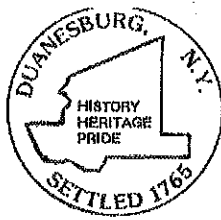


William Wenzel, Town Supervisor
Dale Warner, Deputy Supervisor
Jennifer Howe, Town Clerk
Carol Sowycz, Deputy Town Clerk



Michael Santulli, Council Member
Dianne Grant, Council Member
Andrew Lucks, Council Member
Nicholas Passonno, Council Member

5853 Western Turnpike
Duanesburg, New York 12056

Town of Duanesburg

Schenectady County

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

Thursday, April 25, 2024

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

Topic: Town of Duanesburg's Town Board Meeting

Time: 7:00 p.m.

Join Zoom Meeting

Meeting ID: 876 4871 2409

Passcode: 925936

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

Town Board Meeting Agenda

Meeting Time: 7:00PM

Call to Order
Pledge of Allegiance
Prayer/Moment of Reflection

Approval of minutes for: Town Board Meeting on Thursday March 28, 2024

Supervisor's Report
Payment of Claims

Committee Reports

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

Business Meeting:

- 1. Motion to appoint Carol Hallenbeck to the Board of Assessment Review.**
- 2. Motion to approve Bryans & Gramuglia CPAs, LLC to undertake the LOSAP audit.**
- 3. Motion to adopt Local Law No. 2 of 2024 entitled, "Moratorium on Utility Scale Battery Energy Storage Systems in the town of Duanesburg".**

4. **Motion to adopt Local Law No. 3 of 2024 entitled, “Amendments to Solar Energy Facilities Law in the Town of Duanesburg”.**
5. **Motion to adopt Local Loaw No. 4 of 2024 for the Town of Duanesburg entitled, “Moratorium on Wind Energy Facilities in the Town of Duanesburg”.**

Privilege of the Floor:

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

Monthly Statement of the Town Supervisor

TO THE TOWN BOARD OF THE TOWN OF DUANESBURG, NEW YORK

Pursuant to Section 119 of Town Law, I hereby render the following statement of all money received and disbursed by this office during the month of MARCH 2024

Revenues

Fund	Amount
General Fund	\$42,875.92
Highway Fund	\$925.74
Fire District	\$0.00
Lighting District #1	\$0.00
Lighting District #2	\$0.00
Lighting District #3	\$0.00
Drainage	\$0.00
Sewer District #1	\$8.04
Sewer District #2	\$27,411.99
Sewer District #3	\$12.09
Total	<u>\$ 71,233.78</u>

Disbursements

General Fund	\$106,740.72
Highway Fund	\$45,639.09
Fire District	\$218,278.00
Lighting District #1	\$511.40
Lighting District #2	\$966.30
Lighting District #3	\$439.76
Drainage	\$0.00
Sewer District #1	\$13,093.09
Sewer District #2	\$30,266.46
Sewer District #3	\$4,879.67
Total	<u>\$ 420,814.49</u>

RESOLUTION OF THE TOWN BOARD

RESOLUTION NO. -2024

April 25, 2024

WHEREAS, The Town of Duanesburg currently has a Board of Assessment Review with four appointed members, John Buehler, Russ Maher, Dave Moran and Charles Leoni, but the Town Board may appoint between three and five members to the Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED, the Town Board appoints Carol Hallenbeck as a Board of Assessment Review Member for a five-year term expiring on September 30, 2028.

By unanimous vote of the Town Board of the Town of Duanesburg at its regular meeting of April 25, 2024.

William Wenzel, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

William Wenzel	Yea	Nay	Abstain
Michael Santulli	Yea	Nay	Abstain
Nicholas Passonno	Yea	Nay	Abstain
Dianne Grant	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. _____-2024

April 25, 2024

WHEREAS, the Town of Duanesburg sought a qualified professional services consultant to undertake the LOSAP audit in connection with the Mariaville Volunteer Fire Company that provides fire services in the Town’s Fire Protection District No. 2;

WHEREAS, the Town wishes to enter into a Professional Service Agreement (the “Agreement”) with a Certified Professional Accountant (“CPA”), Bryans & Gramuglia CPAs, LLC (the “CPA”) for professional auditing and services to the Town to prepare the required LOSAP audit in accordance with the standards set forth by the NYS Office of State Comptroller; and

WHEREAS, the Town received and reviewed the attached proposal from the CPA, finding the terms favorable;

WHEREAS, the Town Board has determined that the Agreement is a professional services agreement not subject to competitive bidding in accordance with General Municipal Law §104-b and the Town Procurement Policy §7 (a);

WHEREAS, the Town followed its procurement policy by seeking three or more proposals from qualified CPA’s to undertake the LOSAP audit; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves of the firm Bryans & Gramuglia CPAs, LLC as an approved vendor and authorizes the Town Supervisor to sign the attached engagement letter under the terms therein including the option to have the CPA undertake the LOSAP audits as a fixed fee up to and including the LOSAP audit for fiscal year 2027.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its meeting on April 25, 2024.

William Wenzel, Supervisor

Town Clerk/Deputy Town Clerk

Present:
Absent:

Town Board Members:

Dianne Grant	Yea	Nay	Abstain
Michael Santulli	Yea	Nay	Abstain
Nicholas Passonno	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain



BRYANS & GRAMUGLIA
CPAs, LLC

August 22, 2023

Town of Duanesburg Fire Protection District No. 2 Service Award Program
Attn: Carmella Cervera

Dear Carmie and Board Members:


We would like to thank you for affording us the opportunity to propose on the audit of Town of Duanesburg Fire Protection District No. 2 Service Award Program for the year ended December 31, 2022.

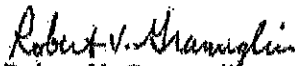
The partners at Bryans & Gramuglia CPAs, LLC have over sixty-two years of combined experience auditing not-for-profit and governmental entities under *Government Auditing Standards*, and have developed audit relationships with numerous fire districts, companies and departments over their careers. We will continue to devote significant resources to this practice area and believe that our commitment to staffing engagements with an experienced partner in the field will continue to result in a timely product and less disruption to your staff's normal routines.

