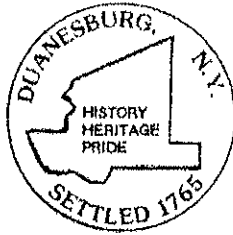


Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent



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

Thursday May 14, 2020
Regular Town Board Meeting
Meeting Time: 7:00PM

Meeting called to order by Supervisor Tidball at 7:00PM

Present: Supervisor Tidball, Council Members Potter, Town Clerk Jennifer Howe present via phone Council Members Ganther and Wenzel, Town Attorney Terresa Bakner

Absent: Council Member Senecal

Pledge of Allegiance

Supervisor Tidball: Hopefully this is the last time we have do this via Zoom, maybe one more depends how everything goes in this country and state. With that being said we will state off with approval of minutes please.

Council Member Potter: I make the motion for approval of minutes for the Town Board Meeting on Thursday April 23, 2020.

Council Member Wenzel: I'll second.

Supervisor Tidball: Any discussion? Clerk call the roll please.

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 69-20: Council Member Potter motioned, seconded by Council Member Wenzel to approve the Town Board Meeting minutes of Thursday, April 23, 2020.

Motion carried, 4 ayes

Supervisor Tidball: Town Clerk's Report

Town Clerk Howe: read report (see attached)

Supervisor Tidball: Thank you. Town Supervisor's Report. Supervisor Tidball read report (see attached)

Supervisor Tidball: Payment of claims please

Council Member Potter: Vouchers to be paid May 14, 2020. General Fund - \$220,367.65. SD#1- \$4,813.91, SD#2 - \$3,385.55, SD#3 - \$775.30, In-House – Zero, Highway - \$20,617.33, Total vouchers to be paid - \$249,959.74.

Supervisor Tidball: Second. Any discussion. Clerk call the roll please.

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Resolution 70-20: Council Member Potter motioned, seconded by Supervisor Tidball to pay the following claims:

Motion carried, 4 ayes

**Vouchers to be Paid
May 14, 2020**

General Fund:	\$220,367.65
Highway Fund:	\$20,617.33
SD#1 Fund:	\$4,813.91
SD#2 Fund:	\$3,385.55
SD#3 Fund:	\$775.30
<hr/>	
Total To Be Paid:	\$249,959.74

Supervisor Tidball: Ok, thank you. Committee reports. Before we go any further I should of announced this at the beginning of the meeting we are to be adding one item to the business meeting. It will be a new vendor for our highway department. Ok, let's start off with our Highway report.

Highway:

Council Member Potter: I talked to Bill and Truck #17 we had just purchased a used transfer case for, and the guys put it in. Unfortunately, the truck is still in use and we are able to use it, but it has a pretty good vibration in it. Also, they are getting a hot box ready for patching holes. He said they are out grading roads. There split shifts are going to be for one more week and then they are going to be back to normal. That is pretty much all he had for me.

Supervisor Tidball: Ok. Yeah, he has been running half crews the last couple weeks because of everything going on.

Public Safety:

Supervisor Tidball: Ok, Public Safety. I don't think we have much the last two meetings have been cancelled because of the COVID. The next one will take place in the fall this year for the fire captain's meeting. It has been pretty quiet on their side anyways. We are in the final stages of contracts with DVAC which we have talked about in the last few meetings. We are going to be going to a paid service and hopefully we will have that for the next board meeting. Terressa's office will be sending the board a final draft for us to look at. Hopefully we can look at it this weekend and see if we are ok with everything. That's about it. Terressa do you have anything to add about the contract?

Town Attorney Bakner: The only thing I could add is we are getting some information about payments that have already been made this year to make sure we have that accounted for in the agreement. A couple provisions that we are looking at the ambulance revenue to make sure we are accounting for that the way the comptroller's office wants us to. You should see it in your email boxes tomorrow as a draft for you guys to review. So if you have any questions just let me know.

Supervisor Tidball: Thank you. Do you have anything to add for Public Safety?

Council Member Wenzel: No, because of the COVID situation we really haven't had much going on with that.

Supervisor Tidball: Ok, onto Parks

Park Committee:

Councilmember Wenzel: The same circumstances we have not had any parks meetings because of the COVID situation. So, anything we were going to look at is on hold for now.

Council Member Potter: I do want to add something to the highway if that's ok. Bill Reed did meet with Bill Brown and they walked around the place.

Supervisor Tidball: Bill Brown from Delaware Engineering, we asked him to take a look at the highway garage. It's something we have talked about in the past about expansion of the garage. We have talked about it many times in the past with different properties we have looked at to see if it is more feasible to expand that garage vs. purchasing property and building a building. Bill will get us a game plan going forward. John anything with sewer districts.

Sewer Districts:

Councilmember Ganther: Yes. Andrew and Dale met with Bill Brown this morning over at the Delanson Plant to discuss the long-term improvement projects. The next step there is to do some footings to make sure they don't hit any bedrock in the areas that they are going to be building on. We continue to have issues with flushable wipes over on South Shore Rd. The team had to go over there five times in April to clean out the pipes. Dale drafted another letter and sent that out today. Dale also made a trip over to Trot today to secure masks for members of the wastewater treatment plants. The rest of the stuff I really just categorize as routine maintenance. Bill Brown do you have anything to add?

Bill Brown: I do not have anything to add that wasn't already mentioned.

Supervisor Tidball: Ok, thanks Bill. John anything with IT?

IT:

Councilmember Ganther: Ok, we haven't had any broad band meeting due to the COVID. We did have Congressman Tonko drafted a letter petitioning on our behalf and included testaments

from our local residents (see attached). Our website was down today due to the company that hosts our website having errors. The outage occurred around 12:45 and it only lasted like 10 minutes, it really wasn't much of an inconvenience. They resolved it and provided a detailed report on what they fixed. VTS (Virtual Towns & School) also has a upgrade that we need to make a slight change that might need to be done by Spectrum. We have reached out to Omnis to get their advice on that. The change is really simple, I just need to clarify who should be doing it. I should get that in the next day or so. We purchased a new shared laptop that will be used at Town Hall. We have one that we use it for meeting and presentations, but it is really old and doesn't have camera capabilities. It was in our budget to replace this year and Omnis is preparing that now and we hope to have it online hopefully within a day or two. That is all I got.

Supervisor Tidball: Ok. Any other committee or non-committee stuff we want to discuss? No one has anything we will move onto the business meeting.

Business Meeting:

Councilmember Potter: OK. Make a motion to adopt the new fraud policy. Council Member Potter read the resolution. (please see attached)

Supervisor Tidball: Second. Any discussion? Clerk call the roll please

Town Clerk Howe: Councilmember Potter.

Councilmember Potter: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Town Clerk Howe: Councilmember Ganther

Councilmember Ganther: Aye

Deputy Town Clerk Fall: Councilmember Wenzel

Councilmember Wenzel: Aye

Resolution 71-20: Council Member Potter motioned, seconded by Supervisor Tidball to adopt the new fraud policy. Motion carried, 4 ayes

Supervisor Tidball: OK. Make a motion to accept R. Filion Manufacturing as a new vendor for the town.

Council Member Potter: Second

Supervisor Tidball: I believe this is pieces Bill need for the hot box. The only place they can get it locally and the W-9 has been received, so we have all the paperwork in. Clerk call the roll please.

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Councilmember Ganther

Councilmember Ganther: Aye

Deputy Town Clerk Fall: Councilmember Wenzel

Councilmember Wenzel: Aye

Resolution 72-20: Supervisor Tidball motioned, seconded by Council Member Potter to accept R. Filion Manufacturing as a new vendor for the town. Motion carried, 4 ayes

Supervisor Tidball: That is all we have for business. We do have one piece of correspondence from a resident. While we are doing these Zoom meetings if you want a statement read please make sure that you get it to the Town Clerk before the meeting so that it can be read during this time. Supervisor Tidball read a letter from Lynne Bruning (see attached). That is all I have folks. Anyone else have anything to add?

Privilege of the Floor:

Councilmember Ganther: Yes, if you want to use your chat option, if you enter something into the chat that you would like to speak and I can unmute your microphone and let you speak. I'll

give you 30 seconds or so to see if anyone has anything to add. I'm not seeing anything so, I believe we are good to close up shop. I'll turn it back to you for that.

Privilege of the Floor Closed:

Supervisor Tidball: OK, then I'll make the motion for adjournment.

Councilmember Potter: I'll second it.

Supervisor Tidball: Clerk call the roll please.

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Town Clerk Howe: Councilmember Potter

Councilmember Potter: Aye

Town Clerk Howe: Councilmember Ganther

Councilmember Ganther: Aye

Town Clerk Howe: Councilmember Wenzel

Councilmember Wenzel: Aye

Supervisor Tidball motioned, seconded by Council Member Potter to adjourn the meeting.
Motion carried, 4 ayes

Supervisor Tidball: OK folks, thank you very much. We will talk to you later. Thank you.

I, Jennifer Howe, Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday May 14, 2020 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	2	1.66
		Sub-Total:		\$1.66
A2544	AFTER 30 DAYS	AFTER 30 DAYS	1	5.00
	Dog Licensing	Female, Spayed	16	224.00
		Female, Unspayed	2	44.00
		Male, Neutered	15	210.00
		Male, Unneutered	1	22.00
		Sub-Total:		\$505.00
B2555	Building Permits	Building Permits	3	360.00
		Sub-Total:		\$360.00
Total Local Shares Remitted:				\$866.66
Amount paid to: NYS Ag. & Markets for spay/neuter program				40.00
Amount paid to: NYS Environmental Conservation				28.34
Total State, County & Local Revenues:				\$935.00
		Total Non-Local Revenues:		\$68.34

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Jennifer Howe, Town Clerk, Town of Duanesburg during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

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 April 2020.

Revenues

Fund	Amount
General Fund	\$ 85,843.72
Highway Fund	\$ 0.00
Fire Protection	\$ 0.00
Parks & Recreation	\$ 0.12
Parklands	\$ 0.28
Service Award	\$ 0.26
Sewer District #1	\$ 8.09
Sewer District #2	\$ 29.53
Sewer District #3	\$ 12.28
Total	<u>\$ 85,894.28</u>

Disbursements

General Fund	\$ 69,944.27
Highway Fund	\$ 50,940.70
Fire Protection	\$ 0.00
Park & Recreation	\$ 0.00
Parklands	\$ 0.00
Sewer District #1	\$ 15,265.63
Sewer District #2	\$ 8,741.21
Sewer District #3	\$ 3,687.59
Total	<u>\$ 148,579.40</u>

Dated May 12, 2020

Supervisors Office – Town of Duanesburg

TONKO HOUSE GAV
2000 HAYDEN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-6000
19 HOWE STREET, SUITE 300
ALBANY, NY 12210
518-462-6000
10 CHURCH STREET, ROOM 300
ALBANY, NY 12210
518-462-3300
180 JAY STREET, ROOM 10
SCHENECTADY, NY 12305
518-375-4547



PAUL D. TONKO
U.S. HOUSE OF REPRESENTATIVES
20TH DISTRICT, NEW YORK

COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON ENERGY
AND COMMERCE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON ENERGY, PUBLIC UTILITIES,
AND COMMERCE
COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY
SUBCOMMITTEE ON ENERGY

May 7, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai,

After several engagements with your office on the subject, I write out of concern that the Federal Communications Commission (FCC) is still failing to bridge the digital divide facing millions of Americans. I am also deeply concerned that the FCC continues to take actions that seem to deliberately leave the constituents I serve in New York's 20th Congressional District with no path forward to access broadband services. This was not acceptable before and it is frankly intolerable now.

The FCC has repeatedly contended that all of New York has broadband service, a claim my constituents and your fellow FCC commissioners have repeatedly disproven. Regardless, your agency has reasoned that New York does not qualify for federal funding to ensure basic broadband internet access. In the Capital Region of New York, broadband access has long been limited, and we are feeling the effects of a lack of broadband access now more than ever.

During this pandemic, I have heard from parents, educators, students and workers that are unable to connect online from their homes. I have heard from small businesses unable to operate remotely because they do not have broadband capable of processing payments. I have heard from families worried about isolated seniors and inability to access telemedicine. I implore you not to ignore these people whom we are meant to serve.

For example, Susannah in Rensselaerville is struggling with inadequate broadband access while managing a large scale global COVID-19 humanitarian assistance program, as well as teaching graduate level classes. She also worries about her kindergartener who is struggling to access remote learning.

Hillary in Ballston Spa also is concerned that her children will fall behind in school without reliable access to broadband.

Kelly in Delanson and her husband are both teachers. She has to drive to the local supermarket to participate in Google Meet with her class. Her 13-year-old son is also struggling to participate in school without reliable broadband access. Kelly said, *"I don't feel that people that have always had broadband access understand what it is like living without this modern necessity."*

Colin in Ballston Spa shared, *"Not having access to high speed internet has caused many problems for me both personally and for my business. I own and operate a small metal fabrication business in Ballston Spa, New York and I am regularly impacted by not being able to order materials as quickly as I need, and have lost jobs because I have not been able to communicate with clients easily."*

I urge you to read the full *Addendum* below of a broad array of testimonials from the people I was elected to serve. The takeaway is clear: the FCC's failure to make New York eligible for broadband buildout and deployment is having devastating impacts right now on health, education, economic opportunity and quality of life.

