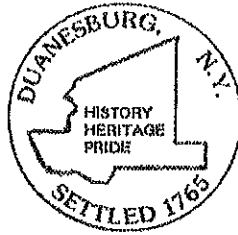


*William Wenzel*, Town Supervisor  
*Jennifer Howe*, Town Clerk  
*Brandy Fall*, Deputy Town Clerk  
*William Reed*, Highway Superintendent



*Michael Santulli*, Council Member  
*Francis R. Potter*, Council Member  
*Dianne Grant*, Council Member  
*Andrew Lucks*, Council Member

**Thursday April 13, 2023**  
**Regular Town Board Meeting**  
**Meeting Time: 7:00PM**

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

**Present:** Supervisor Wenzel, Council Members Grant, Lucks and Santulli, Highway Superintendent William Reed, Deputy Town Clerk Brandy Fall, Town Attorney Terresa Bakner  
**Absent:** Council Member Potter

**Call to Order**  
**Pledge of Allegiance**

**Resolution 57-23:** Council Member Santulli motioned, seconded by Council Member Lucks to approve the Town Board Meeting minutes of Thursday, March 23, 2023.  
Motion carried, 4 ayes

**Deputy Town Clerk, Brandy Fall, read the Town Clerk's Report for March 2023 (see attached).**

**Supervisor, William Wenzel, stated that the Supervisor's Report for March 2023 will not be ready until the next meeting.**

**Resolution 58-23:** Council Member Grant motioned, seconded by Council Member Santulli to pay the attached Payment of Claims (see attached).  
Motion carried, 4 ayes

**Highway:** Highway Superintendent Reed stated that they are still down two trucks from this winter and are still waiting on parts for them. The Terra Star is back up and running again after



a second repair. He stated that the trucks are still ready for winter if needed. The crew has been filling potholes and picking up litter on the road and will start sweeping the roads by the end of the month.

**Public Safety:** Supervisor Wenzel stated there was nothing new to report. Council Member Grant stated that DVAC had their fish dinners the last two Fridays.

**Parks:** Supervisor Wenzel reported that at the last Parks meeting they stated that they were going to get a list together of priorities of things that are needed and needing to be done at the parks. Supervisor Wenzel stated that they have been approached about putting in a second disc golf course at Van Patten Park. Nothing has been decided yet on that.

**Sewer District #1, 2 & 3:** Council Member Lucks stated that there was a fitting break at the Mariaville plant, they had the backhoe there to dig it up and repair it. The new sewer truck is back on the road, they have some flashing caution lights and some side steps coming for it. The crew is going to be out pulling manhole covers and cleaning stuff up now that the snow is gone. Bill Brown of Delaware Engineering stated they are working through a few punch list items with Andrew and Dale to close up a few projects. He has a few forms to send out to DEC so he will be reaching out in the next day or so with those.

**Technology:** Council Member Santulli reported that there is nothing new to report. Supervisor Wenzel stated that the Parks Committee would like to get smart locks and security cameras at both parks. So, we will need to look into the Wi-Fi at the parks.

#### **Business Meeting:**

**Resolution 59-23:** Council Member Grant motioned, seconded by Council Member Lucks to approve invoice No. 11 to Delaware Engineering in the amount of \$2,242.50.  
Motion carried, 4 ayes

**Resolution 60-23:** Council Member Lucks motioned, seconded by Council Member Grant to authorize Armory Chrysler Dodge Jeep Ram Fiat of Albany as a vendor and to authorize the purchase of a 2016 SUV offered by Armory Chrysler Dodge Jeep Ram Fiat of Albany at \$19,996.00.  
Motion carried, 4 ayes

**Resolution 61-23:** Council Member Santulli motioned, seconded by Council Member Lucks to adopt the updated Procurement Policy.  
Motion carried, 4 ayes



**Privilege of the Floor:**

Oliver Swick of Cobleskill/Spring Road addressed the board about issues with Spring Road.

Cynthia Sagendorph of 168 Spring Road also addressed the board about issues with Spring Road.

Lynne Bruning of 13388 Duanesburg Road read a statement. (Please see attached.)

Susan Biggs of 13388 Duanesburg Road read a statement. (Please see attached.)

Council Member Grant motioned, seconded by Council Member Lucks to adjourn. 7:38 pm

I, Brandy Fall, Deputy 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 April 13, 2023.



**TOWN OF DUANESBURG**  
**CASH REQUIREMENTS PER FUND**  
**4/13/23**

<b>FUND</b>		<b>AMOUNT</b>
General Fund A		108,640.59
General OV B		903.01
Highway Fund DA		5,587.60
Planning Board		4,759.18
UV Project		2,242.50
Sewer District #1		1,274.97
Sewer District #2		17,886.63
Sewer District #3		398.57
Trust & Agency		365.70
		-
	<b>TOTAL TRANSFERS TO AP</b>	<b>142,058.75</b>

**Privilege of the Floor:**

Oliver Swick of Cobleskill/Spring Road addressed the board about issues with Spring Road.

Cynthia Sagendorph of 168 Spring Road also addressed the board about issues with Spring Road.

Lynne Bruning of 13388 Duanesburg Road read a statement. (Please see attached.)

Susan Biggs of 13388 Duanesburg Road read a statement. (Please see attached.)

Council Member Grant motioned, seconded by Council Member Lucks to adjourn. 7:38 pm

I, Brandy Fall, Deputy 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 April 13, 2023.



Account#	Account Description	Fee Description	Qty	Local Share
	Marriage License Fee	Marriage License Fee	1	17.50
	Misc. Fees	Certified Copies - Death	40	400.00
	Planning & Zoning Fees	Planning & Zoning Fees	2	200.00
		<b>Sub-Total:</b>		<b>\$617.50</b>
2110	Variance Application	Variance Application	1	100.00
		<b>Sub-Total:</b>		<b>\$100.00</b>
A1255	Conservation	Conservation	5	10.91
		<b>Sub-Total:</b>		<b>\$10.91</b>
A2544	Dog Licensing	Female, Spayed	10	140.00
		Female, Unspayed	3	66.00
		Male, Neutered	11	154.00
		Male, Unneutered	3	66.00
		<b>Sub-Total:</b>		<b>\$426.00</b>
B2555	Building Permits	Building Permits	4	1,375.00
	Other Permits	Other Permits	1	75.00
	Special Use Permit	Special Use Permit	1	50.00
		<b>Sub-Total:</b>		<b>\$1,500.00</b>
Sewer Dist #3	Permit & Connection Fee	Permit & Connection Fee	1	1,050.00
		<b>Sub-Total:</b>		<b>\$1,050.00</b>
<b>Total Local Shares Remitted:</b>				<b>\$3,704.41</b>
Amount paid to:	NYS Ag. & Markets for spay/neuter program			39.00
Amount paid to:	NYS Environmental Conservation			491.09
Amount paid to:	State Health Dept. For Marriage Licenses			22.50
<b>Total State, County &amp; Local Revenues:</b>		<b>\$4,257.00</b>	<b>Total Non-Local Revenues:</b>	<b>\$552.59</b>