If you would like to meet with us prior to making your final decision or have any questions related to the content of our proposal, please do not hesitate to call John P. Bryans or Robert V. Gramuglia at (518) 452-8055.

We appreciate your consideration of our proposal and look forward to the possibility of developing a long-term relationship with Town of Duanesburg Fire Protection District No. 2 Service Award Program.

Sincerely,


John P. Bryans, CPA
Partner


Robert V. Gramuglia
Partner

**Town of Duanesburg Fire Protection
District No. 2 Service Award Program**

**Proposal for Audit Services
December 31, 2022**



BRYANS & GRAMUGLIA
CPAs, LLC

Town of Duaneburg Fire Protection District No. 2
Service Award Program
Proposal for Audit Services
December 31, 2022

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SERVICES TO BE PROVIDED

Audit Services – Financial Statements

Bryans & Gramuglia CPAs, LLC will audit the financial statements of Town of Duanesburg Fire Protection District No. 2 Service Award Program (the District), which comprise the statement of net assets available for benefits as of and for the year ending December 31, 2022, and the related statement of changes in net assets available for benefits for the year then ended, and the related notes to the financial statements.

We will conduct this audit in accordance with auditing standards generally accepted in the United States of America. This proposal *does not* contemplate performance of an audit under the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States or the requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (the Uniform Guidance).

The financial statements are the responsibility of the District's management. Our responsibility is to express an opinion on the financial statements based on our audit. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates used by management and evaluating the overall financial statement presentation.

At the conclusion of our audit, we will submit to you a report containing our opinion as to whether the financial statements, taken as a whole, is fairly presented based on accounting principles generally accepted in the United States of America.

The report we will issue will be intended solely for the information and use of management, the Board Members, others within the organization, and the Office of the State Comptroller. The report issued will not be intended for and should not be used by anyone other than these specified persons.

As part of our audit, we will obtain an understanding of Town of Duanesburg Fire Protection District No. 2 Service Award Program's internal controls to plan the audit and to determine the nature, timing, and extent of auditing procedures necessary for expressing our opinion concerning the financial statements. Our audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses in the internal controls. However, we will inform the Board Members or other Officers of any matters that come to our attention involving internal control and its operation that we consider significant deficiencies or material weaknesses. If appropriate, we will also communicate to the Board Members or other Officers, any suggestions as to how internal control or operating efficiencies can be improved. We will attend a Board meeting at a mutually agreeable date to present the financial statements and required auditor communications.

SERVICES TO BE PROVIDED (Continued)

Audit Services – Financial Statements (continued)

We will design our audit to provide reasonable assurance of detecting errors or fraud that would have a material effect on the financial statements. Our work will be based primarily upon selected tests of evidence supporting the amounts and disclosures in the financial statements and, therefore will not include a detailed examination of all District transactions for the year audited.

Accounting Services and Management Advisory Services

We will consult with the Board Members or the management of Town of Duanesburg Fire Protection District No. 2 Service Award Program during the year, whenever assistance is needed with accounting, compliance or operational issues.

AUDIT APPROACH AND ENGAGEMENT TIMELINE

Audit Approach

Upon notification by Town of Duanesburg Fire Protection District No. 2 Service Award Program (the District), Bryans & Gramuglia CPAs, LLC would begin the December 31, 2022 audit by providing a letter template that can be used by Town of Duanesburg Fire Protection District No. 2 Service Award Program to notify its former auditor, if applicable, that it has hired our firm to perform this year's audit. We would then correspond with the predecessor auditor in accordance with professional standards to make our final determination as to whether we can accept the engagement. Our communications would include reviewing the predecessor's audit documentation. After formal acceptance, we would issue an engagement letter that would formalize the terms and conditions of our services.

The key attributes needed from your successor auditor for a smooth transition are communication and industry experience. John P. Bryans and Robert V. Gramuglia have transitioned numerous clients during their sixty-two years of experience with not-for-profit and governmental organizations. Bryans & Gramuglia CPAs, LLC possesses the experience to minimize the complexities created by switching auditors. We encourage you to contact any of our firm's clients to comment on the process we have developed.

Bryans & Gramuglia CPAs, LLC would ask you to prepare for our fieldwork by reviewing the items requested in our Client Assistance Listing. The items requested in our listing are items that your organization has provided to its past auditors. We will strive to utilize computerized or other schedules that are already prepared by your District's personnel in its internal year-end closing process.

Once the requested items are ready for our audit, we would schedule a date to perform fieldwork. We would staff our fieldwork for the December 31, 2022 audit with John P. Bryans, CPA, a professional with thirty-four years of experience servicing all types of not-for-profit and governmental entities or Robert V. Gramuglia, a CPA with over twenty-eight years of experience serving these types of entities. Our audit procedures would be performed at your offices and would consist of interviewing Town of Duanesburg Fire Protection District No. 2 Service Award Program personnel and documenting our understanding of the internal controls of the District, reviewing transactions and selecting our test samples, and preparing confirmation letters to your vendors, banks and attorneys as considered necessary. We would also perform preliminary analytical review procedures on the financial information to assist us in tailoring our audit approach and to help us provide the most effective and efficient audit possible.

AUDIT APPROACH AND ENGAGEMENT TIMELINE **(Continued)**

Audit Approach (continued)

The Firm's audit approach is typically one that documents, tests and understands the significant operations of the entity. This approach helps us to better identify the intricacies of the organization's processes and provides us with an opportunity to assess the effectiveness of the current policies, procedures and processes. We will compare the District's system to accepted internal control system models and systems that we have observed at other fire district clients. Our "partner in the field" concept will provide the experience to recognize and evaluate the process and where applicable, recommend a more effective or efficient method. Our recommendations would be the direct result of these comparisons. We would report our findings and recommendations in a letter to management or the Board Members.

Fieldwork would also consist of completing the transaction tests and our inquiries of personnel, and the documentation of our other audit procedures, results and conclusions. We would prepare the financial statements and auditor communications, including the recommendations letter, and would conduct an exit conference with representatives of the Board to discuss the results of our audit.