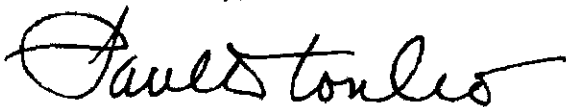
As you well know, while this pandemic has exacerbated the broadband problem, it is not a new one for us. While some of the reports come from rural areas, many do not. Having heard from thousands of constituents during this session of Congress alone, I can tell you conclusively that broadband access remains a deep and pervasive challenge in the Capital Region, and the job to buildout broadband access here is far from finished.

I do want to recognize the many providers - state and local responses, community organizations and school systems - who have stepped in to help bridge the gap during this pandemic. Yet, despite these efforts, many are still left without needed broadband access. I appreciate the State of New York's broadband program and the FCC's Connect America Fund, but the examples in the *Addendum* should illustrate that we must do more. Too many people are still being left behind with no access in sight.

I have been proud to fight for better broadband maps with greater accuracy and granular data. I am pleased this concept has now been signed into law. I also continue to push for my ACCESS BROADBAND coordination bill (H.R. 1328), to ensure that communities can access resources and use them effectively. I was also proud to help introduce, and remain committed to advancing, the House Democratic Plan to Connect All Americans to Affordable Broadband Internet for the Coronavirus stimulus response. However, these efforts will not solve the persistent access challenges that have long hindered the people and communities I represent. The central issue is that the FCC continues to insist on using outdated and inaccurate broadband maps, and worse, it systematically chooses to exclude New York from broadband funding on a false premise that we are all served. As you consider future federal funding and whether New York should be eligible, please consider these examples and appeals from my constituents.

I am grateful for your consideration of this matter and would be pleased to respond to any questions you may have. Please contact Emily Silverberg (Emily.silverberg@mail.house.gov) in my office should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Tonko". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Paul D. Tonko
Member of Congress

Addendum of Constituent Testimonials

Demonstrating Severely Limited Broadband Access:

Educators, Students and Families:

From local teachers in one school and what they are hearing from the community:

“When parents were surveyed whether or not they had access to the internet, we never imagined the load of the whole family needing devices and our internet just wasn't enough to handle us all.”

“I heard of an offer for free hookups and service for \$20, but since I lost my job, I haven't been able to pay my bill, so I am not able to take advantage of that offer.”

“I have several families that have talked about spotty internet. 1 family went from a hot spot to mid hudson cable and the internet still breaks up.”

“I have families that have their child join Meet classes on their front porch or on their playset trying to get a better signal.”

“Kids are going to the school parking lots to get wifi, provided they can get a ride.”

Susannah Friedman of Rensselaerville:

“We live in a rural part of Rensselaerville where we face the double whammy of no access to fiber optic broadband internet and a very weak cell signal. This was manageable during normal times, but now that we are working from home, as well as attempting to maintain our six year old daughter's engagement in school, we face a major challenge. We currently rely on satellite internet service, which is expensive, unreliable and of poor quality. We also have cellular hot spots, but these don't serve their purpose, given the very low cell signal at our location. Both of our jobs are now reliant on the quality of our internet connection. **Susannah is managing a large scale global COVID-19 humanitarian assistance program for CARE USA, one of the largest American relief agencies, as well as teaching graduate level classes at Columbia University's School of International and Public Affairs. All of this now needs to be delivered from a poor quality connection. When the weather is bad, it barely works at all. Gareth's ability to connect to his staff is all predicated on internet. Our ability to do our jobs is increasingly under threat by lack of a poor internet connection.**

Even worse, our attempt to maintain consistent education for our kindergarten age daughter has become increasingly challenging. The halting internet service, audio delays and lagging video have made it challenging for her to engage in ways that a six year old can manage and she has become increasingly withdrawn from her online school activities,

sometimes even refusing to attend. Her teacher is unable to see a clear image of her face and the audio line frequently drops. It is an untenable situation.

With the prospect of prolonged pandemic conditions, we fear that our lack of access to proper broadband place our livelihoods and our children's opportunity to engage with online education at risk. We are concerned that without a better connection to the world outside our village, communities like ours will be left behind and put at even greater disadvantage to keep pace with the rest of the world.

A constituent in Ballston Spa:

"I'm a NYS Dept. of Health employee assisting with the pandemic and also graduate student pursuing a Masters in Public Health. I recently moved to my house and the lack of access to internet has caused a great deal of strain. I have to seek out public places with free Wifi access in order to do any online work, and forget about being able to work from home. **Due to the pandemic I can no longer access public areas with Wifi, which is costing me my education.**

Dr. Timothy Mundell, Superintendent of Schools at Berne-Knox-Westerlo Central School District:

"As Superintendent of Schools in the Berne-Knox-Westerlo Central School District, I have been grateful for Congressman Tonko's support of our district, its students and families over the years. During this very unpredictable time, our amazing little community has faced the challenge of quarantine, a shift to an online learning environment, and interruption of economic activity that sustains daily life. Certainly, we are no different than many communities in facing these challenges. However, your inquiry regarding broadband internet access could not come at a more critical time. **It is during the challenging times that disparities and inequities are often exposed in our society. In this situation, broadband internet access for the Helderberg Hilltown communities of western Albany County is no less than a moral, ethical, public health, educational, and economic equity issue.**

In making the transition to online learning more than one month ago, policy makers made assumptions about broadband access that may be valid in suburban and urban areas, but are not valid in rural areas. We are now aware that nearly 40% of our students do not have broadband access, and many of those who have internet access have satellite service or dial up service. For years, community members have inquired about broadband service, only to be told by providers the cost is prohibitive. Obviously, installation of fiber optic cable on sparsely populated streets may not return the investment for the service providers because the potential number of consumers may be too few to cover the initial cost of installation. It is an economic question, I understand. However, as for my students, they are clearly at a disadvantage educationally and

economically in the future when compared to their peers in urban and suburban districts, for no other reason than the zip code in which they live. **If we are truly committed to the creation of a fair, equitable, and just society, then this issue is a basic infrastructure issue for policy makers at all levels of government to address. This issue is no different than historic public policy regarding interstate commerce, the telegraph system, railroad expansion, telephone networks, air traffic control, the interstate highway system, and the public airwaves. In every one of those circumstances the government played a role in ensuring a level playing field for every citizen. This is why we see broadband internet as an equity issue.**

New York state has experienced a significant drop in population over the past decade. Rural areas have seen disproportionate loss of people and opportunity, virtually bringing rural economies to a standstill. Commitment to broadband internet access gives students greater educational opportunity and networking capability. Enterprising community members who seek to operate internet-based business would have the potential to revive local business in a new and reimagined way that could lead local communities back to prosperity. Community members would have greater contact and communication with one another and vital services necessary for healthy living and social activity.

In the past year, our school district has invested local dollars in our technology infrastructure and digital capacity. We have upgraded our internal wiring and wifi access points to the highest capacity. We have invested in hundreds of devices for students which are now out on loan to be used for completing school work. Our school has provided temporary hotspots for internet access, and is currently working with Hudson Valley Wireless and Albany County to install wireless transceivers at local residences for internet access. Thus, many parties have sought to make inroads on this issue. However, these are not the ultimate solution to the problem. As a school leader, community leader, parent, and taxpayer I offer my voice to help you cultivate support in Congress to address this significant equity issue.

The information superhighway is where ideas are exchanged and where value is created. The general welfare of rural community members suffers every day they are without access. As a society, we must provide opportunity for all to engage broadband to fulfill futures and lead the way to tomorrow. New York is a unique educational and economic environment. We possess some of the brightest students and best schools in the nation, and engage in two of the most significant segments of the economy in finance and agriculture. Broadband access in the rural areas would unify and enhance the potential for each of those elements to create thriving opportunity and success for our region, state, and nation.

On behalf of the Hilltown communities, I thank Congressman Tonko for his determination on this issue, and again offer my voice as an advocate.

Hillary Jablonski in Ballston Spa:

"I live in Ballston Spa, NY and am without broadband access. There is cable less than 1/4 mile from my home, however 1 mile stretch of road that I live on is without cable internet, FiOS, or any other broadband capabilities. Spectrum has increased the estimate for the job from \$2300 (back in 2016), all the way up to \$65,000 this past year. There's quite a bit to our story, but this is the gist of it. **Currently, with schools shut down, my children are relying on remote learning via the internet.** We hotspot from our phones which works pretty well, until we reach our hotspot limit for the month, at which time the speed will slow drastically. **We are 12 days into our billing cycle and by tomorrow we will have hit our cap. The kids just started using Google Meet last week for lessons with their teachers, and this uses quite a bit of data. If the slower speeds interfere with their meetings, my children, like so many others, will risk falling behind.** As I said, I have a ton of information regarding our specific situation, as it has been a project I've been working on with local officials, so please do not hesitate to reach out for further discussion. Thank you for giving voice to my neighbors and my family."

Dianna in Delanson:

"I have been a resident of Delanson, NY since 2014. I have been calling and emailing internet companies, and the broadband programs offices for years.

Due to the pandemic, I am now required to teach from home. I have many google meets to work with students, attend virtual faculty/ district/ cse meetings. I have to prepare online work and materials for students. Since the shut down, I have contacted spectrum multiple times in which I told it will eventually get put in but it isn't cost effective at this time. The beginning of our street and the end where our high school is located is set up and has access but a lot of houses in between still do not have access included ours.

I have reached out to the broadband program office and was told that my address is included in the spectrum broadband expansion plan but our expected date for service is September 2021. This makes it very challenging to try to teach my students using a hot spot on my phone.

I hope this information will help show the lack of broadband access and how, during this pandemic, **it poses great challenges in teaching at home.** Thank you for your time and listening to our concerns. "

Kelly Brooks in Delanson:

"My family and I live in Delanson, NY and we are a part of the unserved in the Duaneburg area. Our town has fought endlessly to get residents the broadband services they need to function in an internet dependent society.

My husband and I are both teachers trying to navigate Google Classroom, Google Meets and assigning grades for report cards without access to broadband. **Everything we do involving an internet connection takes much longer than normal.** My husband spent eight hours to work

on report cards, where he would have spent under two hours, if he was able to work from his school. **I have to drive to our local supermarket to participate in Google Meets with my class because otherwise the video comes across blurry and the audio sounds distorted.** Both my husband and I are having issues with “turned in” assignments showing up in Google Classroom and then we are unable to access the students responses. The responses show up hours later due to poor connectivity.

We also have a 13 year old son that is in 7th grade at Duaneburg Jr./Sr. High School that is trying to work daily on Google Classroom.

His school provided him a hotspot device, but because of the surrounding hills the connectivity is not always strong. The device averages 1-2 bars on a good day. He has submitted assignments on Google Classroom to teachers that include pictures and will find out after submission that the pictures didn’t show up. He is unable to use Seesaw, YouTube and other platforms that require audio or video.

I don’t feel that people that have always had broadband access understand what it is like living without this modern necessity. New York State should not be excluded from federal funding opportunities.”

Erin Sheevers, Director of Technology at Troy City School District:

“Troy City School District currently has approximately 120 students reporting no internet. There are still families that we have been unable to reach though, so that number could increase.

Students without the internet are unable to receive and complete their schoolwork, they are unable to engage with their teachers, peers, and support staff. Students without the internet are not only missing out on opportunities for learning but their ability to receive interactions and services essential to their well being.

We have been sharing the free internet through spectrum information, as well as the information attached but many families are having difficulty getting the free spectrum service due to outstanding bills, etc.

We are also working with the city of Troy and local businesses to provide other locations where wifi can be accessed safely and for free.

Buying hot spots for all of the students who need them during this time is not feasible or sustainable- for 3 months we would incur a cost of approximately 45K- plus they are on backorder.

As a district, we have enough devices for all students that need them, we just need the internet.”

Joe O'Neil, Management Information Systems Director for Duanesburg Central School District:

"The lack of broadband access to all the residents of the Duanesburg Central School District has negatively impacted our students' instruction and ability to engage in continuing education during the Covid-19 shutdown. Located in a rural area, students without access to broadband at home, are unable to access online resources for learning that most other children take for granted. **Aside from a small public library offering free WiFi, students would have to travel outside of the district in order to take advantage of commercially available free WiFi. During the current Covid-19 pandemic, our district has had to reallocate funds in order to purchase and send home Verizon hotspots to students without broadband at home. Due to a lack of cellular coverage, we are unable to take advantage of free offers from companies like T-Mobile. The result has been thousands of dollars in extra expenses to provide connectivity to them.**"

Health, Small Business and Work:

Martha in Delanson:

"We have been trying for years to get Spectrum to expand Broadband access to the western most part of Schenectady county. While the contract with them was renewed they have continued to slow walk expanding access. This negatively impacts families with children as they attempt to interface with our teachers and therapists for teletherapy and continuity of education services during NY Pause. **Additionally we have a number of parents and I have staff who have needed to drive and sit in their cars in order to access internet services from a hotspot. One of my therapists needs to walk around in the fields beside her home to get a smartphone signal strong enough to allow her to send needed data to our office following any teletherapy services she has provided. She needs to leave her home to drive to one of our program sites in order to deliver teletherapy services which would be able to be completed from her home if she had the ability to connect via broadband. Please help!"**

Colin in Ballston Spa:

"Not having access to high speed internet has caused many problems for me both personally and for my business. I own and operate a small metal fabrication business in Ballston Spa, New York and I am regularly impacted by not being able to order materials as quickly as I need, and have lost jobs because I have not been able to communicate with clients easily (I manage my own website and making edits to it is nearly impossible unless I travel). On a personal level I have had a lot of difficulty with my graduate school homework for the same reason."

