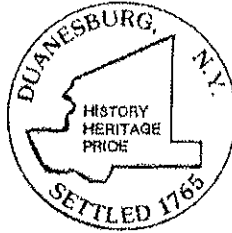


Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent



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

Thursday December 30, 2020
Regular Town Board Meeting
Meeting Time: 7:00PM

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

Present: Supervisor Tidball, Council Members Ganther, Senecal and Wenzel, Highway Superintendent Reed, Deputy Town Clerk Fall, Town Attorney Terresa Bakner

Pledge of Allegiance

Supervisor Tidball: Alright folks, thank you for joining us through Zoom. We moved tonight's board meeting to later in the month because it's the last meeting of the year where we try to get all our bills caught up and paid. So that is why changed the date. Plus, last week was Christmas. So, tonight is Thursday December 30, 2020, we're meeting at 7:00 pm. First, we have the Public Hearing but before we get into that, there will be a couple, probably a couple of additional items to the business meeting. We will be talking about setting a date for the Organizational Meeting for the first week of January, which will be next week. And I think there was something else but that's all I have. Just to let you know, we will be adding that to the meeting. Also, I do have to do budget transfers, which I will read off when we get to that, so that will be another item added to the business meeting.

Public Hearing:

Supervisor Tidball: So, getting into the Public Hearing. The Public Hearing is for the purpose of hearing all persons interested in 499 McGuire School Road. This is a property that, I'll turn it over to our attorney here in a few seconds, this property has been on our radar for several years. We

have been trying to, it is not being kept up, there is debris and other items and other incidents going on there. So, what I'll do is turn it over to for a recap to Teresa and her office.

Town Attorney Teresa Bakner: Thanks Roger. So, this property on McGuire School Road has been the subject of a number of appearance tickets that were provided to appear within the town court. The difficulty with that the property is owned by an estate. The people who are the beneficiaries of the estate and it is being managed by their council by a gentleman of the name of Mr. Gibbons, Attorney Gibbons out of Scotia. Over the course of a number of years, the people who are living at the property have brought in just a lot of junk including cars that are already in bad shape and don't meet the requirements for storage of cars on the property. Just as well as junk itself. The Building Inspector's have been to the site several times, taking photographs and we are at the point where really the town needs to consider taking action through the Supreme Court, so the property can be cleaned up, made safe and then the cost of that collected through the property taxes on the property. The property is also somewhere in the foreclosure process is our understanding. So, there is always the possibility that at some point the bank may take back ownership of the property. So, we also need to make sure that we are in a position to ensure that the bank cleans up the property if they become the owner. So that is kind of where we are at. We tried to work with the attorney to the estate and it was unsuccessful. TJ, is there anything you would add to that?

TJ Ruane from Whiteman, Osterman and Hanna: No, I think you covered everything. The only thing that I would add is that tonight, there is a resolution proposed to take the next steps in the process. It would basically allow the town, after the forty-day waiting period is up to go to the Supreme Court. At that time if the owner of the property does nothing, or doesn't comply and what we've seen so far, it doesn't appear that the owner of the property is going to comply or clean up the property. So that's what tonight's resolution will do. It will give you guys sort of the go ahead that after those forty days is up which is February 1st. Then we can make an application to the Supreme Court to get a court order.

Supervisor Tidball: So, at this time, thank you TJ and Teresa. At this time, I'll make the motion to open the Public Hearing.

Council Member Wenzel: Second.

Supervisor Tidball: Brandy call the roll please.

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Supervisor Tidball: Is there anybody in the land of Zoom that wishes to speak on this matter at all? It doesn't look like there are too many visitors. Do you see anybody that is on there that might?

Nathan Pyne of McGuire School Road: I did call and speak with Mr. Tidball a few weeks ago. My wife and I purchased the home immediately across the street from it about a year, year and a half ago and I just to recap everything you said, I don't think I can add anything. There have been domestic disputes over there and I don't know the status of the people living over there are, whether they are renters or whether they are just living there with no personal responsibility to the property but I certainly am hopeful as is my wife, you are able to take action and move swiftly. If you drive up and down McGuire school Road, we are new residents of the town, we came from Princetown and you can see everybody takes a lot of care in their property, we're very proud of the home that we purchased and we would definitely like to see quick work of the resolution. I appreciate this getting brought up to the point that it is at right now.

Supervisor Tidball: Thank you for your comments Mr. Pyne. Anybody else wish to speak about this matter. Again, if you missed this meeting or you want to speak later, we have the open forum and we are always taking comments through our town clerk office. Anybody Brandy? We'll give it a few seconds.

Deputy Town Clerk Fall: No, not yet and there is nothing in the chat either.

Supervisor Tidball: Ok, I'll make the motion to close the Public Hearing.

Council Member Senecal: I'll second.

Supervisor Tidball: Any discussion on it? Brandy call the roll please.

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Supervisor Tidball: Ok, thank you. I need approval of minutes please.

Council Member Senecal: I make the motion for approval of minutes for the Town Board Meeting on Thursday December 10, 2020.

Council Member Wenzel: Second

Supervisor Tidball: Any discussion on them? Brandy call the roll please.

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 137-20: Council Member Senecal motioned, seconded by Council Member Wenzel to approve the Town Board Meeting minutes of Thursday December 10, 2020.

Motion carried, 4 ayes

Supervisor Tidball: Payment of Claims. I know Ricky usually does it but I can knock it out real quick.

Supervisor Tidball: Vouchers to be paid Town of Duaneburg Vouchers per Fund. General Fund - \$164,696.94 Highway fund- \$98,723.91 SD#1- \$9,434.01, SD#2 - \$5,775.99, SD#3 - \$80,331.08. Total vouchers to be paid - \$358,961.93.

Council Member Ganther: I'll second it.

Supervisor Tidball: Any discussion on that? Brandy call the roll please.

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Resolution 138-20: Supervisor Tidball motioned, seconded by Council Member Ganther to pay the following claims:

Motion carried, 4 ayes

**Vouchers to be Paid
December 30, 2020**

General Fund:	\$164,696.94
Highway Fund:	\$98,723.91
SD#1 Fund:	\$9,434.01
SD#2 Fund:	\$5,775.99
SD#3 Fund:	\$80,331.08
<hr/>	
Total To Be Paid:	\$358,961.93

Supervisor Tidball: Committee Reports. We'll start off with the Highway.

