

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 October 8, 2020
Regular Town Board Meeting
Meeting Time: 7:00PM

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

Present: Supervisor Tidball, Council Members Ganther and Wenzel Town Clerk Jennifer Howe
Absent: Council Member Potter, Senecal

Pledge of Allegiance

Supervisor Tidball: Alright, tonight, is Thursday October 8th, 2020. Welcome to our residents that are joining us through Zoom. Thank you. Just a reminder if residents wish to be in attendance here, they need to contact the Town Clerk and express why they need to be here in person. We have a very limited size room and we can only fit a couple of residents. We will do what we can to accommodate people.

Public Hearing: For the purpose of hearing all persons interested in the matter of: **The Assessment Roll for the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3.**

Supervisor Tidball: Read the Public Hearing Notice.

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, has completed the assessment roll in connection with the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 and filed the same with the Town Clerk of the Town of Duanesburg.

PLEASE TAKE FURTHER NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 8, 2020 at 7:00 p.m.** for the purpose of conducting a hearing to consider any objections which may be made to said assessment roll.

**BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG**

Dated: September 21, 2020

This is something we have to do every year when we put the roll out for each sewer district to show the number of EDUs and the value. This year we had a few changes when doing the budget. Sewer District #2 and #3 will be remaining the same for the cost. Sewer District #1 because of a loss of EDUs due to some zoning changes will be about a \$40 difference per user. That price may go up or down as we work further on the budget. Sewer District #1 a couple years ago when we brought Sewer District #3 on, they share a cost in the wastewater treatment plant. So, Sewer District #1 did have a pretty good reduction at that time. So, with the increase we are looking at this year it should not be anywhere near what it was a few years back. With that do you guys have any comments before we open the floor?

At this time before we open the public hearing of you have any comments that you would like to speak about in regards to the sewer districts tax rolls please send a message through and we will unmute you and let you speak. We will give it a few minutes. At this time, I will make a motion to open the public hearing.

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

Council Member Wenzel: I'll second.

Supervisor Tidball: Clerk call the roll please.

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Supervisor Tidball: Like I said we will give it a few minutes. I know there are only a few people on Zoom tonight with us. If any of you folks have any questions or comments on the tax roll, we will take them at this time.

Council Member Ganther: We did try and enable everyone's mics if that did not work please just write your question in the chat window.

Town Assessor Mike McGuire: Sorry about that.

Council Member Ganther: We have asked to unmute microphones and for comments in the chat window and I don't see anything.

Supervisor Tidball: Looks it will be an easy night for you Mike. I explained the tax roll and that it is something that we do every year. For you folks at home who I am talking to is our Town Assessor Mike McGuire. That we do this every year and explained the loss of EDUs in District #1 so the cost will be going up a little bit in that district. Sewer District #2 and #3 should be remaining the same. This is something pretty straight forward. Do you have anything to add to that Mike?

Town Assessor Mike McGuire: No. I think it is just what Roger said...

Council Member Ganther: Looks like we lost Mike temporarily. Folks if you want to enter something into the chat or if all else fails and you want to send us an email after the meeting we would be happy to respond to any of your questions that way as well.

Supervisor Tidball: Alright, if there are no comments, I will make a motion to close the public hearing.

Council Member Ganther: I'll second the motion.

Supervisor Tidball: Clerk call the roll.

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Ok, we will move along then. Approval of minutes please.

Council Member Ganther: I make the motion for approval of minutes for the Town Board Meeting on Thursday September 24, 2020.

Council Member Wenzel: I'll second.

Supervisor Tidball: Any discussion? Clerk call the roll please.

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 107-20: Council Member Ganther motioned, seconded by Council Member Wenzel to approve the Town Board Meeting minutes of Thursday, September 24, 2020.
Motion carried, 3 ayes

Supervisor Tidball: Town Clerk's Report

Town Clerk Howe: read report (see attached)

Supervisor Tidball: Thank you. Read the Town Supervisor's Report (see attached). Payment of claims please

Council Member Ganther: Vouchers to be paid October 8, 2020. General Fund - \$42,764.66. SD#1- \$5,138.36, SD#2 - \$2,170.32, SD#3 - \$709.68, Highway - \$6,384.93, Total vouchers to be paid - \$57,167.95.

Council Member Wenzel: Second

Supervisor Tidball: Any discussion. Clerk call the roll please.

Town Clerk Howe: Council Member Ganther

Council member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 108-20: Council Member Potter motioned, seconded by Council Member Ganther to pay the following claims:

Motion carried, 3 ayes

Vouchers to be Paid October 8, 2020

General Fund:	\$42,764.66
Highway Fund:	\$6,384.93

SD#1 Fund: \$5,138.36

SD#2 Fund: \$2,170.32

SD#3 Fund: \$709.68

Total To Be Paid: \$57,167.95

Supervisor Tidball: Alright, Committee reports. I apologize that there is nobody here from the highway committee and Mr. Reed is not here with us tonight. I did speak to him the other day and he just said normal stuff going on over there and probably nothing to report anyways. Public Safety same thing we haven't had any fire captains meetings. Bill and I will be looking to sit down with DVAC in the very near future to go over the new contract and to get an update from them on how they are doing. Do you have anything else to add Bill on Public Safety?

Council Member Wenzel: No I do not.

Supervisor Tidball: Park Committee, Bill.

Park Committee:

Councilmember Wenzel: We had a meeting on Tuesday night the only thing we discussed at that time was the disc golf that we have spoken about before. The two men that had introduced the disc golf to the town were at the meeting. They had a course layout that we discussed (see attached). We discussed the layout of that at Shafer Park so that the common areas would still be multi-use and not restrict the open areas that are there now. The only other thing that we discussed was that a town resident contacted us and would like to donate a live tree and have the live tree be planted at the point here and would like to have a memorial plaque. Details at this time it would be an evergreen variety. We would have to discuss the parameters of that and if there is any sight line concerns and after doing that we can get back to the resident.

Councilmember Ganther: The person that this is dedicated to is this a veteran by any chance?

Councilmember Wenzel: It is a long-time resident of the community that has passed. I will have to look in my notes to get the name for you.

Supervisor Tidball: That is Veteran's Park.

Councilmember Ganther: Yes, it is a Veteran's Park. I think it is wonderful that they want to do that, but I think we should think about that. It is a Veteran's Park that is what it was dedicated as and that is what the monument is for. It doesn't mean that we still couldn't approve to do that, but I just bring that up as something to think about.

Supervisor Tidball: Shafer Park is pretty wide open too if they want to think about moving it to another location.

Councilmember Ganther: I mean it would be nice to have a tree there that you could dress up every year and not have to bring a tree in every year.

Councilmember Wenzel: That was their thought. That there could be a tree that could be decorated for Christmas.

Town Clerk Howe: I believe she was a resident of the hamlet and that is why they were originally thinking right in the center of town.

Supervisor Tidball: I hear you. I see John's point, but I think it is something very nice and we don't get too many people volunteering to do a lot of things nowadays.

Councilmember Ganther: No, you don't.

Supervisor Tidball: So, it would be super hard to say no.

Councilmember Ganther: Yes, it would.

Councilmember Wenzel: That was my thought.

Supervisor Tidball: I would absolutely say go for it if you said it is the right tree and the right environment.

Councilmember Wenzel: They were going to check with the nursery they were going to buy it from to what species they would recommend. Their primary concern was the time of year that it is. They wouldn't want to wait too long, because once the ground freezes. We don't want to be boxed out from an opportunity to get it in this year.

Supervisor Tidball: My only thought is that someone is going to decorate it every year maybe it should be a tree that won't grow super tall.

Councilmember Wenzel: If someone keeps up on pruning it, so that overtime it doesn't become a sight restriction. If you prune it on a regular basis then that shouldn't become a concern.

Supervisor Tidball: I am fine with it as long as we can do everything.

Councilmember Ganther: I am certainly not against it. I just brought that up because I know it was dedicated for veterans. We don't want to do anything that takes away from the monument and there is the flagpole there also. We don't want to block view of the monument.

Town Attorney Bakner: Didn't they use to decorate the Christmas tree on the point where Stewarts is? We could also see if Stewarts would let us put it there.

Supervisor Tidball: That is where their septic system is.

Town Attorney Bakner: That doesn't matter anymore, because they don't use it. They are on the sewer system.

Supervisor Tidball: Oh, you are a smart one.

Councilmember Ganther: Yes, she is.

Supervisor Tidball: That is something that we discuss with Stewarts. They might help donate to get it put up or something. Absolutely. I would have maybe reach out to Dale since he is dealing with them on the new Stewarts and he might have a contact for them.

Councilmember Wenzel: Sure.

Supervisor Tidball: Anything else for the park committee. Looking at the map. Is this their latest design for the disc golf.

Councilmember Wenzel: It is. The one that you see that is in that open area that would be flush mount with the ground. The basket would be at the extreme far end. With any of these if you wanted to pull the basket out. There is a pipe in the ground that would be flush mount and for an extra \$20/piece we can get what looks like a sprinkler cover to put over them. So, if we ever had a community event those could be removed. He assured us that it would not be a tripping hazard and they have done this many other places.

Supervisor Tidball: I think it is a great idea and is something that is growing in popularity.

Councilmember Wenzel: The folks that proposed this will also do the installation and I'm sure will there would be some type of liability waiver involved. They will clear the brush where the brush will have to be cleared.

Sewer Districts:

Councilmember Ganther: Want to turn on Bill Brown's mic if it is not already. Trying to get your mic turned on there Bill.

Town Clerk Howe: There we go.

Councilmember Ganther: Ok, so we talked about the home over in Quaker Street where we have been dealing with this backup issue for quite some time and we have been working to get a grinder pump in place over there. Sure enough before we could get the pump in the ground over there, the grinder pump in the ground. We had another backup. It happened over this past weekend and we had some sewage back into the basement of the house. So, Dale and Corey had to put in a whole bunch of hours over the weekend to get that cleaned up. We had ServePro a couple days this week getting it cleaned out and getting the smell out of there and all that stuff. So, that was very unpleasant and I'm going to put Bill a little on the spot over here, because I don't understand why it happened. My understanding there is the way the setup there, we didn't have rain or anything it has been dry. My understanding of how that thing is setup there bill is the check valve inside the house and then two more check valves outside of the house. Then there is two floats at the pump station, there is a main float and a backup float. As far as I understood it, like all of these things would have to fail in order to get a backup into the house. Maybe you could help me understand more of what you think happened there.

Bill Brown: The main pump station on the other side of the street across from the home. There is a big buildup of grease that weighed down all the floats which ended up clogging the pumps. The sewage backup in the pump station because the floats didn't float weighed down with grease. When the pump station clogged there is a backup in the line, which backs up into the line where the private property owner is. There are two check valves on the service coming out of that property, but when the wastewater comes up it is not like a surge it is quite slow typically and it is just allowing wastewater to seep past those check valves. If there is any amount of debris that is causing those valves to not close completely water is going to backup to them. That lateral is only a foot or two higher than the pump station. Any material in the line at all then those valves can't close. The grinder pump has since been installed and that will prevent any further backup into the house in the future.

Councilmember Ganther: So, I guess how some sort of debris buildup around the check valves might prevent them from closing completely. Couldn't the same thing happen even with the grinder pump, the check valve with the grinder pump.

Bill Brown: There is basically an air gap in there now. The grinder pump is stopping the ability of flow to go into the basement. There is a separation with the pump in place.

Councilmember Ganther: I see. So, we still have an unsolved mystery in that these guys are cleaning the grease out of that pump station like once a week. Yet, this whole issue seems to have been caused by grease buildup in that pump station.

Bill Brown: They are putting degreaser in the station so it moves out from that bay, but the grease comes down the line of the overall collection system it starts to buildup right again. Even if you are doing it frequently if there is more grease coming in then there is degreaser then it is going to build up.

Councilmember Ganther: What kind of grease are we talking about? What kind of situation causes the type. We don't have this issues at other pump stations, right?

Bill Brown: It does seem like a severe amount yes, but there is grease at other stations. There are things in the sewer use law that require restaurants to have grease traps and they have to be maintained. We don't believe there are any restaurants on this line, they are all residential properties. You almost need to be putting degreaser in continuously because every time that pumps cycles the degreaser gets pumped out.

Councilmember Ganther: Is there anyway for us to trace where this grease is originating from? I mean maybe someone is putting something into the system that they are not supposed to be putting.

Bill Brown: I mean that is a possibility. If somebody has a commercial kitchen on there property or something that could certainly affect the situation. People should be aware that you should not be dumping grease down the drain. The same with wipes it is a function of the sewer use ordinance and the maintenance of the collection system. Don't put kitchen waste down the drain, don't put grease down the drain, don't put wipes down the drain. They all have impacts on the mechanical pieces of the pump station and ultimately the plant.

Councilmember Ganther: Ok, maybe you and I can continue this conversation offline and talk about what we might be able to do in that regard. Thank you. The good news is that the grinder pump was installed this week. Luckily, we had really good weather earlier in the week and here is the pictures of the result of that. I know initially we were afraid that when they were putting the grinder pump in that when they were digging the hole and they hit bedrock that it may have to sit up higher. It does sit a bit lower and they were able to grade it and it looks good. The grinder pump is installed, and it is operational. The site was restored, seed was put down, straw put down. So, I am hoping that we have a happy resident again. Hopefully after a long saga with this, hopefully now we have heard the last of it. Thank you for that Bill. The DEC came to inspect our plants. Jamie Malcolm was here to do the inspection and then he wrote up his review. It is a pretty good review. There is a couple things in here that do need some follow-ups and some work. Overall it was a good inspection. I'll read a portion of this letter so that it is in the record.

This again is from James Malcolm with the DEC. : On September 2, 2020 I conducted an announced comprehensive inspection of the Mariaville Wastewater Treatment Plant and was accompanied by Mr. Dennis Chief Operator. The plant was found to be well maintained and operated. The department is assigned an overall satisfactory rating to this inspection. Please see the attached inspection forms. The department commends the Town of Duanesburg for their continued investment in environmental infrastructure.

Then it goes on with how to reach him with his contact information. Overall a good inspection so we are pleased about that. I do have an activity report from the treatment team as far as work they perform in September, I will review that in detail at the next meeting. So that is what I have for sewer. Bill do you have anything else for sewer?

Bill Brown: We got some feedback from DEC on the long term improvement projects for Delanson. We will probably ask the board at the next meeting to go to bid on that project. Mariaville UV system is next on the docket. Plans are due for that in May of 2021.

Supervisor Tidball: Ok, thank you. IT, John.

IT:

Councilmember Ganther: Our next broadband committee meeting will be on Tuesday on November 10th. The meeting will held over Zoom.

Solar Law Review meeting is set for Wednesday October 21st at 6:30pm. Zoom information will be posted on the website.

The town board did complete its review of the draft comprehensive plan that came from the planning committee. We had met a few weeks ago and I made all the changes to that document. I sent that back to Phil who is the chair of that committee hopefully for a final review and a final clean-up. He has to do some things in it like fix the table of contents. With any luck for the next meeting we will have an actual draft that we can start to go public with. That's it.