At our offices, final reviews will be performed of our audit documentation, financial statements, and other reports, while management reviews and approves the draft financial statements and auditors' communications. Upon notification of management approval, we will finalize the reports and issue the reports according to the timeline detailed below.

After the financial statements have been finalized, if requested, we will schedule a meeting with the Board Members to review the financial statements and the auditors' communications on a mutually agreeable date.

Engagement Timeline-December 31, 2022 Audit

Bryans & Gramuglia CPAs, LLC would propose and commit to the following timeline for the completion of the engagement for the years ended December 31, 2022:

- By October 1, 2023 – Issuance of our Client Assistance Listing
- November 2023 – Three to Five Days of Final Fieldwork at Your Offices, As Scheduled, and Issuance of Draft Financial Statements by December 15, 2023
- By January 15, 2024 – Issuance of Final Financial Statements and Auditors' Communications
- If Requested – Presentation to the Board of Fire Members – As Scheduled

AUDIT APPROACH AND ENGAGEMENT TIMELINE **(Continued)**

Engagement Timelines

If the timelines proposed above do not meet your desired timeframes, we will meet with you and develop a plan that does meet your objectives.

In order to assist us in meeting your reporting deadline and our estimated fee, we will develop a detailed timeline to document the planned completion dates and to help keep the engagement on schedule. We take deadlines very seriously and will assist your District in meeting any imposed submission deadlines.

It is assumed that Town of Duanesburg Fire Protection District No. 2 Service Award Program personnel will provide to us, all records, documentation, and information we request in our Client Assistance Letter. We also expect that all material information will be disclosed to us, and that we will have the full cooperation of District personnel and unrestricted access to Town of Duanesburg Fire Protection District No. 2 Service Award Program personnel during the course of the engagement.

EXPERIENCE AND RESOURCES

Experience

Bryans & Gramuglia CPAs, LLC (the Firm) has over sixty-two years of accounting and auditing experience servicing not-for-profits and governmental type entities and employee benefit plans. The Firm offers an unmatched level of professional service including the following:

- Providing a partner in the field who is responsible for and directly involved in managing and completing the engagement. This will provide you and your organization with better communication and immediate decision-making ability in the field, increasing the effectiveness of the engagements and assisting in the timely delivery of the financial statements.
- We offer professionals who work exclusively with entities that are similar to yours and who will develop an in depth understanding of Town of Duanesburg Fire Protection District No. 2 Service Award Program's operations and internal control systems, creating a cohesive and mutually rewarding relationship between Town of Duanesburg Fire Protection District No. 2 Service Award Program and the Firm. All staff working on your engagement will meet the relevant continuing professional education requirements of our profession.

Staff continuity is important for audit effectiveness and efficiency. Your organization will have direct access to both partners of the firm and an associate experienced in fire district auditing will be assigned to your engagement permanently. We are extremely diligent in scheduling our engagements and maintaining staffing consistency. Please call our references to discuss our commitment in this area.

- A commitment from the Firm to invest in technology that enhances audit efficiencies and creates a competitive pricing structure for our engagements. The Firm uses Thomson Reuters Checkpoint Engage cloud-based audit practice aids and research guides to stay apprised of updates to accounting and auditing standards and changes in compliance regulations and audit requirements. The availability of these tools will ensure that our audit services are performed in compliance with the Firm's quality control system and will be performed in accordance with professional standards.

Licensing, Professional Status and Independence

The Firm, Bryans & Gramuglia CPAs, LLC, and its partners John P. Bryans, CPA and Robert V. Gramuglia, CPA are not the subject of any litigation or professional disciplinary action. Therefore, there are no impediments to its ability to perform the scope of the proposed engagement. The Firm, its partners and staff are also independent of Town of Duanesburg Fire Protection District No. 2 Service Award Program based on the standards established by the American Institute of Certified Public Accountants and *Government Auditing Standards*. The Firm has not undergone any federal or state desk reviews of its audits over the last three years.

EXPERIENCE AND RESOURCES (Continued)

Peer Review

A peer review is required every three years in New York State. Our external peer review letter for the year ended June 30, 2020 accompanies this proposal. The pass rating (without deficiencies) evidences our commitment to a quality auditing practice.

Workpaper Retention

Pursuant to authority given by law or regulation, we may be requested to make certain confidential audit documentation available to the New York State Office of the State Comptroller or successor auditors. We will notify you of any such request and access will be provided under the supervision of Bryans & Gramuglia CPAs, LLC personnel. The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period directly requested by regulatory agencies. You acknowledge and agree that upon the expiration of the seven-year period, Bryans & Gramuglia CPAs, LLC shall be free to destroy our records related to this engagement.

PERTINENT FIRM CLIENTS

Fire Districts, Fire Companies and Related Support Organizations:

Alplaus Fire District
Altamont Volunteer Firemens Association, Inc.
Association of Fire Districts of the State of New York
Ausable-Chesterfield-Keeseville Joint Fire District
Au Sable Forks Fire District
Averill Park-Sand Lake Fire District #2
Berlin Fire District
Beukendahl Fire District
Boght Community Fire District
Bolton Fire District
Burnt Hills Fire District
Champlain Fire District
Charlton Fire District
Clifton Park-Halfmoon Fire District #1
Coeymans Fire District
Congers Fire District
East Glenville Fire District #3
Fire District No. 1, Town of East Greenbush
Glenville Fire District #7
Glenville Hill No. 8 Fire District
Good Will Fire District
Greenfield Fire District
Halfmoon Fire District No. 1
High Falls Fire District
Hoags Corners Fire District
Jonesville Fire District
Malta Ridge Volunteer Fire Company, Inc.
Midway Fire District
Milton Fire District No. 1
Niskayuna Fire District No. 2
New Baltimore Fire District
North Greenbush Fire District No. 1
Northumberland Fire District #1
Peru Fire District
Pottersville Fire District
Quaker Springs Fire District
Rexford Fire District
Rotterdam Fire District #3
Rotterdam-Princetown Fire District #5
Salisbury Mills Fire District
Schuyler Heights Fire District
Schroon Lake Fire District

PERTINENT FIRM CLIENTS (continued)

Fire Districts, Fire Companies and Related Support Organizations:

Selkirk Fire District
Stanford Heights Fire District
S.W. Pitts Hose Company of Latham, New York, Inc.
Town of Rotterdam Fire District No. 6
Verdoy Fire District
Vischer Ferry Fire District
Vischer Ferry Volunteer Fire Department
Walden Fire District
Warrensburg Fire District
West Albany Fire District
West Crescent Fire District
Woodstock Fire District

Local Development Corporations:

Glenville Local Development Corporation
Valatie Local Development Corporation

Not-for-Profit Agencies Serving the Developmentally Disabled and Mentally Ill:

Arc of Volusia, Inc.
Allegany Regional Development Corporation
Allegany Rehabilitation Associates
Cattaraugus Rehabilitation Center, Inc., and 2 related HUD real estate holding companies
Community Living & Advocacy Supports, Inc.
Elmwood Health Center, Inc. (People Inc.)
Mental Health Association of Ulster County
New Choices Recovery Center
New York Alliance for Inclusion & Innovation and Affiliate
NYSARC, Inc., Broome-Tioga-Chenango Counties Chapter and real estate holding companies
NYSARC, Inc., Allegany-Steuben Counties Chapter
NYSARC, Inc., Cattaraugus-Niagara Counties Chapter
Chautauqua County Chapter of NYSARC, Inc., dba The Resource Center and Affiliates
New York Association of Psychiatric Rehabilitation Services, Inc.
People Inc. and 20 related HUD real estate holding companies
People Certified Home Health, Inc. (People Inc.)
Project Independence, Inc.
Southern Tier Independence Center, Inc.
Southern Tier Connect, LLC
Springbrook NY, Inc.
Support-Link, Inc.

PERTINENT FIRM CLIENTS (continued)

Not-for-Profit Independent Living Centers and Nursing Homes:

Corning Council for Assistance in Independent Living (AIM)
People Licensed Home Health, Inc. (People Inc.)
Southern Adirondack Independent Living
Southern Tier Independence Center, Inc.
Wells Nursing Home, Inc.

Other Not-for Profit Organizations:

Albany Housing Coalition, Inc.
Association of New York State Chiefs of Police, Inc.
Association of Community Living Agencies in Mental Health
Canajoharie Library & Art Gallery
Carey Institute for the Global Good, Inc. and Affiliates
East Greenbush Community Library
Food Pantries of the Capital District
Foothills Performing Arts Center, Inc.
Heart and Hands: Faith in Action, Inc.
The Institute for Human Services, Inc.
LifePath, Inc. (formerly Senior Services of Albany, Inc.)
New York State Council for Community Behavioral Healthcare, Inc.
New York State Council of School Superintendents and Affiliates
Northeastern Association of the Blind at Albany, Inc. and Affiliate
Parent to Parent of the State of New York
RCS Community Library
Rensselaerville Library
South End Improvement Corp.
Stephentown Library
Tech Valley Center of Gravity, Inc.

REFERENCES

Please feel free to contact the following individuals to comment on our ability to provide quality and timely services to your District.

Cheryl Cahill, Treasurer
West Albany Fire District
120 Sand Creek Road
Albany, NY 12205
(518) 856-5279

Jeff Donofrio, Treasurer
Rotterdam Fire District No. 6
6 Old Mariaville Road
Schenectady, NY 12306
(518) 377-8577

Jeffrey Prescott, Treasurer
East Glensville Fire District
433 Saratoga Road
Schenectady, New York 12302
(518) 399-1641

Dale Graves, Commissioner
Glensville Fire District #7
5 Airport Road
Scotia, NY 12302
(518) 399-5621

Breann A. Parseghian, Treasurer/Secretary
Jonesville Fire District
953 Main Street
Clifton Park, New York 12065
(518) 877-8100

Joyce Petkus, District Administrator/Treasurer
Greenfield Fire District
P.O Box 103
Greenfield Center, New York 12833
518-893-0723 x 1

November 16, 2020

To the Partners of Bryans & Gramuglia CPAs, LLC and the Peer Review Committee of the Pennsylvania Institute of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Bryans & Gramuglia CPAs, LLC (the firm) in effect for the year ended June 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under Government Auditing Standards, including a compliance audit under the Single Audit; and audits of employee benefit plans. As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Bryans & Gramuglia CPAs, LLC in effect for the year ended June 30 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Bryans & Gramuglia CPAs, LLC has received a peer review rating of *pass*.

Sciarabba Walker & Co. LLP

Sciarabba Walker & Co., LLP
Ithaca, New York

RESUME - John P. Bryans, CPA

EMPLOYMENT

May 31, 2005 - present	Bryans & Gramuglia, CPAs, LLC Partner
January 1989 -- May 30, 2005	Marvin and Company, P.C. Manager
January 1987 -- June 1988	T.M. Byxbee Company Staff Accountant

EDUCATION

State University of New York at Oswego
BA in Accounting, 1986

C.P.A. CERTIFICATION

Date:	November 26, 1990	Date:	August 1, 2002
State:	New York	State:	Pennsylvania
Number:	064277	Number:	CAO43649

EXPERIENCE

John has over thirty-four years' experience in providing accounting, auditing and management advisory services. He has supervised audit and review engagements, analyzed internal controls and performed analytical reviews of operations for a variety of clients. John specializes in the not-for-profit health care industry helping clients manage all of their reporting requirements, including cost reporting to regulatory bodies, employee benefit plan filings and single audit filings in accordance with OMB Circular A-133. He has worked with a variety of not-for-profits including foundations, membership Foundations, museums, preschools, day care centers, Article 28 clinics, substance abuse centers, home health care Foundations, and agencies serving the physically and mentally challenged.

PROFESSIONAL ACTIVITIES

John has developed and lectured to certified public accountants, attorneys and not-for-profit management on a multitude of accounting and auditing and taxation topics as an instructor for Lorman Education Services seminars and for the Foundation for Accounting Education CPE program. John has been a frequent speaker at annual conferences in support of the training objectives of the Financial Management Association of Rehabilitation Facilities and the New York State Rehabilitation Association. He has penned several articles for various publications and newsletters.