Highway:

Highway Superintendent Reed: Yes, it seems that Mother Nature has a sense of humor this year. The 30 inches of snow and then the quick melt. We were busy but we were able to keep up pretty good with the extreme storm of heavy snow. We were down one truck being stuck for the day, we couldn't get any towing service. We ended up doing the route, getting cleaned up and then at the end of the day we were able to get three guys on the truck and get it back to the shop. Then along comes Christmas Eve with the heavy melting, it created a lot of washouts of half a dozen roads. Lawson, Fitzdom washed out. Gutha had a good wash out on it. Old Dare, both upper and lower Brown sustained some pretty good scouring so we got most of them back together and hopefully by tomorrow we'll be in good enough shape for the weekend anyways. We can finish up next week. We have taken possession of our skid steer; it is sitting next door waiting for the rep. to come down from Nortrax and go over the do's and dont's with us before we put it into action. But we do have it. That's about it.

Supervisor Tidball: Any comments or questions for Bill?

Council Member Ganther: Was any of that damage serious enough to cause long term problems or was it just things we can take care of in the short term?

Highway Superintendent Reed: Short term John. They were mostly the dirt roads. The water just jumped out of the ditches because there was snow and ice. We scoured down the tire channels. It's just a matter of putting gravel back in them and getting them back up grade to hold up for the winter.

Council Member Ganther: Great. Thanks.

Council Member Senecal: It must have been an amazing situation.

Highway Superintendent Reed: No doubt, it was crazy.

Public Safety:

Supervisor Tidball: Alright Public Safety. You have anything new to add?

Council Member Wenzel: I do not.

Supervisor Tidball: Public Safety like we say pretty much every week, they cancel the meetings because of COVID. Not much going on there. I actually ran into the Sheriff tonight or County Sheriff. I thanked him for his help that they give us out here and asked him how business was out here and he says it's been quiet for those guys so that's always good to hear from the Sheriff. Park Committee.

Park Committee:

Council Member Wenzel: The only thing I have to report is that we did get the contract back together from Teresa's office to send over to the vendor for the disc golf. I have not been in touch with Jean, I funneled that to the vendor through Jean and of course with the time of year that it is, I don't expect anything to happen too quickly but we're waiting for them to get that signed and sent back and then we can move forward with the disc golf.

Supervisor Tidball: Ok, that is good to know. Sewer Districts. John.

Sewer Districts:

Council Member Ganther: I don't really have anything this meeting, you know I have kind of been out of it for a few weeks unfortunately. The only thing that I have that is coming up soon is we do have a pre-bid meeting, virtual meeting for the long-term improvement project. That is going to take place on January 6th at 10:00 am. So that will be held on Zoom for anyone who was going to sit in on that one. That's really the only thing I have at this point.

Supervisor Tidball: Dale has been on vacation this week, so I didn't really get a chance to check in with him either and I haven't heard anything out of the ordinary so probably just normal stuff going on. Bill Brown's not on, right?

Deputy Town Clerk Fall: No

Supervisor Tidball: Ok. John IT stuff?

IT:

Council Member Ganther: All quiet. I did want to follow up with Bill and Jeff. Were you able to get that two-factor authentication for the email? Did you get through that ok?

Council Member Wenzel: Yes

Council Member Senecal: I didn't do anything with it.

Council Member Ganther: Ok, well as long as you can still get your email, that's ok. We do have a Broadband Committee meeting coming up in early January. That is on January 6th at 6:30 pm. That will also be held over Zoom. We will make sure we get the invitation out on the website. Those are the only two things I have at this time.

Supervisor Tidball: Yeah, I got nothing new either to add. Alright, other stuff. Like we talked about at the beginning of the meeting, we will have a quick discussion. The organizational meeting, its something we do every year. This year we have no one getting sworn in, so it's not a priority to do it on the first or second. Looking at the calendar for next week, or the week after, I'm sorry. So next week, like John just said we have a Broadband meeting scheduled on the 6th which is a Wednesday at 6:30. The Organizational Meeting shouldn't take any longer than a half hour. It's something that's possible, if we wanted to knock two out on the same night. We could probably do like 5:30. Unless you guys wanted to do a different night?

Council Member Ganther: Yeah, that's no problem with me, it's more of Bill or Rick with their work schedules. Especially with Rick being out of town a lot, that would be the only thing.

Council Member Wenzel: I don't have my schedule made up for next week yet so I can work around that.

Supervisor Tidball: Alright so when we get to the Business Meeting, we will set the Organizational meeting for the 6th at 5:30 through Zoom. Like I said, if there are any new people to the Organizational Meeting, we just read a lot of appointees and reappointing current employees and just going over the standard stuff that we do every year. It's pretty cut and dry. The other thing we are going to talk about quick, is we had a couple members of our Zoning and Planning Boards resign, I kind of knew some of them were coming. We do have an add, an announcement on or Facebook page and our website. If there's people out there that no anybody that wants to apply, please get your resume to the Town Clerk. Then we will go from

there. Do you guys have any other items you want to discuss before we go into the business meeting? Nothing going on? John, do you have anything?

Council Member Ganther: I do not, no.

Supervisor Tidball: Alright then we will go right into the Business meeting then.

Business Meeting:

Supervisor Tidball: I can read the first one. Motion to approve and authorize the Town Supervisor and Town Assessor to execute the Covenant Not To Sue and consents to the Consent Order and Judgement being submitted to Judge Versaci for review, consideration and signature.

Council Member Senecal: Second.

Supervisor Tidball: Discussion on this is. Mr. McGuire's not on is he?

Deputy Town Clerk Fall: No, he's not.

Supervisor Tidball: Terresa did you want to add anything to this? Any discussion.

Town Attorney Terresa Bakner: It's really pretty much the settlement, it's exactly the settlement that you discussed at the last meeting with Mike. Nothing has changed.

Supervisor Tidball: Ok. Any other discussion? Brandy call the roll please.

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Resolution 139-20: Supervisor Tidball motioned, seconded by Council Member Senecal to to approve and authorize the Town Supervisor and Town Assessor to execute the Covenant Not To Sue and consents to the Consent Order and Judgement being submitted to Judge Versaci for review, consideration and signature.

Motion carried, 4 ayes

Council Member Ganther: Motion to adopt the attached revised and updated Employee Handbook.

Council Member Wenzel: Second

Supervisor Tidball: The discussion on this is this has been a project I took on, started several years ago but it got put on the back burner. I want to thank Terresa's office for the amount of work they put into it to get us up to snuff on the new laws and changes that have been made. There was a lot of input from former and current town employees. Not a lot of major changes just more of an updated version of the town handbook. The last version was written by former Supervisor Bill Park, so that kind of dates it a bit, 20 plus years ago. So, it definitely needed to be done and I greatly appreciate everyone's input to happen. Any other discussion on that? Brandy call the role please.

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 140-20: Council Member Ganther motioned, seconded by Council Member Wenzel to adopt the attached revised and updated Employee Handbook.
Motion carried, 4 ayes

Council Member Senecal: Motion to adopt provisions of Executive Order 202.83 suspending the requirements of renewal applications as a condition to granting exemptions under sections 459-C and 467 of the Real Property Tax Law.

