget. We understand that this project involves certain upgrades and improvements at the District's Middle School building. This assumes Board of Education action on September 10, 2024. As you know, there is no requirement for a separate public vote on this matter—the public's prior approval of the overall budget (that included this item) suffices.

This resolution also documents and confirms the Board's SEQRA-related findings regarding the project. 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 (showing the vote results) to be returned to me. For your convenience, I have included a checklist.

As always, we thank you and your colleagues for this opportunity to be of continuing service as bond counsel to the District. Please call Jeff Stone (716.848.1327), Paul Meosky (716.848.1482), Ben Clark (716.848.1461) or me if you have any questions or require anything further.

Very truly yours,

John A. Alessi

JAA
Enclosures

cc: Michael Ginestre, Superintendent of Schools (mginestre@sweethomeschools.org)
Sherry McNamara, District Clerk (smcnamara@sweethomeschools.org)
Nicole Kuss, District Treasurer (nkuss@sweethomeschools.org)
Shawn Wright (shawnw@youngandwright.com)
Matt Cummings (mcummings@youngandwright.com)
Sean McKenzie (smckenzie@youngandwright.com)
Jeffrey W. Stone, Esq.
Paul D. Meosky, Esq.
Benjamin B. Clark, Esq.



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

Re: Sweet Home Central School District, Erie County, New York;
Resolution Regarding Capital Outlay Project (2024-2025 Budget Year)

Date: _____, 2024

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 included as part of the District's 2024-2025 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
Jeffrey W. Stone	716.848.1327		jstone@hodgsonruss.com
Benjamin B. Clark, Esq.	716.848.1461		bclark@hodgsonruss.com

**SWEET HOME CENTRAL SCHOOL DISTRICT
ERIE COUNTY, NEW YORK**

EXTRACT OF MINUTES

A meeting of the Board of Education (the "Board") of the Sweet Home Central School District, Erie County, New York (the "District") was duly convened at _____ P.M., local time, in the _____ at _____, in the District, on September 10, 2024.

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 SEPTEMBER 10, 2024, OF THE BOARD OF EDUCATION OF THE SWEET HOME CENTRAL SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE “DISTRICT”) CONFIRMING THE DETAILS OF A CAPITAL OUTLAY PROJECT INVOLVING MODEST IMPROVEMENTS AT THE DISTRICT’S MIDDLE SCHOOL BUILDING, AND CONFIRMING THE PROJECT AS BEING A TYPE II ACTION UNDER SEQRA.

WHEREAS, the Sweet Home Central School District, Erie County, New York (the “District”), after consultation by District officials with the District’s retained architectural firm of Young + Wright Architectural (the “Architect”), has resolved that the District should undertake a capital outlay project involving certain modest improvements at the District’s Middle School building, such work being anticipated to include, but not necessarily be limited to, the removal and replacement of the exterior road signage and various doors, as well as all associated work (the “Project”); and

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

WHEREAS, the Project is to be financed by the application of \$100,000 of funds earmarked for such purpose as a “Transfer to Capital Fund” in the District’s approved (2024-2025) budget, with the work on the Project being expected to be completed during the 2024-2025 fiscal year of the District; and

WHEREAS, the District wishes to reserve the right to expand, contract or modify the scope of the Project in light of the level of future construction bids received, with the understanding that the estimated maximum cost of the Project will not exceed \$100,000; and

WHEREAS, in accordance with New York State Education Department (“SED”) 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 that 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

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; and

WHEREAS, under the terms of the Memorandum of Understanding (a/k/a the “MOU” or the “Letter of Resolution”) between the State Office of Parks, Recreation and Historic Preservation (“OPRHP”) (a/k/a the State Historic Preservation Office or “SHPO”) and SED, and the terms of the MOU’s exemption form, a project is exempt from SHPO review if, among other possible reasons, a building is 50 years old or older but has previously been evaluated by SHPO and found not to meet the criteria for inclusion in the State and National Registers of Historic Places (the “Registers”); and

WHEREAS, as indicated in the Cultural Resource Information System (“CRIS”), SHPO has determined in 2019 that the Middle School building is “not eligible” for listing on the Registers because it does not meet the criteria for inclusion in the Registers; and

WHEREAS, because the Middle School building is “not eligible” for listing on the Registers, and the Architect has determined that the proposed work is exempt from review by SHPO (given that it has no anticipated impacts on historic and archeological resources under the terms of the MOU), the Architect may nonetheless choose to submit information on the proposed 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 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 funding for the Project has been included as a “Transfer to Capital Fund” line item (not exceeding \$100,000 in amount) in the District’s approved budget for the 2024-2025 fiscal year, with the understanding that the Project will be completed during the 2024-2025 fiscal year of the District; and be it further

RESOLVED, that this resolution will 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 as follows:

(1) I am the duly qualified and acting District Clerk of the Sweet Home Central 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 September 10, 2024 and entitled:

A RESOLUTION, DATED SEPTEMBER 10, 2024, OF THE BOARD OF EDUCATION OF THE SWEET HOME CENTRAL SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE "DISTRICT") CONFIRMING THE DETAILS OF A CAPITAL OUTLAY PROJECT INVOLVING MODEST IMPROVEMENTS AT THE DISTRICT'S MIDDLE SCHOOL BUILDING, AND CONFIRMING THE PROJECT AS BEING A TYPE II ACTION UNDER SEQRA.

(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 and has not been rescinded, revoked, amended, annulled or modified and is in full force and effect. To the extent required by law or such regulations, due and proper notice of such meeting was given. A legal quorum of the members of the Board was established and 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 such 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 September 10, 2024.

District Clerk

(SEAL)