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

**Town of Duanesburg Town Board**

**RESOLUTION NO. 59- 2023**

**April 13, 2023**

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


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

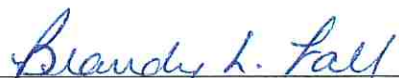
**WHEREAS**, the Town Board retained Delaware Engineering, D.P.C., (“Delaware”) for professional services in connection with UV disinfection project at the Mariaville WWTP (the “Project”); and

**WHEREAS**, Delaware has submitted one invoice (attached hereto) dated March 8, 2023 in the amount of **\$2,242.50** (“Professional Services Invoice No. 11”); and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board approves Professional Services Invoices No. 11; authorizes the payment of the invoice using the BAN funds borrowed for this purpose; and directs that the Town seek reimbursement from NYSDEC for the costs associated with the Project in accordance with the terms of the Grant Agreement with NYSDEC;

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of April 13, 2023.

  
William Wenzel, Supervisor

  
Town Clerk/Deputy Town Clerk

Date

Date 4-13-2023

Present: Council Member Grant, Council Member Lucks, Council Member Santulli + Supervisor Wenzel  
Absent: Council Member Potter

Town Board Members:

William Wenzel	<u>Yea</u>	Nay	Abstain
Michael Santulli	<u>Yea</u>	Nay	Abstain
Francis R. Potter	Yea	Nay	Abstain
Dianne Grant	<u>Yea</u>	Nay	Abstain
Andrew Lucks	<u>Yea</u>	Nay	Abstain



## DELAWARE ENGINEERING, D.P.C.

55 South Main Street  
Oneonta, New York 13820

Tel: 607.432.8073  
Fax: 607.432.0432

March 24, 2023

Town of Duanesburg  
Attn.: Bill Wenzel, Town Supervisor  
Town Hall  
5853 Western Turnpike  
Duanesburg, NY 12056

Re: Mariaville WWTP (SD#2)  
Disinfection Improvements Project - Professional Services Invoice #11

Dear Bill:

Attached for Town review, processing and payment is our invoice totaling \$2,242.50 for services related to the above referenced project.

Services provided during February 2023 included:

- Continued communications with Town and regulatory agencies
- Coordinate with contract closeout
- Continued NYSDEC compliance documentation

Services anticipated to be provided going forward include:

- Continued communications with Town and regulatory agencies
- Continued NYSDEC compliance documentation
- Preparation of as-built plans

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

Respectfully,

**DELAWARE ENGINEERING, D.P.C.**

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

Attachment

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

3-2023 Duanesburg (T) Mariaville WWTP Disinfection Improvements CL 11

28 Madison Avenue Extension  
Albany, NY 12203  
518.452.1290

223 Main Street, Suite 103  
Goshen, NY 10924  
845.615.9232

548 Broadway  
Monticello, NY 12701  
845.791.7777

16 East Market Street  
Red Hook, NY 12571  
518.452.1290



**Delaware Engineering, D.P.C.**

28 Madison Ave. Ext.  
Albany, NY 12203  
(518) 452-1290

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

Invoice number 20-2078-11  
Date 03/08/2023

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

For Services Rendered Through February 26, 2023

**3 Construction Management/Admin**

William J. Brown

Hours	Rate	Billed Amount
12.00	170.00	2,040.00

**6 NYSDEC Contract Coordination**

Robert G. Chiappisi

Hours	Rate	Billed Amount
1.50	135.00	202.50

Invoice total **2,242.50**

Approved by:

William J. Brown

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

# DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Oneonta, New York 13820 Phone 607-432-8078/FAX 607-432-0432

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

PROJECT ID 20-2078

PROJECT: Mariaville WWTP Disinfection Improvements  
INVOICE/REQUISITION No.: 11

	CURRENT COST	PREVIOUS COST	COST TO DATE	BUDGET
<b>1. Task 1 - Design</b>				
Labor	\$ -	\$ 29,851.25	\$ 29,851.25	
Reimbursable Expenses	\$ -	\$ 146.43	\$ 146.43	
<b>SUBTOTAL - TASK 1</b>	<b>\$ -</b>	<b>\$ 29,997.68</b>	<b>\$ 29,997.68</b>	<b>\$ 30,000.00</b>
<b>2. Task 2 - Bid/Award</b>				
Labor	\$ -	\$ 7,365.00	\$ 7,365.00	
Reimbursable Expenses	\$ -	\$ 135.00	\$ 135.00	
<b>SUBTOTAL - TASK 2</b>	<b>\$ -</b>	<b>\$ 7,500.00</b>	<b>\$ 7,500.00</b>	<b>\$ 7,500.00</b>
<b>3. Task 3 - Construction Management/Admin</b>				
Labor	\$ 2,040.00	\$ 11,982.50	\$ 14,022.50	
Reimbursable Expenses	\$ -	\$ 98.46	\$ 98.46	
<b>SUBTOTAL - TASK 3</b>	<b>\$ 2,040.00</b>	<b>\$ 12,080.96</b>	<b>\$ 14,120.96</b>	<b>\$ 15,000.00</b>
<b>4. Task 4 - Construction Inspection</b>				
Labor	\$ -	\$ 14,075.00	\$ 14,075.00	
Reimbursable Expenses	\$ -	\$ 837.14	\$ 837.14	
<b>SUBTOTAL - TASK 4</b>	<b>\$ -</b>	<b>\$ 14,912.14</b>	<b>\$ 14,912.14</b>	<b>\$ 17,500.00</b>
<b>5. Task 5 - As Built Drawing Preparation</b>				
Labor	\$ -	\$ -	\$ -	
Reimbursable Expenses	\$ -	\$ -	\$ -	
<b>SUBTOTAL - TASK 5</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,500.00</b>

