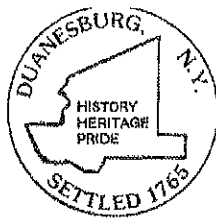


*William Wenzel*, Town Supervisor  
*Jennifer Howe*, Town Clerk  
*Brandy Fall*, Deputy Town Clerk



*John D. Ganther, Jr.*, Council Member  
*Francis R. Potter*, Council Member  
*Dianne Grant*, Council Member  
*Andrew Lucks*, Council Member

5853 Western Turnpike  
Duanesburg, New York 12056

# Town of Duanesburg

Schenectady County

P# 518-895-8920  
F# 518-895-8171

**Thursday, September 22, 2022**

Town of Duanesburg is inviting you to a scheduled Zoom meeting.  
Topic: Town of Duanesburg's Town Board Meeting  
Time: 7:00 p.m.

**Join Zoom Meeting**

**Meeting ID:** 876 4871 2409

**Passcode:** 925936

**Dial in by Phone:** 1-646-558-8656

**Meeting ID:** 876 4871 2409

**Passcode:** 925936

**Town Board Meeting Agenda**

**Meeting Time: 7:00PM**

Call to order  
Pledge of Allegiance

**Public Hearing:** Proposed Local Law 3 of 2022 entitled "2022 Temporary Moratorium Law on Major Solar Energy Systems including Battery Energy Storage Systems."

**Approval of minutes for:** Town Board Meeting on Thursday September 8, 2022

**Payment of Claims**

**Committee Reports**

Highway  
Public Safety  
Park  
Sewer Districts #1, 2 & 3  
IT

**Business Meeting:**

- 1. Motion to adopt Local Law No. 3 of 2022 entitled "2022 Temporary Moratorium Law on Major Solar Energy Systems including Battery Energy Storage Systems."**

2. **Motion to set a public hearing for the purpose of hearing all persons interested in the matter of: The Assessment Roll for the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3.**
3. **Motion to accept and approve the LOSAP points provided by the Mariaville Volunteer Fire Department.**
4. **Motion to authorize the Town of Duanesburg to seek competitive bids for the purchase of equipment in excess of \$35,000.**
5. **Motion to adopt the EFC Recipient Policies and Procedures.**
6. **Motion to set a date for a Special Meeting on September 30, 2022, at 8:30 a.m. at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 for the purpose of having the Town Clerk present the Tentative Town Budget for 2023 to the Town Board.**
7. **Motion to accept the resignation of Kyle Cituk as court security officer.**

**Privilege of the Floor:**

Comments are limited to 5 minutes per person. Please state your name and address for the record. Be respectful. Address the entire Town Board. Individual members are not to be singled out. Speak of issues related to Town business. There will be no tolerance for personal attacks on Board Members. The board reserves the right to ask that your question be put in writing and to be submitted to the Town Clerk to then be distributed to the Town Board. Questions will be answered in a timely manner and mailed to the resident.

**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**  
**TOWN BOARD**  
**TOWN OF DUANESBURG**

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PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, Duanesburg New York, on **Thursday, September 22, 2022** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

**Local Law No. 3 of 2022** entitled “2022 Temporary Moratorium Law on Major Solar Energy Systems including Battery Energy Storage Systems.” The proposed law would re-establish and continue a temporary moratorium on the review of Major Solar Energy Systems and Battery Energy Storage Systems to give the Town Board sufficient time to evaluate the Town’s existing law and to make changes to that law, or adopt a new law regulating such systems, if warranted.

BY ORDER OF THE TOWN BOARD  
TOWN OF DUANESBURG

**Town of Duanesburg**

**Local Law No. 3 of the year 2022**

A local law enacting a temporary moratorium on Major Solar Energy Systems Authorized under Local Law 1 of the year 2016 and on Battery Energy Storage Systems

**Be it enacted by the** Town Board of the Town of Duanesburg as follows:

**SECTION I.**  
**SHORT TITLE**

This local law shall be cited as Local Law # 3 of 2022 of the Town of Duanesburg and is entitled the “2022 Temporary Moratorium Law on Major Solar Energy Systems and Battery Energy Storage Systems.”

**SECTION II.**  
**LEGISLATIVE FINDINGS**

The Town Board seeks to carefully review the Town Comprehensive Plan Update, the Town Zoning Ordinance and Local Laws, particularly Local Law #1 of 2016 which allows the establishment of Major Solar Energy Systems in the Town of Duanesburg. The Town has approved several of these Major Solar Energy Systems and believes that the Town of Duanesburg Zoning Code and Local Law #1 of 2016 should be evaluated in light of the Planning Board and Zoning Board experience in reviewing these projects and to protect and promote the public health, welfare and safety within the Town of Duanesburg. The Town Board has established a committee to advise the Town Board on proposed amendments or changes to the existing law or to propose a new local law that would regulate both Major Solar Energy Systems and Battery Energy Storage Systems which may be proposed as part of a Major Solar Energy System or as a stand-alone facility. This moratorium is necessary in order to temporarily prohibit the establishment of additional Major Solar Energy Systems or Battery Energy Storage Systems in the Town to preserve the status quo while affording the Town Board sufficient time to evaluate and to amend the Town Zoning Ordinance and Local Law #1 of 2016, or to adopt new laws relating to Major Solar Energy Systems and Battery Energy Storage Systems.

**SECTION III.**  
**AUTHORITY**

This moratorium is enacted by the Town Board of the Town of Duanesburg pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

**SECTION IV.**  
**MORATORIUM**

- (A) For a period of six (6) months from the effective date of this Local Law, no applications shall be accepted or considered by the Planning Board of the Town of Duanesburg for Major Solar Energy Systems as that term is defined in Local Law No. 1 of 2016 or for Battery Energy Storage Systems, defined as one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows: A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area. Such Tier 1 or Tier 2 Battery Energy Storage Systems, whether as part of such Major Solar Energy System or stand-alone.
- (B) This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

**SECTION V.**  
**EXEMPTIONS TO MORATORIUM**

The foregoing restriction shall not apply to the Major Solar Energy Systems approved by the Town Planning Board: (A) Onyx on Alexander Road, which has been constructed and which is under operation; and (B) the two Oak Hill Solar Projects, including Battery Energy Storage Systems, which have been approved by the Town Planning Board and which are currently under construction. This moratorium does not apply to these listed projects or to any further Town Board, Planning Board, Zoning Board of Appeals or administrative action on these projects.

