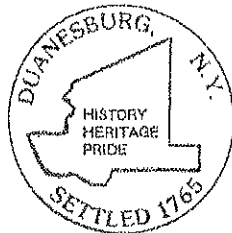


William Wenzel, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent



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

Thursday July 14, 2022
Regular Town Board Meeting
Meeting Time: 7:00PM

Meeting called to order by Supervisor Wenzel at 7:01PM

Present: Supervisor Wenzel, Council Members Grant, Potter, Lucks and Ganther, Town Attorney Teresa, Highway Superintendent Reed
Absent: Town Clerk Howe

Pledge of Allegiance

Public Hearing: Local Law No. 2 of 2022 entitled "Establishing A Local Government Code Enforcement Program. "

Council Member Ganther motioned, seconded by Council Member Grant to open the floor for comments.

Motion carried, 4 ayes

Lynne Bruning of 13388 Duaneburg Rd. asked if this was a new law or a law that has been in effect for many years and is just being updated?

Town Attorney Bakner responded with this is a new law that is going to replace the existing Code Enforcement Program and the reason why we are updating it with this format and with these words is this is what is being issued by the NYS Department of State Codes Division. It is a requirement to have it in place by December 31st of 2022. It is pretty much a mandate.

Lynne Bruning of 13388 Duanesburg Rd. asked has the town always had to follow an annual report with the Department of State?

Town Attorney Bakner responded with our Code Enforcement Officer files an annual report with the Department of State and it says how many building permits were issued and other data similar to that.

Council Member Ganther motioned, seconded by Council Member Potter to close the public hearing.

Motion carried, 4 ayes

Resolution 81-22: Council Member Potter motioned, seconded by Council Member Grant to approve the Regular Town Board Meeting minutes of Thursday, June 23, 2022.

Motion carried, 3 ayes, Council Member Ganther abstained. Council Member Lucks absent

Resolution 82-22: Council Member Potter motioned, seconded by Council Member Ganther to pay the following claims:

Motion carried, 4 ayes Council Member Lucks absent

Vouchers to be Paid July 14 2022

General Fund:	\$83,117.25
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Highway Fund:	\$3,792.25
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SD#1 Fund:	\$1,669.80
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SD#2 Fund:	\$2,086.96
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SD#3 Fund:	\$502.17
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Trust & Agency: \$431.76

Paid Before: \$1702.53

Total To Be Paid: \$93,350.72

Highway: Highway Superintendent Reed reported that we received a hydraulic cylinder that we had been waiting on for 4 ½ months. We are Motor paving this year on Ash Lane, section of West Duane Lake Rd., Judith Lane and part of the extension off of Duaneburg Churches Rd. Estimated cost of those projects is \$150,000, not including the chip seal we did earlier in the year. We are finally finishing up the mowing; the treatment plants have been mowed and we are finishing up the landfill.

Public Safety: Council Member Grant had nothing to report. Supervisor Wenzel reported that there is a third ambulance at DVAC as they are looking into the possibility of surplusing that vehicle.

Parks: Supervisor Wenzel reported that they had a meeting last Tuesday. Most of what was discussed was the youth program. Just about everything is in place for the youth program. The only thing we are looking into and I may be a little premature to mention this, but the Van Patten Park in particular we are going to look and see what we can do to get security cameras there.

Sewer District #1, 2 & 3: Council Member Ganther arranged to get Council Member Lucks a tour of the plant. He took the tour yesterday with Dale and Andrew, so that when he gives his reports, he has a better understanding of everything that goes on there. The gentleman who will be replacing James Malcom from DEC stopped by to introduce himself to Andrew.

Technology: Council Member Ganther just wanted to follow-up with Supervisor Wenzel's comment on security cameras at the park. He did some research on cellular cameras. The camera is around \$200 and you would pay for a data plan. Something to think about. One more thing we have a projector that we use from time to time for presentations, but it doesn't even have an HDMI cable which is standard. He found one at Best Buy for around \$500 and believes we should go ahead with this purchase.

Business Meeting:

Resolution 83-22: Council Member Potter motioned, seconded by Council Member Ganther to approve payment to Rozell East, Inc. in the amount of \$66,500.

Motion carried, 4 ayes Council Member Lucks absent

Resolution 84-22: Council Member Ganther motioned, seconded by Council Member Potter to accept the resignation of Marsha Winans as Court Clerk and appoint Lynn Masterpolo as Court Clerk.

Motion carried, 5 ayes

Resolution 85-22: Council Member Lucks motioned, seconded by Council Member Ganther to appoint Charles Leoni to the Zoning Board of Appeals of the Town of Duanesburg for a term ending December 31, 2026, to complete the term of Dianne Grant.

Motion carried, 5 ayes

Privilege of the Floor:

Greg Harkenrider from Humprey Rd. I have been in contact with the project manager from NexAmp and he said they still are planning on keeping it in the woods and out of the open fields. He gave a brief update on everything he knew on the project thus far.

William Park of Maranatha Way asked if the annual report had been filed for 2021. Asked if the town was still using an outside accounting firm. Asked if he could make an appointment with the Supervisor to go over some questions that he has.

Lynne Bruning of Duanesburg Rd. read statement. See attached.

Council Member Grant motioned, seconded by Council Member Lucks to adjourn. 7:44 pm

I, Jennifer Howe, Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday July 14, 2022.

**NOTICE OF PUBLIC HEARING
TOWN OF DUANESBURG**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Duanesburg will conduct a PUBLIC HEARING on July 14, 2022 at 7:00 P.M. at the Town Offices located at 5853 Western Turnpike, Duanesburg, New York 12056, at which time all parties in interest and citizens shall have an opportunity to be heard as to whether the Town Board of the Town of Duanesburg shall adopt “Local Law No. 2 of the Year 2022, to Establishing A Local Government Code Enforcement Program”. The proposed Local Law No. 2 of 2022 is available for review and inspection at the Town Offices during regular office hours and on the Town’s website.

Dated: Duanesburg, New York
June 23, 2022

BY ORDER OF THE TOWN BOARD

JENNIFER HOWE, TOWN CLERK

**LOCAL LAW OF THE TOWN OF DUANESBURG
ESTABLISHING
A LOCAL GOVERNMENT CODE
ENFORCEMENT PROGRAM**

Local Law 2 of 2022

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Duanesburg. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Town” shall mean the Town of Duanesburg.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

“Village” shall mean the Village of Delanson.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a.) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

- (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the Duanesburg Town Board;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by a favorable vote of the majority of the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by a favorable vote of the majority of the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by a favorable vote of the majority of the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town of Duanesburg Town Board.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or

the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;
- (2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) installation of partitions or movable cases less than 5'-9" in height;
- (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the

Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire within 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have

been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail / certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail / certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not

corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 1 of 1992, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

- (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law Number 1 of 1967, as amended by Local Law Number 3 of 2017, as now in effect or as hereafter amended from time to time.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
 - (4) buildings containing one or more assembly areas;
 - (5) outdoor events where the planned attendance exceeds 1,000 persons;
 - (6) facilities that store, handle or use hazardous production materials;

- (7) parking garages as defined in subdivision (a) of section 13 of this local law;
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of the Town of Duanesburg; and
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of the Town of Duanesburg.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law, as applicable.

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the [City/Town/Village] sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) 60 days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
- (4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every twelve (12) months for buildings which contain an assembly area;
- (2) at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

(1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);

(2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

- (3) such inspections are performed no less frequently than once a year;
 - (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
 - (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

(a) Definitions. For the purposes of this section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
- (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six (6) months after the effective date of this local law.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within thirty days of the condition assessment being completed. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or

such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the Town:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
- (ii) Flood Boundary and Floodway Map (FBFM); and
- (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to Town of Duanesburg Town Board a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- (c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

- (a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the

owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$350.00 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$350.00 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of the Town of Duanesburg.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of,

the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule shall be established by resolution of the Town Board of the Town of Duanesburg. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Town Board of the Town of Duanesburg may, by resolution, enter into an agreement, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect on December 30, 2022 and shall be filed in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. On December 30, 2022 and filing of this Local Law in the office of the New York State Secretary of State, Local Law #7 of 2006 shall be repealed.

Town of Duanesburg Town Board

RESOLUTION NO. 83-2022

July 14, 2022

WHEREAS, the Mariaville Wastewater Treatment Plant (the “Mariaville WWTP”) serves Mariaville Lake Sewer District No. 2; and

WHEREAS, the New York State Department of Environmental Conservation (the “NYSDEC”) amended the New York State Pollutant Discharge Elimination System Permit for the Mariaville WWTP requiring that the Mariaville WWTP effluent be disinfected (the “Proposed Improvements”); and

WHEREAS, the Town Board retained Delaware Engineering, D.P.C., (“Delaware”) for professional services in connection with the Mariaville WWTP effluent disinfection system installation at the Mariaville WWTP (the “Project”); and

WHEREAS, the Town Board has entered into a Grant Agreement with the NYSDEC to enable the Town to seek reimbursement for a portion of the costs of the Project; and

WHEREAS, the Proposed Improvements are being constructed by Rozell East, Inc., the contractor that was awarded the Project after the bidding process was completed; and

WHEREAS, Delaware has submitted pay requisition number 1 recommending approval of the payment to Rozell East, Inc., in the amount of \$66,500.00 for the work on the Project for the period ending June 30, 2022 (a copy of the pay requisition number 1 and supporting documents are attached hereto); and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves the payment of requisition number 1 to Rozell East, Inc., in the amount of \$66,500.00; authorizes the payment using the funds borrowed for this purpose; and directs that the Town seek reimbursement from NYSDEC for the costs associated with the Project in accordance with the terms of the Grant Agreement with NYSDEC;

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of July 14, 2022.



William Wenzel, Supervisor

Date 7/14/22



Town Clerk/Deputy Town Clerk

Date 7/14/22

Present: Council members Grant, Potter, Ganther Supervisor Wenzel
Absent: Council member Lucks

Town Board Members:

William Wenzel	<u>Yea</u>	Nay	Abstain
John Ganther Jr.	<u>Yea</u>	Nay	Abstain
Francis R. Potter	<u>Yea</u>	Nay	Abstain
Dianne Grant	<u>Yea</u>	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain Absent



Delaware Engineering, D.P.C.