Council Member Wenzel: Second.

Supervisor Tidball: Discussion on this is, this is something because of the COVID and everything else going on the State Law, basically allowing people that had exemptions, they are going to automatically roll over. Right Teresa, that they don't have to reapply.

Town Attorney Teresa Bakner: So, if you had one previously in the previous tax assessment year, you can qualify without having to reapply. For people who didn't have one, they would still need to apply.

Supervisor Tidball: Any other discussion on it? Brandy call the roll please.

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 141-20: Council Member Senecal motioned, seconded by Council Member Wenzel to to adopt provisions of Executive Order 202.83 suspending the requirements of renewal applications as a condition to granting exemptions under sections 459-C and 467 of the Real Property Tax Law.

Motion carried, 4 ayes

Council Member Wenzel: Motion to appoint the Town Building Inspector and an architect or engineer to make a survey and report of the Property at 499 McGuire School Road.

Supervisor Tidball: I'll second. This is something we have been discussing for the last few months. We've had more and more properties that we are trying to take care of. Unfortunately, these situations do happen in every town. This property has been going by the wayside for several years. We started working on it and then COVID hit which slowed us down and everything else we talked about before. With bankruptcy and other issues that slowed it down. We were hoping to have this settled by now, but we are definitely moving forward on this. Any discussion on it? Brandy call the roll please.

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Abstain

Resolution 142-20: Council Member Wenzel motioned, seconded by Supervisor Tidball to appoint the Town Building Inspector and an architect or engineer to make a survey and report of the Property at 499 McGuire School Road.

Motion carried, 3 ayes

Supervisor Tidball: Make a motion to hold a special meeting for our Organizational Meeting on January 6th 5:30 pm.

Council Member Senecal: Second

Supervisor Tidball: Discussion on that is we already had a discussion, something we do every year to make all our appointments, etc. It shouldn't take more than a half an hour to forty-five minutes. Any discussion on that? Brandy call the roll please.

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Resolution 143-20: Supervisor Tidball motioned, seconded by Council Member Senecal to set a date for the 2021 Organizational Meeting for January 6th, 2021 at 5:30 pm.

Motion carried, 4 ayes

Supervisor Tidball: Alright, this one is going to take me a few minutes. This is something we do every year at the last meeting of the year when I do my budget transfers, this was prepared to us by BST. It's a lot of numbers but it's actually less than I've had before, I've had four or five pages of transfers. Basically, what this is, is cleaning the accounts. When you do a budget at the beginning of the year, it's kind of a really good guesstimate, you kind of guess what you are going to spend. This year we were pretty good on our spending but we have some accounts that we didn't spend the full amount and some accounts we overspent because things just happen. So, this is basically just a clean-up. So, I am going to go right through this. This is going to take me a few minutes, it's a lot of numbers I am going to read out, then we will go from there.

Supervisor Tidball read the list of budget transfers. (please see attached)

Council Member Senecal: Second

Supervisor Tidball: Discussion on that, like I said this is something that you gotta do every year, it's basically just to clean up the accounts. Any lines that we overspent, we can use money that we didn't spend and just make it all even at the end of the day. Brandy call the roll please.

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Resolution 144-20: Supervisor Tidball motioned, seconded by Council Member Senecal to approve the budget transfers for 2020.

Motion carried, 4 ayes

Supervisor Tidball: Ok, any other business meeting stuff that we missed? Alright at this moment folks, we will open the privilege of the floor. If anyone wishes to speak, please make a comment through Zoom. We will wait a few minutes. If you wish to speak, just normal stuff, state your name and address. Anyone on Brandy?

Deputy Town Clerk Fall: Lynne is but she is asked if we can hear her. Lynne we can't hear you, I asked you to unmute on our end so please try again.

Town Attorney Terresa Bakner: From the picture on the screen, it looks like Lynne is muted.

Supervisor Tidball: That we have her muted?

Town Attorney Terresa Bakner: No, I think she has herself muted.

Deputy Town Clerk Fall: Lynne can you hear us? She says she is on her phone too.

Town Attorney Terresa Bakner: Yeah, it looks like she is muted in both places.

Deputy Town Clerk Fall: John, you got any ideas?

Council Member Ganther: Um, I don't know.

Deputy Town Clerk Fall: I have hit ask to unmute on both the video/computer and the phone and it is still just giving me ask to unmute.

Council Member Ganther: Yeah, you can't unmute her huh.

Town Attorney Terresa Bakner: Lynne, it's saying that it won't unmute your phone.

Council Member Ganther: Yeah I would think you could just unmute her phone by right clicking on her number but you can't. Do we have a regular phone that she can call in on there?

Supervisor Tidball: No, we don't have a phone in here anymore. Only thing I can do is apologize and Lynne, if you can hear us, if you have comments, if they are written out, please get them to the Town Clerk and I will definitely read them at the Organizational meeting.

Deputy Town Clerk Fall: She's typing right now. So, it says – I submitted my statements to the Town Clerk, technology fail at end of year. I submitted my statement and we tried.

Supervisor Tidball: Well if the statement came in, we will, I know she likes to make it part of the meeting minutes, we'll put your statement in with the meeting minutes for tonight and I will read them at the Organizational Meeting next week. That way they are at least read aloud.

Council Member Ganther: Brandy, you and I offline one of these days should figure out what it is we're not doing to activate that because that is kind of odd.

Deputy Town Clerk Fall: I don't know because I have dialed in before on my home phone to meets and I just had to unmute my phone and I was allowed to speak. Lynne said thank you and Happy New Year.

Supervisor Tidball: Does anyone else wish to speak?

Deputy Town Clerk Fall: No, and now that I know that number is hers, she is the only one on the meeting.

Supervisor Tidball: One thing I will say with closing of the floor and I wanted to say this at the beginning of the meeting, but I don't want to get to emotional. We lost a great person in this town, most of us knew him. It seems as you get older, more and more people pass away that you know. Mr. Breitenstein, Jim Breitenstein passed away in the last week. He was a pillar of this community, owned a lot of property in town. We have worked hand in hand in my seven years as Supervisor, I worked with him several times, rezoned a large piece of property for him

for maybe future expansion of some homes. He had a great idea there and like I said he owned a lot of property. He was a great man, he was on the school board I believe for a long time and he's helped out with this town board, he's helped out with former Supervisor's, Highway Superintendent's, he's going to be missed. He's going to be missed by this town. Like I said, every time you turn around, you know someone personally but when someone like Mr. Breitenstein passes away, it hurts the community. It really does because he was always there to lend a helping hand. Jim we'll see you on the other side. That's all I got to say about that. Anything else folks before we close tonight? Alright, I'll make the motion for adjournment.

Council Member Senecal: Second

Supervisor Tidball: Any other discussion? Brandy call the roll please.