**SECTION VI.**  
**VARIANCES.**

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

**SECTION VII.**  
**SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

**SECTION VIII.**  
**REPEAL OF OTHER LAWS**

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all of the Article 16 of the Town Law, Sections 261-285 inclusive and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specific any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

**SECTION IX.**  
**EFFECTIVE DATE**

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

**RESOLUTION ADOPTING LOCAL LAW No. 3 of 2022**

**RESOLUTION NO. -2022**

**September 22, 2022**

**WHEREAS**, the Town of Duanesburg has adopted a local law, local law No. 1 of 2016 regulating solar facilities, including Major Solar Facilities;

**WHEREAS**, the Town Board has received recommendations for modifications to the regulation of Major Solar Facilities in the Town from the Town Planning Board, the Zoning Board of Appeals and members of the public and is in the process of amending Local Law No. 1 of 2016;

**WHEREAS**, the Town Board previously imposed a temporary moratorium on the review of Major Solar Facilities which lapsed, however, the modification to the regulation of Major Solar Facilities in the Town has not progressed due to the pandemic and limitations on the ability of the public to participate in person on the proposed changes to Local Law No. 1 of 2016;

**WHEREAS**, the Town Board is hereby introducing a proposed local law ( the “Proposed Local Law”) to re-establish a temporary moratorium on the review of Major Solar Facilities and expanding the moratorium to apply to Battery Energy Storage Systems to give the Town Board sufficient time to continue to evaluate the existing law on Major Solar Facilities and to make changes to that law if warranted, as well as to evaluate the need for changes to zoning to address Battery Energy Storage Systems;

**WHEREAS**, the purpose of the moratorium is to maintain the status quo while such legislation is being considered and adopted and the adoption of such a moratorium is a Type 2 action pursuant to the NYS Environmental Quality Review Act;

**WHEREAS**, the Town Board introduced at its meeting on September 8, 2022 the attached Proposed Local Law re-establishing a temporary moratorium on the review of Major Solar Facilities including establishing a temporary moratorium on the review of Battery Energy Storage Systems while the Town Board considers changes to its zoning and other local laws and called for a public hearing;

**WHEREAS**, the Town Board held a duly noticed public hearing on September 22, 2022 and carefully considered any public comment;

**WHEREAS**, the proposed local law was referred to Schenectady County Planning as required by the NYS General Municipal Law and Schenectady County Planning responded on \_\_\_\_\_ finding that \_\_\_\_\_;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby finds that the adoption of the proposed Local Law 3 of 2022 attached hereto establishing a temporary moratorium on Major Solar Facilities and Battery Energy Storage Systems is a Type 2 action under the SEQRA; and

**BE IT FURTHER RESOLVED** that the Town Board hereby adopts proposed Local Law 3 of 2022 and directs that it be filed with the NYS Secretary of State's Office.

---

William Wenzel, Supervisor

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Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

Dianne Grant	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain



**Town of Duanesburg**

**Local Law No. 3 of the year 2022**

A local law enacting a temporary moratorium on Major Solar Energy Systems Authorized under Local Law 1 of the year 2016 and on Battery Energy Storage Systems

**Be it enacted by the** Town Board of the Town of Duanesburg as follows:

**SECTION I.**  
**SHORT TITLE**

This local law shall be cited as Local Law # 3 of 2022 of the Town of Duanesburg and is entitled the “2022 Temporary Moratorium Law on Major Solar Energy Systems and Battery Energy Storage Systems.”

**SECTION II.**  
**LEGISLATIVE FINDINGS**

The Town Board seeks to carefully review the Town Comprehensive Plan Update, the Town Zoning Ordinance and Local Laws, particularly Local Law #1 of 2016 which allows the establishment of Major Solar Energy Systems in the Town of Duanesburg. The Town has approved several of these Major Solar Energy Systems and believes that the Town of Duanesburg Zoning Code and Local Law #1 of 2016 should be evaluated in light of the Planning Board and Zoning Board experience in reviewing these projects and to protect and promote the public health, welfare and safety within the Town of Duanesburg. The Town Board has established a committee to advise the Town Board on proposed amendments or changes to the existing law or to propose a new local law that would regulate both Major Solar Energy Systems and Battery Energy Storage Systems which may be proposed as part of a Major Solar Energy System or as a stand-alone facility. This moratorium is necessary in order to temporarily prohibit the establishment of additional Major Solar Energy Systems or Battery Energy Storage Systems in the Town to preserve the status quo while affording the Town Board sufficient time to evaluate and to amend the Town Zoning Ordinance and Local Law #1 of 2016, or to adopt new laws relating to Major Solar Energy Systems and Battery Energy Storage Systems.

**SECTION III.**  
**AUTHORITY**

This moratorium is enacted by the Town Board of the Town of Duanesburg pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

**SECTION IV.**  
**MORATORIUM**

- (A) For a period of six (6) months from the effective date of this Local Law, no applications shall be accepted or considered by the Planning Board of the Town of Duanesburg for Major Solar Energy Systems as that term is defined in Local Law No. 1 of 2016 or for Battery Energy Storage Systems, defined as one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows: A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area. Such Tier 1 or Tier 2 Battery Energy Storage Systems, whether as part of such Major Solar Energy System or stand-alone.
- (B) This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

**SECTION V.**  
**EXEMPTIONS TO MORATORIUM**

The foregoing restriction shall not apply to the Major Solar Energy Systems approved by the Town Planning Board: (A) Onyx on Alexander Road, which has been constructed and which is under operation; and (B) the two Oak Hill Solar Projects, including Battery Energy Storage Systems, which have been approved by the Town Planning Board and which are currently under construction. This moratorium does not apply to these listed projects or to any further Town Board, Planning Board, Zoning Board of Appeals or administrative action on these projects.