OTHER ACTIVITIES

Member of the American Institute of Certified Public Accountants
Member of the New York State Society of Certified Public Accountants
Former Member of the Rensselaer County Regional Chamber of Commerce and its Member Benefits Committee
Past Member of the Community Foundation for the Capital Region Professional Advisory Committee
Former Trustee and Chairperson of the North Greenbush Common School District
Past Junior Achievement Instructor
Former Classic Lassie Girls' Softball Coach
Past Averill Park Youth Soccer League Coach
Former Twin Town Little League Baseball Coach
Former Brunswick Baseball Coach
Finance Ministry - St. Michael the Archangel

RESUME - Robert V. Gramuglia, CPA

EMPLOYMENT

May 31, 2005 - present	Bryans & Gramuglia, CPAs, LLC Partner
October 1997 - May 30, 2005	Marvin and Company, P.C. Manager
September 1993 - October 1997	Ernst and Young, NYC, NY Senior Auditor

EDUCATION

Siena College
BBA in Accounting, 1993

C.P.A. CERTIFICATION

Date: December 23, 1996
State: New York
Number: 077211

EXPERIENCE

Over twenty-eight years' experience in providing accounting, auditing and management advisory services. Bob has been responsible for planning, supervising and reviewing various audit engagements. Has experience in issuing various types of compilation and review reports for a variety of entities. Specializes his practice in the not-for-profit and healthcare industries and has experience working with small businesses. Bob has worked with a multitude of not-for-profits including skilled nursing facilities, HUD projects, day care centers, home health care licensed facilities, membership Foundations, government agencies, preschools, foundations and agencies serving the physically and mentally challenged. Bob has also worked with small businesses including private nursing homes, lumber companies and oil and gas retailers.

OTHER PROFESSIONAL ACTIVITIES

Bob has lectured at internal CPE sessions on a variety of topics. He has spoken at numerous conferences in support of the training objectives of the Financial Management Association of Rehabilitation Facilities. Bob also instructed financial managers of the New York Association of Homes and Services for the Aging (NYAHS), on how to prepare Medicaid cost reports. He has written numerous articles on a variety of topics for various newsletters.

OTHER ACTIVITIES

Member American Institute of Certified Public Accountants
Member New York State Society of Certified Public Accountants
Member and Former Treasurer of Glenville Rotary Club
Past Member of Finance Committee of Local Library in Schenectady
Former Burnt Hills Pop Warner Football Coach

FEES FOR SERVICES

Financial Statement Audit Services

Bryans & Gramuglia CPAs, LLC would charge \$10,500 for the audit of the financial statements for the year ended December 31, 2022. If, based on this proposal, we are chosen for a period exceeding December 31, 2022, we will charge the District \$10,500 for each year up to and including the fifth year, December 31, 2026.

Our competitive proposed fee represents our desire to work with your organization and continue building our significant presence within the fire district community. We believe that our thorough knowledge of fire districts gives us a distinct advantage in performing the services desired by your organization and in pricing these services competitively.

The fees quoted above include the out-of-pocket expenses incurred by the Firm. The fee is based on an estimate of 100 hours to perform the procedures required by your organization.

Your organization would be billed, and payment would be expected as the following engagement objectives are met:

- \$2,500 at the completion of planning, including our documentation of Town of Duanesburg Fire Protection District No. 2 Service Award Program's internal control, the preparation of the Client Assistance Listing, confirmations and attorney letters and completion of our preliminary transaction testing.
- \$3,500 at the completion of the final fieldwork procedures and \$3,500 upon the issuance of the draft financial statements of Town of Duanesburg Fire Protection District No. 2 Service Award Program.
- \$1,000 for the delivery of the final reports and financial statements of Town of Duanesburg Fire Protection District No. 2 Service Award Program.

This fee is based on the anticipated cooperation from your staff and the assumption that unexpected circumstances, such as changes in auditing standards or significant changes in your operations, will not be encountered during the engagement. If *significant* additional time is necessary due to these types of circumstances, we will discuss this with you and arrive at a revised fee *before* the occurrence of the additional costs.

Accounting Services and Management Advisory Services

Routine telephone calls and questions not requiring formal research are included in the fee quoted above. However, other accounting services and management advisory services are outside the scope of our proposal and would be billed at our standard hourly billing rates (between \$20 and \$225) depending on the level and experience of the professional required for the service, or at an agreed upon amount commensurate to the value of the service.

FEEES FOR SERVICES (Continued)

Hourly Rates

Hourly rates for Bryans & Gramuglia CPAs, LLC associates are as follows:

Partner	\$ 150 - 225/hr.
Manager	\$ 125/hr.
Staff Associate	\$ 40 - 100/hr.
Clerical	\$ 20 - 40/hr.

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. ____ 2024

April 25, 2024

**Resolution Adopting a Moratorium
on Utility Scale Battery Energy Storage Systems in the Town of Duanesburg**

WHEREAS, Local law no. 1 of 2023 currently regulates solar installations and Utility Scale Battery Energy Storage Systems (“BESS”) over 600KWh associated with solar installations;

WHEREAS, the Governor, acting in response to several fires at Utility Scale BESS (whether stand-alone or associated with wind or solar projects, has formed a task force to address the standards for BESS facilities;

WHEREAS, the Town Board would like to ensure that no new BESS facilities, whether associated with an energy facility or not, are reviewed and approved in the Town until recommendations are available regarding technology and equipment necessary for local fire districts to be able to suppress or appropriately respond to a fire should one occur; precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater; and the adequacy of standards for siting these facilities;

WHEREAS, existing solar facilities or Utility Scale Bess projects in the Town that have already been approved and are under construction or constructed and operating will not be affected by the moratorium;

WHEREAS, the attached Local Law entitled “Moratorium On Utility Scale Battery Energy Storage Systems Over 600 kWh” has been reviewed and considered by the Town Board as the most reasonable step it can take with regard to the Town Board’s responsibility to ensure the public health and safety;

WHEREAS, the adoption of Moratoria are Type 2 actions pursuant to the NYS Environmental Quality Review Act;

WHEREAS, the Town Board held a duly noticed public hearing on April 11, 2024, and considered all public comments on the proposed amendment;

WHEREAS, pursuant to GML 239-m a copy of the proposed local law was referred to the Schenectady County Planning Department which deferred to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the attached local law 2 of 2024 for the Town of Duanesburg entitled “Moratorium On Utility Scale Battery Energy Storage Systems Over 600 kWh;”

BE IT FURTHER RESOLVED that the Town Board directs the Town Clerk to file a certified copy of the local law with the New York State Department of State as required by law.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on April 25, 2024.

