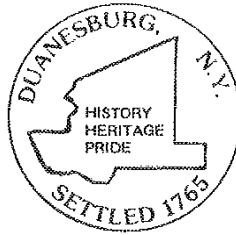


**Roger Tidball**, Town Supervisor  
**Jennifer Howe**, Town Clerk  
**Brandy Fall**, Deputy Town Clerk  
**William Reed**, Highway Superintendent



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

**Thursday March 25, 2021**  
**Regular Town Board Meeting**  
**Meeting Time: 7:00PM**

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

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

**Pledge of Allegiance**

**Supervisor Tidball:** Tonight, is Thursday March 25, 2021 regular town board meeting. We are just going to start off with the continuation of the Public Hearing that we have had going the last two board meetings and what we'll be doing is I'm going to open the meeting and then do another continuation for the next board meeting. So, that is basically what we are going to do.

**Supervisor Tidball:** I make the motion to open the public hearing.

**Council Member Wenzel:** Second.

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

**Deputy Town Clerk Fall:** Supervisor Tidball

**Supervisor Tidball:** Aye

**Deputy Town Clerk Fall:** Council Member Wenzel

**Deputy Town Clerk Fall:** Council Member Potter

**Council Member Potter:** Aye

**Deputy Town Clerk Fall:** Council Member Senecal

**Council Member Senecal:** Aye

**Supervisor Tidball:** Is there anyone that is on Zoom right now, that has any comments about the Public Hearing on the Mariaville Volunteer Fire Department Contract? We are still working with lawyers from the fire department just to finalize the contract, that is why there is a continuation. If you can't get on now, you know we always have the public speaking time at the end of the board meeting too. Nothing Brandy? Ok, I'll make the motion to do a continuation of the Public Hearing until the next Town Board meeting.

**Council Member Senecal:** Second.

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

**Deputy Town Clerk Fall:** Supervisor Tidball

**Supervisor Tidball:** Aye

**Deputy Town Clerk Fall:** Council Member Senecal

**Council Member Senecal:** Aye

**Deputy Town Clerk Fall:** Council Member Potter

**Council Member Potter:** Aye

**Deputy Town Clerk Fall:** Council Member Wenzel

**Council Member Wenzel:** Aye

**Supervisor Tidball:** Alright. Approval of minutes please.

**Council Member Potter:** I make a motion for approval of minutes for the Town Board meeting on Thursday March 11<sup>th</sup>, 2021.

**Council Member Senecal:** Second.

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

**Deputy Town Clerk Fall:** Council Member Potter

**Council Member Potter:** Abstain

**Deputy Town Clerk Fall:** Council Member Senecal

**Council Member Senecal:** Aye

**Deputy Town Clerk Fall:** Council Member Wenzel

**Council Member Wenzel:** Aye

**Deputy Town Clerk Fall:** Supervisor Tidball

**Supervisor Tidball:** Aye

**Resolution 59-21:** Council Member Potter motioned, seconded by Council Member Senecal to approve the Town Board Meeting minutes of Thursday March 11, 2021.  
Motion carried, 4 ayes.

**Supervisor Tidball:** Payment of Claims please.

**Council Member Potter:** Vouchers to be paid Town of Duanesburg Vouchers per Fund. General Fund - \$80,855.21, Highway fund- \$12,973.07, SD#1- \$2,656.42, SD#2 - \$2,043.65, SD#3 - \$743.32. Total vouchers to be paid - \$99,271.67.

**Council Member Senecal:** Second.

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

**Deputy Town Clerk Fall:** Council Member Potter

**Council Member Potter:** Aye

**Deputy Town Clerk Fall:** Council Member Senecal

**Council Member Senecal:** Aye

**Deputy Town Clerk Fall:** Council Member Wenzel

**Council Member Wenzel:** Aye

**Deputy Town Clerk Fall:** Supervisor Tidball

**Supervisor Tidball:** Aye

**Resolution 60-21:** Council Member Potter motioned, seconded by Council Member Senecal to pay the following claims:

Motion carried, 4 ayes.

## **Vouchers to be Paid March 25, 2021**

<b>General Fund:</b>	<b>\$80,855.21</b>
----------------------	--------------------

<b>Highway Fund:</b>	<b>\$12,973.07</b>
----------------------	--------------------

<b>SD#1 Fund:</b>	<b>\$2,656.42</b>
-------------------	-------------------

**SD#2 Fund:** \$2,043.65

**SD#3 Fund:** \$743.32

---

**Total To Be Paid:** \$99,271.67

**Supervisor Tidball:** Committee reports. Mr. Reed, start off with Highway.

**Highway:**

**Highway Superintendent Reed:** Early last week, we started our annual litter pick up and we will be done with that in another couple of days. Then we'll start to sweep the roads, that takes a couple of weeks so then we'll be busy with that. If the weather holds, we'll start doing some ditching, cutting shoulders and stuff. That's about it.