**SECTION VI.**  
**VARIANCES.**

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

**SECTION VII.**  
**SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

**SECTION VIII.**  
**REPEAL OF OTHER LAWS**

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all of the Article 16 of the Town Law, Sections 261-285 inclusive and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specific any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

**SECTION IX.**  
**EFFECTIVE DATE**

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

**TOWN OF DUANESBURG TOWN BOARD**

**RESOLUTION**

**September 22, 2022**

**WHEREAS**, the Assessor to the Town of Duanesburg has completed and filed the assessment roll for the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 (the “Roll”), pursuant to Article 15 of the New York State Town Law.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Town Law § 239, the Town Board shall meet and hold a public hearing on October 13, 2022 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to hear and consider any objections which may be made to the Roll (the “Public Hearing”); and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Clerk to publish the Notice of Public Hearing, attached hereto, in the Schenectady Daily Gazette to appear once not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Clerk to cause the Letter Notice of Public Hearing, also attached hereto, to be mailed to each property owner not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Clerk to cause a copy of the Notice of Public Hearing to be posted on the sign board of the Town of Duanesburg, and the Town of Duanesburg website, not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on September 22, 2022.

\_\_\_\_\_  
William Wenzel, Supervisor

\_\_\_\_\_  
Deputy Town Clerk/ Town Clerk

Present:

Absent:

Town Board Members:

William Wenzel	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain
Dianne Grant	Yea	Nay	Abstain

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
TOWN BOARD  
TOWN OF DUANESBURG**

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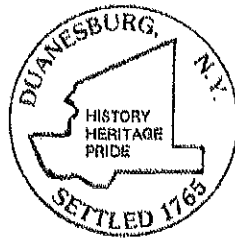
PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, has completed the assessment roll in connection with the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 and filed the same with the Town Clerk of the Town of Duanesburg.

PLEASE TAKE FURTHER NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 13, 2022 at 7:00 p.m.** for the purpose of conducting a hearing to consider any objections which may be made to said assessment roll.

BY ORDER OF THE TOWN BOARD  
TOWN OF DUANESBURG

Dated: September 22, 2022

**Jennifer Howe, Town Clerk**  
**Brandy Fall, Deputy Town Clerk**



## *Town of Duanesburg*

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5853 Western Turnpike  
Duanesburg, New York 12056  
Telephone # 518-895-8920  
Fax# 518-895-8171

**Re: Notice of Public Hearing on Assessment Rolls of the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3**

Dear Resident:

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Duanesburg, New York (the "Town"), has completed the assessment rolls of the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3.

FURTHER NOTICE IS GIVEN, that the Town Board will meet at Town Hall, 5853 Western Turnpike, Duanesburg, New York, on **October 13, 2022**, at **7:00 p.m.**, for the purpose of conducting a public hearing on said assessment rolls.

Town of Duanesburg is inviting you to a scheduled Zoom meeting.

Topic: Town of Duanesburg's Town Board Meeting

Time: 7:00 p.m.

**Join Zoom Meeting**

**Meeting ID:** 889 0570 1411

**Passcode:** 886918

**Dial in by Phone:** 1-646-558-8656

**Meeting ID:** 889 0570 1411

**Passcode:** 886918

Dated: September 22, 2022  
Duanesburg, New York

By Order of Town Board of the Town of Duanesburg,  
County of Schenectady

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Jennifer Howe  
Town Clerk  
Town of Duanesburg

**TOWN OF DUANESBURG TOWN BOARD**

**RESOLUTION NO. \_\_\_\_\_-2022**

**September 22, 2022**

WHEREAS the Mariaville Volunteer Fire Department has presented the attached LOSAP points to the Town Board for approval; WHEREAS the Town of Duanesburg maintains a LOSAP program for the benefit of the Mariaville Volunteer Fire Department which serves the Town of Duanesburg Fire Protection District no. 2;

Now Therefore be it resolved:

The Town Board hereby accepts and approves the LOSAP points provided by the Mariaville Volunteer Fire Department and directs the Town Clerk to provide the resolution and the attached LOSAP points to Penflex who administers the LOSAP program for the Town of Duanesburg after the 30 day period of posting of approved points has passed.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on September 22, 2022.