55 South Main Street
Oneonta, NY 13820

Tel: 607.432.8073
Fax: 607.432.0432

July 12, 2022

Bill Wenzel
Supervisor
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Re: Mariaville WWTP UV Disinfection Project (SD#2)
DEC Contract #C00799GG-3350000

Sub: Contract TD1-G-21
Payment Request #1

Dear Supervisor Wenzel:

We have reviewed the attached Payment Application No. 1 for Rozell East, Inc., the contractor for the subject project, for the period ending June 30, 2022 in the amount of \$66,500.00. The balance to finish including retainage equals \$93,000.00

We agree with the level of work completed to date and the costs presented therein. Therefore, we recommend that the Town resolve to provide payment to the contractor in the amount requested by the contractor.

Attached for your files are the following items:

- Contractor's Application for Payment Cover Sheet & Continuation Sheets
- Certified Payroll
- Engineer's spreadsheet verifying contractor's payment application

Please contact me if you have any questions.

Respectfully,

DELAWARE ENGINEERING, D.P.C.

Bill Brown, P.E.

P:\Duanesburg (T)\Mariaville Plant\Construction\Pay Apps\1\TD1-G-21 Pay App 1 CL.doc

CC: Town Clerk (w/enclosures)
TD1-G-21- File (w/enclosures)

Contractor's Application for Payment No. 1

Application Period: 6/1/22-6/30/22		Application Date: 6/28/2022
To (Owner): Town of Duanesburg, NY	From (Contractor): Rozell East Inc.	Via (Engineer): Tighe & Bond Engineers
Project: Mariaville WWTP Ultraviolet(UV) Disinfection Project	Contract: TD-G-21 General	
Owner's Contract No.: TD1-G-21 -General	Contractor's Project No.: DUA-3321	Engineer's Project No.:

Application For Payment Change Order Summary

Approved Change Orders			1. ORIGINAL CONTRACT PRICE.....	\$ 159,500.00
Number	Additions	Deductions	2. Net change by Change Orders.....	\$
			3. Current Contract Price (Line 1 + 2).....	\$ 159,500.00
			4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$ 570,000.00
			5. RETAINAGE:	
			a. 5% X \$70,000.00 Work Completed.....	\$ 3,500.00
			b. X Stored Material.....	\$
			c. Total Retainage (Line 5a + Line 5b).....	\$ 3,500.00
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$ 566,500.00
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$
			8. AMOUNT DUE THIS APPLICATION.....	\$ 566,500.00
			9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$ 93,000.00
TOTALS				
NET CHANGE BY CHANGE ORDERS				

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: Edwin A Skell Date: 6/28/2022

Payment of: \$ 66,500.00
(Line 8 or other - attach explanation of the other amount)

Is recommended by: *Will Bond* 7/12/2022
(Engineer) (Date)

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

Is approved by: _____
(Owner) (Date)

Approved by: _____
Funding Agency (if applicable) (Date)

Contractor's Application

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Page 2 of 4

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 7-7-22

I Nancy Dreyer Office Mgr.
(Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Rozell Industries Inc
(Contractor or Subcontractor)

, that during the payroll period commencing on the 5
day of June, 2022 and ending the 11 day of June 2022
all persons employed on said project have been paid the full weekly wages earned, that no
rebates have been or will be made either directly or indirectly to or on behalf of said

Sub from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or
indirectly from the full wages earned by any person, other than permissible deductions as
defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the
wage rates for laborers, workers, or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that
the classifications set forth therein for each laborer, worker or mechanic conform with the work
he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau
of Apprenticeship and Training, United States Department of Labor, or if no such recognized
agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United
States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed
in the above referenced payroll, payments of fringe benefits as listed in the
contract have been or will be made to appropriate programs for the
benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been
paid, as indicated on the payroll, an amount not less than the sum of the
applicable basic hourly wage rate plus the amount of the required fringe benefits
as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

Nancy Dreyer

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR
TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

Certified Payroll Worksheet
Job Number: REI2241
For the week: 6/5/2022 to 6/11/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week
		Sun	Mon	Tue	Wed	Thu	Fri	Sat							
		5	6	7	8	9	10	11							
Hours Worked Each Day															
DOWNES, TIMOTHY ***-**-1370	O PROJ/MGR PROJECT MANAGER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,527.00				
	R	0.00	0.00	0.00	4.00	8.00	8.00	0.00	20.00	76.35	2,247.00	171.89	450.66	808.64	1,438.36
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other														
	Pension														
	Travel														
	Training														
	Sup. UI														
	Vacation														
	Union Dues														
	NY Withholding Tax														
	NY Disability Tax														
	NYPFLWH New York Paid Family Leave Tax Withholding														
FEIDEN VI, JOHN ***-**-8950	O MECH MECHANIC	0.00	3.00	0.00	0.00	0.00	0.00	0.00	3.00	28.50	218.50				
	R	0.00	7.00	0.00	0.00	0.00	0.00	0.00	7.00	19.00	1,045.00	79.94	127.21	261.80	783.20
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other														
	Pension														
	Travel														
	Training														
	Sup. UI														
	Vacation														
	Union Dues														
	NY Withholding Tax														
	NY Disability Tax														
	NYPFLWH New York Paid Family Leave Tax Withholding														
JACKSON, SR, THOMAS ***-**-9340	O OPER OPERATOR - ST	0.00	1.00	1.00	0.00	0.00	0.00	0.00	2.00	97.55	2,692.22				
	R	0.00	8.00	8.00	8.00	8.00	0.00	0.00	32.00	74.91	2,880.22	220.33	372.05	940.52	1,939.70
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other														
	Pension														
	Travel														
	Training														
	Sup. UI														
	Vacation														
	Union Dues														
	NY Withholding Tax														
	NY Disability Tax														
	NYPFLWH New York Paid Family Leave Tax Withholding														
ROCKWELL, AARON ***-**-9124	O MECH MECHANIC	0.00	0.00	1.00	0.00	0.00	0.00	0.00	1.00	72.10	2,300.10				
	R	0.00	8.00	8.00	8.00	8.00	8.00	0.00	40.00	55.70	2,300.10	175.96	413.40	729.87	1,570.23
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other														
	Pension														
	Travel														
	Training														
	Sup. UI														
	Vacation														
	Union Dues														
	NY Withholding Tax														

Run Date: 6/13/2022 2:22:22PM
P/R Date: 6/13/2022

Page: 5
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Certified Payroll Worksheet
Job Number: REI2241
For the week: 6/5/2022 to 6/11/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week
		Sun	Mon	Tue	Wed	Thu	Fri	Sat							
		5	6	7	8	9	10	11							
Hours Worked Each Day															
NY Disability Tax									0.60						
NYPFLWH New York Paid Family Leave Tax Withholding									11.75						
SHULL, EDWIN	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	120.19				
***-**-2331	PROJMGR PROJECT MANAGER											172.82	210.00	777.85	1,626.00
	R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,403.85				
Deductions:															
Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues		
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	363.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Withholding Tax						114.70									
NY Disability Tax						0.60									
NYPFLWH New York Paid Family Leave Tax Withholding						12.28									
WILLIAMS JR, KEVIN	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,336.80				
***-**-7364	MECH MECHANIC											102.26	191.40	416.48	920.32
	R	0.00	0.00	0.00	8.00	8.00	8.00	0.00	24.00	55.70	1,336.80				
Deductions:															
Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues		
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Withholding Tax						65.78									
NY Disability Tax						0.60									
NYPFLWH New York Paid Family Leave Tax Withholding						6.83									

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 7-7-22

I Nancy Dreyer Office Mgr.
(Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Rozell Industries Inc
(Contractor or Subcontractor)

, that during the payroll period commencing on the 12
day of June, 2022 and ending the 18 day of June, 2022
all persons employed on said project have been paid the full weekly wages earned, that no
rebates have been or will be made either directly or indirectly to or on behalf of said

Sub from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or
indirectly from the full wages earned by any person, other than permissible deductions as
defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the
wage rates for laborers, workers, or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that
the classifications set forth therein for each laborer, worker or mechanic conform with the work
he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau
of Apprenticeship and Training, United States Department of Labor, or if no such recognized
agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United
States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed
in the above referenced payroll, payments of fringe benefits as listed in the
contract have been or will be made to appropriate programs for the
benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been
paid, as indicated on the payroll, an amount not less than the sum of the
applicable basic hourly wage rate plus the amount of the required fringe benefits
as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
REMARKS:	
SIGNATURE <u>Nancy Dreyer</u>	
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.	

Certified Payroll Worksheet
Job Number: REI2241
For the week: 6/12/2022 to 6/18/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week
		Sun	Mon	Tue	Wed	Thu	Fri	Sat							
		12	13	14	15	16	17	18							
Hours Worked Each Day															
DOWNES, TIMOTHY ***-**-1370	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,886.86				
	PROJMgr PROJECT MANAGER											220.85	604.22	1,064.45	1,822.40
	R	0.00	8.00	8.00	8.00	6.00	8.00	0.00	38.00	75.97	2,886.86				
Deductions:															
	Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	NY Withholding Tax						224.04								
	NY Disability Tax						0.60								
	NYPFLWH New York Paid Family Leave Tax Withholding						14.75								
ROCKWELL, AARON ***-**-9124	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,105.20				
	LAB LABORER											181.05	366.62	652.49	1,452.71
	R	0.00	8.00	8.00	8.00	6.00	8.00	0.00	38.00	55.40	2,105.20				
Deductions:															
	Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	NY Withholding Tax						113.46								
	NY Disability Tax						0.60								
	NYPFLWH New York Paid Family Leave Tax Withholding						10.76								
SHULL, EDWIN ***-**-2331	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	120.19				
	PROJMgr PROJECT MANAGER											172.62	210.00	777.85	1,626.00
	R	0.00	0.00	2.00	0.00	0.00	0.00	0.00	2.00	60.10	2,403.85				
Deductions:															
	Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	363.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	NY Withholding Tax						114.70								
	NY Disability Tax						0.60								
	NYPFLWH New York Paid Family Leave Tax Withholding						12.28								
WILLIAMS JR, KEVIN ***-**-7364	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,105.20				
	LAB LABORER											181.05	366.62	702.10	1,403.10
	R	0.00	8.00	8.00	8.00	6.00	8.00	0.00	38.00	55.40	2,105.20				
Deductions:															
	Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	NY Withholding Tax						113.46								