Supervisor Tidball: Ok, do you guys have any other matters you want to discuss before the business meeting? Alright, we will go into the business meeting then.

Business Meeting:

Council Member Ganther: Make a motion to hold a public hearing on October 22, 2020 at 7:00pm at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, NY, to hear any person in favor of or against the 2021 Preliminary Budget.

Council Member Wenzel: Second

Supervisor Tidball: Clerk call the roll.

Town Clerk Howe: Councilmember Ganther

Councilmember Ganther: Aye

Town Clerk Howe: Councilmember Wenzel

Councilmember Wenzel: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 109-20: Council Member Ganther motioned, seconded by Council Member Wenzel to hold a public hearing on October 22, 2020 at 7:00pm at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, NY, to hear any person in favor of or against the 2021 Preliminary Budget. 3 Ayes

Supervisor Tidball: Make a motion to affirm and adopt the Assessment Roll as originally proposed and filed.

Council Member Ganther Second

Supervisor Tidball: Clerk call the roll.

Town Clerk Howe: Councilmember Ganther

Councilmember Ganther: Aye

Town Clerk Fall: Councilmember Wenzel

Councilmember Wenzel: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 110-20: Council Member Ganther motioned, seconded by Council Member Senecal to affirm, and adopt the Assessment Roll as originally proposed and filed. 3 Ayes

Council Member Wenzel: Make a motion to introduce Local Law No. 3 of 2020 entitled "Tax cap Override for FY 2021" and set a public hearing on the local Law on October 22, 2020 at 7:00pm.

Council Member Ganther: Second

Supervisor Tidball: Discussion on this. The tax cap override was set forth by the state government years ago so that municipalities basically don't get crazy with raising taxes every year without permission from the state government or at least make note and make them aware of it. The percentage is a very low percent which kind of cripples us because our budget is very low. We are exceeding the tax cap mainly due to DVAC increase in funds that the town will be providing them. Since June this year DVAC has gone into a paid service on weekdays 6am-6pm. That amount is about \$140,000 a year. That and a few other things that we have added on. We brought on a part-time code enforcement officer and a 7% increase in health insurance. All those things added together brings us to exceed the tax cap. It is something that is necessary, we don't look forward to it and we try to keep the taxes the same or very little increase. We have cut many times over the last several years to bring the taxes down to where they are at, so with the services you are going to gain. It will be great things for the town and for the residents. So that is why this tax cap is happening. Any other discussion? Clerk call the roll.

Councilmember Ganther: It is a situation where when you have been as fiscally responsible as you possibly can and you have a bare bones budget it doesn't take much of an increase somewhere to push us over that 2%. If you go back the town taxes themselves have probably gone down like six out of the last eight years. I believe we have a very good record of cutting as much as possible. So now there is just no more room to cut. This thing with DVAC, it is a situation where we just don't have the volunteers to run the organization anymore. So, we have to spend money to get 24/7 coverage. That by itself pushes us way over that 2%. It is truly out of our hands to provide emergency services to folks in town.

Council Member Wenzel: Just looking at the figures of what it costs. I was surprised with how reasonable the cost was to bring the EMTs in was. I never thought we would have been able to bring them in for the number we did. It goes without saying that a missed call can be a life or death situation. So, I think the added cost is very defensible.

Councilmember Ganther: what is the average increase per home? Do we have a handle on that yet?

Supervisor Tidball: I think it was on average of \$30/parcel. I feel that it may come down a little bit, but nothing major.

Councilmember Ganther: So, for \$30-\$40/per year to be assured that emergency services are going to be there.

Council Member Wenzel: It is 60 cents a week to have paid EMTs be available.

Supervisor Tidball: We will have final numbers here shortly. Clerk call the roll, please.

Town Clerk Howe: Councilmember Ganther

Councilmember Ganther: Aye

Town Clerk Fall: Councilmember Wenzel

Councilmember Wenzel: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Resolution 111-20: Council Member Wenzel motioned, seconded by Council Member Ganther to introduce Local Law No. 3 of 2020 entitled "Tax cap Override for FY 2021" and set a public hearing on the local Law on October 22, 2020 at 7:00pm. 3 Ayes

Supervisor Tidball: Privilege of the floor please folks this is where you have time if you would like to speak please put a note in the chat box. I did just receive an email from Ms. Bruning.

Privilege of the Floor:

Lynne Bruning: Read statement (see attached).

Town Attorney Bakner: The Public Hearing Notices are on the website. They are just under news as it is easier to get to then the tab for public hearings.

Councilmember Ganther: As far as announcements for the meetings I think it is just a matter of going to the right place. There is a news link on the homepage itself and if you click on that it brings you to where all the announcements are for the meetings. That is where you go to see them, so if you are going there and not seeing them please let us know that is where they do appear.

Supervisor Tidball: Anybody else wish to speak or comments?

Christine Loukides: Referencing the Comprehensive Plan that was done a couple weeks ago. There were some items in that review that were tabled. How were those addressed when the plan was then written up? When the plan is presented to the public is there going to be a time for public comment?

Councilmember Ganther: Yes, absolutely. The items during that meeting, anything that we talked about as being tabled the intention is not to include it in the final comprehensive plan at this time. It may be something we talk about again when we review the zoning plan again or something like that. As far as public comment, absolutely. We will be posting the draft on our website so that it can be reviewed and there will be a public comment period. I think it is like a month. We will also hold a public hearing, it will probably be over Zoom where the public will have an opportunity to chime in on any part of that plan that they feel like.

Christine Loukides: Thanks. Will it be indicated on there that those tabled items will not be included?

Councilmember Ganther: That is really not our intention, because our intention is to take the old plan and produce a new plan and not have something that is like in between the two plans which is basically what we are talking about. I mean we have had drafts of this plan that we have reviewed and fine-tuned. So as things get tabled along the way they just get taken out. Now we do have all the versions of that document as we go along. So, we have that for reference. We can always go back to look at different versions to identify those things that are tabled. The intention would not be to include things that were not including basically in that final copy of the plan.

Christine Loukides: Ok, thank you very much.

Supervisor Tidball: Anybody else wish to speak or comments?

Town Clerk Howe: I am not seeing anything.

Privilege of the Floor Closed:

Supervisor Tidball: OK, then I'll make the motion for adjournment.

Councilmember Ganther: Second.

Supervisor Tidball: Clerk call the roll please.

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Town Clerk Howe: Councilmember Ganther

Councilmember Ganther: Aye

Town Clerk Howe: Councilmember Wenzel

Councilmember Wenzel: Aye

Supervisor Tidball motioned, seconded by Council Member Senecal to adjourn the meeting.
Motion carried, 3 ayes

I, Jennifer Howe, 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 October 8, 2020 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

Lynne Bruning
PO Box 160
Quaker Street, NY 12141

Casey Kirkpatrick
National Grid Interconnection Ombudsman
Email: Casey.Kirkpatrick@nationalgrid.com

October 8, 2020

RE: Eden Renewables Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Delanson, Schenectady County, New York

Dear Mr. Kirkpatrick,

I reside on the property adjacent to Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC power plants located at 13590 Duanesburg Road, Delanson New York 12053, (the "Project"). National Grid's August 2020 interconnection queue spreadsheet reflects a combined 9MW of Energy Storage Solutions ("ESS") for the Project and that the Utility is retaining the Renewable Energy Certificates ("REC's"). This Project description is different than the Resolution and Site Plan as approved by the Town of Duanesburg Planning Board on September 19, 2020. Neither document mentions or locates energy storage solutions for this community solar Project. *See Exhibit A and Exhibit B.*

My residence is East of the Project located at 13388 Duanesburg Road and shares approximately a 2,500 foot property boundary with the two proposed Oak Hill solar power plants. On October 16, 2019, my mother, Susan Biggs, and I filed an Article 78 proceedings against Eden Renewables LLC, Richard Murray and the Duanesburg Planning Board. Case number 531440 Mater of Biggs v Eden Renewables, LLC et al. has been transferred to and is presently pending in the Appellate Division, Third Judicial Department.

The New York State Department of Public Service ("NYSDPS") webpage for the New York Standardized Interconnection Requirements ("NYSIR") is found at: <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/286D2C179E9A5A8385257FBF003F1F7E?> This webpage provides a hotlink

to download National Grid's Utility Interconnection Queue Data (August 2020). This spreadsheet reflects that the Project's Developer is Nicole LaBlanc (AMP Solar Dev. Inc.) and includes 10MW generated of photovoltaic power and 9MW of ESS. *See Exhibit C.*

On or about September 5, 2019 Eden Renewables and their engineer Travis Mitchell of Environmental Design Partnership submitted "National Grid Coordinated Electric System Interconnect Review" documents for Oak Hill Solar 1 and for Oak Hill Solar 2. *See Exhibit D.* Neither interconnection review document mentions or references battery facilities or ESS. Both documents indicate that the Applicant is New PowerCo Inc. The Delaware Secretary of State records reflect that New PowerCo is registered to Harry Lopes of Marlborough Great Britain, who is also a director of Eden Renewables, *See Exhibit E.*

On April 15, 2020 our attorney, Douglas H. Zamelis Esq., submitted a letter and supporting exhibits to New York State Energy Research and Development Authority ("NYSERDA") detailing that energy storage was not approved for the Project. *See Exhibit F.* Copies were submitted to NYSERDA, Attorney General, Inspector General Comptroller and others.

July 1, 2020, almost a year after the first public hearing for the Project, over six months after the sale of the Project to Amp Solar Group, and multiple requests for information from myself the New York State Department of Environmental Conservation published the Project's Negative Declaration in the Environmental Notice Bulletin https://www.dec.ny.gov/enb/20200701_not4.html. *See Exhibit G.* This state mandated legal notification did not contain the two Project names, correct addresses, acreage, photovoltaic capacity, or mention batteries and energy storage.

If Eden Renewables, LLC, New PowerCo Inc, Amp Solar Dev. Inc. or subsequent owner operator of Oak Hill Solar 1 and 2, LLCs construct anything beyond that approved in the September 19, 2019 Resolution and Site Plan then Susan Biggs and Lynne Bruning will retain all legal rights and remedies.

Thank you for your time and attention to this important matter.

Regards,

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

cc:

John Rhodes, Chair NYSDPS
Doreen M. Harris, Acting President NYSERDA
Hon. Letitia James, NYS Attorney General

Hon. Letizia Tagliafierro, NYS Inspector General
Hon. Thomas DiNapoli, NYS Comptroller
Basil Seggos, NYSDEC
Patricia Gabriel, NYSDEC Region 4
Casey Kirkpatric, National Grid Ombudsman
Elizabeth Grisar, NYSDPS Interconnection Ombudsman
Jim Hastings, NYSERDA Interconnection Ombudsman
Hon. Roger Tidball, Supervisor Town of Duanesburg
Harry Lopes, Eden Renewables
David Rogers, Amp Solar Group
Douglas H. Zamelis, Esq.

Enc: Exhibits

EXHIBIT

A

**TOWN OF DUANESBURG PLANNING BOARD
RESOLUTION APPROVING SPECIAL USE PERMIT, SUBDIVISION AND SITE PLAN
FOR THE EDEN RENEWABLES OAK HILL SOLAR ENERGY PROJECTS – 1206 OAK HILL ROAD**

Date: September 19, 2019

RECEIVED
SEP 20 2019
TOWN OF DUANESBURG
TOWN CLERK

WHEREAS, on or about May 7, 2018, Eden Renewables ("Eden Renewables" or the "Applicant") applied to the Duanesburg Planning Board ("Planning Board") for a Special Use Permit and Site Plan Review pursuant to the Town of Duanesburg Local Law No. 1-2016, for the 5-MW Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Project") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands owned by Richard Murray (SBL# 74.00-2-5) ("Property"); and

WHEREAS, on or about May 17, 2018, the Applicant appeared before the Planning Board in furtherance of the proposed Project and the Planning Board requested that the Applicant meet with the Town Planner/Code Enforcement Officer to discuss the proposed application; and

WHEREAS, on or about July 18, 2018, the Applicant appeared before the Planning Board and requested a lot line adjustment and minor subdivision in order to install two 5-MW solar fields on each created parcel, in addition to the Special Use Permit sought pursuant to the Town of Duanesburg Local Law No. 1-2016; and

WHEREAS, on or about July 18, 2018, the Planning Board adopted a resolution pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as "SEQRA") in which it assumed the role of SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review;

WHEREAS, on or about August 16, 2018, the Planning Board adopted a resolution appointing Doug Cole of Prime AE Group of NY as the Town Designated Engineer to assist in its review of the application from Eden Renewables; and

WHEREAS, on or about September 11, 2018, the Town's Designated Engineer provided written comments on the application; and

WHEREAS, on or about March 11, 2019, the Applicant submitted revised site plans, minor subdivision and lot line adjustment plans, revised applications, a revised Full Environmental Assessment Form ("Full EAF"), and a decommissioning plan, accompanied by a letter addressing comments from the Town's Designated Engineer; and

WHEREAS, on or about March 21, 2019, the Applicant appeared before the Planning Board in furtherance of the site plan review process, and the Planning Board requested receipt of additional information and other actions from the Applicant; and

WHEREAS, on or about June 6, 2019, the Applicant submitted additional information to the Planning Board and addressed the outstanding actions identified by the Planning Board; and

WHEREAS, on or about June 20, 2019, the Planning Board reviewed the materials submitted by the Applicant, issued a negative declaration of environmental significance for this Type 1 action, after reviewing Part 1 of the EAF and completing Parts 2 and 3 of the EAF, and scheduled the Public Hearing for July 18, 2019; and

WHEREAS, on or about July 11, 2019, acting on a referral of the application from the Planning Board pursuant to GML § 239-m, County Planning recommended approval of the Project;

WHEREAS, on July 18 and August 16, 2019, the Planning Board held two well-attended public hearings on the applications and heard comments for and against the Project;

WHEREAS, the Planning Board directed the applicant to respond in writing to the public comments and the applicant submitted two sets of responses after each public hearing;

WHEREAS, the Planning Board directed the Town Designated Engineer, Mr. Cole of Prime AE to review the responses to the public comments and the additional information submitted by the Applicant, all as set forth in Mr. Cole's letter of September 10, 2019 providing comments on the Applicant's materials and recommending that the Town should condition any approval on the Applicant obtaining a permit from the US Army Corps of Engineers, if one is required by the agency, advising that the supplementary Visual Impact Assessment demonstrates that the existing Biggs and Otis and any other nearby residences will be adequately screened by existing vegetation, distance and topography such that the solar array will not be visible; and finding that the revised Decommissioning Plan is reasonable for the proposed system; and

WHEREAS, the Planning Board has carefully considered the documentation in the record including the supplemental information provided by the Applicant, the comments by involved and interested agencies, the recommendation of County Planning and the comments, both oral and written, by the members of the public;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board as follows:

1. That the applications for Minor Subdivision, Site Plan Review and Special Use Permit submitted by the Applicant for the Project were determined to be complete under the Town of Duanesburg Solar Law, the Duanesburg Zoning Law, and the Town of Duanesburg Subdivision Regulations; and
2. That having received and reviewed the application materials submitted by the Applicant, including but not limited to, site plans, subdivision plans, lot line adjustment plans, decommissioning plans, a Full Environmental Assessment Form, statements of proposed construction impacts and ongoing operation and maintenance, and having completed Parts 2 and 3 of the Full EAF, hereby determines that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirms and issues a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination read into the record and incorporated herein based on the following findings:
 - a. The Project will not have any significant impacts on federal wetlands or waterbodies as determined by the full wetland delineation conducted on the Project site, that any necessary approvals would be covered by the ACOE nationwide permit program, and that there are no impacts on State wetlands or streams;
 - b. The Project will not create any permanent impacts from odors, noise or traffic nor to groundwater and surface waters, there will only be insignificant and temporary impacts during construction;

- c. The Project avoids and/or minimizes impacts on plants and animals, due to the very limited vegetative clearing that will result from the Project, once construction is complete vegetation will cover the ground under the panels and the property will continue to be used for limited agricultural purposes, such as sheep grazing and bee keeping;
 - d. The Project will not create any impacts to historical or cultural resources as shown in the Letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation dated June 4, 2019;
 - e. The Project will minimize any visual impacts due to the existing topography, the retention of existing vegetation as shown on the final site plans and will not create any impacts from glare as demonstrated by the Applicant;
 - f. The Planning Board hereby requires that the Project provide evergreen landscaping plan showing the establishment of a substantial evergreen buffer on the Applicant's property within 10 feet of the property boundary currently containing houses within approximately 600 feet of the project site boundary for a length of approximately 1600 feet at the back of the parcel with 2 staggered rows of trees planted 20 feet on center with the trees having the height at the time of planting of 6 to 7 feet and with the trees being species spruce and fir evergreens. The applicant shall also provide a maintenance and replacement agreement for the evergreen buffer to be planted;
 - g. The Project does not impact any Critical Environmental Areas and is not located in a flood zone;
 - h. The Project will have a positive economic benefit as it will result in revenue to the Town pursuant to a Payment-In-Lieu-Of-Taxes ("PILOT") Agreement and it will result in jobs during the construction and operation of the facility;
 - i. The Project will provide renewable energy in the production of electricity and will contribute to the State's goal of replacing fossil fuel generated electricity with renewable sources of electricity;
 - j. The Project will also not change the community character as it has been sited to not be visible to the maximum extent possible to surrounding homes and roadways, and an evergreen landscaped buffer will be created on the property containing the project as set forth above;
 - k. The Project is also a use of land that will be discontinued in the future and as such a decommissioning plan is in place to return the property to its current condition; and
 - l. The Applicant has indicated that it intends to continue to have the property in agricultural uses, such as sheep grazing and beekeeping, which also makes it consistent with the community which contains agricultural uses.
3. That Planning Board's findings set forth below demonstrate the proposed construction of the Project, a Solar Energy System (Major), at the Property satisfies the requirements of the Town of Duanesburg Solar Law:
- a. The Project is in the R-2 Zoning District and as such is a permitted use subject to Special Use Permit and Site Plan approval by the Planning Board;
 - b. The projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%;
 - c. The Project provides the required 100' setback between its components and the boundary of the Property, provides the required minimum of 25' buffer of vegetation to screen views of the Project and, in fact, that the Project exceeds this standard to address the concerns of adjoining property owners;
 - d. A fence meeting or exceeding the applicable requirements of the Zoning Law has been proposed;
 - e. The Project preserves existing on site vegetation to the maximum extent practicable and does not propose to clear cut all trees in a single contiguous area exceeding 20,000 square feet on the property;
 - f. The Town of Duanesburg Planning Board reviewed the plans showing brush hogging and tree clearing that had been undertaken by the property owner and determined such tree clearing did not exceed the above requirement;

- g. The SEQRA regulations require that a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with and the Planning Board specifically finds that the property owner brush hogging the property and taking down some limited trees for agriculture and silviculture purposes was consistent with the past uses of the property and not directly related to the development of the solar farm;
 - h. The Project is not located within an active farm field but is vacant hay field periodically cut by the property owner and historically used for more intensive agricultural purposes;
 - i. Native grasses and vegetation will be maintained below the arrays;
 - j. The site plans demonstrate that the Project:
 - i. Provides through its siting and through the implementation of an evergreen landscaping plan to be approved by the Town of Duaneburg, a project design that minimize visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;
 - ii. layout ensures that the solar panels will not reflect solar radiation or glare onto adjacent buildings, properties and roadways and that the solar panels include a non-glare coating and are designed to absorb the maximum amount of solar rays such that the panels will not misdirect or reflect solar rays onto neighboring properties or public roads in excess of that which already exists;
 - iii. existing vegetation on the site is preserved to the maximum extent practicable;
 - iv. all transmission/interconnection lines on the Property shall be underground and within necessary easements and in compliance with applicable electrical and town codes excepting aboveground lines as required by National Grid;
 - v. no artificial lighting is proposed;
 - vi. that any signage will be in accordance with applicable town requirements and the manufacturers and/or installers identification and appropriate warning signage shall be posted;
 - vii. the average height of the solar panels are 8' feet above grade – below the 20' height limitation;
 - viii. all disturbed areas shall be restored in accordance with the zoning law's requirements.
- 4. That the decommissioning plan is approved and the Planning Board requires that financial security be provided at least 30 days prior to the commencement of construction to the Town Clerk by the Applicant in the form of a bond or letter of credit in the amount \$422,762.00 (\$211,381.00 per project) with the form of financial security acceptable to the Town's attorney, with such funds to be used for decommissioning of the Project in the event that the Project is not decommissioned by the Project owner or the landowner; and
 - 5. That this project approval is conditioned upon the Applicant obtaining any other State or federal approvals required for the project including but not limited to any such permits required by the NYSDEC, the USACOE and the NYSDOT; and
 - 6. That this resolution and negative declaration shall be filed in the office of the Town Clerk and shall take effect immediately and that the notice of negative declaration be published in the ENB, that the negative declaration be provided to all involved agencies and that it be filed as required by SEQRA.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Phillip Sexton	✓		
Jeffrey Schmitt	✓		
Elizabeth Novak	✓		
Martin Williams	✓		
Thomas Rulison	✓		

Michael Harris
Joshua Houghton

✓
✓

EXHIBIT

B

PROPOSED SITE PLAN FOR

OAK HILL SOLAR 1&2

APPLICANT:

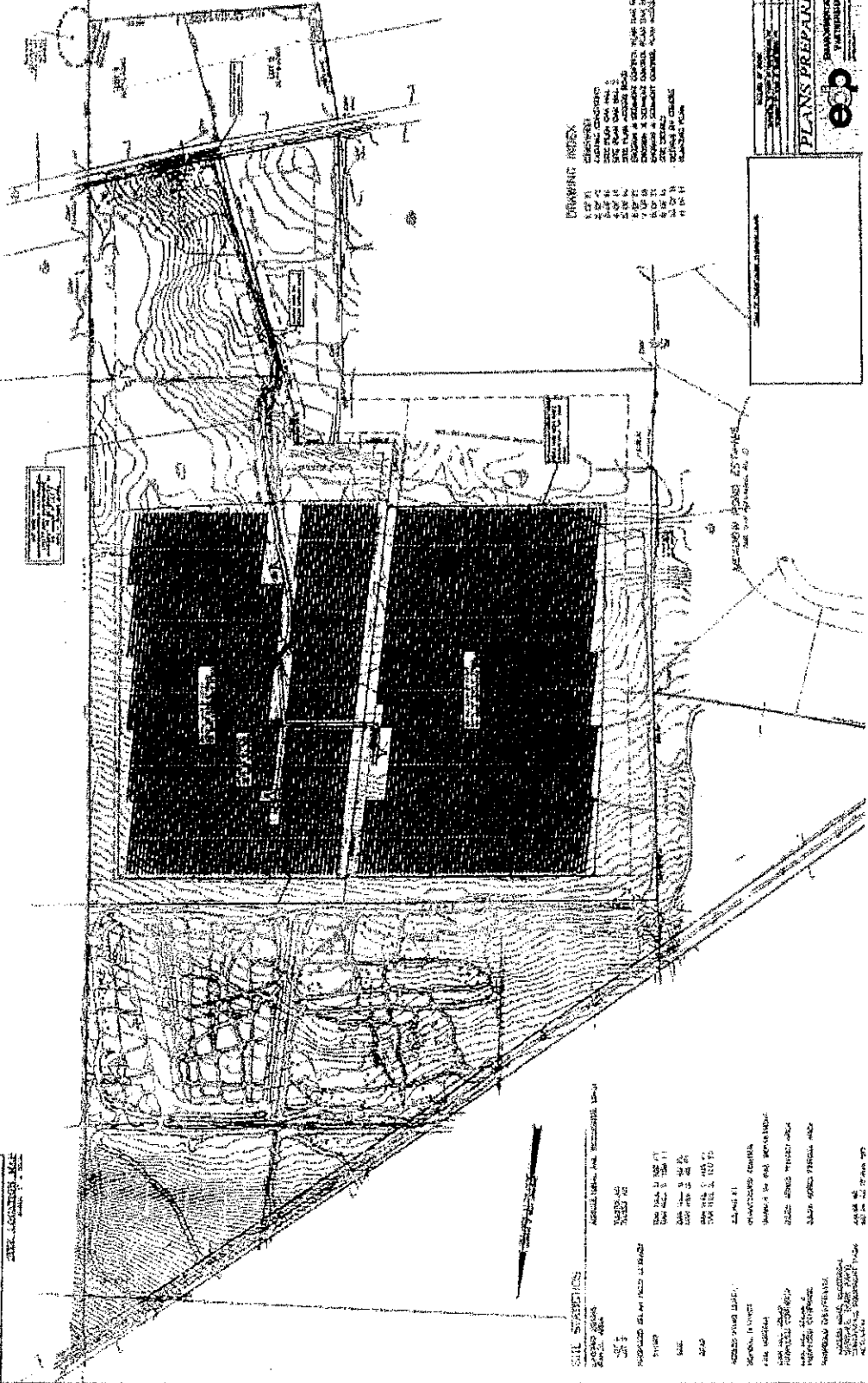
OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC

13930 DUANEBURG ROAD

TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK



SITE LOCATION MAP
SCALE: 1" = 1 MILE



SITE SPECIFICATIONS

ITEM	DESCRIPTION	QUANTITY	UNIT
1	GRAVEL DRIVEWAY	1	100' x 20'
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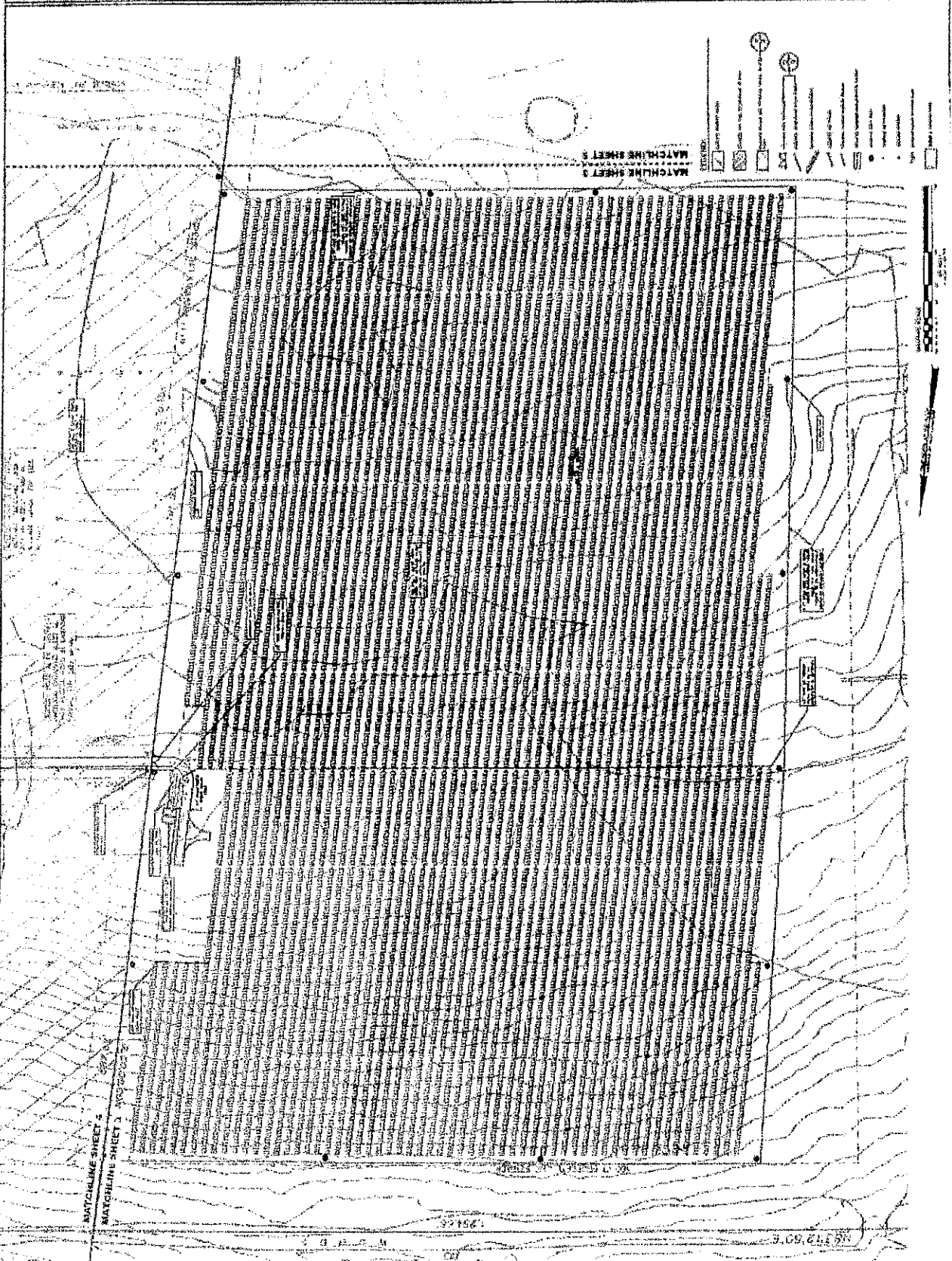
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PLANS PREPARED BY
ecp
ENGINEERING CONSULTING PROFESSIONALS
13930 DUANEBURG ROAD
DUANEBURG, NEW YORK 12058
TEL: 518-782-1111
WWW.ECP-ENGINEERS.COM