William Wenzel, Supervisor

Jennifer Howe, Town Clerk

Present:

Absent:

Council Members:

William Wenzel	Yea	Nay	Abstain
Michael Santulli	Yea	Nay	Abstain
Dianne Grant	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain
Nicholas Passonno	Yea	Nay	Abstain

Proposed by Supervisor Wenzel

Proposed Town of Duanesburg Local Law (Introductory) No. 2 of 2024

February 22, 2024

Town of Duanesburg

County of Schenectady, New York

Be it enacted by the Town Board of the Town of Duanesburg, Schenectady County, New York as follows:

Section A Title and Enactment

The title of this Law is: MORATORIUM ON UTILITY SCALE BATTERY ENERGY STORAGE SYSTEMS OVER 600 kWh.

Section B Intent and Effect of Moratorium

The Town of Duanesburg Local Law No. 1 of 2023 “The Solar Energy Facilities Law of the Town of Duanesburg” currently regulates solar installations and Utility Scale Battery Energy Storage Systems (“BESS”) over 600KWh associated with solar installations. This moratorium will affect all such Utility Scale BESS, whether associated with solar or not, by placing a moratorium on the review of any new application or the approval of any applications for special use permit or site plan review for such facilities. It is not the intention of the Town Board to affect any existing solar facilities or Utility Scale Bess projects in the Town that have already been approved and are under construction or constructed and operating.

The Governor of the State of NY, acting in response to several fires at Utility Scale BESS (whether stand-alone or associated with wind or solar projects), formed a task force to address how such fires may be prevented or at a minimum how the State can ensure that adequate fire protection and training has been developed for such fires. The task force has provided some recommendations but the recommendations are still subject to public comment and have not been implemented to date.

The Board’s need for additional information and assurance about the safety of these types of facilities, including, but not limited to, ensuring the technology and availability of equipment necessary for local fire districts to be able to suppress or appropriately respond to a fire should one occur, taking precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and addressing the adequacy of standards for siting these facilities, has persuaded the Town Board to institute this moratorium. This moratorium shall be in place for six months and may be extended for an additional six months by resolution of the Town Board to allow a sufficient period of time for the Governor’s Taskforce to complete its work and to implement any final recommendations and for the Town Board to amend Local Law no. 1 of 2023 and/or to adopt a new law pertaining to Utility Scale BESS.

Section 1 Moratorium.

No new applications pursuant to Local Law 1 of 2023 for Utility Scale BESS shall be accepted by the Town during the period of the moratorium. No existing approved solar projects or other projects, whether under construction or operating with Utility Scale BESS will be affected by this moratorium.

Section 2 Moratorium Period.

The moratorium established under Section 1 shall be in effect during the period between the adoption of this Local Law and for a period of 6 months following adoption of this local law, and the filing of the same with the Secretary of State. The same may be extended for periods of six months by resolution of the Town Board.

Section 3 Applications that may be exempted.

(1) Applications may be exempted from the Moratorium provisions of this Local Law with a showing of hardship, following a public hearing on due notice before the Town Board. Upon such application, the Town Board shall consider:

- a. The location of the proposed BESS in relation to habitable structures and fire fighting facilities, including the provision of an adequate response time and sources of fire fighting water or chemicals;
- b. The management of fire fighting in the area where the BESS is proposed relative to preventing brush and structure fires;
- c. The environmental significance, if any, of the applicant's parcel and surrounding parcels and the proposed development's impact upon the environment, including existing transportation resources and occupied residential structures;
- d. The sufficiency of any plans for evacuation, air monitoring and testing and any other measures deemed necessary by the Town Board for addressing the concerns arising out of Utility Scale BESS fires.
- e. Compatibility of the proposed development with the recommendations of the Comprehensive Plan Update.

(2) In making a determination under this Subsection, the Town Board may obtain and consider written reports from such other sources as required in the judgment of the Town Board and consistent with the purpose of this this Local Law. A grant of an exemption to an applicant's premises shall include a determination of hardship and unique circumstances which do not generally apply throughout the Town, and a finding that the grant of an exemption will be in harmony with and will not be unduly disruptive to the goals and purposes of this moratorium.

(3) An application under this subsection shall be accompanied by a fee of \$1,000.00 and seven (7) copies of the application, together with the applicant's written undertaking to pay all out-of-pocket costs incurred by the Town in studies and/or by retainer of resource personnel relating to the hearing, review, and determination of such application, in form and substance acceptable to the Town Board.

Section 4 Statutory Authority/Supersession.

This MORATORIUM AMENDMENT TO THE SOLAR ENERGY FACILITIES LAW OF THE TOWN OF DUANESBURG with respect to Utility Scale Battery Energy Storage Systems over 600 kWh is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and expressly supersedes any inconsistent provisions of Local Law No. 1 of 2023 for the period of the moratorium.

Section C Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section D Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 4-11-24
Case No. 219-24
Returned 4-11-24

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Town of Duaneburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 386-2225

APR 11 2024

ACTION: Zoning Code/Law Amendment
 Zoning Map Amendment
 Subdivision Review
 Site Plan Review

Special Permit
 Use Variance
 Area Variance
 Other (specify) BESS moratorium/local law

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: Public hearing was in March; meeting to consider adoption is 4-11-24

SUBJECT: The adoption of a local law placing a six months moratorium on BESS that has not already been approved.

REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - the boundary of any city, village or town;
 - the boundary of any existing or proposed County or State park or other recreation area;
 - the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Terresa Bakner, Whiteman Osterman & Hanna LLP Title: counsel to Town Board of Town of Duaneburg

Address: Town of duaneburg Town Hall 5853 Western Turnpike, Duaneburg NY 12056

E-mail: tbakner@woh.com or JHowe@duaneburg.net Phone: 518-895-8920

Date: April 9, 2024


Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-15-24

Applicant Town Board

Referring Officer Terresa Bakner

Municipality Duanesburg

Considerations: Regarding the adoption of a six month moratorium on utility scale battery energy storage systems over 600 kWh.

