

Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk



John D. Ganther, Jr., Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member
William Wenzel, Council Member

5853 Western Turnpike
Duanesburg, New York 12056

Town of Duanesburg

Schenectady County

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

Thursday, June 10, 2021

Town Board Meeting Agenda

Meeting Time: 7:00PM

Call to order
Pledge of Allegiance

Public Hearing: Proposed Local Law 1 of 2021 entitled "Solar Energy Facilities Law".

Public Hearing: Proposed Local Law 2 of 2021 entitled "A Local Law amending the Town of Duanesburg Zoning Ordinance with Respect to Commercial Event Venues".

Approval of minutes for: Town Board Meeting on Thursday May 27, 2021

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 the PSI proposal in the amount of \$3,110.00 and authorize the Town Supervisor to sign the contract.**
- 2. Motion to approve and authorize payment in the amount of \$14,715.48 to Delaware Engineering for Invoice No. 2**

- 3. Motion to approve and authorize payment in the amount of \$8,660.00 to Delaware Engineering for Invoice No. 14**
- 4. Motion to approve and authorize the Town Supervisor to execute the Civil Rights Certification Form.**
- 5. Motion to approve and authorize the Town Supervisor to sign the revised Visual Screening Agreement.**
- 6. Motion to appoint Marcelline Fusilier to the Park Committee.**
- 7. Motion to appoint Alan Livengood as Part Time Summer Help.**

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.

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG**

In accordance with current Executive Orders, the regular Town Board of the Town of Duanesburg June 10, 2021 meeting at 7:00 p.m. will be held via videoconferencing/teleconference utilizing the Zoom Application. You will have an opportunity to see and hear the meeting live and provide your comments via the chat session that will be part of the meeting.

If you have a computer, tablet, or smartphone, you join and hear the audio and see the video of the live meeting. You can also access the meeting via phone as described below and listen to the meeting as a teleconference. The meeting will be recorded and later transcribed in accordance with Executive Order 202.1.

Join Zoom Meeting

<https://us02web.zoom.us/j/86972806349>

Meeting ID: 869 7280 6349

Passcode: 944206

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

Meeting ID: 869 7280 6349

Passcode: 944206

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, June 10, 2021 at 7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

Local Law 1 of 2021 entitled "Solar Energy Facilities Law." The proposed local law would repeal and replace Local Law No. 1 of 2016 and would increase and improve the requirements to construct and operate Major Solar Energy Systems in the Town related to visual impact evaluation and screening and buffers, including setting forth additional decommissioning and financial security requirements, among others.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG**

In accordance with current Executive Orders, the regular Town Board of the Town of Duanesburg June 10, 2021 meeting at 7:00 p.m. will be held via videoconferencing/teleconference utilizing the Zoom Application. You will have an opportunity to see and hear the meeting live and provide your comments via the chat session that will be part of the meeting.

If you have a computer, tablet, or smartphone, you join and hear the audio and see the video of the live meeting. You can also access the meeting via phone as described below and listen to the meeting as a teleconference. The meeting will be recorded and later transcribed in accordance with Executive Order 202.1.

Join Zoom Meeting

<https://us02web.zoom.us/j/86972806349>

Meeting ID: 869 7280 6349

Passcode: 944206

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

Meeting ID: 869 7280 6349

Passcode: 944206

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, June 10, 2021** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

Local Law 2 of 2021 entitled "A Local Law Amending the Town of Duanesburg Zoning Ordinance with Respect to Commercial Event Venues." The proposed local law would amend the zoning law to allow commercial events to occur in existing appropriate structures in all Zoning Districts of the Town, with the exception of the L-2 District, upon issuance of a special use permit by the Town Planning Board. The purpose of the local law is to regulate such events to ensure that they are consistent with public health, safety and welfare and to address any environmental impacts associated with the operation of commercial event venues.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Town of Duanesburg Town Board

**RESOLUTION AWARDING BID FOR ASBESTOS PROJECT MONITORING
AND AIR SAMPLING SERVICES FOR 111 DARBY HILL ROAD**

RESOLUTION NO. ___-2021

June 10, 2021

WHEREAS, on January 29, 2021, Hon. Vincent W. Versaci issued an Order and Judgment authorizing the Town of Duanesburg (the "Town") to remediate any and all unsafe and dangerous conditions existing at 111 Darby Hill Road (the "Property") including demolition and removal of the structures; and

WHEREAS, the Town of Duanesburg (the "Town") retained Prime AE Group of NY to prepare plans and specification for the demolition and removal of said structures including testing, preparation of project scope, and overseeing the bidding process; and

WHEREAS, the proposals on the asbestos project monitoring and air sampling services (the "Work") were obtained in accordance with the Town procurement policy and the lowest proposal received was from Professional Service Industries, Inc. ("PSI") with an amount of **\$3,110.00**.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the PSI proposal in the amount of **\$3,110.00** and authorizes the Town Supervisor to sign a contract with PSI.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of June 10, 2021.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2021

June 10, 2021

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 “Project”); and

WHEREAS, the Town Board retained Delaware Engineering, D.P.C., (“Delaware”) for professional services in connection with Project; and

WHEREAS, Delaware has submitted an invoice, dated May 7, 2021, for Town Board review in the amount of **\$14,715.48** for professional services provided during April and May 2021 (“Professional Services Invoice No. 2”).

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves Professional Services Invoice Nos. 2 and authorizes payment of such invoice in the amount of **\$14,715.48** from the designated account holding the Bond proceeds for this purpose.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of June 10, 2021.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain



DELAWARE ENGINEERING, D.P.C.

55 South Main Street
Oneonta, NY 13820

Tel: 607.432.8073
Fax: 607.432.0432

B 21-74



ORIGINAL

May 17, 2021

1440.204

Town of Duanesburg
Attn.: Roger Tidball, Town Supervisor
Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

Re: Mariaville WWTP (SD#2)
Disinfection Improvements Project - Professional Services Invoice #2

Dear Roger:

Attached for Town review, processing and payment is our invoice totaling \$14,715.48 for services related to the above referenced project.

Services provided through April 2021 included:

- Continued communications with Town and regulatory agencies
- Prepare DEC grant compliance documentation
- Continued preparation of contract plans and specifications
- Submission of draft plans to NYSDEC for review in accordance with SPDES permit schedule
- Preparation of DEC grant documentation

Services anticipated to be provided during May 2021 include:

- Continued communications with Town and regulatory agencies
- Receive and review regulatory comments on draft plans
- Submit to response to DEC on received comments

Please contact me at 607-432-8073 if you have any questions.