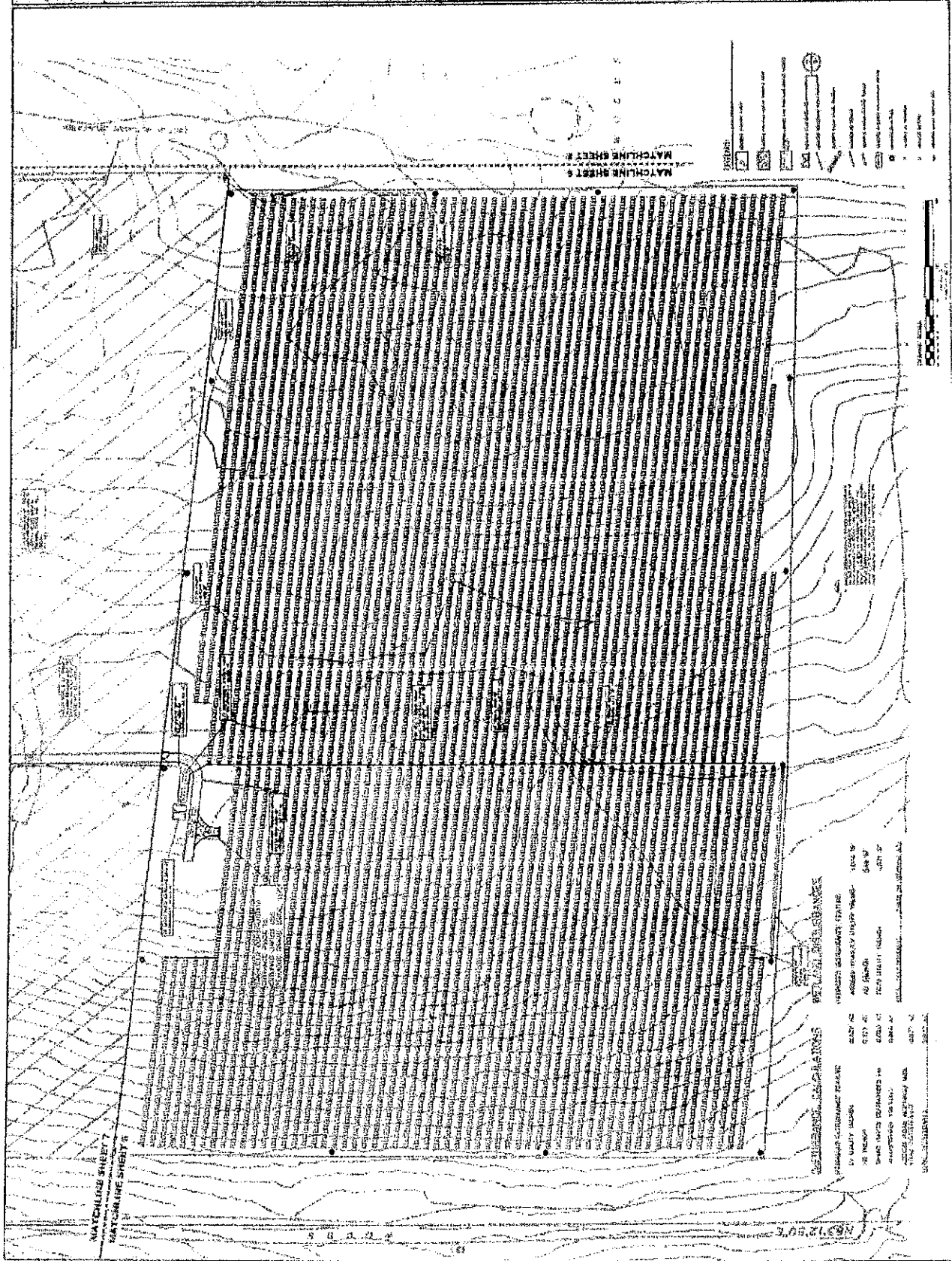
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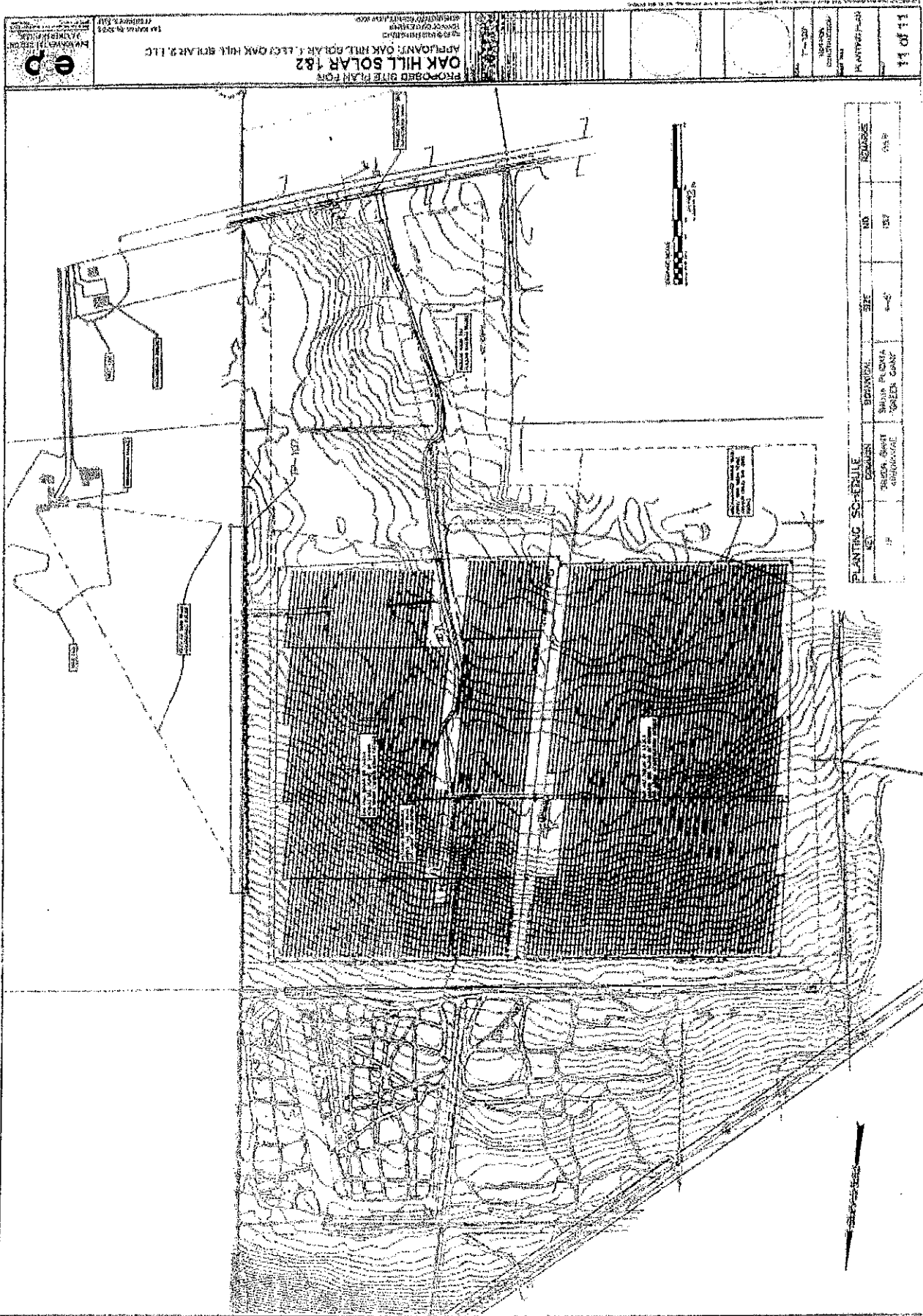
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4205

MATCHLINE SHEET #
MATCHLINE SHEET #





EXHIBIT

C

Developer	Application / Job #	Division	City/Town	Zip Code	Circuit ID	Substation	Hybrid (Y/N)	Related Application/ Job #	PV (KWAC)	ESS (KWAC)	Final Letter of Acceptance Date	Project Complete (Y/N)	Utility Retention of REC (Y/N)
Joshua Gillebaard (TM MONTANTE SOLAR DEVELOPMENT)	00286223	007 - Angola	ANGOLA	14006	36_07_9351	DELANEY RD SUBSTATION	N		5000			N	Y
Rich Sullivan (Omni-Navitas Holdings, LLC)	00281938	007 - Angola	IRVING	14081	36_07_9353	DELANEY RD SUBSTATION	N		5000			N	N
Safar Energy	00100806	037 - Cobleskill	DELANSON	12817	36_37_26951	DELANSON 269	N		5000		4/9/18	Y	N
Michael Whigham (CEC Development LLC)	00268193	037 - Cobleskill	SPRATERS	12566	36_37_26952	DELANSON 269	Y		2000	5000		N	N
Michael Tschirch (Nesamp)	00278193	037 - Cobleskill	DELANSON	12053	36_37_26952	DELANSON 269	N		5000			N	N
Nicole LeBlanc (AMP Solar Dev. Inc.)	00165990	037 - Cobleskill	DELANSON	12053	36_37_26951	DELANSON 269	Y		5000	4500		N	Y
Nicole LeBlanc (AMP Solar Dev. Inc.)	00166610	037 - Cobleskill	DELANSON	12053	36_37_26951	DELANSON 269	Y		5000	4500		N	Y
Gordon Woodcock (TCA Microgrid Energy LLC)	002799301	010 - Olean	DELEVAN	14042	36_10_1161	DELEVAN 11	N		5000			N	N
Borrego Solar Systems, Inc	00286109	011 - Syracuse	CAZENOVIA	13035	36_11_26253	DELPHI 262	Y		5000	0		N	N
Michael Frateschi (TDA Clean Energy)	00270379	011 - Syracuse	NEW WOODSTOCK	13122	36_11_26253	DELPHI 262	N		5000			N	N

EXHIBIT

D

nationalgrid	Coordinated Electric System Interconnect Review	Doc. #SP.NY-165990 Page 1 of 9
	Distributed Energy Resources - NYSSIR	Version 2.0 -- 12/13//2018

For
Interconnection Customer: Oakhill Solar 1 LLC
Applicant: New PowerCo Inc.
5,000 kW Photovoltaic Generator System
13590 Duanesburg Delanson, NY 12053

Interconnection to National Grid
NY Eastern Division
Northeast Region
Cobleskill District
Delanson #269 Substation
13.2 kV Feeder 26951

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nationalgrid	Coordinated Electric System Interconnect Review	Doc. #SP.NY-165990
	Distributed Energy Resources - NYSSIR	Page 2 of 9 Version 2.0 – 12/13//2018

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1.0 INTRODUCTION

This report presents the analysis results of the Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid" or the "Company") interconnection study based on the proposed interconnection and design submittal from the Interconnection Customer in accordance with the National Grid electric System Bulletin No. 75, Appendix B 'Distributed Generation Connected To National Grid Distribution Facilities Per The New York State Standardized Interconnection Requirements'. The intent of this report is to assess this project's feasibility, determine its impact to the existing electric power system (EPS), determine interconnection scope and installation requirements, and determine costs associated with interconnecting the Interconnection Customer's generation to the Company's Electric Power System (EPS). This Coordinated Electric System Impact Review (CESIR) study; according to the NYSSIR Section I.C Step 6; identifies the scope, schedule, and costs specific to this Interconnection Customer's installation requirements.

2.0 EXECUTIVE SUMMARY

The total estimated planning grade cost of the work associated with the interconnection of the Interconnection Customer is \$283,066.

The interconnection was found to be feasible with modifications to the existing Company EPS and operating conditions, which are described in detail in the body of this Study.

The ability to generate is contingent on this facility being served by the interconnecting circuit during normal Utility operating conditions. Therefore, if the interconnecting circuit is out of service, or if abnormal Utility operating conditions of the area EPS are in effect National Grid reserves the right to disengage the facility.

No future increase in generation output beyond that which specified herein for this interconnection has been studied. Any increase in system size and/or design change is subject to a new study and costs associated shall be borne by the Interconnection Customer. An increase in system size may also forfeit the Interconnection Customer's existing queue position.

3.0 COMPANY EPS PARAMETERS

Substation	Delanson 269
Transformer Name	TB1
Transformer Peak Load (MW)	8.6
Contingency Condition Load, N-1 Criteria (MW) (as applicable)	3.4
Daytime Light Load (MW)	2.1
Generation: Total, Connected, Queued (MW)	8.1, 3.1, 5.1
Contingency Condition Generation: Total, Connected, Queued (MW)	7.6, 2.6, 5.0
Supply Voltage (kV)	13.2

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Transformer Maximum Nameplate Rating (kVA)	14
Distribution Bus Voltage Regulation	Yes
Transmission GFOV Status	Installed
Bus Tie	None
Number of Feeders Served from this Bus	2

Connecting Feeder/Line	26951
Peak Load on feeder (kW)	5.2
Daytime Light Load on Feeder (MW)	1.3
Feeder Primary Voltage at POI (kV)	13.2
Line Phasing at POI	3
Distance to nearest 3-phase, (if applicable)	n/a
Line/Source Grounding Configuration at POI	effective
Other Generation: Total, Connected, Queued (kW)	7.6, 2.6, 5.0

System Fault Characteristics without Interconnection Customer DG at POI	
Interconnection Customer POI Location	P182-1 (Duanesburg Rd.)
13-phase (3LLL)	1,303 Amps
1 Line to Ground (3I0)	894 Amps
Z1 (100 MVA base)	1.0860 + j3.1946 PU
Z0 (100 MVA base)	2.7636 + j7.5176 PU

4.0 INTERCONNECTION CUSTOMER SITE

The Interconnection Customer is proposing a new solar photovoltaic primary service connection with Account No. 2858968039.

This location is presently served via National Grid 13.2kV feeder 26951 from Delanson Substation.

The proposed generating system consists of:

- One hundred-eleven HUAWEI SUN2000-45KTL-US, 45kW, 600VAC, 3-Phase inverters connected to
- Nine 800A, 3-Phase Powerboards, having a 800A main circuit breaker, through a 70A circuit breaker (1 per inverter x 11 per powerboard).
- Two 600A, 3-phase Powerboards, having a 450A main circuit breaker, through a 70A circuit breaker (1 per inverter x 6 per powerboard.)
- Two 2500kVA 2 Winding Design 600V - 13.2kV step-up transformers
- The outputs of both transformers are then connected to a customer-owned riser pole. This then continues on to
- A customer-owned primary service that consists of a customer-owned gang operated air break switch.

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- A 75kVA, 3-Phase grounding transformer with $Z = 5\%$ and $X/R = 6$ configured wye-ground/delta is connected on the primary side of the step-up transformers utilizing a 51G ground overcurrent relay through a customer owner recloser.