Justin Carman in Oak Hill:

“I work as a Software Development Team Lead at InfoEd Global which is headquartered in Albany NY. InfoEd Global works with some of the largest medical research universities and companies across the globe to provide them a comprehensive electronic research administration software suite. **Many of us are working tirelessly to support these clients who are submitting research funding proposals to agencies like NIH, NSF, DHS, and DOD to combat a wide range of diseases from COVID-19 to cancer. A lack of consistently reliable internet access has hampered my ability to work as expediently and as often as I would like. I am tethered to a wireless hotspot, which is connected to a cell phone tower at max capacity, in an incredibly rural area - often the quality of the connection will prevent me from remotely connecting and working completely, and always at a diminished throughput and capacity - all in a time when we are all required to be working from home to flatten the curve.**”

Arthur Hanvey in Delanson:

“I am writing to express my frustrations concerning the lack of broadband access in rural upstate N.Y. We have been residents of Delanson for almost 30 years and in those 30 years there has been no progress in broadband. We live on the main road and yet broadband ends a mile to the east passes by our house and resumes 2 miles to the west. This has become especially important during the covid19 epidemic for numerous reasons. **I have been unable to telework from home causing me unnecessary risk of exposure to covid-19 as I work at the Albany V.A. During these difficult times it has made it difficult to remain in touch with family and friends. While broadband is taken for granted in the rest of the state and country it is a fantasy here. This shouldn't be considered a luxury but a necessary utility.** Your immediate attention to rectify this dangerous and unnecessary situation is appreciated.”

Jenna Smith in Ballston Spa:

“I am one of Congressman Tonko's constituents. I participated in the Congressman's broadband roundtable last Fall and focused my comments on how the lack of broadband impacts my family's business.

I am an attorney by trade and am finding our lack of reliable high speed internet particularly problematic during the current work from home environment. Unfortunately, all aspects of my job require access to effective internet. It has now become a question of being able to do my work or risking my safety and breaking quarantine to be able to do my work.

In addition, my parents who live next door to me operate Smith Brother's Farm and Smith's Orchard Bake Shop. As the Congressman knows, my mother runs a very busy bakery and farm store, featuring homemade pies and cider doughnuts, apples from our family's orchard, and farm raised meats. During the COVID outbreak, we have relied on reaching out to our customer base

via Facebook to let them know about when our store will be opening and what we are able to offer. The lack of reliable internet has made managing the Facebook page difficult. In addition, we are unable to offer online ordering or to accept credit cards. These were both issues that posed problems to the efficiency of our business prior to the COVID outbreak, but have recently been exacerbated. For example, the ability to process orders online and accept credit cards would allow us to serve our customers while minimizing person to person contact and reducing the amount of staff who would need to answer the phone.

More broadly, not having internet places us at a competitive disadvantage. We are unable to shop online for the best prices for our supplies, and during the current pandemic, have not been able to search online for alternative sources of ingredients that our suppliers are not able to provide. In addition, we are severely limited in how we market our products and find it generally difficult to conduct any business online.

In this day and age, access to high speed internet is necessary for completing basic every day activities, let alone to run a successful business. The current pandemic has only highlighted how critical access to high speed is to survive.

We thank you for your time and attention to this matter.”

Matthew Keyser in Delanson:

Now that COVID-19 has literally shutdown our communities, we, like everyone else in Upstate NY are working from home, learning from home, and staying home. But, unlike the majority of Upstate New Yorker's, my house is forced to ration “data”, as we are limited due to not having broadband access. It's kind of sad and funny at the same time when your 3 year old yells out to turn off the computer and save “data”, because he hears us say it all the time now.

I know that not having broadband internet access is considered a “first world problem” ... But now, with the forced closures, broadband internet is now a necessity to keep my job and educate my children.

Please know that I am not complaining about the lack of broadband because I can't stream Netflix, DisneyPlus, YouTube, etc. Those “struggles” are not even on the radar in my house. Right now, we're just trying to keep up with work and educational requirements. I've already had to leave on-line meetings early or not even attend certain on-line meetings, as I'm worried about reaching my data cap too soon and not being able to work until the data month resets.”

Kim in Duanesburg:

“I'm writing to share my story of Broadband service in my town of Duanesburg, NY.

I have lived in Duanesburg for 15 years. I also happen to live on the only 1/4 mile stretch of Schoharie Turnpike that is not serviced with Broadband access. Despite my best efforts, and the

best efforts of the town, Spectrum has not connected my home, or the surrounding 11 additional homes, to Broadband.

The lack of broadband access has impacted my ability to work remotely. However, **the lack of broadband has never been more greatly felt then during this time in our lives dealing with the COVID-19 pandemic.**

On March 13th Governor Cuomo closed all schools in NYS and on March 16th he sent all non-essential government staff (for which I am one) home to work remotely. It was at that time I realized the hardship my family faced trying to work and school from home with no ability to do so.

Thankfully, the Duanesburg School District came to the rescue of many residents without broadband service and provided chromebooks and mifi's to their students. If it were not for the quick work of the school district to ensure students would be able to continue learning from home I do not know what I would have done to keep my children's education moving forward. I am also thankful to my employer for providing a state issued cell phone allowing me to connect via its built in hot spot.

The Federal Government needs to understand not all rural residents have access to broadband. I live mere feet from neighbors on either side of my home who have broadband access but my home is not serviced. This needs to change. We need to be connected. All homes in upstate NY need to be connected to broadband service. The state of our world is changing. Normal will never be the same. Our children could very well learn from home for the foreseeable future. I may be required to work from home for the foreseeable future. And having broadband service to my home is what will allow my family to continue to live and thrive in these unprecedented times.

Paul Brino in Scotia:

"Both my Daughter and I work from home and the 5 meg Broad Band service provided by Pattersonville Telephone Company makes it difficult to keep up with our work. We cannot get Spectrum and most of your cable providers will soon rely on High Speed internet for Cable stations, therefore, the satellite service might soon be a thing of the past. Problem with us on the Town of Glenville side of the River that have limited or no access to High Speed Internet: I had contacted Pattersonville Telephone Company who provides us 5 meg of Broadband service in the Town of Glenville, when there was a notification in the media that NYS has Grant Money for upgrading the Telephone lines to fiber for High Speed Internet in rural communities.... NYS acted on this because there was Media coverage in Duanesburg, that had very limited High Speed Internet and people were moving out of the Town of Duanesburg (My cousin is a Town Board Member of Duanesburg and he made this a Major priority with much success but, still needs support). But, when Pattersonville Telephone Company called me back, they told me we have good news and bad news. Good News, they got the Grant to upgrade to Fiber for High Speed Internet... BAD NEWS, Timewarner at the Time (Now Spectrum), told the State they had 100% coverage over the Glenville side, hence, no high speed DSL for some of us in the rural

communities of Town of Glenville..... We have a lot of rural area's in Glenville with no access to High Speed internet..... I have been trying to get the Town Board and the current Town Supervisor to make this a priority... It is time for us to make the Town or State Governments work for us and make sure we have resources like other communities.

Again, apologize but, frustrated since, this should be a MAJOR Priority for all Glenville Residents to have access to High Speed Internet”

Joanne in Glenville:

“We have been living in Glenville/West Glenville area for 20+ years. **When our children were of school age, and teachers would send homework home, that often times required use of online applications, I would have to send a note to the school to explain that we did not have internet access at the home.**

Since the COVID-19 outbreak forced many of us to work from home, the internet service has become an even more matter of urgency. I'm limping along with the use of a WiFi jetpack that typically gets one bar of reception if we park it near a window. **This jeopardizes my ability to work and maintain my paycheck and benefits.**

We had, at one point, used dial-up, but we all know that is antiquated. We have been waiting for Verizon to bring Fios to our area, but that hasn't been on the horizon.

We have inquired with Spectrum (Time Warner) annually to see if we could subscribe to their services. **The last quote to run internet from the road to our home was \$60,000.00 - yes, sixty thousand!** Various satellite internet providers offer constrictive and expensive plans.

We just learned that Verizon will be putting up a new tower in the Charlton area, so we hope that will help with the lack of cell phone service we have in the Glenville Hills. **We do not have a landline (too costly) and being dependent upon having a cell signal is not only frustrating, but unnerving for health and safety reasons, especially for those of us with chronic, life threatening illnesses; I worry about being able to call for emergency services should something happen.”**

Community:

Kyle in Glenville:

“I am looking at purchasing a house in Glenville. The house is one of five or six houses in a small development directly off of Rt 5. These houses, however, do not have any internet services available yet. Spectrum is not available, Verizon FiOs is not available. Even Dish isn't available, which to me is crazy considering the house is only a couple hundred feet away from Rt 5, which is arguably the busiest road in the Glenville area. I spoke to the town and they said that they wouldn't be able to assist in paying for the installation of internet to these houses because internet is not a basic human right, however my wife is expected to work from home and my son

is expected to attend online classes for school. These things cannot be done without an internet source of some sort. I spoke with Spectrum and they told me that they could run internet lines to the house but that it would cost me \$20,000. **Instead, I most likely just will not move into this house in Glenville, despite loving every other aspect of it. The town is unwilling to assist us and frankly at this point, the internet is absolutely a necessity.** Thank you for your time. Hopefully everyone working on this is successful and we can move in soon! We look forward to spending the rest of our lives in Glenville, especially considering it is right down the road from my job."

Steven A. Tommasone, Town Supervisor in Rotterdam New York:

"The federal government (FCC) definitely should include New York State, especially the upstate counties who have more sparsely populated rural areas, for federal funding opportunities. The current COVID-19 crisis should be common-sense justification enough for the federal government to comprehend the risks to everyone - especially our children & seniors - to conclude a more robust build out to broadband access is vital.

There are hundreds of families in the western most parts of Rotterdam, and further into the neighboring towns of Guilderland, Princetown & Duanesburg, where broadband access is at best - expensive to the consumer with poor service - or just non-existent. For all the reasons you've outlined - from completing necessary forms to access to services - broadband is a commodity we can no longer live without. For example, I know several people who rely upon their physicians and emergency personnel to remotely access devices which monitor insulin levels, heart rates, etc. which transmit vital statistics.

Lynne Bruning in Duanesburg

"As the medical industry goes virtual the most vulnerable of our population requires access to reliable affordable broadband services.

My step-father, Sheridan Biggs, wasn't born in rural New York but he loved it and requested to remain on Arrowhead Farm until his dying breath.

During 1940's while attending Nott Terrace High School and dating my mother, Susan Liss, Sheridan worked on her family's farm. It is where he chose to retire after a long and successful international career as partner at Price Waterhouse. He was locally active with Christ Church and a generous supporter of the Duanesburg Historical Society. Regionally he helped found the Graduate Management Institute at Union College and the Empire Center for Public Policy. He loved to work on our property and kept both his global and regional connections informed of his projects thru daily emails and video chats.

Our home is at 13388 Duanesburg Road, Delanson about a mile from the Schenectady and Schoharie county boarderline. It is an area overlooked and under represented. It is a wild west on New York's political landscape and small town governance. As a result even though we are on Route 7, a major through fare, we have never had access to broadband.

Beginning in 2000 I annually called, emailed and wrote letters to internet providers requesting fiber optic service. Satellite did not serve our technology savvy and global families needs. Sheridan needed it to keep up with PriceWaterhouse online meetings and grandchildren videos. My siblings and I required high speed internet when we visited to maintain our business connections.

When Sheridan asked me to return home in 2015 he had the best internet service I could obtain. Hughes Satellite 50 GB for \$130/month. This was woefully insufficient for Sheridan's medical needs and my business. Requests to Verizon, Spectrum and other broadband providers escalated. In the end my solution was to keep the Hughes Plan, purchase three iPads with cell plans for maximum data, and an additional hot spot.

I would start my business day at 2 AM when the satellite was most reliable and work until 8 AM when I relieved the night nurse and begin streaming the morning news for Sheridan. Even with closely monitoring our internet usage we would run out of data by the 20th of each month and limp thru the remaining days with decreased coverage and productivity.

My solution was expensive and beyond the financial reach of the majority of New York's constituents. However it was necessary so I could keep Sheridan safely at home.

We required video streams to monitor the nurses and Sheridan's quality of care. There were live security camera feeds from the barns and workshops to know if he was safe or had fallen. We all needed access to videos that would keep him entertained with Ken Burns documentaries, senior memory game apps and PriceWaterhouse meetings. As his medical needs increased I required access to his doctors websites including image downloads of x-rays and CT scans. Additionally, I needed to keep my own business afloat with international calls, video meetings and production of teaching video uploads to YouTube.

Not having access to broadband puts the elderly and disabled at a health and safety risk:

- **Lack of access to email and video cuts them off from their family and friends resulting in depression.**
- **Inability to utilized virtual doctor visits, medical equipment and tracking devices increases safety risks and response time for emergency services.**
- **Prohibits working children and relatives from coming home to care for aging parents increasing expense to local emergency services and medical providers .**
- **Deprives them from normal daily news services, entertainment streams and information.**

Many towns throughout New York, including Duanesburg, have received broadband grants. Yet the residents still do not have this basic service."

Carol Ash, resident of Rensselaerville:

"I have been a resident of Rensselaerville for nearly 50 years and it is a wonderful rural community. It is the fact that it is a rural community that makes it very frustrating in this moment of coronavirus. I have several comments that I hope are helpful to you.