**Supervisor Tidball:** Any comments or questions for Bill? Anything to add to Highway? Alright, thanks Bill. Public Safety.

**Public Safety:**

**Council Member Wenzel:** Nothing for me.

**Supervisor Tidball:** Nothings really going on, no new meetings in the last few weeks. We just finished up the contracts like we talked about a bit earlier. How about Park Committee?

**Park Committee:**

**Council Member Wenzel:** Nothing new, we will have a meeting the first week in April, the week after next.

**Sewer Districts:**

**Supervisor Tidball:** Ok. Sewer Districts, anything Jeff?

**Council member Senecal:** Nothing new to report.

**Supervisor Tidball:** Record meeting. I did sit with Dale the other day for a little bit, he said nothing but the normal stuff going on. Nothing major. Mr. Ganther isn't with us tonight and nothing really new to report for IT.

**IT:**

**Supervisor Tidball:** There is nothing really new to report for IT other than they are starting, the broadband outlook, they are starting to, one thing we've talked about is there is a huge project that Spectrum is working on with us. About 150 homes we guesstimate, they won't give us the official number, it's some big dark secret. But they are starting to, I've been hearing from neighbors or not neighbors, residents on those roads and they have started some work on Youngs Road, Maranatha Way, Gage Road, over on that side. So it's great news to hear more and more that they are in the desolate areas of town. So when that project is done, this town is going to be in really great shape for broadband access.

**Council Member Senecal:** I happen to notice some more machinery being staged on different side roads over there.

**Supervisor Tidball:** Yeah like I said, they should be taking the whole lower left hand, western, southwestern side of Duaneburg is where the major project is going, starting by I believe the area of the library and going that way.

**Council Member Senecal:** Yeah you can see a bunch of spools being laid out and stuff like that.

**Supervisor Tidball:** Yeah it's really awesome. Any other new stuff? Even though it doesn't sound like it, we have a lot going on but there's not really any new stuff just continuation of other things we've been working on. The only thing I really have is kind of a matter of a personal note. Somebody who we greatly admire, I know this town couldn't do without. In the past whether it's in the school district is Mr McGarry, the town board and almost everybody in this town wishes you a speedy recovery. He is actually in Israel, getting treatment right now for

cancer. If you're friends with him or know anyone who is friends with him, he has a link to a website or to a Facebook page, I believe called Israel where him and his family are giving constant updates with everything that's going on with his treatment over there. It sounds very positive, I know just the other day he got out of quarantine, I think today, I don't know what time it is over there but I think today was his first round of treatments. Brian has been a good friend of this town, like I said he taught in our school district, taught my children, some of our children here, he sits on the County legislature and does anything he can for us. He needs to get back to work though, as simple as that, back on the County legislature and keep us going. Our heartfelt thoughts go out to you Brian. Other than that, I have nothing else new. So if you guys don't have anything new, we'll just go into the business meeting.

### **Business Meeting:**

**Council Member Potter:** Make the motion to accept the introduction of Local Law 1 of the year 2021 Amending the Solar Energy Facilities Law of the year 2021 and directing that it be referred to the Town Planning and Zoning Boards for their review and to the County Planning Board as required by the NYS General Municipal Law.

**Council Member Senecal:** Second.

**Supervisor Tidball:** Discussion on this. This is something we've been working on for the last several months actually the last year or so, long before covid, probably going on a year and a half to two years now. To give an update, we had a lot of good things planned, we wanted to do a lot of public meetings and get a lot more public input. We did do some zoom only meetings for just that subject and we did get some input from residents. The town board, we sat here openly and looked over the law and gave our comments, so this is the revised edition by the town board. Teresa could you go over the next steps.