5.0 SYSTEM IMPACT ANALYSIS

Category	Criteria	Limit	Result
Voltage	Overvoltage	< 105% (ANSI C84.1)	Fail
With the addition of the subject generator the maximum voltage as modeled on the Feeder is 106% of nominal. To alleviate the overvoltage with the addition of the subject generator, the bank of 3-76.2kVA regulators on P.170 Duaneburg Rd would need to be replaced with 3-333kVA 7.62kV regulators with bi-directional controls and relocated to on or near Pole 115 Duaneburg Rd.			
Voltage	Undervoltage	> 95% (ANSI C84.1)	Pass
With the addition of the subject generator the minimum voltage as modeled on the Feeder is 95% of nominal.			
Voltage	Substation Regulation for Reverse Power	Reverse Power on LTC	Pass
The total generation on Feeders 26951 and 26952, is 8.1 MW. The total minimum load on these Feeders is 2.15 MW. Therefore, the generation to load ratio is 376% and reverse power can flow through TB2 onto the transmission system. TB2 already has a LTC with bi-directional controls and no further action is required.			
Voltage	Feeder Regulation for Reverse Power	Minimum load to generation ratio	Fail
The total generation downstream of voltage regulator P.170 is 5.08 MW. The minimum load downstream of the voltage regulator is 0.217 MW. Therefore, the generation to load ratio is 2341%. Bi-directional controls will be needed on the distribution voltage regulator.			
Voltage	Fluctuation	<3% steady state from proposed generation on feeder	Pass
The greatest voltage fluctuation on the feeder occurs at P.170 Duaneburg Rd. The resulting fluctuation at the feeder location is 3% due to the proposed generation.			
Voltage	Flicker	Screen H Flicker	Pass
The Pst for the location with the greatest voltage fluctuation is 0.256 and the emissions limit is 0.35.			
Equipment Ratings	Thermal (continuous current)	thermal limits	Fail
The subject generator's full output current is 219 A. The total full output current of all DER downstream of the regulators at P.170 is 222A. The 3-76.2kVA regulators on P.170 thermal capabilities are 100A. Regulators on P.170 would need to be increased in size to accommodate the full output current of all DER downstream.			

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Equipment Ratings	Withstand (fault current)	<90% withstand limits	Pass
The additional fault current contribution from the generation does not contribute to interrupting ratings in excess of existing EPS equipment.			
Protection	Unintentional Islanding	Unintentional Islanding Document & Company Guidelines	Fail
The subject generator is a 5 MW PV generation system. The subject generation exceeds the Company's criteria for islanding a distributed resource under light load conditions and will require a National Grid protection and control package.			
Protection	Protective device coordination	Company Guidelines	Fail
There are two reclosers between the subject generator POI and the substation. Recloser R99541 on Alexander Road and recloser R99543 on Duaneburg Road. The subject generator exceeds the Company's criteria for islanding a distributed resource, necessitating the replacement of the R99543 recloser to enable voltage supervised reclose on the DER side of the recloser. The R99541 recloser is already equipped with this functionality and does not need to be replaced, however setting changes are required to maintain coordination with the R99543 recloser.			
The proposed customer owned recloser for site overcurrent protection will provide adequate coordinate with upstream devices on the Company's EPS. Settings for the 51 and 51G protection shall be submitted to the Company for acceptance review.			
Protection	Fault Sensitivity	Rated capabilities of EPS equipment	Pass
Fault studies show that contribution from the subject generator for faults on the feeder will not have a significant increase in fault current seen by utility equipment. Aggregate source fault contribution with the addition of the subject generator is within the rated capabilities of EPS equipment.			
Protection	Ground Fault Detection	Reduction of reach > x% (by Utility)	Fail
The Interconnection Customer has proposed a 13.2kV connected 75kVA grounding bank with an impedance of 5% and X/R ratio of 6. To be within Company guidelines the grounding bank shall have an impedance of 33,686 ohms for a voltage base of 13.2kV. With this grounding bank in place the Interconnection Customer will contribute approximately 76A of 3I0 current to remote bolted line to ground faults and 328A to faults at the PCC.			
Protection	Overvoltage - Transmission System Fault	Company 3V0 criteria	Pass
The generation to load ratio on the serving distribution system has failed the Company's planning threshold in which transmission ground fault overvoltage become an electrical hazard due to the distribution source contribution. An evaluation of the existing EPS has been performed and it has been determined that protection mitigation methods are required. However, a 3V0 protection scheme has already been installed and no further action is required			
Protection	Overvoltage - Distribution System Fault	< 125 % voltage rise	Pass
With subject generator interconnected the modeled voltage rise on the unfaulted phases of the system is 121%.			

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Protection	Effective Grounding	$R0/X1 < 1$ and $X0/X1 < 3$	Pass
With subject generator interconnected the modeled $R0/X1$ is 0.527 PU and the $X0/X1$ is 2.0577 PU			
SCADA	Required EMS Visibility for Generation Sources	Monitoring & Control Requirements	Fail
The 5 MW subject generator triggers the requirement for SCADA reporting to the Utility.			
Other			

6.0 MITIGATIONS FOR SYSTEM IMPACT ANALYSIS FAILURES

Detail below is intended to provide sufficient information and clarity to give the Interconnection Customer an understanding to the relationship of costs and scope associated with the DER interconnection and the system modifications due to the DER impact. Where scope items are identified, associated labor, equipment rentals and indirect project support functions (such as engineering and project management) are intended and implied.

Upgrade Required	Option 1	Failures Addressed
3VO Substation cost sharing mechanism	\$0	Overvoltage - Transmission System Fault
National Grid protection and control package	\$102,518	Unintentional Islanding
Recloser R95543 on P95 Duaneburg Rd- Full Replacement	\$70,183	Lack of voltage supervised reclosing
Removal of existing 3-phase regulator bank and installation of 3-phase regulator bank on P115 Duaneburg Rd	\$85,518	Overvoltage - Distribution
SCADA Integration	\$6,848	Required EMS Visibility for Generation Sources

Additional details on the scope of each option can be found below:

Option 1:

The substation upgrades required to facilitate the proposed installation include the following:

- LTC bi-directional control capability is already incorporated in TB 1 at Delanson
- A 3VO protection scheme is already incorporated at Delanson station

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The Distribution upgrades required to facilitate the proposed installation include the following:

- National Grid Protection and Control Package
- SCADA Integration (equipment integrated into the PCC recloser)
- The R95543 recloser on pole 95 Duaneburg Road will be replaced in its entirety to enable voltage supervised reclosing on the DER side of the recloser.
- Replacing 3-76.2kVA regulators P.170 Duaneburg Rd with 3-333kVA 7.62kV regulators cluster mounted on or near P.115 Duaneburg Rd

7.0 CONCEPTUAL COST ESTIMATE

The following items are a good faith estimate for the scope and work required to interconnect the project estimated under rates and schedules in effect at the time of this study in accordance with the most recent version of the New York State Standardized Interconnection Requirements ("SIR").

Planning Grade Estimate

Table 7-1: Estimate

National Grid Work Segment	Planning Grade Cost Estimate not including Tax Liability				Capital portion for calculating tax liability	Tax Liability Applied to Capital	Customer Cost Totals
Description of Scope	Material	Labor	Overheads	Pre-Tax Total	Capital Costs	Rate	Total
Distribution System Modifications						14.14%	
National Grid Protection and Control Package (Recloser, Switches, and Poles)	\$ 40,289	\$ 20,573	\$ 29,344	\$ 90,205	\$ 87,075	\$ 12,312	\$ 102,517
SCADA Integration (equipment integrated into PCC Recloser)	\$ 4,000	\$ -	\$ 2,000	\$ 6,000	\$ 5,000	\$ 848	\$ 6,848
New Mid-Line Recloser in the vicinity of P149 Riverview Road	\$ 41,083	\$ 11,985	\$ 8,485	\$ 61,553	\$ 61,033	\$ 8,630	\$ 70,183
Removal of existing 3-phase regulator bank and installation of 3-phase regulator bank on P115 Duaneburg Rd	\$ 86,675	\$ 9,595	\$ 30,844	\$ 77,114	\$ 59,431	\$ 8,404	\$ 85,518
Substation Modifications						14.14%	
Non-System Costs						0%	
Customer Documentation Review, Field Verification and Witness Testing		\$ 12,000	\$ 6,000	\$ 18,000	\$ -	\$ -	\$ 18,000
Total Project Costs:	\$ 122,047	\$ 54,153	\$ 76,673	\$ 252,872	\$ 213,539	\$ 30,194	\$ 283,066
Dline Summary	\$ 122,047	\$ 54,153	\$ 76,673	\$ 252,872	\$ 213,539	\$ 30,194	\$ 283,066
Station Summary	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 122,047	\$ 54,153	\$ 76,673	\$ 252,872	\$ 213,539	\$ 30,194	\$ 283,066

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Notes:

1. These estimated costs are based upon the results of this study and are subject to change. All costs anticipated to be incurred by the Company are listed.
2. The Company will reconcile actual charges upon project completion and the Interconnection Customer will be responsible for all final charges, which may be higher or lower than estimated according to the SIR I.C step 11.
3. This estimate does not include the following:
 - additional Interconnection study costs, or study rework
 - additional application fees,
 - applicable surcharges,
 - property taxes,
 - overall project sales tax,
 - future operation and maintenance costs,
 - adverse field conditions such as weather and Interconnection Customer equipment obstructions,
 - extended construction hours to minimize outage time or Company's public duty to serve,
 - the cost of any temporary construction service, or
 - any required permits.
4. Cost adders estimated for overtime would be based on 1.5 and 2 times labor rates if required for work beyond normal business hours. Per Diems are also extra costs potentially incurred for overtime labor.

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For
Interconnection Customer: Oakhill Solar 2 LLC
Applicant: New PowerCo Inc.
5,000 kW PV Generator System

Interconnection to National Grid
NY East
Northeast Region
Cobleskill District
Delanson Substation
13.2 kV Feeder 26951

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1.0 INTRODUCTION

This report presents the analysis results of the Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid" or the "Company") interconnection study based on the proposed interconnection and design submittal from the interconnection Customer in accordance with the National Grid electric System Bulletin No. 75, Appendix B 'Distributed Generation Connected To National Grid Distribution Facilities Per The New York State Standardized Interconnection Requirements'. The intent of this report is to assess this project's feasibility, determine its impact to the existing electric power system (EPS), determine interconnection scope and installation requirements, and determine costs associated with interconnecting the interconnection Customer's generation to the Company's Electric Power System (EPS). This Coordinated Electric System Impact Review (CESIR) study, according to the NYSSIR Section I.C Step 6, identifies the scope, schedule, and costs specific to this interconnection Customer's installation requirements.

2.0 EXECUTIVE SUMMARY

The total estimated planning grade cost of the work associated with the interconnection of the interconnection Customer is \$153,177.

The interconnection with the Company EPS was found to not be feasible unless the following modifications to the interconnecting Customer's system are completed, which are described in further detail in the body of this Study.

The interconnection was found to be feasible with modifications to the existing Company EPS and operating conditions, which are described in detail in the body of this Study.

The proposed Energy Storage System (ESS) in combination with the generation component of this project shall at no time exceed the generation component of this project or 5,000 kW. The ESS is approved to release energy to the EPS 24 hours a day.

The ability to generate is contingent on this facility being served by the interconnecting circuit during normal Utility operating conditions. Therefore, if the interconnecting circuit is out of service, or if abnormal Utility operating conditions of the area EPS are in effect National Grid reserves the right to disengage the facility.

No future increase in generation output beyond that which specified herein for this interconnection has been studied. Any increase in system size and/or design change is subject to a new study and costs associated shall be borne by the interconnection Customer. An increase in system size may also forfeit the interconnection Customer's existing queue position.

3.0 COMPANY EPS PARAMETERS

Substation	Delanson 269
Transformer Name	TB1
Transformer Peak Load (MW)	8.6

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Contingency Condition Load, N-1 Criteria (MW) (as applicable)	8.4
Daytime Light Load (MW)	2.1
Generation: Total, Connected, Queued (MW)	13.1, 3.1, 10.0
Contingency Condition Generation: Total, Connected, Queued (MW)	12.6, 2.6, 10.0
Supply Voltage (kV)	13.2
Transformer Maximum Nameplate Rating (MVA)	14
Distribution Bus Voltage Regulation	Yes
Transmission GFOV Status	Installed
Bus Tie	None
Number of Feeders Served from this Bus	2

Connecting Feeder/Line	26951
Peak Load on feeder (MW)	5.2
[Daytime, 24 hour] Light Load on Feeder (MW)	1.3
Feeder Primary Voltage at POI (kV)	13.2
Line Phasing at POI	3
Distance to nearest 3-phase, (if applicable)	n/a
Line/Source Grounding Configuration at POI	effective
Other Generation: Total, Connected, Queued (MW)	12.6, 2.6, 10.0

System Fault Characteristics without Interconnection Customer DG at POI	
Interconnection Customer POI Location	P182-2 Duaneburg Rd.
I 3-phase (3LLL)	1,425 Amps
I Line to Ground (3I0)	1,116 Amps
Z1 (100 MVA base)	1.4877 + j2.7113 PU
Z0 (100 MVA base)	1.4289 + j5.5790 PU

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4.0 INTERCONNECTION CUSTOMER SITE

The Interconnection Customer is proposing new solar photovoltaic primary service connection with Account No. 1638576030

This location is presently served by the Company's 13.2kV radial distribution feeder 26951 from Delanson Substation.

The proposed generating system consists of:

- One hundred-eleven HUAWEI SUN2000-45KTL-US, 45kW, 600VAC, 3-Phase Inverters connected to
- Nine 800A, 3-Phase Powerboards, having a 800A main circuit breaker, through a 70A circuit breaker (1 per inverter x 11 per powerboard),
- Two 600A, 3-phase Powerboards, having a 450A main circuit breaker, through a 70A circuit breaker (1 per inverter x 6 per powerboard.)
- Two 2500kVA 2 Winding Design 600V - 13.2kV step-up transformers
- The outputs of both transformers are then connected to a customer-owned riser pole. This then continues on to
- A customer-owned primary service that consists of a customer-owned gang operated air break switch.
- A 75kVA, 3-Phase grounding transformer with Z= 5% and X/R = 6] configured wye-ground/delta is connected on the primary side of the step-up transformers utilizing a 51G ground overcurrent relay through a customer owner recloser

5.0 SYSTEM IMPACT ANALYSIS

Category	Criteria	Limit	Result
Voltage	Overvoltage	< 105% (ANSI C84.1)	Fail
With the addition of the subject generator the maximum voltage as modeled on the Feeder is 105.27% of nominal.			
Voltage	Undervoltage	> 95% (ANSI C84.1)	Pass
With the addition of the subject generator the minimum voltage as modeled on the Feeder is 98.7% of nominal.			
Voltage	Substation Regulation for Reverse Power	Reverse Power on LTC	Pass
The total generation on Feeders 26951 and 26952 is 13.1 MW. The total minimum load on these Feeders is 2.15 MW. Therefore, the generation to load ratio is 609% and reverse power can flow through TB2 onto the transmission system. TB2 already has a LTC with Bi-directional controls and no further action is required.			
Voltage	Feeder Regulation for Reverse Power	Minimum load to generation ratio	Fail

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The total generation downstream of 3-333kVA voltage regulator on P.115 Duanesburg Rd is 10.08 MW. Due to downstream DG in queue, the subject voltage regulators will have bi-directional controls installed and will experience reverse power flow.

Voltage	Fluctuation	<3% steady state from proposed generation on feeder	Pass
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The greatest voltage fluctuation on the feeder occurs at P.23 Old HWY 30 Tax District 7225, Line #86. The resulting fluctuation at the feeder location is 2.1% due to the proposed generation and < 1% on the substation bus due to the aggregate generation.