Run Date: 6/21/2022 7:41:40AM
P/R Date: 6/21/2022

Page: 5
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Certified Payroll Worksheet
Job Number: REI2241
For the week: 6/12/2022 to 6/18/2022

ROZELL INDUSTRIES, INC. (RII)

		Day and Date							Total	Hourly	Gross				Net Actual
Name and Individual Identifying	Work	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Hours	Rate	Earned For				Wage Paid
Number of Worker	Classification	12	13	14	15	16	17	18	For Week	of Pay	Job/Week	FICA	Withholding	Total Deductions	For Week
Hours Worked Each Day															
NY Disability Tax							0.60								
NYPFLVH New York Paid Family Leave Tax Withholding							10.76								

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 7-7-22

I Nancy Dreyer Office Mgr.
(Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Rozell Industries Inc
(Contractor or Subcontractor)

, that during the payroll period commencing on the 19
day of June, 2022 and ending the 25 day of June 2022
all persons employed on said project have been paid the full weekly wages earned, that no
rebates have been or will be made either directly or indirectly to or on behalf of said

Sub from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or
indirectly from the full wages earned by any person, other than permissible deductions as
defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the
wage rates for laborers, workers, or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that
the classifications set forth therein for each laborer, worker or mechanic conform with the work
he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau
of Apprenticeship and Training, United States Department of Labor, or if no such recognized
agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United
States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed
in the above referenced payroll, payments of fringe benefits as listed in the
contract have been or will be made to appropriate programs for the
benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been
paid, as indicated on the payroll, an amount not less than the sum of the
applicable basic hourly wage rate plus the amount of the required fringe benefits
as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

Nancy Dreyer

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR
TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

Certified Payroll Worksheet
Job Number: REI2241
For the week: 6/19/2022 to 6/25/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week
		Sun	Mon	Tue	Wed	Thu	Fri	Sat							
		19	20	21	22	23	24	25							
Hours Worked Each Day															
JACKSON, SR, THOMAS ***-**-9340	O OPER OPERATOR - ST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,718.36				
	R	0.00	8.00	8.00	8.00	8.00	4.00	0.00	36.00	75.51	3,169.10	242.43	431.79	1,062.40	2,106.70
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other								316.91	0.00	0.00	0.00	0.00	0.00	0.00
	Pension									0.00					
	Travel										0.00				
	Training											0.00			
	Sup. UI												0.00		
	Vacation													0.00	
	Union Dues														0.00
	NY Withholding Tax														
	NY Disability Tax														
	NYPFLWH New York Paid Family Leave Tax Withholding														
JACKSON, SR, THOMAS ***-**-9340	O OPER OT OPERATOR - OT	0.00	0.00	0.00	1.50	0.00	0.00	0.00	1.50	99.13	148.70				
	R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,169.10	242.43	431.79	1,062.40	2,106.70
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other								316.91	0.00	0.00	0.00	0.00	0.00	0.00
	Pension									0.00					
	Travel										0.00				
	Training											0.00			
	Sup. UI												0.00		
	Vacation													0.00	
	Union Dues														0.00
	NY Withholding Tax														
	NY Disability Tax														
	NYPFLWH New York Paid Family Leave Tax Withholding														
ROCKWELL, AARON ***-**-9124	O LAB LABORER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,671.00				
	R	0.00	8.00	8.00	8.00	6.00	0.00	0.00	30.00	56.70	1,779.15	136.11	288.72	526.50	1,252.65
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other								0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Pension									0.00					
	Travel										0.00				
	Training											0.00			
	Sup. UI												0.00		
	Vacation													0.00	
	Union Dues														0.00
	NY Withholding Tax														
	NY Disability Tax														
	NYPFLWH New York Paid Family Leave Tax Withholding														
ROCKWELL, AARON ***-**-9124	O LAB OT LABORER OT	0.00	0.00	0.00	1.50	0.00	0.00	0.00	1.50	72.10	108.15				
	R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,779.15	136.11	288.72	526.50	1,252.65
Deductions:															
	Apprenticeship	0.00													
	Disability	0.00													
	Dental	0.00													
	Holiday	0.00													
	401K														
	Life Ins.														
	Medical														
	Other								0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Pension									0.00					
	Travel										0.00				
	Training											0.00			
	Sup. UI												0.00		
	Vacation													0.00	
	Union Dues														0.00
	NY Withholding Tax														
	NY Disability Tax														
	NYPFLWH New York Paid Family Leave Tax Withholding														

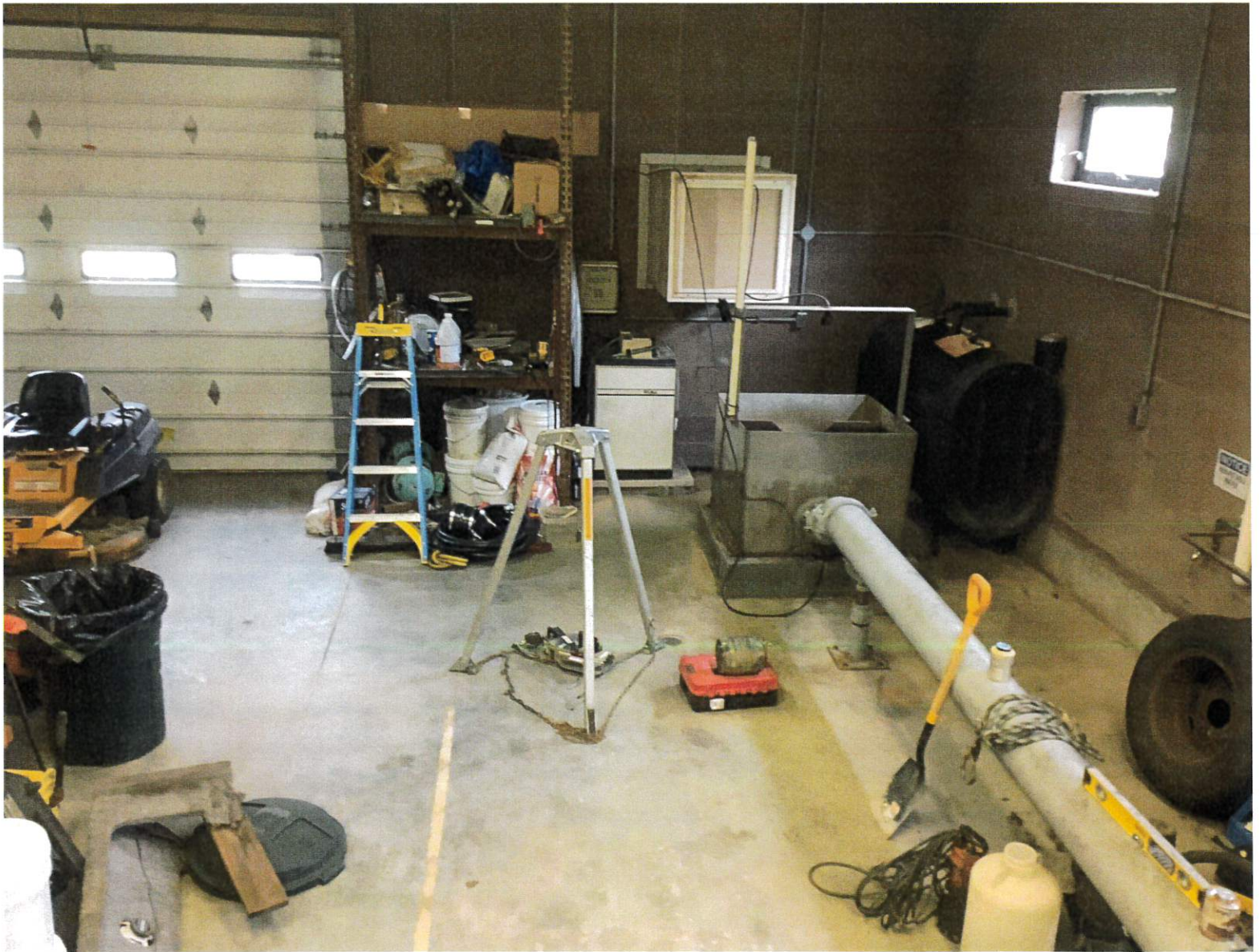
Certified Payroll Worksheet
Job Number: REI2241
For the week: 6/19/2022 to 6/25/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week	
		Sun 19	Mon 20	Tue 21	Wed 22	Thu 23	Fri 24	Sat 25								
		Hours Worked Each Day														
NY Disability Tax																0.60
NYPFLWH New York Paid Family Leave Tax Withholding																9.09
WILLIAMS JR, KEVIN ***-**-7384	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,671.00					
	LAB LABORER											136.11	288.72	576.11	1,203.04	
	R	0.00	8.00	8.00	8.00	6.00	0.00	0.00	30.00	55.70	1,779.15					
Deductions:																
	Apprenticeship	0.00							49.61	0.00	0.00	0.00	0.00	0.00	0.00	
	Disability	0.00														
	Dental	0.00														
	Holiday	0.00														
	401K															
	Life Ins.															
	Medical															
	Other															
	Pension															
	Travel															
	Training															
	Sup. UI															
	Vacation															
	Union Dues															
NY Withholding Tax							91.98									
NY Disability Tax							0.60									
NYPFLWH New York Paid Family Leave Tax Withholding							9.09									
WILLIAMS JR, KEVIN ***-**-7384	O	0.00	0.00	0.00	1.50	0.00	0.00	0.00	1.50	72.10	108.15					
	LAB OT LABORER OT											136.11	288.72	576.11	1,203.04	
	R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,779.15					
Deductions:																
	Apprenticeship	0.00							49.61	0.00	0.00	0.00	0.00	0.00	0.00	
	Disability	0.00														
	Dental	0.00														
	Holiday	0.00														
	401K															
	Life Ins.															
	Medical															
	Other															
	Pension															
	Travel															
	Training															
	Sup. UI															
	Vacation															
	Union Dues															
NY Withholding Tax							91.98									
NY Disability Tax							0.60									
NYPFLWH New York Paid Family Leave Tax Withholding							9.09									

Delaware Engineering, D.P.C.







TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. 84 -2022

July 14, 2022

WHEREAS, The Town of Duanesburg Town Justices have identified the need for an additional Clerk to the Town Justices, an exempt position, due to the resignation of one of the two current clerks, Marsha Winans, and have interviewed Lynn Masterpolo, who has previous experience in the position;

WHEREAS, the position of Clerk to the Town Justices will involve work up to 30 hours a week at a pay rate of \$18.00 dollars per hour;

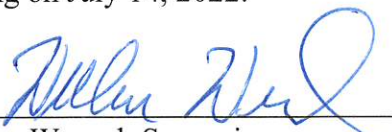
WHEREAS, the Town Board finds that the Town Budget contains funds for such a position to be filled;


WHEREAS, the NYS OCA will provide on-line training for the Clerk to the Town Justices and will undertake the background check and fingerprinting according to the Town Justices;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the resignation of Marsha Winans, one of the existing two Clerks to the Town of Duanesburg Justices;

BE IT FURTHER RESOLVED, that the Town Board hereby appoints Lynn Masterpolo to the position of Clerk to the Town of Duanesburg Justices to work up to thirty (30) hours a week at a pay rate of \$18.00 per hour, subject to her undertaking the requisite NYS OCA on-line training for the position and to a satisfactory background check and fingerprinting by NYS OCA.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on July 14, 2022.


William Wenzel, Supervisor


Town Clerk/Deputy Town Clerk

Present: ALL
Absent:

Town Board Members:

Dianne Grant	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
William Wenzel	<u>Yea</u>	Nay	Abstain
Andrew Lucks	<u>Yea</u>	Nay	Abstain

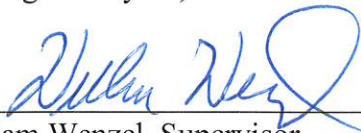
TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. 85 -2022

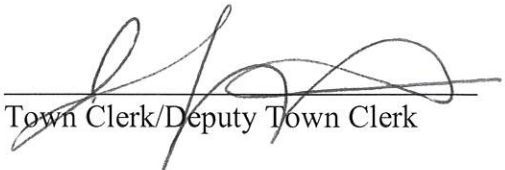
July 14, 2022

The Town hereby appoints Charles Leoni to the Zoning Board of Appeals of the Town of Duanesburg for a term ending on December 31, 2026, to complete the term of Dianne Grant.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on July 14, 2022.



William Wenzel, Supervisor



Town Clerk/Deputy Town Clerk

Present: ALL
Absent:

Town Board Members:

Dianne Grant	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
William Wenzel	<u>Yea</u>	Nay	Abstain
Andrew Lucks	<u>Yea</u>	Nay	Abstain

PO Box 160
Quaker Street, NY 12141

William Wenzel, Supervisor
Town Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12141

June 23, 2022

Re: Public Comment Town Board meeting

Dear Supervisor Wenzel,

Lynne Bruning 13388 Duanesburg Road, Delanson, NY 12053. I request that my statement and supporting documents are included in the town board meeting minutes as posted on the town website.

While the town may not wish to answer my questions tonight I do request a response in writing at your earliest convenience.

1. At the Tuesday June 21, 2022 zoning board meeting the board approved Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC a zoning variance for a fence that is two feet excess of the town zoning ordinance limiting fences to six feet in height. The increased fence height is a requirement to meet the 2017 National Electric Code.

Prior to the meeting Lynne Bruning submitted a letter and Susan Biggs submitted an email to the zoning board that was not read into the record. For your reference I'm submitting both documents to the town board as part of my privilege of the floor statement. In the letter Mrs. Biggs asked:

"Since time of application in May 2018 the Project's six-feet-tall fence has not complied with National Electric Code requiring a seven-foot-tall fence. Why didn't the zoning board review the Project in 2018?

The zoning board did not read Ms. Biggs email into the record and did not answer her question.

During this same meeting, but for a different project on West Duane Lake Road, the town code inspector stated that this applicant had to go in front of the zoning board for a variance before approaching the planning board. Meeting recording minute 1:05:00 found on the town's youtube channel: <https://youtu.be/hSKEGH9vO70>.

Why didn't the town engineer, Doug Cole of Prime AE inform the town that the Project was not in compliance with 2017 National Electric Coded?

Why didn't the town code inspector, Dale Warner, inform the town that the Project was not in compliance with 2017 National Electric Coded?

Was the town's review of Oak Hill Solar in compliance with town policy and procedure to obtain required zoning variances prior to seeking planning board review?

Were the abutters and taxpayers deprived of zoning board notification and a public hearing at the time of Oak Hill Solar's application in 2018?

2. On June 16, 2022 I submitted a letter to the planning board, town supervisor and code inspector concerning Oak Hill Solar access road. The site plans approved on September 19, 2019 and March 17, 2022 reflect that the road is 10 feet wide outside the fence and 15 feet wide inside the fence. From photographs it appears that the access road is about 20 feet wide throughout the entire site. This permits two trucks to pass each other on the access road. The June 16, 2022 letter requested that town engineer, Doug Cole of Prime AE, and the town code inspector verify the Project's access road width compliance with the approved site plans.

Has this inspection happened?

How wide is the access road?

Is Oak Hill's road width as constructed in compliance with the approved site plan?

3. I've repeatedly requested that the town board and planning board provide the Oak Hill Solar site plan, as signed approved by the planning board chair on or about April 15, 2022, be provided in digital format as a PDF file on the town website or in the Amp drop box. As of today the site plans signed by the planning board chair are not posted.

Providing the approved and signed site plan is important because on March 14, 2022, just two days prior to the planning board vote, the Applicant posted the January 17, 2022 Revision G site Sheets 1 through 29 of 29 as the most recent site plan in the Amp drop box. However, on March 30, 2022 Revision J sheets 1 through 30 of 30 were posted and April 8, 2022 Revision J sheets 1 through 30 of 30 were posted. It is unclear which site plan the planning board approved. Please provide the signed approved site plan on the town website or in the Amp drop box. Please see enclosed screen shot of the listing of files from AMP drop box as captured on June 23, 2022.

For the past four years I've asked questions of the town and planning board, but rarely do I receive any answers. I respectfully request that you answer my questions.

Thank you for your time and consideration.

Lynne Bruning
720-272-0956
lynnebruning@gmail.com

Enc: June 21, 2022 email Susan Biggs to Zoning Board
June 20, 2022 letter Lynne Bruning to Zoning Board
June 23, 2022 screenshot Amp Drop Box Directory
June 23, 2022 screenshot Amp Drop Box Fold Site Plan

tonights zoning board meeting - request condition be added to resolution

Susan Biggs <azurevista@hotmail.com>

Tue 6/21/2022 11:04 AM

To: Bill Wenzel <wwenzel@duanesburg.net>; Nelson Gage <Ngage@duanesburg.net>; jschmitt@duanesburg.net <jschmitt@duanesburg.net>

Cc: jganther@duanesburg.net <jganther@duanesburg.net>; Ricky Potter

<rpotter@duanesburg.net>; dgrant@duanesburg.net <dgrant@duanesburg.net>; alucks@duanesburg.net

<alucks@duanesburg.net>; Lynne Bruning <lynnebruning@gmail.com>;

[REDACTED]
[REDACTED]
[REDACTED]

1 attachments (4 MB)

2022 06 20 Bruning to Zoning Board-merged.pdf;

Dear Supervisor Wenzel, Planning Board Chair Schmitt and Zoning Board Chair Gage,

Tonight, the zoning board meets to review and vote on the resolution to approve Oak Hill Solar's variance for an eight-foot-tall fence.

Since time of application in May 2018 the Project's six-foot-tall fence has not complied with National Electric Code requiring a seven-foot-tall fence. Why didn't the zoning board review the Project in 2018?

The current town board, zoning board and planning board has inherited the prior administration's lack of oversight. It appears that the Project has not been required to follow the same policy and procedure that the citizens are required to follow: obtain the required zoning variance before seeking planning board approval.

It appears that the Project is being built on a crooked foundation.

For the benefit of the town's fiscal responsibility to the current and future taxpayers and the abutters I request that the town board intercede at tonight's zoning board meeting. Please require the resolution include a condition that an evergreen screen be planted and maintained around the entire fence line until decommissioning.

The Project applied for a Special Use Permit May 2018. The planning board appointed Doug Cole of Prime AE as town engineer in August 2018.

At time of application the town engineer and the town code inspector, Dale Warner, did not inform the planning board and zoning board that the Project's six-foot-tall fence did not meet 2017 National Electric Code 110.31. requiring a seven-foot-tall fence.

As a result the zoning board did not review the required fence height variance. This deprived the public, in particular the abutters, of the required notification and public hearing to comment on the May 7, 2018 site plans and the July 19, 2018 FEAF.

The May 7, 2018 site plan shows that more than 10 acres of trees in the southwest corner of the site would be removed to construct the solar array. The July 19, 2018 FEAF Part 1 E.1.b that documents 21.94 acres of trees would be removed. The Project did not comply with the town's 2016 Solar Law 3.f. limiting tree clearing to 20,000 square feet or 1/2 acre.

It appears that the town may not have followed protocol and procedures for Project review. It appears that in 2018 the Project should not have advanced to the planning board for a Special Use Permit until zoning board review. Please see attached June 20, 2022 letter from Lynne Bruning to the zoning board.

At tonight's zoning board meeting please require the zoning board to add a condition to the resolution for Oak Hill Solar + Storage fence height variance requiring the planting and maintenance of an evergreen screen around the entire fence for the lifespan of the Project.

Thank you for your time and consideration.

Respectfully
Susan Biggs
13388 Duanesburg Road

Sent from [Outlook](#)

PO Box 13545
Quaker Street, NY 12141

Nelson Gage, Chair Zoning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

June 20, 2022

Re: Public Hearing Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC fence height variance

Dear Nelson Gage and the Zoning Board,

The purpose of this letter is to request that the zoning board add a condition to the resolution for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project") as posted on the town website June 19, 2022 requiring the Project to protect the abutters views, use, enjoyment and future development of their properties for the anticipated 40+ year lifespan of the Project by providing and maintaining an evergreen screen around the entire fence line. Deferring to planning board approval may deprive the abutters of protections and legal rights that the zoning board may have provided in 2018 if the zoning board had reviewed the fence height variance as required.

