

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



Dianne Grant, Council Member
Andrew Lucks, Council Member
Francis Potter, Council Member
Michael Santulli, Council Member

Thursday January 26, 2023
Regular Town Board Meeting
Meeting Time: 7:00PM

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

Present: Supervisor Wenzel, Council Members Potter, Grant, and Santulli, Town Attorney
Teresa Bakner, Deputy Town Clerk Fall
Absent: Council Member Lucks

Call to Order
Pledge of Allegiance

Public Hearing: Local Law No. 1 of 2023 entitled "Solar Energy Facilities Law of the Town of Duanesburg."

Council Member Santulli motioned, seconded by Council Member Potter to open the floor for comments.

Motion carried, 4 ayes

Charles Leoni of Scotch Ridge Road stated that he did not see anything in the solar law draft regarding wells.

Greg Harkenrider (chair of the Solar Committee), Attorney Teresa Bakner, Council Member Santulli and Supervisor Wenzel all responded.

Gary Lestage previous resident asked questions regarding any plans for runoff.

Attorney Teresa Bakner and Greg Harkenrider (chair of the Solar Committee) responded.

Kimberly Spinell a Rotterdam resident stated that the town of Rotterdam has a moratorium in place right now as they evaluate their existing Solar Law. She stated that she was there to learn and to listen. She asked if they took into consideration how our Solar Law may affect towns surrounding Duanesburg.

Supervisor Wenzel responded.

Werner Hoffmann of Youngs Road asked how this affects the farmer.

Attorney Teresa Bakner and Greg Harkenrider (chair of the Solar Committee) responded.

Chuck Clair a Guilderland resident stated that he hopes as they do the process, they learn from the mistakes that Guilderland made and suggested they read recent articles in the Altamont Enterprise about a development in Altamont with regard to clearing of land and those types of things.

Attorney Teresa Bakner asked what the dates of the articles were. Supervisor Wenzel stated that he will find the articles and online and email everyone links to them to look them over.

Kimberly Spinell a Rotterdam resident asked a few questions regarding different types of solar projects, hours of operation, traffic issues.

Supervisor Wenzel, Attorney Teresa Bakner, Council Member Potter and Greg Harkenrider (chair of the Solar Committee) responded.

Chuck Clair a Guilderland of resident stated that most of the early Solar Laws seemed to have false premise that panels had a lifespan of 30 to 40 years so they would always include a clause of you build it then you have to prepare to remove it.

Attorney Teresa Bakner, Council Member Potter and Council Member Santulli responded.

Kimberly Spinell a Rotterdam resident asked what happens if the company goes bankrupt.

Council Member Santulli, Attorney Teresa Bakner and responded.

Lynne Bruning of 13388 Duanesburg Road read her statements. (Please see attached.)

Council Member Santulli motioned, seconded by Council Member Grant to continue the public hearing.

Motion carried, 4 ayes

Resolution 31-23: Council Member Potter motioned, seconded by Council Member Grant to approve the Regular Town Board Meeting minutes of Thursday, January 12, 2023.

Motion carried, 4 ayes

Resolution 32 -23: Council Member Potter motioned, seconded by Council Member Grant to pay the following claims:

Motion carried, 4 ayes

Vouchers to be Paid January 26, 2023

General Fund:	\$10,934.38
Highway Fund:	\$885.60
Fire Protection	\$407,308.00
UV Project	\$61,750.00
SD#1 Fund:	\$28,516.06
SD#2 Fund:	\$23,633.79
SD#3 Fund:	\$8,909.06
Trust & Agency	\$424.84
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Total To Be Paid:	\$542,361.73

Highway: Council Member Potter reported that the crew has been out taking care of our roads, plowing, etc. Council Member Potter said that he would like to thank the crew for all their hard work.

Public Safety: Council Member Grant reported that there really isn't anything new to report. The next meeting is scheduled for March.

Parks: Supervisor Wenzel reported that there was a meeting scheduled for January, but some members were ill, so they rescheduled the meeting for February.

Sewer District #1, 2 & 3: Council Member Lucks was absent. Bill Brown gave his report on the ongoing work at the sewer plants. He stated that the UV unit in Mariaville was installed this past month and started up yesterday and that is in operation now. From the DEC perspective we are in compliance with the SPDES permit. We are a fair amount under on the budget, so we are getting some pricing from the contractors for the Town Board to consider for some spare parts and miscellaneous items around the facility. So, he will probably have those numbers at the next Board meeting. There is a pay request on the meeting agenda for later tonight that is for the installation of the unit. He stated that he will have some close out application for the Delanson project at the next board meeting.

Technology: Council Member Santulli stated that he has taken over IT and looking over the website and contracts we have with Omnis & CivicPlus. He also stated that he had read the response from Charter regarding the Broadband.

Other: Supervisor Wenzel stated that Dave Pirrone of Mariaville sent his annual letter to the town regarding the ice fishing contest on Mariaville Lake. They plan to hold the annual recreational ice fishing contest during January and February 2023. All dates are tentative depending on ice and weather conditions.

Business Meeting:

Resolution 33-23: Council Member Potter motioned, seconded by Council Member Grant to approve issuance of a purchase order for the payment of \$51,577.50 to purchase a 2023 Chevy Silverado pick-up truck from DeNooyer Chevrolet and authorize payment.
Motion carried, 4 ayes

Resolution 34-23: Council Member Grant motioned, seconded by Council Member Santulli to approve the payment of requisition number 2 to Rozell East, Inc. in the amount of \$61,750.
Motion carried, 4 ayes

Resolution 35-23: Supervisor Wenzel motioned, seconded by Council Member Grant to accept the resignation of Melissa Deffer and appoint Carol Sowycz as the Building, Planning and Zoning Clerk.
Motion carried, 4 ayes

8:19pm

Privilege of the Floor:

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

Council Member Grant motioned, seconded by Council Member Potter to go into executive session for the purpose of discussing personnel matters. 8:22 pm

The Town Board came out of executive session at 9:40p.m. Council Member Grant motioned, seconded by Council Member Santulli seconded. No actions were taken during the executive session.

Motion carried, 4 ayes

Council Member Santulli motioned, seconded by Council Member Grant to adjourn at 9:41.

Motion Carried, 4 ayes

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 January 26, 2023.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, Duanesburg New York, on **Thursday, January 26, 2023 at 7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

Local Law No. 1 of 2023 entitled “Solar Energy Facilities Law of the Town of Duanesburg” establishing new regulations for solar facilities and battery energy storage facilities in the Town of Duanesburg and repealing and replacing Local Law no. 1 of the year 2016. The proposed local law is posted on the Town Website and on the Town Bulletin Board.

BY ORDER OF THE TOWN BOARD

TOWN OF DUANESBURG

**SOLAR ENERGY FACILITIES LAW
TOWN OF DUANESBURG
LOCAL LAW No. OF 2023**

BE IT ENACTED by the Town Board of the Town of Duanesburg, in the County of Schenectady, as follows:

SECTION ONE. TITLE

This local law shall be known as the “Solar Energy Facilities Law,” and shall repeal and replace Local Law No. 1 of the year 2016.

SECTION TWO. PURPOSE

The purpose of this law shall be to provide for the siting, development and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts on adjoining properties, while promoting the effective and efficient use of solar energy resources.

The town finds that well-planned and suitably located solar energy systems can be beneficial. This law seeks to foster thorough project planning and appropriate siting in support of the town’s Comprehensive Plan objectives of preserving its attractive and cultural landscape, and sustaining its valuable economic and natural resources, particularly agricultural land use, open spaces, natural habitats and fresh watersheds.

SECTION THREE. AUTHORITY

This local law is adopted pursuant to Sections 10 and 22 of the Municipal Home Rule Law.

SECTION FOUR. DEFINITIONS

The following terms shall have the meanings indicated. The definitions contained in the Town of Duanesburg Zoning Law shall also apply.

ANSI - American National Standards Institute

Battery Energy Storage System - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Battery Management System - An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are identified.

Consumer Price Index change - The Consumer Price Index for Urban Consumers, as published by the U.S. Department of Labor, Bureau of Labor Statistics. Change shall be

calculated in January each year as the percentage difference between the annual average of the most recent calendar year and that of the previous year.

Glare- The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System- A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered ground-mounted solar energy systems for the purposes of this local law.

Immaterial Modifications - Changes in the location, type of material or method of construction of a solar energy system that will not: (1) result in any new or additional adverse environmental impact not already reviewed and accepted for the project by the Town Planning Board; (2) cause the project to violate any applicable setbacks or other requirements of this Law; or (3) cause the project not to conform to the State Environmental Quality Review determination or findings issued by the Planning Board.

Lot Coverage - The area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.

NFPA - National Fire Protection Association

Nationally Recognized Testing Laboratory - A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

Non-Participating Property - A property not owned or leased by the solar energy system operator, nor having any land use agreement or easement related to the system.

Occupied Habitat - An area in which a species listed in 6 NYCRR Part 182, defined herein as "species in need of protection," has been determined to exhibit one or more essential behaviors, including behaviors associated with breeding, hibernation, reproduction, feeding, sheltering, migration and overwintering.

Participating Property - A property owned or leased by the solar energy system operator, or a property having any land use agreement or easement related to the system. Where multiple adjacent properties are participating in a solar energy system, the combined lots shall be considered as one for the purposes of applying setback requirements.

Small-Scale Solar Energy System- Any solar energy system that meets the following provisions:

(a) Is an accessory use or structure, designed and intended to generate energy primarily for a principal use located on site.

(b) Produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings beyond the lot. Small-scale solar energy systems located on a farm operation (as per AML §301(11) definition of that term) and located in a New York State Agricultural District can produce up to 110% of the farm's needs as per the Department of Agriculture and Markets guidance document.

Solar Collector- A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other usable energy.

Solar Energy Equipment - Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System - A complete system intended for the collection, inversion, storage, and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers, and all other mechanical structures.

Solar Panel - A photovoltaic device capable of collecting and converting solar energy into electricity.

Species in Need of Protection - Species listed in Title 6, Part 182 of the New York Codes, Rules and Regulations as Endangered, Threatened or of Special Concern.

UL - Underwriters Laboratory, an accredited standards developer in the United States.

Uniform Code - The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Utility-Scale Solar Energy System - Solar energy generation facility designed and intended to supply energy into a utility grid for off-site consumption.

SECTION FIVE. APPLICABILITY

1. The requirements herein shall apply to all solar energy system and equipment installations modified or installed after the effective date of this law, excluding general maintenance and repair.
2. Solar energy system installations for which a valid building permit has been issued, or, if no building permit is presently required, for which installation has commenced before the effective date of this law shall not be required to meet the requirements of this law.
3. Modifications to an existing solar energy system that increase the system's area by more than 5 percent (exclusive of moving any fencing) shall be subject to this law.
4. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the State Building Code.
5. To the extent that any other town law, rule or regulation, or parts thereof, are inconsistent with the provisions of this law, the provisions set forth in this law shall control only as they pertain to solar energy systems.
6. Any proposed solar energy system subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the Executive Law, shall be subject to all substantive provisions of this law and any other applicable laws, codes, ordinances and regulations of the Town of Duanesburg, and any other applicable state or federal laws.

