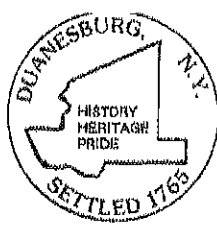


*William Wenzel*, Town Supervisor  
*Jennifer Howe*, Town Clerk  
*Brandy Fall*, Deputy Town Clerk



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

5853 Western Turnpike  
Duanesburg, New York 12056

# Town of Duanesburg

Schenectady County

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

**Thursday, March 10, 2022**

## **Town Board Meeting Agenda**

**Meeting Time: 7:00PM**

Call to order  
Pledge of Allegiance  
Prayer/Moment of Reflection

**Approval of minutes for:** Regular Town Board Meeting on Thursday February 24, 2022

**Approval of minutes for:** Special Town Board Meeting on Friday March 4, 2022

**Town Clerk's Report**  
**Supervisor's Report**  
**Payment of Claims**

## **Committee Reports**

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

## **Business Meeting:**

- 1. Motion to approve Amendment No. 5 to the existing agreement with Prime AE.**
- 2. Motion to award the contract No. TD1-G-21-General to Rozell East of Queensbury, New York and authorize the Town Supervisor to sign the Notice to Proceed and contract with Rozell East to undertake the UV system for the proposed improvements the design of which was approved by the NYSDEC.**

## **Privilege of the Floor:**

Comments are limited to 5 minutes per person. 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.

**Town of Duanesburg Town Board**

**RESOLUTION NO. - 2022**

**March 10, 2022**

**Whereas**, the Town Planning Board appointed AE Prime, who is an approved Town Designated Engineer and Town Vendor, to assist in the continuing review of the applications for two five-megawatt utility scale solar facilities made by Oak Hill 1 LLC and Oak Hill 2 LLC;

**Whereas**, the review of the project has required the evaluation of additional application documents, including the most recently submitted SWPPP and attendance of additional planning board meetings;

**Now therefore be it resolved**, that the Town Board hereby approves Amendment # 5 to the existing agreement with Prime AE contingent upon the applicant providing the funds to the Town escrow account in the amount requested in Amendment #5.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of March 10, 2022.

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

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

Date

Date

Present:

Absent:

Town Board Members:

William Wenzel	Yea	Nay	Abstain
John Ganther Jr.	Yea	Nay	Abstain
Francis R. Potter	Yea	Nay	Abstain
Diane Grant	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain



Albany Office  
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203  
P: 518.382.1774

March 8, 2022

Dale Warner  
Town Planner  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

Re: Town of Duanesburg  
Eden Renewables (Oak Hill) Solar Project Review  
GNY02WD-18510-01 Amendment #5 for Engineering Services

Dear Mr. Warner:

We are pleased to provide this Amendment #5 for additional engineering services to the Town Planning Board for the Eden Renewables (Oak Hill) Solar Project review. Our Amendment #4 estimated fee has been exceeded based on the large volume of additional or revised documents that continue to be produced for our review. At this point, we anticipate attendance at one (1) more Planning Board meeting, a video meeting with Verdanterra representatives to review SWPPP comments and issuance of one (1) more comment letter.

We propose the following scope of engineering services for Amendment #5:

1. Complete the review of the revised project documents in accordance with the Town of Duanesburg Zoning and Solar Energy Facilities Laws.
2. Complete the SWPPP review in accordance with the NYS Stormwater Design Manual.
3. Develop a list of proposed conditions of approval for Planning Board member consideration.
4. Attend one (1) additional Planning Board meeting where the project will be discussed.
5. Attend one (1) video conference call with Verdanterra representatives.
6. Provide one (1) more comment letter.

We propose to provide the aforementioned services for a fee not to exceed \$5,900.00 to be billed monthly on a percentage complete basis. This amount can be provided to the applicant to provide supplemental funds in the escrow account to cover the additional engineering fees. Our work under this Amendment will be performed in accordance with our Standard Terms & Conditions that are still in effect. If you are in agreement with this scope of services and the aforementioned Standard Terms & Conditions, please return an executed copy of the Amendment.



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[www.primeeng.com](http://www.primeeng.com)

Mr. Dale Warner  
Eden Renewables (Oak Hill) Solar Amendment #5  
March 8, 2022  
Page 2

If you have any questions, please feel free to contact me.

