

**VILLAGE OF BUCHANAN RESOLUTION AUTHORIZING
THE NEGOTIATION, EXECUTION AND DELIVERY OF AN ENERGY PERFORMANCE
CONTRACT AND RELATED LEASE/PURCHASE AGREEMENT WITH SIEMENS
INDUSTRY INC., BUILDING TECHNOLOGIES DIVISION, FOR
IMPROVEMENTS AT VARIOUS VILLAGE FACILITIES**

Introduced by: _____
Seconded by: _____
Dated: _____

WHEREAS, Article 9 of the New York Energy Law (the "Act") authorizes municipalities and school districts to enter into contracts ("Energy Performance Contracts") for the provision of energy services, including but not limited to, electricity, heating, ventilation, cooling, steam or hot water, in which a person agrees to install, maintain or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with, a building or facility in exchange for a portion of the energy savings or revenues; and

WHEREAS, Village of Buchanan (the "Village") issued a Request for Proposal for a performance-based energy savings and operations plan for various Village facilities; and

WHEREAS, Based on the Village's evaluation of proposals, Siemens Industry Inc., Building Technologies Division ("Siemens") was selected to develop and implement a performance-based energy savings and operations plan; and

WHEREAS, Resolution dated November 6, 2017 authorizing to proceed with an Energy Efficiency Audit with Siemens; and

WHEREAS, Siemens has provided the Village with Detailed Energy Audit Report dated July,2018(the "Energy Audit Reports") which sets forth detailed design plans for improvements of various facilities of Village of Buchanan including: Municipal Building, Highway Facility, Wastewater Treatment Facility, and Street Lighting, including lighting, boilers, hot water system, heating, cooling, and ventilation system upgrades and conservation measures, energy savings estimates and proposed financing plans; and

WHEREAS, The Village now intends to authorize the negotiation, execution and delivery of one or more Energy Performance Contracts and related lease/purchase agreements in an aggregate original principal amount not to exceed \$640,000.00, plus reasonable costs of issuances in connection therewith;

NOW THEREFORE BE IT RESOLVED,By the Village Board of Village of Buchanan, New York (the "Village"), as follows:

Section 1. In accordance with Section 9-103 of the Act, the Village is hereby authorized to enter into one or more Energy Performance Contracts, and related lease/purchase agreements and other agreements in an aggregate original principal amount not to exceed \$640,000.00, plus reasonable costs of issuance therewith (the "Agreements") pursuant to which Siemens will provide equipment, capital improvements, repairs, and other services to improve the energy efficiency of facilities of the various Village facilities, as more particularly described in the Energy Audit Reports.

Section 2. The Mayor, as Chief Executive Officer of the Village, is hereby authorized to negotiate, execute and deliver on behalf of the Village the Agreements and all other certificates or instruments required in connection therewith provided, however, that all amounts payable by the Village pursuant to the Agreements shall be subject to annual appropriation of such payments by the Village Board. The power to prescribe the terms, forms and covenants of the Agreements is hereby delegated to the Mayor, as Chief Executive Officer.

Section 3. This resolution is intended to constitute the declaration of the Village's "official intent" to reimburse the costs of the improvements described in Section 1 of this resolution with proceeds from the Agreements, as required by Treasury Regulation Section 1.150-2.

Section 4. This resolution is not subject to a mandatory or permissive referendum.

Section 5. The Village hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 6. All acts previously taken by the Village with respect to the execution and delivery of the Agreements are hereby further authorized, with the assistance of, and subject to the approval of the Village Attorney, ratified and confirmed.

Section 7. This resolution shall take effect immediately.

Upon Roll Call Vote:

Mayor Theresa Knickerbocker _____
Trustee Richard Funchion _____
Trustee Duane Jackson _____
Trustee Cesare Pasquale _____
Trustee Nicolas Zachary _____

Vote: Resolution carried by a vote of to .

STATE OF NEW YORK)
)SS.:
COUNTY OF WESTCHESTER)

I, KEVIN HAY, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held September 4, 2018.

Kevin Hay- Village Administrator/Clerk