\_\_\_\_\_  
William Wenzel, Supervisor

\_\_\_\_\_  
Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

Dianne Grant	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain

2021 Service Award Program Firefighter Records

Town of Duaneburg Fire Protection District No. 2 Service Award Program

Last Name	First Name	MI	Date of Birth	Gender	Service Credit	2021 Points	Mailing Address	City, State & Zip	Status
1 Baker	Michael	J.	3/6/1979	M	4	60	247 Hillside Road	Pattersonville, NY 12137	Active
2 Barrett	James	J.	5/12/1966	M	3	-	159 Hilltop Road	Pattersonville, NY 12137	Active
3 Bong	Randy	L.	7/25/1969	M	6	84	1881 Scotch Church Road	Pattersonville, NY 12137	Active
4 Bukowski	Scott	A.	10/29/1971	M	9	<del>84</del> 81	10943 Mariaville Road	Pattersonville, NY 12137	Active
5 Bushnell	Mathew	J.	9/29/1985	M	6	73	383 Spring Road	Delanson, NY 12053	Active
6 Casso	Anthony	J.	3/4/1961	M	7	87	7335 Mariaville Road	Delanson, NY 12053	Active
7 Chandler	Chris		10/12/1961	F	1	0	2978 Duaneburg	Delanson, NY 12053	Active
8 Chandler Jr.	Robert	J.	10/27/1957	M	18	91	2978 Duaneburg Churches Rd	Pattersonville, NY 12137	Active
9 DeNofo	Ralph	E.	4/5/1962	M	16	90	11315 Mariaville Road	Pattersonville, NY 12137	Active
10 DiGirolamo	Dillon		5/7/2002	M	0	57	1407 Sterling Road	Pattersonville, NY 12137	Active
11 Engle	Phillip	E.	2/7/1968	M	12	29	6641 State Highway 30	Amsterdam, NY 12010	Active
12 Facticeau	Jarrison	A.	10/23/1976	M	6	98	8932 Mariaville Road	Pattersonville, NY 12137	Active
13 Goldstein	Seth	F.	12/28/1978	M	11	70	9615 Mariaville Road	Pattersonville, NY 12137	Active
14 Herderich	Walter	E.	4/29/1959	M	8	88	2673 Lake Road	Delanson, NY 12053	Active
15 Horn	Eric	M.	11/8/1957	M	25	MAX SC	2518 West Road	Pattersonville, NY 12137	Active
16 King	Scott	A.	5/15/1962	M	18	73	10254 State Highway 30	Pattersonville, NY 12137	Active
17 King	Tammy	D.	8/9/1959	F	6	93	10254 St. Hwy 30	Pattersonville, NY 12137	Active
18 Nowicki	Margaret		7/10/1972	F	0	14	2323 Mariaville Scotch Church Rd	Pattersonville, NY 12137	Active
19 Onorati	Allison		4/19/1964	F	1	-	182 Judith Lane	Delanson, NY 12053	Active

Please reference the instructions before completing the listing. All blank entries must be completed prior to certification.



**2021 Service Award Program Firefighter Records**  
**Town of Duaneburg Fire Protection District No. 2 Service Award Program**

Last Name	First Name	MI	Date of Birth	Gender	Credit	Points	Mailing Address	City, State & Zip	Status
20 Pannitto	Justin	A.	11/4/1983	M	8	37	182 Judith Lane	Delanson, NY 12053	Active
21 Phillips	Jacob	M.	1/27/1985	M	0	—	7615 Mariaville Road	Delanson, NY 12053	Military/Ineligible
22 Rogers Sr.	Tyler	S.	3/1/1996	M	3	84	248 Brairan Corners Road	Esperance, NY 12066	Active
23 Sowzdral	James	H.	3/9/1958	M	13	56	177 Shore Road	Pattersonville, NY 12137	Active
24 Zier	Jeff		2/22/1962	M	1	72	8732 Mariaville Road	Pattersonville, NY 12137	Active
25 Breckenridge	Larry	J.	1/9/1947	M	16	69	2326 Weast Road	Pattersonville, NY 12137	Active
26 Bulman	Thomas	F.	1/11/1943	M	16	0	554 Mariaville Scotch Church Rd	Pattersonville, NY 12137	Entitled 1/2013
27 Donohue	Richard	A.	7/4/1929	M	10	0	4126 Duaneburg Churches Rd	Pattersonville, NY 12137	Deceased 2021
28 Engle	Gary	H.	11/19/1947	M	12	29	6664 State Highway 30	Amsterdam, NY 12010	Entitled 1/2013
29 Hanson Jr.	Charles	D.	7/2/1952	M	11	0	118 Church Street	St. Johnsville, NY 13452	Entitled 1/2018
30 Krutz	Ronald	H.	2/26/1939	M	13	0	103 Krutz Lane	Amsterdam, NY 12010	Entitled 1/2005
31 LaBelle Sr.	Kenneth	P.	9/14/1937	M	17	56	2391 Duaneburg Churches Rd	Delanson, NY 12053	Entitled 1/2005
32 Lucks	Lawrence		9/26/1954	M	17	77	669 Wells Road	Pattersonville, NY 12137	Entitled 1/2020
33 Pannitto	Ralph	A.	9/9/1951	M	21	0	182 Judith Lane	Delanson, NY 12053	Entitled 1/2017
34 Snyder	Charles	P.	6/27/1950	M	20	0	926 Johnson Road	Scotia, NY 12302	Entitled 1/2016
35 St. Andrews	Douglas	J.	7/24/1953	M	19	0	2613 English Ivy Circle	The Villages, FL 32162	Entitled 1/2019
36 Stone Jr.	Raymond	T.	1/13/1940	M	25	MAX SC	2141 Duaneburg Churches Rd	Delanson, NY 12053	Entitled 1/2006
37 Weakley	James	A.	7/6/1942	M	25	MAX SC	9324 Mariaville Road	Pattersonville, NY 12137	Entitled 1/2008
38 Clark Jr.	William	H.	10/24/1959	M	6	0	3821 Duaneburg Churches Rd	Pattersonville, NY 12137	Terminated Vested

Please reference the Instructions before completing the listing. All blank entries must be completed prior to certification.

**2021 Service Award Program Firefighter Records**  
**Town of Duaneburg Fire Protection District No. 2 Service Award Program**

Last Name	First Name	MI	Date of Birth	Gender	Service Credit	2021 Points	Mailing Address	City, State & Zip	Status
39	Griffin Jr.	Michael	G.	9/21/1981	M	7	8452 Mariaville Road	Pattersonville, NY 12137	Terminated Vested
40	LaBelle Jr.	Kenneth	A.	7/5/1965	M	11	313 De Dees Way	Pattersonville, NY 12137	Terminated Vested
41	Mercoglan	Robert	J.	8/4/1961	M	8	10564 Mariaville Road	Pattersonville, NY 12137	Terminated Vested
42	Renaud	Brian	A.	11/23/1991	M	7	422 Dennison Road	Pattersonville, NY 12137	Terminated Vested
43	Renaud	Melissa	J.	7/28/1967	F	10	422 Dennison Road	Pattersonville, NY 12137	Terminated Vested
44	Schaub	David	F.	8/18/1979	M	8	PO Box 36	Pattersonville, NY 12137	Terminated Vested
45	Vincent	Suanne		3/3/1960	F	8	297 Spring Road	Delanson, NY 12053	Terminated Vested

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.