RECOMMENDATION

Receipt of zoning referral is acknowledged on April 11, 2024. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- *Approve of the proposal.
- Defer to local consideration (No significant county-wide or inter-community impact)
- Modify/Conditionally Approve. Conditions:

Advisory Note:

Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

4/15/24
Date

Ray Gillett, Commissioner
Economic Development and Planning

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. _____ 2024

April 25, 2024

**Resolution Adopting Amendments
to Solar Energy Facilities Law in the Town of Duanesburg**

WHEREAS, since the time the Town of Duanesburg Town Board adopted local law no. 3 of 2023 which regulates solar energy facilities, concerns have arisen regarding soil suitability and deforestation;

WHEREAS, the Town Board would like to ensure that any new projects in Town which have not yet submitted an application for a Solar Energy Facility prior to the date of the introduction of this local law will be subject to these proposed amendments when adopted;

WHEREAS, the attached Local Law entitled “Amendment to the Solar Energy Facility Law” has been reviewed and considered by the Town Board as the most reasonable step it can take with regard to the Town Board’s responsibility to ensure the public health and safety;

WHEREAS, the adoption of this minor amendment is a Type I action pursuant to the NYS Environmental Quality Review Act. However, insofar as the amendment is consistent with the negative declaration issued by the Town Board as SEQRA lead agency for the adoption of the original local law back in 2023, in that the purpose of these amendments is to further protect the environment and to ensure that applications for solar facilities address existing soil conditions and deforestation, the original negative declaration is reaffirmed for this minor amendment to the Solar Energy Facility Law;

WHEREAS, the Town Board held a duly noticed public hearing on April 11, 2024, and considered all public comments on the proposed amendment in its decision making;

WHEREAS, pursuant to GML 239-m a copy of the proposed local law was referred to the Schenectady County Planning Department which deferred to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby reaffirms the negative declaration and adopts the attached local law 3 of 2024 for the Town of Duanesburg entitled “Amendments to the Solar Energy Facility Law;”

BE IT FURTHER RESOLVED that the Town Board directs the Town Clerk to file a certified copy of the local law with the New York State Department of State as required by law.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on April 25, 2024.

William Wenzel, Supervisor

Jennifer Howe, Town Clerk

Present:

Absent:

Council Members:

William Wenzel	Yea	Nay	Abstain
Michael Santulli	Yea	Nay	Abstain
Dianne Grant	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain
Nicholas Passonno	Yea	Nay	Abstain

**TOWN OF DUANESBURG
LOCAL LAW NO. X OF THE YEAR 2024**

Amending local law 1 of 2023, “The Solar Energy Facilities Law of the Town of Duanesburg.”

BE IT ENACTED by the Town Board of the Town of Duanesburg in the County of Schenectady as follows:

Section 1. Title of the Local Law.

This local law shall be entitled “A Local Law Amending the Solar Energy Facilities Law of the Town of Duanesburg.”

Section 2. Authorization.

This local law is enacted pursuant to the Municipal Home Rule Law and Article 16 of the Town Law of the State of New York.

Section 3. Purpose.

The purpose of this local law is to clarify certain provisions within the existing Town of Duanesburg Solar Energy Facilities law meant to protect forested areas from clearcutting for solar energy facilities and to prevent the placement of solar energy facilities on unsuitable soils.

Section 4. Deforestation Revisions

1. Add to Definitions

Clear Cutting - The removal of trees more than three inches in diameter at breast height in an area containing either: (1) more than 500 trees per acre; or (2) more than 60 square feet per acre of tree trunks.

2. Revised Provision Section 7.2.Q

Forested sites shall not be deforested and sites deforested less than five years before application submittal shall not be used to construct solar energy facilities. Brush, hedgerows and isolated trees or stands of trees in otherwise open fields or scrubland may be cut, however clear cutting of trees more than three inches in diameter at breast height (as defined herein) in a single contiguous area exceeding 20,000 square feet is prohibited. This clearing restriction shall not apply to trees cleared for the access road.

Any portion of a property that has been clear-cut in excess of the area described in the paragraph above, regardless of the reason for such clear cutting, shall not be included in an application for a utility-scale solar project for a period of five years following such clear cutting.

Site disturbance, including but not limited to, grading, soil removal, excavation and soil compaction in connection with installation of utility-scale solar energy facilities shall be minimized to the extent practicable.

Section 5. Addition of Soil Testing

Additional Provision under Section 7.1.F (part of application requirements)

A description of the characteristics and suitability for construction purposes of the site's subsurface conditions, including such factors as soil corrosivity (for both steel and concrete), bedrock competence, and subsurface hydrologic characteristics and groundwater levels. Analysis should be based on a geotechnical engineering report verifying subsurface conditions, including the results of borings and/or test pits at a subset of solar array locations that are representative of mapped soil and bedrock formations within the facility site. The applicant shall identify appropriate mitigation measures required in locations with highly corrosive soils, soils with a high frost risk, and soils with high shrink/swell potential.

The applicant shall provide maps, figures and analyses delineating depth to bedrock and underlying bedrock types, including vertical profiles showing soils, bedrock, water table and typical foundation depths on the facility site, based on information to be obtained from available published maps and scientific literature, review of technical studies conducted on the facility site, and on-site field observations, test pits and/or borings as available.

Section 6. Supersession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

Section 7. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 8. Effective date

This article shall take effect upon its filing with the New York Secretary of State.