Respectfully,

DELAWARE ENGINEERING, D.P.C.

Bill Brown, P.E. for
Dave Ohman, P.E.

Attachment

CC: Cheryl DeCarr, Delaware Engineering, D.P.C. (w/enclosures)

05-2021 Duanesburg (T) Mariaville WWTP Disinfection Improvements CL 2



Delaware Engineering, D.P.C.
 28 Madison Ave. Ext.
 Albany, NY 12203
 (518) 452-1290

b21-74



ORIGINAL

Town of Duanesburg
 Town Hall
 5853 Western Turnpike
 Duanesburg, NY 12056

Invoice number 20-2078-2
 Date 05/07/2021

Project 20-2078 Town of Duanesburg - Mariaville
 WWTP Disinfection Improvements

For Services Rendered Through May 02, 2021

1 Design

	Units	Rate	Billed Amount
Michael Primmer	69.25	165.00	11,426.25
Robert G. Chiappisi	2.00	120.00	240.00
William J. Brown	18.00	155.00	2,790.00
subtotal	89.25		14,456.25

REIMBURSABLES

	Units	Rate	Billed Amount
In-House Reproduction			37.48
FedEx			
FedEx			41.75
Reimbursables subtotal			79.23
Phase subtotal			14,535.48

6 NYSDEC Contract Coordination

	Units	Rate	Billed Amount
Robert G. Chiappisi	1.50	120.00	180.00
Invoice total			14,715.48

Approved by:

William J. Brown

Please remit payment to:
 Delaware Engineering, D.P.C.
 28 Madison Ave. Ext.
 Albany, NY 12203

821-74

DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Oneonta, New York 13820 Phone 607-482-8073/FAX 607-432-0432

Town of Duaneburg
Town Hall
5853 Western Turnpike
Duaneburg, NY 12056



PROJECT ID 20-2078

PROJECT: Mariaville WWTP Disinfection Improvements
INVOICE/REQUISITION No.: 2

	<u>CURRENT COST</u>	<u>PREVIOUS COST</u>	<u>COST TO DATE</u>	<u>BUDGET</u>
1. Task 1 - Design				
Labor	\$ 14,456.25	\$ 9,755.00	\$ 24,211.25	
Reimbursable Expenses	\$ 79.23	\$ 67.20	\$ 146.43	
SUBTOTAL - TASK 1	\$ 14,535.48	\$ 9,822.20	\$ 24,357.68	\$ 30,000.00
2. Task 2 - Bid/Award				
Labor	\$ -	\$ -	\$ -	
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 2	\$ -	\$ -	\$ -	\$ 7,500.00
3. Task 3 - Construction Management/Admin				
Labor	\$ -	\$ -	\$ -	
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 3	\$ -	\$ -	\$ -	\$ 15,000.00
4. Task 4 - Construction Inspection				
Labor	\$ -	\$ -	\$ -	
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 4	\$ -	\$ -	\$ -	\$ 17,500.00
5. Task 5 - As Built Drawing Preparation				
Labor	\$ -	\$ -	\$ -	
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 5	\$ -	\$ -	\$ -	\$ 2,500.00

824-74

DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Oneonta, New York 13820 Phone 607-482-8078/FAX 607-482-0482

	<u>CURRENT</u> COST	<u>PREVIOUS</u> COST	<u>COST TO</u> DATE	<u>BUDGET</u>
6. Task 6 - NYSDEC Contract Coordination				
Labor	\$ 180.00	\$ 760.00	\$ 940.00	
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 6	\$ 180.00	\$ 760.00	\$ 940.00	\$ 8,250.00
TOTAL	\$ 14,715.48	\$ 10,582.20	\$ 25,297.68	\$ 80,750.00
AMOUNT DUE FOR CURRENT SERVICES	<u>\$ 14,715.48</u>			
AMOUNT PAST DUE	<u>\$ 10,582.20</u>	Invoice #1, 4/15/2021		
TOTAL NOW DUE	<u>\$ 25,297.68</u>			
BUDGET BALANCE	\$ 55,452.32			

THIS STATEMENT REFLECTS PAYMENTS RECEIVED ON OR BEFORE BILLING DATE

B21-74

Town of Duaneburg Sewer

 ORIGINAL

Sewer District 1

SANITARY SEWERS		Approve	Disapprove	Explanation
Equipment	81202.66.200			
Maintenance & Repairs	81204.66.463			
SEWER ADMINISTRATION				
Contractual	81104.66.400			
SEWAGE TREATMENT and DISPOSAL				
Equipment	81302.66.200			
Maintenance & Repairs	81304.66.463			
Fuel Oil	81304.66.464			
Chemicals	81304.66.466			
Lab Testing	81304.66.467			
Sludge Disposal	81304.66.468			
Contractual	81304.66.400			
Contract-Generator Maintenance	81304.66.400			
SPDES Program Fee	81304.66.400			

Sewer District 2

SANITARY SEWERS				
Equipment	81202.88.200			
Maintenance & Repairs	81204.88.463			
SEWER ADMINISTRATION				
Contractual	81104.88.400			
SEWAGE TREATMENT and DISPOSAL				
Equipment	81302.88.200			
Maintenance & Repairs	81304.88.463			
Fuel Oil	81304.88.464			
Telephone Alarm Dialer	81304.88.465			
Chemicals	81304.88.466			
Lab Testing	81304.88.467			
Sludge Disposal	81304.88.468			
Consulting Fees	81304.88.469			
Contract-Generator Maintenance	81304.88.400			
SPDES Program Fee	81304.88.400			

Sewer District 3

SANITARY SEWERS				
Equipment	81202.77.200			
Contractual	81204.77.400			
Maintenance & Repairs	81204.77.463			
SEWER ADMINISTRATION				
Contractual	81104.77.400			
SEWAGE TREATMENT and DISPOSAL				
Equipment	81302.77.200			

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2021

June 10, 2021

WHEREAS, the Town of Duanesburg Town Board has established Duanesburg Sewer Districts Nos. 1 and 3;

WHEREAS, the Delanson Wastewater Treatment Plant (the "Delanson WWTP") serves Duanesburg Sewer Districts Nos. 1 and 3;

WHEREAS, the Town Board retained Delaware Engineering, D.P.C., ("Delaware") for professional services in connection with Long Term Improvements Project at the Delanson WWTP (the "Project"); and

WHEREAS, Delaware has submitted an invoice, dated May 7, 2021, for Town Board review in the amount of **\$8,660.00** for professional services provided during April and May, 2021 ("Professional Services Invoice No. 14"); and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves Professional Services Invoice No. 14 and authorizes the Town Supervisor to submit the documentation to New York State Environmental Facilities Corporation to obtain the funds to pay the invoice and upon receipt of such funds authorizes payment to Delaware in the amount of **\$8,660.00**.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of June 10, 2021.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain



DELAWARE ENGINEERING, D.P.C.