As of 12/31/2021

Calls 134

2021

Officer/Rank	Last Name	First Name	Calls	Calls (10%=(25))	Drills (20)	Meetings (20)	Officer (25)	Courses (25)	Misc (15)	Total Points
Firefighter	Aceves	Nicholas	1	0	1	0		0	15	16
Lieutenant	Baker	Mike	17	25	10	5	10	5	5	60
Lieutenant	Bong	Randy	21	25	20	3	7	14	15	84
Fire Police	Breckenridge	Lars	26	25	16	8		5	15	69
Chief	Bukowski	Scott	74	25	14	8	23	16	15	101
Assistant Chief	Bushnell	Mathew J	18	25	12	4	15	5	12	73
Treasurer/Captain	Casso	Tony	40	25	10	7	25	5	15	87
President	Chandler	Bob Jr.	21	25	13	9	25	4	15	91
Firefighter PROBLE	Chandler	Chris	11	0	12	3		0	10	25
Firefighter/Personel Sec	DeNofio	Ralph	18	25	12	10	23	5	15	90
Firefighter PROBLE	Digrolamo	Dylan	14	25	11	2		4	15	57
FirePolice	Engle	Gary	19	25	4	0		0	0	29
Captain/2nd Assistant Chief	Facteau	Jamison	68	25	14	7	23	14	15	98
EMS Manager	Goldstein	Seth	45	25	17	8		5	15	70
Trustee	Herderich	Walt	87	25	13	10	20	5	15	88
Safety Officer/EMT/Trustee	Horn	Eric	26	25	14	5	25	15	15	99
Firefighter	King	Scott	37	25	14	8	6	5	15	73
Recording Secretary	King	Tammy	58	25	15	8	25	5	15	99
Fire Police Captain	Labelle	Ken Sr.	47	25	5	7	15	0	4	56
Vice President	Lucks	Lawrence	30	25	12	10	10	5	15	77
EMT	Nowicki	Margaret	5	0	5	0		9	0	14
Captain	Pannitto	Justin	12	0	7	5	15	0	10	37
Lieutenant	Rogers	Tyler	49	25	20	9	10	5	15	84
Firefighter	Sowizdral	Jim	14	25	6	6		4	15	56
Fire Police	Stone	Ray	26	25	16	7		5	15	68
Firefighter/Trustee	Weakley	James	112	25	19	11	20	7	15	97
Firefighter	Zier	Jeff	79	25	20	7		5	15	72



**2021 FIRE DEPARTMENT POSTING CERTIFICATION FORM**  
**SERVICE AWARD PROGRAM**

Town of Duaneburg Fire Protection District No. 2  
Mariaville Volunteer Fire Department

**NOTICE TO VOLUNTEERS**

You have 30 days from the date on which the approved listing was posted (noted below) to review your points and service information. In the event that the information on the listing does not match your records, first notify the person noted below. If your appeal is not satisfactorily resolved, you must send a written appeal to the Sponsoring Board.

General Municipal Law requires the 2021 Firefighter Records listing be posted at the fire station(s) for at least 30 days, after the listing has been approved by the Town Board. Additionally, the Law states that during this 30-day posting period, a firefighter who is listed as having earned less than 50 points may file written appeal with the Town Board. Practically, this appeal should first be made to the Fire Department. If the appeal is not satisfactorily resolved, the formal appeal should be submitted to the Town Board for investigation.

This section must be completed by the person responsible for compiling the points:

<u>Tyler Rogers</u> Name	<u>Personnel Secretary</u> Title
<u>Tyler.Rogers@mariavillefire.com</u> E-mail address	<u>518 344 8172</u> Phone number

Date the approved listing was posted: \_\_\_\_\_

Date the approved listing was removed: \_\_\_\_\_

**POSTING CERTIFICATION**

When the 30-day posting period is complete, please enter the date on which the listing was removed (above) and sign (below). Please forward the entire 2021 Data Request Package to the Town Board for final approval.

I hereby certify that the approved listing was posted for no less than 30 days.

- \_\_\_\_\_ No changes were made to the listing.
- \_\_\_\_\_ Changes have been made to the listing and an explanation is attached.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**2021 SPONSOR AUTHORIZATION FORM**  
**SERVICE AWARD PROGRAM**

**Town of Duanesburg Fire Protection District No. 2**  
**Mariaville Volunteer Fire Department**

This form is to be signed by the Town Supervisor of the Town of Duanesburg Fire Protection District No. 2 after the 2021 Firefighter Records listing has been posted for at least 30 days, as certified by the completion of the 2021 Fire Department Posting Certification Form. Please sign and return the entire 2021 Data Request Package to:

Penflex Actuarial Services, LLC.  
50 Century Hill Drive, Suite 3  
Latham, NY 12110

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**AUTHORIZATION**

I hereby authorize Penflex Actuarial Services, LLC. to use the data submitted herein about active volunteer firefighter Service Award Program 2021 records. I understand this data will be used to determine the funding requirements of the Service Award Program, the eligibility of participants to be paid Service Award Program benefits and the amount of benefits to be paid to such persons. I understand that if any of the 2021 administrative services provided by Penflex Actuarial Services, LLC. must be redone due to errors in the data submitted herein, there may be an additional charge payable by the Program Sponsor. I further understand that Penflex Actuarial Services, LLC. will not be liable for any errors in the calculation of the amounts due or payable from the Service Award Program Trust Fund which are the direct result of an error(s) in the data submitted

\_\_\_\_\_  
Signature

Town Supervisor

Town of Duanesburg Fire Protection District No. 2

\_\_\_\_\_  
Date

**2021 SPONSOR APPROVAL FORM**  
**SERVICE AWARD PROGRAM**

**Town of Duanesburg Fire Protection District No. 2**  
**Mariaville Volunteer Fire Department**

Article 11-A of the New York State General Municipal Law requires that a list of volunteers who earned a year of Service Credit during 2021 be certified under oath by the Fire Department and submitted to the Program Sponsor by March 31, 2021. The Program Sponsor must then review and approve the 2021 Firefighter Records listing. To comply with Article 11-A, the Town Board must sign this form once the certified 2021 Firefighter Records listing has been reviewed and approved by the Board. Once signed, the entire 2021 Data Request Package should be returned to the Fire Department so that the approved certified listing can be posted for at least 30 days as required by Article 11-A.