1. Census Blocks. The census blocks for our area incorrectly show that we are covered by broadband. Again, the mapping is incorrect.
2. While some of us do have relatively adequate cell phone coverage, that coverage is by no means universal or provide strong signals into homes. If a home is in a low lying area, cell phone calls are regularly grainy in quality, or disconnected mid-conversation.
3. Internet Coverage. Many in the community have internet service which is provided by private companies - and now , because of covid19, we are in the position of working on our home computers all day long, families with children needing to do their homework through the internet, resulting in exceeding our data caps several times a month, making the monthly payments to the internet providers a financial burden to the normal household.
4. Our potential provider for broadband, MidTel, has been an advocate on our behalf and has taken advantage of the New York State broadband construction grants where possible. In our case, it has resulted in fibre being installed up to 500 feet our our road. Therefore, our neighbors have broadband, but those families on the other side of the road do not have fiber.
5. If, in fact, there is a second round of this virus, and we are all confined to our homes again, we will not only not be covered, but the hope of being covered will be gone. We should be looking at the need for broadband to be as basic as the need for telephones.
6. Additional mapping, or correcting existing incorrect maps, may take many years. I would suggest an alternative: that legislation should mandate that every home within five miles of a village center in rural communities like Rensselaerville be hooked up to broadband. and that infrastructure dollars be provided to willing providers to achieve that."

Ava in the Town of Florida:

My husband, Mike, and I moved back to the Capital District 10 years ago and built a house in the Town of Florida on Route 161. **We came from a very rural area in Chenango County where we had a high speed DSL connection. We never dreamed that we would not be able to get that type of access or better in an area that is more populated and closer to large cities.** For a number of years we struggled with dial-up and satellite. We continually called Verizon to upgrade and they repeatedly said DSL was not available in our area. We knew this was not true as all our neighbors had DSL through Verizon. We also contacted Time-Warner (at

the time) about running a line. They would do it if we could come up with \$25,000 to split the cost with the company. We finally learned of a "back door" approach to get the Verizon service. It took over 5 years for this to happen. While we were very happy have something faster, the connection was still considered very slow by modern standards. Download speeds were 2.7 and upload speeds were .6 . If we had visitors, the strain on the DSL would shut it down.

Recently, Spectrum began stringing lines near our house and, about two months ago, we were able to get connected with fiber. It only took ten years for this success story but we'll take it!"

Bob Scardamalia in Rensselaerville:

"Here is an article I did in 2013 for the Daily Yonder – a weekly eNewsletter from the Center for Rural Studies. While old, the situation is no different today so I thought it would be more useful to link you to that article.

Here's the link: <https://www.dailyyonder.com/broadband-speed-lets-get-real/2013/07/22/>

Note the date of the article – July 22, 2013. Here we are almost 7 years later and there has been NO, that's NO, improvement in service. That's telling in 21st century United States."

Updates from and about Providers in the Region

“Charter Spectrum invested \$790 million in infrastructure in technology in New York in 2019 alone and has more than 10,800 employees in the state, with an additional 200 jobs currently open at the Spectrum Mobile call center in Rotterdam. To help ease the strain on New Yorkers during the COVID-19 pandemic, Charter has offered Spectrum Internet up to 100 Mbps for FREE, including in-home Wi-Fi, to new subscriber households with teachers or students for 60 days and recently announced the extension of that 60-day free offer for new customers through June 30th. Additionally, since mid-March, Charter has opened its Wi-Fi hotspots for public use and has not charged late fees or terminated service for residential or small business customers who let us know they are facing economic hardship related to the coronavirus pandemic, all of which will continue through June 30th. Charter recently announced that it will permanently increase its minimum wage to \$20 per hour. Frontline field technicians and customer service call center employees, who are providing critical services to our communities, emergency relief workers, and government entities, received an immediate \$1.50 per hour increase in February and will receive subsequent increases so that in 2022 all current and future hourly employees will have a starting rate of \$20 an hour or more on top of excellent benefits.

Verizon:

<https://www.verizon.com/about/news/high-speed-broadband-has-expanded-upstate-new-york>

“Patternsville Telephone Company located in and around Rotterdam Junction and State Telephone Company , located in and around Ravena have also been participants in the NY state broadband grant program that has helped them deploy fiber homes and businesses in their respective territories. Like most all carriers in NY they have joined in the FCC’s Keep America Connected Pledge during the pandemic, They are also busy responding to new customer requests resulting from the increase needs of their communicates given the new world we live in and are providing increased speeds at no additional cost to those who require it, working with schools and local officials to identify specific needs of schools and some pupils, building community Wi-Fi hot spots.”

Midtel:

The New NY Broadband grant process we served about 140 homes/small businesses in western Albany County, primarily with voice and some DSL services. Under the New NY Broadband grant program MIDTEL was awarded a small number of census blocks in Albany County (down near Preston Hollow) as part of our Phase 1 award and a larger number of census blocks in our Phase 3 award. In total we will be building by approximately 500 units (homes/businesses) in the towns of Berne, Rensselaerville, and Westerlo. And it appears there may be some more possible areas under RDOF....we’re waiting to see what the challenge process yields.

Due to make-ready delays with Nat Grid and one of their approved engineering firms we are still working to get the Phase 3 project done, which is slated for total network completion by August 1st. We have 30 homes on our phase 3 grant fiber service already and expect to be able to start turning on more homes in the Rensselaerville area in late May/early June and then the rest of the area in August. Our base residential service starts at 150Mb/25Mb for \$59.95 per month and we offer service as high 400Mb/100Mb for \$129.95, but we can serve up to 1Gb when needed.

We work closely with Hudson Valley Wireless to try to minimize overlapping of service areas, and we hand off interested customers to each other in each other's territories. Our goal is to get everyone covered, not compete against each other, if at all possible.

While we are working on completing all of the grant build out areas, and due to the Covid-19 pandemic and the issues it is causing, we launched 8 FREE Wi-Fi hotspots throughout the territories we serve. We are unable to have a hot spot in our Albany County areas at the moment but we put 3 locations nearby (Broome Town Hall, Huntersland FD, and Wright Town Hall) for people in those areas that have no other good option. We know it's a short drive but it was our way of trying to help and all 3 of these location spa being utilized."

Hudson Valley Wireless:

"I wanted to highlight a recent success story. Last week we announced the completion of the New NY Broadband Phase 3 Project within district and partnership with Albany County & Berne-Knox Westerlo Central Schools to provide broadband access to Low Income Students. The announcement was during the Albany County COVID-19 briefing (<https://www.youtube.com/watch?v=iEOoY5Xx-fg&feature=youtu.be&t=590>). Please click on the video for project details. Construction is complete and we expect to schedule hundreds of installations in the Albany, NY Hilltowns.

I am pleased to announce that last month we completed construction of facilities in the Town of Duanesburg, NY and now offering 100 Mbps service in the area. High-Speed Internet access is now available to many of the homes in the south east corner of the Town of Duanesburg, NY."

From what I understand there is still a lot of work to be done in the Town of Duanesburg, NY. The Duanesburg Broadband Initiative published a study (<https://www.google.com/maps/d/u/0/viewer?mid=1zqpm9Z-VUvfk245UONYiwWO1j14kE-Ym&ll=42.78410556376172%2C-74.12999633226451&z=12&fbclid=IwAR3IuMsVPX1Lf8lwEsoRxcQhKKFEwPxkp0N-IEDLYEpFLCaCwNbS5BmfcGw>) in June 2018 illustrating the unserved areas. I recommend checking with the Broadband Program Office to see if the Charter buildout obligation changed to cover these unserved areas. We do not see many of these homes listed on Phase 1 Preliminary List for RDOF. We are also working in Albany County and Rensselaer County to provide access to unserved communities."

From July 22, 2013 Daily Yonder - Rural News and Information

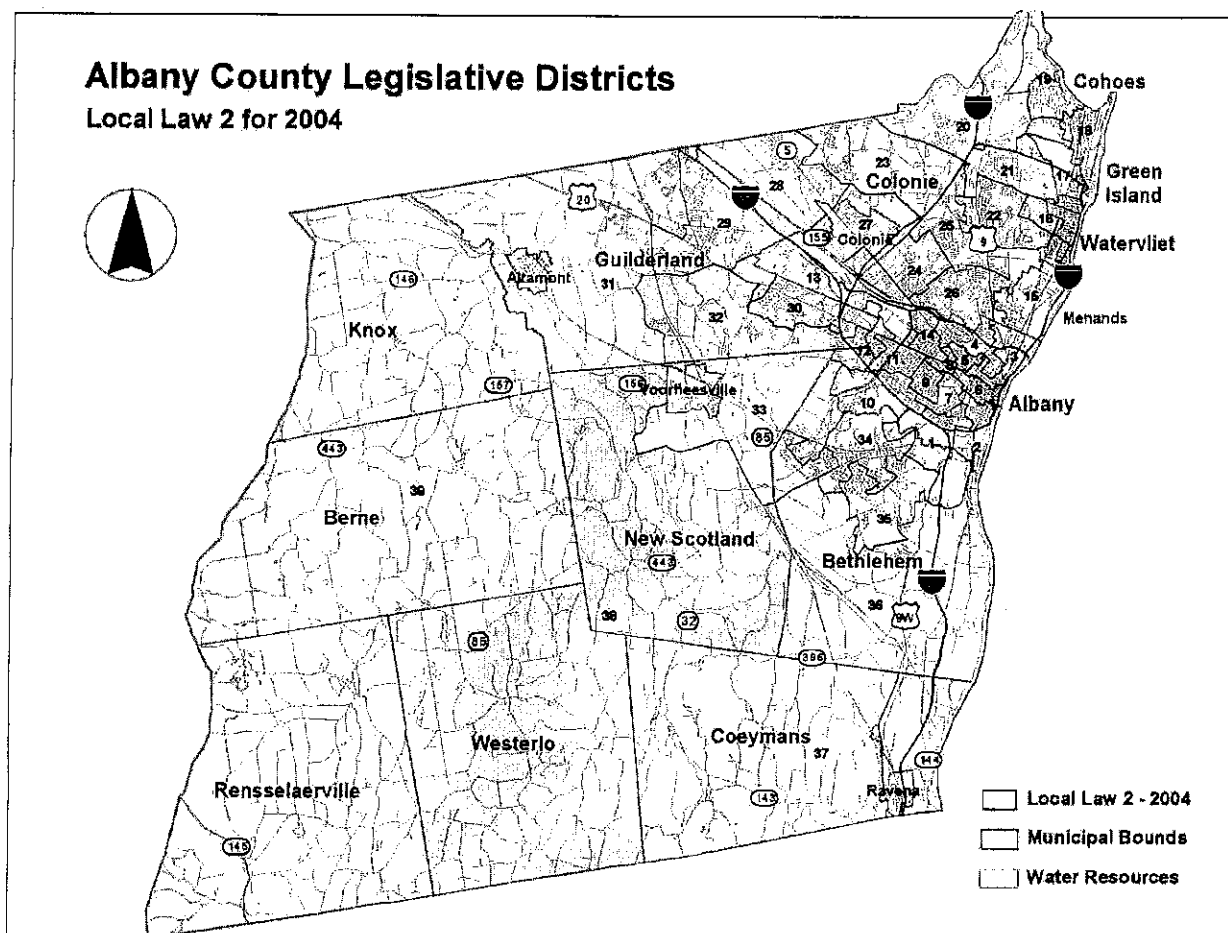


Speak Your Piece: Broadband, Let's Get Real

Thirty miles outside the state capital of New York, the author struggles to maintain a 21st century connection to information and commerce. The National Broadband Map says he's covered – experience says otherwise. If that's what's happening in a "metro" county of 300,000, what's going on in more rural parts of America?

Broadband and Technology

By Robert Scardamalia On Jul 22, 2013 Last updated Sep 20, 2019



The maps say it's covered, experience says otherwise. The author lives in the town of Rensselaerville, in the southwest corner of Albany County. Although only 30 miles from the

state capital in Albany, parts of Rensselaerville have no wired broadband service. Wireless service can be inconsistent and is more prone to outages, the author says.

The federal government says I should have no trouble getting broadband Internet service. My experience says otherwise.

I know many folks in rural America could tell similar stories. Here's mine:

I live only 30 miles from Albany, the capital of New York, and about two miles outside of a rural hamlet in the foothills of the Catskills. Even though our county (Albany) has more than 300,000 residents and is in a metropolitan statistical area, our more sparsely populated part of the county doesn't have cable or DSL broadband access.

Our little library has cable access, as do the 70-80 homes in the hamlet. The cable company says it would cost \$50,000 to run cable to my house. But even if I could pay that kind of fee, they wouldn't run the line because we don't have the 25 homes per mile to make it "cost effective."

In 2007 I bit the bullet and went from dialup to satellite Internet. It was a good move. When someone wanted access to the Internet, we didn't have to check to see if the phone was in use. And we didn't knock someone off the Internet if we picked up the phone.