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 3-19-24
Case No. D-74-24
Returned 4-17-24

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Duanesburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5530
Received
Schenectady County

ACTION: Zoning Code/Law Amendment
 Zoning Map Amendment
 Subdivision Review
 Site Plan Review
 Special Permit
 Use Variance
 Area Variance
 Other (specify)

MAR 19 2024

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: April 11, 2024

SUBJECT: Amendment of Local Law #1 The Solar Energy Facilities Law of the Town of Duanesburg

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

- the boundary of any city, village or town;
- the boundary of any existing or proposed County or State park or other recreation area;
- the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
- the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
- the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
- the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Jennifer Howe Title: Town Clerk

Address: 5853 Western Turnpike, Duanesburg NY 12056

E-mail: jhowe@duanesburg.net Phone: 518-895-8920

 Date: 3/19/24

Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-14-24

Applicant Town Board

Referring Officer Jennifer Howe

Municipality Duanesburg

Considerations: Regarding a proposed amendment to Local Law #1 (Solar Energy Facilities Law) to revise provisions regarding the clear cutting of trees and soil testing requirements.

RECOMMENDATION

Receipt of zoning referral is acknowledged on March 19, 2024. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- *Approve of the proposal.
- Defer to local consideration (No significant county-wide or inter-community impact)
- Modify/Conditionally Approve. Conditions:

Advisory Note:

Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

4/15/24
Date

Ray Gillen, Commissioner
Economic Development and Planning

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. ____ 2024

April 25, 2024

**Resolution Adopting a Moratorium
on Wind Energy Facilities in the Town of Duanesburg**

WHEREAS, Local law no. 1 of 2008 which regulates wind energy facilities needs to be updated with respect to the wind energy facility technology and to the siting issues that these changes in technology may raise;

WHEREAS, the Town Board would like to ensure that no new wind energy facility projects in Town are reviewed and approved until the Local Law no. 1 of 2008 has been updated;

WHEREAS, the attached Local Law entitled “Moratorium on Wind Energy Facility” has been reviewed and considered by the Town Board as the most reasonable step it can take with regard to the Town Board’s responsibility to ensure the public health and safety;

WHEREAS, the adoption of Moratoria are Type 2 actions pursuant to the NYS Environmental Quality Review Act;

WHEREAS, the Town Board held a duly noticed public hearing on April 11, 2024, and considered all public comments on the proposed amendment;

WHEREAS, pursuant to GML 239-m a copy of the proposed local law was referred to the Schenectady County Planning Department which deferred to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the attached local law 4 of 2024 for the Town of Duanesburg entitled “Moratorium on Wind Energy Facilities Law;”

BE IT FURTHER RESOLVED that the Town Board directs the Town Clerk to file a certified copy of the local law with the New York State Department of State as required by law.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on April 25, 2024.

William Wenzel, Supervisor

Jennifer Howe, Town Clerk

Present:

Absent:

Council Members:

William Wenzel	Yea	Nay	Abstain
Michael Santulli	Yea	Nay	Abstain
Dianne Grant	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain
Nicholas Passonno	Yea	Nay	Abstain

Proposed by Supervisor Wenzel

Proposed Town of Duanesburg Local Law (Introductory) No. 4 of 2024

March 14, 2024

Town of Duanesburg

County of Schenectady, New York

Be it enacted by the Town Board of the Town of Duanesburg, Schenectady County, New York as follows:

Section A Title and Enactment

The title of this Law is: MORATORIUM ON WIND ENERGY FACILITIES IN THE TOWN OF DUANESBURG.

Section B Intent and Effect of Moratorium

The Town of Duanesburg Local Law No. 1 of 2008 “The Town of Duanesburg Wind Energy Facility Law” currently regulates Wind Energy Facilities. This moratorium will affect all such Wind Energy Facilities, by placing a moratorium on the review of any application or approval of any applications for special use permit or site plan review for such facilities.

The Board’s need for additional information and assurance about the adequacy of the current local law regarding wind energy facilities, including, but not limited to, ensuring the law reflects new technologies, sufficient fees for review of proposals, and the adequacy of the law with regard to siting these facilities, has persuaded the Town Board to institute this moratorium. This moratorium shall be in place for six months and may be extended for an additional six months by resolution of the Town Board to allow a sufficient period of time for the Town Board to amend Local Law no. 1 of 2008 and/or to adopt a new law pertaining to Wind Energy Facilities.

Section 1 Moratorium.

No new applications pursuant to Local Law 1 of 2008 for Wind Energy Facilities shall be accepted by the Town during the period of the moratorium.

Section 2 Moratorium Period.

The moratorium established under Section 1 shall be in effect during the period between the adoption of this Local Law and for a period of 6 months following adoption of this local law, and the filing of the same with the Secretary of State. The same may be extended for periods of six months by resolution of the Town Board.

Section 3 Applications that may be exempted.

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

Section 4 Statutory Authority/Supersession.

This MORATORIUM ON WIND ENERGY FACILITIES IN THE TOWN OF DUANESBURG with respect to Wind Energy Facilities is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and expressly supersedes any inconsistent provisions of Local Law No. 2 of 2008.

Section C Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section D Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 3-19-24
Case No. 173-24
Returned 4-17-24

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Duanesburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 386-5588
Schenectady County

ACTION: Zoning Code/Law Amendment
 Zoning Map Amendment
 Subdivision Review
 Site Plan Review

Special Permit
 Use Variance
 Area Variance
 Other (specify)

MAR 19 2024

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: April 11, 2024

SUBJECT: Proposed Town of Duanesburg Local Law #4 of 2024 Moratorium on Wind Energy Facilities in the Town of Duanesburg.

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 600 feet of the following:

- the boundary of any city, village or town;
- the boundary of any existing or proposed County or State park or other recreation area;
- the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
- the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
- the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
- the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Jennifer Howe Title: Town Clerk

Address: 5853 Western Turnpike, Duanesburg NY 12056

E-mail: jhowe@duanesburg.net Phone: 518-895-8920


Signature Date: 3/19/24



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-13-24

Applicant Town Board

Referring Officer Jennifer Howe

Municipality Duanesburg

Considerations: Regarding a proposed six month moratorium on the review and approval of Wind Energy Facilities.

RECOMMENDATION

Receipt of zoning referral is acknowledged on March 19, 2024. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- *Approve of the proposal.
- Defer to local consideration (No significant county-wide or inter-community impact)
- Modify/Conditionally Approve. Conditions:

Advisory Note:

Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

4/15/24
Date

Ray Gillen, Commissioner
Economic Development and Planning