Deputy Town Clerk Fall: Supervisor Tidball

Supervisor Tidball: Aye

Deputy Town Clerk Fall: Council Member Senecal

Council Member Senecal: Aye

Deputy Town Clerk Fall: Council Member Ganther

Council Member Ganther: Aye

Deputy Town Clerk Fall: Council Member Wenzel

Council Member Wenzel: Aye

Supervisor Tidball: Folks, thank you very much, enjoy your new year. See you next week.

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 December 30, 2020 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

Town of Duanesburg Town Board

RESOLUTION NO. 139- 2020

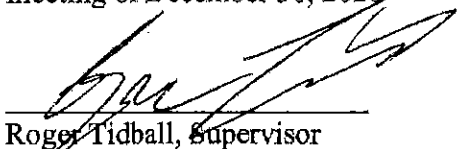
December 30, 2020

WHEREAS, MLight, Inc, ("MLight") brought two proceedings against the Town of Duanesburg in New York State Supreme Court, Schenectady County, to review the tax assessments made against property owned by MLight with an address of 6030 Duanesburg Road, Town of Duanesburg, Schenectady County, New York, (SBL #: 55.00-4-11.16) for the assessment roll years 2019 and 2020 (Index Nos. 2019-1620 and 2020-0911); and

WHEREAS, the parties to the aforementioned proceedings have reached a mutually agreed upon resolution, memorialized in the attached Consent Order and Judgment and Covenant Not To Sue.

NOW THEREFORE BE IT RESOLVED, that the Town Board approves and hereby authorizes the Town Supervisor and Town Assessor to execute the Covenant Not To Sue and consents to the Consent Order and Judgment being submitted to Judge Versaci for review, consideration, and signature.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of December 30, 2020


Roger Tidball, Supervisor
Clerk


Town Clerk/Deputy Town

Present: Supervisor Tidball, Council Member Senecal, Council Member Wenzel, Council Member
Absent: Council Member Potter Gauthier via Zoom

Town Board Members:

Roger Tidball	<input checked="" type="radio"/> Yea	Nay	Abstain
John Ganther	<input checked="" type="radio"/> Yea	Nay	Abstain
Rick Potter	<input checked="" type="radio"/> Yea	Nay	Abstain
William Wenzel	<input checked="" type="radio"/> Yea	Nay	Abstain
Jeff Senecal	<input checked="" type="radio"/> Yea	Nay	Abstain

COVENANT NOT TO SUE

WHEREAS, MLight, Inc. ("Company"), by and through its attorneys, Monaco Cooper Lamme & Carr, PLLC, Jacob F. Lamme, Esq. of counsel, commenced tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law challenging the assessment on its property for the 2019 and 2020 assessment rolls; and

WHEREAS, the Town of Duanesburg, the Assessor of the Town of Duanesburg, and the Board of Assessment Review of the Town of Duanesburg (collectively "Town"), by and through their attorneys, Whiteman Osterman and Hanna, LLP, Daniel T. Hubbell, Esq. of counsel, appeared in the above-mentioned Article 7 proceedings; and

WHEREAS, Company and the Town are collectively referred to as the "Parties"; and

WHEREAS, the Parties have engaged in settlement discussions and have agreed to fully resolve their differences without further litigation upon the terms of a Consent Order and Judgment, So Ordered by the Hon. Vincent W. Versaci, A.J.S.C., on December ____, 2020 (the "Settlement"); and

WHEREAS, the Parties have further agreed to enter into this Covenant Not to Sue ("Covenant"); and

NOW, THEREFORE, it is hereby stipulated and agreed, by and between the attorneys for the respective Parties herein, as follows:

1. The Property. The Parties agree that this Covenant shall extend to the following tax parcel located in the Town of Duanesburg, County of Schenectady, State of New York, which Petitioner operates as a gas station and convenience store ("Gas Station"):

Tax Parcel No.
55.00-4-11.16

Address
6030 Duanesburg Road
Duanesburg, New York 12056

2. Stipulated Values. The Parties have stipulated, for settlement purposes only, to the assessment for the parcel comprising the Gas Station as follows:

Tax Parcel No.
55.00-4-11.16

Stipulated Assessment
\$227,817

The Parties agree that the Stipulated Assessment is fair, equitable and proper for the purposes of the Covenant.

3. Improvements/Increase in Output. On or before March 1st of any year subject to this Covenant, Company shall notify the Assessor of any improvement to the Gas Station (i) that falls within the provisions of Real Property Tax Law Section 727(2) (which, for the avoidance of confusion, shall apply to any additional structures which may be constructed on the Gas Station

and not to any replacement or repairs of existing structures on the Gas Station). Subject to applicable law, the Assessor shall exercise independent discretion to adjust (if warranted) the assessment of the Gas Station to reflect such improvements.

4. Casualty. On or before March 1st of any year subject to this Covenant, Company shall notify the Assessor of any casualty or demolition to the Gas Station. Subject to applicable law, the Assessor shall exercise independent discretion to adjust (if warranted) the assessment of the Gas Station to reflect such casualty or demolition.

5. Covenant Not to Sue.

a. Provided that the final 2024 through 2030 assessment rolls shall not exceed the Stipulated Assessment, as adjusted by the agreements contained herein, Company covenants that it will not commence any proceeding pursuant to Article 7 of the Real Property Tax Law or any other applicable state or federal law, for the review of any assessment covered by this Covenant.

b. Notwithstanding subparagraph (a) above, the Company shall have the right to file administrative complaint(s) or judicial petition(s) against the Assessor, the Board of Assessment Review of the Town, and the Town as to any adjustments in the assessment of the Gas Station pursuant to Sections 3, 4 and 6 hereof.

6. Notwithstanding the provisions of Section 2 hereof, the Parties acknowledge and agree that the Town may adjust the assessment of the Facility, in the independent discretion of the Assessor, upon the occurrence of any of the circumstances enumerated in RPTL § 727(2).

7. This Covenant shall be binding upon and inure to the benefit of the Town and the Company, their corporate successors and assigns.

8. The statements set forth above in the "Whereas" clauses are affirmed as true and correct and are made part of this Covenant as though more fully set forth herein.

9. This Covenant can only be amended in a writing executed by each of the Parties.

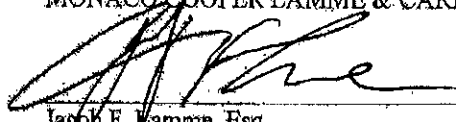
10. Should any part of this Covenant for any reason be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of any remaining portion, which remaining portion shall continue in full force and effect as if this Covenant had been executed with the invalid portion hereof eliminated, it being the intention of the Parties that they would have executed the remaining portion of this Covenant without including any such part, parts or portions which may for any reason be hereafter declared invalid.