Voltage	Flicker	Screen H Flicker	Pass
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The Pst for the location with the greatest voltage fluctuation is 0.178 and the emissions limit is 0.35.

Equipment Ratings	Thermal (continuous current)	< 100% thermal limits	Fail
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The subject generator's full output current is 219 A. The total full output current of all DER downstream of 3-333kVA regulators on P.115 Duanesburg Rd is 441 A. The 3-333kVA regulators thermal capabilities are 437 A.

Additionally, the Delanson substation getaway conductor consists of 4/0 Bare conductor which has a thermal capability of 440 A. Due to the proposed generation, approximately 200' of conductor must be replaced with 366.4 SAL.

Equipment Ratings	Withstand (fault current)	<90% withstand limits	Pass
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The additional fault current contribution from the generation does not contribute to interrupting ratings in excess of existing EPS equipment.

Protection	Unintentional Islanding	Unintentional Islanding Document & Company Guidelines	Fail
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The subject generator is a 5 MW PV generation system. The subject generation exceeds the Company's criteria for islanding a distributed resource under light load conditions and will require a National Grid protection and control package.

Protection	Protective device coordination	Company Guidelines	Fail
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There are two reclosers between the subject generator POI and the substation. Recloser R99541 on Alexander Road and recloser R99543 on Duanesburg Road. The subject generator exceeds the Company's criteria for islanding a distributed resource, necessitating the replacement of the R99543 recloser to enable voltage supervised reclose on the DER side of the recloser. The R99541 recloser is already equipped with this functionality and does not need to be replaced. Setting changes to the R99541 recloser are required to maintain coordination with the R99543 recloser. However the replacement of R99543 and setting changes for R99541 are already planned under an in-process DER project higher in the queue.

The proposed customer owned recloser for site overcurrent protection will provide adequate coordinate with upstream devices on the Company's EPS. Settings for the S1 and S1G protection shall be submitted to the Company for acceptance review.

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Protection	Fault Sensitivity	Rated capabilities of EPS equipment	Pass
Fault studies show that contribution from the subject generator for faults on the feeder will not have a significant increase in fault current seen by utility equipment. Aggregate source fault contribution with the addition of the subject generator is within the rated capabilities of EPS equipment.			
Protection	Ground Fault Detection	Reduction of reach > x% (by Utility)	Fail
The Interconnection Customer has proposed a 13.2kV connected 500kVA grounding bank with an impedance of 5%. To be within Company guidelines the grounding bank shall have an impedance of 33.686 for a voltage base of 13.2kV. With this grounding bank in place the Interconnection Customer will contribute approximately 60A of 3I0 current to remote bolted line to ground faults and 308A to faults at the PCC.			
Protection	Overvoltage - Transmission System Fault	Company 3V0 criteria	Fail
The generation to load ratio on the serving distribution system has failed the Company's planning threshold in which transmission ground fault overvoltage become an electrical hazard due to the distribution source contribution. An evaluation of the existing EPS has been performed and it has been determined that protection mitigation methods are required. However, 3V0 is already incorporated at Delanson Station.			
Protection	Overvoltage - Distribution System Fault	< 125 % voltage rise	Pass
With subject generator interconnected the modeled voltage rise on the unfaulted phases of the system is 124%.			
Protection	Effective Grounding	$R0/X1 < 1$ and $X0/X1 < 3$	Pass
With subject generator interconnected the modeled $R0/X1$ is 0.3874 PU and the $X0/X1$ is 1.9712 PU			
SCADA	Required EMS Visibility for Generation Sources	Monitoring & Control Requirements	Fail
The 5 MW subject generator triggers the requirement for SCADA reporting to the Utility.			
Other			

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6.0 MITIGATIONS FOR SYSTEM IMPACT ANALYSIS FAILURES

Detail below is intended to provide sufficient information and clarity to give the Interconnection Customer an understanding to the relationship of costs and scope associated with the DER Interconnection and the system modifications due to the DER Impact. Where scope items are identified, associated labor, equipment rentals and indirect project support functions (such as engineering and project management) are intended and implied.

Upgrade Required	Option 1	Failures Addressed
3VO Substation cost sharing mechanism	\$0	Overvoltage - Transmission System Fault
National Grid protection and control package	\$102,518	Unintentional Islanding
Reconductor ~ 200ft of primary overhead 4/0 CU conductor	\$25,812	Thermal Limits
SCADA Integration	\$6,848	Required EMS Visibility for Generation Sources

Additional details on the scope of each option can be found below:

The Distribution upgrades required to facilitate the proposed installation include the following:

- National Grid Protection and Control Package
- SCADA Integration (equipment integrated into the PCC recloser)
- Reconductor ~ 200ft of primary overhead 4/0 CU conductor from the Delanson Substation to P.11. Replace 4/0 CU with 336.4 SAL.

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7.0 CONCEPTUAL COST ESTIMATE

The following items are a good faith estimate for the scope and work required to Interconnect the project estimated under rates and schedules in effect at the time of this study in accordance with the most recent version of the New York State Standardized Interconnection Requirements ("SIR").

Planning Grade Estimate

Table 7-1: Estimate

National Grid Work Segment	Planning Grade Cost Estimate, Not Including Tax Liability				Capital portion for calculating tax liability	Tax Liability Applied to Capital	Customer Cost Totals
	Material	Labor	Overheads	Pre-Tax Total			
Description of Scope					Capital Costs	Rate	Total
Distribution System Modifications						14.14%	
National Grid Protection and Control Package (Recloser, Switches, and Poles)	\$ 40,289	\$ 20,573	\$ 29,344	\$ 90,206	\$ 87,075	\$ 12,312	\$ 102,517
SCADA Integration (equipment integrated into PCC Recloser)	\$ 4,000	\$ -	\$ 2,000	\$ 6,000	\$ 6,000	\$ 848	\$ 6,848
Reconductor "200" of primary overhead	\$ 2,832	\$ 10,168	\$ 10,605	\$ 23,605	\$ 15,605	\$ 2,207	\$ 25,812
Substation Modifications						14.14%	
Non-System Costs						0%	
Customer Documentation Review, Field Verification and Witness Testing		\$ 12,000	\$ 6,000	\$ 18,000	\$ -	\$ -	\$ 18,000
Total Project Costs:	\$ 47,121	\$ 42,741	\$ 47,949	\$ 137,810	\$ 108,680	\$ 15,367	\$ 153,177
Online Summary	\$ 47,121	\$ 42,741	\$ 47,949	\$ 137,810	\$ 108,680	\$ 15,367	\$ 153,177
Station Summary	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 47,121	\$ 42,741	\$ 47,949	\$ 137,810	\$ 108,680	\$ 15,367	\$ 153,177

Notes:

- These estimated costs are based upon the results of this study and are subject to change. All costs anticipated to be incurred by the Company are listed.
- The Company will reconcile actual charges upon project completion and the Interconnection Customer will be responsible for all final charges, which may be higher or lower than estimated according to the SIR I.C step 11.
- This estimate does not include the following:
 - additional interconnection study costs, or study rework
 - additional application fees,
 - applicable surcharges,
 - property taxes,
 - overall project sales tax,
 - future operation and maintenance costs,
 - adverse field conditions such as weather and Interconnection Customer equipment obstructions,
 - extended construction hours to minimize outage time or Company's public duty to serve,

nationalgrid	Coordinated Electric System Interconnect Review	Doc. #SP.NY-166610 Page 10 of 10
	Distributed Energy Resources - NYSSIR	Version 3.1 - 4/19/2019

- the cost of any temporary construction service, or
- any required permits.

4. Cost adders estimated for overtime would be based on 1.5 and 2 times labor rates if required for work beyond normal business hours. Per Diems are also extra costs potentially incurred for overtime labor.

EXHIBIT

E

**CERTIFICATE OF INCORPORATION
OF
New PowerCo Inc.**

FIRST: The name of the corporation is: New PowerCo Inc.

SECOND: Its registered office in the State of Delaware is located at 16192 Coastal Highway, Lewes, Delaware 19958, County of Sussex. The registered agent in charge thereof is Harvard Business Services, Inc.

THIRD: The purpose of the corporation is to engage in any lawful activity for which corporations may be organized under the General Corporation Law of Delaware.

FOURTH: The total number of shares of stock which the corporation is authorized to issue is 1,500 shares having a par value of \$0.010000 per share.

FIFTH: The business and affairs of the corporation shall be managed by or under the direction of the board of directors, and the directors need not be elected by ballot unless required by the bylaws of the corporation.

SIXTH: This corporation shall be perpetual unless otherwise decided by a majority of the Board of Directors.

SEVENTH: In furtherance and not in limitation of the powers conferred by the laws of Delaware, the board of directors is authorized to amend or repeal the bylaws.

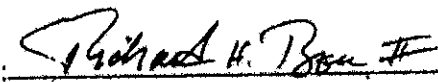
EIGHTH: The corporation reserves the right to amend or repeal any provision in this Certificate of Incorporation in the manner prescribed by the laws of Delaware.

NINTH: The incorporator is Harvard Business Services, Inc., whose mailing address is 16192 Coastal Highway, Lewes, DE 19958.

TENTH: To the fullest extent permitted by the Delaware General Corporation Law a director of this corporation shall not be liable to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director.

I, the undersigned, for the purpose of forming a corporation under the laws of the State of Delaware do make and file this certificate, and do certify that the facts herein stated are true; and have accordingly signed below, this November 15, 2016.

Signed and Attested to by:



Harvard Business Services, Inc., Incorporator
By: Richard H. Bell, II, President

State of Delaware

Annual Franchise Tax Report

CORPORATION NAME NEW POWERCO INC.			TAX YR. 2019
FILE NUMBER 6216148	INCORPORATION DATE 2016/11/15	RENEWAL/REVOCATION DATE	
PRINCIPAL PLACE OF BUSINESS THE BARN, FORD FARM ALDBOURNE MARLBOROUGH SN8 2DP UNITED KINGDOM			PHONE NUMBER 447972049183
REGISTERED AGENT HARVARD BUSINESS SERVICES, INC. 16192 COASTAL HWY LEWES DE 19958			AGENT NUMBER 9020245

BEGIN DATE	AUTHORIZED STOCK	END DATE	DESIGNATION/ STOCK CLASS	NO. OF SHARES	PAR VALUE/ SHARE
2016/11/15			COMMON	1,500	\$0.0100000000

OFFICER	NAME	STREET/CITY/STATE/ZIP	TITLE
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DIRECTORS	NAME	STREET/CITY/STATE/ZIP
HARRY LOPES		THE BARN, FORD FARM ALDBOURNE MARLBOROUGH SN8 2DP UNITED KINGDOM

NOTICE: Pursuant to 8 Del. C. 502(b), If any officer or director of a corporation required to make an annual franchise tax report to the Secretary of State shall knowingly make any false statement in the report, such officer or director shall be guilty of perjury.

AUTHORIZED BY (OFFICER, DIRECTOR OR INCORPORATOR)

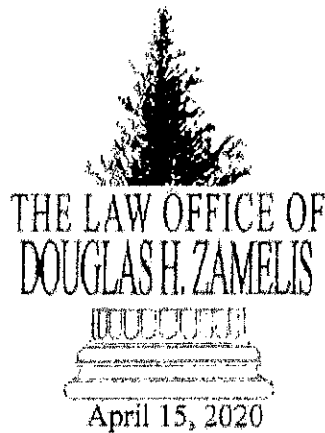
HARRY LOPES
THE BARN, FORD FARM
ALDBOURNE
MARLBOROUGH SN8 2DP
GB

DATE
2019/12/31

TITLE
DIRECTOR

EXHIBIT

F



Hon. Richard F. Kauffman, Chair
& Members
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203-6399

Re: Oak Hill 1 Solar LLC and Oak Hill 2 Solar LLC, Duanesburg (T), Schenectady County

Dear Chairman Kauffman and Members of the Authority:

This office represents Ms. Susan Biggs and Ms. Lynne Bruning in connection with two community solar projects identified as Oak Hill 1 Solar and Oak Hill 2 Solar (the "Projects") in the Town of Duanesburg, Schenectady County, with listed addresses at 13590 Oak Hill Road and 13686 Duanesburg Road, Delanson, New York, respectively. Ms. Biggs and Ms. Bruning reside at 13388 Duanesburg Road, adjacent to the Projects, and are petitioners in a proceeding pursuant to CPLR Article 78 entitled *Biggs, et al. v. Eden Renewables LLC et al.* presently pending in Schenectady County Supreme Court (Index Number 2019-2217) which seeks invalidation and annulment of the Projects' local land use approvals.

The Authority has awarded funds for the Projects totaling \$7,713,456.00 based on representations by Eden Renewables LLC (and/or a successor-in-interest) concerning the size and capacity of the Projects approved by the Town of Duanesburg Planning Board, and the purported approval of energy storage facilities by that Planning Board. This correspondence clarifies that the combined size and capacity of the Projects approved by the Town of Duanesburg Planning Board is only 65.2 acres and 10 MW, not 95 acres and 15 MW as reportedly represented to the Authority. This correspondence further confirms that, notwithstanding what has been represented to the Authority, the Town of Duanesburg Planning Board did not actually review or approve any energy storage facilities in connection with the Projects.

The Duanesburg Planning Board's September 19, 2019 "Resolution Approving Special Use Permit and Subdivision and Site Plan Approval for the Eden Renewables Oak Hill Solar Energy Projects - 1206 Oak Hill Road" (the "Local Approval Resolution"), a copy of which is attached herewith as Exhibit "A", purported to approve the two 5 MW Projects, for a combined generation capacity of 10 MW. Because Ms. Biggs and Ms. Bruning brought to the Duanesburg

Planning Board's attention that the Local Approval Resolution overstated the size of the Projects, the Local Approval Resolution was amended by resolution embodied in the minutes of the Duanesburg Planning Board's October 17, 2019 meeting, a copy of which are attached herewith as Exhibit "B", which set forth the correct "coverage" for the Projects as "32.8 acres" and "33 acres" for a combined total of 65.8 acres. The Duanesburg Planning Board therefore approved two solar projects with a combined generation capacity of 10 MW to cover a combined +/-65.8 acres.

The combined coverage of +/-65.8 acres for the Projects is consistent with the "Proposed Site Plan for Oak Hill Solar 1&2, Sheets 1 through 11" dated February 8, 2019 (the "Approved Site Plan") prepared by Environmental Design Partnership, LLC resubmitted to the Duanesburg Planning Board on June 6, 2019 which indicates "proposed coverage" of "32.2 acres" and "33 acres" for a combined coverage of +/-65.2 acres.

Sheets 9 and 10 of the Approved Site Plan show site plan details for limited use pervious access roads, limited use pervious wetland crossings, solar field fences, silt fences, construction entrance, trenches, spare parts containers, DC to DC converters, PV tracker systems, CCTV poles, transformer stations, and inverters on poles, the Approved Site Plan does not provide any details for any type battery or energy storage system facilities. Likewise, neither the State Environmental Quality Review Act Full Environmental Assessment Form, Negative Declaration, nor the Local Approval Resolution, as amended, references battery storage anywhere in their texts. The only reference to battery storage in the record of the Duanesburg Planning Board's proceedings is in the minutes of the board's March 21, 2019 meeting where it is indicated "There will be battery storage proposed in ten (10) small enclosures with containment and fire protection". Such facilities were never actually proposed or reviewed though, and both the Approved Site Plan and the Local Approval Resolution, as amended, fail to show, discuss or approve any energy storage facilities in connection with the Projects.