55 South Main Street
Oneonta, NY 13820

Tel: 607.432.8073
Fax: 607.432.0432

821-23



ORIGINAL

May 17, 2021

RECEIVED

MAY 20 2021

TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Attn.: Roger Tidball, Town Supervisor
Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

1440.203

Re: Delanson WWTP (SD#1 & SD#3)
Long Term Improvements Project - Professional Services Invoice #14

Dear Roger:

Attached for Town review, processing and payment is our invoice totaling \$8,660.00 for services related to the above referenced project.

Services provided during April 2021 included:

- Continued communications with Town and regulatory agencies
- Continued submittal review
- Review contractor schedule
- Review contractor's initial payment request
- Administrator coordinated EFC documentation with contractors and Town

Services anticipated to be provided during May 2021 include:

- Continued communications with Town and regulatory agencies
- Continue submittal review
- Travel to site to review project status with Town and contractors
- NYSEFC compliance documentation
- Onsite construction inspection

Please contact me at 607-432-8073 if you have any questions.

Respectfully,
DELAWARE ENGINEERING, D.P.C.

Bill Brown, P.E. for
Dave Ohman, P.E.

Attachment

CC: Cheryl DeCarr, Delaware Engineering, D.P.C. (w/enclosures)
05-2021 Duanesburg (T) Delanson WWTP Long Term Improvements CL 14



Delaware Engineering, D.P.C.
 28 Madison Ave. Ext.
 Albany, NY 12203
 (518) 452-1290

621-73

ORIGINAL

Town of Duanesburg
 Town Hall
 5853 Western Turnpike
 Duanesburg, NY 12056

Invoice number 19-1712-14
 Date 05/07/2021

Project 19-1712 Town of Duanesburg - Delanson
 WWTP Long Term Improvements

For Services Rendered Through May 02, 2021

3 Construction Management/Admin

	Units	Rate	Billed Amount
Edward Dombrowski	4.00	105.00	420.00
Eric Michelitsch	37.50	110.00	4,125.00
Maureen Seymour	2.00	130.00	260.00
William J. Brown	16.00	155.00	2,480.00
subtotal	59.50		7,285.00
Phase subtotal			7,285.00

4 Construction Inspection

	Units	Rate	Billed Amount
Tucker Lewis	2.00	125.00	250.00

**6A NYSEFC Contract Coordination (SUB-Deroo Consulting)
 CONSULTANT**

	Units	Rate	Billed Amount
Deroo Consulting			1,125.00

Invoice total **8,660.00**

Approved by:

William J. Brown

Please remit payment to:
 Delaware Engineering, D.P.C.
 28 Madison Ave. Ext.
 Albany, NY 12203

DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Oneonta, New York 13820 Phone 607-482-8078/FAX 607-482-0482

321-73

Town of Duanesburg
Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

PROJECT ID 19-1712

PROJECT: Delanson WWTP Long Term Improvements
INVOICE/REQUISITION No.: 14

	CURRENT COST	PREVIOUS COST	COST TO DATE	BUDGET
1. Task 1 - Design				
Labor	\$ -	\$ 54,532.50	\$ 54,532.50	\$ 55,300.00
Reimbursable Expenses	\$ -	\$ 767.19	\$ 767.19	
Subcontractors (Atlantic Testing Laboratories)	\$ -	\$ 8,700.00	\$ 8,700.00	\$ 8,700.00
Subcontractors (Ryan Biggs Clark Davis Eng & Surveying)	\$ -	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Subcontractors (Whitman Engineering)	\$ -	\$ 10,000.00	\$ 10,000.00	\$ 11,000.00
SUBTOTAL - TASK 1	\$ -	\$ 98,999.69	\$ 98,999.69	\$ 100,000.00
2. Task 2 - Bid/Award				
Labor	\$ -	\$ 7,496.25	\$ 7,496.25	
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 2	\$ -	\$ 7,496.25	\$ 7,496.25	\$ 7,500.00
3. Task 3 - Construction Management/Admin				
Labor	\$ 7,285.00	\$ 2,865.00	\$ 10,150.00	
Reimbursable Expenses	\$ -	\$ 67.20	\$ 67.20	
SUBTOTAL - TASK 3	\$ 7,285.00	\$ 2,932.20	\$ 10,217.20	\$ 50,000.00
4. Task 4 - Construction Inspection				
Labor	\$ 250.00	\$ 800.00	\$ 1,050.00	
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 4	\$ 250.00	\$ 800.00	\$ 1,050.00	\$ 74,000.00
5. Task 5 - As Built Drawing Preparation				
Labor	\$ -	\$ -	\$ -	\$ 500.00
Reimbursable Expenses	\$ -	\$ -	\$ -	
Subcontractors (Synergetic Solutions, LLC)	\$ -	\$ -	\$ -	\$ 3,000.00
SUBTOTAL - TASK 5	\$ -	\$ -	\$ -	\$ 3,500.00

DELAWARE ENGINEERING, D.P.C.

B21-73

55 South Main Street, Oneonta, New York 18820 Phone 607-482-8078/FAX 607-482-0482

ORIGINAL BUDGET

	<u>CURRENT COST</u>	<u>PREVIOUS COST</u>	<u>COST TO DATE</u>	<u>BUDGET</u>
6. Task 6 - NYSEFC Contract Coordination				
Labor	\$ -	\$ 4,998.75	\$ 4,998.75	\$ 5,000.00
Reimbursable Expenses	\$ -	\$ -	\$ -	
Subcontractors (Deroo Consulting)	\$ 1,125.00	\$ 1,451.43	\$ 2,576.43	\$ 10,000.00
SUBTOTAL - TASK 6	\$ 1,125.00	\$ 6,450.18	\$ 7,575.18	\$ 15,000.00
7. Task 7 - Preliminary Engineering				
Labor	\$ -	\$ 70,894.70	\$ 70,894.70	\$ -
Reimbursable Expenses	\$ -	\$ -	\$ -	
SUBTOTAL - TASK 7	\$ -	\$ 70,894.70	\$ 70,894.70	\$ 70,894.70
TOTAL	\$ 8,660.00	\$ 187,573.02	\$ 196,233.02	\$ 320,894.70
AMOUNT DUE FOR CURRENT SERVICES	\$ 8,660.00			
AMOUNT PAST DUE	\$ 5,183.63		Invoice #12, 3/12/2021 and Invoice #13, 4/15/2021	
TOTAL NOW DUE	\$ 13,843.63			
BUDGET BALANCE		\$ 124,661.68		