[SIGNATURE PAGE FOLLOWS]

IN WITNESSETH WHEREOF, the Parties have the authority to sign below, and have caused this Covenant to be executed as set forth below:

Dated: December 11, 2020

MONACO COOPER LAMME & CARR, PLLC


Jacob F. Lamme, Esq.
Attorneys for Petitioner MLight, Inc.
1881 Western Avenue, Suite 200
Albany, New York 12203
(518) 855-3535
Email: jlamme@melclaw.com

Dated: December _____, 2020

WHITEMAN OSTERMAN & HANNA, LLP

Daniel T. Hubbell, Esq.
*Attorneys for Respondents Assessor of the Town of
Duanesburg, Board of Assessment Review of the
Town of Duanesburg, and Town of Duanesburg*
One Commerce Plaza
Albany, New York 12260
(518) 487-7662
Email: dhubbell@woh.com

January 4, 2021
Dated: December _____, 2020

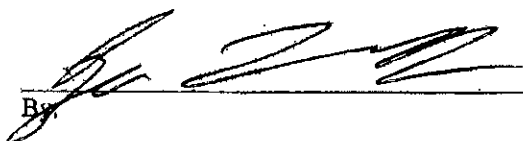
MLIGHT INC.



By: Sheila Duncan

January 16/2021
Dated: ~~December~~ _____, 2020

TOWN OF DUANESBURG



By:

Dated: December _____, 2020

ASSESSOR OF THE TOWN OF DUANESBURG

By: _____

Town of Duanesburg Town Board

RESOLUTION NO. 146 - 2020

December 30, 2020

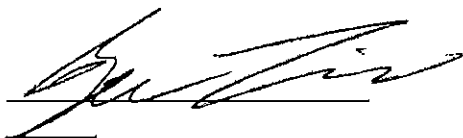
WHEREAS, the Town of Duanesburg Town Board periodically reviews and updates its internal policies and Employee Handbook; and

WHEREAS, the Town of Duanesburg Town Board has determined to revise and update the Town of Duanesburg's Employee Handbook (the "Employee Handbook"); and

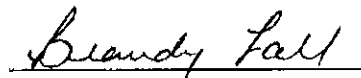
WHEREAS, the Employee Handbook is to be implemented by the Town of Duanesburg and followed by all employees and officers of the Town of Duanesburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the attached revised and updated Employee Handbook, 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 December 30, 2020



Roger Tidball, Supervisor
Clerk



Town Clerk/Deputy Town

Present: Supervisor Tidball, Council Member Senecal, Council Member Wenzel, Council Member
Absent: Council Member Potter Gauthier via Zoom

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
William Wenzel	<u>Yea</u>	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain

Town of Duanesburg Town Board

**A RESOLUTION ADOPTING PROVISIONS OF EXECUTIVE ORDER 202.83
SUSPENDING THE REQUIREMENTS OF RENEWAL APPLICATIONS AS A
CONDITION TO GRANTING EXEMPTIONS UNDER SECTIONS 459-C AND
467 OF THE REAL PROPERTY TAX LAW**

RESOLUTION NO. 141 - 2020

December 30, 2020

WHEREAS, the Governor of the State of New York by Executive Order No. 202 dated March 7, 2020, declared a state disaster emergency for the entire State of New York; and

WHEREAS, pursuant to Section 29-a of Article 2-B of the Executive Law, New York State Governor Andrew Cuomo did issue Executive Order 202.83 dated December 18, 2020, 2020, which authorized, by local option, the governing body, to adopt the provisions of that Executive Order 202.83, which temporarily suspends or modifies, subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law.

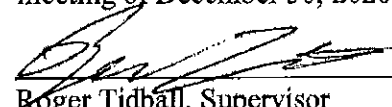
NOW THEREFORE BE IT RESOLVED, that pursuant to Executive Order 202.83 issued by New York State Governor Andrew Cuomo on December 18, 2020, the Town Board of the Town of Duanesburg hereby adopts, as a local option, the suspension of subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law; and

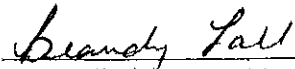
BE IT FURTHER RESOLVED, that the Board of Assessors are hereby directed to grant exemptions pursuant to such sections on the 2021/2022 assessment roll to all property owners who received that exemption on the 2020/2021 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for the Board of Assessors to mail renewal applications to such persons; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Duanesburg is hereby directed to forward a copy of this resolution to the Board of Assessors and special counsel to the Town Board; and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

By (unanimous/majority) vote of the Town Board of the Town of Duaneburg at its regular meeting of December 30, 2020.


Roger Tidball, Supervisor


Town Clerk/Deputy Town Clerk

Present: Supervisor Tidball, Council Member Senecal, Council Member Wenzel & Council Member Gauthier via Zoom.
Absent: Council Member Potter

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
William Wenzel	<u>Yea</u>	Nay	<u>Abstain</u>
Jeff Senecal	<u>Yea</u>	Nay	Abstain.

Town of Duanesburg Town Board

RESOLUTION NO. 142 - 2020

December 30, 2020

WHEREAS, pursuant to Local Law No. 1 of 1992 (the "Unsafe Buildings Law"), the Town Board has the authority to order owners of unsafe and/or dangerous buildings to repair or demolish and remove such buildings; and

WHEREAS, on December 3, 2020, the Town of Duanesburg Building Inspector (the "Building Inspector") inspected the property located at 499 McGuire School Road, Delanson, New York (SBL #53.00-1-16.11) (the "Property"), pursuant to the Section 5 of the Unsafe Buildings Law; and

WHEREAS, on December 8, 2020, pursuant to Section 5 of the Unsafe Buildings Law, the Building Inspector reported to the Town Supervisor and Town Board members his findings and recommendations based on his inspection of the Property (the "Report"); and

WHEREAS, in the Report, the Building Inspector noted "[t]he front and rear of property [has] excessive accumulation of garbage, construction debris, [and] junk vehicles" and concluded "to date conditions are getting worse, which is creating an Unsafe Building by posing as a place for rodent infestation, safety, health protection and general welfare persons and property." In the Report, the Building inspector also opined "[i]n my professional opinion[,] the front and rear of the building need to have the Garbage, construction debris, and junk vehicles removed to remedy the Unsafe Building conditions that exist;" and

WHEREAS, on December 10, 2020, the Town Board adopted a resolution that (a) based on the Report of the Building Inspector, determined that unsafe and/or dangerous conditions exist at the Property that require repair and/or remediation; (b) directed that Notice of Unsafe and Dangerous Condition (the "Notice") be served on the property owner or other persons pursuant to Section 8 of the Unsafe Buildings Law; (c) directed that the Notice be filed in the Office of the Schenectady County Clerk pursuant to Section 9 of the Unsafe Buildings Law; and (d) calling a hearing on December 30, 2020 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to provide an opportunity for the property owner to address the Town Board on said matter; and

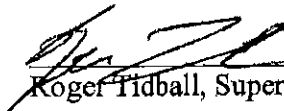
WHEREAS, the Notice was served pursuant to Section 8 of the Unsafe Buildings Law and submitted to the Office of the Schenectady County Clerk for filing pursuant to Section 9 of the Unsafe Buildings Law; and

WHEREAS, on December 30, 2020, the Town Board held a hearing to provide opportunity for the property owner to address the Town Board on said matter.