SECTION SIX. REQUIREMENTS FOR SMALL-SCALE SOLAR ENERGY SYSTEMS

1. Prior to installing a small-scale solar energy system, a building permit shall be obtained from the Uniform Code Enforcement Officer of the Town of Duanesburg pursuant to the requirements set forth in the Town's Zoning Ordinance Section 14.3.
2. The installation of a solar collector or panel, whether attached to the main structure, an accessory structure, or as a detached, freestanding or ground-mounted solar collector, shall meet all requirements of this section.
3. All solar collectors and related equipment shall be surfaced, designed, and sited so as not to reflect glare onto adjacent properties and roadways.

4. A ground-mounted accessory solar energy system shall comply with the setback requirements for a major accessory structure in the zoning district in which it is located.
5. A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet. Ground-mounted or freestanding solar collector height shall not exceed 15 feet when oriented at maximum tilt.
6. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
7. Photovoltaic systems that are integrated directly into building materials such as roof shingles, and that are a permanent and integral part of and not mounted on the building or structure are exempt from the requirements of this article. However, all applicable building codes shall be met and necessary permits obtained. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered exempt or not.
8. In order to ensure firefighter and other emergency responder safety, except in the case when solar panels are installed on an accessory structure less than 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and pathways to provide space on the roof for walking around all solar collectors and panels.
9. Free standing or ground mounted solar collectors are permitted as accessory structures in all zoning districts of the Town subject to the following additional conditions:
 - A minimum 100-foot perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and roadways. The Planning Board may, at its discretion, reduce the buffer to a minimum of 25 feet where sufficient screening exists or is proposed.
 - The total surface areas of all ground-mounted and freestanding solar collectors shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, not including patios and decks.
10. Battery Energy Storage Systems associated with a Small-Scale Solar Energy System shall have an energy capacity of no more than 600 kWh and shall comply with all applicable

provisions of Section 1206 of the Uniform Code of New York state. A building permit and an electrical permit shall be required for installation of Small-Scale Battery Energy Storage Systems.

SECTION SEVEN. REQUIREMENTS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS

1. Applications, Permits and Approvals Required and Applicable Zoning Districts

- A. A special use permit and site plan approval by the Town of Duanesburg Planning Board and a town building permit shall be required for all utility-scale solar energy systems. Such systems shall only be permitted in the R-2, C-1, and C-2 Zoning Districts. The Planning Board shall concurrently review the site plan and special use permit applications.
- B. At the earliest possible date in the project planning process, the applicant shall contact the Town's Uniform Code Enforcement Officer to schedule a pre-submission conference with the Planning Board in the manner set forth in the Town Zoning Code Section 14.6.2.2. At this time, the applicant shall provide the opportunity for an on-site visit by Planning Board members.
- C. All applications for utility-scale solar energy systems shall be accompanied by applicable fees as may be established by the Town Board. When the Planning Board determines that a review will require engineering, legal, environmental or planning costs, the applicant shall provide an escrow account to pay for such costs. The escrow account shall be in an amount as determined by the Planning Board and shall be replenished when required by the Planning Board. Once the Planning Board has determined the amount of escrow, the account shall be established prior to any further Planning Board review.
- D. The public hearing that is required in connection with application for a special use permit will be held simultaneously on the proposed site plan. All adjacent property owners will be notified of the public hearing on the application for special use permit and site plan approval in the manner set forth in the Town Zoning Code Section 14.6.2.4(B).
- E. All applications for utility-scale solar energy systems shall include the following:
 - (1) A site plan prepared by a professional engineer registered in New York State including:
 - (a) Property lines and physical dimensions of the site;
 - (b) Location, approximate dimensions and types of existing structures and uses on the site, public roads, and other properties within 1,000 feet of the boundaries of the site;

- (c) Location and description of all solar energy system components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of the SEQRA special use permit and site plan approval;
 - (d) Location of all above and below-ground utility lines on the site as well as transformers, the interconnection point with transmission lines, and other ancillary facilities or structures, including accessory facilities or equipment;
 - (e) Locations of setback distances as required by this law;
 - (f) All other proposed facilities, including electrical substations, storage or maintenance units, fencing and laydown and storage areas to be used as part of construction;
 - (g) All site plan application materials required under Section 14.6.1.4 of the Zoning Law of the Town of Duanesburg. The Planning Board may waive those items in Section 14.6.1.4 that it deems inapplicable to a solar energy system application.
- (2) An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.
 - (3) Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.
 - (4) A storm water pollution prevention plan as per NYS DEC requirements to detail storm water runoff management and erosion control plans for the site.
 - (5) Documentation of utility notification, including an electric service order number.
 - (6) Decommissioning plan, including cost estimate and description and form of financial surety as described in Section Nine of this law.
 - (7) Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components.
 - (8) Part I of the Full Environmental Assessment Form filled out.
 - (9) A sound study providing details of the proposed noise that may be generated by inverter fans, or other noise-generating equipment that may be included in the project,

including actual readings of existing daytime and night time ambient noise at the boundary of the participating properties; the sound study shall predict the potential increase in noise from the project over the existing ambient noise levels.

(10) A GIS viewshed analysis of the Zone of Visual Impact (ZVI); defined as the area from which the proposed undertaking may be visible within a one-half mile (0.5) buffer around solar fields covering 4 to 40 acres in size, and a one-mile buffer around solar fields greater than 40 acres in size. Positive visibility of the solar field must be based upon bare-earth topography only (do not factor in vegetation). The analysis should be presented as an orthorectified aerial base map with the buffer boundary and project area indicated and ZVA highlighted.

(11) The results of on-site bird and bat migration, nesting and habitat surveys. Surveys must be conducted during the appropriate seasonal windows during one year prior to submittal of an application. Applicants shall use the most recent New York State Department of Environmental Conservation survey protocols for grassland birds and winter raptors. For other wildlife, applicants shall follow NYSDEC guidance on appropriate survey methods.

2. Permitting Requirements

Requirements “A” through “O” below shall apply to all utility-scale solar energy systems:

A. Code Compliance

All utility-scale solar energy systems shall adhere to all applicable Town of Duanesburg building, plumbing, electrical, and fire codes. Except for conditions specified in this law, all systems shall comply with the provisions of the town zoning ordinance for the zoning district in which they are located.

B. Fencing

All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven-feet high fence as required by the National Electrical Code. Fencing shall be located inside the tree buffer described in Requirement “D” of this subsection.

C. Signs

Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer’s or installer’s identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal or state agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

D. Visual Impact

The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid visual impacts as viewed from public locations, public dedicated roads and highways, residences located on contiguous parcels, or other locations identified by the Planning Board. Acceptable screening would include maintenance of existing vegetation, new vegetative barriers or berms, landscape screen or other opaque enclosures, or any combination thereof acceptable to the Town capable of fully screening the site. The applicant shall guarantee that all plantings that form part of the approved landscape and screening plan will be maintained and replaced if necessary during the life of the project.

- 1) When the site is surrounded by existing mature trees, a buffer where no trees shall be cut shall be established and maintained as a wild zone for the life of the facility. The exception to this shall be dead or diseased trees, which will be cut and removed so as to encourage healthy growth of existing trees.
- 2) Trees to be included in screening shall be native and non-invasive species of evergreen, e.g. Eastern red cedar and white spruce, a minimum of 8' tall and 3" in diameter at breast height. It shall be determined and documented by the developer if at the time of planting if any species are threatened due to regional blight, disease, etc. Final decisions on appropriate plantings will be made by the Planning Board.
- 3) The solar facility shall provide for the creation of a buffer that has an offset, double row of densely growing evergreens with the addition of some smaller trees and shrubs in front to create more of a naturalized hedgerow habitat. The purpose of the double row is to provide additional screening early while the trees are still small. While the evergreens should be the dominant tree for screening, addition of some smaller trees and shrubs are to be provided to benefit wildlife and aesthetics.

Appropriate shrubs and small trees to include to create a hedgerow could be shadbush, flowering dogwood, flowering raspberry, maple leaved viburnum, nannyberry, and choke cherry.
- 4) The plans shall show maximum buffering and screening of utility-scale solar systems that are visible from the Route 20, Route 30 or Routes 7 and I-88 corridors.
- 5) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists. The Planning Board reserves the right to individually assess what they deem to be sensitive areas on any proposed solar facility site as part of their

review to ensure that negative impacts of solar ray reflection will be prevented. All solar panels shall have anti-reflective coating(s) not identified as a hazardous material by the U.S. Environmental Protection Agency, unless an applicant demonstrates the hazardous material is unlikely to cause harm to people, plants or animals when released into the environment. The applicant shall adhere to all federal and state laws, regulations and guidelines regarding PFAS and polytetrafluoroethylene (PTFE) films.

6) All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth tone color to aid in blending the facility into the existing environment.

E. Panel Height

Ground-mounted solar panel arrays shall not exceed 15 feet in height when oriented at maximum tilt.

F. Lot Coverage

A utility-scale solar energy system shall not exceed 60 percent lot coverage, as defined herein.

G. Wetlands

Solar energy systems shall meet wetland requirements as provided in Title 6, Parts 663 and 664 of the New York Codes, Rules and Regulations and stream requirements as provided in Title 6, Part 608 of the NYCRR and shall meet all Clean Water Act requirements for placement of fill in Waters of the United States.

H. Lighting

Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be cast downward and shielded from all neighboring properties and public roads. Lighting shall be capable of manual or auto-shut off switch rather than motion detection.

I. Access and Parking

A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public and private, shall be made. Any new access road will be reviewed for fire safety purposes by the Town Building Inspector and the chief of the fire company that serves the area containing the property. Site access shall be maintained at a level acceptable to the local fire department and emergency medical services, including snow removal. Solar facility access road shall be no greater than 26

feet wide. All roadways associated with the solar energy system shall remain unpaved and of pervious surfaces.

J. Slopes

No solar panels shall be placed on slopes of 15 percent or greater as averaged over 50 horizontal feet. No cutting or filling may be done to alter natural slopes for placement of panel arrays.

K. Drainage

The solar energy system shall comply with New York state stormwater regulations as set forth in GP-0-20-001, as amended. The Stormwater Pollution Prevention Plan shall demonstrate that the solar system will not create adverse drainage, runoff or hydrology conditions that could impact adjoining and other non-participating properties in violation of New York state stormwater requirements.

L. Road Use

Designated traffic routes for construction and delivery vehicles to minimize traffic impacts, wear and tear on local roads, and impacts on local business operations shall be proposed by the applicant and reviewed by the Planning Board.

M. Blasting

Blasting is prohibited for the construction of all utility-scale solar energy facilities.

