

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



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

**Thursday May 11, 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, Lucks and Santulli, Deputy Town Clerk Brandy Fall, Town Attorney Terresa Bakner

**Absent:** none

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

**Resolution 67-23:** Council Member Lucks motioned, seconded by Council Member Santulli to approve the Town Board Meeting minutes of Thursday, April 27, 2023.  
Motion carried, 5 ayes

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

**Supervisor, William Wenzel stated that he will have the Supervisor's Report for April 2023 at the next meeting.**

**Resolution 68-23:** Council Member Potter motioned, seconded by Council Member Grant to pay the attached Payment of Claims (Please see attached).  
Motion carried, 5 ayes

**Highway:** Highway Superintendent Reed was absent. Council Member Potter stated that there was nothing new to report.

**Public Safety:** Supervisor Wenzel stated that there was a chief meeting last night. There are new mandates on equipment and the county has provided grant money to help with the costs. He also wanted to remind everyone that there is a statewide burn ban through May 15<sup>th</sup> but that there is a townwide burn ban through May 31<sup>st</sup>.

**Parks:** Supervisor Wenzel stated that the Park members are to be getting together their top priorities of things they would like seen fixed/replaced, etc. at the parks. A top topic is new tennis court nets and fixing up the tennis courts. He also stated that at the next meeting they should have the youth program employees.

**Sewer District #1, 2 & 3:** Council Member Lucks reported that the UV treatment in Mariaville is completed. Bill Brown of Delaware Engineering gave his report on work being done or completed at the plants. He stated that the new unit was installed, the final payment to Rozell is on for tonight in the business meeting. The grant is running out so they are not able to do any extra work, but it did take care of the actual project. He also stated that there is a punch list of items that still need some buttoning up. They will be closing out the Delanson project this month. That project came in substantially under budget.

**Technology:** Council Member Santulli reported that there was a Broadband Meeting last week. It was basically just updates. They are looking to get contract language from Charter. They are in the home stretch but haven't quite crossed the finish line just yet.

#### **Business Meeting:**

**Resolution 69-23:** Council Member Potter motioned, seconded by Council Member Grant to approve Professional Services Invoice No. 3 in the amount of \$31,250.00 from Rozell East, Inc.

Motion carried, 5 ayes

**Resolution 70-23:** Council Member Grant motioned, seconded by Council Member Potter to accept the audit done by town board member Andrew Lucks for the courts 2022 records.

Motion carried, 5 ayes

**Privilege of the Floor:**

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

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

Council Member Potter motioned, seconded by Council Member Grant to adjourn. 7:28 pm

I, Brandy Fall, Deputy Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday May 11, 2023.

| Account#  | Account Description     | Fee Description                  | Qty               | Local Share       |
|---|-------------------------|----------------------------------|-------------------|-------------------|
|   | Building Permit Renewal | Building Permit Renewal          | 3                 | 1,218.00          |
|   | Marriage License Fee    | Marriage License Fee             | 1                 | 17.50             |
|   | Operating Permit        | Operating Permit                 | 1                 | 30.00             |
|   | Planning & Zoning Fees  | Planning & Zoning Fees           | 1                 | 100.00            |
|   | septic repair           | septic repair                    | 2                 | 100.00            |
|   |                         | <b>Sub-Total:</b>                |                   | <b>\$1,465.50</b> |
| 2110  | Variance Application    | Variance Application             | 2                 | 200.00            |
|   |                         | <b>Sub-Total:</b>                |                   | <b>\$200.00</b>   |
| A1255   | Conservation            | Conservation                     | 3                 | 4.14              |
|   |                         | <b>Sub-Total:</b>                |                   | <b>\$4.14</b>     |
| A2544   | AFTER 30 DAYS           | AFTER 30 DAYS                    | 9                 | 45.00             |
|   | Dog Licensing           | Exempt Dogs                      | 1                 | 0.00              |
|   |                         | Female, Spayed                   | 20                | 280.00            |
|   |                         | Female, Unspayed                 | 2                 | 44.00             |
|   |                         | Male, Neutered                   | 19                | 266.00            |
|   |                         | Male, Unneutered                 | 3                 | 66.00             |
|   |                         | <b>Sub-Total:</b>                |                   | <b>\$701.00</b>   |
| B2555   | Building Permits        | Building Permits                 | 11                | 4,320.00          |
|   |                         | <b>Sub-Total:</b>                |                   | <b>\$4,320.00</b> |
| <b>Total Local Shares Remitted:</b>                       |                         |                                  |                   | <b>\$6,690.64</b> |
| Amount paid to: NYS Ag. & Markets for spay/neuter program |                         |                                  |                   | 54.00             |
| Amount paid to: NYS Environmental Conservation            |                         |                                  |                   | 70.86             |
| Amount paid to: State Health Dept. For Marriage Licenses  |                         |                                  |                   | 22.50             |
| <b>Total State, County &amp; Local Revenues:</b>          |                         |                                  | <b>\$6,838.00</b> |                   |
|   |                         | <b>Total Non-Local Revenues:</b> |                   | <b>\$147.36</b>   |

To the Supervisor:

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

Supervisor

Date

Town Clerk

Date

TOWN OF DUANESBURG  
CASH REQUIREMENTS PER FUND  
5/11/23

| FUND                 |                              | AMOUNT           |
|----------------------|------------------------------|------------------|
| General Fund A       |                              | 27,399.17        |
|                      |                              |                  |
| General OV B         |                              | 77.94            |
|                      |                              |                  |
| Highway Fund DA      |                              | 4,685.05         |
|                      |                              |                  |
| Highway OV-DB        |                              | 466.31           |
|                      |                              |                  |
| Lighting District #1 |                              | 442.90           |
|                      |                              |                  |
| Lighting District #2 |                              | 850.35           |
|                      |                              |                  |
| Lighting District #3 |                              | 389.75           |
|                      |                              |                  |
| Planning Board       |                              | 2,550.82         |
|                      |                              |                  |
| UV Project           |                              | 31,250.00        |
|                      |                              |                  |
| Sewer District #1    |                              | 3,220.16         |
|                      |                              |                  |
| Sewer District #2    |                              | 4,095.03         |
|                      |                              |                  |
| Sewer District #3    |                              | 5,282.84         |
|                      |                              |                  |
| Trust & Agency       |                              | 365.70           |
|                      |                              | -                |
|                      | <b>TOTAL TRANSFERS TO AP</b> | <b>81,076.02</b> |