NOW, THEREFORE, BE IT RESOLVED, that:

- a. the Town Board appoints the Town Building Inspector and an architect or engineer to make a survey and report of the Property, and, if by February 1, 2021, the property owner does not respond to the Notice and/or otherwise ignores the Town Board's order to remediate and repair the conditions identified in the Notice, the Building Inspector and an architect or engineer shall make such survey and report and submit the same to the Town Board; and
- b. if the Property owner has not responded to the Notice and/or has otherwise ignored the Town Board's order to repair and/or remediate the conditions identified in the Notice, and if such survey and report prepared by the building inspector finds the property to be unsafe and/or dangerous, the Town Board directs: (1) that the survey and report be affixed to the building at the Property; and (2) the Town Supervisor to make an application at the Special Term of the Schenectady County Supreme Court for an order determining the building to be a public nuisance and directing that it shall be repaired.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of December 30, 2020.


Roger Tidball, Supervisor


Town Clerk/Deputy Town Clerk

Date

Date 12/30/2020

Present: Supervisor Tidball, Council Member Senecal, Council Member Wenzel, Council Member
Absent: Council Member Potter Gauthier via Zoom

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	<u>Yea</u>	Nay	Abstain
Jeff Senecal	Yea	Nay	<u>Abstain</u>

		Budgetary Increase (Decrease)	
		<hr/>	
1	1220.100 - Supervisor-Personal Svcs	\$	2,500.08
	1220.101 - Supervisor-Personal Svcs-Clerk		13,490.75
	1220.102 - Supervisor-Personal Svcs-Deputy Supv		(234.38)
	1220.103 - Supervisor-Personal Svcs-Support		(2,700.00)
	1220.200 - Supervisor-Equipment		(505.00)
	1220.400 - Supervisor-Contractual		533.71
	1660.400 - Central Storeroom-Contractual		(797.27)
	1670.400 - Central Printing-Central Print/Mail		289.12
	1680.200 - Data Processing-Equipment		(2,522.54)
	1680.400 - Data Processing-Contractual		467.85
	1910.400 - Unallocated Insurance		(10,856.93)
	1920.400 - Municipal Dues		1,100.00
	1110.103 - Justice Court Security		(765.39)
		<hr/>	<hr/>
		\$	0.00
2	1355.103 - Assessor-Personal Svcs-Support	\$	2,916.00
	1355.200 - Assessor-Equipment		(1,640.00)
	1355.400 - Assessor-Contractual		1,801.30
	1355.401 - Assessor-Assessment Support Contract		(3,077.30)
		<hr/>	<hr/>
		\$	-
3	1380.400 - Fiscal Agent Fees		9,426.00
	1640.400 - Central Garage Contractual		(9,426.00)
		<hr/>	<hr/>
		\$	-
4	1410.100 - Town Clerk Personal Services	\$	867.06
	1410.400 - Town Clerk Contractual Services		(867.06)
		<hr/>	<hr/>
		\$	-
5	1460.100 - Records Management - Personal Services	\$	(4,629.67)
	1620.200 - Buildings - Personal Services		4,092.39
	1620.400 - Buildings - Contractual		1,977.77
	1620.200 - Buildings - Equipment		(340.00)
	1460.400 - Records Management Contractual		(1,100.49)
		<hr/>	<hr/>
		\$	-
6	3020.400 - Public Safety-Dispatch Svcs	\$	573.74
	3310.400 - Traffic Control-Contractual		241.14
	3510.400 - Dog Control-Contractual		(814.88)
		<hr/>	<hr/>
		\$	-
7	5010.101 - Supt of Highway - Personal Svs Clerk	\$	878.58

	5010.200 - Supt of Highway - Equipment	(878.58)
		<u>\$ -</u>
8	7110.100 - Parks - Personal Svcs	\$ (6,000.00)
	7110.400 - Parks-Contractual	6,000.00
		<u>\$ -</u>
9	8160.498 - Refuse/Garbage-Engineering & Testing	\$ 13,843.78
	8160.499 - Refuse/Garbage-Leachate Hauling	(1,200.00)
	8160.200 -Refuse/Garbage - Equipment	64.98
	7310.400 - Youth Programs- Contractual	(508.76)
	7310.100 - Youth Programs-Personal Services	(7,200.00)
	6410.100 - Publcity- WebSite Personal Service	(5,000.00)
		<u>\$ -</u>
10	8010.400 - Zoning Equipment	\$ 360.00
	7110.200 - Parks Equipment	(360.00)
		<u>-</u>
11	9060.800 - Health Insurance	\$ 2,115.38
	9040.800 - Workers Compensation	(2,115.38)
		<u>\$ -</u>

PO Box 160
Quaker Street, NY 12141

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

Transmitted via email: jhowe@duanesburg.net

December 30, 2020

Dear Supervisor Tidball and the Town Board,

Please read my letter during privilege of the floor at the December 30, 2020 Town Board meeting and enter it into the minutes as recorded and posted on the town website.

As of December 30, 2020 at 10:00AM the town website home page and agenda page do not provide any information for the December 30, 2020 town board meeting. Additionally, the town board minutes have not been updated since November 12, 2020. (*see Exhibit A*) Failure to comply with New York State Open Meeting Law prevents the residents from full and free access to town business. This may result in expensive and time consuming litigation. As I have requested since July 2019 please keep the town calendar, agenda, and minutes up to date. If the town website was up to date summer 2019 the Biggs v Eden Renewables and Duanesburg Planning Board litigation may not have occurred.

The January 23, 2020 town board meeting minutes reflect that Domenic Viscariello was appointed as a part time deputy code enforcement officer. Is Mr. Viscariello still employed by the town? If not, when was his position terminated?

The May 14, 2020 town board meeting minutes reflect that the town adopted Resolution 71-20 for a new Fraud Policy. Has there been any need to enforce the fraud policy in 2020?

Has a building permit been issued for the Oak Hill Solar 1 and 2 power plants located at 13590 and 13686 Duanesburg Road?