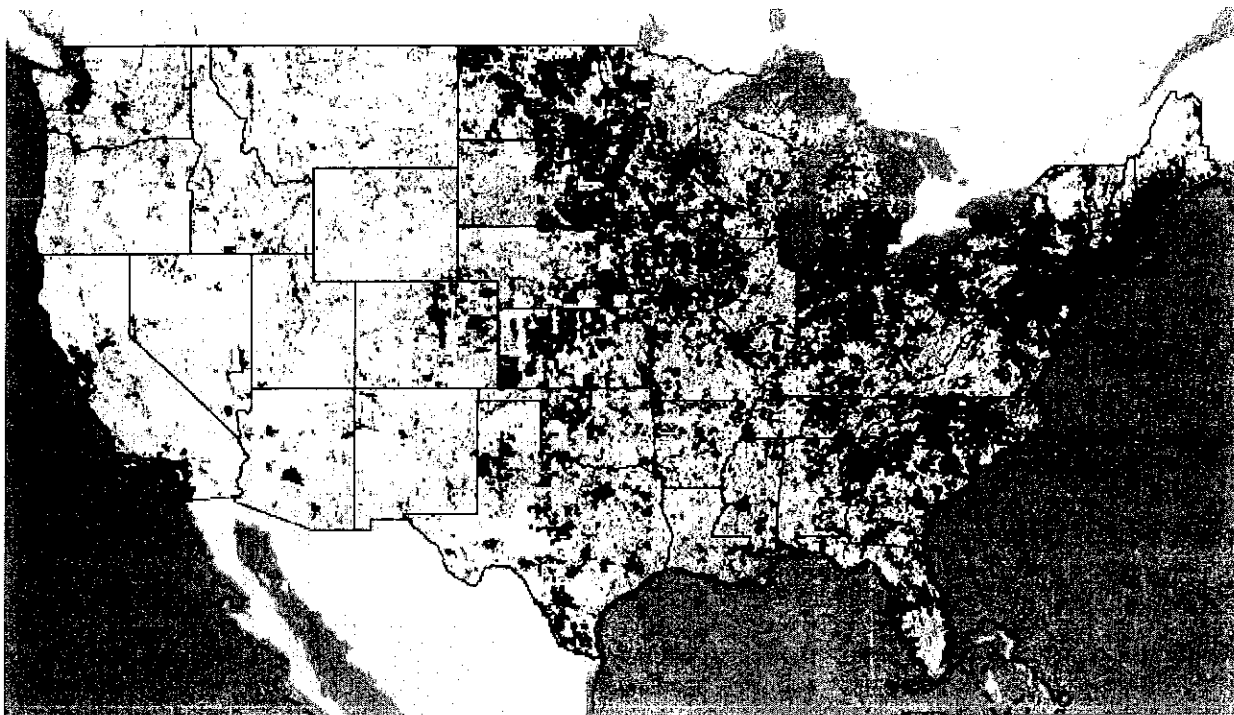
Satellite promised much faster download and upload speeds, and we would be able to do all that the advertisements tell you are possible. Reality was a bit different from the advertisements.

Many times our throughput speeds weren't any better than dialup. We'd go through the speed tests and contact the provider about the speeds. But from the provider perspective, everything looked fine. When the weather was bad here in Upstate New York, we'd lose service. When snow piled up high enough on the dish, we'd lose service. On balance, it was better than dialup but marginally so and quite a bit more expensive.

About a year ago we made the jump to wireless service because Verizon had installed a cell tower and it promised faster speeds. Most of the time it does, but many times we're back to dial-up speeds.

Even with the top access plan, we're limited to a total of 10 gigabytes of upload and download per month. Service outages aren't as frequent as they were with satellite, but they still occur. The longest recent outage was two hours. That's not a big deal if you can't check your Facebook account, but it sure is if you're a small business dependent on Internet service, which we are.

I pay for satellite television, I pay for my telephone landline, I pay for my cell service (which we've only had available for three years), and I pay for my Internet service off that cell tower. That's a total of \$375 per month. Even paying that much per month, the major providers still can't give me access to 21st century technology.



National Broadband Map

The National Broadband Map shows availability of wired broadband service. There are problems with the map. Each state is responsible for reporting its own data. Definitions and reporting techniques are inconsistent. And the data is based on “advertised” speeds reported by Internet service providers. What users get on the ground (especially with wireless access) may be different. (Explore the National Broadband Map.)

National Broadband Mapping

My story isn’t just another example of the frustrations that many rural residents face when it comes to accessing high-speed broadband. To add salt to the wound of rural broadband, the National Telecommunications and Information Administration (NTIA) has me officially classified as having broadband service. That’s technically correct, as I currently get my Internet service off a fixed wireless cell tower.

What frustrates me is my service shouldn’t be classified as broadband (at least 768 kilobytes per second download). The “official” data is misleading and over-represents the extent of broadband coverage in the United States. My speeds are nowhere close to advertised speed, and the data limit of 10 gigabytes makes it impossible to view large videos, let alone try to stream a movie. In my business, I need to access large data files and can easily bump my 10 gigabyte limit if I’m not careful.

Through the American Recovery and Reinvestment Act and the Broadband Data Improvement Act (BDIA), the U.S. Department of Commerce, NTIA, was charged with the development and maintenance of a “comprehensive, interactive, and searchable nationwide inventory map of existing broadband service capability and availability in the United States”. The map would

depict the extent of broadband availability from commercial or public providers in each state. To complete the nationwide effort, NTIA awarded grants to assist states in gathering and verifying state-specific data on broadband services.

In February of 2011 the agency released the National Broadband Map. Above is the national map of wireline coverage – that's DSL, copper, cable and fiber. It's easy to see the U.S. providers run cable, whatever the type, to where the population is. But even this shows interesting differences. For example, North and South Dakota, ranking 48th and 46th respectively in population size, have reasonable coverage. It makes one wonder whether it's really more affordable to run cable across long distances than providers tell us. Could there be political influences in provider coverage?

Fixed and mobile wireless presents a very different picture, though those living in the West clearly still have significant areas with no coverage of any type.



National Broadband Map

States report a much broader coverage area for wireless broadband. But, the author says, there's far more chance that actual availability may be different. Terrain is a large factor in service. (Explore the National Broadband Map.)

When wireline and wireless coverage is taken together, much of the continental United States arguably has some type of broadband access. Estimates of the percent of U.S. residents with broadband access vary and depend on the speed definition of broadband and coverage area of providers. As a result, there's considerable debate about where the United States stands globally in a ranking of broadband accessibility and penetration. The Organization for Economic Co-

operation and Development measures the broadband Internet penetration rate as the number of subscribers per 100 inhabitants. The United States ranks 16th in this category. The United States ranks eighth in total wireless broadband, though we rank second (behind Japan) in mobile broadband penetration. As with so many statistical comparisons, the conclusions depend on the data and definitions used. And that's where the NTIA official measure of broadband access falls short.

NTIA Broadband Mapping

While the NTIA provided detailed specifications for the submission of area coverage data, the methods by which states could determine unserved and underserved areas were not pre-determined. The data submitted by providers varied in format from paper/PDF maps to address points to digital shapefiles. A major problem is that these formats don't always allow for exact determination of coverage, especially for large rural blocks over the two-square-mile threshold.

Estimating the number of unserved and underserved housing units requires two data elements: 1) accurate boundary data from service providers on coverage areas and 2) accurate data on residential housing units at the census block level. Census data is the easy part of this equation, while accurate boundary data on service areas is difficult and subject to error. We've all had experiences with dropped cell coverage due to terrain in areas that are supposed to have service. These areas will show as having service on the national map, when in fact they may not. Or, as in my case, service is available but at speeds well below what's advertised but meeting the NTIA threshold for broadband. The bottom line here is that even in not-so-rural America, there is sub-optimal Internet access.

What To Do

There are rural communities across the United States with extraordinarily high quality of life. But these communities are under threat. They are aging rapidly, and their economies are based on 19th and 20th century industries that have long since left. Will 21st century technology and Internet access save them all? Probably not. But limited access to today's technology infrastructure insures that they won't be able to establish new economies and attract a younger population.

On most measures of broadband access, penetration and adoption, the United States lags the rest of the world. We need to understand the deficiencies in our official measurement of broadband availability and acknowledge that using advertised speeds is not an adequate measure of broadband access. Reliance on service-provider data does not fully describe the extent of unserved and underserved areas.

The National Broadband Plan contains six long-term goals and two are most relevant from my perspective:

"At least 100 million U.S. homes should have affordable access to actual download speeds of at least 100 megabits per second and actual upload speeds of at least 50 megabits per second."

“Every American should have affordable access to robust broadband service, and the means and skills to subscribe if they so choose.”

I think these goals are inadequate and see two problems inherent in them. First, there are nearly 120 million households in the United States, which leaves 20 million homes, one out of every six, with sub-standard access. Second, the goals are inconsistent. If 20 million homes are left without access, how can every American have access to robust service and the option to subscribe?

Rural areas can't very well meet the growing needs for education, health care and economic development without the technological infrastructure necessary to support them.

On May 3, 2013, the U.S. Department of Agriculture announced new rules for funding broadband service in rural communities through the Community Connect broadband grants. The program moves in the right direction. But in these days of sequestration, funding is limited. Unfortunately, with goals limited in scope and funding restricted, the hope of connecting rural, and not-so-rural residents is still a dream.

Robert Scardamalia is former chief demographer for the state of New York and directed the Department of Economic Development's Center for Research and Information Analysis. He is the founder of RLS Demographics, Inc. located in Albany County, New York.

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2020

May 14, 2020

WHEREAS, the Town of Duanesburg Town Board periodically reviews and updates its Town Policies;

WHEREAS, the Town of Duanesburg Town Board has determined that a Fraud Abuse Awareness Reporting Policy ("Fraud Policy") would assist the Town in identifying situations in which fraud may occur and taking the appropriate steps to address such situations;

WHEREAS, the Fraud Policy is to be implemented by the Town of Duanesburg and followed by all employees and officers of the Town of Duanesburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the attached Town Fraud Policy, directs that the policy be followed by all employees and officers of the Town of Duanesburg, and further directs that a copy be distributed to all employees and officers of the Town of Duanesburg and directs that it be incorporated in the binder containing all of the up to date policies of the Town and maintained on file in the Town offices.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of May 14, 2020

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
Fraud Abuse Awareness Reporting Policy

I. Purpose.

The Town of Duanesburg has prepared and adopted this Fraud Abuse Awareness and Reporting Policy to help protect public assets and prevent fraud and/or abuse of public funds.

II. Policy

All Town employees should be able to identify, and must report, any irregularities and/or suspected fraud or abuse of public funds.

III. Identifying Fraud or Abuse

Fraud or abuse can arise in many different circumstances and take many forms. Town employees should be alert to situations that may be indicative of a problem. They must also be able to identify “red flags for fraud” – that is, a set of circumstances that are unusual in nature, or vary from normal activity – and be able to use them as signals that something may be out of the ordinary and needs to be investigated further.

The following are some common examples of red flags that local officials can use to identify fraud:

Employee Red Flags

- Employee lifestyle or behavioral change
 - Behavioral changes include borrowing money from co-workers; creditors or collectors appearing at the workplace; gambling beyond the ability to stand the loss; excessive drinking or other personal habits; easily annoyed at reasonable questioning; providing unreasonable responses to questions; refusing vacations, sick leave, or promotions for fear of detection; bragging about significant new purchases; carrying unusually large sums of money; rewriting records under the guise of neatness in presentation
- Lack of segregation of duties in vulnerable areas
- High employee turnover, especially in those areas which are more vulnerable to fraud

Management Red Flags

- Reluctance to provide information to auditors
- Managers engage in frequent disputes with auditors
- Management decisions are dominated by an individual or small group
- Managers display significant disrespect for regulatory bodies
- Weak internal control environment
- Accounting personnel are lax or inexperienced in their duties
- Decentralization without adequate monitoring
- Excessive number of checking accounts or frequent changes in banking accounts
- Excessive number of year-end transactions
- Frequent changes in external auditors
- Town property sold under market value

- Service contracts result in no product.
- Continuous rollover of loans
- Unexpected overdrafts or declines in case balances
- Compensation program that is out of proportion
- Any financial transaction that doesn't make sense - either common or business
- Service Contracts result in no product
- Photocopied or missing documents

Red Flags in Payroll

- Overtime charged during a slack period
- Overtime charged for employees who normally would not have overtime wages
- Employees with duplicate Social Security numbers, names, and addresses
- Employees with few or no payroll deductions

Records and Reports Flags

- Large number of write-offs of accounts
- Discrepancies between bank deposits and postings
- Excessive or unjustified cash entries and/or adjustments
- No supporting documentation for adjusting entries
- Incomplete or untimely bank reconciliations.

Cash Receipts and Disbursements Flags

- Lack of segregation of key duties
- Deposits not made intact
- Cash receipts issued out of sequence.
- No cash receipt log kept
- Uncontrolled access to blank checks

Purchasing Flags

- Lack of segregation of key duties
- Purchases that bypass normal procedures
- Changes made to vendor files
- Vendor addresses match employee addresses
- Copies of invoices used to pay vendors.

Fixed Asset Flags

- Lack of segregation of key duties
- Lack of asset tags and periodic physical inventories
- Lack of physical security over assets.

IV. Fraud Reporting.

If a Town employee identifies any irregularity or suspected fraud or abuse of public funds, such Town employee must report such information to the Town Supervisor or Deputy Town Supervisor. Such information may be reported anonymously, when the situation allows.

From: lynne bruning lynnebruning@gmail.com
Subject: Town Board May 14, 2020
Date: May 14, 2020 at 3:38:30 PM
To: Jennifer Howe JHowe@duanesburg.net
Cc: Roger Tidball RTidball@duanesburg.net

Ms. Howe,

Enclosed is my statement for tonights town board meeting. with 3 PDF attached.

Please confirm receipt of my email.

Thank you.

Lynne Bruning

Dear Supervisor Tidball,

Thank you for posting the DRAFT April 23, 2020 Town Board Meeting minutes. Upon review I found that the supporting exhibits accompanying my submission of Doug Zamelis April 15, 2020 letter to NYSERDA were not included. Please include the attached Letter and Supporting Documents as obtained by Freedom of Information in tonight's meeting minutes.