| Date   | Num                  | Name                                   | Open Balance     |
|--|----------------------|--|------------------|
| <b>FUND: A-GENERAL FUND-01</b>                 |                      |  |                  |
| 05/01/2023                                     | 32442922W910 MAY     | County Waste-Clifton Park              | 406.59           |
| 05/06/2023                                     | 79829053             | De Lage Landen Services, Inc.          | 149.42           |
| 05/01/2023                                     | 5007                 | Enhanced Business Systems              | 1,000.00         |
| 04/26/2023                                     | 04/26/23 mulch       | George Hawrylchak                      | 900.00           |
| 04/21/2023                                     | 62552-93108 4/21/23  | National Grid                          | 88.58            |
| 04/26/2023                                     | 4232420-2023-03-01   | Office of the State Comptroller        | 9,161.00         |
| 04/20/2023                                     | 32073249             | Quill LLC                              | 49.28            |
| 04/20/2023                                     | 32073249             | Quill LLC                              | 289.99           |
| 04/20/2023                                     | 32055166             | Quill LLC                              | 3.89             |
| 04/26/2023                                     | 25380                | Schenectady County Finance Dept.       | 10,750.00        |
| 05/04/2023                                     | Policy1676713 5/4/23 | Selective Insurance Company of America | 1,085.00         |
| 05/01/2023                                     | 0034402              | The Archive                            | 244.39           |
| 05/01/2023                                     | 2491945              | The Daily Gazette Co. Inc.             | 44.53            |
| 05/04/2023                                     | 1110324584           | Unifirst Corporation                   | 10.60            |
| 05/04/2023                                     | 1110324584           | Unifirst Corporation                   | 1.51             |
| 04/27/2023                                     | 1110321370           | Unifirst Corporation                   | 40.38            |
| 04/27/2023                                     | 1110321370           | Unifirst Corporation                   | 12.79            |
| 04/23/2023                                     | 9933300095 4/23/23   | Verizon Wireless                       | 58.93            |
| 04/23/2023                                     | 9933300095 4/23/23   | Verizon Wireless                       | 418.36           |
| 04/23/2023                                     | 9933300095 4/23/23   | Verizon Wireless                       | 58.93            |
| 05/05/2023                                     | 90826 April 23       | West & Company CPA's PC                | 2,625.00         |
| <b>TOTAL FOR A-GENERAL FUND-01</b>             |                      |  | <b>27,399.17</b> |
| <b>FUND: B-GENERAL TOWN OUTSIDE VG-02</b>      |                      |  |                  |
| 05/02/2023                                     | 114475               | Northern Supply                        | 71.88            |
| 04/27/2023                                     | 1110321370           | Unifirst Corporation                   | 6.06             |
| <b>TOTAL FOR B-GENERAL TOWN OUTSIDE VG-02</b>  |                      |  | <b>77.94</b>     |
| <b>FUND: DA-HIGHWAY TOWN WIDE-03</b>           |                      |  |                  |
| 05/03/2023                                     | 69719                | Apalachee                              | 2,670.93         |
| 04/27/2023                                     | 4153745400           | Cintas                                 | 152.18           |
| 04/25/2023                                     | 23203355             | Global Montello Group Corp.            | 628.98           |
| 04/25/2023                                     | H23046               | Northern Safety Co., Inc               | 206.61           |
| 05/02/2023                                     | PO H23047            | Schenectady Truck and Auto             | 173.66           |
| 04/24/2023                                     | PO h23045            | Schenectady Truck and Auto             | 57.25            |
| 04/27/2023                                     | PO H23045            | Schenectady Truck and Auto             | 50.14            |
| 04/18/2023                                     | 0103150887           | UTICA MACK, INC.                       | 128.50           |
| 03/21/2023                                     | 0103148790           | UTICA MACK, INC.                       | 308.40           |
| 03/29/2023                                     | 0103149456           | UTICA MACK, INC.                       | 308.40           |
| <b>TOTAL FOR DA-HIGHWAY TOWN WIDE-03</b>       |                      |  | <b>4,685.05</b>  |
| <b>FUND: DB-HIGHWAY OUTSIDE VILLAGE 04</b>     |                      |  |                  |
| 05/04/2023                                     | 4154465550           | Cintas                                 | 152.18           |
| 05/01/2023                                     | 112232               | Mirabito Energy Products               | 191.98           |
| 05/01/2023                                     | 308000039516         | Verizon Connect Fleet USA LLC          | 122.15           |
| <b>TOTAL FOR DB-HIGHWAY OUTSIDE VILLAGE 04</b> |                      |  | <b>466.31</b>    |
| <b>FUND: LIGHTING DISTRICT 1-06</b>            |                      |  |                  |
| 04/21/2023                                     | 62552-93108 4/21/23  | National Grid                          | 442.90           |
| <b>TOTAL FOR LIGHTING DISTRICT 1-06</b>        |                      |  | <b>442.90</b>    |

| <u>Date</u>                         | <u>Num</u>            | <u>Name</u>                             | <u>Open Balance</u> |
|-------------------------------------|-----------------------|---|---------------------|
| <b>FUND: LIGHTING DISTRICT 2-07</b> |                       |   |                     |
| 04/21/2023                          | 62552-93108 4/21/23   | National Grid                           | 850.35              |
|                                     |                       | <b>TOTAL FOR LIGHTING DISTRICT 2-07</b> | <b>850.35</b>       |
| <b>FUND: LIGHTING DISTRICT 3-08</b> |                       |   |                     |
| 04/21/2023                          | 62552-93108 4/21/23   | National Grid                           | 389.75              |
|                                     |                       | <b>TOTAL FOR LIGHTING DISTRICT 3-08</b> | <b>389.75</b>       |
| <b>FUND: PLANNING BOARD-09</b>      |                       |   |                     |
| 04/28/2023                          | Planning Bd March svc | Delaware Engineering, D.P.C             | 2,040.00            |
| 05/01/2023                          | 18510-01.15           | KB Group of NY, Inc.                    | 510.82              |
|                                     |                       | <b>TOTAL FOR PLANNING BOARD -09</b>     | <b>2,550.82</b>     |
| <b>FUND: H-UV CAPITAL PROJECT</b>   |                       |   |                     |
| 05/03/2023                          | CONTRACT TD1-G-21     | Rozell East, Inc.                       | 31,250.00           |
|                                     |                       | <b>TOTAL FOR H-UV CAPITAL PROJECT</b>   | <b>31,250.00</b>    |
| <b>FUND: SEWER DISTRICT 1-66</b>    |                       |   |                     |
| 05/04/2023                          | 209531                | Adirondack Environmental Services Inc.  | 259.18              |
| 05/02/2023                          | A596006               | Amsterdam Riverfront Ace Hardware       | 37.49               |
| 05/01/2023                          | 32443516W910 MAY      | County Waste-Clifton Park               | 150.34              |
| 04/03/2023                          | 1395847               | Kaman Industrial Technologies           | 32.26               |
| 05/01/2023                          | 93196326              | Norfolk Southern Railway Company        | 2,600.00            |
| 05/02/2023                          | 114475                | Northern Supply                         | 35.94               |
| 04/20/2023                          | 32073249              | Quill LLC                               | 28.09               |
| 05/04/2023                          | 1110324584            | Unifirst Corporation                    | 16.64               |
| 04/27/2023                          | 1110321370            | Unifirst Corporation                    | 13.64               |
| 04/21/2023                          | 651 477 468 5/21/23   | Verizon 651 477 468                     | 28.90               |
| 04/23/2023                          | 9933300095 4/23/23    | Verizon Wireless                        | 17.68               |
|                                     |                       | <b>TOTAL FOR SEWER DISTRICT 1-66</b>    | <b>3,220.16</b>     |
| <b>FUND: SEWER DISTRICT 3-77</b>    |                       |   |                     |
| 05/04/2023                          | 209531                | Adirondack Environmental Services Inc.  | 77.42               |
| 05/02/2023                          | A596006               | Amsterdam Riverfront Ace Hardware       | 11.24               |
| 05/01/2023                          | 32443516W910 MAY      | County Waste-Clifton Park               | 45.10               |
| 04/03/2023                          | 1395847               | Kaman Industrial Technologies           | 9.64                |
| 05/02/2023                          | 114475                | Northern Supply                         | 10.78               |
| 04/26/2023                          | 9259                  | PCS Pump and Process                    | 3,892.24            |
| 04/20/2023                          | 32073249              | Quill LLC                               | 8.42                |
| 05/04/2023                          | 1110324584            | Unifirst Corporation                    | 4.99                |
| 04/27/2023                          | 1110321370            | Unifirst Corporation                    | 8.89                |
| 04/21/2023                          | 651 477 468 5/21/23   | Verizon 651 477 468                     | 8.63                |
| 04/23/2023                          | 9933300095 4/23/23    | Verizon Wireless                        | 17.68               |
|                                     |                       | <b>TOTAL FOR SEWER DISTRICT 3-77</b>    | <b>4,095.03</b>     |
| <b>FUND: SEWER DISTRICT 2-88</b>    |                       |   |                     |
| 05/04/2023                          | 209532                | Adirondack Environmental Services Inc.  | 153.00              |
| 05/02/2023                          | A596006               | Amsterdam Riverfront Ace Hardware       | 26.24               |
| 05/03/2023                          | 70321                 | City of Schenectady                     | 720.00              |
| 05/01/2023                          | 32443516W910 MAY      | County Waste-Clifton Park               | 105.24              |
| 04/27/2023                          | 09791-27001 4/20/23   | National Grid                           | 3,249.83            |
| 04/27/2023                          | 09791-29005 4/20/23   | National Grid                           | 100.91              |