The New York State Department of Environmental Conservation (NYSDEC) July 1, 2020 Environmental Notice Bulletin (ENB) includes a Negative Declaration for "Richard/Eden Renewables" at 13590 Duanesburg Road. (see Exhibit B) Curiously, this notice omits the project name, parcel size, capacity in MWac, solar array coverage, associated infrastructure, and road width as found in other Town of Duanesburg solar power plant Negative Declarations. For your reference please see attached Negative Declarations for Onyx Solar project at 664 Alexander Road published March 29, 2017 and for RER Solar project on Duanesburg Road published August 23, 2017. (see Exhibit C) Who wrote the Negative Declarations for Onyx and RER?

January 2020 I communicated with DEC Region 4 and was informed that the DEC was streamlining their process and that Negative Declarations were not required to be published. In February 2020 I found this information to be in conflict with state law and requested Oak Hill Solar 1 and 2 LLC publication information from the town. On November 12, 2020 I submitted a Freedom of Information request for Oak Hill Solar between dates March 1, 2020 and November 12, 2020. On November 17, 2020 I received a reply to my FOI request consisting of a two page letter dated July 13, 2020 from James Muscato to the Town of Duanesburg Planning Board. A Negative Declaration was not included.

Why was the Negative Declaration published in the NYSDEC ENB ten months after project approval? Why was basic information including project name of Oak Hill Solar 1 & 2 LLC, parcel acreage, solar acreage, road, and capacity omitted from the negative declaration? Who wrote the notice? Did the town attorney proof read the notice before submission to the DEC?

I look forward to your reply in writing at lynnebruning@gmail.com
Thank you for your time and assistance.

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

EXHIBIT

A

Duanesburg

NEW YORK



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Popular Pages

Planning Board Public Hearing January 21, 2021 for Comprehensive Plan along with a public comment period until January 31st, 2021. »

The Planning Board will be accepting written comments on the Comprehensive Plan through January 31st, 2021. If you have...

NOTICE OF REMOTE ACCESS FOR TOWN BOARD MEETING ON DECEMBER 10, 2020 »

Topic: Duanesburg Town Board Meeting Time: Dec 10, 2020 07:00 PM Eastern Time (US and Canada) [Join Zoom Meeting...](#)

Solar Law Public Meeting December 8, 2020 at 7:00 p.m. »

Topic: Solar Law Public Meeting Time: Dec 8, 2020 07:00 PM Eastern Time (US and Canada) This meeting is to gather input/...

[+ VIEW ALL](#)

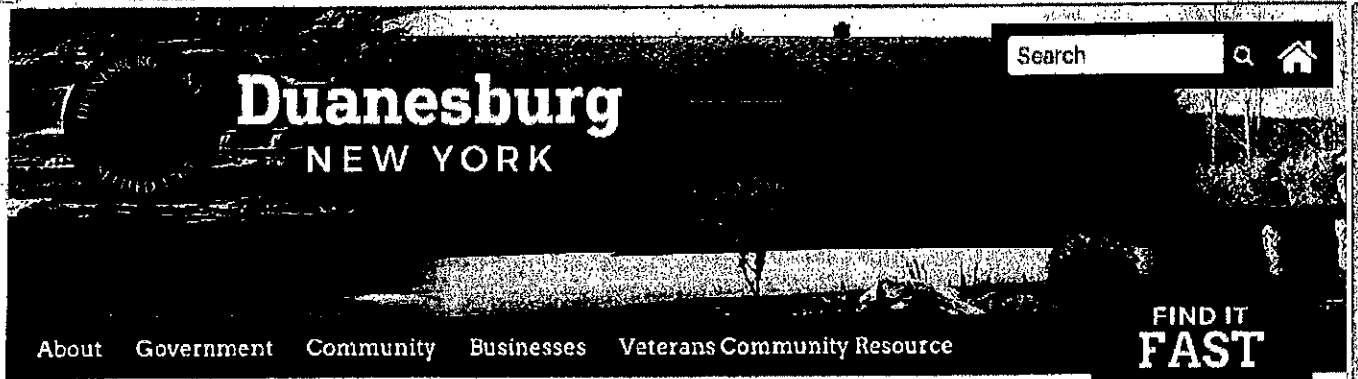
Duanesburg

NEW YORK

5853 Western Turnpike, Duanesburg, New York 12056 | Phone: (518) 895-8920

Hours: Monday - Friday: 8am to 4pm (*closed: 12pm to 1pm)

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[2014 Year End Annual Report](#)
[2015 Year End Annual Report](#)
[2016 Year End Annual Report](#)
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[2020 Final Budget](#)
[2021 Final Budget](#)
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2020 Town Board Meeting Agendas

Zoom Town Board Meeting Agenda December 10, 2020
December 10, 2020 - 7:00pm

Zoom Town Board Meeting Agenda November 12, 2020
November 12, 2020 - 7:00pm

Zoom Town Board Meeting Agenda October 22, 2020
October 22, 2020 - 7:00pm

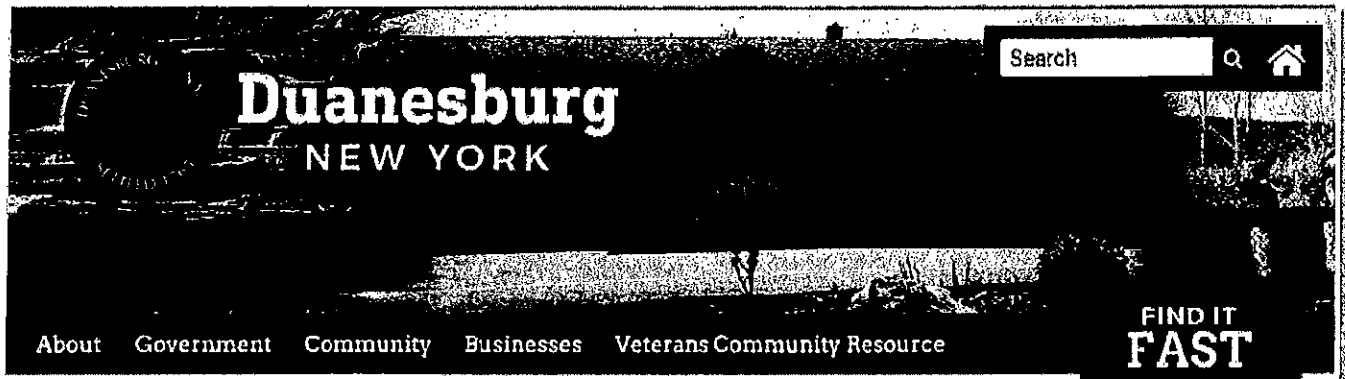
Zoom Town Board Meeting Agenda October 8, 2020
October 8, 2020 - 7:00pm