Notwithstanding the omission of energy storage facilities from the Approved Site Plan and absence of any mention of energy storage facilities in the SEQRA documents or Local Approval Resolution, Town of Duanesburg Planner/Building Inspector/Code Enforcement Officer Dale R. Warner somehow acknowledged and confirmed to the Authority on "Confirmation of Local Land Use Approval" forms dated September 23, and 26, 2019 copies of which are attached herewith as Exhibit "C", that "Required Energy Storage Land Use Approvals" had in fact been granted on September 19, 2019, i.e., the date of the Local Approval Resolution which makes no mention of energy storage facilities. Thereafter, Officer Warner acknowledged and confirmed to the Authority on "Presentation to Planning/Zoning Board for Energy Storage" forms dated October 4, 2019 attached herewith as Exhibit "D" which provide "NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board" for projects of "Energy Storage Size, MW (AC): 5MW AC" and "Solar Project Size, MW (DC) (if applicable): 7.5MW DC". Officer Warner, who is not a member of the Duanesburg Planning Board or Zoning Board of Appeals, acknowledged and confirmed the Authority's "Presentation to Planning/Zoning Board For Energy Storage Facilities Forms" despite the clear indication on the form that they were to be "ACKNOWLEDGED & CONFIRMED BY

MUNICIPALITY Planning/Zoning Board Member". The Duanesburg Planning Board approved no energy storage facilities, and approved only two 5 MW DC community solar projects.

Records obtained from the Authority pursuant to the Freedom of Information Law and filed on the New York State Department of Public Service Document and Matter Management system for matter number 17-02273 indicate that substantial financial incentives by the Authority were contingent and conditioned upon the a) Projects actually comprising a total of 15 MW; and b) approval of associated commercial battery storage facilities by the Duanesburg Planning Board.

By way of demonstration, correspondence from the Authority to Oak Hill Solar 1, LLC dated October 31, 2019 attached herewith as Exhibit "E" states that "Your award in the amount of \$1,498,728 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 1, LLC at 13590 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application. Virtually identical correspondence for Oak Hill Solar 2 LLC of the same date which states that "Your award in the amount of \$1,498,728 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 2, LLC at 13686 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application" is also included herewith as Exhibit "E". Therefore, while awards by the Authority totaling \$2,997,456.00 are contingent on the interconnection of a combined 15 MW of solar electrical systems, the Duanesburg Planning Board's Local Approval Resolution only authorizes the construction of a combined 10 MW.

The "Salesforce" printout for Oak Hill Solar 1, LLC filed with the Authority, a copy of which is attached as Exhibit "F", represents that Oak Hill Solar 1 "Total System Size" is "7,493.640" kW and indicates "Total Number Acres: 46.00". The "Salesforce" printout for Oak Hill Solar 2, LLC filed with the Authority, a copy of which is included in Exhibit "F", represents that Oak Hill Solar 2 "Total System Size" is also "7,493.640" kW and indicates "Total Number Acres: 49.00". These records, filed *after* the issuance of the Duanesburg Planning Board's Local Approval Resolution which authorized a combined 10 MW on only +/-65.2 acres, purport to represent to the Authority that the Projects would have a combined generation capacity of 15 MW on 95 acres.

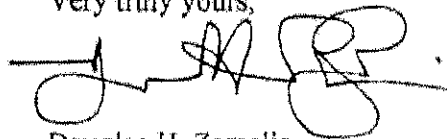
In addition to the \$2,997,456.00 awarded by the Authority for the Projects under the "NY-Sun Program", according to correspondence from the Authority dated October 28, 2019 attached herewith as Exhibit "G" indicates the Authority awarded \$2,358,000.00 each for Oak Hill 1 Solar and Oak Hill 2 Solar under the "Retail Energy Storage Incentive Program" which funds were "contingent upon the installation and grid interconnection of a 5,000.00 kW/11,790.00 kWh (useable installed energy capacity measured in AC) energy storage system". However, as established above, neither the SEQRA EAF, Negative Declaration, Approved Site Plan, nor the Local Approval Resolution reference any energy storage facilities in connection with the Projects, and therefore such storage facilities were never in fact reviewed or approved by the Duanesburg Planning Board. The Authority has therefore granted \$4,716,000.00 in incentives for energy storage systems for the Projects when Eden Renewables LLC never obtained approval from the Duanesburg Planning Board for any energy storage facilities in connection with the Projects.

Please be advised Ms. Biggs and Ms. Bruning reserve all their statutory and common law rights and remedies to enforce the Town of Duanesburg Zoning Law and Final Approval Resolution in a Declaratory Judgment Action in Schenectady County Supreme Court in the event Eden Renewables LLC (or its successor-in-interest) constructs the Projects in excess of 10 MW, 65.8 acres, and/or attempts to install any energy storage facilities.

On behalf of Ms. Biggs and Ms. Bruning, we respectfully request that this matter be investigated, and if the Authority determines that the Projects do not satisfy the contingencies of the \$7,713,456.00 in incentives as set forth above, that it revoke or withhold such incentives as appropriate.

Thank you very much for the Authority's careful consideration of this important matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Douglas H. Zamellis', written over a horizontal line.

Douglas H. Zamellis

cc:

Alicia Barton, NYSEDA President & CEO
Hon. Letitia James, NYS Attorney General
Hon Letizia Tagliafierro, NYS Inspector General
Hon. Thomas DiNapoli, NYS Comptroller
Hon. Roger Tidball, Supervisor, Town of Duanesburg
Teresa M. Bakner, Esq., Counsel to Town of Duanesburg
Daniel A. Spitzer, Esq., Counsel to Eden Renewables LLC

EXHIBIT "A"

**TOWN OF DUANESBURG PLANNING BOARD
RESOLUTION APPROVING SPECIAL USE PERMIT, SUBDIVISION AND SITE PLAN
FOR THE EDEN RENEWABLES OAK HILL SOLAR ENERGY PROJECTS – 1206 OAK HILL ROAD**

Date: September 19, 2019

WHEREAS, on or about May 7, 2018, Eden Renewables ("Eden Renewables" or the "Applicant") applied to the Duanesburg Planning Board ("Planning Board") for a Special Use Permit and Site Plan Review pursuant to the Town of Duanesburg Local Law No. 1-2016, for the 5-MW Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Project") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands owned by Richard Murray (SBL# 74.00-2-5) ("Property"); and

WHEREAS, on or about May 17, 2018, the Applicant appeared before the Planning Board in furtherance of the proposed Project and the Planning Board requested that the Applicant meet with the Town Planner/Code Enforcement Officer to discuss the proposed application; and

WHEREAS, on or about July 18, 2018, the Applicant appeared before the Planning Board and requested a lot line adjustment and minor subdivision in order to install two 5-MW solar fields on each created parcel, in addition to the Special Use Permit sought pursuant to the Town of Duanesburg Local Law No. 1-2016; and

WHEREAS, on or about July 18, 2018, the Planning Board adopted a resolution pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as "SEQRA") in which it assumed the role of SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review;

WHEREAS, on or about August 16, 2018, the Planning Board adopted a resolution appointing Doug Cole of Prime AE Group of NY as the Town Designated Engineer to assist in its review of the application from Eden Renewables; and

WHEREAS, on or about September 11, 2018, the Town's Designated Engineer provided written comments on the application; and

WHEREAS, on or about March 11, 2019, the Applicant submitted revised site plans, minor subdivision and lot line adjustment plans, revised applications, a revised Full Environmental Assessment Form ("Full EAF"), and a decommissioning plan, accompanied by a letter addressing comments from the Town's Designated Engineer; and

WHEREAS, on or about March 21, 2019, the Applicant appeared before the Planning Board in furtherance of the site plan review process, and the Planning Board requested receipt of additional information and other actions from the Applicant; and

WHEREAS, on or about June 6, 2019, the Applicant submitted additional information to the Planning Board and addressed the outstanding actions identified by the Planning Board; and

WHEREAS, on or about June 20, 2019, the Planning Board reviewed the materials submitted by the Applicant, issued a negative declaration of environmental significance for this Type 1 action, after reviewing Part 1 of the EAF and completing Parts 2 and 3 of the EAF, and scheduled the Public Hearing for July 18, 2019; and

WHEREAS, on or about July 11, 2019, acting on a referral of the application from the Planning Board pursuant to GML § 239-m, County Planning recommended approval of the Project;

WHEREAS, on July 18 and August 16, 2019, the Planning Board held two well-attended public hearings on the applications and heard comments for and against the Project;

WHEREAS, the Planning Board directed the applicant to respond in writing to the public comments and the applicant submitted two sets of responses after each public hearing;

WHEREAS, the Planning Board directed the Town Designated Engineer, Mr. Cole of Prime AE to review the responses to the public comments and the additional information submitted by the Applicant, all as set forth in Mr. Cole's letter of September 10, 2019 providing comments on the Applicant's materials and recommending that the Town should condition any approval on the Applicant obtaining a permit from the US Army Corps of Engineers. If one is required by the agency, advising that the supplementary Visual Impact Assessment demonstrates that the existing Biggs and Otis and any other nearby residences will be adequately screened by existing vegetation, distance and topography such that the solar array will not be visible; and finding that the revised Decommissioning Plan is reasonable for the proposed system; and

WHEREAS, the Planning Board has carefully considered the documentation in the record including the supplemental information provided by the Applicant, the comments by involved and interested agencies, the recommendation of County Planning and the comments, both oral and written, by the members of the public;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board as follows:

1. That the applications for Minor Subdivision, Site Plan Review and Special Use Permit submitted by the Applicant for the Project were determined to be complete under the Town of Duanesburg Solar Law, the Duanesburg Zoning Law, and the Town of Duanesburg Subdivision Regulations; and
2. That having received and reviewed the application materials submitted by the Applicant, including but not limited to, site plans, subdivision plans, lot line adjustment plans, decommissioning plans, a Full Environmental Assessment Form, statements of proposed construction impacts and ongoing operation and maintenance, and having completed Parts 2 and 3 of the Full EAF, hereby determines that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirms and issues a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination read into the record and incorporated herein based on the following findings:
 - a. The Project will not have any significant impacts on federal wetlands or waterbodies as determined by the full wetland delineation conducted on the Project site, that any necessary approvals would be covered by the ACOE nationwide permit program, and that there are no impacts on State wetlands or streams;
 - b. The Project will not create any permanent impacts from odors, noise or traffic nor to groundwater and surface waters, there will only be insignificant and temporary impacts during construction;

- c. The Project avoids and/or minimizes impacts on plants and animals, due to the very limited vegetative clearing that will result from the Project, once construction is complete vegetation will cover the ground under the panels and the property will continue to be used for limited agricultural purposes, such as sheep grazing and bee keeping;
 - d. The Project will not create any impacts to historical or cultural resources as shown in the Letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation dated June 4, 2019;
 - e. The Project will minimize any visual impacts due to the existing topography, the retention of existing vegetation as shown on the final site plans and will not create any impacts from glare as demonstrated by the Applicant;
 - f. The Planning Board hereby requires that the Project provide evergreen landscaping plan showing the establishment of a substantial evergreen buffer on the Applicant's property within 10 feet of the property boundary currently containing houses within approximately 600 feet of the project site boundary for a length of approximately 1600 feet at the back of the parcel with 2 staggered rows of trees planted 20 feet on center with the trees having the height at the time of planting of 6 to 7 feet and with the trees being species spruce and fir evergreens. The applicant shall also provide a maintenance and replacement agreement for the evergreen buffer to be planted;
 - g. The Project does not impact any Critical Environmental Areas and is not located in a flood zone;
 - h. The Project will have a positive economic benefit as it will result in revenue to the Town pursuant to a Payment-In-Lieu-Of-Taxes ("PILOT") Agreement and it will result in jobs during the construction and operation of the facility;
 - i. The Project will provide renewable energy in the production of electricity and will contribute to the State's goal of replacing fossil fuel generated electricity with renewable sources of electricity;
 - j. The Project will also not change the community character as it has been sited to not be visible to the maximum extent possible to surrounding homes and roadways, and an evergreen landscaped buffer will be created on the property containing the project as set forth above;
 - k. The Project is also a use of land that will be discontinued in the future and as such a decommissioning plan is in place to return the property to its current condition; and
 - l. The Applicant has indicated that it intends to continue to have the property in agricultural uses, such as sheep grazing and beekeeping, which also makes it consistent with the community which contains agricultural uses.
3. That Planning Board's findings set forth below demonstrate the proposed construction of the Project, a Solar Energy System (Major), at the Property satisfies the requirements of the Town of Duaneburg Solar Law:
- a. The Project is in the R-2 Zoning District and as such is a permitted use subject to Special Use Permit and Site Plan approval by the Planning Board;
 - b. The projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%;
 - c. The Project provides the required 100' setback between its components and the boundary of the Property, provides the required minimum of 25' buffer of vegetation to screen views of the Project and, in fact, that the Project exceeds this standard to address the concerns of adjoining property owners;
 - d. A fence meeting or exceeding the applicable requirements of the Zoning Law has been proposed;
 - e. The Project preserves existing on site vegetation to the maximum extent practicable and does not propose to clear cut all trees in a single contiguous area exceeding 20,000 square feet on the property;
 - f. The Town of Duaneburg Planning Board reviewed the plans showing brush hogging and tree clearing that had been undertaken by the property owner and determined such tree clearing did not exceed the above requirement;

- g. The SEQRA regulations require that a project sponsor may not commence any physical alteration related to an action until the provisions of SEQRA have been complied with and the Planning Board specifically finds that the property owner brush hogging the property and taking down some limited trees for agriculture and silviculture purposes was consistent with the past uses of the property and not directly related to the development of the solar farm;
 - h. The Project is not located within an active farm field but is vacant hay field periodically cut by the property owner and historically used for more intensive agricultural purposes;
 - i. Native grasses and vegetation will be maintained below the arrays;
 - j. The site plans demonstrate that the Project:
 - i. Provides through its siting and through the implementation of an evergreen landscaping plan to be approved by the Town of Duaneburg, a project design that minimize visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;
 - ii. layout ensures that the solar panels will not reflect solar radiation or glare onto adjacent buildings, properties and roadways and that the solar panels include a non-glare coating and are designed to absorb the maximum amount of solar rays such that the panels will not misdirect or reflect solar rays onto neighboring properties or public roads in excess of that which already exists;
 - iii. existing vegetation on the site is preserved to the maximum extent practicable;
 - iv. all transmission/interconnection lines on the Property shall be underground and within necessary easements and in compliance with applicable electrical and town codes excepting aboveground lines as required by National Grid;
 - v. no artificial lighting is proposed;
 - vi. that any signage will be in accordance with applicable town requirements and the manufacturers and/or installers identification and appropriate warning signage shall be posted;
 - vii. the average height of the solar panels are 8' feet above grade -- below the 20' height limitation;
 - viii. all disturbed areas shall be restored in accordance with the zoning law's requirements.
4. That the decommissioning plan is approved and the Planning Board requires that financial security be provided at least 30 days prior to the commencement of construction to the Town Clerk by the Applicant in the form of a bond or letter of credit in the amount \$422,762.00 (\$211,381.00 per project) with the form of financial security acceptable to the Town's attorney, with such funds to be used for decommissioning of the Project in the event that the Project is not decommissioned by the Project owner or the landowner; and
 5. That this project approval is conditioned upon the Applicant obtaining any other State or federal approvals required for the project including but not limited to any such permits required by the NYSDEC, the USACOE and the NYSDOT; and
 6. That this resolution and negative declaration shall be filed in the office of the Town Clerk and shall take effect immediately and that the notice of negative declaration be published in the ENB, that the negative declaration be provided to all involved agencies and that it be filed as required by SEQRA.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Phillip Sexton	✓		
Jeffrey Schmitt	✓		
Elizabeth Novak	✓		
Martin Williams	✓		
Thomas Rulison	✓		

Michael Harris
Joshua Houghton

✓
✓

EXHIBIT "B"

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
October 17th, 2019
Final Copy

MEMBERS PRESENT: Phillip Sexton Chairman, Jeffery Schmitt Vice Chairman, Elizabeth Novak, Martin Williams, Thomas Rulison and Michael Harris. Also, in attending Dale Warner Town Planner, and Melissa Deffer Clerk.