| <u>Date</u> | <u>Num</u>          | <u>Name</u>                            | <u>Open Balance</u> |
|-------------|---------------------|--|---------------------|
| 04/27/2023  | 45470-99001 4/20/23 | National Grid                          | 86.83               |
| 04/27/2023  | 62270-61007 4/20/23 | National Grid                          | 52.05               |
| 04/27/2023  | 72030-80001 4/20/23 | National Grid                          | 652.22              |
| 05/02/2023  | 114475              | Northern Supply                        | 25.16               |
| 04/20/2023  | 32073249            | Quill LLC                              | 19.66               |
| 05/04/2023  | 1110324584          | Unifirst Corporation                   | 11.64               |
| 04/27/2023  | 1110321370          | Unifirst Corporation                   | 10.74               |
| 04/21/2023  | 251 752 067 5/21/23 | Verizon 251 752 067                    | 51.64               |
| 04/23/2023  | 9933300095 4/23/23  | Verizon Wireless                       | 17.68               |
|             |                     | <b>TOTAL FOR SEWER DISTRICT 2-88</b>   | <b>5,282.84</b>     |
|             |                     | <b>FUND: TRUST &amp; AGENCY-99</b>     |                     |
| 04/30/2023  | 4302023             | AFLAC                                  | 241.95              |
| 04/30/2023  | 4302023             | AFSCME COUNCIL 66                      | 123.75              |
|             |                     | <b>TOTAL FOR TRUST &amp; AGENCY-99</b> | <b>365.70</b>       |
|             |                     | <b>GRAND TOTAL</b>                     | <b>81,076.02</b>    |



# TOWN OF DUANESBURG SCHENECTADY NEW YORK

Abstract of Audited Vouchers for the period: 4/28/23 thru 05/11/23

Grand Total of all Vouchers = \$81,076.02

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. 69 - 2023**

**May 11, 2023**

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

**WHEREAS**, the New York State Department of Environmental Conservation (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

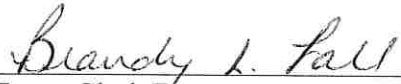
**WHEREAS**, the Proposed Improvements are being constructed by Rozell East, Inc., the contractor that was awarded the Project after the bidding process was completed; and

**WHEREAS**, *Rozell East substantially completed the UV Project, and*  
Delaware has submitted pay requisition number 3 recommending approval of the payment to Rozell East, Inc., in the amount of \$31,250.00 for the work on the Project for the period ending January 31, 2023 (a copy of the pay requisition number 3 and supporting documents are attached hereto); and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board approves the payment of requisition number 3 to Rozell East, Inc., in the amount of \$31,250.00; 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 May 11, 2023.

  
William Wenzel, Supervisor

  
Town Clerk/Deputy Town Clerk

Date

Date 5/11/2023

Present: Supervisor Wenzel, Council Members Potter, Grant, Lucks & Santulli  
Absent:

Town Board Members:

|                   |     |     |         |
|-------------------|-----|-----|---------|
| William Wenzel    | Yea | Nay | Abstain |
| Michael Santulli  | Yea | Nay | Abstain |
| Francis R. Potter | Yea | Nay | Abstain |
| Dianne Grant      | Yea | Nay | Abstain |
| Andrew Lucks      | Yea | Nay | Abstain |



## DELAWARE ENGINEERING, D.P.C.

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55 South Main Street  
Oneonta, NY 13820

Tel: 607.432.8073  
Fax: 607.432.0432

May 3, 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 #3

Dear Supervisor Wenzel:

We have reviewed the attached Payment Application No. 3 for Rozell East, Inc., the contractor for the subject project, for the period ending January 31, 2023 in the amount of \$31,250.00. The balance to finish including retainage equals \$0.00

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
- 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\3-Final\TD1-G-21 Pay App 3 CL.doc

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

# Contractor's Application for Payment No. 3

|   |  |   |
|---|--|---|
| Application Period: 12/29/2022-1/31/2023                          |  | Application Date: 1/30/2023               |
| To (Owner):<br>Town of Duanesburg, NY                             | From (Contractor):<br>Rozell East Inc. | Via (Engineer):<br>Tighe & Bond Engineers |
| Project:<br>Marinville WWTP Ultraviolet (UV) Disinfection Project | Contract:<br>TD-G-21 General           |   |
| Owner's Contract No:<br>TD1-G-21 -General                         | Contractor's Project No:<br>DUA-3321   | Engineer's Project No:                    |

## Application For Payment Change Order Summary

| Approved Change Orders |           |            | 1. ORIGINAL CONTRACT PRICE.....   | \$ \$159,500.00 |
|------------------------|-----------|------------|---|-----------------|
| Number                 | Additions | Deductions | 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).....                                    | \$ \$159,500.00 |
|                        |           |            | 5. RETAINAGE:   |                 |
|                        |           |            | a. <input checked="" type="checkbox"/> \$159,500.00 Work Completed..... | \$              |
|                        |           |            | b. <input checked="" type="checkbox"/> Stored Material.....             | \$              |
|                        |           |            | c. Total Retainage (Line 5a + Line 5b).....                             | \$              |
|                        |           |            | 6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....                      | \$ \$159,500.00 |
|                        |           |            | 7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....          | \$ \$128,250.00 |
|                        |           |            | 8. AMOUNT DUE THIS APPLICATION.....                                     | \$ \$31,250.00  |
|                        |           |            | 9. BALANCE TO FINISH, PLUS RETAINAGE                                    |                 |
|                        |           |            | (Column G on Progress Estimate + Line 5 above).....                     | \$              |
| TOTALS                 |           |            |   |                 |
| NET CHANGE BY          |           |            |   |                 |
| CHANGE ORDERS          |           |            |   |                 |

## Contractor's Certification

The undersigned Contractor 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 otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear 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.

By: Edwin A. Shull Date: 3/9/2023

Payment of \$ 31,250.00  
(Line 8 or other - attach explanation of the other amount)

is recommended by [Signature] (Engineer) (Date)

Payment of \$ \_\_\_\_\_  
(Line 8 or other - attach explanation of the other amount)

is approved by \_\_\_\_\_ (Owner) (Date)

Approved by \_\_\_\_\_  
Funding Agency (if applicable) (Date)

### Contractor's Application

DOI: 10.1002/anie.201100447  
 1107484, Wiley InterScience, 2011, 1107484, Wiley InterScience  
 Page 2 of 4

Devaux Engineering, LLC

# TOWN OF DUANESBURG TOWN BOARD

## RESOLUTION NO. 70 -2023

May 11, 2023

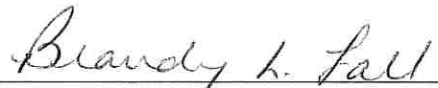
**WHEREAS**, the Town Board members do audits of certain records on an annual basis as required by State Law;

**WHEREAS**, Town Board member Andy Lucks undertook the annual audit of court records and completed the necessary form;

**NOW THEREFORE BE IT RESOLVED**, the Town Board accepts the results of the audit undertaken by Town Board member Andy Lucks.

By a (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on May 11, 2023.

  
William Wenzel, Supervisor

  
Town Clerk/Deputy Town Clerk

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

Town Board Members:

|                  |                                      |     |         |
|------------------|--------------------------------------|-----|---------|
| Dianne Grant     | <input checked="" type="radio"/> Yea | Nay | Abstain |
| Michael Santulli | <input checked="" type="radio"/> Yea | Nay | Abstain |
| Rick Potter      | <input checked="" type="radio"/> Yea | Nay | Abstain |
| William Wenzel   | <input checked="" type="radio"/> Yea | Nay | Abstain |
| Andrew Lucks     | <input checked="" type="radio"/> Yea | Nay | Abstain |



## Appendix 10 – Annual Checklist for Review of Justice Court Records

Name of Municipality:

*Town of Duquesburg*

Month Reviewed:

*3/1/2023*

Through

*3/31/2023*

Name of Justice:

*Patrick Wren*

Review Performed By:

*Andrew Luck*

Date

*4/29/2023*

# Annual Checklist for Review of Justice Court Records

Yes No

## Cash Receipts Book

- ▶ Are pre-numbered receipt forms issued for all collections?

☒ ☐

- ▶ Are duplicate receipts kept for court records?

☒ ☐

- ▶ Are receipts recorded up-to-date?