Thank you for streaming the meetings during these extraordinary circumstances and posting the drafts. Remaining transparent and accountable to the citizen's of Duanesburg is critical during times of crisis.

Regards,

Lynne Bruning

720-272-0956

lynnebruning@gmail.com <mailto:lynnebruning@gmail.com>

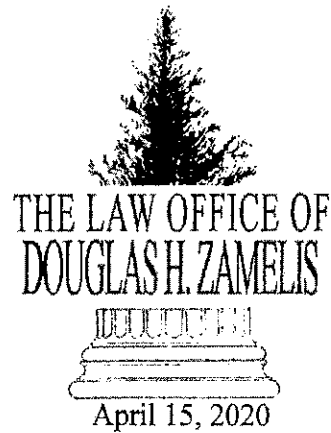
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April 15, 2020 Supporting Exhibits 29 pages

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2.3 MB



Hon. Richard F. Kauffman, Chair
& Members
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203-6399

Re: Oak Hill 1 Solar LLC and Oak Hill 2 Solar LLC, Duanesburg (T), Schenectady County

Dear Chairman Kauffman and Members of the Authority:

This office represents Ms. Susan Biggs and Ms. Lynne Bruning in connection with two community solar projects identified as Oak Hill 1 Solar and Oak Hill 2 Solar (the “Projects”) in the Town of Duanesburg, Schenectady County, with listed addresses at 13590 Oak Hill Road and 13686 Duanesburg Road, Delanson, New York, respectively. Ms. Biggs and Ms. Bruning reside at 13388 Duanesburg Road, adjacent to the Projects, and are petitioners in a proceeding pursuant to CPLR Article 78 entitled *Biggs, et al. v. Eden Renewables LLC et al.* presently pending in Schenectady County Supreme Court (Index Number 2019-2217) which seeks invalidation and annulment of the Projects’ local land use approvals.

The Authority has awarded funds for the Projects totaling \$7,713,456.00 based on representations by Eden Renewables LLC (and/or a successor-in-interest) concerning the size and capacity of the Projects approved by the Town of Duanesburg Planning Board, and the purported approval of energy storage facilities by that Planning Board. This correspondence clarifies that the combined size and capacity of the Projects approved by the Town of Duanesburg Planning Board is only 65.2 acres and 10 MW, not 95 acres and 15 MW as reportedly represented to the Authority. This correspondence further confirms that, notwithstanding what has been represented to the Authority, the Town of Duanesburg Planning Board did not actually review or approve any energy storage facilities in connection with the Projects.

The Duanesburg Planning Board’s September 19, 2019 “Resolution Approving Special Use Permit and Subdivision and Site Plan Approval for the Eden Renewables Oak Hill Solar Energy Projects – 1206 Oak Hill Road” (the “Local Approval Resolution”), a copy of which is attached herewith as Exhibit “A”, purported to approve the two 5 MW Projects, for a combined generation capacity of 10 MW. Because Ms. Biggs and Ms. Bruning brought to the Duanesburg

Planning Board's attention that the Local Approval Resolution overstated the size of the Projects, the Local Approval Resolution was amended by resolution embodied in the minutes of the Duanesburg Planning Board's October 17, 2019 meeting, a copy of which are attached herewith as Exhibit "B", which set forth the correct "coverage" for the Projects as "32.8 acres" and "33 acres" for a combined total of 65.8 acres. The Duanesburg Planning Board therefore approved two solar projects with a combined generation capacity of 10 MW to cover a combined +/-65.8 acres.

The combined coverage of +/-65.8 acres for the Projects is consistent with the "Proposed Site Plan for Oak Hill Solar 1&2, Sheets 1 through 11" dated February 8, 2019 (the "Approved Site Plan") prepared by Environmental Design Partnership, LLC resubmitted to the Duanesburg Planning Board on June 6, 2019 which indicates "proposed coverage" of "32.2 acres" and "33 acres" for a combined coverage of +/-65.2 acres.

Sheets 9 and 10 of the Approved Site Plan show site plan details for limited use pervious access roads, limited use pervious wetland crossings, solar field fences, silt fences, construction entrance, trenches, spare parts containers, DC to DC converters, PV tracker systems, CCTV poles, transformer stations, and inverters on poles, the Approved Site Plan does not provide any details for any type battery or energy storage system facilities. Likewise, neither the State Environmental Quality Review Act Full Environmental Assessment Form, Negative Declaration, nor the Local Approval Resolution, as amended, references battery storage anywhere in their texts. The only reference to battery storage in the record of the Duanesburg Planning Board's proceedings is in the minutes of the board's March 21, 2019 meeting where it is indicated "There will be battery storage proposed in ten (10) small enclosures with containment and fire protection". Such facilities were never actually proposed or reviewed though, and both the Approved Site Plan and the Local Approval Resolution, as amended, fail to show, discuss or approve any energy storage facilities in connection with the Projects.

Notwithstanding the omission of energy storage facilities from the Approved Site Plan and absence of any mention of energy storage facilities in the SEQRA documents or Local Approval Resolution, Town of Duanesburg Planner/Building Inspector/Code Enforcement Officer Dale R. Warner somehow acknowledged and confirmed to the Authority on "Confirmation of Local Land Use Approval" forms dated September 23, and 26, 2019 copies of which are attached herewith as Exhibit "C", that "Required Energy Storage Land Use Approvals" had in fact been granted on September 19, 2019, i.e., the date of the Local Approval Resolution which makes no mention of energy storage facilities. Thereafter, Officer Warner acknowledged and confirmed to the Authority on "Presentation to Planning/Zoning Board for Energy Storage" forms dated October 4, 2019 attached herewith as Exhibit "D" which provide "NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board" for projects of "Energy Storage Size, MW (AC): 5MW AC" and "Solar Project Size, MW (DC) (if applicable): 7.5MW DC". Officer Warner, who is not a member of the Duanesburg Planning Board or Zoning Board of Appeals, acknowledged and confirmed the Authority's "Presentation to Planning/Zoning Board For Energy Storage Facilities Forms" despite the clear indication on the form that they were to be "ACKNOWLEDGED & CONFIRMED BY

MUNICIPALITY Planning/Zoning Board Member". The Duanesburg Planning Board approved no energy storage facilities, and approved only two 5 MW DC community solar projects.

Records obtained from the Authority pursuant to the Freedom of Information Law and filed on the New York State Department of Public Service Document and Matter Management system for matter number 17-02273 indicate that substantial financial incentives by the Authority were contingent and conditioned upon the a) Projects actually comprising a total of 15 MW; and b) approval of associated commercial battery storage facilities by the Duanesburg Planning Board.

By way of demonstration, correspondence from the Authority to Oak Hill Solar 1, LLC dated October 31, 2019 attached herewith as Exhibit "E" states that "Your award in the amount of \$1,498,728 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 1, LLC at 13590 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application. Virtually identical correspondence for Oak Hill Solar 2 LLC of the same date which states that "Your award in the amount of \$1,498,728 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 2, LLC at 13686 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application" is also included herewith as Exhibit "E". Therefore, while awards by the Authority totaling \$2,997,456.00 are contingent on the interconnection of a combined 15 MW of solar electrical systems, the Duanesburg Planning Board's Local Approval Resolution only authorizes the construction of a combined 10 MW.

The "Salesforce" printout for Oak Hill Solar 1, LLC filed with the Authority, a copy of which is attached as Exhibit "F", represents that Oak Hill Solar 1 "Total System Size" is "7,493.640" kW and indicates "Total Number Acres: 46.00". The "Salesforce" printout for Oak Hill Solar 2, LLC filed with the Authority, a copy of which is included in Exhibit "F", represents that Oak Hill Solar 2 "Total System Size" is also "7,493.640" kW and indicates "Total Number Acres: 49.00". These records, filed *after* the issuance of the Duanesburg Planning Board's Local Approval Resolution which authorized a combined 10 MW on only +/-65.2 acres, purport to represent to the Authority that the Projects would have a combined generation capacity of 15 MW on 95 acres.

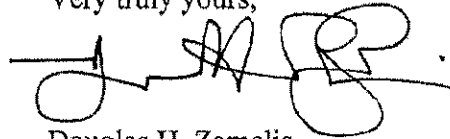
In addition to the \$2,997,456.00 awarded by the Authority for the Projects under the "NY-Sun Program", according to correspondence from the Authority dated October 28, 2019 attached herewith as Exhibit "G" indicates the Authority awarded \$2,358,000.00 each for Oak Hill 1 Solar and Oak Hill 2 Solar under the "Retail Energy Storage Incentive Program" which funds were "contingent upon the installation and grid interconnection of a 5,000.00 kW/11,790.00 kWh (useable installed energy capacity measured in AC) energy storage system". However, as established above, neither the SEQRA EAF, Negative Declaration, Approved Site Plan, nor the Local Approval Resolution reference any energy storage facilities in connection with the Projects, and therefore such storage facilities were never in fact reviewed or approved by the Duanesburg Planning Board. The Authority has therefore granted \$4,716,000.00 in incentives for energy storage systems for the Projects when Eden Renewables LLC never obtained approval from the Duanesburg Planning Board for any energy storage facilities in connection with the Projects.

Please be advised Ms. Biggs and Ms. Bruning reserve all their statutory and common law rights and remedies to enforce the Town of Duanesburg Zoning Law and Final Approval Resolution in a Declaratory Judgment Action in Schenectady County Supreme Court in the event Eden Renewables LLC (or its successor-in-interest) constructs the Projects in excess of 10 MW, 65.8 acres, and/or attempts to install any energy storage facilities.

On behalf of Ms. Biggs and Ms. Bruning, we respectfully request that this matter be investigated, and if the Authority determines that the Projects do not satisfy the contingencies of the \$7,713,456.00 in incentives as set forth above, that it revoke or withhold such incentives as appropriate.

Thank you very much for the Authority's careful consideration of this important matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "D. H. Zamelis", written over a horizontal line.

Douglas H. Zamelis

cc:

Alicia Barton, NYSEDA President & CEO
Hon. Letitia James, NYS Attorney General
Hon Letizia Tagliaferro, NYS Inspector General
Hon. Thomas DiNapoli, NYS Comptroller
Hon. Roger Tidball, Supervisor, Town of Duanesburg
Terresa M. Bakner, Esq., Counsel to Town of Duanesburg
Daniel A. Spitzer, Esq., Counsel to Eden Renewables LLC

PO Box 160
Quaker Street, NY 12141

Supervisor Tidball
Duanesburg Town Board
5853 Western Turnpike
Duanesburg, NY 12056

May 14, 2020

Dear Supervisor Tidball,

Thank you for posting the DRAFT April 23, 2020 Town Board Meeting minutes. Upon review I found that the supporting exhibits accompanying my submission of Doug Zamelis April 15, 2020 letter to NYSERDA were not included. Please include the attached Letter and Supporting Documents as obtained by Freedom of Information in tonight's meeting minutes.

Thank you for streaming the meetings during these extraordinary circumstances and posting the drafts. Remaining transparent and accountable to the citizen's of Duanesburg is critical during times of crisis.

Regards,

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

Enc: April 15, 2020 Letter to NYSERDA
April 15, 2020 Supporting Exhibits

EXHIBIT "A"

**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 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 SEQR 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 Duaneburg, 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.

Roll Call Vote:

Yes

No

Abstain/Absent

Phillip Sexton
 Jeffrey Schmitt
 Elizabeth Novak
 Martin Williams
 Thomas Rulison

✓
 ✓
 ✓
 ✓
 ✓

Michael Harris
Joshua Houghton



EXHIBIT "B"

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
October 17th, 2019
Final Copy

MEMBERS PRESENT: Phillip Sexton Chairman, Jeffery Schmitt Vice Chairman, Elizabeth Novak, Martin Williams, Thomas Rulison and Michael Harris. Also, in attending Dale Warner Town Planner, and Melissa Deffer Clerk.

INTRODUCTION: Chairman Phillip Sexton opened the meeting at 7:00pm. Phillip welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM: Chairman Sexton opened the forum at 7:01

Bruce O'Day of 5394 Western Turnpike wanted to state on the record that he is supporting the Andrew Lucks application.

Lynn Bruning located at 13388 Duanesburg Rd wanted to know what the status of the Comprehensive Plan?

Chairmen Sexton explained to Lynn that they have been working on the Plan for just over a year now and how in the near future he will be asking the public for comments.

Harris/Rulison made the motion to close the open forum at 7:07.

Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Sexton yes. **Approved.**

SKETCH PLAN REVIEW:

PUBLIC HEARINGS:

#19-13 Lucks Andrew: SBL#66.00-3-4.1, (H) located at 5456 Western Turnpike is seeking a Special Use Permit for a retail business under the Town of Duanesburg Zoning Ordinance

Town Hall • 5853 Western Turnpike • Duanesburg, NY 12056 • (518) 895-8920

Over➡

adopted 6/11/15 under section 9.4.(15). Andrew Lucks gave his presentation to the board. Andrew is looking to relocate his business Outlander Survival from 6721 Duanesburg Rd to 5456 Western Turnpike. They will be in the same zone as they are in now. Andrew explained to the public how he will upgrade the building with security Systems and bars on all doors and windows (as a smash and grab is one of their main concerns), fix the parking lot and eventually reface the building. All lights on the building will be down cast with some solar lights around the driveway. Andrew is leasing for now from Bruce O'Day who will be going to have the property subdivided. Once the property is subdivided Andrew will be purchasing.

Cheryl Schrade 1619 Eaton Corners Rd asked Andrew if they will be test firing guns on the property. Andrew explained to Mrs. Schrade that with his business they do not test fire any weapons.