**OPTION: You may submit a copy of the Board resolution adopted to approve the 2021 records listing for posting in lieu of having the Board members sign below.**

**APPROVAL**

The Town Board has reviewed and approved the 2021 Firefighter Records listing.

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Date



**TOWN OF DUANESBURG**

**RESOLUTION NO. -2022**

**September 22, 2022**

**WHEREAS**, General Municipal Law § 103 and the Town of Duanesburg Procurement Policy authorize the Town of Duanesburg Town Board to seek competitive bids for the purchase of equipment in excess of \$35,000; and

**WHEREAS**, the Town desires to seek bids for a utility truck.

**NOW THEREFORE BE IT RESOLVED**, the Town of Duanesburg Town Clerk shall cause the attached public notice to be published in the Daily Gazette at least five (5) days before the sealed bids are publicly opened and read.

**BE IT FURTHER RESOLVED**, that the Town Board directs that the attached public notice and the attached bid packet shall be distributed to the attached list of capital area dealerships.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of September 22, 2022.

---

William Wenzel, Supervisor

---

Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

William Wenzel	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain
Dianne Grant	Yea	Nay	Abstain

**NOTICE TO BIDDERS  
TOWN BOARD  
TOWN OF DUANESBURG**

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PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, on October 6, 2022 at 7 p.m., at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, will publicly open and read all sealed bids or proposals received pursuant to this notice for purchase by the Town of Duanesburg of a utility truck.

Bid and material specifications may be requested by phone (518-895-8920), obtained at the Office of the Town Clerk at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, or found on the Town's website at [www.duanesburg.net](http://www.duanesburg.net).

Bid proposals must be submitted in a sealed envelope, plainly marked on the outside "Bid for Utility Truck." All sealed bid proposals must be received by the Town of Duanesburg Town Clerk by mail or personal delivery to Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, prior to 7:00 p.m., Thursday, October 6, 2022.

The identity of all bidders will be posted for public review on the Town Bulletin located at Town Clerk at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York.

The Town Board reserves the right to reject any bids or proposals or any specific part of any item of any bid.

BY ORDER OF THE TOWN BOARD  
TOWN OF DUANESBURG

Dated: September 22, 2022

### Instruction to Bidders

1. Bids must be marked: **“Bid for Utility Truck”**.
2. Warranty shall be stipulated.
3. All prices shall be F.O.B., Town of Duanesburg, New York.
4. Each bid must be accompanied by certified check of the bidder in an amount not less than five percent of the amount of total bid. Such check will be returned to the unsuccessful bidders and to the successful bidder upon delivery of the **Utility Truck**.
5. All bid proposals shall be accompanied by a signed and notarized Non-Collusion Bidding Certification and Iranian Energy Sector Divestment Certification.

## **Specifications for Utility Truck**

### **Intent**

It is the intent of these specifications to describe a utility truck (the "Utility Truck") to be purchased by the Town of Duanesburg. These are the minimum specifications. All bids shall meet or exceed these specifications.

### **Model**

The Utility Truck shall be one of the following models:

- Chevrolet Silverado 2500 HD
- GMC Sierra 2500 HD
- Dodge Ram 2500
- Ford F-250

### **Condition**

The Utility truck must be new or unused.

### **Transmission**

The Utility Truck must have an automatic transmission.

### **Drivetrain**

The Utility Truck must be four-wheel drive.

### **Doors**

The Utility Truck must have double or crew cab.

### **Bed**

The Utility Truck must have an 8ft. bed with a service or utility body with an open bed.

### **Warranty**

The Utility Truck must have at least a 3-year/36,000 mile warranty.

### **Additional Equipment**

The Utility Truck must have the following options:

- Plow and plow hook-up
- Tow package

### **General Bid Specifications**

1. Successful bidders are prohibited from assigning, transferring, conveying, subletting or otherwise disposing of their right, title, or interest therein, or power to execute such

contract, to any other person or corporation without the previous consent in writing of the Town of Duanesburg.

2. Upon the refusal of a person, when called before a grand jury, head of a state department, temporary state commission or other state agency, the organized crime task force in the department of law, head of a city department, or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with any public department, agency or official of the state or of any political subdivision thereof or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract,

(a) such person, and any firm, partnership or corporation of which he is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with any municipal corporation or fire district, or any public department, agency or official thereof, for goods, work or services, for a period of five years after such refusal, and to provide also that

(b) any and all contracts made with any municipal corporation or any public department, agency or official thereof on or after the first day of July, nineteen hundred fifty-nine or with any fire district or any agency or official thereof on or after the first day of September, nineteen hundred sixty, by such person, and by any firm, partnership, or corporation of which he is a member, partner, director or officer may be cancelled or terminated by the municipal corporation or fire district without incurring any penalty or damages on account of such cancellation or termination, but any monies owing by the municipal corporation or fire district for goods delivered or work done prior to the cancellation or termination shall be paid.

**Non-Collusive Bidding Certification**

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

SWORN TO ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2022

\_\_\_\_\_  
Notary Public

### **Iranian Energy Sector Divestment Certification**

A person that is identified on a list created pursuant to paragraph (b) of subdivision three of section one hundred sixty-five-a of the state finance law as a person engaging in investment activities in Iran as described in the following paragraph, shall not be deemed a responsible bidder or offerer pursuant to section one hundred three of the New York General Municipal Law.

For purposes of this Certification, a person engages in investment activities in Iran if:

- a. The person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
- b. The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran.

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.