☒ ☐

*Last recorded receipt:*

# \_\_\_\_\_ Date \_\_\_\_\_ Amount \_\_\_\_\_

- ▶ Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?

☒ ☐

- ▶ Are deposits identified?

☒ ☐

- ▶ Are duplicate deposit slips kept for court records?

☒ ☐

- ▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?

☒ ☐

- ▶ Are deposits recorded up-to-date?

☒ ☐

*Last recorded deposit:*

Date \_\_\_\_\_ Amount \_\_\_\_\_

- ▶ Is the receipt book totaled and summarized at the end of each month?

☐ ☒

*Last Month Totaled and Summarized* \_\_\_\_\_

## Cash Disbursements Book

- ▶ Are pre-numbered checks used for all disbursements other than petty cash?

☒ ☐

- ▶ Are all checks signed by the Justice?

☒ ☐

- ▶ Are canceled checks (or check images) returned with bank statements and kept for court records?

☒ ☐

- ▶ Are checks recorded up-to-date?

☒ ☐

*Last recorded check:*

# \_\_\_\_\_ Date \_\_\_\_\_ Amount \_\_\_\_\_

## Bank Reconciliations

- ▶ Are bank accounts reconciled promptly after bank statements are received?

☒ ☐

*Last Bank Reconciliation for Each Bank Account:*

Date Performed \_\_\_\_\_ Month Ending \_\_\_\_\_

## Additional Supporting Records

- ▶ Is a list of bail maintained?

☒ ☐

- ▶ Is a record of uncollected installment payments maintained?

☒ ☐

# Annual Checklist for Review of Justice Court Records

Yes No

## Dockets and Case Files

- ▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims? ☒ ☐
- ▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address. ☒ ☐
- ▶ Do dockets for disposed cases appear to be complete? ☒ ☐
- ▶ Do dockets for disposed cases agree with amounts reported? ☒ ☐

## Cash Book Reconciliation

- ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month? ☒ ☐
- ▶ Does the cash book total agree with the bank reconciliation and supporting information? ☒ ☐

Last Cash Reconciliation:

Date Performed 4/10/2023 Month Ending 3/31/2023

## Reports to the Division of Criminal Justice Services

- ▶ Are reports made timely to the Division of Criminal Justice Services? ☒ ☐
- ▶ Has the court received any notices regarding late reporting? ☐ ☒

If yes, why were the reports late and what corrective actions were taken? N/A

## Reports to the Justice Court Fund

- ▶ Are reports made timely to the Justice Court Fund? ☒ ☐
- ▶ Do reported amounts agree with docket dispositions and case files? ☒ ☐
- ▶ Do reported amounts agree with cash receipt and disbursement books? ☒ ☐

Last report submitted: Month Ending 3/31/23 Date 4/10/23 Amount 4580.00

- ▶ Has the court received any notices regarding late reporting? ☐ ☒

If yes, why were the reports late and what corrective actions were taken? N/A

# Annual Checklist for Review of Justice Court Records

Yes No

## Reporting to the Department of Motor Vehicles - TSLED Program

- Has the court received any notices regarding pending cases?  
If yes, why were the cases pending and what corrective actions were taken, if any \_\_\_\_\_

☐ ☒

Note: Cases over 60 days are eligible to be Scofflawed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

- Are reports from TSLED to the court maintained and utilized?

Last TSLED Report Available: Date 4/3/2023

☒ ☐

Note: Courts can access reports on-line from TSLED at any time.

- How many cases are shown as pending in the last TSLED report? 0

☐ ☐

- Does the cash book total agree with the bank reconciliation and supporting information?

☒ ☐

- Is the number of pending cases reasonable?
- How many cases are shown as pending for more than 90 days? 0
- What actions have been taken to dispose of these cases?

☒ ☐

## Overall Evaluation

I have found this court's documentation and  
record process to be adequate and well  
maintained

PO Box 160  
Quaker Street, NY 12141

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

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

May 11, 2023

Re: Privilege of the Floor Oak Hill Solar 2, LLC evergreen screen tree planting compliance

Dear William Wenzel,

Please include my Privilege of the Floor statement and supporting documents in the official meeting minutes as posted on the town website.

I request the town board, the town designated engineer and the town code enforcement officer perform a site visit to Oak Hill Solar 2, LLC to inspect the evergreen screen tree planting for compliance with the approved site plan drawing C5.02 Sheet number 21 of 30 titled LANDSCAPE NOTES & DETAILS.

The view of solar panels that may be 20 feet tall, instead of 7.5 feet in height defined in the 2019 Special Use Permit, is very likely to diminish Susan Biggs use, enjoyment and future development of her mowed pathways, home and lands.

Waiting another growing season to bring the evergreen screen into compliance delays this tax-paying resident relief from the view and noise of Oak Hill Solar's 65-acre industrial energy generating resource. I ask that you perform the inspection and if required hold the asset owner responsible for bringing the project into compliance as soon as possible.

#### History

In October 2022 more than 90% of the trees planted appeared to be non-compliant.

The trees:

- were planted with the root ball above finished grade;
- were planted with the burlap intact to the top of the root ball; and
- were planted with the wire cage surrounding the root ball.



Many of the trees were not backfilled and provided topsoil as specified.  
None of the trees were provided with a soil saucer or berm as specified.  
None of the trees were provided two to three inches of mulch as specified.

It is unknown if the contractor scarified/broke up the side of planting holes that were glazed and hardened or if they provided compact planting mix under the root ball as specified.

On October 17, 2022 I wrote to Supervisor Wenzel about what appeared to be a lack of compliance. I provided photographs showing the hole width as well as the burlap and wire cages remaining on the rootball. The contractor had not provided a soil berm, topsoil and mulch. There were obvious air pockets around the root balls. I provide a copy of the site plan planting detail. For your convenience I've enclosed this document with tonight's statement.

On December 21, 2022 Supervisor Wenzel replied. This letter only addressed one portion of my October 17, 2022 observations of lack of compliance, the width of the hole. It did not address the:

- removal of the burlap from the top 1/3 of the root ball;
- removal of the metal cage;
- planting the root ball at grade level; and
- providing a berm and mulching around each tree.

The December 21, 2022 letter stated that AMP on behalf of Oakhill Solar 1 and 2 LLC acknowledged that the approved tree planting detail was not followed and that they are responsible for replacing the trees if they do not thrive as planted.

As of April 23, 2023 the condition of the trees has deteriorated.

The burlap and wire cage covered root balls are exposed to air and extreme temperatures. The visible air pockets surrounding the root balls have increased in size and quantity. The young trees are exposed to turbulent stormwater runoff. None of the trees have a soil berm or mulch. These conditions are likely to inhibit, and possibly prevent, tree growth. It appears that Oak Hill Solar does not care if the trees thrive. I have provided a color image of the existing conditions.

#### Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Operation and Maintenance Manual

The Project's Post- Construction Operation and Maintenance(O&M) Manual states:

##### Section 4.2 Tree Planting/Preservation

During the first three years, mulching, watering and protection of young trees is necessary. Inspection of trees should be performed every three months and within the one week of ice storms and high wind events, reaching speeds of 20 mph, until trees have reached maturity. As a minimum, inspection should include assessment of tree health, inspection for evidence of damage or disease, and determining the survival rate of damage and diseased trees. Trees shall be pruned and treated as necessary, and dead trees shall be replaced.

Freedom of Information to the town for all inspection reports does not yield a report of the trees by the project, by the TDE or by the town code enforcement officer. Since October 2022 there have been multiple high wind events with the wind in excess of 20 mph. There have been periods where winds have been in excess of 25 mph continuously for more than five hours. There is no evidence of any inspection of the evergreen screen trees.

### Conclusion

It appears that Oak Hill Solar and its owners have not brought the evergreen screen tree planting into compliance with the site plan. It appears that the town has not required the project to comply with the site plan.

Another wasted growing season only delays the protection of Bigg's use, enjoyment and future development of her lands. I respectfully request that the town uphold the project's special use permit, uphold the project's site plan, and ensure the project's compliance.

Failure to provide a thriving evergreen screen is unacceptable.

Thank you for your time and consideration.