THIS STATEMENT REFLECTS PAYMENTS RECEIVED ON OR BEFORE BILLING DATE

Deroo Consulting

Fiscal Assistance
13 McKinley Drive
Delmar, New York 12054
(616) 886-5678
derooconsulting@gmail.com

821-73

RECEIVED MAY 03 2021

INVOICE

INVOICE NO: 48
DATE: May 3, 2021



ORIGINAL

Delaware Engineering, DPC

55 South Main Street
Oneonta, NY 13820
607-432-8073
607-432-0432 FAX

19-172 #6A

DESCRIPTION	UNIT PRICE	AMOUNT
Town of Duanesburg WWTP Project C4-5469-06-00		\$1,125.00
Total Hours: 15 hours in April 2021	\$75 per hour	\$ 1,125.00
<ul style="list-style-type: none">MWBE Monthly reports: compilation and submissionReviewing documentsWorking with sub contractors on UPsMeeting with DE & subs at WWTP		
Mileage (round trip):	\$0.56 per mile	\$0.00
Postage	as per receipt	\$ 0.00
Supplies and copies (see receipts)		\$ 0.00

Make all checks payable to: Leslie Deroo

If you have questions concerning this invoice, call: Leslie Deroo, (616) 886-5678

THANK YOU FOR YOUR BUSINESS

821-73

Town of Duaneburg Sewer



ORIGINAL

Sewer District 1

SANITARY SEWERS		Approve	Disapprove	Explanation
Equipment	81202.66.200			
Maintenance & Repairs	81204.66.463			
SEWER ADMINISTRATION				
Contractual	81104.66.400			
SEWAGE TREATMENT and DISPOSAL				
Equipment	81302.66.200			
Maintenance & Repairs	81304.66.463			
Fuel Oil	81304.66.464			
Chemicals	81304.66.466			
Lab Testing	81304.66.467			
Sludge Disposal	81304.66.468			
Contractual	81304.66.400			
Contract-Generator Maintenance	81304.66.400			
SPDES Program Fee	81304.66.400			

Sewer District 2

SANITARY SEWERS				
Equipment	81202.88.200			
Maintenance & Repairs	81204.88.463			
SEWER ADMINISTRATION				
Contractual	81104.88.400			
SEWAGE TREATMENT and DISPOSAL				
Equipment	81302.88.200			
Maintenance & Repairs	81304.88.463			
Fuel Oil	81304.88.464			
Telephone Alarm Dialer	81304.88.465			
Chemicals	81304.88.466			
Lab Testing	81304.88.467			
Sludge Disposal	81304.88.468			
Consulting Fees	81304.88.469			
Contract-Generator Maintenance	81304.88.400			
SPDES Program Fee	81304.88.400			

Sewer District 3

SANITARY SEWERS				
Equipment	81202.77.200			
Contractual	81204.77.400			
Maintenance & Repairs	81204.77.463			
SEWER ADMINISTRATION				
Contractual	81104.77.400			
SEWAGE TREATMENT and DISPOSAL				
Equipment	81302.77.200			

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2021

June 10, 2021

WHEREAS, the Town of Duanesburg (the “Town”) operates a Section 8 Housing Choice Voucher Program funded by the United States Department of Housing and Urban Development (“HUD”); and

WHEREAS, to operate the program, the Town is required to execute a Civil Right Certification form.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and authorizes the Town Supervisor to execute the attached Civil Rights Certification Form.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of June 10, 2021.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

JEM INC.  **CENTRAL Office**
Housing Choice Voucher Program
P.O. Box 5090 - 57 Phila St - Saratoga Springs, NY 12866
Phone: (518) 372-8846 Fax: (518) 372-8467

June 7, 2021

Roger Tidball, Supervisor
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

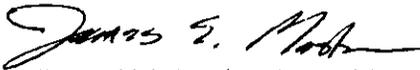
Dear Roger:

This letter is regarding the Annual Plan for the Housing Choice Voucher Program. All that is required this year is your signature on the attached Civil Rights Certification form.

Please execute the attached form and return to me. Electronic copies are preferable, you can e-mail it to jimm@jeminc.com or fax to 518-372-8467.

As always, thanks for your support and I hope all is well.

Sincerely,



James E. Mastrianni, President

Encs:

Civil Rights Certification
(Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 02/29/2016

Civil Rights Certification

Annual Certification and Board Resolution

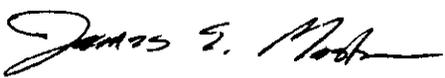
Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

Town of Duanesburg
PHA Name

NY428
PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official Roger Tidball	Title Supervisor
Signature	Date
Name of Administrator James E. Mastrianni	Signature of Administrator 

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2021

June 10, 2021

WHEREAS, the Town Planning Board, as SEQRA lead agency, issued a negative declaration of environmental significance and approved the Oak Hill 1, LLC and Oak Hill 2, LLC solar projects (the “Solar Projects”); and

WHEREAS, as a condition of the approvals issued for the Solar Projects, the Town requires the operator of the Solar Projects to enter into an agreement with the Town to set forth the terms and conditions governing the maintenance of visual landscape screening for the Solar Projects; and

WHEREAS, on April 22, 2021, the Town Board adopted a resolution approving and authorizing the Town Supervisor to sign the Visual Screen Agreement; and

WHEREAS, subsequent to the aforementioned resolution, the parties to the agreement continued to negotiate the terms, which has resulted in a revised agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Duanesburg Town Board approves, and authorizes the Town Supervisor to sign, the attached, revised, Visual Screening Agreement.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of June 10, 2021.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

VISUAL SCREENING MAINTENANCE AGREEMENT

THIS VISUAL SCREENING MAINTENANCE AGREEMENT made the ___ day of June, 2021, by and between the **Town of Duanesburg**, a municipal corporation duly established in Schenectady County with a principal place of business located at 5853 Western Turnpike, Duanesburg, NY 12056 (the "Town"), and **Oak Hill Solar 1, LLC** and **Oak Hill Solar 2, LLC**, limited liability companies formed under the laws of the State of Delaware with principal offices at 1550 Wewatta St, 4th Floor, Denver, CO 80202 (collectively referred to as the "Operator") and Richard B. Murray (the "Landowner"). The Town, Operator and Landowner may each be referred to herein as a "Party" and collectively as the "Parties".