A bid shall not be considered for award nor shall any award be made where the bidder cannot make the aforementioned certification; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to paragraph a of this subdivision on a case-by-case basis if:

- (1) The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- (2) The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

SWORN TO ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2022

\_\_\_\_\_  
Notary Public



**TOWN OF DUANESBURG**

**RESOLUTION NO. -2022**

**September 22, 2022**

**WHEREAS**, the Town of Duanesburg Town Board as required by the financing provided by the NYS Environmental Facilities Corporation for the Town Sewer Districts, i.e. Sewer Districts 1, 2 and 3, is adopting the attached policy;

**Now Therefore Be** it resolved that the Town Board of the Town of Duanesburg hereby adopts the EFC Recipient Policies and Procedures document attached hereto as exhibit A and directs the Town Clerk to file exhibit A with the Policies of the Town of Duanesburg and specifically with any financing documents going forward.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of September 22, 2022.

---

William Wenzel, Supervisor

---

Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

William Wenzel	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain
Dianne Grant	Yea	Nay	Abstain

PROCEDURES FOR POST-ISSUANCE  
COMPLIANCE WITH FEDERAL TAX LAW  
WITH RESPECT TO OBLIGATIONS ISSUED  
TO FINANCE CAPITAL PROJECTS

---

State and local governmental entities, including counties, cities, towns, villages and municipal water and/or sewer districts, that borrow money on a tax-exempt basis are required to report to the Internal Revenue Service whether they have established written procedures to , comply with applicable requirements of federal tax law for all issues of federally tax-exempt bonds, bond anticipation-n notes, tax anticipation notes, revenue anticipation notes, financing leases, energy performance contract financings, and any other instruments evidencing the borrowing of money (collectively the “Obligations”). The procedures set forth herein will assist the Town of Duanesburg (the “Issuer”) in meeting the post-issuance requirements of federal tax law necessary to preserve the tax-exempt status of interest on Obligations issued by the Issuer.

These procedures address Obligations issued for physical facilities and equipment for the Issuer (the “Capital Obligations”).

I. GENERAL PROCEDURES

A. Responsible Official. The Town Supervisor of the Issuer (herein referred to as the “Responsible Official”) will identify such officers and employee(s) who will be responsible for each of the procedures listed below, and will notify such officers and employee(s) of the responsibilities, and provide those Persons with a copy of these procedures. Upon employee transitions, the Responsible Official will advise the new personnel of their responsibilities under these procedures and will ensure they understand the importance of these procedures. If employee positions are restructured or eliminated, the Town Supervisor of the Issuer will reassign responsibilities as necessary.

B. Issuance of Obligations.

1. Bond Counsel. The Issuer will retain a firm of nationally-recognized bond counsel ("Bond Counsel") to deliver a legal opinion in connection with the issuance of all Obligations. The Responsible Official will consult with Bond Counsel and other legal counsel and advisors, as needed, following the issuance of Obligations to ensure that applicable post-issuance requirements are met, so that interest on each issue of Obligations will be excluded from gross income for federal income tax purposes.

2. Documentation of Tax Requirements. The federal tax requirements relating to each issue of Obligations will be set forth in a Tax Certificate (the "Tax Certificate") executed in connection with each issue of Obligations, which will be included in the closing transcript for each issue of Obligations. The Tax Certificate will contain certifications, representations, expectations and factual statements relating to the restriction on use of the facilities financed with Obligations by Persons or entities other than the Issuer, changes in use of the facilities financed or refinanced with the proceeds of Obligations, restrictions applicable to the investment of the proceeds of any Obligations and other moneys relating to the Obligations, and arbitrage rebate requirements. The Responsible Official will review the Tax Certificate prior to the date of issue of each issue of Obligations.

3. Information Reporting. In connection with each issue of Obligations, the Issuer is required to file, or shall cause to be filed by Bond Counsel, an IRS Form 8038-G (or, if applicable, IRS Form 8038-GC). Any such IRS Form filed with the IRS, together with a proof of filing, will be included as part of the closing transcript for each issue of Obligations, or kept in the records maintained by Bond Counsel related to the appropriate issue of Obligations. The Responsible Official shall ascertain that such form has been filed in connection with each issue of Obligations.

C. Record Retention.

1. General. Copies of all relevant documents and records sufficient to support that the tax requirements relating to all Obligations have been satisfied, including the following documents and records, should be maintained by the Issuer:

- (a) Closing transcript;
- (b) All records of investments, arbitrage reports, returns filed with the IRS and underlying documents;
- (c) Construction contracts, purchase orders, invoices and expenditure and payment records;
- (d) Documents relating to costs reimbursed with the proceeds of Capital Obligations;
- (e) All contracts and arrangements involving Private Use of the property financed with Capital Obligations;
- (f) All reports relating to the allocation of the proceeds of Obligations and Private Use of property financed with Capital Obligations; and
- (g) Itemization of property financed with the proceeds of Capital Obligations

2. Duration of Record Retention. All of the foregoing documents and records should be retained for the term of the Obligations, plus three (3) years, or if the Obligations are refunded with the proceeds of a subsequent Obligation, the date three (3) years after the last of such refunding Obligations are refunded.

D. Capital Obligations.

1. Timely Expenditure of Proceeds of Capital Obligations. At the time of issuance of Capital Obligations issued to fund original expenditures, the Issuer must reasonably expect to spend at least 85% of all proceeds within three (3) years of the date of issuance of the Obligations. In addition, for Capital Obligations, the Issuer must have incurred or expect to incur within six months after issuance original expenditures of not less than 5% of the amount of such proceeds, and must expect to complete the project financed with Capital Obligations (the "Project") and expend the proceeds of such Capital Obligations to pay Project costs with due

diligence. Satisfaction of these requirements allows the proceeds of Capital Obligations issued for the Project to be invested at an unrestricted yield for three (3) years. Failure to satisfy these requirements could subject the Issuer to rebate of investment income, and other penalties. The Responsible Official will monitor the appropriate capital project accounts to ensure that the proceeds of Capital Obligations are spent within the time period(s) required under federal tax law.

Capital Obligations issued to refinance outstanding Capital Obligations are subject to separate expenditure requirements, which shall be outlined in the Tax Certificate relating to such Obligations. In connection with the issuance of any Capital Obligations issued to refinance outstanding Capital Obligations, the Responsible Official will confirm that any rebate obligation due with respect to the original issue and any subsequent refinancing thereof has been met.