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

Enc:   October 17, 2022 letter Biggs to Town Supervisor Wenzel  
          December 21, 2022 Town Supervisor Wenzel to Biggs  
          Drawing C5.02 Sheet 21 of 30 Landscape Notes & Details  
          Enlargement of Evergreen Tree Planting Detail from Drawing C5.02  
          SWPPP - Operation Maintenance Plan Section 4.2

PO Box 160  
Quaker Street, NY 12141

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

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

October 17, 2022

Re: Tree planting Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC

Dear William Wenzel,

On Saturday October 15, 2022 Greencells, the contractor for Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC, drilled holes and planted some evergreens near their eastern property line shared with the lands of Susan Biggs tax id parcel 74.00-3-18. The FEAF signed on March 7, 2022 reflects that work hours are Monday through Friday 7AM to 5 PM.

This work is clearly visible from the Biggs parcel.

The March 23, 2022 site plan Drawing Number C5.02 Sheet Number 21 of 30 "LANDSCAPE NOTES & DETAILS" signed by the planning board chair, Jeffery Schmitt, on April 15, 2022 includes a detail "EVERGREEN TREE PLANTING". This detail shows specifications for planting the evergreen trees including, but not limited to:

1. "TOP OF HOLE SHALL EQUAL 3x THE ROOTBALL DIA."

The distance across the top of the rootball appears to be 28 inches.

Three times 28 inches equals 84 inches.

The holes are approximately 36 inches across.

It appears that the holes are 48 inches deficient. This is more than 60% less than required for the evergreen plantings. This is a significant difference.

See image #1 showing a 36 inch stick suspended over a planting hole. The hole has a used paper coffee cup at the bottom. The bottom of the hole is approximately 30 inches deep.



Failure to provide the correct hole width and depth may restrict and hinder root growth into the hard compacted earth surrounding the root ball. This may cause the trees to die and fail to provide visual screening of the solar + storage facility.

2. "REMOVE TOP ONE-THIRD OF BURLAP AND WIRE BASKET FROM ROOTBALL"

Sunday October 16, 2022 Lynne Bruning walked the Biggs' property line. Ms. Bruning saw that the plantings include the top one-third of the burlap and that the wire basket is found surrounding the rootball.

See image #2 showing a planted tree. The burlap and metal wire cage are visible. This is the typical condition of all plantings visible from Biggs' property.

Failure to remove burlap and wire cage as required by the site plan may cause the roots to wind around themselves and become root bound. The burlap and wire cage may prevent the tree roots from penetrating the surrounding soils to seek nourishment and water. Leaving the top one-third of burlap and the wire cage on the rootball may cause the trees to die depriving Biggs' of visual screening as promised.

See image #3 Drawing Number C5.02 Sheet Number 21 of 30 signed by the planning board chair on April 15, 2022.

Lack of compliance with the site plan may result in the trees' failure to thrive and ultimate death.

Dead trees do not protect the Biggs' view, use, enjoyment and future development of her property.

The Project Maintenance Agreement filed with the Schenectady County Clerk January 10, 2022 states:

"The Operator shall maintain and replace the Visual Screening, including, without limitation, the replacement of dead or dying plantings made as required by the Town approvals, throughout the existence of the Project and until such a time as the Project is decommissioned in accordance with the Decommission Agreement by and among the Operator, the Town and the Landowner dated March 11, 2021."

The operator may replace dead trees, but they cannot replace wasted growing seasons. Dead trees delays Biggs the visual screening as promised.

I request that prior to the contractor staking, mulching and watering that the plantings are brought into compliance with the site plan:

- the holes are dug to 3x the diameter of the rootball;
- a minimum of 12 inches provided at the base of the rootball;
- the top one-third of burlap is removed; and

the metal cage is removed.

I request that the town code enforcement officer, Project Inspector Doug Cole of Prime AE, and a town board member visit the site to ensure the Project's plantings comply with the site plan and permit. If they are not found in compliance I request that the Project is issued a violation and a fine.

Supervisor Wenzel, it is unlikely that town board members, the town attorney or you would accept non-compliant planting of visual screening separating your home from a 65 acre solar + storage facility that towers more than 15 feet in height. Biggs should be treated with the same respect and consideration that the board and their attorney would provide its own members.

The trees must thrive to protect Biggs' view and exposure to noise pollution generated from the Project's four battery energy storage containers, eight HVAC units, 20 DC-DC converters, four inverters, four transformers, four controlgear, two major controlgear, more than 40,000 solar panels and more than 225 tracking motors.

The Project is an industrial site that drains into Biggs' property. Please see image #4 showing the Project southeast equipment pad. The 53 feet in length and 9.5 feet tall battery storage container and the solar panels have not been installed yet.

The Town Comprehensive Plan documents the taxpayer and towns wish to maintain a rural character. The town should protect the taxpayers equally and not permit one property owner to profit at another property owners expense.

I request that the town be responsible, uphold the permit requirements, and protect taxpayers.

I request written notification when the town performs this inspection and their findings.

Thank you for your time and consideration.

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

Enc: Image 1 Hole for Plantings with 36" stick  
Image 2 Tree with burlap and metal cage  
Image 3 Drawing Number C5.02 Sheet Number 21 of 30  
Image 4 Oak Hill Solar 2 LLC

Cc: Andrew Luck, Town Board Member  
Diane Grant, Town Board Member  
Ricky Potter, Town Board Member  
John Ganther, Town Board Member  
Helen Murray, Lease Holder  
Ray Gillian, Schenectady County Planning  
Bill Pederson, Manager of Execution Amp Energy  
Nicole LaBlanc, Amp Energy  
Teresa Bakner, Town of Duanesburg Attorney  
Jamie Malcolm, NYS Department of Environmental Conservation



October 16, 2022

Hole drilled for planting evergreen tree between Oak Hill Solar 2, LLC and the lands of Susan Biggs

The hole was drilled on Saturday October 15, 2022.

The March 23, 2022 site plan Drawing Number C5.02 Sheet Number 21 of 30 "LANDSCAPE NOTES & DETAILS" indicates that the

"TOP OF HOLE SHALL EQUAL 3x THE ROOTBALL DIA."

The rootball for a 6 feet tall Norway Fir for the Project is approximately 28 inches. Three times 28 inches equals 84 inches. The holes are approximately 36 inches across.  
 $84 \text{ inches} - 36 \text{ inches} = 48 \text{ inches deficient.}$





October 16, 2022

Norway Fir planted between Oak Hill Solar 2, LLC and the lands of Susan Biggs.  
Photograph taken from Biggs property with view to the west to Oak Hill Solar 2, LLC

The hole was drilled and the tree planted on Saturday October 15, 2022.

The March 23, 2022 site plan Drawing Number C5.02 Sheet Number 21 of 30 "LANDSCAPE NOTES & DETAILS" indicates "REMOVE TOP ONE-THIRD OF BURLAP AND WIRE BASKET FROM ROOTBALL"

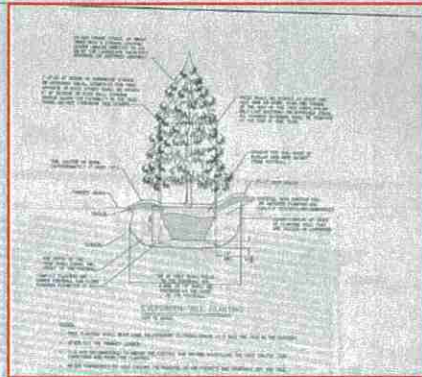
The top one-third of burlap and the wire basket are visible this planting. The majority of all plantings show the top one-third of burlap and wire cage have not been removed as required.