Harris/Rulison made a motion to close the Public Hearing for the **#19-13 Lucks Andrew** application at 7:09.

Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Sexton yes. **Approved.**

Novak/Sexton made a motion to approve the **#19-13 Lucks. Andrew** application for a Special Use Permit for a retail business under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 9.4.(15) contingent on down cast lighting.

Novak yes, Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

New Business:

#19-14 Perog. Steven and Cheryl: SBL#43.00-2-28, (R-2) located at 21 Lea Drive is seeking a Special Use Permit for a two family dwelling adding a single apartment over an existing garage under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 15.4(I); section 8.4(8); section 13.2.1; section 3.5.60. Steven gave some of his presentation to the board. Due to not enough information the board decided to table it until the November 21st meeting.

Sexton/Harris made a motion to table the **#19-14 Perog. Steven and Cheryl** application to the November 21st meeting.

Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

Old Business:

None

Sketch Plan Review:

#19-15 O'Neil. Paul/O'Neil. Gerald: SBL#43.00-1-14.31, (R-2) located at 327 Hardin Road is seeking a minor subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. They would like to divide an existing lot of 34.30 acres into two portions lot #1 located on Hardin Road is 6.82 (+-) lot #2 located on State Highway 30 is 27.475 acres. Shannon O'Neil gave her presentation on behalf of her father Paul O'Neil.

Sexton/Williams made a motion to exempt the minor subdivision application from further planning Board review and refer to the Code Enforcement Officer to complete administratively as the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. Sexton yes, Williams yes, Rulison yes, Harris yes, Schmitt yes, Novak yes. **Approved.**

OTHER:

#19-12 Murray, Richard/Eden Renewables: SBL# 74.00-2-5, (R-2) located 1206 Oak Hill Rd Under Local Law # 1-2016 of the Town of Duanesburg Zoning Ordinance Resolution revision.

Sexton/Rulison made a motion to amend the resolution approving the project to show the correct amount of lot coverage as shown on the site plans which were approved for the solar project for the **#19-12 Murray, Richard/Eden Renewables** application. Bullet 3B will now show that Lot 1 contains 70.378 acres with 32.8 acres of coverage which is 46 percent and that Lot 2 contains 70.353 acres with 33.0 acres of coverage which is 47 percent.

Sexton yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Harris yes. **Approved.**

MINUTES APPROVAL:

Novak/Harris made the motion to approve the September 19th, 2019 Planning Board minutes with minor corrections.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Rulison yes. **APPROVED.**

Sexton/Harris made a motion to go into **executive session to discuss the enforcement action with the CEO associated with #19-14 Perog, Steven and Cheryl** application. Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

Sexton/Harris made a motion to come out of **executive session.**

Sexton yes, Harris yes, Rulison yes, Schmitt yes, Williams yes, Novak yes. **Approved. NO ACTION WAS TAKEN BY THE BOARD DURING OR AFTER the EXECUTIVE Session.**

ADJOURNMENT:

Harris/Novak made the motion to **adjourn at 7:50pm.**

Harris yes, Novak yes, Schmitt yes, Sexton yes, Rulison yes, Houghton yes, Williams yes. **APPROVED.**

EXHIBIT "C"

CONFIRMATION OF LOCAL LAND USE APPROVAL
Planning and Zoning Form



NY-Sun

Applicant Information			
Company Name:	Oak Hill Solar 1, LLC		
Contact Name:	Stephanie Pullafico	Title:	Project Administrator
Email Address:	stephanie.pullafico@edenrenewables.com	Telephone Number:	518-326-0259

Project Information	
Project Name:	Oak Hill Solar 1
Project Address:	13590 Duaneburg Road Delanson, NY 12053
Solar Project Size (AC/DC):	5mW/7.5mW
Energy Storage Size AC: (if applicable)	

Municipality Information			
Municipality Name:	Town of Duaneburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@duaneburg.net	Telephone Number:	518-895-2040

Required Solar Land Use Approvals			
Land Use Approval and Date Approved (check all that apply):			
<input checked="" type="checkbox"/>	Special Use Permit	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Site Plan Review	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	SEQR Negative Declaration (if municipality is lead agency)	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Other (list type): <u>Minor Subdivision</u>	Date Approved:	9/19/2019
<input type="checkbox"/>	No Land Use or Zoning Approval is required for this project		
Required Energy Storage Land Use Approval(s) (if applicable)			
List type of approval required: <u>Building and electrical permits</u>		Date Approved:	9/19/2019

File stamped subdivision map within 45 days of approval
 NYSEERDA respectfully requests that the municipality sign a copy of this form acknowledging and confirming the above is accurate and correct, and that this project has received all required local land use approvals for the solar PV project. If Energy Storage is part of the project, the Contractor is responsible for providing to NYSEERDA, a copy of the meeting minutes confirming the Energy Storage system was presented to or approved by the municipality. NYSEERDA may contact the municipality to confirm approvals if needed.

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY

Dale Warner
 Signature
 Dale Warner
 Print Name

9/23/19
 Date
 Town Planner
 Title

OCTOBER 2018

CONFIRMATION OF LOCAL LAND USE APPROVAL Planning and Zoning Form



NY-Sun

Applicant Information			
Company Name:	Oak Hill Solar 2		
Contact Name:	Stephanie Pullafico	Title:	Project Administrator
Email Address:	stephanie.pullafico@edenrenewables	Telephone Number:	518-326-0259

Project Information	
Project Name:	Oak Hill Solar 2
Project Address:	13686 Duaneburg Road Delanson, NY 12053
Solar Project Size (AC/DC):	5mW AC/7.5mW DC
Energy Storage Size AC: (If applicable)	

Municipality Information			
Municipality Name:	Town of Duaneburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@duaneburg.net	Telephone Number:	518-895-2040

Required Solar Land Use Approvals			
Land Use Approval and Date Approved (check all that apply):			
<input checked="" type="checkbox"/>	Special Use Permit	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Site Plan Review	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	SEQR Negative Declaration (if municipality is lead agency)	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Other (list type): <u>Minor Subdivision</u>	Date Approved:	9/19/2019
<input type="checkbox"/>	No Land Use or Zoning Approval is required for this project		
Required Energy Storage Land Use Approval(s) (if applicable)			
List type of approval required: <u>Building + Electrical Permits</u>		Date Approved:	9/19/2019
<u>Site stamped Subdivision bylaw within 45 days of approval</u>			

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging and confirming the above is accurate and correct, and that this project has received all required local land use approvals for the solar PV project. If Energy Storage is part of the project, the Contractor is responsible for providing to NYSERDA, a copy of the meeting minutes confirming the Energy Storage system was presented to or approved by the municipality. NYSERDA may contact the municipality to confirm approvals if needed.

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY

Dale Warner
Signature

Dale Warner
Print Name

9/26/19
Date

Town Planner

Title

OCTOBER 2018

EXHIBIT "D"

**NYSERDA**

PRESENTATION TO PLANNING/ZONING BOARD FOR ENERGY STORAGE

Planning and Zoning Form

The New York State Energy Research and Development Authority (NYSERDA) developed the first comprehensive set of guidelines for reviewing and evaluating battery energy storage systems. The Battery Energy Storage System Guidebook helps municipalities develop a battery energy storage system permitting and inspection processes to ensure efficiency, transparency, and safety in their communities. Municipalities can download the New York Battery Energy Storage System Guidebook at <https://www.nyserdera.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook>.

NYSERDA offers continuing free technical assistance to local governments to help implement the best practices outlined in the Battery Energy Storage System Guidebook. Municipalities interested in free technical assistance may reach out to the NYSERDA Clean Energy Siting Team at cleanenergyhelp@nyserdera.ny.gov.

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board.

Applicant Information			
Company Name:	Oak Hill Solar 1, LLC		
Contact Name:	Stephanie Pufallo	Title:	Project Administrator
Email Address:	Stephanie.pufallo@oakhillrenewables.com	Telephone Number:	516-536-0266
Project Information			
Project Name:	Oak Hill Solar 1		
Project Address:	18590 Quakerburg Road Delanson, NY 12053		
Energy Storage Size, MW (AC):	5MW AC		
Energy Storage Technology Type:	DC Coupled Lithium Ion		
Solar Project Size, MW (DC) (if applicable):	7.5MW DC		
Municipality Information			
Municipality Name:	Town of Quakerburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	daw@quakerburg.ny.us	Telephone Number:	516-422-2040

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY Planning/Zoning Board Member

Dale Warner
Signature

10-9-19
Date

Dale Warner
Print Name

Town Planner
Title

AUGUST 2019

**NYSERDA**

PRESENTATION TO PLANNING/ZONING BOARD FOR ENERGY STORAGE

Planning and Zoning Form

The New York State Energy Research and Development Authority (NYSERDA) developed the first comprehensive set of guidelines for reviewing and evaluating battery energy storage systems. The Battery Energy Storage System Guidebook helps municipalities develop a battery energy storage system permitting and inspection processes to ensure efficiency, transparency, and safety in their communities. Municipalities can download the New York Battery Energy Storage System Guidebook at <https://www.nyserra.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook>.

NYSERDA offers continuing free technical assistance to local governments to help implement the best practices outlined in the Battery Energy Storage System Guidebook. Municipalities interested in free technical assistance may reach out to the NYSEDA Clean Energy Siting Team at cleanenergyhelp@nyserra.ny.gov.

NYSEDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board.

Applicant Information			
Company Name:	Oak Hill Solar 2, LLC		
Contact Name:	Stephanie Pullano	Title:	Project Administrator
Email Address:	Stephanie.pullano@edenvisionables.com	Telephone Number:	516-329-0254
Project Information			
Project Name:	Oak Hill Solar 2		
Project Address:	15555 Duaneburg Road Delanson, NY 12063		
Energy Storage Size, MW (AC):	5MW AC		
Energy Storage Technology Type:	DC Coupled Lithium Ion		
Solar Project Size, MW (DC) (if applicable):	7.5MW DC		
Municipality Information			
Municipality Name:	Town of Duaneburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@duaneburg.net	Telephone Number:	516-329-0254

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY Planning/Zoning Board Member

Dale Warner
Signature

Dale Warner
Print Name

10.4.19
Date

Town Planner
Title

AUGUST 2019

EXHIBIT "E"



ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 31, 2019

Oak Hill Solar 2, LLC
333 Broadway
Troy, NY, 12088

Customer/Payee: Oak Hill Solar 2, LLC
Contractor: Eden Renewables, LLC

NYSERDA is pleased to inform you that we have approved project application 181604, contract 145808 for incentives under the NY-Sun Program.

Your award in the amount of \$1,498,728.00 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 2, LLC at 13686 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application.

Your solar electric system must be completed within 30 months of the Program approval date.

NYSERDA will require a satisfactory field inspection of the completed project. Contractor and or builders are required to take construction photos for each project.

Refer to the Program Manual for all Program rules and requirements.

Thank you for your participation in the NY-Sun Initiative, and for your commitment to the promotion of renewable energy in New York State.

Signature: Alicia Barton
Digitally signed by Alicia Barton
Date: 2019.10.31 16:10:00 -04'00'
NYSERDA Authorized Signatory

New York State Energy Research and Development Authority			
Albany	Buffalo	New York City	West Valley City
10 Columbia Circle, Albany, NY 12242-0500	261 E. Exchange Street	125 E. Broadway	10000 40th Avenue, Suite 100
(914) 486-6000 ext. 2000	Phone: 716	Phone: 212	Phone: 716
nyserda.ny.gov	nyserda.ny.gov	nyserda.ny.gov	nyserda.ny.gov
	nyserda.ny.gov	nyserda.ny.gov	nyserda.ny.gov
	nyserda.ny.gov	nyserda.ny.gov	nyserda.ny.gov

EXHIBIT "F"



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Oak Hill Solar 1, LLC - 13590 Duaneburg Rd - PV Systems

Project Information

Project Name	Oak Hill Solar 1, LLC - 13590 Duaneburg Rd - PV Systems	Record Type	NY Sun - Commercial/Industrial
Application Number	0000191916	Status	Approved
Solicitation	NYSERDA - Commercial and Industrial - 2	Commercial Solar Application Track	
Total System Size	7,493.640	Program Incentive Block	Rest of State Commercial/Industrial 13-1
Total NYSERDA Incentive Amount (d)	\$1,498,728.00	Current Block Rate	0.20
Battery Storage Integration?	<input type="checkbox"/>	Strategic Location?	<input type="checkbox"/>
PBI Rate	0.042600	Energy Efficiency Integration?	<input type="checkbox"/>
Payment Assignment	<input checked="" type="checkbox"/>	Total Cost Before NYSERDA Incentive	\$8,421,446.00
Private Investment Amount		Energy Storage System Cost	\$0.00
		Brownfield Amount	
		Landfill Amount	
		Community Adder Amount	\$0.00
		Energy Storage Incentive Amount	\$0.00

Project Review

Application Under Review	<input type="checkbox"/>	Waiting for External Response	<input type="checkbox"/>
CESIR	Yes	Coastal Zone	No
CESIR ID #	NY-165990	SEQRA Lead Identified	<input type="checkbox"/>
Coastal Form Sent	<input type="checkbox"/>	Project Selected for QA Inspection	<input type="checkbox"/>
Storage CESIR Required	<input type="checkbox"/>		
Storage CESIR Completion Date			

Invoicing

Invoice Approval Date

Project Timeline

Project Approval Date	11/1/2019	Expected Original Days to Complete	912
Total Days Since	52	Extension Days	