2. Use of Proceeds of Capital Obligations. In general, proceeds (including investment income on original sale proceeds) of Capital Obligations, other than proceeds used to pay costs of issuance, should be spent on capital expenditures. For this purpose, capital expenditures generally mean costs to acquire, construct, or improve property (land, buildings and equipment). Capital Expenditures include design and planning costs related to the Project, and include architectural, engineering, surveying, soil testing, environmental, and other similar costs incurred in the process of acquiring, constructing, improving or adapting the property. Capital Expenditures do not include operating expenses of the Project.

3. Use of Facilities Financed with Capital Obligations. For the life of all Capital Obligations, the Project must be owned and operated by the Issuer. At all times while Capital Obligations issued for a Project are outstanding, no more than 10% of the proceeds of such Capital Obligations may be used, directly or indirectly, in a trade or business carried on by a Person other than a state or local governmental unit (“Private Use”). Generally, Private Use consists of any contract or other arrangement, including leases, management contracts (for example, contracts relating to the operation of a school cafeteria or to food service providers), operating agreements and guarantee contracts which provides for use of the facilities financed with Capital Obligations by a Person who is not a state or local government on a basis different than the general public. The Project may be used by any Person, including any Person carrying on any trade or business, if such use constitutes “General Public Use”. General Public Use is any arrangement providing

for use that is available to the general public at either no charge or on the basis of rates that are generally applicable and uniformly applied.

4. Management or Operating Agreements for Facilities Financed with Capital Obligations. Any management, operating or service contracts whereby a non-exempt entity is using facilities financed or refinanced with the proceeds of Capital Obligations must relate to portions of the Project that fit within the above-mentioned 10% allowable Private Use, or the contracts must meet the IRS safe harbor for management contracts (Rev. Proc. 2017-13). Any renewals of or changes to such contracts should be reviewed by Bond Counsel. The Responsible Official shall contact Bond Counsel if there may be a lease, sale, disposition or other change in use of facilities financed or refinanced with the proceeds of Capital Obligations.

E. Investment Restrictions; Arbitrage Yield Calculation; Rebate.

1. Investment Restrictions. Investment restrictions relating to the proceeds of Obligations and other moneys relating to the Obligations are set forth in the Tax Certificate. The Responsible Official will monitor the investment of the proceeds of Obligations to ensure compliance with yield restriction rules.

2. Arbitrage Yield Calculation. Investment earnings on the proceeds of Obligations should be tracked and monitored to comply with applicable yield restrictions and/or rebate requirements. The Issuer is responsible for calculating (or causing the calculation of) rebate liability for each issue of Obligations, and for making any required rebate payments. Any funds of the Issuer set aside or otherwise pledged or earmarked to pay debt service on the Obligations should be analyzed to assure compliance with the tax law rules on arbitrage, invested sinking funds and pledged funds (including gifts or donations linked to facilities financed with Capital Obligations). The Responsible Official will consult with Bond Counsel to confirm that all relevant arbitrage yield requirements are met.

3. Rebate. On or before the date of any required rebate payment (see below), the Issuer will retain a nationally recognized arbitrage rebate consultant (the "Arbitrage Rebate Consultant") to perform rebate calculations that may be required to be made from time to time with respect to any issue of Obligations. The Responsible Official shall provide the Arbitrage

Rebate Consultant with requested documents and information on a prompt basis, reviewing applicable rebate reports and other calculations and generally interacting with the Arbitrage Rebate Consultant to ensure the timely preparation of rebate reports and payment of any rebate.

The reports and calculations provided by the Arbitrage Rebate Consultant will assure compliance with rebate requirements, which require the Issuer to make rebate payments, if any, no later than the fifth (5<sup>th</sup>) anniversary date and each fifth (5<sup>th</sup>) anniversary date thereafter through the final maturity or redemption date of a Capital Obligation. A final rebate payment, if due, must be made within sixty (60) days of the final maturity or redemption date of all Obligations.

Rebate spending exceptions for Capital Obligations are available for periods of 6 months, 18 months and 2 years. The Responsible Official will confer and consult with the Arbitrage Rebate Consultant to determine whether any rebate spending exception may be met.

Copies of all arbitrage rebate reports, related return filings with the IRS (*i.e.*, IRS Form 8038-T), copies of cancelled checks with respect to any rebate payments, and information statements must be retained as described above. The Responsible Official will follow the procedures set forth in the Tax Certificate that relate to compliance with the rebate requirements with respect to any Obligations.

## II. ADDITIONAL PROCEDURES.

A. Periodic Monitoring. The Responsible Official will conduct periodic reviews of compliance with the foregoing procedures to determine whether any violations have occurred so that such violations can be remedied through the “remedial action” regulations (Treas. Reg. Section 1.141-12) or the Voluntary Closing Agreement Program (VCAP) described in IRS Notice 2008-31 (or successor guidance). If any changes to the terms or provisions of any Obligations are contemplated, the Responsible Official will consult with Bond Counsel, because such modifications could jeopardize the tax-exempt status of interest on the Obligations after they are modified.

B. Use of Facilities. The Responsible Official will maintain records identifying any Private Use of the facilities or portion of facilities that are financed or refinanced with proceeds of

Capital Obligations. Such records may be kept in any combination of paper or electronic form. In the event the use of the proceeds of Capital Obligations of the facilities financed or refinanced with the proceeds of Capital Obligations differs from the representations or factual statements in the Tax Certificate, the Responsible Official will promptly contact and consult with Bond Counsel to ensure that there is no adverse effect on the tax-exempt status of the Capital Obligations and, where appropriate, will remedy any violations through the “remedial action” regulations (Treas. Reg. Section 1.141-12), the Voluntary Closing Agreement Program (VCAP) described in IRS Notice 2008-31 (or successor guidance), or as otherwise prescribed by Bond Counsel.