N. Cemeteries

Utility-scale solar energy systems structures and equipment shall avoid rural cemeteries and burial grounds. The applicant shall consult with the town historian to identify any such burial grounds within the project site.

O. Facilities on Water

Utility-scale solar energy systems shall not be installed on town-owned bodies of water.

Requirements “P” through “V” below shall apply only in the R-2 and C-1 zoning districts:

P. Deforestation

Previously cleared or disturbed areas are preferred locations for solar projects. Forested sites shall not be deforested to construct solar energy facilities. Brush and isolated trees or stands of trees in otherwise open fields or scrubland may be cut, however clear cutting of trees more than three inches in diameter at breast height in a single contiguous area

exceeding 20,000 square feet is prohibited. This clearing restriction shall not apply to trees cleared for the access road.

Site disturbance, including but not limited to, grading, soil removal, excavation and soil compaction in connection with installation of utility-scale solar energy facilities shall be minimized to the extent practicable.

Q. Setbacks

There shall be a minimum 200 foot buffer between any structures and equipment of the utility-scale solar energy system and the parcel boundary line with any non-participating property, public road or public area. In addition, all structures and equipment shall be set back a minimum of 450 feet from the exterior of any occupied residence located on a non-participating property. Fencing, collection lines, access roads and landscaping may occur within the setbacks.

R. Wildlife

Solar energy systems shall avoid or minimize adverse impacts to species in need of protection, as defined herein, or their occupied habitats, to the maximum extent practicable.

S. Agriculture

Solar energy systems shall limit the use of agricultural areas within their project limits to no more than 10 percent of soils classified by the NYS Department of Agriculture and Markets' Agricultural Land Classification as mineral soils groups 1 through 4. All solar energy systems shall adhere to the Department of Agriculture and Markets' Guidelines for Construction Mitigation for Agricultural Lands.

T. Underground Wiring

All transmission lines and wiring associated with a utility-scale solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code. The Planning Board may waive this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines including substations, switchyards, junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.

U. Noise

Noise levels from the solar energy system will comply with the noise limits for solar energy facilities contained in the New York Office of Renewable Energy Siting regulations at 19 NYCRR 900-6.5(b) by implementing the design required by 19 NYCRR 900-2.8 except that the standards applicable to existing non-participating residences shall also be met for existing participating residences.

V. Construction Hours

Pre, post and during construction working hours shall be limited to Monday through Friday between the hours of 8 a.m. and 6 p.m. The Planning Board shall have discretion on whether or not to allow work on Saturdays. Work shall not be done outside these hours or on Sundays and holidays, to ensure the quiet rural characteristics of the Town. Construction lighting shall be limited consistent with Requirement "H" above.

3. Contractual Requirements

Prior to obtaining site plan approval, the applicant for a utility-scale solar energy system shall execute the following contractual agreements with the Town:

A. Road Use

Utility-scale solar energy systems shall execute a road use agreement with the Town if town roads are to be used for the project. Prior to the issuance of the building permit and commencement of construction, an existing condition survey of the approved hauling routes using town roads shall be undertaken by the applicant at the applicant's expense. Any road damage during construction caused by the operator or its subcontractors on town roads shall be repaired or reconstructed to the satisfaction of the Town Highway Superintendent at the operator's expense.

B. Indemnification

The applicant for a utility-scale solar energy system shall execute an indemnification agreement with the Town. The agreement shall require the applicant/owner/operator to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its officers, councils, employees, attorneys, agents and consultants from any and all penalties, damages, costs or charges arising out of any and all claims, suits, demands, causes of action or award of damages whether compensatory or punitive, or expenses arising therefrom either at law or in equity, which might arise out of or be caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of said solar energy system, excepting however any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the

penalties, damages or changes referenced herein, reasonable attorneys' fees, consultant fees and expert witness fees are included in those costs that are recoverable by the Town.

C. Decommissioning

The applicant shall execute a decommissioning agreement as described in Section Nine of this law.

D. Payment-in-Lieu of Taxes

1. The applicant for a utility-scale solar energy system shall enter into an agreement for a payment in lieu of taxes (PILOT) with the Town Board pursuant to Real Property Tax Law Section 487. This PILOT agreement shall be reviewed and approved by the Town Board. A PILOT agreement executed with the county IDA, acceptable to the Town Board, in its sole discretion, for the solar energy system may serve to meet the requirements of this section.
2. No building permit shall be issued or construction commenced for a solar energy system requiring a PILOT until such time as the PILOT agreement has been executed by all parties and recorded at the Office of the County Clerk.
3. The PILOT shall run to the benefit of the Town and be executed by the operator and the owners of the real property upon which the solar energy system is to be located and such signatures be notarized in such a way that allows the PILOT agreement to be recorded at the Office of the County Clerk. Prior to commencement of construction, the PILOT agreement shall be recorded at the Office of the County Clerk as a lien on the property and indexed against the property/properties upon which the solar energy system is to be constructed. The intent of the above provisions is so that should the operator of the solar energy system default with regard to such PILOT agreement, that such obligation will become the responsibility of the then owner of the property upon which the solar energy system is sited and that failure to satisfy the terms of such agreement will permit the Town to enforce such agreement as against the owner.

E. Community Host

The applicant shall enter into a community host agreement providing a public benefit fee to mitigate the additional burdens placed on the town as a result of the project. The fee shall be utilized as a source of funding for prospective costs and expenses associated with and related to anticipated municipal services and additional infrastructure improvements to be provided as a result of the project's presence within the town.

4. System Operations

A. Safety/Emergency Response

Before any utility-scale solar energy system becomes active, the owner of the system shall arrange an on-site meeting with the fire department having primary coverage of the project area to review the components of the system, safety issues and procedures for emergency response. This shall include details on the location of labeled warnings, access to the site, and emergency disconnection of the system. In addition, the Town may require the installation of placards that provide mutual aid responders with sufficient information to protect them when responding to calls on site.

B. Ownership Changes

If the owner or operator of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, security and any agreements. A new owner or operator of the solar energy system shall notify the Building Inspector and the Town Supervisor of such change in ownership or operator 30 days prior to the ownership change.

C. Annual Report

On a yearly basis, the solar energy system owner shall provide the Town a report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid. The report shall be submitted no later than 30 days after the end of the calendar year.

D. Vegetation

Following construction of a utility-scale solar energy system, all disturbed areas where soil has been exposed shall be reseeded with native grasses and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.

E. Project Changes

Any post-approval changes to the solar energy system, except for immaterial modifications as defined herein, shall be done by amendment to the special use permit only and shall be subject to the requirements of Section Seven of this law.

Unless expressly limited by a condition imposed in the permit, the Town Zoning Officer, Code Enforcement Officer, Building Inspector or other Town designee may, during project construction, allow immaterial modifications to the design of the project as represented in the final set of site plans reviewed by the Planning Board. Such immaterial modifications shall only be allowed in response to a written request by the applicant or

permittee. All such requests shall be addressed to the authorized Town designee, with copies to the Chairman of the Planning Board, other Town designee, and the Town's designated consultants.

F. Certification

After completion of a utility-scale solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

G. Insurance

1. The holder of a Special Use Permit for a solar energy system shall agree to secure and maintain for the duration of the permit, public liability insurance as follows (unless waived by the Town Board for smaller systems):

- a) Commercial general liability covering personal injuries, death and property damage: \$5,000,000 per occurrence, \$10,000,000 aggregate, which shall specifically include the Town and its officers, councils, employees, attorneys, agents and consultants as additional named insured;
- b) Umbrella coverage: \$10,000,000

2. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".

3. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of cancellation.

4. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.

5. Copies of Insurance Policy: No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

6. Certificate of Insurance: A certificate of insurance that states it is for information purposes only and does not confer sufficient rights upon the Town shall not be deemed to comply with this law.

SECTION EIGHT. BATTERY ENERGY STORAGE SYSTEMS

Battery energy storage systems with capacity of more than 600 KWh are permitted in conjunction with utility-scale solar energy systems subject to the following conditions:

Code Compliance - Battery Energy Storage Systems shall comply with all applicable provisions of Section 1206 of the Uniform Code of New York state. A building permit and an electrical permit shall be required for installation.

Commissioning Plan - Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery Energy Storage System commissioning shall be conducted by a New York state-licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the town code enforcement officer prior to final inspection and approval, and maintained at an approved on-site location.

Fire Safety Compliance Plan - Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

Operation and Maintenance Manual - Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

System Certification - Battery Energy Storage Systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards, as applicable:

- 3) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (Inverters and Power Converters),
- 4) Certified under the applicable electrical, building and fire prevention codes as required,

5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

Safety - Battery Energy Storage Systems, components and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

Noise - Battery Energy Storage Systems shall be located as close as practicable to the center of the solar panel array and shall not cause the Solar Energy System to exceed the noise limits specified in Section Seven of this law.

Signage - Signs shall comply with ANSI Z535 and include the type of technology associated with the Battery Energy Storage System, any special hazards, the type of suppression system installed in the area of the battery system, and 24-hour contact information, including reach-back phone number.

Vegetation and Tree-Cutting - Areas within 20 feet on each side of the Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants may be used as ground cover provided they do not form a means of readily transmitting fire.

Emergency Operations Plan - The applicant shall prepare a safety/emergency response plan in cooperation with town emergency service providers.

A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following information:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
3. Procedures to be followed in response to notifications from the solar energy system and/or battery energy storage system that, when provided, could signify potentially dangerous conditions, including shutting down equipment, summoning

service and repair personnel, and providing agreed upon notification to fire company personnel for potentially hazardous conditions in the event of a system failure. All means of shutting down the solar energy system shall be clearly marked.

4. The property must be inspected after a National Weather Service designation of a Severe Weather Watch or Severe Weather Warning to ensure that the property did not sustain damage. Reports of such inspection shall be filed with the Town Building Inspector.

5. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and/or extinguishing the fire.

6. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

7. Procedures for dealing with solar energy system and/or battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified subject matter expert to the Building Department and local emergency responders.

8. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders, that shall include but not be limited to a smoke plume test for evacuation purposes.

9. Procedures and schedules for conducting drills of these procedures and for training local emergency responders on the contents of the plan and appropriate response procedures. Training shall be done annually and shall include local and mutual aid emergency responders.

10. The system owner shall notify the local fire department, county emergency management office and the town building inspector at least one week prior to any scheduled maintenance or battery swap out.

11. In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws.

Retention Pond - The applicant for a utility-scale solar energy system shall consult with the fire department with primary coverage of the project area on the best fire suppression

system for the planned battery technology. If the fire department determines that water is necessary, the applicant shall develop a well or retention pond(s) holding a sufficient amount of water as determined in site plan review, with dry hydrants (arrangement of piping with one end in the water and the other extending to dry land), for emergency firefighting use. The Planning Board may waive this requirement if it determines that the project area is adequately served by public water supply.