**Town Attorney Teresa Bakner:** Sure. So it will be referred to the Town Planning Board and Zoning board of Appeals for their comments. It will also go to Schenectady County Planning Board for their comments as required by the general municipal law. I drafted this to be a repeal and replace because I think it's easier than trying to figure out what was changed and not changed in you know other years. It's easier just to include it as a whole thing. Just know that so no one gets concerned that it should be local law 1 of 2021 each time it's referred to so just ignore the A, I couldn't remember if we had adopted another local law. So, some of the changes that we made are we added some definitions, the definition of tree clear cutting, E, any cutting of trees over 6 inches in diameter at breast height where the average residual basal area of trees over 6 inches in diameter at breast height remaining after such cutting is less than 30 square feet per acre. So, this definition of clear tree cutting is taken from the DEC regulations just so everyone knows we didn't make it up that's where we took it from. We also added in the

limitation on the height of the solar panels, that is under G, it used to be 20 feet now it's 15 feet which is what the board wanted to see it reduced. We've also put in here a minimum 100 foot buffer consisting of natural and undisturbed vegetation shall be provided all around and we also wanted to make it clear because this was an issue at the Oak Hill, that the screening vegetation has to be on the solar facilities property within 100 foot buffer, so from a visual standpoint the idea is to make sure that no matter what happens on the other property the screen will still be there and will still be in place. Let's see we put in a lot of things about abandonment. We changed it so that if they don't use electricity for a period of six consecutive months, they have to notify you. We give them another 12 months to get the system back up and running before it's taken down. There is a requirement now that is very clear about what's to be in the decommissioning plan and there has to be a decommissioning agreement with the town board. There's also a requirement to have financial security posted that clearly says salvage value does not comp and it provides for a 2% annual increase for the life of the facility. So, those are the highlights of the changes. So we're going to have a public hearing that's going to be at the let's see alright well something we could do tonight which I don't have a resolution for is we could call for the public hearing usually I recommend that you get your comments from the planning board and the ZBA before you do that but that's up to you guys.

**Supervisor Tidball:** I think we should, we definitely need their comments.

**Council Member Wenzel:** Terresa, I have a comment on this as well. Page 5, paragraph A, the escalator of 2%, I really feel strongly that needs to be tied to the CPI because if we get into a crazy inflation cycle there's a vulnerable there.

**Town Attorney Terresa Bakner:** OK, I can, that is easily added, no problem. It will be better if we get everybody's comments, then we can put it back in and then we set a public hearing at least that way, you'll have your changes made in the planning board and zoning.

**Supervisor Tidball:** So, what we need to do, so this draft will go to the zoning and planning board, present it to them, will give them a certain amount of time and when we get their comments back we'll schedule the public hearing.

**Town Attorney Terresa Bakner:** They usually get back to you after one meeting, they are both very good.

**Supervisor Tidball:** Ok, yeah. Then when we get the comments back we'll schedule the public hearing.

**Town Attorney Terresa Bakner:** The other thing that I just wanted to point out, sorry, is that we lifted the clearing limits on the access road only and that was a request of the ZBA and Planning Boards that had been made before because we wanted to get to the backside of the hill through the trees in order to put the panels in place where they're not visible.

**Supervisor Tidball:** Yep. Ok. Thank you. So any other discussion? Brandy call the roll please.



**Deputy Town Clerk Fall:** Council Member Potter

**Council Member Potter:** Aye

**Deputy Town Clerk Fall:** Council Member Senecal

**Council Member Senecal:** Aye

**Deputy Town Clerk Fall:** Council Member Wenzel

**Council Member Wenzel:** Aye

**Deputy Town Clerk Fall:** Supervisor Tidball

**Supervisor Tidball:** Aye

**Resolution 61-21:** Council Member Potter motioned, seconded by Council Member Senecal to accept the introduction of Local Law 1 of the year 2021 Amending the Solar Energy Facilities Law of the year 2021 and directing that it be referred to the Town Planning and Zoning Boards for their review and to the County Planning Board as required by the NYS General Municipal Law.

Motion carried, 4 ayes.

**Council Member Potter:** Make a motion to approve a resolution allowing the posting of a bond in the amount of \$35,000 in lieu of the cash escrow account for the completion of a town roadway known as Woodstone Circle.

**Council Member Senecal:** Second

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

**Deputy Town Clerk Fall:** Council Member Potter

**Council Member Potter:** Aye

**Deputy Town Clerk Fall:** Council Member Senecal

**Council Member Senecal:** Aye

**Deputy Town Clerk Fall:** Council Member Wenzel

**Council Member Wenzel:** Aye

**Deputy Town Clerk Fall:** Supervisor Tidball

**Supervisor Tidball:** Aye

**Resolution 62-21:** Council Member Potter motioned, seconded by Council Member Senecal to approve a resolution allowing the posting of a bond in the amount of \$35,000 in lieu of the cash escrow account for the completion of a town roadway known as Woodstone Circle.