# **STANDARD PRACTICE TREE-PLANTING RULES**

1. The standard practice tree-planting rules are intended to provide a minimum standard of care for the planting of trees. These rules are not intended to be a substitute for the professional judgment of the tree planter. The tree planter is responsible for the selection of the tree species, the size of the tree, the time of planting, the method of planting, and the care of the tree after planting.
2. The tree planter shall select a tree species that is appropriate for the site conditions. The tree species shall be selected based on the tree's growth habit, its tolerance for shade, its resistance to pests and diseases, and its ability to survive in the site conditions.
3. The tree planter shall select a tree that is the appropriate size for the site. The tree shall be selected based on its height, its spread, and its root system. The tree shall be selected so that it will not interfere with existing structures, utilities, or other trees.
4. The tree planter shall select a tree that is the appropriate time of planting. The tree shall be selected based on the tree's dormant season and the site conditions. The tree shall be selected so that it will have the best chance of survival.
5. The tree planter shall select a tree that is the appropriate method of planting. The tree shall be selected based on the tree's root system and the site conditions. The tree shall be selected so that it will be planted in a way that will allow it to establish itself in the site.
6. The tree planter shall select a tree that is the appropriate care of the tree after planting. The tree shall be selected based on the tree's needs and the site conditions. The tree shall be selected so that it will be cared for in a way that will allow it to thrive.



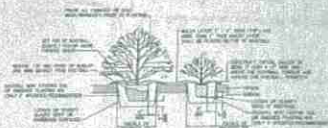
Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC  
Site Plan Drawing Number C5.02  
Sheet Number 21 of 30.  
Evergreen tree planting detail

| Tree Species | Tree Size | Tree Price | Tree Quantity |
|--------------|-----------|------------|---------------|
| Red Pine     | 12" DBH   | \$1,200    | 10            |
| White Pine   | 12" DBH   | \$1,200    | 10            |
| Blue Spruce  | 12" DBH   | \$1,200    | 10            |
| Black Spruce | 12" DBH   | \$1,200    | 10            |
| White Spruce | 12" DBH   | \$1,200    | 10            |
| Red Spruce   | 12" DBH   | \$1,200    | 10            |
| Black Spruce | 12" DBH   | \$1,200    | 10            |
| White Spruce | 12" DBH   | \$1,200    | 10            |
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| White Spruce | 12" DBH   | \$1,200    | 10            |
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| Tree Species | Tree Size | Tree Price | Tree Quantity |
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| Black Spruce | 12" DBH   | \$1,200    | 10            |



| Tree Species | Tree Size | Tree Price | Tree Quantity |
|--------------|-----------|------------|---------------|
| Red Pine     | 12" DBH   | \$1,200    | 10            |
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| Red Spruce   | 12" DBH   | \$1,200    | 10            |
| Black Spruce | 12" DBH   | \$1,200    | 10            |



UNCOMMON TREE PLANTING LEVELS  
NOT TO SCALE

GREENCELLS  
USA INC.  
3414 Peachtree Road  
Atlanta, GA 30326

VERDANTURA  
3414 Peachtree Road  
Atlanta, GA 30326

OAK HILL SOLAR  
12Z

C5.02  
21 of 30

October 16, 2022

View west from Biggs property toward Oak Hill Solar, 2, LLC north east equipment pad.

The equipment pad is raised on newly graded soil. The site plan shows that there are five DC-DC converters, one transformer, one inverter, one control gear and a 53 feet in length and 9.5 feet tall battery energy storage with two HVAC units.

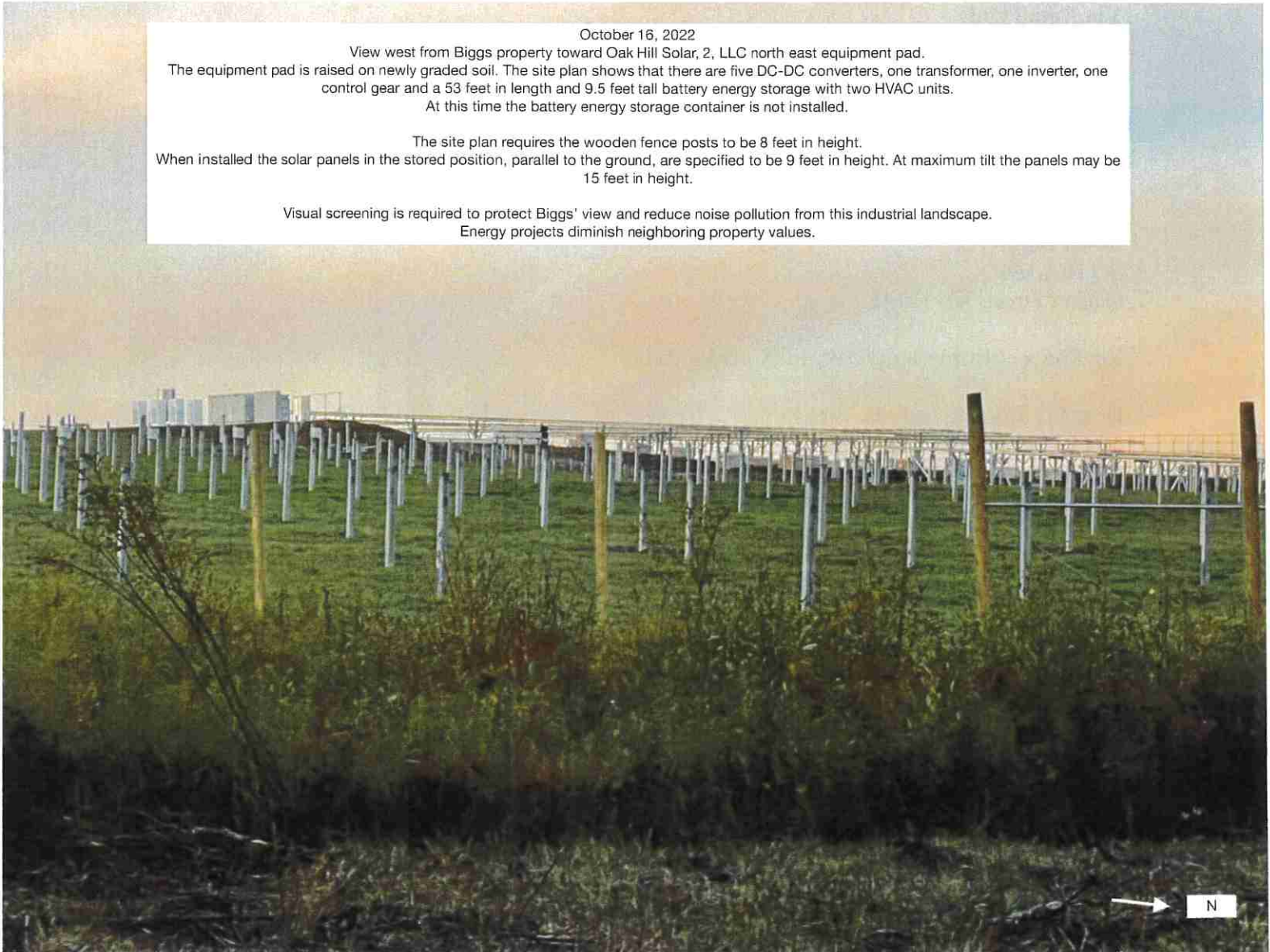
At this time the battery energy storage container is not installed.

The site plan requires the wooden fence posts to be 8 feet in height.

When installed the solar panels in the stored position, parallel to the ground, are specified to be 9 feet in height. At maximum tilt the panels may be 15 feet in height.

Visual screening is required to protect Biggs' view and reduce noise pollution from this industrial landscape.

Energy projects diminish neighboring property values.





December 21, 2022

**Via Email Only**

[lynnebruning@gmail.com](mailto:lynnebruning@gmail.com)

Ms. Lynne Bruning  
PO Box 160  
Quaker Street, NY 12141

[azurevista@hotmail.com](mailto:azurevista@hotmail.com)

Susan Biggs  
PO Box 160  
Quaker Street, NY 12141

Re: Town of Duanesburg/Oak Hill Solar Projects

Dear Ms. Bruning and Ms. Biggs:

You have inquired as to the status of the Town's inspections of the Oakhill Solar 1 and 2 Projects and any enforcement actions taken by the Town in connection with alleged violations of the Town special use permits issued for the projects.