Approval

Completion Deadline Date 5/1/2022

Completion Deadline Date Override

Utility Interconnect Date

Date of 25% Interconnection Payment 5/9/2019

75% Interconnection Payment Due Date 10/26/2019

CESIR Milestone

CESIR Milestone Submitted

CESIR Milestone Original Due Date 4/29/2020

CESIR Milestone Extension Days

CESIR Milestone Reporting Due Date 4/29/2020

Reason for CESIR Extension

CESIR Milestone Completion Date 12/12/2019

Status Dates

Unsubmitted Date 6/21/2019 12:14 PM

Current Application Status Date 11/1/2019

Submitted Date 9/27/2019 9:11 AM

Completed Date

Application Pending Approval Date 10/22/2019

Application Received Date 10/8/2019 6:09 AM

Document Approval / Rejection

[Edit](#)[Request for Information](#)

Document Name	Uploaded Doc	Approve / Reject	Document History
Coast Zone Determination	Coastal Assessment-Oak Hill 1.png	Approve	Attachment History
Executed Interconnection Agreement	20191206 Oak Hill 1 ISA.pdf	Approve	Attachment History
One-Line or Three-Line Wiring Diagram	Copy of Eden OH1 E-102-3LD.pdf	Approve	Attachment History
Planning / Zoning Board Approval	Town of Duanesburg Authorization.pdf	Approve	Attachment History
Proof of 75% Interconnection Upgrade Payment	75% CIAC payment for Oak Hill 1 & 2.pdf	Approve	Attachment History
SEQRA	1-3 EAF.pdf	Approve	Attachment History
Signed Application	Signed Application -Oak Hill Solar 1, LLC.pdf	Approve	Attachment History
Site Map (including mounting details stamped by Professional Engineer or Registered Architect, <small>Approved by architect</small>)	Copy of Eden OH1 E-110-SITE.pdf	Approve	Attachment History

Cancellation Fields

Cancellation Reason

Request for Cancellation ☐

Internal Comments

Cancel Type

Change ModificationChange Modification Requested ☐**Project Summary**

Net Metering Crediting Method

Budget Type

Community Solar Project ☐

Purchase Type

Purchase

Expected Interconnection Date

4/30/2020

Financial Security Tracking

Application Security Status

Application Security Received Date

Application Security Received Amount

App Security

Extension Security Status

Extension Security Received Date

Extension Security Received Amount

Ext Security

Retained/Returned
DateApp Security
Retained/Returned
AmountRetained/Returned
DateExt Security
Retained/Returned
Amount**Project Component Summary**

Expansion of Completed System No

Labor \$2,141,292.00

Battery Costs

Inspection Costs \$50,000.00

Permitting Fees \$123,000.00

Balance of System Cost \$749,364.00

Array Costs \$4,907,790.00

Inverter Costs \$450,000.00

Expansion size

Land Use Agricultural

Historical Annual Energy Consumption 0.00

Estimated Annual Energy Production (kWh) 10,503,085.82

Annual Electrical Offset 0.00

Total Annual Energy Costs

Cost per Watt \$1.12

Agriculture District No

Total Number Acres 46.00

NYSDAM NOI Sent

Contractor Information

Primary Contractor Account Name Eden Renewables, LLC

Primary Contractor Email stephanie.pullafico@edenrenewables.com

Primary Contractor First Name Stephanie

Primary Contractor Last Name Pullafico

Legacy Information

Legacy Application #

Legacy Program

Legacy Payment Assignment

Migration ID

Legacy Incentive Amount

Previous Contractor Name

Approval Notes

Approved as Noted

System Information

Created By Stephanie Pullafico, 6/21/2019 12:14 PM

Owner Stephanie Pullafico

Last Modified By Alison Neilgan, 12/12/2019 4:41 PM

Temporary Section

Number of Members

Distribution Percentage (%)

Non-Residential:
Number of MembersNon-Residential:
Distribution Percentage**Inspection Information**



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Oak Hill Solar 2, LLC - 13686 Duanesburg Rd - PV Systems

Project Information

Project Name	Oak Hill Solar 2, LLC - 13686 Duanesburg Rd - PV Systems	Record Type	NY Sun - Commercial/Industrial
Application Number	0000181804	Status	Approved
Solicitation	NYSERDA - Commercial and Industrial - 2	Commercial Solar Application Track	
Total System Size	7,493.640	Program Incentive Block	Rest of State Commercial/Industrial 13-1
Total NYSEDA Incentive Amount (d)	\$1,498,728.00	Current Block Rate	0.20
Battery Storage Integration?		Strategic Location?	
PBI Rate	0.042600	Energy Efficiency Integration?	
Payment Assignment	<input checked="" type="checkbox"/>	Total Cost Before NYSEDA Incentive	\$8,359,077.00
Private Investment Amount		Energy Storage System Cost	\$0.00
		Brownfield Amount	
		Landfill Amount	
		Community Adder Amount	\$0.00
		Energy Storage Incentive Amount	\$0.00

Project Review

Application Under Review		Waiting for External Response	
CESIR	Yes	Coastal Zone	No
CESIR ID #	166610	SEGRA Lead Identified	
Coastal Form Sent		Project Selected for QA Inspection	
Storage CESIR Required			
Storage CESIR Completion Date			

Invoicing

Invoice Approval Date

Project Timeline

Project Approval Date	11/1/2019	Expected Original Days to Complete	912
Total Days Since Approval	52	Extension Days	
		Completion Deadline Date	5/1/2022
		Completion Deadline Date Override	
Utility Interconnect Date			
Date of 25% Interconnection Payment	5/8/2019		
75% Interconnection Payment Due Date	10/26/2019		

CESIR Milestone

CESIR Milestone Submitted		CESIR Milestone Original Due Date	4/29/2020
CESIR Milestone Extension Days		CESIR Milestone Reporting Due Date	4/29/2020
Reason for CESIR Extension		CESIR Milestone Completion Date	12/12/2019

Status Dates

Unsubmitted Date	4/3/2019 3:08 PM	Current Application Status Date	11/1/2019
Submitted Date	9/27/2019 10:03 AM	Completed Date	
Application Pending Approval Date	10/22/2019		
Application Received Date	10/8/2019 6:09 AM		

Document Approval / Rejection

[Edit](#)
[Request for Information](#)

Document Name	Uploaded Doc	Approve / Reject	Document History	Notes
Coast Zone Determination	Coastal Assessment-Oak Hill 2.jpg	Approve	Attachment History	
Executed Interconnection Agreement	20191205 Oak Hill 2 ISA.pdf	Approve	Attachment History	
One-Line or Three-Line Wiring Diagram	Copy of Eden_OH2_E-101-SLD.pdf	Approve	Attachment History	
Planning / Zoning Board Approval	Town Land Use Authorization.pdf	Approve	Attachment History	
Proof of 75% Interconnection Upgrade Payment	75% CIAC payment for Oak Hill 1 & 2.pdf	Approve	Attachment History	
SEQRA	1-3 EAF.pdf	Approve	Attachment History	
Signed Application	Signed Application - NY-Sun - Commercial & Industrial - Oak Hill Solar 2, LLC copy.pdf	Approve	Attachment History	
Site Map (including mounting details stamped by Professional Engineer or Professional Architect)	Copy of Eden_OH2_E-110-SITE.pdf	Approve	Attachment History	

Cancellation Fields

Cancellation Reason
Request for Cancellation

Internal Comments

Cancel Type

Change Modification

Change Modification Requested

Project Summary

Net Metering Crediting Method
Budget Type

Community Solar Project

Purchase Type Purchase

Expected Interconnection Date 4/30/2020

Financial Security Tracking

Application Security Status

Application Security Received Date

Application Security Received Amount

App Security Retained/Returned Date

App Security Retained/Returned Amount

Extension Security Status

Extension Security Received Date

Extension Security Received Amount

Ext Security Retained/Returned Date

Ext Security Retained/Returned Amount

Project Component Summary

Expansion of Completed System No
Labor \$2,115,292.00
Battery Costs
Inspection Costs \$50,000.00
Permitting Fees \$100,000.00
Balance of System Cost \$749,364.00
Array Costs \$4,894,803.00
Inverter Costs \$449,618.00

Expansion size

Land Use Agricultural

Historical Annual Energy Consumption 0.00

Estimated Annual Energy Production (kWh) 10,503,085.82

Annual Electrical Offset 0.00

Total Annual Energy Costs

Cost per Watt \$1.12

Agriculture District No

Total Number Acres 49.00

NYS&M NOI Sent

Contractor Information

Primary Contractor Account Name Eden Renewables, LLC
Primary Contractor Email stephanie.puliafco@edenrenewables.com

Primary Contractor First Name Stephanie
Primary Contractor Last Name Puliafco

Legacy Information

Legacy Application #
Legacy Program

Migration ID

Legacy Incentive Amount

EXHIBIT "G"



ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 28, 2019

Stephanie Puliafico
Eden Renewables, LLC
333 Broadway
Suite 460
Troy, NY 12180
Email: stephanie.puliafico@edenrenewables.com
Subject: Contract #145716

Dear Stephanie Puliafico,

NYSERDA is pleased to inform you that we have approved your Project Application #214683 Contract #145716 for incentives under the Retail Energy Storage Incentive Program. Your award in the amount of \$2,358,000 is contingent upon the installation and grid interconnection of a 5,000 kW/11,790 kWh (useable installed energy capacity measured in AC) energy storage system at 13590 Duaneburg Rd, Delanson, NY 12053, as outlined in the Project Application. This approval is subject to the terms and conditions set forth in the Project Application, Retail Energy Storage Incentive Program Manual, and Participation Agreement.

Please note that this letter does not commit NYSERDA to pay any potential incentive or cost incurred. You may now begin submitting the required deliverables to earn the milestone payment. Payment by NYSERDA is contingent upon approval of the required deliverables.

The energy storage project must be completed within 730 calendar days of the Program approval date. NYSERDA may require a satisfactory photo or field inspection of the completed project prior to the milestone payment.

Refer to the Program Manual for all Program rules and requirements. The Contractor is responsible for ensuring compliance of the system with all applicable laws, regulations, rules and standards. The system must meet the requirements set forth in the Battery Energy Storage Guidebook published by NYSERDA, which is based on the 2021 International Fire Code, even if these requirements are greater than those required by the local authority having jurisdiction.

Thank you for your participation in the Retail Energy Storage Incentive Program, and for your commitment to the promotion of clean energy in New York State.

Sincerely,

Signature: Alicia Barton
NYSERDA Authorized Signatory

Digitally signed by Alicia Barton
Date: 2019.11.22 10:20:52
+05'00'

New York State Energy Research and Development Authority

Albany
120 South State Street, Albany, NY 12243-6500
(518) 474-2000 : (518) 474-2000
www.nyserda.gov

Buffalo
200 Exchange Street
Buffalo, NY 14202
(716) 855-1000
(716) 855-1000

New York City
110 Broadway
New York, NY 10038
(212) 312-2000
(212) 312-2000

West Valley Site
Management Program
10000 West Valley Road
West Valley, NY 11791-0500
(516) 936-0000
(516) 936-0000



ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 28, 2019

Stephanie Puliafico
Eden Renewables, LLC
333 Broadway
Suite 460
Troy, NY 12180
Email: stephanie.puliafico@edenrenewables.com
Subject: Contract #145721

Dear Stephanie Puliafico,

NYSERDA is pleased to inform you that we have approved your Project Application #214694 Contract #145721 for incentives under the Retail Energy Storage Incentive Program. Your award in the amount of \$2,358,000.00 is contingent upon the installation and grid interconnection of a 5,000.00 kW/11,790.00 kWh (useable installed energy capacity measured in AC) energy storage system at 13686 Duaneburg Road, Delanson, NY 12053, as outlined in the Project Application. This approval is subject to the terms and conditions set forth in the Project Application, Retail Energy Storage Incentive Program Manual, and Participation Agreement.

Please note that this letter does not commit NYSERDA to pay any potential incentive or cost incurred. You may now begin submitting the required deliverables to earn the milestone payment. Payment by NYSERDA is contingent upon approval of the required deliverables.

The energy storage project must be completed within 730 calendar days of the Program approval date. NYSERDA may require a satisfactory photo or field inspection of the completed project prior to the milestone payment.

Refer to the Program Manual for all Program rules and requirements. The Contractor is responsible for ensuring compliance of the system with all applicable laws, regulations, rules and standards. The system must meet the requirements set forth in the Battery Energy Storage Guidebook published by NYSERDA, which is based on the 2021 International Fire Code, even if these requirements are greater than those required by the local authority having jurisdiction.

Thank you for your participation in the Retail Energy Storage Incentive Program, and for your commitment to the promotion of clean energy in New York State.

Sincerely,

Signature: **Alicia Barton**
NYSERDA Authorized Signatory

Digitally signed by Alicia Barton
Date: 2019.11.22 10:19:32
-0500

New York State Energy Research and Development Authority

Albany
17 Columbia Circle, Albany, NY 12209-6399
(P) 518-456-1001
www.nyserda.ny.gov info@nyserda.ny.gov

Buffalo
726 Exchange Street
Suite 801
Buffalo, NY
14203-1464
(P) 716-842-2147
(F) 716-842-2100

New York City
120 W Broadway
10th Floor
New York, NY
10038-3942
(P) 212-312-1544
(F) 516-842-1001

**West Valley Site
Management Program**
3030 E Route 219
West Valley, NY
14171-9500
(P) 716-642-4064
(F) 716-642-4651