Battery Management System - Battery Energy Storage Systems shall use a Battery Management System, which will incorporate an HVAC system to maintain environmental temperature and manage humidity for optimal operating conditions for batteries. The BMS must be capable of collecting data at the battery cell and module levels, monitoring temperature, voltage, current, state of charge, and state of health to detect abnormal battery conditions and provide information to prevent and mitigate potential emergency events.

Monitoring - Battery Energy Storage Systems shall be monitored 24 hours a day, seven days a week, from a remote operations center that can shut off project components when abnormal conditions are identified. The BESS shall also have smoke alarms and fire detection systems that will trigger audio/visual alarms on the BESS containers and be monitored remotely by the operations center, where operators will contact local personnel immediately and ensure that local emergency responders are notified in the event of an emergency.

Delivery - No batteries will be delivered to the project site until they are ready to be activated and placed into service. On-site storage of batteries for more than 72 hours prior to activation is prohibited.

SECTION NINE. ABANDONMENT OR DECOMMISSIONING OF SYSTEMS

1. Decommissioning Plan

An owner or operator of a utility-scale solar energy system that has not generated electricity for a period of six consecutive months must notify the Town Supervisor and the Town Building Inspector in writing that the system is no longer operating. If the system ceases to operate for an additional 12 consecutive months, the system shall be deemed to be abandoned and shall be decommissioned within six months by the owner or operator. A decommissioning plan shall be submitted as part of the special use permit application to the Planning Board. The decommissioning plan shall be signed by the owner and/or operator of the solar energy system, identify the anticipated life of the project, and include, but not be limited to, the following provisions:

- a. The removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for

building or maintaining the system shall also be removed and re-planted with vegetation.

- b. The cost of removing the entire solar energy system based upon prevailing wages and any other requirements applicable to municipalities under state or federal law and no salvage value shall be attributed to any of the components of the solar energy system and/or the solar energy equipment.
- c. A schedule and methods for the removal of the solar energy system and/or the solar energy equipment, including any ancillary structures.
- d. The time required to restore the property to its pre-installed condition and to repair any damage caused to the property by the installation and removal of the solar energy system.
- e. A plan for restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing.
- f. A proposed Decommissioning Agreement, which shall be provided by the applicant and approved by the Town Board. No building permit shall be issued for a solar energy system until the Decommissioning Agreement between the applicant and the town has been executed and financial security provided as below set forth.

2. Security

- a. Security shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal of the solar energy system and restoration of the site subsequent to removal. The Security shall be an evergreen letter of credit issued by an A-rated financial institution (relating to Standard & Poor's Rating Services, Inc. ("S&P") or any successor agency thereto) or an A3 rating financial institution (relating to Moody's Investor Services ("Moody's") or any successor rating agency thereto)) on behalf of the company, substantially in the form attached hereto as Exhibit A. The amount of the bond or security shall be 125 percent of the estimated cost of removal of the solar energy system and restoration of the property, with an escalator of 2 percent annually (or Consumer Price Index change if more than the annual escalator of 2 percent) for the life of the solar energy system, and shall not take into account the net salvage value of any such project components. The security established by the agreement shall not be subject to disclaimer or rejection in a bankruptcy proceeding.

- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The security shall remain in full force and effect until 90 days after the restoration of the property, as set forth in the decommissioning plan, is completed.

SECTION TEN. PUBLIC UTILITY USE

A solar energy facility shall not be considered a Public Utility Use as that term is defined in Section 3.5.119 of the Town of Duanesburg Zoning Ordinance adopted by the Town Board on June 11, 2015.

SECTION ELEVEN. SEVERABILITY

The invalidity of any clause, sentence, paragraph or provision of this local law shall not invalidate any other clause, sentence, paragraph or part thereof.

SECTION TWELVE. EFFECTIVE DATE

This local law shall take effect immediately upon the filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 12-7-22
Case No. D-10-22
Returned 12-20-22

FROM: ☐ Legislative Body
☐ Zoning Board of Appeals
☒ Planning Board

Municipality:
Town of Duanesburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539
Received
Schenectady County

ACTION: ☒ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review

☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify) _____

DEC 07 2022
Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: January 26th, 2023

SUBJECT: This local law shall be known as the "Solar Energy Facilities Law," and shall repeal and replace Local Law No. 1 of the year 2016. The purpose of this law shall be to provide for the siting, development and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts on adjoining properties, while promoting the effective and efficient use of solar energy resources.

REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - ☐ the boundary of any city, village or town;
 - ☐ the boundary of any existing or proposed County or State park or other recreation area;
 - ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - ☒ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Melissa Deffer

Title: Planning/Zoning Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: mdeffer@duanesburg.net

Phone: (518) 895-2040

Date: _____

Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-10-22

Applicant Town Board

Referring Officer Melissa Deffer

Municipality Duanesburg

Considerations: Adoption of new solar energy facilities law. Replaces previous law adopted in 2016.

RECOMMENDATION

Receipt of zoning referral is acknowledged on December 7, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☐ *Approve of the proposal.
- ☒ Defer to local consideration (No significant county-wide or inter-community impact)
- ☐ Modify/Conditionally Approve. Conditions:

☐ Advisory Note:

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

12/11/22

Date

Ray Gillen
Commissioner
Economic Development and Planning

TOWN OF DUANESBURG
CASH REQUIREMENTS PER FUND
01/26/2023

FUND		AMOUNT
General Fund		10,934.38
Highway Fund		885.60
Fire Protection		407,308.00
UV Project		61,750.00
Sewer District #1		28,516.06
Sewer District #2		23,633.79
Sewer District #3		8,909.06
Trust & Agency		424.84
	TOTAL TRANSFERS TO AP	542,361.73

Date	Name	Num	Open Balance
FUND: A-GENERAL FUND-01			
01/06/2023	Amsterdam Riverfront Ace Hardware	A579428	50.32
01/17/2023	Carmella Cervera	011723	247.92
01/14/2023	Charter Communications	145764101011423	119.99
01/17/2023	Dale Warner	1172023	193.65
01/07/2023	De Lage Landen Services, Inc.	78745171	156.90
01/20/2023	Distributed Solar EOS	INV00136088	31.10
01/20/2023	Distributed Solar EOS	INV00136088	31.10
01/20/2023	Distributed Solar EOS	INV00136088	31.10
01/19/2023	Main-Care Energy	17312348	201.68
01/16/2023	Marvin and Company, PC	233324	5,500.00
01/17/2023	National Grid	46502-15100 1/17/23	54.35
01/17/2023	National Grid	52902-15105 1/17/23	109.52
01/18/2023	National Grid	10102-15103 1/18/23	403.40
01/18/2023	National Grid	15240-44005 1/18/23	29.43
01/18/2023	National Grid	77586-49014 1/18/23	22.10
01/13/2023	Omnis Computers	172330	1,100.80
01/15/2023	Quadient Finance USA, Inc.	7900 0440 8045 9880	2,000.00
01/05/2023	Quill LLC	29969912	91.36
01/06/2023	Quill LLC	29978074	13.20
01/06/2023	Quill LLC	30003523	40.86
01/06/2023	Quill LLC	30003523	57.83
01/06/2023	Quill LLC	30003523	1.79
01/06/2023	Quill LLC	30003523	21.70
01/06/2023	The Daily Gazette Co. Inc.	2483534	57.95
01/09/2023	The Daily Gazette Co. Inc.	2481463	23.18
01/19/2023	Unifirst Corporation	14110276274	40.38
01/19/2023	Unifirst Corporation	14110276274	12.79
01/12/2023	Unifirst Corporation	1110273147	12.89
01/12/2023	Unifirst Corporation	1110273147	1.51
01/24/2023	Ventrice, Joelle	01242023	97.97
01/10/2023	Verizon Wireless	9925050976 2/10/23	23.29
01/10/2023	Verizon Wireless	9925050976 2/10/23	42.70
TOTAL FOR A-GENERAL FUND-01			10,822.76
FUND: B-GENERAL TOWN OUTSIDE VG-02			
01/06/2023	Quill LLC	30003523	82.27
01/19/2023	Unifirst Corporation	14110276274	6.06
01/10/2023	Verizon Wireless	9925050976 2/10/23	23.29
TOTAL FOR B-GENERAL TOWN OUTSIDE VG-02			111.62
FUND: DA-HIGHWAY TOWN WIDE-03			
01/19/2023	Douglas Industrial Co.	43978	40.89
01/20/2023	Frank Murken Products	554774	188.52
01/12/2023	H L Gage Sales Inc.	01P86243	36.55
01/10/2023	L.J. Hand Farm Center Inc	2301-013393	38.54
01/04/2023	Quill LLC	29928907	103.50
01/20/2023	R.H. Crown Co., Inc.	096972	226.21
01/13/2023	Safe Systems Corporation	51963	50.00
01/13/2023	Schenectady Truck and Auto	PO#H23008	67.96
01/12/2023	United Ag & Turf NE	9809309	133.43
TOTAL FOR DA-HIGHWAY TOWN WIDE-03			885.60
FUND: SF-FIRE PROTECTION-05			
01/20/2023	Duanesburg Fire District #2	1202023	265,000.00
01/20/2023	Quaker Street Fire District #1	1202023	142,308.00
TOTAL FOR SF-FIRE PROTECTION-05			407,308.00
FUND: UV-CAPITAL PROJECT-44.1			
01/18/2023	Delaware Engineering, D.P.C	CONTRACT TD1-G-21	61,750.00
TOTAL FOR UV-CAPITAL PROJECT-44.1			61,750.00
FUND: SEWER DISTRICT 1-66			
01/01/2023	Amsterdam Riverfront Ace Hardware	A5476853	43.85
01/12/2023	Amsterdam Riverfront Ace Hardware	A580357	52.46
01/13/2023	Amsterdam Riverfront Ace Hardware	A580516	11.49
01/12/2023	Dennis, Andrew D.	011223	12.50
01/25/2023	DeNooyer	1252023	25,788.75

01/20/2023	Distributed Solar EOS	INV00136088	155.51
01/20/2023	Distributed Solar EOS	INV00136088	1,430.66
01/18/2023	National Grid	00391-31005 1/18/23	438.60
01/18/2023	National Grid	04831-60005 1/18/23	201.40
01/18/2023	National Grid	08131-10002 1/18/23	38.09
01/04/2023	Quill LLC	29928907	52.18
01/19/2023	Unifirst Corporation	14110276274	13.64
01/12/2023	Unifirst Corporation	1110273147	11.35
01/11/2023	USABlueBook	230214	187.89
01/21/2023	Verizon	651 477 468 2/21/23	29.17
01/10/2023	Verizon Wireless	9925050976 2/10/23	48.52
TOTAL FOR SEWER DISTRICT 1-66			28,516.06