First, the Town Building Inspector and the Town Designated Engineer have conducted numerous inspections of the construction site. They have met at the site many times to address stormwater and other issues, including meetings with the NYSDEC staff who are responsible for implementation of the stormwater program. Since your initial complaints of non-compliance, all complaints have been investigated by the Building Department with the assistance of the Town Designated Engineer and have been discussed with the Permittee and their contractors. A Town Court action was initiated to fine the permittee and its contractor for working at the site on two weekend days. This action was resolved with the permittee paying the maximum fine for working two weekend days in violation of the special use permit. If this occurs again, please let the Town Building Inspector know immediately.

Second, the Town Building Inspector and the Town Designated Engineer have examined the solar panel height and have determined that the solar panel height is in compliance with the special use permits.

Third, the construction access road is wider than the permanent access road will be. The permittee has committed to restoring the areas on the road shoulders so that the road width conforms with the approved site plans.



Fourth, the complaints regarding hunting are not related to the solar projects but the landowner's use of the property that is not being leased to Oakhill Solar 1 and 2, LLC. The Town of Duaneburg does not seek to regulate hunting.

Fifth, the stormwater inspection reports are being done in a timely fashion. The permittee is required to do inspections and the Town has the Town Designated Engineer doing separate stormwater inspections for the Town. The TDE inspections are being done in a timely fashion and any noted deficiencies are being addressed. Neither DEC nor the Town Building Department was initially satisfied this fall with the stormwater erosion control methods being implemented by the Permittee. This resulted in several meetings at the site with DEC and the imposition of additional stormwater controls. Both the State and the Town are scrutinizing the permittee's compliance with the SWPPP.

Sixth, you have indicated that the visual buffer trees were not planted in accordance with the approved plans. It is accurate that the trees were planted in smaller diameter holes than provided on the approved plans. As you know the Permittee has guaranteed the survival of the trees. It is the Town's understanding that the smaller diameter holes and slightly different planting methodology were a result of the advice to the Permittee from the tree supplier and installer. Attached is an email, dated November 7, 2022, from Bill Pederson of AMP addressing this issue along with a memorandum, dated November 3, 2022, from Cedar Ridge Landscaping. AMP on behalf of Oakhill Solar 1 and 2 LLC has clearly acknowledged that the approved tree planting detail was not followed and that they are responsible for replacing the trees if they do not thrive as planted.

The Town Building Department and the Town Designated Engineer are carefully monitoring construction at the site and doing on-going regular inspections. The Town took enforcement action against the Permittee and the site contractor. The Town Building Department will continue to monitor the Project to ensure that the Project is being undertaken in accordance with the approvals granted.

Very truly yours,

William Wenzel  
Duaneburg Town Supervisor

Enclosures



April 23, 2023  
Oak Hill Solar 2, LLC  
Evergreen Screen Planted October 2022

Planting of the evergreen screen trees appears not to be compliant with  
Drawing C5.02  
Sheet 21 of 30 Landscape Notes and Details

Backfill not provided. Air-pockets around root balls are visible.  
Soil saucer or berm is not provided.  
Top of root ball is above finished grade.  
Topsoil not provided.  
Depth of hole shall equal height of rootball appears to be non compliant.  
2"-3" deep mulch not provided.  
Burlap is not removed from top one-third of root ball.  
Wire basket is not removed from root ball.





# GENERAL NOTES AND SPECIFICATIONS

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE EXISTING CONDITIONS AND THE LOCATION OF THE UTILITY LINES PRIOR TO THE START OF THE WORK.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND TO ALL UTILITIES AT ALL TIMES DURING THE CONSTRUCTION PERIOD.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES THAT MAY BE AFFECTED BY THE WORK.
4. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SURFACE GRADE AND FINISH GRADE AT ALL TIMES DURING THE CONSTRUCTION PERIOD.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE EXISTING CONDITIONS CAUSED BY THE WORK.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE EXISTING CONDITIONS CAUSED BY THE WORK.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE EXISTING CONDITIONS CAUSED BY THE WORK.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE EXISTING CONDITIONS CAUSED BY THE WORK.

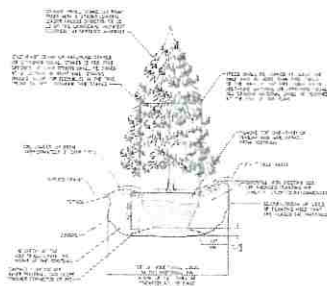


FIGURE 1: TREE SECTION

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES THAT MAY BE AFFECTED BY THE WORK.
- 2. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SURFACE GRADE AND FINISH GRADE AT ALL TIMES DURING THE CONSTRUCTION PERIOD.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE EXISTING CONDITIONS CAUSED BY THE WORK.

| ITEM | DESCRIPTION               | QUANTITY | UNIT  |
|------|---------------------------|----------|-------|
| 1    | Excavation for foundation | 100      | cuyd  |
| 2    | Foundation concrete       | 10       | cuyd  |
| 3    | Foundation reinforcement  | 100      | lbs   |
| 4    | Foundation formwork       | 100      | sq ft |
| 5    | Foundation labor          | 100      | hrs   |

| ITEM | DESCRIPTION               | QUANTITY | UNIT  |
|------|---------------------------|----------|-------|
| 1    | Excavation for foundation | 100      | cuyd  |
| 2    | Foundation concrete       | 10       | cuyd  |
| 3    | Foundation reinforcement  | 100      | lbs   |
| 4    | Foundation formwork       | 100      | sq ft |
| 5    | Foundation labor          | 100      | hrs   |

| ITEM | DESCRIPTION               | QUANTITY | UNIT  |
|------|---------------------------|----------|-------|
| 1    | Excavation for foundation | 100      | cuyd  |
| 2    | Foundation concrete       | 10       | cuyd  |
| 3    | Foundation reinforcement  | 100      | lbs   |
| 4    | Foundation formwork       | 100      | sq ft |
| 5    | Foundation labor          | 100      | hrs   |



FIGURE 2: TREE SECTION

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES THAT MAY BE AFFECTED BY THE WORK.
- 2. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SURFACE GRADE AND FINISH GRADE AT ALL TIMES DURING THE CONSTRUCTION PERIOD.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE EXISTING CONDITIONS CAUSED BY THE WORK.

| ITEM | DESCRIPTION               | QUANTITY | UNIT  |
|------|---------------------------|----------|-------|
| 1    | Excavation for foundation | 100      | cuyd  |
| 2    | Foundation concrete       | 10       | cuyd  |
| 3    | Foundation reinforcement  | 100      | lbs   |
| 4    | Foundation formwork       | 100      | sq ft |
| 5    | Foundation labor          | 100      | hrs   |



FIGURE 3: TREE SECTION

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES THAT MAY BE AFFECTED BY THE WORK.
- 2. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SURFACE GRADE AND FINISH GRADE AT ALL TIMES DURING THE CONSTRUCTION PERIOD.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE EXISTING CONDITIONS CAUSED BY THE WORK.



APPROVED FOR CONSTRUCTION

VERANTERIA

GREENCELLS

USA, INC.

21 of 20

TREES SHALL BE STAKED AT LEAST ONE HALF AND NO MORE THAN TWO THIRDS OF THE WAY UP THE TREE USING NYLON BELT-LIKE MATERIAL OR APPROVED EQUAL. ALL STAKING MATERIAL SHALL BE REMOVED AT THE END OF ONE YEAR.

— REMOVE TOP ONE-THIRD OF  
BURLAP AND WIRE BASKET  
FROM ROOTBALL

2"-3" DEEP MULCH

BACKFILL WITH EXISTING SOIL  
OR AMENDED PLANTING MIX  
(ONLY IF SPECIFIED/RECOMMENDED)

—SCARIFY/BREAK UP SIDES  
OF PLANTING HOLE THAT  
ARE GLAZED OR HARDENED

COMPACT PLANTING MIX  
UNDER ROOTBALL AND SLOPE  
TOWARDS PERIMETER OF PIT—

TOP OF HOLE SHALL EQUAL  
3x THE ROOTBALL DIA.  
A MIN. OF 12" SHALL BE  
PROVIDED AT THE BASE  
OF THE ROOTBALL

NOT TO SCALE

- TREE PLANTING SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS IT WAS PRE-DUG IN THE NURSERY.
- NEVER CUT THE PRIMARY LEADER.
- IT IS NOT RECOMMENDED TO AMEND THE EXISTING SOIL BEFORE BACKFILLING THE HOLE UNLESS SOIL CONDITIONS ARE POOR FOR PLANTING.
- WATER THOROUGHLY TO HELP ENSURE THE REMOVAL OF AIR POCKETS AND PROPERLY SET THE TREE.
- WATER THOROUGHLY TO HELP ENSURE THE REMOVAL OF AIR POCKETS AND PROPERLY SET THE TREE.