# DELAWARE ENGINEERING, D.P.C.

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

	CURRENT COST	PREVIOUS COST	COST TO DATE	BUDGET
<b>6. Task 6 - NYSDEC Contract Coordination</b>				
Labor	\$ 202.50	\$ 3,262.50	\$ 3,465.00	
Reimbursable Expenses	\$ -	\$ -	\$ -	
<b>SUBTOTAL - TASK 6</b>	<b>\$ 202.50</b>	<b>\$ 3,262.50</b>	<b>\$ 3,465.00</b>	<b>\$ 8,250.00</b>
<b>TOTAL</b>	<b>\$ 2,242.50</b>	<b>\$ 67,753.28</b>	<b>\$ 69,995.78</b>	<b>\$ 80,750.00</b>
<b>AMOUNT DUE FOR CURRENT SERVICES</b>	<b>\$ 2,242.50</b>			
<b>AMOUNT PAST DUE</b>	<b>\$ 50.00</b>	<b>Remainder of Invoice #10, 02/07/2023</b>		
<b>TOTAL NOW DUE</b>	<b>\$ 2,292.50</b>			
<b>BUDGET BALANCE</b>	<b>\$ 10,754.22</b>			

THIS STATEMENT REFLECTS PAYMENTS RECEIVED ON OR BEFORE BILLING DATE



**Town of Duanesburg Town Board**

**RESOLUTION NO. 60 - 2023**

**April 13, 2023**

**WHEREAS**, the Town of Duanesburg Code Enforcement Officer/Town Building Department is in need of a used sport utility vehicle (SUV) to perform inspections; and

**WHEREAS**, the current vehicle is in very poor condition; and

**WHEREAS**, the Town Staff received pricing for three or more used SUV from three vendors and has made the following recommendation to the Town Board in accordance with the Town's procurement policy; and

**WHEREAS**, the proposed purchase recommended by the Town Staff is under the \$20,000 threshold for procurement under public works equipment contracts and is in accordance with the Town's procurement policy; and

**WHEREAS**, the Town Board finds the 2016 SUV offered by Armory Chrysler Dodge Jeep Ram Fiat of Albany at \$19,996.00 to be sufficient for the proposed purposes and fairly priced; and

**WHEREAS**, the Town Board instructs the Town Staff to ensure the vehicle has passed NYS inspection or is capable of doing so prior to completing the purchase; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board approves Armory Chrysler Dodge Jeep Ram Fiat of Albany as a Town vendor;

**BE IT FURTHER RESOLVED** that the purchase of the used SUV set forth above is approved and authorizes payment to Armory Chrysler Dodge Jeep Ram Fiat of Albany in the amount of \$19,996.00.00

**BE IT FURTHER RESOLVED**, the Town Board directs that the funds shall be taken from the unexpended fund balance and hereby amends the 2023 budget as necessary to cover the expense this year due to the very poor condition of the existing vehicle.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its Town Board meeting of April 13, 2023.

  
William Wenzel, Supervisor

  
Town Clerk/Deputy Town Clerk

Present: Council Member Grant, Council Member Lucks, Council Member Santulli + Supervisor Wenzel  
Absent: Council Member Potter

Town Board Members:

Dianne Grant	<u>Yea</u>	Nay	Abstain
Michael Santulli	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
William Wenzel	<u>Yea</u>	Nay	Abstain
Andrew Lucks	<u>Yea</u>	Nay	Abstain



## ARMORY CHRYSLER DODGE JEEP RAM FIAT OF ALBANY

960 CENTRAL AVENUE  
ALBANY, NEW YORK 12205  
(518) 641-7777

VEHICLE CASH PURCHASE AGREEMENT NYS DMV FACILITY NO. 7123145

THIS AGREEMENT IS NOT BINDING UNLESS SIGNED BY THE SELLER AND THE BUYER

BUYER **TOWN OF DUANESBURG**SALESPERSON **BRIAN WALTZ**STREET **5853 WESTERN TPKE**HOME PHONE **(518) 470-4661**BUS. PHONE **(518) 225-3715**CITY **DUANESBURG**STATE **NY**ZIP **12056**EMAIL **CPARSLOW@DUANESBURG.NET**

## THE TRANSACTION

I AGREE TO PURCHASE FROM YOU, ON THE TERMS CONTAINED ON BOTH SIDES OF THIS AGREEMENT, THE FOLLOWING VEHICLE (READ OTHER SIDE), IN THE EVENT OF A CHANGE IN AN ITEM OR ITEMS ON THIS AGREEMENT AND A NEW AGREEMENT IS GENERATED AND SIGNED BY THE APPLICABLE PARTIES, WITH DIFFERENT DATES (LOCATED ADJACENT TO THE SIGNATURES), THE MOST CURRENT DATED COPY WILL BE THE ONLY AGREEMENT CONSIDERED VALID.

## THE VEHICLE

YEAR <b>2016</b>	NEW <input type="checkbox"/> DEMO <input type="checkbox"/> USED RETAIL <input checked="" type="checkbox"/> USED WHOLESALE <input type="checkbox"/>	MAKE <b>JEEP</b>	MODEL <b>GRAND CHEROKEE</b>	NYS INSP. NO.
TYPE <b>F</b>	COLOR <b>BLACK</b>	TOP	TRIM <b>LIM</b>	V.I.N. <b>1 C 4 R J F B G 0 G C 3 2 7 5 7 3</b>
MILEAGE <b>104281</b>		STOCK NO. <b>57575B</b>		

## OFFICE USE ONLY

## THE PRICE

DATE <b>04/13/2023</b>	DEAL NO. <b>326326</b>	CUST. NO. <b>10020462</b>	VEHICLE PRICE (+) \$ <b>19800.00</b>
---------------------------	---------------------------	------------------------------	--------------------------------------

PRIOR USE CERTIFICATION (Required by Vehicle and Traffic Law 417a if the principal use of the vehicle was as a police vehicle, taxi-cab, driver education vehicle, or rental vehicle.)

The principal prior use of this vehicle was as a police vehicle  
☐ Taxi-cab ☐ driver educator vehicle ☐ rental vehicle ☐

The dealer named above further certifies that this vehicle complies with the inflatable restraint system requirements found in section 419-a of New York State Vehicle and Traffic Law.

\*NOTICE TO USED VEHICLE BUYER: If you should be entitled to a refund pursuant to section 198-b of the NYS General Business Law, instead of returning your trade in, the dealer may pay to you its wholesale value as determined by reference to the National Automobile Dealers Association Use Car Guide, or such other guide as may be approved by the Commissioner of mechanical defects, rather than the value listed in this agreement. I have reviewed and received a copy of the [www.safercar.gov](http://www.safercar.gov) report which contains information on "open recalls." See Item #8 on backside for additional important information on vehicle safety recalls.

THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.