Since 2017 the National Electric Code (the "NEC") section 110.31 has required high voltage equipment at solar energy facilities to be enclosed by either a six feet in height fence topped with one foot of barbed wire or a seven feet in height fence.

Beginning in July 2018 the Project application depicts a fence that is only 6 feet in height. August 2018 the planning board approved Doug Cole of PrimeAE as the town engineer (the "town engineer") to review the Project.

Application documents (see Exhibit A) show that the town engineer, the planning board attorney, Teresa Bakner of Whiteman, Osterman and Hanna, and the town code inspector, Dale Warner, may not have informed the planning board and the zoning board of:

- existing NEC regulations;
- that the Project 6 feet high fence as shown was not compliant with the NEC regulations;
- that a NEC compliant fence would require zoning board approval.

Project review at time of application in 2018 may be in violation of town policy and procedure requiring applications to obtain zoning variances prior to, or in conjunction with, planning board approval. Requesting a zoning variance after planning board approval is atypical.

Inadequate review and oversight may have permitted the Project to sidestep zoning board action in 2018. As a result, the town was not obligated to inform the abutters of the Project until the mandatory notification of the planning board's public hearing on July 18, 2019. Absence of

necessary zoning board action at time of application deprived the taxpayers, neighbors and abutters of zoning board review, notification of a public hearing, and a public hearing at the beginning of Project.

As a result, parcel owners within 1,000 feet of the Project received notification of the planning board public hearing a year later, on or about July 11, 2019. This notification was the first time some of the abutters learned of the Project.

Without zoning board review and citizen input from the beginning of the application in 2018 the Project may be a detriment to the town and particularly burdensome to the abutters use, enjoyment and future development of their parcels for generations to come.

The State Environmental Quality Review Application (the "SEQRA") is flexible and may not require particularly substantive results. Yet, the courts repeatedly find that the SEQRA lead agency should not defer analysis of project impacts to professionals or involved agencies. It appears that the zoning board did not review the Project at the time of application because professional "experts" did not inform the town that the fence was not compliant with national code. As a result, the citizens were deprived of notification of the Project and a public hearing at the beginning of the Project.

We request that the zoning board add a condition to the resolution requiring the Project to plant and maintain an evergreen screen around the entire fence line for the Project's anticipated 40+ year life span. Screening would uphold Solar Law 3(e) "Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas" would be upheld.

Abutter's should not be required to use their own lands and resources to screen the noisy eyesore now or in the future. We request that the board protect the taxpayers and the town's finances.

Thank you for your time and consideration.

Respectfully,
Lynne Bruning
720-272-0956
lynnebruning@gmail.com

Enc: Exhibit A listing of project submissions related to the fence
Exhibit B Approved site plan dated June 6, 2019 sheets 1 through 10 of 1

Cc: William Wenzel, supervisor
Jeffery Schmitt, planning board chair

EXHIBIT

A

EXHIBIT A

Project submissions to the planning board that address fence height include, but may not be limited to:

May 7, 2018 concept site plan submitted by project engineer, Environmental Design Partnership, to the planning board did not provide the fence height.

July 9, 2018 letter from the project engineer to the planning board states "The perimeter of the solar fields will be fenced with a 6 ft high chain link fence."

September 11, 2018 letter from the town engineer, Doug Cole of Prime AE, to planning board Section Plans 2 states "The Site Plan shows that the electrical and control equipment is enclosed within a chain link fence. However, the height of the fence is not shown on the drawing. Confirmation that the proposed fence is six feet tall, as required by the Solar Law, will be needed."

March 11, 2019 letter from the project engineer to the planning board Section Plans 2 states "The Applicant is proposing the use of a livestock style fence with a height of 6 ft as shown on the updated Site Plan."

March 11, 2019 site plan resubmitted to the planning board includes sheets 3 and 4 of 10 which show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD"

June 6, 2019 site plan resubmitted to the planning board includes sheets 3 and 4 of 10 which show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD"

September 5, 2019 site plan resubmitted to the planning board sheets 1 through 11 of 11. Sheets 3 and 4 of 11 show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD". Sheet 11 is the new Planting Plan for new evergreen screening on the east side of the Project site to protect some of Biggs property line along tax parcel 74.00-3-18 from views of the solar facility.

September 17, 2019 at 2:30 PM site plan sheets 1 through 10 of 10 resubmitted to the planning board includes sheets 3 and 4 of 10 which show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD" Sheet 11 is removed.

EXHIBIT

B

EXHIBIT B

Project site plan sheets 1 through 10 of 10 submitted to the planning board on March 11, 2019, resubmitted on June 6, 2019, resubmitted on September 17, 2019, and approved September 19, 2019.

Sheet 1 of 10: A scale is not provided, graphic scale is not provided, includes unrelated tax id parcel to the north, abutter's houses are not provided, locations of 200+ tracking motors are not provided, engineer stamp is not provided.

Sheet 2 of 10: The tree line is significantly reduced compared to the May 7, 2018 site plan. The State Environmental Quality Review Act (the "SEQRA") began July 2018 and ended July 2019. Comparison of the May 7, 2018 site plan and the approved site plan dated June 6, 2019 Sheets 1 through 10 of 10 indicates that more than 10 acres of mature growth forest was removed. Duanesburg Solar Law limits tree clearing to 20,000 square feet, or less than 1/2 acre. Furthermore, it is a violation of SEQRA 617.3(a) to alter a project site while SEQRA is in effect. A graphic scale not provided, abutter's houses are not provided, location of the lay down yards, and a label for National Wetland Inventory are not provided.

Sheet 3 and 4 of 10: The battery storage locations, tracking motors, tracking gears and lay down yards are not provided. A full equipment list and location for battery energy storage, HVAC, tracking motors, tracking gears, DC-DC converters, and control gear are not provided.

Sheet 5 of 10: Does not show the two major switchgear located at the intersection of the access road and Duanesburg Road. A fence is not shown enclosing this equipment. Is a fence required? Lay down yards are not provided.

Sheet 5 and 6 of 10 The SWPPP reflects stormwater is discharged off site and the site plan reflects minimal silt fences to provide stormwater management. Abutters repeatedly requested that additional stormwater management practices be employed.

Sheet 7 of 10 The equipment staging/washout areas is noted to be 0.028 acres or 1,219 square feet. Lay down yards are not provided.

Sheet 10 of 10: omission of battery energy storage, omission of switchgear, omission of control gear, omission of length width and height for equipment. The Project did not change.

Sheet 11 of 11 Planting Plan submitted to the planning board on September 5, 2019 for evergreen screening on eastern property is not provided.

Exhibit B Biggs/Bruning to Zoning Board June 20, 2022

This site plan was submitted September 17, 2019, less than 48 hours before the planning board meeting. It omits the September 5, 2019 Sheet 11 Planting Plan.

Incorrect site outline that involves unrelated tax parcel 74.00-2-5-11 to the north

PROPOSED SITE PLAN FOR OAK HILL SOLAR 1&2

APPLICANT:
OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC
13950 DUANESBURG ROAD
TOWN OF DUANESBURG, SCHENECTADY COUNTY, NEW YORK

ORIGINAL

ENTERED ON 9/27/19
BY: MD 2-71

Neighboring house is not provided

Neighboring house is not provided

Unrelated parcel.
Tax Map Number not listed in application documents

North is not oriented to top of page to match the site location map in upper left corner

Submitted March 11, 2019
Resubmitted June 6, 2019

Neighboring house is not provided

Engineer's stamp is not provided

DRAWING INDEX
1 OF 10 COVER SHEET
2 OF 10 EXISTING PHOTOGRAPH
3 OF 10 SITE PLAN OAK HILL 1
4 OF 10 SITE PLAN OAK HILL 2
5 OF 10 SITE PLAN ACCESS ROADS
6 OF 10 EXISTING & REMOVED CENTRAL PLANT OAK HILL 1
7 OF 10 EXISTING & REMOVED CENTRAL PLANT OAK HILL 2
8 OF 10 EXISTING & REMOVED CENTRAL PLANT ACCESS ROADS
9 OF 10 SITE DETAILS
10 OF 10 DETAILS BY OTHERS

Project property line for tax id parcel 74.00-2-5 is shown in yellow

Scale is not provided

SITE STATISTICS	
EXISTING ZONING	AGRICULTURAL AND RESIDENTIAL (R-10)
PARCELS AREA	26.29 AC
LOT 1	26.29 AC
LOT 2	26.29 AC
PROPOSED SOLAR FIELD RETENTION	
FRONT	OAK HILL 1: 100 FT OAK HILL 2: 100 FT
BACK	OAK HILL 1: 100 FT OAK HILL 2: 100 FT
NEAR	OAK HILL 1: 100 FT OAK HILL 2: 100 FT
ACCESS ROAD LENGTH	16,740 FT
SCHOOL DISTRICT	DUANESBURG CENTRAL
FIRE DISTRICT	GUARDER ST. FIRE DEPARTMENT
OAK HILL SOLAR 1 PROPOSED COVERAGE	26.29 ACRES FENCED AREA
OAK HILL SOLAR 2 PROPOSED COVERAGE	26.29 ACRES FENCED AREA
PROPOSED RETENTION	
ACCESS ROAD	16,740 FT
WETLAND	66.04 AC (2,064 SF)

FREEDOM OF INFORMATION:
The first time this document was provided from the Town of Duanesburg to Bruning was April 18, 2022.
Photographed at town hall with planning clerk.

Site Plan omits September 5, 2019 Sheet 11, Landscaping Plan.