Sincerely,

**KB Group of NY, Inc. dba PRIME AE Group of NY**



Douglas P. Cole, PE  
Senior Director of Engineering

Enclosure: Amendment #5

cc: William Wenzel, Supervisor



**AGREEMENT MODIFICATION #5**  
**GNY02WD-18510-01**

**KB GROUP OF NY, INC. and**  
**TOWN OF DUANESBURG**

This Agreement Modification #5 (hereinafter referred to as the "Amendment 5") is made and entered into this \_\_\_\_\_ day of March 2022, by and between **KB GROUP OF NY, Inc. dba PRIME AE Group of NY** having an address at 100 Great Oaks, Boulevard., Suite 114, Albany, NY 12208 ("KB Group") and **TOWN OF DUANESBURG**, having an address at 5853 Western Turnpike, Duanesburg, NY 12056, collectively referred to as "Parties".

**RECITALS**

- A. WHEREAS, the Parties have entered into an Agreement dated July 17, 2018 (hereinafter referred to as the "Agreement") for KB Group of NY to provide engineering services for the Eden Renewables (Oak Hill) Solar Project Review ("Project"), Amendment #1 dated July 19, 2021, Amendment #2 dated August 24, 2021, Amendment #3 dated October 26, 2021 and Amendment #4 dated 1/27/2022;
- B. WHEREAS, the Parties hereby further agree to amend the said Agreement in accordance with the terms and conditions contained in this Amendment 5.

**AMENDMENT**

NOW THEREFORE, in consideration of the mutual agreement of the Parties to amend the Agreement and for other good and valuable consideration which is acknowledged by the Parties, the Parties agree that the Agreement be amended as follows:

- 1. CLIENT has requested additional services for the Project and agrees to increase the not to exceed fee for KB Group of NY from \$37,400.00 to include additional services in the amount of \$5,900.00 for a total not to exceed fee of \$43,300.00.
- 2. KB Group agrees to provide additional services for the Project as follows:
  - a. Engineering services for additional project review in the amount of \$5,900.00 as per the scope in our letter dated March 8, 2022.

**TERMS & CONDITIONS**

The Parties agree that all of the terms and conditions of the Agreement shall remain in full force and effect.

**ENTIRE AGREEMENT**

The Agreement, as amended by this Amendment 5, contains the entire agreement of the Parties hereto with respect to the subject matter hereof. Any representations, inducements, or agreements, oral or otherwise, between the Parties not contained in this Amendment 5 shall be of any force and effect. This Amendment 5 may not be modified, changed or terminated, in whole or in part, in any manner other than by an agreement in writing signed by duly authorized representatives of the Parties.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed as of the day and year hereinbefore first written.

KB GROUP OF NY, Inc. dba PRIME AE GROUP OF NY

  
\_\_\_\_\_

By: Kerry Hogan, P.E.

Title: Senior Vice President

TOWN OF DUANESBURG

\_\_\_\_\_  
By: William Wenzel

Title: Supervisor

**Town of Duanesburg Town Board**

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

**March 10, 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 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 of Duanesburg (the “Town”) retained Delaware Engineering, D.P.C. (“DE”), through a professional engineering services agreement (the “Agreement”), for services relating to Proposed Improvements including, but not limited to, planning and/or design of the improvements, bidding/award, construction management and inspection, and grant administration assistance; and

**WHEREAS**, the bidding on the general construction of the Proposed Improvements (“Contract No. TD1-G-21-GENERAL”) was undertaken as required by law and the lowest bidder was Rozell East of Queensbury (“Rozell East”) with a base bid contract price of **\$159,500.00**; and

**WHEREAS**, DE has recommended to the Town Board in correspondence dated March 2, 2022 after a careful review of the bid specifications and the bidder’s response to accept the bid by Rozell East; and

**WHEREAS**, the Town Board previously adopted a bond resolution on July 26, 2018 authorizing the financing of improvements and other costs related and incidental thereto, for the Proposed Improvements; estimating the maximum aggregate cost thereof to be \$400,000; appropriating said amount therefore and authorizing the issuance of \$400,000 serial bonds of the Town to finance said cost.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby:

- A. awards the Contract No. TD1-G-21-GENERAL to Rozell East of Queensbury, New York, the low bidder, for the base bid contract price of **\$159,500.00**; and
- B. authorizes the Town Supervisor to sign the Notice to Proceed and the contract with Rozell East to undertake the UV system for the Proposed Improvements the design of which was approved by the NYSDEC.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of March 10, 2022.

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

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

Date

Date:

Present:

Absent:

Town Board Members:

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