TOTAL MAY INCLUDE DEALER INSTALLED EQUIPMENT

TOTAL **19800.00**

## THE TRADE

DESCRIPTION OF TRADE					LESS TRADE-IN CREDIT (-)	N/A
YEAR	MILEAGE	MAKE	MODEL	COLOR		
PLATE NO.	EXP. DATE	V.I.N.				
TRADE-IN CLEAR OF ALL LIENS IS EXCEPT:		AMOUNT OWED	N/A	GOOD UNTIL	CASH DIFFERENCE	\$ 19800.00

I/we (hereinafter "I") understand that Armory Chrysler Dodge Jeep Ram Fiat of Albany (hereinafter "Armory") is not a lender but is available to assist me in obtaining financing from various lenders for all or a portion of the price I am agreeing to pay for the vehicle I am purchasing or leasing. If Armory agrees to assist me in obtaining financing for any part of the purchase price, this order shall not be binding upon Armory or me until all of the credit terms are presented to me in accordance with Regulation "Z" (Truth-in-Lending) and are accepted by me. I understand the annual percentage rate (APR) for the installment sale of an automobile may be negotiated with the dealership; and the dealership may receive some portion of the finance charge or receive other compensation for providing financing assistance. If I do not accept the credit terms when presented, I may give you written notification of my non-acceptance within ten days, my order will be cancelled, and my deposit will be refunded. If this motor vehicle is classified as a used retail motor vehicle, the dealer named above certifies that the entire vehicle is in condition and repair to render, under normal use, satisfactory and adequate service upon the public highway at the time of delivery.

\*The optional dealer registration or title application fee (\$175.00 maximum) and special plate processing fee (\$5.00 maximum) are not New York State or Department of Motor Vehicles fees. Unless a lien is being recorded or the dealer issued number plates, you may submit your own application for registration and/or certificate of title or for a special or distinctive plate to any motor vehicle issuing office.

## TAXES AND OTHER FEES

SALES TAX	N/A	%	(+)	N/A
DEALER'S OPTIONAL FEE FOR PROCESSING APPLICATION FOR REGISTRATION AND/OR CERTIFICATE OF TITLE, AND FOR SECURING SPECIAL OR DISTINCTIVE PLATES (IF APPLICABLE). THIS IS NOT A DMV FEE. \$ 175.00				
N.Y.S. WASTE TIRE MANAGEMENT FEE		(+)		N/A
INSPECTION FEE		(+)		21.00
REGISTRATION FEE				N/A
REBATE				N/A
TOTAL CASH PRICE DELIVERED				\$ 19996.00
LESS CASH DEPOSIT SUBMITTED WITH ORDER	DEPOSITS ARE NON-REFUNDABLE	(-)		100.00
PLUS BALANCE OWING ON TRADE-IN		(+)		N/A
CASH, TELLER OR CERTIFIED CHECK DUE ON DELIVERY				\$ 19896.00

I have read the information and terms on the front and back of this agreement and have received a completed copy of this agreement.

BUYER'S SIGNATURE \_\_\_\_\_ DATE: **04/13/2023**

CO-BUYER'S SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED BY:  DATE: **04/13/2023**

**Town of Duanesburg Town Board**

**RESOLUTION NO. 61 - 2023**

**April 13, 2023**

**WHEREAS**, the following policy, attached hereto, is to be implemented by the Town of Duanesburg and followed by all employees and officers of the Town of Duanesburg:

Procurement Policy

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts the Procurement 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.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its Town Board meeting of April 13, 2023.

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

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

Present: *Council Member Grant, Council Member Lucks, Council Member Santulli + Supervisor Wenzel*  
Absent: *Council Member Potter*

Town Board Members:

Dianne Grant	<u>Yea</u>	Nay	Abstain
Michael Santulli	<u>Yea</u>	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	<u>Yea</u>	Nay	Abstain
Andrew Lucks	<u>Yea</u>	Nay	Abstain

## PROCUREMENT POLICY FOR THE TOWN OF DUANESBURG

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

purchase contracts less than or equal to \$20,000;

public works contracts less than or equal to \$35,000;

emergency purchases;

certain municipal hospital purchases;

goods purchased from agencies for the blind or severely handicapped;

goods purchased from correctional institutions;

purchases under State and County contracts; and

surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding pursuant to Section 103 of the General Municipal Law will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods or services will be purchased at the lowest price and that favoritism will be avoided.

3. At a minimum, the following method of purchase will be used when required by this policy in order to achieve the highest savings:

ESTIMATED AMOUNT OF  
PURCHASE CONTRACT

METHOD

\$500.00 - \$4,999.00

2 Written/Fax Quotations  
or written request for proposals

\$5,000.00 - \$20,000.00

3 Written/Fax Quotations  
or written request for proposals

ESTIMATED AMOUNT OF  
PUBLIC WORKS CONTRACT

METHOD

\$500.00- \$4,999.00

2 Written/Fax Quotations  
or written request for proposals

\$5,000.00 - \$35,000.00

3 Written/Fax Quotations  
or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement. In all events, the person requesting the purchase shall be required to complete a project quote history form as established by the Town of Duanesburg, including copies of all substantiation documentation. In no event shall purchases falling within this policy be made without such compliance.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(g), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Town of Duanesburg to solicit quotations or document the bases for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training, or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that

offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Town Board shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits. This section does not waive the requirement that only the appropriate officer, board or agency of the Town is authorized to make purchases.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals were required, the Town Board may be precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$ 500.00. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Any purchase to be made pursuant to this Procurement Policy, regardless of the estimated amount of the purchase or the circumstances upon which it is made, must be obtained from a Town of Duanesburg listed approved vendor. No vendor will be approved until the vendor acknowledges in writing receipt of, and agreement to comply with, this Procurement Policy. The list of approved vendors is subject to change from time to time.

8. The individual or individuals responsible for purchasing and their respective titles are as follows:

Jen Howe - Town Clerk  
Brandy Fall - Deputy Town Clerk  
William Wenzel – Town Supervisor

This information shall be updated biennially.

9. Standard utilities such as electric service, telephone service, internet service and the like are not subject to this Procurement Policy, Additionally, the following purchases procured under State contract pursuant to Section 104 of the General Municipal Law or competitive bidding pursuant to Section 103 of the General Municipal Law are not subject to this Procurement Policy so long as documentation of such procurement is provided to the Town Board:

- a. Oil, grease and other fluids necessary for regular maintenance of vehicles and equipment
- b. Ice control sand and salt
- c. Diesel, gasoline and/or kerosene delivered
- d. Crusher run, pot hole patch, and/or paving material
- e. Fuel oil

10. This policy shall go into effect on April 13, 2023 and be reviewed annually.

PO Box 160  
Quaker Street, NY 12141

William Wenzel, Supervisor  
Town Board  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

Transmitted via email: [jhowe@duanesburg.net](mailto:jhowe@duanesburg.net)

April 13, 2023

Re: Status of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC

Dear William Wenzel,

For at least two weeks it appears that there has not been any construction work at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project").