FUND: SEWER DISTRICT 3-77

01/01/2023	Amsterdam Riverfront Ace Hardware	A5476853	13.10
01/12/2023	Amsterdam Riverfront Ace Hardware	A580357	15.74
01/13/2023	Amsterdam Riverfront Ace Hardware	A580516	3.45
01/12/2023	Dennis, Andrew D.	011223	8.75
01/25/2023	DeNooyer	1252023	7,736.62
01/20/2023	Distributed Solar EOS	INV00136088	62.20
01/18/2023	National Grid	00391-31005 1/18/23	131.01
01/18/2023	National Grid	26389-08006 1/18/23	822.22
01/04/2023	Quill LLC	29928907	15.65
01/19/2023	Unifirst Corporation	14110276274	8.89
01/12/2023	Unifirst Corporation	1110273147	8.89
01/11/2023	USABlueBook	230214	56.36
01/21/2023	Verizon	651 477 468 2/21/23	8.71
01/10/2023	Verizon Wireless	9925050976 2/10/23	17.47
TOTAL FOR SEWER DISTRICT 3-77			8,909.06

FUND: SEWER DISTRICT 2-88

01/01/2023	Amsterdam Riverfront Ace Hardware	A5476853	19.98
01/12/2023	Amsterdam Riverfront Ace Hardware	A580357	36.72
01/13/2023	Amsterdam Riverfront Ace Hardware	A580516	20.53
01/06/2023	A-Team Pump & Control Service, LLC	23-007	2,193.80
01/11/2023	Blue Diamond Septic LLC	11478	855.70
01/05/2023	City of Schenectady	69734	240.00
01/12/2023	Dennis, Andrew D.	011223	3.75
01/25/2023	DeNooyer	1252023	18,052.13
01/20/2023	Distributed Solar EOS	INV00136088	342.12
01/20/2023	Distributed Solar EOS	INV00136088	1,026.35
01/13/2023	Grainger	9573321792	192.43
01/19/2023	Main-Care Energy	17312376	371.65
01/04/2023	Quill LLC	29928907	36.53
01/19/2023	Unifirst Corporation	14110276274	10.74
01/12/2023	Unifirst Corporation	1110273147	10.74
01/11/2023	USABlueBook	230214	131.52
01/21/2023	Verizon	251 752 067 2/21/23	50.28
01/10/2023	Verizon Wireless	9925050976 2/10/23	38.82
TOTAL FOR SEWER DISTRICT 2-88			23,633.79

FUND: TRUST & AGENCY-99

01/25/2023	AFSCME COUNCIL 66	1/25/2023	158.80
01/25/2023	AFLAC	1/25/2023	266.04
TOTAL FOR TRUST & AGENCY-99			424.84

GRAND TOTAL

542,361.73

**TOWN OF DUANESBURG SCHENECTADY
NEW YORK**

Abstract of Audited Vouchers for the period: 1/13/23 thru 01/26/23

Grand Total of all Vouchers = \$542,361.73

I hereby certify that the vouchers listed on this abstract for this period consisting of these attached pages were audited and allowed in the amounts shown. Authorization is hereby given and direction is made to pay each of the claimants.

William Wenzel - Town Supervisor

Date

Francis Potter - Deputy Supervisor

Date

Michael Santulli- Council Member

Date

Dianne Grant-Council Member

Date

Andrew Lucks-Council Member

Date

Town of Duanesburg Town Board

RESOLUTION NO. 33 - 2023

January 26, 2023

WHEREAS, the Town of Duanesburg Sewer Department (the “Department”) requires a three-quarter ($\frac{3}{4}$) to one (1) ton pick-up truck with a V-8 gasoline engine and four wheel drive (4 WD) with a hitch and capacity to install a snow plow for the continued provision of services by the Department; and

WHEREAS, the Town posted a duly noticed bid published in accordance with General Municipal Law (GML) Section 103, requesting submittal of bids to the Town Clerk by October 6, 2022 which resulted in submittal of one bid for a new pick-up truck which the Town rejected as overpriced at \$70,000, opting to rebid the request for a used pick-up truck with similar features; and


WHEREAS, the Town posted a second duly noticed bid published in accordance with General Municipal Law (GML) Section 103, requesting submittal of bids for a similar truck with the option to submit specifications and pricing of a used truck to the Town Clerk by December 19, 2022 for which no bids were received; and

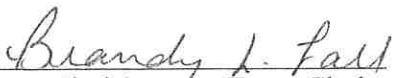
WHEREAS, pursuant to GML §103 (16) the Town Board seeks to “piggyback” onto a bid published by Westchester County for similar pick-up truck, which bid contains the requisite piggyback provision in Section E of the bid document, was published on BidNet which was used for secure submission of bids and the bid was let in accordance with provisions of GML § 103; and

WHEREAS, DeNooyer Chevrolet posted an available pick-up truck in response to Westchester County’s request for bids that meets the specifications posted in the Town of Duanesburg, is available for \$51,577.50, and the contract provisions are in accordance with GML §103 as well as the Town of Duanesburg procurement policy; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves issuance of a purchase order for the payment in the amount of \$51,577.50 to purchase the 2023 Chevy Silverado pick-up truck from DeNooyer Chevrolet; and authorizes payment for the purchase order;

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of January 26, 2023.


William Wenzel, Supervisor


Town Clerk/Deputy Town Clerk

Date

Date 1/26/2023

Present: Council Members Potter, Grant + Santulli, Supervisor Wenzel

Absent: Council Member Lucks

Town Board Members:

William Wenzel	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Michael Santulli	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Francis R. Potter	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Dianne Grant	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Andrew Lucks	<input type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain Absent

Town of Duanesburg Town Board

RESOLUTION NO. 34 - 2023

January 26, 2022

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

WHEREAS, the New York State Department of Environmental Conservation (the “NYSDEC”) 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 the Mariaville WWTP effluent disinfection system installation at the Mariaville WWTP (the “Project”); and

WHEREAS, the Town Board has entered into a Grant Agreement with the NYSDEC to enable the Town to seek reimbursement for a portion of the costs of the Project; and

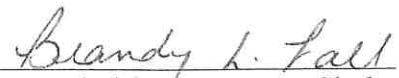
WHEREAS, the Proposed Improvements are being constructed by Rozell East, Inc., the contractor that was awarded the Project after the bidding process was completed; and

WHEREAS, Delaware has submitted pay requisition number 2 recommending approval of the payment to Rozell East, Inc., in the amount of \$61,750.00 for the work on the Project for the period ending December 29, 2022 (a copy of the pay requisition number 2 and supporting documents are attached hereto); and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves the payment of requisition number 2 to Rozell East, Inc., in the amount of \$61,750.00; authorizes the payment using the 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 January 26, 2022.


William Wenzel, Supervisor


Town Clerk/Deputy Town Clerk

Date

Date 1/26/2023

Present: Supervisor Wenzel, Council Members Potter, Grant + Santulli

Absent: Council Member Lucks

Town Board Members:

William Wenzel	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Michael Santulli	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Francis R. Potter	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Dianne Grant	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Andrew Lucks	<input type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain

Absent



DELAWARE ENGINEERING, D.P.C.

55 South Main Street
Oneonta, NY 13820

Tel: 607.432.8073
Fax: 607.432.0432

January 18, 2023

Bill Wenzel
Supervisor
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Re: Mariaville WWTP UV Disinfection Project (SD#2)
DEC Contract #C00799GG-3350000

Sub: Contract TD1-G-21
Payment Request #2

Dear Supervisor Wenzel:

We have reviewed the attached Payment Application No. 2 for Rozell East, Inc., the contractor for the subject project, for the period ending December 29, 2022 in the amount of \$61,750.00. The balance to finish including retainage equals \$31,250.00

We agree with the level of work completed to date and the costs presented therein. Therefore, we recommend that the Town resolve to provide payment to the contractor in the amount requested by the contractor.

Attached for your files are the following items:

- Contractor's Application for Payment Cover Sheet & Continuation Sheets
- Certified Payroll
- Engineer's spreadsheet verifying contractor's payment application

Please contact me if you have any questions.

Respectfully,

DELAWARE ENGINEERING, D.P.C.

Bill Brown, P.E.

P:\Duanesburg (T)\Mariaville Plant\Construction\Pay Apps\2\TD1-G-21 Pay App 2 CL.doc

CC: Town Clerk (w/enclosures)
TD1-G-21 - File (w/enclosures)

Application For Payment
Change Order Summary

1. ORIGINAL CONTRACT PRICE	\$	\$159,500.00
2. Net change by Change Orders	\$	
3. Current Contract Price (Line 1 ± 2)	\$	\$159,500.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)	\$	\$135,000.00
5. RETAINAGE:		
a. 5% X \$135,000.00 Work Completed	\$	\$6,750.00
b. X Stored Material	\$	
c. Total Retainage (Line 5a + Line 5b)	\$	\$6,750.00
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)	\$	\$128,250.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	\$	\$66,500.00
8. AMOUNT DUE THIS APPLICATION	\$	\$61,750.00
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)	\$	

The undersigned Contract certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or acceptable to or covered by this Application for Payment will pass to Owner at time of payment free of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

EJCDC C-620 Contractor's Application for Payment
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Page 1 of 4

Contractor's Application

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Page 2 of 4

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 12-31-22

1 Nancy Dreyer Office Mgr.

(Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____

Rozell Industries Inc

(Contractor or Subcontractor)

_____, that during the payroll period commencing on the 4

day of Dec, 2022 and ending the 10 day of Dec 2022

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Sub

(Contractor or Subcontractor) from the full

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Articles 8 and 9 and described below.