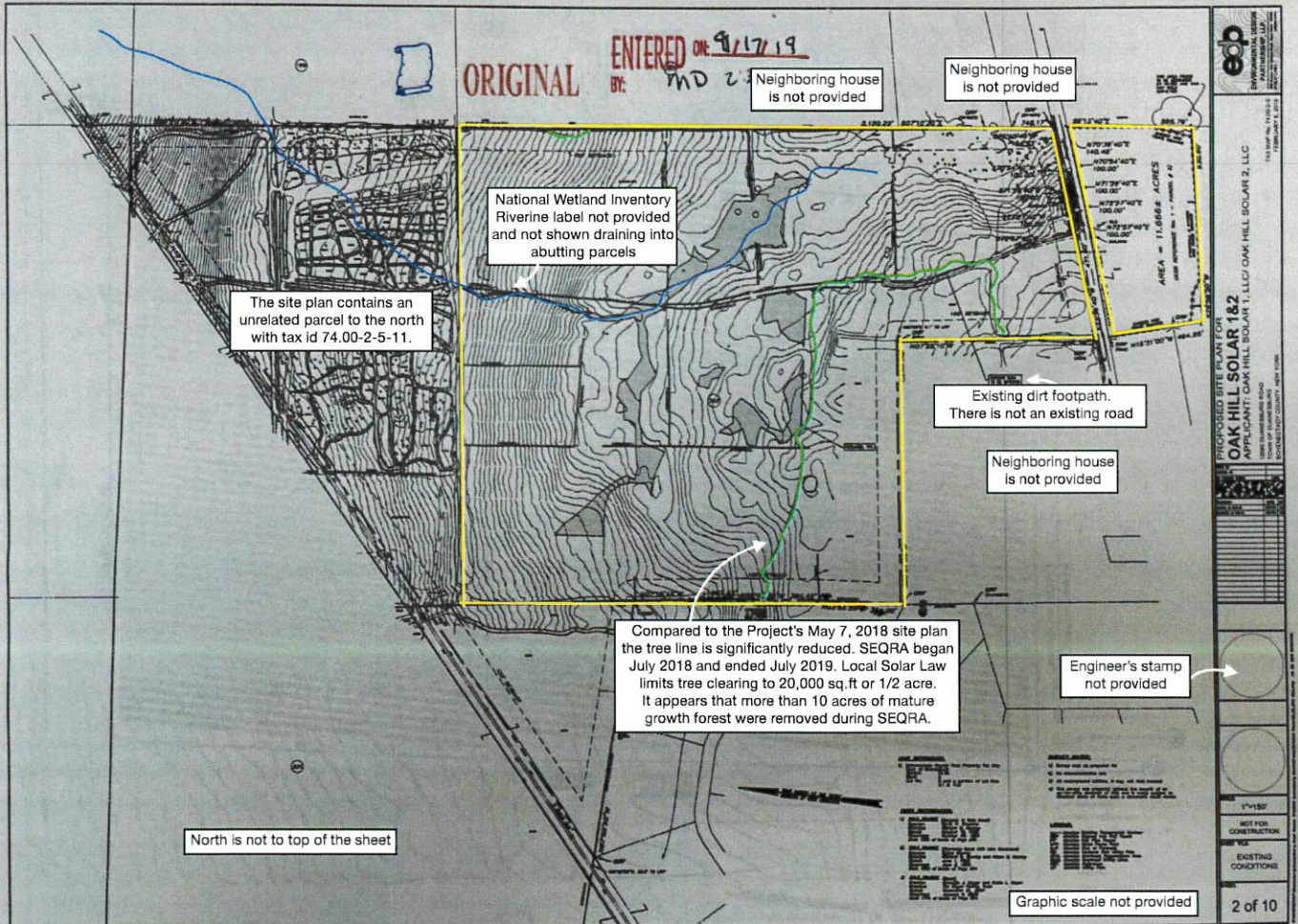
Tax Map No. 74.00-2-5

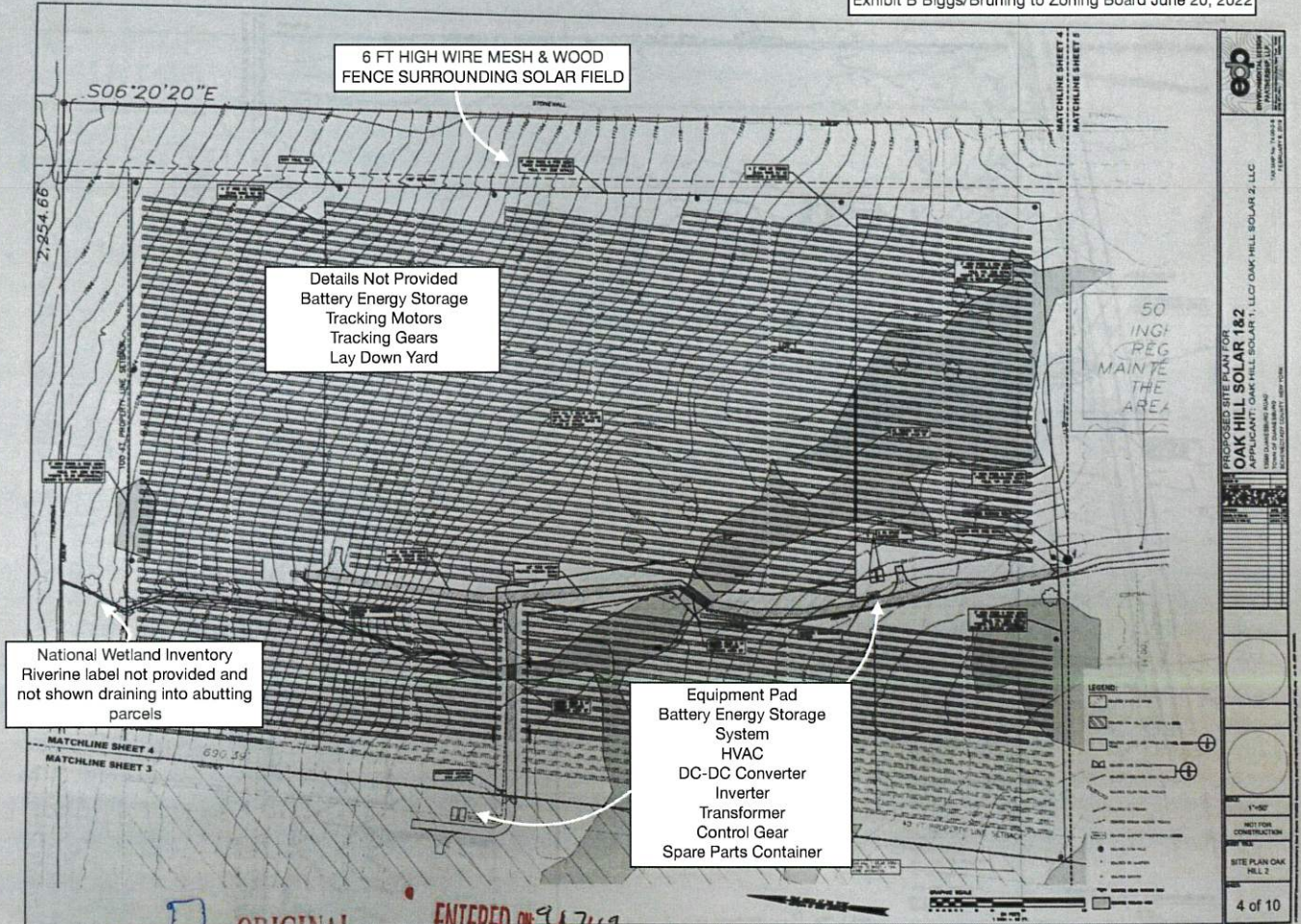
PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
APPLICANT: OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC
TOWN OF DUANESBURG, SCHENECTADY COUNTY, NEW YORK