The enclosed drone image taken from my family property on April 9, 2023 provides a view to the northwest. It shows that:

- Eleven 275 feet long rows of panels collapsed flat to the ground as if the support posts sunk into the earth. Broken panels are shown on the ground. One row is failing, and multiple rows of post supports appear to be shifting, unstable and uneven.
- Access roads may not be compliant with the site plan width and gravel requirements.
- Ground stabilization and seeding may not be compliant with the SWPPP and site plan.
- Soil erosion and rutting into the fragile soil is evident

Freedom of Information request to the Town of Duanesburg shows that:

- The Project's Workers Compensation Insurance and Liability Insurance expired January 2022.
- The town issued the Project two building permits on April 15, 2022.
- The 2019 and 2022 Special Use Permit application indicated that the Project would use pounded posts with no concrete footings.
- The Town Designated Engineer Inspection Reports in 2022 state that the Project drilled holes, set channel post, and back filled with crusher rock.

Additionally,

- The NYS DEC Wetland mapper shows National Wetland Inventory riverine on the Oak Hill Solar 2, LLC site. The 2018 application stated no NWI on the Project site. The photograph clearly shows the path of the riverine through the Oak Hill Solar 2, LLC site.
- The United States Department of Agriculture Soils Maps shows that the site is very limited for soil based solar array anchor systems.
- The Schenectady County Clerk records show more than \$1,450,000 in mechanical liens against the properties.
- February 2023 the projects were sold to an international private equity firm.

Why did the town issue building permits if the Project did not have Liability and Workman's Compensation Insurance?

Does the town have a construction performance bond?

What is the town doing to bring the Project into compliance?

What is the timeline to bring the Project into compliance?

Thank you for your time and consideration.

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

Enc: April 9, 2023 color image with annotations



Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC

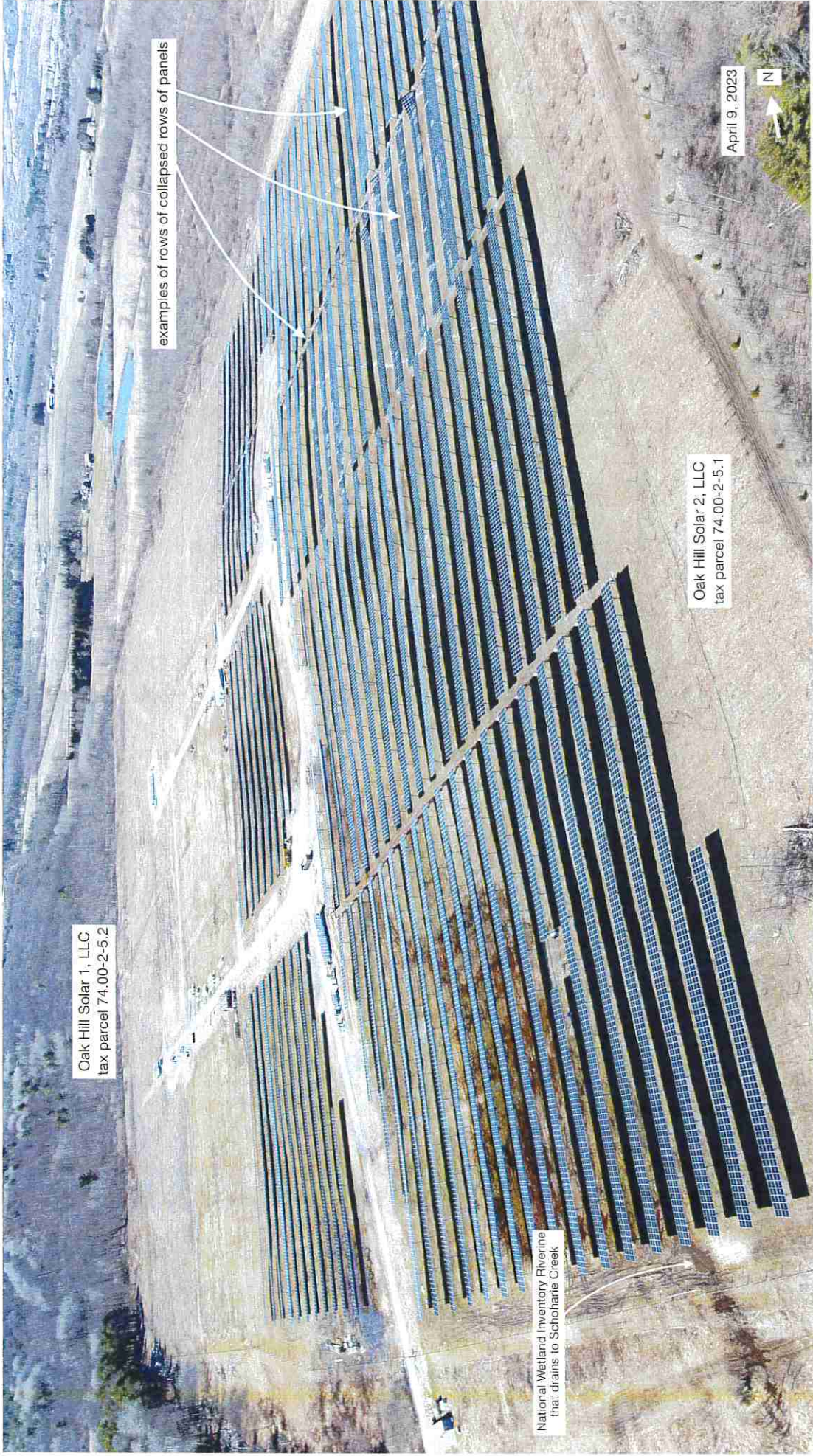
Eleven 275 feet' long rows of panels collapsed flat to the ground, one row is falling, and multiple rows of post supports appear to be shifting and unstable.

Rows with broken panels have been on the ground since December 2022.

Access roads may not be compliant with the site plan width and gravel requirements.

Ground stabilization and seeding may not be compliant with the SWPPP and site plan.

The town may not have a construction performance bond. Workers Compensation and Liability Insurance may have expired January 2022. The town issued building permits April 2022.



The Special Use Permit indicated pounded posts with no concrete footings. The Town Designated Engineer Inspection Reports show drilled holes back filled with crusher rock.

A change order for drilled holes has not been provided.

NYS DEC Wetland mapper shows National Wetland Inventory riverine on the Oak Hill Solar 2, LLC site. The 2018 application states no NWI onsite.

United States Department of Agriculture Soils Maps Shows that the site is very limited for soil based solar array anchor systems.

The Schenectady County Clerk records show more than \$1,450,000 in mechanical liens against the property owner.

February 2023 the projects were sold to an international private equity firm.