(2) That any payrolls submitted for the above period are correct and complete; that the wage rates for laborers, workers, or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer, worker or mechanic conform with the work he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

Nancy Dreyer

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

DWA. 3321
TD1 G216C
App #2

Certified Payroll Worksheet
 Job Number: REI2241
 For the week: 12/4/2022 to 12/10/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date								Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week	
		Sun	Mon	Tue	Wed	Thru	Fri	Sat									
		4	5	6	7	8	9	10									
Hours Worked Each Day																	
JACKSON, SR. THOMAS ***-**-9340	OPER OPERATOR - ST R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.00	77.71	1,989.68	152.21	187.89	557.76	1,431.92
Deductions:																	
Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues				
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
NY Withholding Tax	97.68																
NY Disability Tax	0.60																
ROCKWELL, AARON ***-**-9124	LAB LABORER R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.00	57.97	1,451.76	111.06	216.69	408.27	1,043.49	
Deductions:																	
Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues				
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
NY Withholding Tax	72.50																
NY Disability Tax	0.60																
NYPFLWVH New York Paid Family Leave Tax Withholding	7.42																
SHULL, EDWIN ***-**-2331	PROJ MGR PROJECT MANAGER R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.10	172.62	210.00	765.57	1,638.29		
Deductions:																	
Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues				
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
NY Withholding Tax	114.70																
NY Disability Tax	0.60																

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 12-31-22

I Nancy Dreyer Office Mgr.
(Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Rozell Industries Inc
(Contractor or Subcontractor)

_____, that during the payroll period commencing on the 18
day of Dec, 2022 and ending the 24 day of Dec 2022
all persons employed on said project have been paid the full weekly wages earned, that no
rebates have been or will be made either directly or indirectly to or on behalf of said

Sub from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or
indirectly from the full wages earned by any person, other than permissible deductions as
defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the
wage rates for laborers, workers, or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that
the classifications set forth therein for each laborer, worker or mechanic conform with the work
helps performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau
of Apprenticeship and Training, United States Department of Labor, or if no such recognized
agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United
States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed
in the above referenced payroll, payments of fringe benefits as listed in the
contract have been or will be made to appropriate programs for the
benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been
paid, as indicated on the payroll, an amount not less than the sum of the
applicable basic hourly wage rate plus the amount of the required fringe benefits
as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

Nancy Dreyer

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR
TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

Certified Payroll Worksheet
 Job Number: REI2241
 For the week: 12/18/2022 to 12/24/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week
		Sun	Mon	Tue	Wed	Thu	Fri	Sat							
		18	19	20	21	22	23	24							
Hours Worked Each Day															
BELCHER JR, LARRY ***-**-1645	LAB LABORER	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	463.76	74.30	78.65	202.90	768.36
		R	0.00	0.00	0.00	8.00	0.00	0.00	0.00	8.00	57.97	971.26			
	Deductions:														
	Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NY Withholding Tax														
	44.39														
	NY Disability Tax														
	0.60														
	NYPELWH New York Paid Family Leave Tax Withholding														
4.96															
DOWNES, TIMOTHY ***-**-1370	OPER OPERATOR - ST	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,251.52	247.21	686.92	1,185.12	2,046.31
		R	0.00	0.00	0.00	8.00	0.00	8.00	0.00	16.00	78.22	3,231.43			
	Deductions:														
	Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NY Withholding Tax														
	250.39														
	NY Disability Tax														
	0.60														
	JACKSON, SR, THOMAS ***-**-9340	OPER OPERATOR - ST	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,486.72	212.26	350.24	881.83
R			0.00	0.00	8.00	8.00	8.00	8.00	0.00	32.00	77.71	2,774.72			
Deductions:															
Apprenticeship		Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
NY Withholding Tax															
152.25															
NY Disability Tax															
0.60															
ROCKWELL, AARON ***-**-9124		LAB LABORER	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,391.28	138.26	295.12	536.96
	R		0.00	0.00	8.00	8.00	8.00	0.00	0.00	24.00	57.97	1,807.28			
	Deductions:														
	Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Sup. UI	Vacation	Union Dues	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NY Withholding Tax														
	93.74														
	NY Disability Tax														
	0.60														
	NYPELWH New York Paid Family Leave Tax Withholding														
9.24															

For the week: 12/18/2022 to 12/24/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours	Hourly Rate	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week
		Sun	Mon	Tue	Wed	Thu	Fri	Sat							
		18	19	20	21	22	23	24							
Hours Worked Each Day															
SHULL, EDWIN	O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.10					
***-**-2331	PROMGR PROJECT MANAGER										172.62	210.00	765.57	1,638.29	
	R	0.00	0.00	0.00	1.00	0.00	0.00		1.00	60.10	2,403.86				
Deductions:															
Apprenticeship	Disability	Dental	Holiday	401K	Life Ins.	Medical	Other	Pension	Travel	Training	Suff. UI	Vacation	Union Dues		
	0.00	0.00	0.00	0.00	0.00	0.00	363.80	0.00	0.00	0.00	0.00	0.00	0.00		
NY Withholding Tax						114.70									
NY Disability Tax						0.60									

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 12-31-22

Nancy Dreyer Office Mgr.

(Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____

Rozell Industries Inc

(Contractor or Subcontractor)

_____, that during the payroll period commencing on the 25

day of Dec, 2022 and ending the 31 day of Dec, 2022
all persons employed on said project have been paid the full weekly wages earned, that no
rebates have been or will be made either directly or indirectly to or on behalf of said

Sub from the full

(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the wage rates for laborers, workers, or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer, worker or mechanic conform with the work he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

Nancy Dreyer

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

Certified Payroll Worksheet
 Job Number: REI2241
 For the week: 12/25/2022 to 12/31/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding	Total Deductions	Net Actual Wage Paid For Week
		Sun 25	Mon 26	Tue 27	Wed 28	Thu 29	Fri 30	Sat 31							
		Hours Worked Each Day													
DOWNES, TIMOTHY ***-**-1370	O OPER OPERATOR - ST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,251.52	197.51	518.48	922.21	1,659.61	
Deductions:															
Apprenticeship	Disability	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Withholding Tax	Dental	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Disability Tax	Holiday	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NYPFLVH New York Paid Family Leave Tax Withholding	401K	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Life Ins.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	193.87	0.60	0.00	0.00	0.00	0.00
	Medical	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.60	0.00	0.00	0.00	0.00	0.00
	Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Pension	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Travel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Training	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Sup. UI	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Vacation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Union Dues	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
JACKSON, SR, THOMAS ***-**-9340	O OPER OPERATOR - ST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,243.36	184.33	255.18	715.30	1,694.14	
Deductions:															
Apprenticeship	Disability	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Withholding Tax	Dental	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Disability Tax	Holiday	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NYPFLVH New York Paid Family Leave Tax Withholding	401K	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Life Ins.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	119.66	0.60	0.00	0.00	0.00	0.00
	Medical	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.60	0.00	0.00	0.00	0.00	0.00
	Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	240.95	0.00	0.00	0.00	0.00	0.00
	Pension	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Travel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Training	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Sup. UI	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Vacation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Union Dues	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ROCKWELL, AARON ***-**-9124	O LAB LABORER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	927.52	109.26	201.76	385.68	1,042.56	
Deductions:															
Apprenticeship	Disability	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Withholding Tax	Dental	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Disability Tax	Holiday	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NYPFLVH New York Paid Family Leave Tax Withholding	401K	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Life Ins.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67.56	0.60	0.00	0.00	0.00	0.00
	Medical	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.60	0.00	0.00	0.00	0.00	0.00
	Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Pension	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Travel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Training	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Sup. UI	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Vacation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Union Dues	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SHULL, EDWIN ***-**-2331	O PROJ MGR PROJECT MANAGER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.10	172.62	193.88	754.58	1,649.27	
Deductions:															
Apprenticeship	Disability	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Withholding Tax	Dental	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Disability Tax	Holiday	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NYPFLVH New York Paid Family Leave Tax Withholding	401K	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Life Ins.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Medical	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	363.80	0.00	0.00	0.00	0.00	0.00
	Pension	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Travel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Training	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Sup. UI	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Vacation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Union Dues	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NY Withholding Tax										108.89					

Certified Payroll Worksheet

Job Number: REI2241

For the week: 12/25/2022 to 12/31/2022

ROZELL INDUSTRIES, INC. (RII)

Name and Individual Identifying Number of Worker	Work Classification	Day and Date							Total Hours For Week	Hourly Rate of Pay	Gross Earned For Job/Week	FICA	Withholding Deductions	Net Actual Wage Paid For Week
		Sun	Mon	Tue	Wed	Thu	Fri	Sat						
		25	26	27	28	29	30	31						
Hours Worked Each Day														
NY Disability Tax							0.60							
NY PFLVH New York Paid Family Leave Tax Withholding							10.94							

Project:	Marquette WWTP UV Disinfection																		
Project No.:	T01-G-21 General																		
Contractor:	Rafael Escalante																		
Pay Req. #:	12																		
Period Covered:	7/1/2021 to 12/31/2022																		
Location:	Town of Quakewagon																		
A	B																		
C	D E F G H I																		
J	K L M N O P Q																		
R	S T U V W X Y Z																		
Change Order or Bid	Materials Stored And Work Completed Previous																		
Bid Item Number	Work Item Number	Description of Work	Change Order or Bid Quantity	Unit	Bid Unit Price	Scheduled Value	Quantity Previous	Quantity This Period	Quantity To Date	Materials Stored And Work Completed Previous	Work Completed This Period	Materials Stored (Max Over 8)	Total Completed & Stored To Date	Percent Complete To Date	Balance To Finish (C - G)	Retainage Percent	Retainage Value		
1	1.01	Miscellaneous bonds, insurances, etc.	1	Lump Sum	\$ 7,500.00	\$ 7,500.00	0.67	0.00	0.67	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	87%	\$ 2,500.00	\$ -	\$ 250.00		
2	2.1	New UV System in Rider Building																	
3	2.2	Install Temporary By-Pass	1	Lump Sum	\$ 20,000.00	\$ 20,000.00	1.00	0.00	1.00	\$ 20,000.00	\$ -	\$ -	\$ 20,000.00	100%	\$ -	\$ -	\$ 1,000.00		
4	2.3	Remove Piping, and install new alternate	1	Lump Sum	\$ 20,000.00	\$ 20,000.00	1.00	0.00	1.00	\$ 20,000.00	\$ -	\$ -	\$ 20,000.00	100%	\$ -	\$ -	\$ 1,000.00		
5	2.4	Install New Piping and weld to Proposed Alternation and location	1	Lump Sum	\$ 20,000.00	\$ 20,000.00	0.75	0.25	1.00	\$ 15,000.00	\$ 5,000.00	\$ -	\$ 20,000.00	100%	\$ -	\$ -	\$ 1,000.00		
6	2.5	Install UV System	1	Lump Sum	\$ 60,000.00	\$ 60,000.00	0.00	1.00	1.00	\$ -	\$ 60,000.00	\$ -	\$ 60,000.00	100%	\$ -	\$ -	\$ 3,000.00		
7	3	Install New 5" Plug Valve	1	Lump Sum	\$ 10,000.00	\$ 10,000.00	1.00	0.00	1.00	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	100%	\$ -	\$ -	\$ 500.00		
8	4	Electric and startup of UV System	1	Lump Sum	\$ 22,000.00	\$ 22,000.00	0.00	0.00	0.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 22,000.00	\$ -	\$ -		
SUBTOTAL GENERAL BASE BID WORK						\$ 199,500.00	0.436871	0.41	0.8464	\$ 70,000.00	\$ 65,000.00	\$ -	\$ 135,000.00	84.64%	\$ 24,500.00		\$ 9,750.00		
BID ALTERNATE UNIT PRICING																			
CHANGE ORDER WORK						\$0.00	\$0.00	0	0		\$0.00		\$0.00	0%	\$0.00		\$0.00		
1		None																	
SUBTOTAL - CHANGE ORDER WORK						\$ -	0.00	0.00	0.0000	\$ 0.00	\$ 0.00	\$ -	\$ 0.00	0.00%	\$ -		\$ -		
FINAL CONTRACT TOTALS INCLUDING CHANGE ORDER WORK						\$ 199,500.00	0.88	0.41	1.2653	\$ 140,000.00	\$ 65,000.00	\$ -	\$ 135,000.00	84.64%	\$ 24,500.00		\$ 9,750.00		
SUMMARY (Page 1 of AIA Form)																			
1	ORIGINAL CONTRACT SUM				\$	199,500.00													
2	Net Change By Change Order				\$														
3	A Line 1 + 2 CONTRACT SUM TO DATE				\$	199,500.00													
4	TOTAL COMPLETED & STORED TO DATE (Sum of Column 9)				\$	135,000.00													
5	RETAINAGE (Sum of Column 1)				\$	6,750.00													
6	A Line 4 - 5 TOTAL EARNED LESS RETAINAGE				\$	128,250.00													
7	LESS PREVIOUS PAYMENTS				\$	66,500.00													
8	A Line 6 - 7 CURRENT PAYMENT DUE				\$	61,750.00													
9	A Line 3 - 6 BALANCE TO FINISH INCLUDING RETAINAGE				\$	31,750.00													