PLANS PREPARED BY:
eop ENVIRONMENTAL DESIGN PARTNERSHIP LLP
1 of 10

Image is not centered on the page

Exhibit B Biggs/Bruning to Zoning Board June 20, 2022

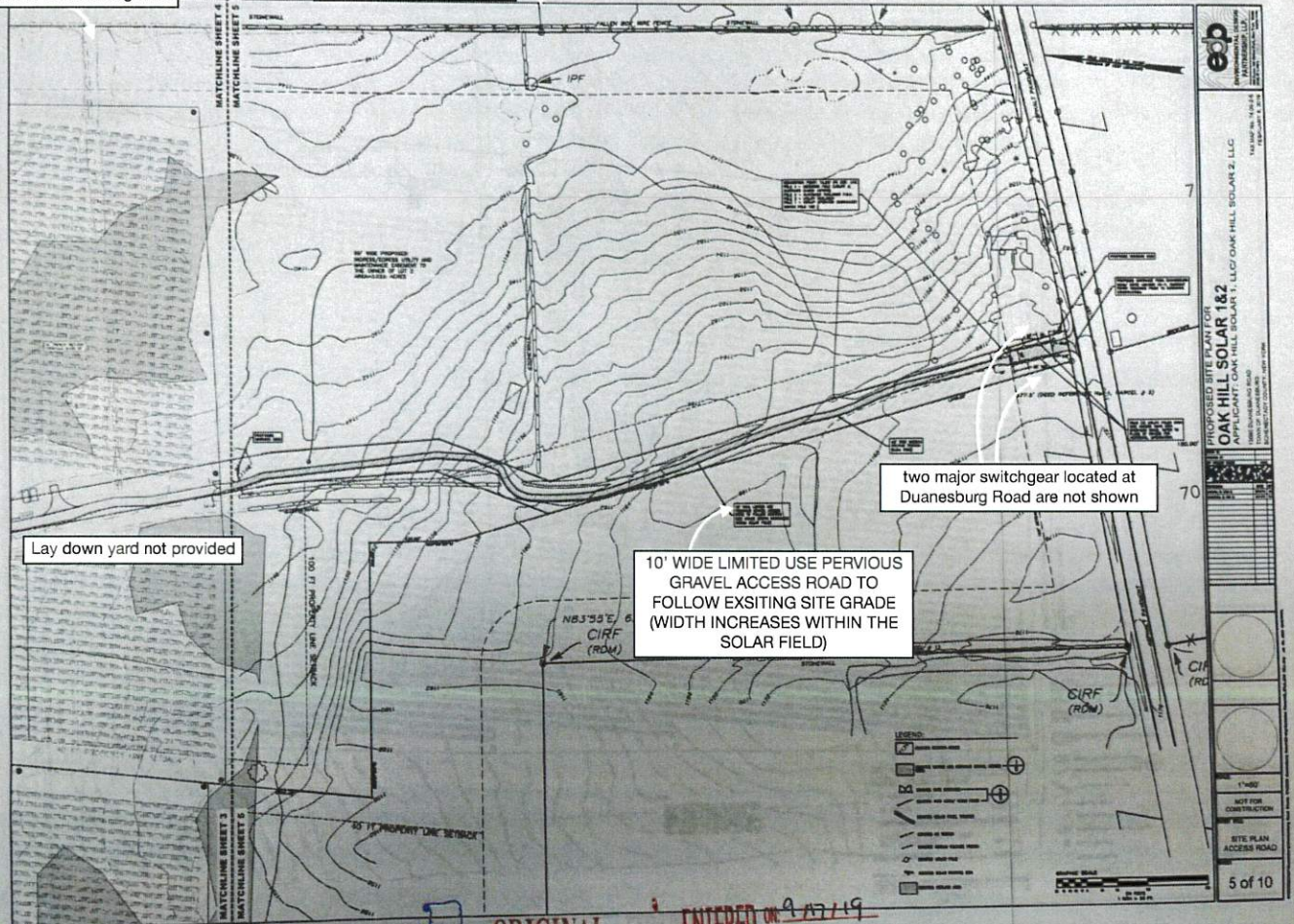




ORIGINAL

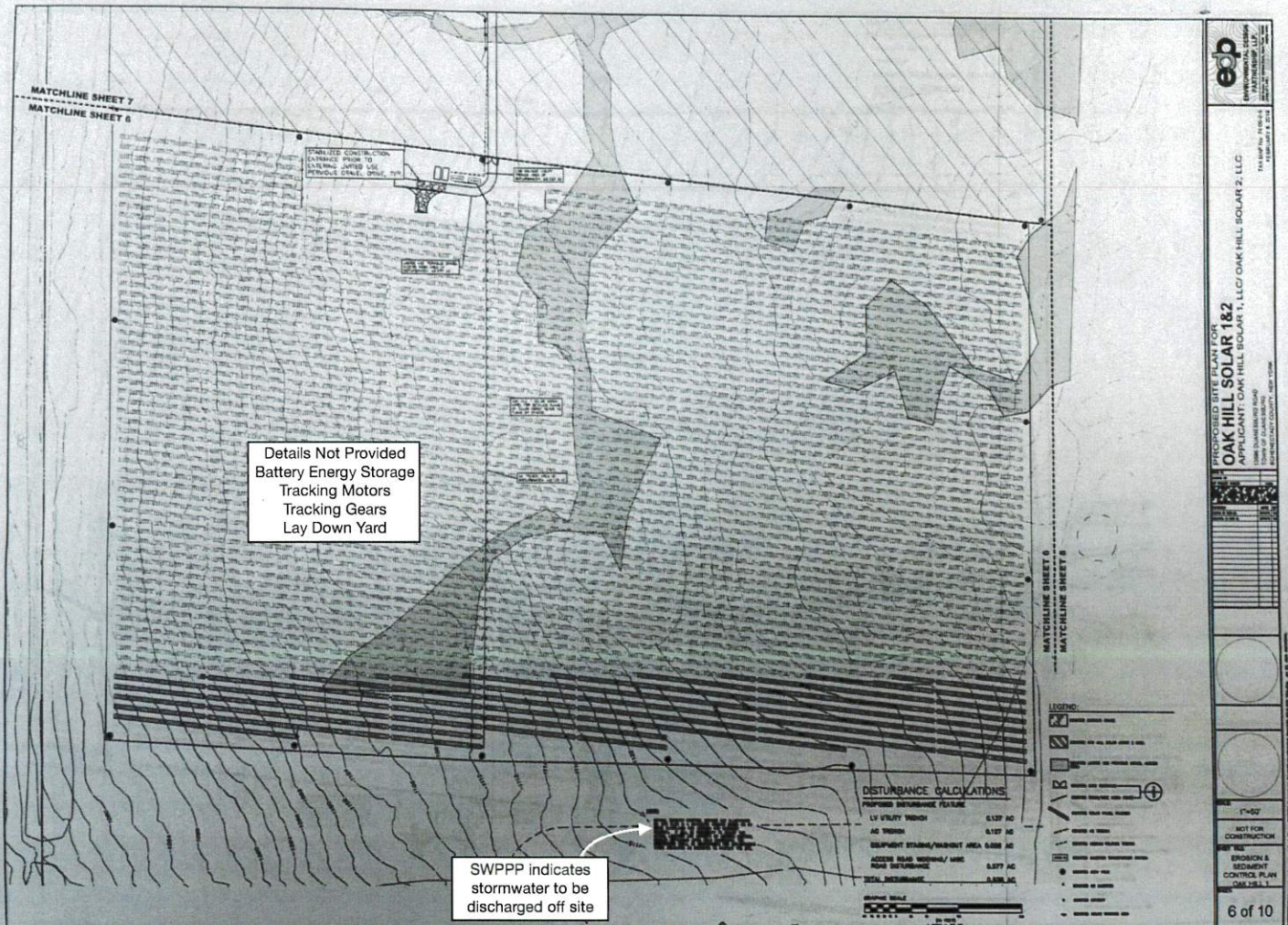
ENTERED ON 9/17/19
BY: MD 2-2

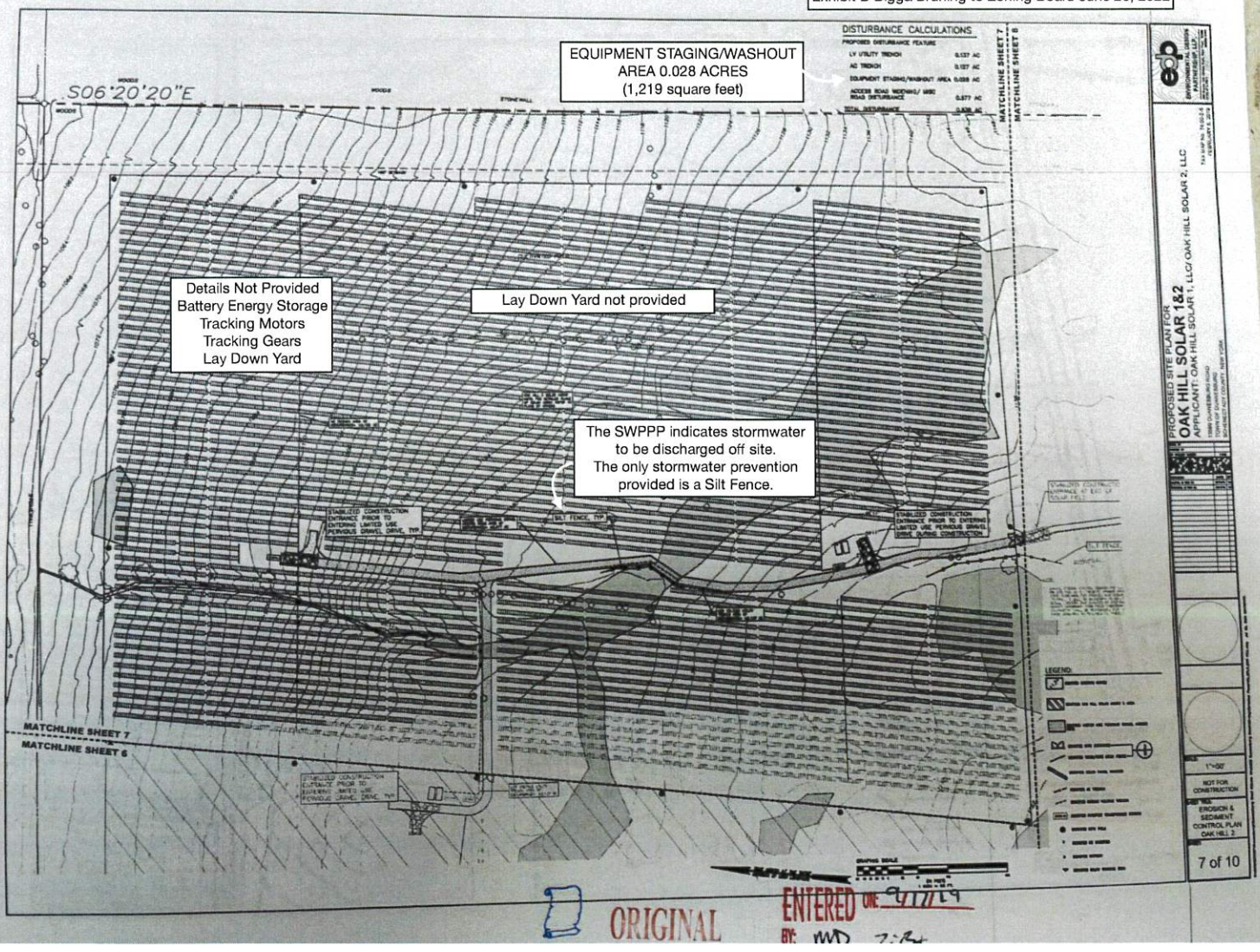
300'
north of Duanesburg Road



ORIGINAL

ENTERED ON: 9/17/19
BY: MD 2:30



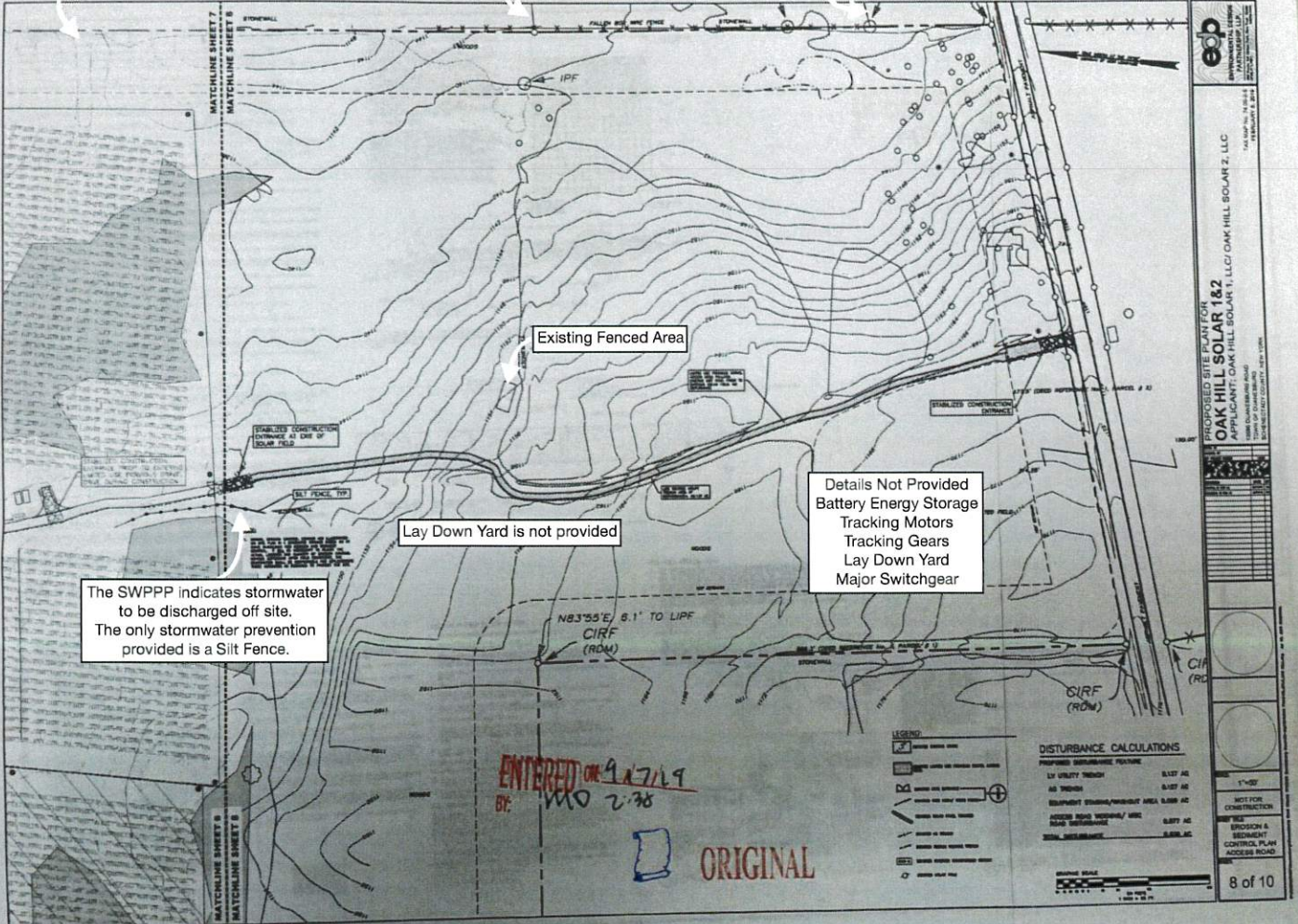


ORIGINAL
ENTERED ON 9/17/19
BY: WD 7:2

1,500'
north of Duaneburg Road

800'
north of Duaneburg Road

300'
north of Duaneburg Road

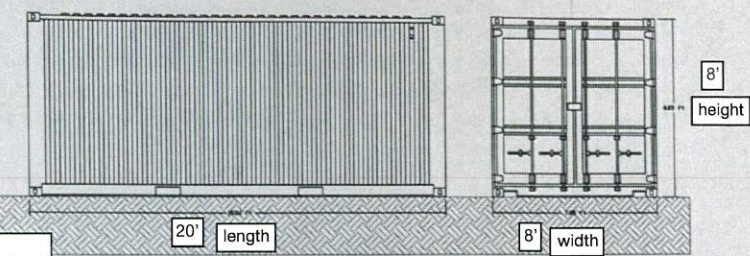
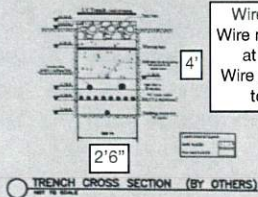


Electrical drawings not provided

Exhibit B Biggs/Bruning to Zoning Board June 20, 2022

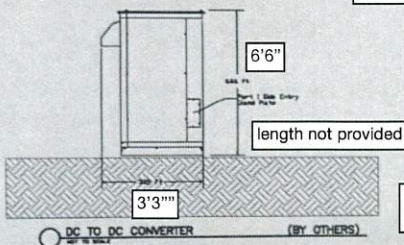
Tracking panel system drawings not provided

Wire is not in conduit.
Wire may not be removed
at decommissioning.
Wire coatings are known
to contain PFAS.



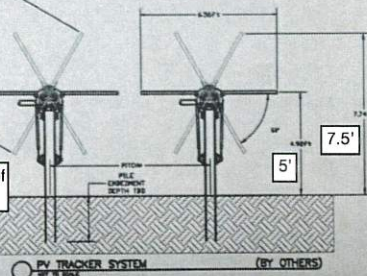
symbol for dirt
equipment pad not provided

SPARE PART CONTAINER (BY OTHERS)



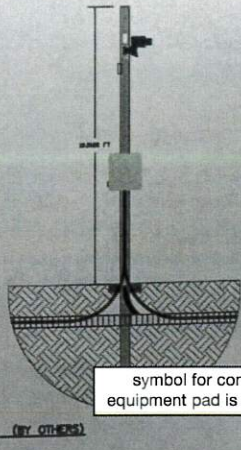
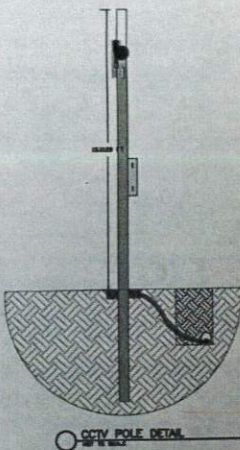
Module Length
is not provided

distance between rows of
panels is not provided



ENTERED ON: 9/12/19
BY: MD 2:38

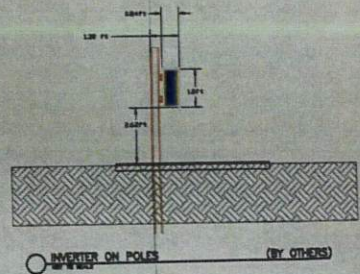
DETAILS NOT PROVIDED
Battery Energy Storage
Equipment Pads
HVAC
Control Gear
Switchgear
Tracking Motor
Tracking Gear Assembly
Tracking Wiring Harness



symbol for concrete
equipment pad is provided

length not provided

TRANSFORMER STATION (BY OTHERS)

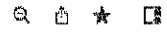


epi
PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
APPLICANT: OAK HILL SOLAR 1, LLC/OAK HILL SOLAR 2, LLC
10000 N. 100th St., Suite 100
Eden Prairie, MN 55324
2022.06.20
10 of 10

N.T.S.
NOT FOR
CONSTRUCTION
DETAILS BY
OTHERS

June 23, 2022 Bruning to Town Board

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Oak Hill 1&2 amendment package



Name	Updated ↓	Size	⌵ ⌶	Details
Site Plans	Apr 18, 2022 by Bill Pedersen	15 Files		Folder Properties
SWPPP	Apr 8, 2022 by Bill Pedersen	10 Files		Owner Bill Pedersen
DEC	Mar 21, 2022 by Bill Pedersen	1 File		Created Sep 13, 2021, 7:12 PM