PO Box 160  
Quaker Street, NY 12141

William Wenzel, Supervisor  
Town Board  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

Transmitted via email: jhowe@duanesburg.net

April 13 2023

Re: Privilege of the Floor Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC

Dear William Wenzel,

During the review process for the Amendment to the Special Use Permit for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Rick James of E-Coustic Solutions, LLC submitted letters to the planning board. He stated that the project is unlikely to comply with Local Law 1 of 2016 the Solar Facilities Law 3.j. stating no discernable difference of noise at the property line. He recommended that a concrete wall be constructed to mitigate the excessive noise.

During a planning board meeting the town attorney and town designated engineer discussed the construction of concrete walls to mitigate noise from solar + storage facilities. They stated that they were not aware of any project requiring concrete walls to provide noise mitigation.

On February 24, 2023 the Tweksbury Carnation published an article by Lorna Garey, "Andover Planning Board Approves Energy Storage Facility on South St." She reports that the Andover Planning Board required New Leaf Energy (formerly Borrego Solar Systems) to provide \$30,000 for noise monitoring and a microphone installed at the 12-MW energy storage facility to be constructed on 9 acres at 1320 South Street. The project is required to construct a 18' concrete barrier wall and fire hydrant.

The March 17, 2022 Amendment to Oak Hill Solar's Special Use Permit shows that Oak Hill Solar 1, LLC has 8.3-MW solar array and 11-MW of battery storage and Oak Hill Solar 2, LLC has an 8.3-MW array and 11-MW of battery storage.

If the Oak Hill Solar has not been compliant with post installation, access road width, soil erosion measures and tree planting do you believe that it will be compliant with Solar Law 3.j?

I request that the town do everything possible to protect the neighbors and hold the project compliant with Local Law 1 of 2016 the Solar Facilities Law 3.j.

Thank you for your time and consideration.

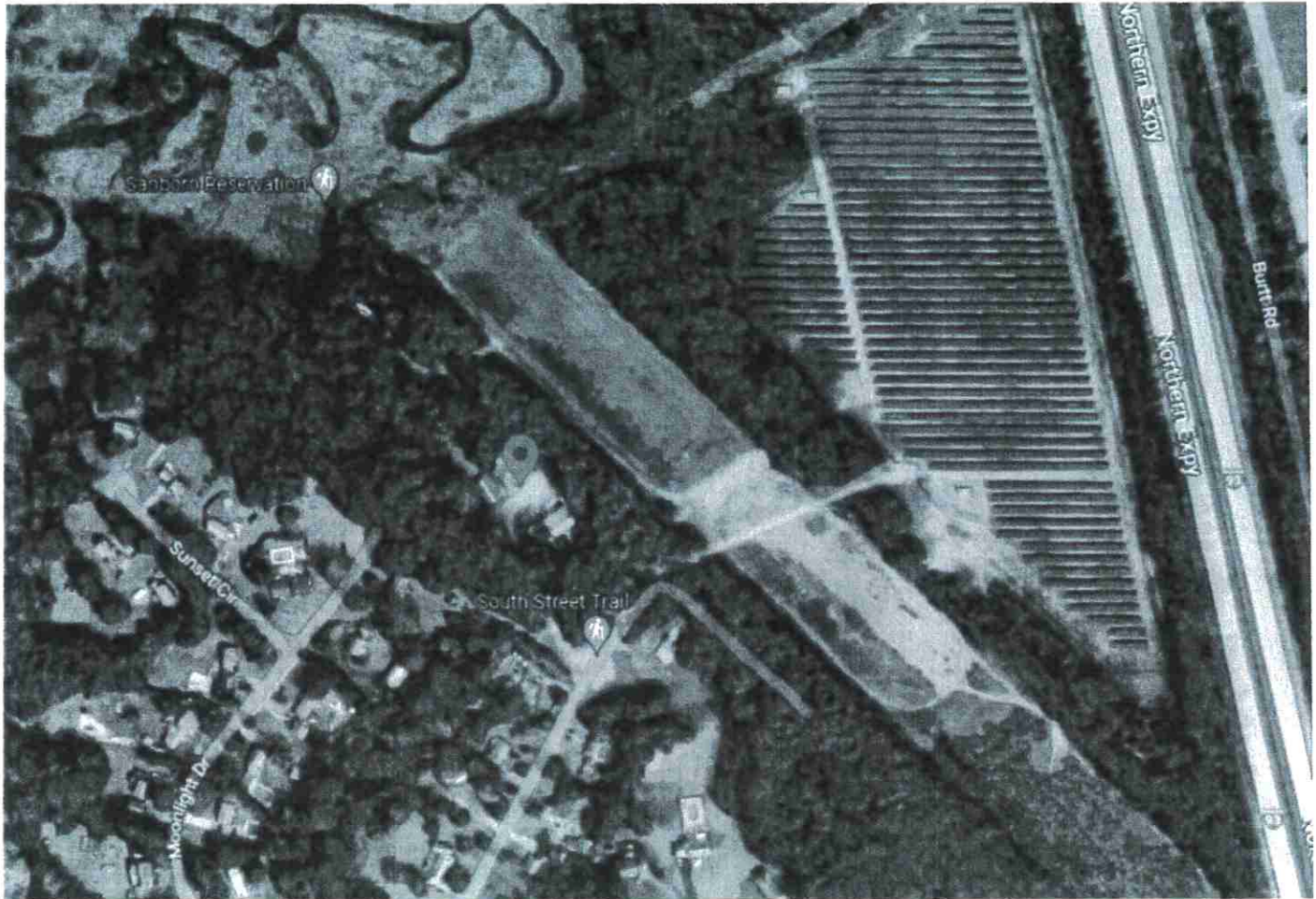
Respectfully,  
Susan Biggs  
Lynne Bruning  
720-272-0956  
lynnebruning@gmail.com

Enc:February 24, 2023 Tweksbury Carnation, Lorna Garey "Andover Planning Baord Approves Energy Storage Facility On South St."



## Tewksbury Carnation

April 13, 2023



# Andover Planning Board Approves Energy Storage Facility On South St.


BY LORNA GAREY ON FEBRUARY 24, 2023

*1320 South St. site would store 12 MW of energy, add resilience to grid. Construction planned for 2024*

The Andover Planning Board last week unanimously approved a battery energy storage facility for 1320 South St. The site would be accessed through Tewksbury, but no staffing is planned post-construction. The plant would be monitored remotely.

The Andover Select Board still needs to address a question around right of first refusal for agricultural use, but the Planning Board does not expect that to be an issue.