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. 35 -2023

January 26, 2023


WHEREAS, Melissa Deffer, the Town of Duanesburg Building/Planning/Zoning Clerk has submitted her resignation to the Town of Duanesburg Town Board;

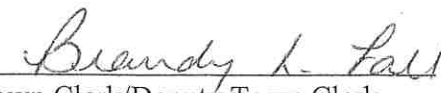
WHEREAS, the Town of Duanesburg Town Board has interviewed several candidates for the position of Town of Duanesburg Building/Planning/Zoning Clerk, a non-competitive position;

WHEREAS, the Town of Duanesburg Building/Planning/Zoning Clerk will work 35 hours a week at a rate of \$18.50 per hour;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby appoints Carol Sowycz as the Town of Duanesburg Building/Planning/Zoning Clerk as of January 30, 2023 at an hourly rate of \$18.50 per hour for 35 hours a week.

By a (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on January 26, 2023.


William Wenzel, Supervisor


Town Clerk/Deputy Town Clerk

Present: Supervisor Wenzel, Council Members Potter, Grant & Santulli
Absent: Council Member Lucks
1/26/2023

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	Yea	Nay	Abstain Absent

Jennifer Howe

From: lynne bruning <lynnebruning@gmail.com>
Sent: Thursday, January 26, 2023 3:00 PM
To: Jennifer Howe
Cc: Bill Wenzel; Nelson Gage; Jeffery Schmitt; Ricky Potter; Andrew Lucks; Dianne Grant; Michael Santulli
Subject: Public Hearing Comment: Solar Law: Inspections

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 26, 2023

Re: Public Hearing Solar Facilities Law - inspections of the project site

Dear William Wenzel and the Town Board,

Please include my comments in the town board official minutes as posted on the town website.

Site inspection at time of application, bi-weekly construction inspections and annual operation inspections should include a neighborhood citizen representative and a town board representative.

Energy projects may encompass hundreds upon hundreds of acres that may be hidden from public view. Developers may cherry pick inspection locations and times so the project may be viewed to their advantage.

Town board members may live distant from the project and be unaware of the project's day in and day out problems. Neighbors may be more aware of soil, drainage, and visual screening than the paid for inspector.

Non-compliance issues may be best addressed on-site with all inspectors present. This direct and timely communication with the neighbors representative, town board member, code inspector, and project representative may expedite remedies, resolve conflicts and bring the project to compliance in a timely manner. Direct communication saves time and money.

Additionally, fair and equal representation for all taxpayers should be the Town of Duanesburg's utmost concern.

Including a neighborhood citizen representative on the inspection team will increase a project's accountability and transparency to the abutters, neighbors and citizens at large.

Including a neighborhood citizen representative and a town board member on the inspection team provides checks and balances to the project's review, construction and operation.

Including the neighbors and town board may help build credibility and build citizen trust. The more eyes on a project the better the project may be for generations to come.

Please include a neighborhood citizen representative and a town board member on the site inspection time of application, bi-weekly construction inspections and annual operation inspections.

Thank you for your time and consideration.

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

CC: Jeffery Schmitt, Chair Duanesburg Planning Board
Nelson Gage, Chair Duanesburg Zoning Board
Jennifer Howe, Clerk Town of Duanesburg

Jennifer Howe

From: lynne bruning <lynnebruning@gmail.com>
Sent: Thursday, January 26, 2023 3:35 PM
To: Jennifer Howe
Cc: Bill Wenzel; Jeffery Schmitt; Nelson Gage; Susan Biggs; Ricky Potter; Andrew Lucks; Dianne Grant; Michael Santulli
Subject: Public Hearing Comment: Solar Law: Public Notification of the Project at Time of Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 26, 2023

Re: Public Hearing Solar Facilities Law - 32 square foot sign to be posted at the project site access road at time of application

Dear William Wenzell and the town board,

Please include my comments in the town board official minutes as posted on the town website.

Request that at time of application the Applicant post a 32 square foot sign at the proposed location of the access road notifying passersby of the project. The sign must be clearly visible from the nearest right of way road and provide location of the fence, roadways, accessory buildings, and electrical equipment.

Energy projects are land intensive and may cause significant negative impact to our town roads. Passers-by may be impacted by significant construction traffic, deliveries and heavy equipment. The industrial nature of energy projects may permanently impact neighborhood development as well as the abutters use, development and enjoyment of their own lands,

Energy projects impact abutters, neighborhoods, schools and all taxpayers. Energy projects warrant early and widespread public notification. Citizen's should be provided ample time to study the project's compliance with the towns Comprehensive Plan, zoning ordinance and local laws.

The Town of Duanesburg Telecommunication Law, Local Law 4 of 2001, Section 11.0 requires that at the time of application the applicant must erect a sign on the property where the proposed new tower is to be located. The sign shall have an area of thirty-two (32) square feet and shall be erected no more than twenty-five (25) feet from the boundary of the property and right of way road that the property faces. The sign must be clearly visible from the road. The sign shall show the details of the proposed tower and accessory building and have a map of the property and the location of the proposed tower, accessory buildings, parking areas and access road.

The town requires telecommunication companies to post a sign. To be in alignment with other town law energy applicants should be required to fairly and squarely notify all residents and passerby of their energy project by posting a similar sign.

Please revise the draft solar law and require applicants for solar facilities and battery storage facilities to install a thirty-two (32) square foot sign at the project site within 25 feet of the access road to the facility at time of application. The sign should face the nearest town road and include location of buildings, roadways, fences, electrical equipment.

Thank you for your time and consideration.

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

CC:
Jeffery Schmitt, Chair Duanesburg Planning Board
Nelson Gage, Chair Duanesburg Zoning Board
Jennifer Howe, Clerk Town of Duanesburg

Jennifer Howe

From: lynne bruning <lynnebruning@gmail.com>
Sent: Thursday, January 26, 2023 4:37 PM
To: Jennifer Howe
Cc: Bill Wenzel; Nelson Gage; Jeffery Schmitt; Susan Biggs; Ricky Potter; Andrew Lucks; Dianne Grant; Michael Santulli
Subject: Public Hearing Comment: Solar Law: Review each LLC application individually

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 26, 2023

Re: Public Hearing Solar Facilities Law - each energy LLC application should be reviewed individually

Dear William Wenzel,

Please include my comments in the town board official minutes as posted on the town website.

Request that the 2023 solar facilities law require applications for multiple project LLCs on multiple abutting lots be reviewed as individual separate LLC projects. For example; Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC application should not be lumped together, but each LLC has a site plan, FEAF, SWPPP, Visual Impact Analysis, ect.

Lumping multiple abutting solar projects into one application document, site plan, FEAF and board review may deprive the abutters, taxpayers and town of a full and accurate review of each individual project.

Providing paperwork that clearly delineates between the separate and abutting energy projects may allow the town to deny one facility and approve the other facility.

Each project should stand on its own merits.

New York State Energy and Research Development Authority awards each individual project.

The Schenectady County Clerk provides deeds for each individual project.

Mortgage companies provide a mortgage for each individual project.

The town board approves PILOT agreements for each individual project.

The planning board and zoning boards paper work should be in alignment with how each individual energy facility LLC is legally represented to NYSEDA, the County, mortgage companies, and the town.

Lumping energy project review and LLCs together may create problems down the road. Each LLC may be sold to a separate company. One LLC may be built while the other LLC is mothballed. One project may be decommissioned while the other remains operational.

I request that the draft solar law be revised to require each individual energy project LLC to be reviewed with its own documents including, but not limited to, separate public hearing notices, separate FEAF, separate site plans, and separate SWPPP.

Thank you for your time and consideration.

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

CC: Jeffery Schmitt, Chair Duanesburg Planning Board
Nelson Gage, Chair Duanesburg Zoning Board
Jennifer Howe, Clerk Town of Duanesburg

Jennifer Howe

From: lynne bruning <lynnebruning@gmail.com>
Sent: Thursday, January 26, 2023 4:46 PM
To: Jennifer Howe
Cc: Bill Wenzel; Nelson Gage; Jeffery Schmitt; Susan Biggs; Ricky Potter; Andrew Lucks; Dianne Grant; Michael Santulli
Subject: Public Hearing Comment: Solar Law: Document Tracking Number

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January 26, 2023

Re: Public Hearing Solar Facilities Law - document tracking number

Dear William Wenzel and the town board,

Please include my comments in the town board official minutes as posted on the town website.

Please provide a document tracking number and version and include it on all pages of the draft solar law.

The draft 2023 Solar Facilities Law does not have a document tracking number provided by Whiteman, Osterman and Hanna that is typically found in the lower left hand corner of all document pages.

Omission of the tracking number and version may deprive the town and taxpayers of full knowledge of who drafted the law and what version of law is provided. Not showing a tracking number may permit pages to be changed at a later date.

Failing to provide a document tracking may allow impropriety.

I request that the draft law provide a tracking number which will allow the town to be accountable and transparent. Any loophole that may give the appearance of impropriety or provide the opportunity for impropriety should be closed prior to the board vote.

Thank you for your time and consideration.

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

Enc:

CC: Jeffery Schmitt, Chair Duanesburg Planning Board
Nelson Gage, Chair Duanesburg Zoning Board
Jennifer Howe, Clerk Town of Duanesburg

Jennifer Howe

From: lynne bruning <lynnebruning@gmail.com>
Sent: Thursday, January 26, 2023 5:02 PM
To: Jennifer Howe
Cc: Bill Wenzel; Nelson Gage; Jeffery Schmitt; Susan Biggs; Ricky Potter; Andrew Lucks; Dianne Grant; Michael Santulli
Subject: Public Hearing Comment: Solar Law: Application Documents provided online

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 26, 2023

Re: Public Hearing Solar Facilities Law - require Application to be posted online

Dear William Wenzel,

Please include my comments in the town board official minutes as posted on the town website.

Please require the Applicant to provide a public online sharefile or drop box where all application documents are uploaded and accessible by the town board, planning board, zoning board and taxpayers.

The citizens should not be burdened by fees to obtain application documents through Freedom of Information requests.