Motion carried, 4 ayes.

**Supervisor Tidball:** Alright. No further business meeting stuff, nothing we forgot? Alright then we will go to the privilege of the floor. Anybody that's on Zoom, I know some of you here are frequent flyers wish to speak, make comments, please make a comment so Brandy knows, recognizes and then we'll open it up.

**Theresa Zubretsky of Capital District Tobacco Free Communities:** Hello, I'm Theresa Zubretsky and I work with Capital District Tobacco Free Communities. We serve Albany, Rennsalaer and Schenectady counties. We are a program of Saint Peters health partners funded by the New York State Department of Health. I sent an email a week ago introducing myself to Mr. Wenzel but thought I would drop into sort of introduce myself and what we do and to just share some information for your consideration. So, what we're, what our charge if you will from the state is to reduce the youth smoking rate, to create environments that make it easier for adults who want to quit, to be able to quit smoking and also to protect people from exposure to secondhand smoke. One of the initiatives that we work on is working with local municipalities assisting them in making not only their parks and green spaces, recreation areas, beaches tobacco free but often their town property as well. And to my knowledge, Van Patten Mills and Shafer Parks are not yet tobacco free, it might be something that the board would want to consider. It's really become sort of an expectation of Capital Region residents, we've got some 22 municipalities, I think that have taken this step. In fact, a handful of years ago, I worked with Duanesburg Little League and they made their entire property tobacco free. Part of what makes now sort of a good time from our perspective, it's always a good time. It's good for the environment, it's good for the community, we do a community survey every couple of years of Capital Region residents, through Siena Research Institute and the majority of people in the Capital Region want green spaces and parks to be smoke, vape and tobacco free. Upwards of more than two – thirds actually of all Capital Region residents. So it provides a welcoming, healthier, more enjoyable space for people who utilize the parks but I think also the time, also

is riper than ever from the perspective that COVID has given us yet another interest in protecting and safeguarding people's lung health and so the idea of making public areas tobacco, vape and smoke free is something that also promotes lung health and you know, may in fact reduce peoples exposure to COVID as well. Right now, we just, as many of you probably know, money wasn't flowing from New York State because of COVID but our funds have sort of just been released from now until the end of June. So, we're also in a position to be able to provide, at no charge, signage which is sort of positive for the health of the community, to municipalities. We can offer that signage at no cost to you as a way to communicate that message and encourage compliance with that sort of social norm. So, I really just wanted to stop by and let you know that the help and the tangible signage is available through our agency if you are interested in taking advantage of that. I'm certainly available to answer any questions to share other municipal policies and sample policies and things like that for your consideration if that is the direction that you want to go but I really just wanted to touch base and make that offer.

**Supervisor Tidball:** Ok, thank you very much for your time.

**Council Member Potter:** Thank you.

**Theresa Zubretsky:** Thank you very much for allowing me the opportunity to speak to you all tonight.

**Supervisor Tidball:** I think maybe we will plan for our next board meeting is to have an open discussion about it as a board.

**Theresa Zubretsky:** That is great, thank you.

**Supervisor Tidball:** Thank you. Anybody else on Zoom wish to speak?

**Lynne Bruning:** Hi, it's Lynne.

**Supervisor Tidball:** How you doing Lynne?

**Lynne Bruning:** Groovy, thanks. Please include my statement as read into the minutes in the official record of the meeting minutes as well as posted on the town website. Lynne Bruning, 13388 Duanesburg Road. I'd like to thank you for the town's response to my March 18<sup>th</sup>, 2021 Freedom of Information request and relieved to know that my statement was read into the minutes of the planning board meeting on the following dates were included in the town's