The developer, New Leaf Energy (formerly Borrego Solar Systems), is looking to construct the 22,643 square foot, 12-megawatt energy storage facility on a 9.9-acre parcel that is currently woodlands with one residential building; the proposal includes clearing 1.5 acres. Because the lot abuts the Sanborn Reservation, there will be a wildlife barrier fence around the facility, and New Leaf agreed to bring in a wildlife biologist to ensure that animals don't get in and become entrapped.

The project will have capacity for 92 energy storage containers and four associated central inverters. As an automated site with no daily vehicle traffic, it's a significantly less impactful use of the lot than the unpermit contractor yard that's still operating nearby despite a cease-and-desist order. 

The facility's frontage on the town line is about 50 feet from Moonlight Drive. The company's rendering, below, shows a buffer of trees being left between residents and the site. During construction, New Leaf has agreed to an 8 a.m. to 5 p.m., Monday through Friday work schedule. Construction vehicles will not idle or park near residences.

New Leaf Energy is headquartered in Lowell. The project sub-company for this facility is South Street Energy Storage, LLC.

The facility being proposed would use rechargeable lithium ion batteries to store electricity from the grid when demand is low. When demand spikes, as with a heat wave or at the end of the day when many EVs are plugged in, the batteries discharge stored energy back onto the grid to be used by homes and businesses. These large storage facilities are designed to even out fluctuations in energy supply and demand and increase flexibility in the grid, allowing for more use of renewables. It is adjacent to the solar field at 1350 South St.

The Andover Planning Board held several meetings with Brandon Smith of New Leaf Energy, who said construction would not begin until 2024.

"This project is, we feel, a positive to community and the state," said Smith. "With these battery projects coming on to the grid, it allows additional intermittent renewable energy sources like solar wind to be introduced at a higher capacity."

Smith agreed that the facility cannot be operated at full capacity until there is a noise monitoring program in place and a microphone installed on site. The company will provide weekly operational data to the to the Andover Board of Health.

In fact, the two problems cited with these energy storage facilities are noise and the possibility of fire.

In January, Andover's director of public health, Thomas Carbone, issued an opinion to the Planning Board that the town should collect \$30,000 for "post-construction sound monitoring" and hold those funds for six months following full spin-up of the site.

An 18-foot sound-absorbing wall is proposed, as is a fire hydrant at the end of Moonlight Drive.

New Leaf says noise sources from the proposed project are the HVAC units in the battery segment containers and inverters. No other significant noise producing equipment is proposed, according to the company. The sound level modeling report presented to Andover shows that, if unmitigated, the project would result in a sound level of less than 50 dB at the nearest home, at 5 Sunset Circle, per Smith. That's roughly equivalent to a normal conversation. The 18-foot wall and trees are meant to mitigate that increase in ambient noise.

The company has agreed to post a sign on Moonlight Drive with contact information for the facility operator, and in case of a complaint, will engage an independent acoustical or noise consultant if the affected location is closer than .5 miles.

A fire, while rare in these facilities, could be serious. In Arizona, a smoldering battery at a 10 MW facility was dealt with by sending a robot in to open the doors and check for any hazards. A safety report on the battery energy storage system planned for the site is here.

The Tewksbury Fire Department is requiring that the developer install a hydrant at the end of Moonlight Drive before any energy storage commences, and that hydrant requires the water main to be extended, according to Town Manager Richard Montuori.

Because the existing water main is cast iron, the Tewksbury DPW requested replacement of the main back to the nearest section of ductile iron, which is on South Street. This will require about 1,350 feet of new water main for the project. At the town's current cost of \$1,800,000 per mile for water main replacement, the project will result in a \$475,000 savings for residents.

"This price includes the developer's responsibility for the cost associated with design and construction oversight, by the town's consultant, of the water main replacement," said Montuori. "The project will provide a benefit to the community by removing a significant length of cast iron water main from the system that has experienced four breaks over the past four years."

Each battery is equipped with its own dry extinguishing system to address failures before firefighters are required.

Before the facility opens, New Leaf will host a training for Tewksbury and Andover first responders to cover proper emergency response procedures, access locations, contact information, locations of fire safety equipment such as the fire hydrant, the fire department connection for the battery deluge system, entry lock-box locations, and other safety features.

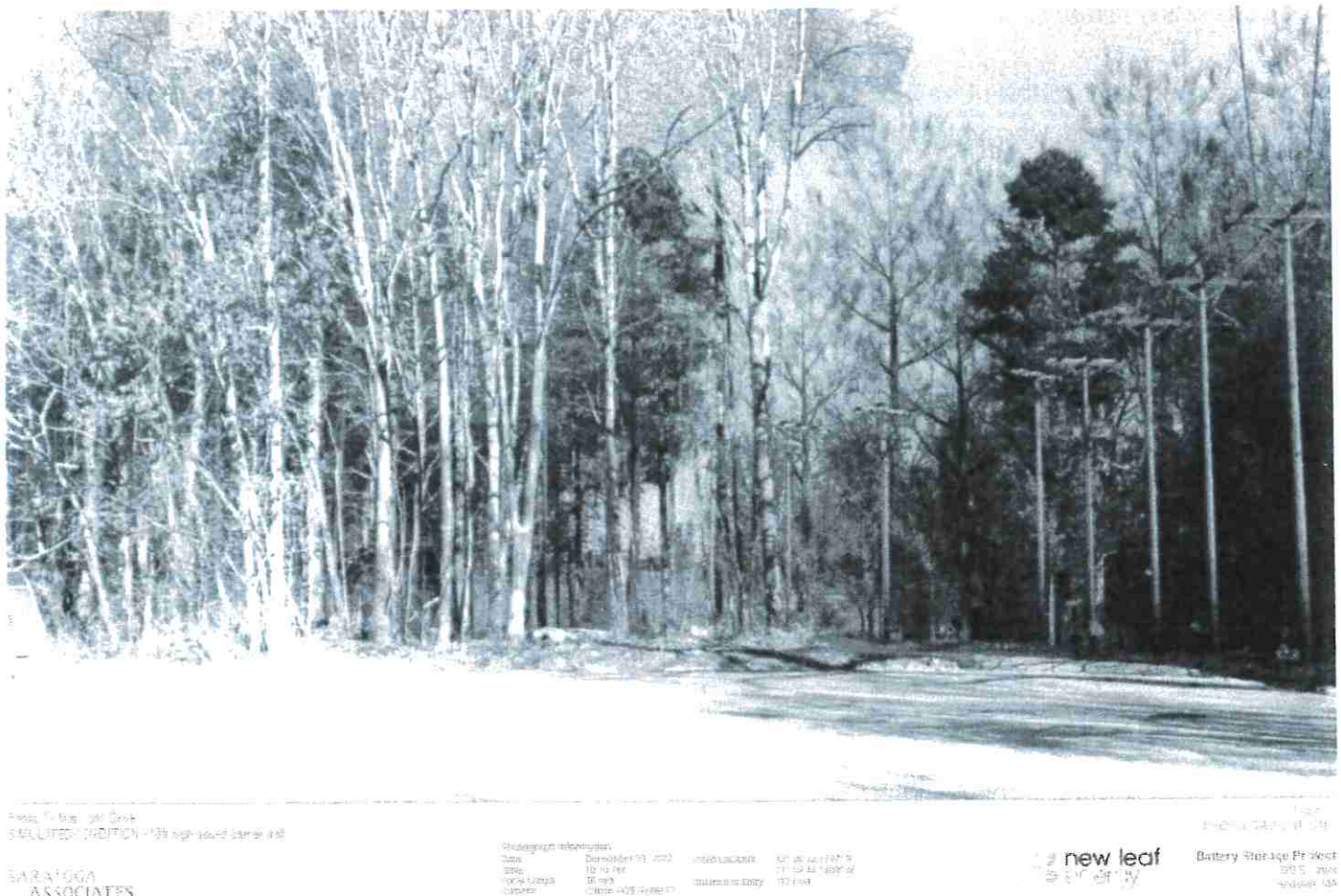
"The Tewksbury and Andover Fire Departments are the second line of defense in the event of an equipment failure," said Montuori, who added that the developer has accommodated all requests made by both departments.