- Fertilization may be needed in the fall after the first growing season to increase plant vigor. Fertilizer application and use should be in accordance with local, state, and federal laws and regulations.
- Keep the site free of vehicular and foot traffic and other weight loads.

#### **4.0 General Site Maintenance**

Site cover and associated structures should be inspected periodically for the first few months following construction and then on a bi-annual basis. Site inspections should also be performed following major weather events such as, but not limited to, major storm events, thunderstorms, and significant snow melt.

Items to inspect for include, but are not limited to:

- Differential settlement of embankments, cracking, or erosion.
- Lack of vegetative cover density.
- Sediment accumulation on the ground surface or within stormwater management practices or conveyance systems.
- Accumulation of debris, litter, or pollutants such as oil or grease on the ground surface or within stormwater management practices or conveyance systems.
- Damage to or weakness of stormwater management practices or conveyance systems.

#### **4.1 Site Restoration**

Areas within a Project Site that have undergone site restoration should be inspected periodically for the first six months and once after each storm event greater than a half-inch.

Items to inspect for include, but are not limited to:

- Checking embankments for subsidence, erosion, cracking, undesirable tree and shrub growth, and the presence of burrowing animals.
- Health and vigor of vegetation such as trees, shrubs, grass, and flowers.
- Accumulation of sediment or vegetative debris such as leaves and branches.

#### **4.2 Tree Planting/Preservation**

During the first three years, mulching, watering and protection of young trees is necessary. Inspection of trees should be performed every three months and within the one week of ice storms and high wind events, reaching speeds of 20 mph, until trees have reached maturity. As a minimum, inspection should include assessment of tree health, inspection for evidence of damage or disease, and determining the survival rate of damage and diseased trees. Trees shall be pruned and treated as necessary, and dead trees shall be replaced.

#### **5.0 Winter Maintenance**

To prevent impacts to stormwater management facilities, the following winter maintenance limitations, restrictions, and/or requirements are recommended:

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

~~May~~  
~~April~~ 11, 2023

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

Dear William Wenzell,

Please include my Privilege of the Floor statement and supporting documents in the official meeting minutes as posted on the town website.

At recent meetings there have been problems with zoom and viewers have not been able to speak. If this occurs at tonight's meeting please read my letter into the record. Thank you.

At the April 13th and 27th town board meetings I requested an update on the Oak Hill Solar 1 & 2 projects.

On May 8, 2023 I received your one page letter via email. The correspondence did not include the town board members. Therefore, I have included the Supervisor's letter with my statement.

I would like to respond to your letter:

1. Your letter states that construction carried on through the winter of 2022-2023. However, the town designated engineer's inspection reports December 19, 2022, January 3 and 16, 2023, provided through Freedom of Information, state that no one has been on site. Inspection reports from February 7th and 27th, 2023 and March 13th and 29th, 2023 state that no work is being done and the site is still on shut down.
2. Your letter mentions AMP's responsibility to address the solar installation damage and to continue construction. In February 2023 AMP's website, and the media reported, that Fiera Infrastructure and Palisade Infrastructure acquired 100% equity of AMP's US portfolio. Would



you please elaborate on AMP's current involvement in the Oak Hill Solar projects. What is their current role and responsibility for the project?

3. For clarification, I am concerned about the newly formed dirt road on the solar project's eastern property line that abuts my property. It is used by hunters parking at the solar project's access road and use all terrain vehicles to traverse to an unrelated parcel to the north of the project site.

At the September 19, 2019 planning board meeting Mr. Murray said the hunting business would move to his lands to the north.

The Department of Transportation driveway permit does not consider hunters coming and going on the non-compliant access road shared with the two solar facilities. The DOT approved the non-compliant access road because there may be one vehicle per month. The hunting business may have a dozen vehicles per day. This unplanned traffic may place passerby and vehicles on Duanesburg road in danger.

This new roadway abutting my lands was not discussed during project review. The new roadway is not shown on any site plan. It is not considered in the stormwater pollution protection plan.

The new roadway is causing damage to the wetlands, the National Wetland Inventory riverine and to the area near the evergreen screen tree plantings. The compaction and rutting of the project sites clay soils appears to be increasing stormwater erosion. The new and unplanned roadway may inhibit the project's ability to comply with Local Law 1 of 2016, the Solar Facilities Law #3.c

4. Local Law 1 of 2016, the Solar Facilities Law #3.c. requires a twenty-five foot perimeter buffer, consisting of natural and undisturbed vegetation to be provided around all mechanical equipment and solar panel arrays that will provide screening to adjacent properties and minimize glare on adjacent properties and roadways. The project fence set back is 100' from the property lines. I request that the supervisor direct the town designated engineer to inform the current project owner, contractor and site manager in writing of this requirement.

Your letter states that the town will ensure the Oak Hill solar project complies with the approved plan and building permit. I anxiously await evidence that the town is enforcing the site plan.

Respectfully,  
Susan Biggs

Enc: April 23, 2023 color drone image with annotations captured from Biggs property with a view to the south west.

May 8, 2023 letter Supervisor Wenzel to Susan Biggs and Lynne Bruning



*William Wenzel, Town Supervisor  
Jennifer M. Howe, Town Clerk*

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

## ***Town of Duaneburg***

*Schenectady County*

May 8, 2023

Dear Ms. Biggs and Ms. Bruning,

You have asked about the status of the Oak Hill project construction. As you know the Town Planning Board issued approvals for the project and then subsequently building permits were issued for the project. Construction started and carried through to the winter of 2022-23. Now that spring construction season is here, the building permit has been renewed and new certificates related to insurance and workers compensation were provided to the Town. The Town's TDE has been inspecting the site and the Town Building Inspector also recently inspected the site. It is the Town's understanding that part of the continuation of construction will involve the removal of any parts of the solar installation that were damaged. This includes removing any broken solar panels. The Town is not involved with the mechanic's lien process.

Construction at the site is slow to recommence in the spring due to the wet condition of the soils, it is preferable in the spring to wait until the soils dry out to use heavy equipment on the site.

It is Oak Hill Solar 1 and 2 LLC, Greencells and AMP's responsibility to address the solar installation damage and to continue the construction. The Town will continue to monitor construction at the site to ensure that the construction follows all approved plans.

You also inquired as to the payment of the Town's TDE. The applicant is paying for the services provided by the Town's TDE through the deposit of funds in escrow with the Town. Taxpayer funds are not used for this expense.

All legal fees paid throughout the year are clearly stated in the AUD.

The hunting that is taking place on the Oak Hill properties as well as other properties owned by the Murray family are not subject to the jurisdiction of the Town. The NYS DEC regulates hunting. If you are concerned about hunters straying onto your property you are required by law to properly post your property to prevent hunting. The laws pertaining to wetlands do not regulate or prevent hunting.

I understand that you both continue to have concerns about the Oak Hill project and the Town will continue to ensure that the Oak Hill solar project complies with the approved plans and the building permit.

Sincerely yours,

  
Town Supervisor Wenzel



April 23, 2023  
View from Biggs to the south west  
Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC



In 2021 NYSDOT granted driveway permit for the solar access road. Permit states once construction completed then little to no traffic so non-compliance for sight distance is accepted. White Dog Preserves is a hunting business. Many hunters may use the solar access road daily. They park at the hunters container, use all terrain vehicles to cross NWI riverine and have created a dirt access road on the east side of the site. The hunters roadway was not considered in SWPPP. It was not considered in DOT permit. It was not considered in the required Solar Law 3. c. 25' undisturbed vegetative buffer surrounding the solar array. At the September 19, 2019 PB meeting the landowner Richard Murray said the hunting business would be moved to the lot to the north, 74.00-2-11.2.