WITNESSETH

WHEREAS, the Operator intends to permit, construct, operate and maintain two solar energy facilities each with an aggregate size of 5 Megawatts of alternating-current nameplate capacity that will generate electric power (the "Project"), as shown on the site plans entitled "Proposed Site Plan Oak Hill Solar 1 and 2", prepared by Environmental Design Partnership LLP, last revised September 15, 2019, on real property leased to the Operator, and more particularly identified hereto in **Schedule A**, and commonly known as 13590 and 13686 Duanesburg Road Delanson, NY (Tax Map Parcel # 74.00-2-5.1 and 75.00-2-5.2) in the Town of Duanesburg, Schenectady County, New York ("the Properties"); and

WHEREAS, as a condition of the approval of the Operator's application for a Special Use Permit under the Town's Local Law No. 1-2016, the Town requires that the Operator establish and maintain a visual screen composed of a mix of spruce and fir trees of approximately six (6) to eight (8) feet in height, planted twenty (20) feet on center on a staggered basis along the 1600 foot property boundary identified in the Planning Board Resolution dated September 15, 2019 attached hereto as **Schedule B** (the "Visual Screening"); and

WHEREAS, as a further condition of the approval of the Operator's application for a Special Use Permit under the Town's Local Law No. 1-2016, the Town requires that the Operator enter into this agreement with the Town to set forth the terms and conditions governing the Operator's maintenance of the Visual Screening.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the Parties hereto as set forth herein, the Town and the Operator agree as follows:

1. This Agreement binds the Operator, its successors and assigns to the maintenance standards and provisions set forth herein.
2. The Operator shall maintain and replace the Visual Screening, including, without limitation, the replacement of dead or dying plantings made as required by the Town approvals, throughout the existence of the Project and until such time as the Project is decommissioned in accordance with the Decommissioning Agreement by and among the Operator, the Town and the Landowner dated March 11, 2021.

3. In addition to any other easements separately granted by the Operator to the Town, the Operator hereby grants a limited right of entry, ingress and egress to the Town, its agents and employees, over the Properties for the purpose(s) of maintenance, inspections, repairs of the Visual Screening, and/or the performance of the Operator's obligations under this Agreement. Access shall be provided at times which are mutually agreeable to the Town and the Operator which, at a minimum, must be upon at least 15 days' notice to the Operator. No additional documents or filings other than those described herein shall be necessary to formalize the Town's access specified herein.
4. For reasons of safety and security, prior to gaining access to the Project premises for the purposes of this Agreement the Town, its agents, contractors and employees must be escorted by the Operator or their representative or designee.
5. The Operator and Landowner agree that in the event the Visual Screening is not completely installed in accordance with the approval or maintained by the Operator as required by the terms of this Agreement, the Town may, only after proper notice and time to cure any defects discussed below, enter the Properties and cause the Visual Screening to be completed and/or maintained as reasonably necessary upon notice to the Operator as provided for in Paragraph "10(c)," below. Upon receipt of written notice from the Town of a deficiency, the Operator shall within fifteen (15) days from the date written notice of such defect is delivered to it, correct the identified deficiencies within reasonable industry standards or in the event the defect cannot be cured within fifteen (15) days from the date such notice is received, undertake reasonable steps toward curing such defect. In the event the Operator fails to cure or take reasonable steps to cure within the above time period the Town is permitted to enter upon the properties, in the manner described within this Agreement. The Town may also take actions to enforce this Agreement by way of specific performance and the costs associated with such action shall be charged to and payable on demand by the Operator. Operator shall post a letter of credit or bond, in form and substance reasonably satisfactory to the Town or deposit cash in escrow with the Town (the "Security") in the amount of \$10,000.00 for the benefit of the Town prior to Operator's initial planting of the trees. In the event Operator elects to deposit cash in escrow with the Town as the Security, the Parties shall execute an escrow agreement reasonably acceptable to both Parties. The Security shall remain in effect for a minimum of three (3) years and a maximum of five (5) years. The Town shall have the right to relieve the Operator of the Security obligation set forth herein after three (3) years from the date of the planting of the trees should the trees be sufficiently stabilized. The Parties agree that the Security shall be used solely to pay for any costs incurred by the Town pursuant to the exercise of its rights set forth in this Agreement with respect to the Project.
6. To the fullest extent allowed by applicable law, the Operator hereby agrees to indemnify, defend and hold the Town, its affiliates and respective managers, members, officers, directors, employees and agents, harmless from and against any and all claims, losses, costs, damages, liabilities, or expenses (including, without limitation, reasonable attorneys' fees) arising from or in relation to the gross negligence or willful misconduct of the Operator (or any person acting at its direction or on its behalf) in the performance of any inspections, maintenance, repairs and/or construction activities under this Agreement.

7. In exercising this its rights under this Agreement, the Town, its employees, agents and contractors, shall only enter upon and utilize the routes identified and provided for by the Operator.
8. The parties acknowledge that all visual screen maintenance work contemplated by this Agreement will occur outside of the fencing surrounding the solar facility, and thus, there will be no physical work occurring within the solar facility itself.
9. This Agreement shall be recorded in the Office of the County Clerk, County of Schenectady and, together with the deed for the property, if any, shall run with the land, and shall operate as an affirmative covenant of the Operator.
10. MISCELLANEOUS
 - a. No waiver or modification of any condition or limitation herein contained shall be valid unless in writing and duly executed by all Parties.
 - b. No waiver of any term or condition of this Agreement shall be deemed or constituted as a waiver of any other term or condition nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach concerning any provision of this Agreement.
 - c. Any notice, demand or other communication required to be given under this Agreement by either Party to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail to the address of the other as given above, or by facsimile or electronic means such as electronic mail where delivery confirmation of the said notice can be readily printed without the requirement of administrative or judicial intervention.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year first above written.