Letters	Mar 20, 2022 by Bill Pedersen	25 Files		Modified Apr 18, 2022, 9:36 AM
Prime AE Review Specific Documents	Mar 19, 2022 by Bill Pedersen	12 Files		Size 1.9 GB
Decom	Mar 16, 2022 by Bill Pedersen	11 Files		
project analysis	Mar 7, 2022 by Bill Pedersen	6 Files		
EAF	Mar 2, 2022 by Bill Pedersen	8 Files		
Battery Information	Feb 19, 2021 by Bill Pedersen	10 Files		
DC-DC Converter Cut Sheet	Oct 16, 2021 by Bill Pedersen	1 File		
Presentations	Sep 17, 2021 by Bill Pedersen	3 Files		
Module Information	Sep 13, 2021 by Bill Pedersen	1 File		
2022-03-14_Oak Hill Application Document Iterations.docx	Mar 14, 2022 by Bill Pedersen	21.7 KB		
2021-07-22_Oak Hill 12_Special Use Permit Amendment and ADS_Town of Duanesburg_ID.pdf	Oct 5, 2021 by Bill Pedersen	1.1 MB		
2021-07-22_Ag Data Statement.pdf	Sep 13, 2021 by Bill Pedersen	371.8 KB		

Amp Drop Box
Screenshot captured June 23, 2022

June 23, 2022 Bruning to Town Board

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Oak Hill 1&2 amendment package > Site Plans

11 Files

Name	Updated ↓	Size	Details
Individual Updated Sheets	Apr 18, 2022 by Bill Pedersen	5 Files	<div>Folder Properties</div> <div>Owner: Bill Pedersen</div> <div>Created: Sep 13, 2021, 7:19 PM</div> <div>Modified: Apr 18, 2022, 9:36 AM</div> <div>Size: 621.6 MB</div>
 20220328 OAK HILL IFC PLANS-REV.pdf	Apr 8, 2022 by Bill Pedersen	76.1 MB	
 20220328 OAK HILL IFC PLANS.pdf	Mar 30, 2022 by Bill Pedersen	49.3 MB	
 20220117 OAK HILL IFC PLAN SET.pdf	Mar 14, 2022 by Bill Pedersen	12.5 MB	
 20220307 Oak Hill IFC Plans Stamped Signed.pdf	Mar 7, 2022 by Bill Pedersen	60.7 MB	
 20220216 OAK HILL 1 & 2 IFC PLANS.pdf	Feb 22, 2022 by Bill Pedersen	43.1 MB	
 20220106 OAK HILL IFC PLAN SET.pdf	Jan 6, 2022 by Bill Pedersen	73.3 MB	
 20211123 OAK HILL IFC PLAN SET.pdf	Nov 25, 2021 by Bill Pedersen	46.2 MB	
 20211112 OAK HILL IFC PLAN SET.pdf	Nov 12, 2021 by Bill Pedersen	44.9 MB	
 20211001-OAK HILL IFC PLAN SET.pdf	Oct 1, 2021 by Bill Pedersen	51.3 MB	
 20210621 OAK HILL IFC PLANS STAMPED.pdf	Sep 13, 2021 by Bill Pedersen	75.2 MB	
 20210827-OAK HILL IFC PLAN SET.pdf	Sep 14, 2021 by Bill Pedersen	42.4 MB	

Site Plan Folder
Amp Drop Box
Screenshot captured June 23, 2022