The town clerks should not be burdened by multiple Freedom of Information requests from the taxpayers.

All concerned parties should be provided with timely documents that they may choose to print at their discretion.

A common source for documents may reduce the opportunity for impropriety and tampering with application documents.

An online share file or dropbox affords the town transparency and accountability. It may allow community support of complex energy facilities.

Please revise the draft law and require the Applicant to provide a public online sharefile or drop box for all application documents.

Thank you for your time and consideration.

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

Enc:

CC: William Wenzel, Supervisor Town of Duaneburg
Jeffery Schmitt, Chair Duaneburg Planning Board
Nelson Gage, Chair Duaneburg Zoning Board
Jennifer Howe, Clerk Town of Duaneburg

Jennifer Howe

From: lynne bruning <lynnebruning@gmail.com>
Sent: Thursday, January 26, 2023 5:15 PM
To: Jennifer Howe
Cc: Bill Wenzel; Jeffery Schmitt; Nelson Gage; Susan Biggs; Ricky Potter; Andrew Lucks; Dianne Grant; Michael Santulli
Subject: Public Hearing Comment: Solar Law: Density of energy facilities limited to one facility every two mile radius.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 26, 2023

Re: Public Hearing Solar Facilities Law - limit energy facilities to one project within a two mile radius

Dear William Wenzel,

Please include my comments in the town board official minutes as posted on the town website.

Please revise the draft 2023 solar law to limit the number of energy facilities, including but not limited to solar, wind, battery, hydro, nuclear and fossil fuel, to only one energy facility within a two mile radius.

The Town of Duanesburg's Comprehensive Plan adopted April 22, 2021 repeatedly states that the citizens want to preserve the rural character of the town. This desire is emphasized in the mission statement found on page two which states:

"The Town of Duanesburg is a proud community of strong heritage and rural character. We encourage the preservation of our attractive and cultural landscape. We provide economically vibrant commercial and retail zones, and a variety of quality housing, cultural and recreational options. We are committed to sustaining our valuable economic and natural resources, particularly agricultural land use, open spaces, natural habitats, and fresh watersheds. We support thoughtful growth and development that enable affordable taxes, enhances the character of commercial and residential zones, improves our schools, and provides local business and employment opportunities."

The Town of Duanesburg is more than 70 square miles. There are two major state routes criss-crossing the town: Route 20 and Route 7. Both roadways have adequate transmission lines for interconnection. There are high power electrical lines running through the town that also provide multiple points of interconnection. There are enough acres with required transmission lines to space energy projects throughout the town. Limiting one energy project to a two mile radius would not be a burden upon the energy companies.

Allowing energy projects to concentrate and crowd out residential and agricultural lands will permanently impact the development and growth around the energy facilities.

At a town meeting the residents were asked, who wants to live next to a power plant? No one raised their hand. Other industrial and commercial ventures may find the location usable. Industrial use gives rise to more industrial use. This does not support the town's Comprehensive Plan.

Over time a concentration of energy projects may result in residential areas morphing into commercial and industrial areas. This may require zoning changes shifting the town into more industrial and commercial uses. This may change the town's tax base and desirability for family investment.

We request that the town board preserve rural character as promised in the town's Comprehensive Plan. Please support the taxpayers' desire to live and raise their families in a rural agricultural area.

Please revise the draft 2023 solar law to limit the number of energy facilities, including but not limited to solar, wind, battery, hydro, nuclear and fossil fuel, to only one energy facility within a two mile radius.

Thank you for your time and consideration.

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

CC: Jeffery Schmitt, Chair Duanesburg Planning Board
Nelson Gage, Chair Duanesburg Zoning Board
Jennifer Howe, Clerk Town of Duanesburg

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

January 26, 2023

Re: Public Hearing Solar Facilities Law - Require conflict of interest to be disclosed

Dear William Wenzel,

Please include my comments in the town board official minutes as posted on the town website.

Request that the draft 2023 Solar Facilities Law is revised to include a section on conflict of interest.

At the time of application and at the time of board votes the board members, code enforcement officer, board attorney, hired engineer and other involved parties must disclose the energy companies that they work for, lobby for or are involved with in relation to the project under review. This information should be provided in the minutes. The board as a group should publicly discuss if there is an appearance or evidence of a conflict of interest. If a conflict of interest is found then that person must recuse themselves from the project review and vote.

Our town board, planning board and zoning board must act without bias. The boards' behavior must be beyond reproach. The boards' morals, ethics and actions should set a high standard for the town. Failure to uphold ethics erodes citizen trust.

We request that this is added to the 2023 Solar Facilities Law for two reasons:

1. In September 2021 then Supervisor, Roger Tidball, informed me that Planning Board member Michael Harris is married to Doreen Harris, the current President and CEO of NYSERDA. During his time on the planning board Mr. Harris reviewed and approved multiple solar facilities

including Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC. Additional solar facilities from GE Renewables and Mariaville Solar were also reviewed. The Planning Board meeting minutes record Mr. Harris' actions on these energy applications. The meeting minutes do not disclose his personal relationship with NYSERDA. It is important to note that NYSERDA provided more than \$7,000,000 in funding to Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC.

2. Between 2018 and 2023 the Town Board, Planning Board and Zoning Board attorney, Teresa Bakner reviewed and advised the town on Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC special use permit, site plan approval, subdivision approval, visual maintenance agreement, decommissioning agreement and PILOT. The NYS Commission on Ethics and Lobbying in the Government database shows that during 2019 and 2020 she was the lobbyist for contractual client AES Distributed Energy Inc..

As an attorney and lobbyist Ms. Bakner may have additional energy companies as clients. These clients may have approached the town on business. Ms. Bakner may have AES as a client for additional years. Unless Ms. Bakner discloses a client list on the record the town is deprived of the opportunity to determine if there is a conflict of interest. Town board, planning board, and zoning board meeting minutes do not appear to reflect any record of Ms. Bakner working as an energy lobbyist.

Additionally, in her role as planning board attorney, the minutes reflect that Ms. Bakner did not advise planning board members to disclose possible conflicts of interest.

It is possible that Ms. Bakner was aware of Mr. Harris' relationship to NYSERDA. Duanesburg is a small town. Both of them have been residents of Duanesburg for many many years. Both have served on the planning board since 2017. The Supervisor was aware of Mr. Harris' relationship to NYSERDA. It is possible that the attorney and other board members also held this knowledge. Review of planning board minutes does not reflect that Ms. Bakner raised the question of conflict of interest or requested Mr. Harris to recuse himself from the review of energy facilities.

These examples are reasons why the Solar Facilities Law must include a section requiring town employees, board members, and contractors to disclose any relationship with the energy project under review.

If educated professionals acting on behalf of the town will not regulate their behavior then the law must require that they do.

The town should not act in any manner that erodes the taxpayers trust.

Please revise the draft 2023 Solar Facilities Law to include a section on conflict of interest. Require all involved parties to publicly disclose their relationships to energy companies that have

business with the town and if such relationships are found to be a conflict of interest the person in question should be recused.

Thank you for your time and consideration.

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

Enc: NYS Commission on Ethics and Lobbying in Government print out for Terresa Bakner as lobbyist for contractual client AES Distributed Energy Inc.
Doreen Harris employment history with NYSERDA

CC: Jeffery Schmitt, Chair Duanesburg Planning Board
Nelson Gage, Chair Duanesburg Zoning Board
Jennifer Howe, Clerk Town of Duanesburg

2023 01 10 Data Set Source Data NYGOV "Salary Information for State Authorities" https://data.ny.gov/Transparency/Salary-Information-for-State-Authorities/ung-2p27

Authority Name	Fiscal Year End Date	Max Employment	Last Name	Middle Initial	First Name	Title	Group	Department	Pay Type	Exempt Indicator	Base Annualized Salary	Actual Salary Paid	Overtime Paid	Performance Bonus	Extra Pay	Other Compensation	Total Compensation	Paid By Authority	
New York State Energy Research and Development Authority	03/31/2014		Horns		Donnen	Assoc Project Manager	Professional	R&D - Energy Mktg & Policy Dev.	FT	Y	67,790.00	71,528.00	0.00	0.00	0.00	0.00	200.00	72,028.00	N
New York State Energy Research and Development Authority	03/31/2015		Horns		Donnen	Sr Project Manager	Professional	Grid-Tied Renewables	FT	Y	90,790.00	88,869.00	0.00	0.00	0.00	0.00	400.00	89,269.00	N
New York State Energy Research and Development Authority	03/31/2016		Horns		Donnen	Program Manager	Managerial	Large-Scale Renewables	FT	Y	111,270.00	109,163.00	0.00	0.00	0.00	0.00	300.00	109,463.00	N
New York State Energy Research and Development Authority	03/31/2017		Horns		Donnen	Director	Managerial	Large-Scale Renewables	FT	Y	120,311.88	120,103.30	0.00	0.00	0.00	0.00	300.00	120,403.30	N
New York State Energy Research and Development Authority	03/31/2018		Horns		Donnen	Director	Managerial	Large-Scale Renewables	FT	Y	148,099.99	146,606.51	0.00	0.00	0.00	0.00	300.00	146,906.51	N
New York State Energy Research and Development Authority	03/31/2019		Horns		Donnen	Director	Managerial	Large-Scale Renewables	FT	Y	162,256.38	161,795.00	0.00	0.00	0.00	0.00	600.00	162,395.00	N
New York State Energy Research and Development Authority	03/31/2020		Horns		Donnen	Vice President	Executive	Large-Scale Renewables	FT	Y	173,380.98	172,000.02	0.00	4,980.00	0.00	0.00	73.00	177,120.02	N
New York State Energy Research and Development Authority	03/31/2021		Horns		Donnen	President and CEO	Executive	Office of the President & CEO	FT	Y	173,389.98	180,069.21	0.00	0.00	0.00	0.00	78.02	180,147.23	N



Global Search Search by Disclosure Type Search by Lobbying Focus

Lobbyist Client Public Corporation Coalition ALL

AES Distributed Energy

Year: ALL Level of Government: ALL View Results

Note: Search queries and lobbying reports are based on information as submitted to the Commission by lobbyists and clients as part of their required filings.



Show 25 entries

YEAR	PRINCIPAL LOBBYIST	INDIVIDUAL LOBBYIST(S)	CO - LOBBYIST(S)/SUB - LOBBYIST(S)	CONTRACTUAL CLIENT	BENEFICIAL CLIENT	ASSOCIATED FILINGS
2019 - 2020	WHITEMAN OSTERMAN & HANNA LLP ONE COMMERCE PLAZA 19TH FLOOR ALBANY, NY 12260	TERRESA BAKNER		AES DISTRIBUTED ENERGY, INC. 282 CENTUR PL SUITE 2000 LOUISVILLE, CO 80027	AES DISTRIBUTED ENERGY, INC. 282 CENTUR PL SUITE 2000 LOUISVILLE, CO 80027	VIEW

