

## ASSURANCES

### State Aid for Library Construction Program (FY 2023-2024)

The applicant hereby gives assurances of the following:

#### SECTION 1: ALL LIBRARIES (ALL BOXES MUST BE CHECKED)

- It possesses the legal authority to submit this application including all understandings and assurances contained herein and to direct and authorize the person identified as the construction project manager to act as the official representative of the applicant in connection with this application and to provide such additional information as may be required.
- The project will begin land acquisition, construction or continue construction work in the case of a project that has begun but it not complete as the date of the application to the library system, within 180 days after receipt of written notification from the State Education Department that state aid construction funds have been approved for the project, and that the conditions of the funding has been met.
- The project will be conducted in accordance with all applicable Federal, State, and local laws and regulations.

#### SECTION 2: FOR LIBRARIES ACQUIRING REAL ESTATE (FIRST 3 BOXES MUST BE CHECKED IF ACQUIRING REAL PROPERTY)

For any project involving the acquisition of real estate (vacant land, or land and a building), the applicant certifies the following:

- The real property acquired in whole or part with State Aid for Library Construction funds has been or will be acquired at or below Fair Market Value.
- The purchase price of the property was or will be derived through bona fide arm's length negotiations and the purchase has been approved by the Library's Board of Trustees upon the advice of person(s) familiar with the suitability of the purchase price.
- State Aid for Library Construction funds will not be used by the applicant to make payments to any individual or entity owning the purchased property if any member of the applicant's board of trustees or any employee of the applicant or any immediate family of any member of the board of trustees has any interest in the property.
- Check if applicable:** The real property to be acquired in whole or part with the State Aid for Library Construction funds is currently owned or has been acquired from the State of NY or a State related entity (e.g. an entity formed under Chapter 43-A of the Public Authorities Law, SUNY colleges and Universities, etc.).
- Check if applicable:** If the purchase price of the property is more than \$150,000, the applicant will obtain or has already obtained an appraisal from a certified Real Estate Appraisal in conformity with USPAP standards. Such appraisal shall be kept on file and will be provided to the State Library upon request.

#### SECTION 3: ALL LIBRARIES (MUST CHECK 1 BOX)

- The library building or site of the construction project is or will be owned by the applicant or the school district and is, or will be, open to the public.

OR

- The library building or site of the construction project is leased by the applicant or otherwise legally available, the lease on the building or site or other legal agreement is for a minimum of 10 years from the date of the anticipated completion of construction, the owner is aware of and approves the proposed construction project, and the building is open to the public.

**SECTION 4: ALL LIBRARIES (MUST CHECK 1 BOX)**

- Per the provisions of Chapter Law 54 of 2014, no State and Municipal Facilities Program (SAM) funding is used as match for any component of the State Aid for Library Construction [Education Law §273-a] project described within this project application.

OR

- If State and Municipal Facilities Program (SAM) Grant money is being used to fund construction in this building, that project is totally separate from the one described in this application AND the SAM grant is **not** being used as match funding for this project application.

**SECTION 5: ALL LIBRARIES (BOX MUST BE CHECKED)**

- The Library affirmatively states that each of the costs to be funded with award proceeds are capital costs and therefore, as bonded funds, may not be used to pay for, including but not limited to:
- Financing/interest fees or costs
  - Retirement of long-term debt even if the debt was originally interim short-term financing (i.e., must be retired in less than one year)
  - Rental or leased equipment
  - Warranties (other than the manufacturer's warranty customarily provided with such product)
  - Recurring maintenance fees
  - Recurring repair costs
  - Painting, replacement of carpeting, floor and ceiling tiles and window treatments, unless such painting or replacement of carpeting floor and ceiling tiles or window treatments are required to be performed as part of a substantial renovation of the affected space.
  - Recurring software licenses, hosting, maintenance, or training fees
  - Internal labor costs
  - Training end users

**AUTHENTICATION OF APPLICATION**

This application completed in the preceding pages and accompanying documents for a public library construction aid award to be administered in accordance with the requirements of Education Law §273-a and Commissioner's Regulations §90.12 was read and duly adopted by the Board of Trustees of the

South New Berlin Free Library at a legal meeting  
on September 7<sup>th</sup> 2023.

Signature of President, Library Board of Trustees:



Name of President (type or print):

Scott Stensland