*Learn more about community-scale energy storage sites.*





The project ends at the line between Tewksbury and Andover.



**STORMWATER O&M PLAN**

SCALE: 1" = 60'

1200 S STREET  
ANCON, MA 01810

PROJECT NUMBER  
1200-S

DATE	REVISION	BY	CHKD	APPD
11/11/11	1	11/11/11	11/11/11	11/11/11
11/11/11	2	11/11/11	11/11/11	11/11/11
11/11/11	3	11/11/11	11/11/11	11/11/11
11/11/11	4	11/11/11	11/11/11	11/11/11
11/11/11	5	11/11/11	11/11/11	11/11/11
11/11/11	6	11/11/11	11/11/11	11/11/11
11/11/11	7	11/11/11	11/11/11	11/11/11
11/11/11	8	11/11/11	11/11/11	11/11/11
11/11/11	9	11/11/11	11/11/11	11/11/11
11/11/11	10	11/11/11	11/11/11	11/11/11
11/11/11	11	11/11/11	11/11/11	11/11/11
11/11/11	12	11/11/11	11/11/11	11/11/11
11/11/11	13	11/11/11	11/11/11	11/11/11
11/11/11	14	11/11/11	11/11/11	11/11/11
11/11/11	15	11/11/11	11/11/11	11/11/11
11/11/11	16	11/11/11	11/11/11	11/11/11
11/11/11	17	11/11/11	11/11/11	11/11/11
11/11/11	18	11/11/11	11/11/11	11/11/11
11/11/11	19	11/11/11	11/11/11	11/11/11
11/11/11	20	11/11/11	11/11/11	11/11/11
11/11/11	21	11/11/11	11/11/11	11/11/11
11/11/11	22	11/11/11	11/11/11	11/11/11
11/11/11	23	11/11/11	11/11/11	11/11/11
11/11/11	24	11/11/11	11/11/11	11/11/11
11/11/11	25	11/11/11	11/11/11	11/11/11
11/11/11	26	11/11/11	11/11/11	11/11/11
11/11/11	27	11/11/11	11/11/11	11/11/11
11/11/11	28	11/11/11	11/11/11	11/11/11
11/11/11	29	11/11/11	11/11/11	11/11/11
11/11/11	30	11/11/11	11/11/11	11/11/11
11/11/11	31	11/11/11	11/11/11	11/11/11
11/11/11	32	11/11/11	11/11/11	11/11/11
11/11/11	33	11/11/11	11/11/11	11/11/11
11/11/11	34	11/11/11	11/11/11	11/11/11
11/11/11	35	11/11/11	11/11/11	11/11/11
11/11/11	36	11/11/11	11/11/11	11/11/11
11/11/11	37	11/11/11	11/11/11	11/11/11
11/11/11	38	11/11/11	11/11/11	11/11/11
11/11/11	39	11/11/11	11/11/11	11/11/11
11/11/11	40	11/11/11	11/11/11	11/11/11
11/11/11	41	11/11/11	11/11/11	11/11/11
11/11/11	42	11/11/11	11/11/11	11/11/11
11/11/11	43	11/11/11	11/11/11	11/11/11
11/11/11	44	11/11/11	11/11/11	11/11/11
11/11/11	45	11/11/11	11/11/11	11/11/11
11/11/11	46	11/11/11	11/11/11	11/11/11
11/11/11	47	11/11/11	11/11/11	11/11/11
11/11/11	48	11/11/11	11/11/11	11/11/11
11/11/11	49	11/11/11	11/11/11	11/11/11
11/11/11	50	11/11/11	11/11/11	11/11/11
11/11/11	51	11/11/11	11/11/11	11/11/11
11/11/11	52	11/11/11	11/11/11	11/11/11
11/11/11	53	11/11/11	11/11/11	11



Lorna is a 25-year resident of Tewksbury who has written for organizations ranging from the DIA to InformationWeek to a free weekly in New London that sent her to interview the pastry chef at Foxwoods.

*Published in Business, News Home and Uncategorized*

[More posts in Business »](#)





PO Box 160  
Quaker Street, NY 12141

William Wenzel, Supervisor  
Town Board  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

Transmitted: Hand Delivered Town Board Meeting

April 13, 2023

Re: Privilege of the Floor - Request the town hire separate and distinct legal counsel for the Ethics Board

Dear William Wenzel,

1. During the March 23, 2023 town board meeting privilege of the floor a resident asked who is the Ethics Board attorney. This was the fourth town board meeting that the resident asked this question.

The town attorney replied that legal questions from Ethics Board are directed to Whiteman, Osterman & Hanna.

The Town of Duanesburg  
town board,  
planning board, and  
zoning board  
all use the same legal representation, Teresa Bakner of Whiteman, Osterman & Hanna.

It is likely that the Ethics Board may also use Teresa Bakner as their counsel.

Having one source of legal representation for the town, planning, zoning and ethics boards does not provide a system of checks and balances. It may create the opportunity for impropriety and fraud.

I request that the town hire separate legal representation for the ethics board and separate legal representation for the town board. Having multiple sources of legal counsel may provide transparency and accountability. It may protect the town and taxpayers from improper behavior at town hall.

2. There has not been any construction activity at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC in more than two weeks. Would the Supervisor please provide an update on the projects.

Thank you for your time and consideration.

Respectfully,  
Susan Biggs