TOWN:

Town of Duanesburg

By: _____

Name: Roger Tidball

Title: Town Supervisor

OPERATOR:

Oak Hill Solar 1, LLC

By: AMP Solar Development Inc., its Manager

By: _____

Name: David Rogers

Title: President

Oak Hill Solar 2, LLC

By: AMP Solar Development Inc., its Manager

By: _____

Name: David Rogers

Title: President

LANDOWNER:

By: _____

Name:

STATE OF NEW YORK)
COUNTY OF SCHENECTADY) ss.:

On the ____ day of _____ in the year 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared **Roger Tidball**, personally known to me or proved to me on the basis of satisfactory evidence to be the Town Supervisor of the Town of Duanesburg whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF _____) ss.:

On the ____ day of _____ in the year 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF _____) ss.:

On the ____ day of _____ in the year 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

SCHEDULE "A"

DESCRIPTION OF PROPERTIES

**LEASE PARCEL TO BE LEASED TO OAK HILL SOLAR 2, LLC
WITHIN A PORTION OF LOT 1 OF LANDS OF RICHARD B. MURRAY
TOWN OF DUANESBURG, NY**

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of New York lying north of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) and within a portion of Lot 1, said lot as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard B. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and filed in the Schenectady County Clerk's Office on October 8, 2019 in Plat Cabinet "P" as Map No. 39 (Doc No. 2019-39) and being further bounded and described as follows:

Commencing at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of Lot 2 to the west and Lot 1 to the east as shown on said map;

Thence from said Point of Commencement along said common division line the following four (4)

courses and distances:

- 1) North 22 deg. 01 min. 20 sec. West, 1,048.32 feet to a point;
- 2) North 07 deg. 06 min. 20 sec. West, 137.50 feet to a point;
- 3) South 83 deg. 07 min. 50 sec. West, 399.88 feet to a point;
- 4) North 00 deg. 00 min. 00 sec. East, 225.78 feet to the Point of Beginning of the herein described lease parcel of land;

Thence from said Point of Beginning continuing along said common division line, North 00 deg. 00

min. 00 sec. East, 1,518.00 feet to the point;

Thence through said Lot 1 the following four (4) courses and distances:

- 1) North 83 deg. 12 min. 50 sec. East, 908.00 feet to a point;
- 2) South 05 deg. 58 min. 10 sec. East, 1,476.00 feet to a point;
- 3) South 83 deg. 43 min. 10 sec. West, 724.00 feet to a point;
- 4) South 83 deg. 12 min. 50 sec. West, 343.00 feet to the point or place of beginning of said lease

parcel and containing 33.891± acres of land.

TOGETHER WITH AND SUBJECT TO A 50-FOOT WIDE UTILITY & MAINTENANCE, INGRESS/EGRESS AND REGESS EASEMENT THROUGH THAT CERTAIN TRACT, PIECE

OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of

New York lying north of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No.

1029) and within a portion of Lot 1, said lot as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard B. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and filed in the Schenectady County Clerk's Office on October 8, 2019 in Plat Cabinet "P" as Map No. 39 (Doc No. 2019-39) and being further bounded and described as follows:

Beginning at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of Lot 2 to the west and Lot 1 to the east

as shown on said map;

Thence from said Point of Beginning and along said common division line, North 22 deg. 01 min.

20 sec. West, 893.68 feet to a point;

Thence through said Lot 1 the following seven (7) courses and distances:

- 1) North 14 deg. 45 min. 20 sec. East, 195.87 feet to a point;
- 2) North 10 deg. 43 min. 40 sec. West, 251.17 feet to a point;
- 3) North 16 deg. 30 min. 10 sec. West, 554.76 feet to a point;
- 4) North 04 deg. 08 min. 40 sec. West, 125.00 feet to a point;
- 5) North 39 deg. 45 min. 00 sec. East, 65.00 feet to a point;
- 6) North 15 deg. 04 min. 40 sec. West, 237.63 feet to a point;
- 7) South 83 deg. 20 min. 00 sec. West, 290.23 feet to a point in said common division line of Lot 2

to the west and Lot 1 to the east;

Thence along said common division line, North 00 deg. 00 min. 00 sec. East, 50.34 feet to a point;

Thence through said Lot 1 the following eight (8) courses and distances:

- 1) North 83 deg. 20 min. 00 sec. East, 327.54 feet to a point;
- 2) South 15 deg. 04 min. 40 sec. East, 306.71 feet to a point;
- 3) South 39 deg. 45 min. 00 sec. West, 70.78 feet to a point;
- 4) South 04 deg. 08 min. 40 sec. East, 99.44 feet to a point;
- 5) South 16 deg. 30 min. 10 sec. East, 551.87 feet to a point;
- 6) South 10 deg. 43 min. 40 sec. East, 265.00 feet to a point;
- 7) South 14 deg. 45 min. 20 sec. West, 190.56 feet to a point;
- 8) South 22 deg. 01 min. 20 sec. East, 881.42 feet to a point in said northerly line of Duanesburg Road;

Thence along said northerly line of said Duanesburg Road, South 72 deg. 57 min. 40 sec. West, 50.19 feet to the point or place of beginning of said easement and containing 3.046± acres of land.

Said lease parcel and easement made subject to any and all enforceable covenants, conditions, easements and restrictions of record as they may appear.

SUGGESTED DESCRIPTION

**LEASE PARCEL TO BE LEASED TO OAK HILL SOLAR 1, LLC
WITHIN A PORTION OF LOT 2 OF LANDS OF RICHARD B. MURRAY
TOWN OF DUANESBURG, NY**

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of New York lying north of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) and within a portion of Lot 2, said lot as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard B. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and filed in the Schenectady County Clerk's Office on October 8, 2019 in Plat Cabinet "P" as Map No. 39 (Doc No. 2019-39) and being further bounded and described as follows:

Commencing at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of Lot 1 to the east and Lot 2 to the west as shown on said map;

Thence from said Point of Commencement along said common division line the following four (4) courses and distances:

- 1) North 22 deg. 01 min. 20 sec. West, 1,048.32 feet to a point;
- 2) North 07 deg. 06 min. 20 sec. West, 137.50 feet to a point;
- 3) South 83 deg. 07 min. 50 sec. West, 399.88 feet to a point;
- 4) North 00 deg. 00 min. 00 sec. East, 253.78 feet to the Point of Beginning of the herein described lease parcel of land;

Thence from said Point of Beginning through said Lot 2 the following four (4) courses and distances:

- 1) South 83 deg. 12 min. 50 sec. West, 883.00 feet to a point;
- 2) North 05 deg. 06 min. 10 sec. West, 890.50 feet to a point;
- 3) North 03 deg. 06 min. 30 sec. West, 590.66 feet to a point;
- 4) North 83 deg. 12 min. 50 sec. East, 995.00 feet to a point in the aforesaid common division line of Lot 1 to the east and Lot 2 to the west as shown on said map;

Thence along said common division line, South 00 deg. 00 min. 00 sec. West, 1,490.00 feet to the point or place of beginning of said lease parcel and containing 32.104± acres of land.