Zoom Town Board Meeting Agenda September 24, 2020
September 24, 2020 - 7:00pm

Zoom Town Board Meeting September 10, 2020
September 10, 2020 - 7:00pm

Zoom Town Board Meeting August 27, 2020
August 27, 2020 - 7:00pm

Zoom Town Board Meeting August 13, 2020
August 13, 2020 - 7:00pm



[2012 Year End Annual Report](#)
[2013 Year End Annual Report](#)
[2014 Year End Annual Report](#)
[2015 Year End Annual Report](#)
[2016 Year End Annual Report](#)
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2020 Town Board Meeting Minutes

November 12, 2020

[November 12, 2020](#)

October 22, 2020

[October 22, 2020](#)

October 8, 2020

[October 8, 2020](#)

October 5, 2020-draft

[October 5, 2020](#)

September 24, 2020

[September 24, 2020](#)

September 10, 2020

[September 10, 2020](#)

August 27, 2020

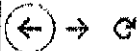
[August 27, 2020](#)

August 13, 2020

[August 13, 2020](#)

EXHIBIT

B



https://www.dec.ny.gov/enb/20200701_not4.html



Services News Government Local

Department of Environmental Conservation

Recreation Nature Prevent & Control Pollution Regulatory News & Learning Search

Home » Public Involvement and News » Environmental Notice Bulletin (ENB) » ENB Current and Archives for January - December 2020 » Environmental Notice Bulletin July 1, 2020 » ENB Region 4 Notices 7/1/2020

ENB Region 4 Notices 7/1/2020

Negative Declaration

Schenectady County - The Town of Duanesburg, as lead agency, has determined that the proposed Richard/Eden Renewables will not have a significant adverse environmental impact. The action involves the application for a Solar Permits under Local Law #1-2016 of the Solar Energy Facilities Law. The project is located at 13590 Duanesburg Road in the Town of Duanesburg, New York.

Contact: Dale Warner, Town of Duanesburg, 5853 Western Turnpike, Duanesburg, NY 12056, Phone: (518) 895-2040, E-mail: Dale@duanesburg.net.

Schoharie County - The New York State Department of Environmental Conservation (NYS DEC), as lead agency, has determined that the proposed Dathberg Sand and Gravel Mine will not have a significant adverse environmental impact. The action involves the mining of a new life of mine area totaling 32.41 acres. The first permit term will affect a 3.94 acre area and a portable screener will be used to process material on the site. The project is located off Robinson Road near NYS Route 990V in the Town of Conesville, New York.

Contact: Patricia M. Gabriel, NYS DEC - Region 4 Office, Division of Environmental Permits, Schenectady, NY 12306, Phone: (518) 357-2069, E-mail: R4DEP@dec.ny.gov

Contact for this Page

ENB
NYS DEC
Division of
Environmental
Permits
625 Broadway, 4th
Floor
Albany, NY
12233-1760
518-402-9167
Send us an email

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Freedom of Information Law (FOI)

Events Calendar

Doing Business with DEC

EXHIBIT

C



**Department of
Environmental
Conservation**

ENB - Region 4 Notices 3/29/2017

Public Notice

Notice of Intent and Stormwater Management Plan for State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP-0-15-003)

The New York State Department of Environmental Conservation (NYS DEC) has received a Notice of Intent (NOI) to be covered under the MS4 Permit from the following entities:

Region	MS4 Owner/Operator	Location	County
4	SUNY Polytechnic Institute	257 Fuller Rd Albany, NY 12203	Albany

The NOI is posted on: <http://www.dec.ny.gov/chemical/41392.html>.

In accordance with the MS4 permit (Part II.B), NYS DEC is providing an opportunity for the public to review and comment on the NOIs prior to authorization. **Written comments on the NOIs and SWMP plan must be submitted to the following addresses within 28 days from this ENB posting, by April 28, 2017.**

- a. E-mail: Stormwater_info@dec.ny.gov with subject heading "MS4 ENB Notice"
- b. MS4 stormwater coordinators as identified in the NOI or SWMP

After the public comment period has expired, the NYS DEC may extend the public comment period, require submission of an application for an individual SPDES permit or alternative SPDES general permit, or accept the NOI or SWMP as complete.

Contact: Ethan Sullivan, NYS DEC - Division of Water, Bureau of Water Permits, 625 Broadway, Albany, NY 12233-3505, Phone: (518)402-8116, Fax: (518)402-9029, E-mail: Stormwater_info@dec.ny.gov.

Negative Declaration

Schenectady County - The Town of Duanesburg Planning Board, as lead agency, has determined that the proposed Onyx Renewable Partners, L.P. - Special Use Permit will not have a significant adverse environmental impact. The action involves a proposal proposes to install and operate a new 2.0 megawatt photo voltaic (PV) solar array on an approximately 65 acre parcel. The parcel is fallow farmland and woodlands. The total project area will comprise approximately 12.5 of the 65 acres. The array is proposed to be constructed in two separate sections to avoid impacts to federal wetlands. A 12 foot graded stone drive will provide access to the array from Alexander Road. The project is located at 664 Alexander Road in Delanson, Town of Duanesburg, New York.

Contact: Dennis O'Malley, c/o Jennifer Friello, Town of Duanesburg, 5853 Western Turnpike, Duanesburg, NY 12056, Phone: (518) 895-2040 extension 111, E-mail: planning@duanesburg.net.



**Department of
Environmental
Conservation**

ENB - Region 4 Notices 8/23/2017

Public Meeting Notice

Shandaken SPDES Semi-Annual Meeting

The New York City Department of Environmental Protection (NYC DEP) is pleased to announce that the next semi-annual public meeting, held per the Shandaken SPDES permit, will be held from 10:00 a.m. to 12:00 p.m. on Tuesday, August 29th, at the Schoharie Watershed Office, 6049 Main Street, Tannersville, NY. NYC DEP will discuss the progress of activities conducted pursuant to the SPDES permit.

The meeting is open to the public and public input is welcome.

Contact: Kimberlee Kane, NYC DEP, 465 Columbus Avenue, Valhalla, NY 10595, Phone: (914) 749-5309, E-mail: kkane@dep.nyc.gov.

Negative Declaration

Schenectady County - The Town of Duanesburg Planning Board, as lead agency, has determined that the proposed RER Energy Special Use Permit will not have a significant adverse environmental impact. The project proposes the installation of and operation of a new 2.56 megawatt photo voltaic (PV) solar array on an approximately 81.1 acre parcel. The parcel is fallow farmland and woodlands. The total project area will comprise approximately 15 of the 81.1 acres. The array is proposed to be constructed in two separate sections to avoid impacts to federal wetlands. A graded stone drive will provide access to the array from Duanesburg Road. The project is located on Duanesburg Road, Delanson, NY 10253, Town of Duanesburg.

Contact: Dennis O'Malley, in care of Jennifer Friello, 5853 Western Turnpike, Duanesburg, NY 12056; Phone: (518)895-2040 ext. 111; Fax: (518)895-5405, E-mail: planning@duanesburg.net