record even though they were omitted from the planning board minutes as posted on the town website. The second half of my Freedom of Information request, the October 2019 planning board minutes, any documents from the Oak Hill solar and any communication with solar, wind or battery energy resources submitted to the town after February 8<sup>th</sup>, 2021 was not answered. I would also like to thank the planning board for posting the March 18<sup>th</sup>, 2021 minutes including citizen's comments on the town website. For your information there are two files for the March 18<sup>th</sup>, 2021 draft minutes, it's posted twice, each has a different file name. Is there a difference between the two documents? And then January 2020, I obtained Eden Renewables application documents to the New York State Energy Research and Development Authority through the Freedom of Information. Included in the documents are two New York incentive PDF files dated September 27<sup>th</sup>, 2019 these documents reflect that Eden specified 22,708 Vikram Solar Eldora 330 Watt panels to be used at Oak Hill solar 1. Similar information is provided for Oak Hill 2. November 13<sup>th</sup>, 2019 NYSEDA emailed Eden that they're allowed to change their equipment. Eden's application to the town omitted the equipment specifications sheet. According to Vikram Solar's website they provide quote "anti-soil solar panels", end quote. According to the industry report, this is a chemical coating that is used on, that uses PFA's that everyone is so concerned about and similar to Teflon. I provide you with two research studies both of which indicate within a couple of weeks when they began testing these surfaces there is a significant change in surface coating including solvent release, fluoride loss, moss growth and thinning of the coating. Over the lifetime of the project, the chemicals will enter the soil beneath the panels and eventually end up in our waters when the panels are disposed of, the PFA'S may leak into the soil or maybe the panel disposal is going to be so heavily controlled that disposal is more costly than anticipated. The EPA has shown that these chemicals are used in the manufacturing process of solar panels. I have that report and the EPA also reports PFA's are hazardous to animal and human life increasing cholesterol, birth defects and immune system and thyroid issues. August 26, 2020 the New York State Department of Health adopted new standards for public drinking water that set a maximum 10 parts PFAS petroleum. According to Eden's application documents included but not limited to the full environmental assessment forms submitted to the planning board the site is poorly trained on a 5 to 10% downward slope the site drains into the northeast corner and into the abutting properties owned by Rawlings and Biggs. At the September 19<sup>th</sup>, 2019 planning board meeting a board member said that he believed the storm water would be a problem for this project site. The planning board did not conduct a site visit to the projects 65 acres. Eden stormwater pollution prevention plan as obtained from the town reflects the project site and GPS coordinates of approximately one mile to the West and possibly in a different watershed. I submitted a Freedom of Information request to DEC for any and all Oak Hill documents including a notice of intent. March 23<sup>rd</sup>, 2021 the DEC replied they had no responsive documents. The DEC has not received a notice of intent for Oak Hill solar. As of the last town board meeting, Eden had not applied to the town for a

building permit. I've noticed that several solar panel manufacturers in newly constructed solar facilities are advertising that they have PFA free panels. Developers know that these anti-soil solar panels are an issue and some are responding to the EPA and public concerns. Without specification sheets, it is unknown if Eden's equipment will use fire suppression foam containing PFA's for electrical fires that may occur on site. I request that before issuing Oak Hill solar a building permit that the town obtain assurances that the project will only use PFA free solar panels, and that Eden submit specification sheets for all equipment. The town should protect the abutting properties, well water and downstream water sources during the projects' lifetime and at decommissioning. Thank you for your time and consideration.

**Supervisor Tidball:** Thank you Lynne. Is anyone else left on Zoom that wish to speak.

**Deputy Town Clerk Fall:** The only other person still on is Bill Brown.

**Supervisor Tidball:** Bill Brown, I forgot, oh my gosh. Mr. Brown, I deeply apologize that when we were in the sewer discussion that I didn't ask you. John wasn't here to remind me, so we are going to blame Mr. Ganther.

**Bill Brown of Delaware Engineering:** Sure, sure. Just a couple quick things guys. At the Delanson project, we had a kickoff meeting yesterday with Dale and Andrew and the contractors. So, that's proceeding, we will probably be in full scale construction around May 1. Right now. We are ordering materials and going through all our paperwork stuff, so that is proceeding. The Mariaville project, we met with Andrew yesterday to look at laying out the new equipment there. So, we're finalizing the plans and specs to go to DEC and those are going to go in next month and they're do in May. And I know the town is moving forward with the financing for that, the BAN with your local bank. That's all I got.

**Supervisor Tidball:** Thank you sir and again, it's John's fault we forgot about you. We will blame him.

**Bill Brown:** It's John, ok good deal. Thanks folks, have a good night.

**Supervisor Tidball:** Alright, we are going to close the privilege of the floor and I'll make the motion to adjourn the meeting.

**Council Member Senecal:** Second

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

**Deputy Town Clerk Fall:** Supervisor Tidball

**Supervisor Tidball:** Aye

**Deputy Town Clerk Fall:** Council Member Senecal

**Council Member Senecal:** Aye

**Deputy Town Clerk Fall:** Council Member Potter

**Council Member Potter:** Aye

**Deputy Town Clerk Fall:** Council Member Wenzel

**Council Member Wenzel:** Aye

**Supervisor Tidball:** Alright folks, thank you.

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 March 25, 2021 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.