TOGETHER WITH A 50-FOOT WIDE UTILITY & MAINTENACE, INGRESS/ EGRESS AND REGRESS, EASEMENT THROUGH THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of New York lying along the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) and within a portion of Lot 1, said lot as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and

filed in the Schenectady County Clerk's Office on October 8, 2019 in Plat Cabinet "P" as Map No. 39 (Doc No. 2019-39) and being further bounded and described as follows:

Beginning at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of Lot 2 to the west and Lot 1 to the east as shown on said map;

Thence from said Point of Beginning and along said common division line, North 22 deg. 01 min. 20 sec. West, 893.68 feet to a point;

Thence through said Lot 1 the following seven (7) courses and distances:

- 1) North 14 deg. 45 min. 20 sec. East, 195.87 feet to a point;
- 2) North 10 deg. 43 min. 40 sec. West, 251.17 feet to a point;
- 3) North 16 deg. 30 min. 10 sec. West, 554.76 feet to a point;
- 4) North 04 deg. 08 min. 40 sec. West, 125.00 feet to a point;
- 5) North 39 deg. 45 min. 00 sec. East, 65.00 feet to a point;
- 6) North 15 deg. 04 min. 40 sec. West, 237.63 feet to a point;
- 7) South 83 deg. 20 min. 00 sec. West, 290.23 feet to a point in said common division line of Lot 2 to the west and Lot 1 to the east;

Thence along said common division line, North 00 deg. 00 min. 00 sec. East, 50.34 feet to a point;

Thence through said Lot 1 the following eight (8) courses and distances:

- 1) North 83 deg. 20 min. 00 sec. East, 327.54 feet to a point;
- 2) South 15 deg. 04 min. 40 sec. East, 306.71 feet to a point;
- 3) South 39 deg. 45 min. 00 sec. West, 70.78 feet to a point;
- 4) South 04 deg. 08 min. 40 sec. East, 99.44 feet to a point;
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- 6) South 10 deg. 43 min. 40 sec. East, 265.00 feet to a point;
- 7) South 14 deg. 45 min. 20 sec. West, 190.56 feet to a point;
- 8) South 22 deg. 01 min. 20 sec. East, 881.42 feet to a point in said northerly line of Duanesburg Road;

Thence along said northerly line of said Duanesburg Road, South 72 deg. 57 min. 40 sec. West, 50.19 feet to the point or place of beginning of said easement and containing 3.046± acres of land.

Said lease parcel and easement made subject to any and all enforceable covenants, conditions, easements and restrictions of record as they may appear.

Schedule B

Planning Board Resolution

[see attached]

**TOWN OF DUANESBURG PLANNING BOARD
RESOLUTION APPROVING SPECIAL USE PERMIT, SUBDIVISION AND SITE PLAN
FOR THE EDEN RENEWABLES OAK HILL SOLAR ENERGY PROJECTS – 1206 OAK HILL ROAD**

Date: September 19, 2019

RECEIVED

SEP 20 2019

TOWN OF DUANESBURG
TOWN CLERK

WHEREAS, on or about May 7, 2018, Eden Renewables ("Eden Renewables" or the "Applicant") applied to the Town of Duanesburg Planning Board ("Planning Board") for a Special Use Permit and Site Plan Review pursuant to the Town of Duanesburg Local Law No. 1-2016, for the 5-MW Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Project") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands owned by Richard Murray (SBL# 74.00-2-5) ("Property"); and

WHEREAS, on or about May 17, 2018, the Applicant appeared before the Planning Board in furtherance of the proposed Project and the Planning Board requested that the Applicant meet with the Town Planner/Code Enforcement Officer to discuss the proposed application; and

WHEREAS, on or about July 18, 2018, the Applicant appeared before the Planning Board and requested a lot line adjustment and minor subdivision in order to install two 5-MW solar fields on each created parcel, in addition to the Special Use Permit sought pursuant to the Town of Duanesburg Local Law No. 1-2016; and

WHEREAS, on or about July 18, 2018, the Planning Board adopted a resolution pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as "SEQRA"] in which it assumed the role of SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review;

WHEREAS, on or about August 16, 2018, the Planning Board adopted a resolution appointing Doug Cole of Prime AE Group of NY as the Town Designated Engineer to assist in its review of the application from Eden Renewables; and

WHEREAS, on or about September 11, 2018, the Town's Designated Engineer provided written comments on the application; and

WHEREAS, on or about March 11, 2019, the Applicant submitted revised site plans, minor subdivision and lot line adjustment plans, revised applications, a revised Full Environmental Assessment Form ("Full EAF"), and a decommissioning plan, accompanied by a letter addressing comments from the Town's Designated Engineer; and

WHEREAS, on or about March 21, 2019, the Applicant appeared before the Planning Board in furtherance of the site plan review process, and the Planning Board requested receipt of additional information and other actions from the Applicant; and

WHEREAS, on or about June 6, 2019, the Applicant submitted additional information to the Planning Board and addressed the outstanding actions identified by the Planning Board; and

WHEREAS, on or about June 20, 2019, the Planning Board reviewed the materials submitted by the Applicant, issued a negative declaration of environmental significance for this Type 1 action, after reviewing Part 1 of the EAF and completing Parts 2 and 3 of the EAF, and scheduled the Public Hearing for July 18, 2019; and

WHEREAS, on or about July 11, 2019, acting on a referral of the application from the Planning Board pursuant to GML § 239-m, County Planning recommended approval of the Project;

WHEREAS, on July 18 and August 16, 2019, the Planning Board held two well-attended public hearings on the applications and heard comments for and against the Project;

WHEREAS, the Planning Board directed the applicant to respond in writing to the public comments and the applicant submitted two sets of responses after each public hearing;

WHEREAS, the Planning Board directed the Town Designated Engineer, Mr. Cole of Prime AE to review the responses to the public comments and the additional information submitted by the Applicant, all as set forth in Mr. Cole's letter of September 10, 2019 providing comments on the Applicant's materials and recommending that the Town should condition any approval on the Applicant obtaining a permit from the US Army Corps of Engineers, if one is required by the agency, advising that the supplementary Visual Impact Assessment demonstrates that the existing Biggs and Otis and any other nearby residences will be adequately screened by existing vegetation, distance and topography such that the solar array will not be visible; and finding that the revised Decommissioning Plan is reasonable for the proposed system; and

WHEREAS, the Planning Board has carefully considered the documentation in the record including the supplemental information provided by the Applicant, the comments by involved and interested agencies, the recommendation of County Planning and the comments, both oral and written, by the members of the public;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board as follows:

1. That the applications for Minor Subdivision, Site Plan Review and Special Use Permit submitted by the Applicant for the Project were determined to be complete under the Town of Duanesburg Solar Law, the Duanesburg Zoning Law, and the Town of Duanesburg Subdivision Regulations; and
2. That having received and reviewed the application materials submitted by the Applicant, including but not limited to, site plans, subdivision plans, lot line adjustment plans, decommissioning plans, a Full Environmental Assessment Form, statements of proposed construction impacts and ongoing operation and maintenance, and having completed Parts 2 and 3 of the Full EAF, hereby determines that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirms and issues a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination read into the record and incorporated herein based on the following findings:
 - a. The Project will not have any significant impacts on federal wetlands or waterbodies as determined by the full wetland delineation conducted on the Project site, that any necessary approvals would be covered by the ACOE nationwide permit program, and that there are no impacts on State wetlands or streams;
 - b. The Project will not create any permanent impacts from odors, noise or traffic nor to groundwater and surface waters, there will only be insignificant and temporary impacts during construction;

- c. The Project avoids and/or minimizes impacts on plants and animals, due to the very limited vegetative clearing that will result from the Project, once construction is complete vegetation will cover the ground under the panels and the property will continue to be used for limited agricultural purposes, such as sheep grazing and bee keeping;
- d. The Project will not create any impacts to historical or cultural resources as shown in the Letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation dated June 4, 2019;
- e. The Project will minimize any visual impacts due to the existing topography, the retention of existing vegetation as shown on the final site plans and will not create any impacts from glare as demonstrated by the Applicant;
- f. The Planning Board hereby requires that the Project provide evergreen landscaping plan showing the establishment of a substantial evergreen buffer on the Applicant's property within 10 feet of the property boundary currently containing houses within approximately 600 feet of the project site boundary for a length of approximately 1600 feet at the back of the parcel with 2 staggered rows of trees planted 20 feet on center with the trees having the height at the time of planting of 6 to 7 feet and with the trees being species spruce and fir evergreens. The applicant shall also provide a maintenance and replacement agreement for the evergreen buffer to be planted;
- g. The Project does not impact any Critical Environmental Areas and is not located in a flood zone;
- h. The Project will have a positive economic benefit as it will result in revenue to the Town pursuant to a Payment-In-Lieu-Of-Taxes ("PILOT") Agreement and it will result in jobs during the construction and operation of the facility;
- i. The Project will provide renewable energy in the production of electricity and will contribute to the State's goal of replacing fossil fuel generated electricity with renewable sources of electricity;
- j. The Project will also not change the community character as it has been sited to not be visible to the maximum extent possible to surrounding homes and roadways, and an evergreen landscaped buffer will be created on the property containing the project as set forth above;
- k. The Project is also a use of land that will be discontinued in the future and as such a decommissioning plan is in place to return the property to its current condition; and
- l. The Applicant has indicated that it intends to continue to have the property in agricultural uses, such as sheep grazing and beekeeping, which also makes it consistent with the community which contains agricultural uses.

3. That Planning Board's findings set forth below demonstrate the proposed construction of the Project, a Solar Energy System (Major), at the Property satisfies the requirements of the Town of Duanesburg Solar Law;

- a. The Project is in the R-2 Zoning District and as such is a permitted use subject to Special Use Permit and Site Plan approval by the Planning Board;
- b. The projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%;
- c. The Project provides the required 100' setback between its components and the boundary of the Property, provides the required minimum of 25' buffer of vegetation to screen views of the Project and, in fact, that the Project exceeds this standard to address the concerns of adjoining property owners;
- d. A fence meeting or exceeding the applicable requirements of the Zoning Law has been proposed;
- e. The Project preserves existing on site vegetation to the maximum extent practicable and does not propose to clear cut all trees in a single contiguous area exceeding 20,000 square feet on the property;
- f. The Town of Duanesburg Planning Board reviewed the plans showing brush hogging and tree clearing that had been undertaken by the property owner and determined such tree clearing did not exceed the above requirement;

- g. The SEQRA regulations require that a project sponsor may not commence any physical alteration related to an action until the provisions of SEQRA have been complied with and the Planning Board specifically finds that the property owner brush hogging the property and taking down some limited trees for agriculture and silviculture purposes was consistent with the past uses of the property and not directly related to the development of the solar farm;
- h. The Project is not located within an active farm field but is vacant hay field periodically cut by the property owner and historically used for more intensive agricultural purposes;
- i. Native grasses and vegetation will be maintained below the arrays;
- j. The site plans demonstrate that the Project:
 - i. Provides through its siting and through the implementation of an evergreen landscaping plan to be approved by the Town of Duanesburg, a project design that minimize visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;
 - ii. layout ensures that the solar panels will not reflect solar radiation or glare onto adjacent buildings, properties and roadways and that the solar panels include a non-glare coating and are designed to absorb the maximum amount of solar rays such that the panels will not misdirect or reflect solar rays onto neighboring properties or public roads in excess of that which already exists;
 - iii. existing vegetation on the site is preserved to the maximum extent practicable;
 - iv. all transmission/interconnection lines on the Property shall be underground and within necessary easements and in compliance with applicable electrical and town codes excepting aboveground lines as required by National Grid;
 - v. no artificial lighting is proposed;
 - vi. that any signage will be in accordance with applicable town requirements and the manufacturers and/or installers identification and appropriate warning signage shall be posted;
 - vii. the average height of the solar panels are 8' feet above grade – below the 20' height limitation;
 - viii. all disturbed areas shall be restored in accordance with the zoning law's requirements.

- 4. That the decommissioning plan is approved and the Planning Board requires that financial security be provided at least 30 days prior to the commencement of construction to the Town Clerk by the Applicant in the form of a bond or letter of credit in the amount \$422,762.00 (\$211,381.00 per project) with the form of financial security acceptable to the Town's attorney, with such funds to be used for decommissioning of the Project in the event that the Project is not decommissioned by the Project owner or the landowner; and
- 5. That this project approval is conditioned upon the Applicant obtaining any other State or federal approvals required for the project including but not limited to any such permits required by the NYSDEC, the USACOE and the NYSDOT; and
- 6. That this resolution and negative declaration shall be filed in the office of the Town Clerk and shall take effect immediately and that the notice of negative declaration be published in the ENB, that the negative declaration be provided to all involved agencies and that it be filed as required by SEQRA.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Phillip Sexton	✓		
Jeffrey Schmitt	✓		
Elizabeth Novak	✓		
Martin Williams	✓		
Thomas Rullison	✓		

Michael Harris
Joshua Houghton