INTRODUCTION: Chairman Phillip Sexton opened the meeting at 7:00pm. Phillip welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM: Chairman Sexton opened the forum at 7:01

Bruce O'Day of 5394 Western Turnpike wanted to state on the record that he is supporting the Andrew Lucks application.

Lynn Bruning located at 13388 Duanesburg Rd wanted to know what the status of the Comprehensive Plan?

Chairman Sexton explained to Lynn that they have been working on the Plan for just over a year now and how in the near future he will be asking the public for comments.

Harris/Rulison made the motion to close the open forum at 7:07.

Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Sexton yes. **Approved.**

SKETCH PLAN REVIEW:

PUBLIC HEARINGS:

#19-13 Lucks Andrew: SBL#66.00-3-4.1, (H) located at 5456 Western Turnpike is seeking a Special Use Permit for a retail business under the Town of Duanesburg Zoning Ordinance

adopted 6/11/15 under section 9.4.(15). Andrew Lucks gave his presentation to the board. Andrew is looking to relocate his business Outlander Survival from 6721 Duaneburg Rd to 5456 Western Turnpike. They will be in the same zone as they are in now. Andrew explained to the public how he will upgrade the building with security Systems and bars on all doors and windows (as a smash and grab is one of their main concerns), fix the parking lot and eventually reface the building. All lights on the building will be down cast with some solar lights around the driveway. Andrew is leasing for now from Bruce O'Day who will be going to have the property subdivided. Once the property is subdivided Andrew will be purchasing.

Cheryl Schrade 1619 Eaton Corners Rd asked Andrew if they will be test firing guns on the property. Andrew explained to Mrs. Schrade that with his business they do not test fire any weapons.

Harris/Rulison made a motion to close the Public Hearing for the #19-13 Lucks Andrew application at 7:09.

Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Sexton yes. **Approved.**

Novak/Sexton made a motion to approve the #19-13 Lucks. Andrew application for a Special Use Permit for a retail business under the Town of Duaneburg Zoning Ordinance adopted 6/11/15 under section 9.4.(15) contingent on down cast lighting.

Novak yes, Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

New Business:

#19-14 Perog. Steven and Cheryl: SBL#43.00-2-28, (R-2) located at 21 Lea Drive is seeking a Special Use Permit for a two family dwelling adding a single apartment over an existing garage under the Town of Duaneburg Zoning Ordinance adopted 6/11/15 under section 15.4(I); section 8.4(8); section 13.2.1; section 3.5.60. Steven gave some of his presentation to the board. Due to not enough information the board decided to table it until the November 21st meeting.

Sexton/Harris made a motion to table the #19-14 Perog. Steven and Cheryl application to the November 21st meeting.

Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

Old Business:

None

Sketch Plan Review:

#19-15 O'Neil. Paul/O'Neil. Gerald: SBL#43.00-1-14.31, (R-2) located at 327 Hardin Road is seeking a minor subdivision under section 3.4 of the Town of Duaneburg Subdivision Ordinance. They would like to divide an existing lot of 34.30 acres into two portions lot #1 located on Hardin Road is 6.82 (+-) lot #2 located on State Highway 30 is 27.475 acres. Shannon O'Neil gave her presentation on behalf of her father Paul O'Neil.

Sexton/Williams made a motion to exempt the minor subdivision application from further planning Board review and refer to the Code Enforcement Officer to complete administratively as the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. Sexton yes, Williams yes, Rulison yes, Harris yes, Schmitt yes, Novak yes. **Approved.**

OTHER:

#19-12 Murray, Richard/Eden Renewables: SBL# 74.00-2-5, (R-2) located 1206 Oak Hill Rd Under Local Law # 1-2016 of the Town of Duanesburg Zoning Ordinance Resolution revision.

Sexton/Rulison made a motion to amend the resolution approving the project to show the correct amount of lot coverage as shown on the site plans which were approved for the solar project for the **#19-12 Murray, Richard/Eden Renewables** application. Bullet 3B will now show that Lot 1 contains 70.378 acres with 32.8 acres of coverage which is 46 percent and that Lot 2 contains 70.353 acres with 33.0 acres of coverage which is 47 percent.

Sexton yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Harris yes. **Approved.**

MINUTES APPROVAL:

Novak/Harris made the motion to approve the September 19th, 2019 Planning Board minutes with minor corrections.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Rulison yes. **APPROVED.**

Sexton/Harris made a motion to go into executive session to discuss the enforcement action with the CEO associated with **#19-14 Perog, Steven and Cheryl** application. Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

Sexton/Harris made a motion to come out of executive session.

Sexton yes, Harris yes, Rulison yes, Schmitt yes, Williams yes, Novak yes. **Approved. NO ACTION WAS TAKEN BY THE BOARD DURING OR AFTER the EXECUTIVE Session.**

ADJOURNMENT:

Harris/Novak made the motion to adjourn at 7:50pm.

Harris yes, Novak yes, Schmitt yes, Sexton yes, Rulison yes, Houghton yes, Williams yes. **APPROVED.**

EXHIBIT "C"

CONFIRMATION OF LOCAL LAND USE APPROVAL
Planning and Zoning Form



NY-Sun

Applicant Information			
Company Name:	Oak Hill Solar 1, LLC		
Contact Name:	Stephanie Pulliafoo	Title:	Project Administrator
Email Address:	stephanie.pulliafoo@edenrenewables.com	Telephone Number:	518-326-0259

Project Information	
Project Name:	Oak Hill Solar 1
Project Address:	13590 Duaneburg Road Delanson, NY 12053
Solar Project Size (AC/DC):	5mW/7.5mW
Energy Storage Size AC: (if applicable)	

Municipality Information			
Municipality Name:	Town of Duaneburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@duaneburg.net	Telephone Number:	518-895-2040

Required Solar Land Use Approvals			
Land Use Approval and Date Approved (check all that apply):			
<input checked="" type="checkbox"/>	Special Use Permit	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Site Plan Review	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	SEQR Negative Declaration (if municipality is lead agency)	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Other (list type): Minor subdivision	Date Approved:	9/19/2019
<input type="checkbox"/>	No Land Use or Zoning Approval is required for this project		
Required Energy Storage Land Use Approval(s) (if applicable)			
List type of approval required: Building and electrical permits		Date Approved:	9/19/2019

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging and confirming the above is accurate and correct, and that this project has received all required local land use approvals for the solar PV project. If Energy Storage is part of this project, the Contractor is responsible for providing to NYSERDA, a copy of the meeting minutes confirming the Energy Storage system was presented to or approved by the municipality. NYSERDA may contact the municipality to confirm approvals if needed.

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY

Dale Warner
Signature
Dale Warner
Print Name

9/23/19
Date
Town Planner
Title

OCTOBER 2018

CONFIRMATION OF LOCAL LAND USE APPROVAL

Planning and Zoning Form



NY-Sun

Applicant Information			
Company Name:	Oak Hill Solar 2		
Contact Name:	Stephanie Pullafico	Title:	Project Administrator
Email Address:	stephanie.pullafico@edenrenewables	Telephone Number:	518-326-0259

Project Information	
Project Name:	Oak Hill Solar 2
Project Address:	13686 Duanesburg Road Delanson, NY 12053
Solar Project Size (AC/DC):	5mW AC/7.5mW DC
Energy Storage Size AC: (if applicable)	

Municipality Information			
Municipality Name:	Town of Duanesburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@duanesburg.net	Telephone Number:	518-895-2040

Required Solar Land Use Approvals			
Land Use Approval and Date Approved (check all that apply):			
<input checked="" type="checkbox"/>	Special Use Permit	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Site Plan Review	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	SEQR Negative Declaration (if municipality is lead agency)	Date Approved:	9/19/2019
<input checked="" type="checkbox"/>	Other (list type): <u>Minor Subdivisions</u>	Date Approved:	9/19/2019
<input type="checkbox"/>	No Land Use or Zoning Approval is required for this project		
Required Energy Storage Land Use Approval(s) (if applicable)			
List type of approval required: <u>Building Electrical Permit</u>		Date Approved:	9/19/2019

Site stamped Substation bylaw within 45 days of approval

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging and confirming the above is accurate and correct, and that this project has received all required local land use approvals for the solar PV project. If Energy Storage is part of the project, the Contractor is responsible for providing to NYSERDA, a copy of the meeting minutes confirming the Energy Storage system was presented to or approved by the municipality. NYSERDA may contact the municipality to confirm approvals if needed.

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY

Dale Warner
Signature

Dale Warner
Print Name

9/20/19
Date
Town Planner
Title

OCTOBER 2010

EXHIBIT "D"

**NYSERDA**

PRESENTATION TO PLANNING/ZONING BOARD FOR ENERGY STORAGE

Planning and Zoning Form

The New York State Energy Research and Development Authority (NYSERDA) developed the first comprehensive set of guidelines for reviewing and evaluating battery energy storage systems. The Battery Energy Storage System Guidebook helps municipalities develop a battery energy storage system permitting and inspection processes to ensure efficiency, transparency, and safety in their communities. Municipalities can download the New York Battery Energy Storage System Guidebook at <https://www.nyseda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook>.

NYSERDA offers continuing free technical assistance to local governments to help implement the best practices outlined in the Battery Energy Storage System Guidebook. Municipalities interested in free technical assistance may reach out to the NYSERDA Clean Energy Siting Team at cleanenergyhelp@nyseda.ny.gov.

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board.

Applicant Information			
Company Name:	OAK HILL SOLAR I, LLC		
Contact Name:	Stephanie Pustello	Title:	Project Administrator
Email Address:	Stephanie.pustello@oakhillrenewables.com	Telephone Number:	516-326-0228
Project Information			
Project Name:	Oak Hill Solar I		
Project Address:	13090 Quanesburg Road Deland, NY 12053		
Energy Storage Size, MW (AC):	5MW AC		
Energy Storage Technology Type:	DC Coupled Lithium Ion		
Solar Project Size, MW (DC) (if applicable):	1.5MW DC		
Municipality Information			
Municipality Name:	Town of Deland		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dwarner@delandny.org	Telephone Number:	516-475-2545

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY Planning/Zoning Board Member

Dale Warner
Signature

10-4-19
Date

Dale Warner
Print Name

Town Planner
Title

AUGUST 2019

**NYSERDA**

PRESENTATION TO PLANNING/ZONING BOARD FOR ENERGY STORAGE

Planning and Zoning Form

The New York State Energy Research and Development Authority (NYSERDA) developed the first comprehensive set of guidelines for reviewing and evaluating battery energy storage systems. The Battery Energy Storage System Guidebook helps municipalities develop a battery energy storage system permitting and inspection processes to ensure efficiency, transparency, and safety in their communities. Municipalities can download the New York Battery Energy Storage System Guidebook at <https://www.nyseda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook>.

NYSERDA offers continuing free technical assistance to local governments to help implement the best practices outlined in the Battery Energy Storage System Guidebook. Municipalities interested in free technical assistance may reach out to the NYSERDA Clean Energy Siting Team at cleanenergyhelp@nyseda.ny.gov.

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board.

Applicant Information			
Company Name:	Cell185 Solar 2, LLC		
Contact Name:	Stephanie Polatko	Title:	Project Administrator
Email Address:	Stephanie.polatko@cell185solar.com	Telephone Number:	614-309-0267
Project Information			
Project Name:	Day 185 Solar 2		
Project Address:	10000 Duaneburg Road Delanson, NY 12053		
Energy Storage Size, MW (AC):	5MW AC		
Energy Storage Technology Type:	100 Coupled Lithium Ion		
Solar Project Size, MW (DC) (if applicable):	7.3MW DC		
Municipality Information			
Municipality Name:	Town of Delanson		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@delanson.org	Telephone Number:	815-495-4545

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY Planning/Zoning Board Member

Dale Warner
Signature

10.4.19
Date

Dale Warner
Print Name

Town Planner
Title

AUGUST 2019

EXHIBIT "E"



NYSERDA

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 31, 2019

Oak Hill Solar 1, LLC
333 Broadway
Troy, NY, 12088

Customer/Payee: Oak Hill Solar 1, LLC
Contractor: Eden Renewables, LLC

NYSERDA is pleased to inform you that we have approved project application 191916, contract 145809 for incentives under the NY-Sun Program.

Your award in the amount of \$1,498,728.00 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 1, LLC at 13590 Duanesburg Rd, Delanson, NY 12053 as outlined in the project application.

Your solar electric system must be completed within 30 months of the Program approval date.

NYSERDA will require a satisfactory field inspection of the completed project. Contractor and or builders are required to take construction photos for each project.

Refer to the Program Manual for all Program rules and requirements.

Thank you for your participation in the NY-Sun Initiative, and for your commitment to the promotion of renewable energy in New York State.

Digitally signed by Alicia Barton
Signature: Alicia Barton
Date: 2019.10.31 15:09:29
-0400
NYSERDA Authorized Signatory

New York State Energy Research and Development Authority

Address:
19 Catherine Circle, Albany, NY 12242-0001
Phone: 518/474-2000
Fax: 518/474-2001
www.nyserda.gov

Executive Director
New York State Energy Research and Development Authority
19 Catherine Circle
Albany, NY 12242-0001
Phone: 518/474-2000
Fax: 518/474-2001

New York City
City of New York
Department of Environmental Protection
100 West Street
New York, NY 10038
Phone: 212/312-2000
Fax: 212/312-2001

West Valley Branch
Manhasset Neck Branch
100 West Street
New York, NY 10038
Phone: 212/312-2000
Fax: 212/312-2001



NYSERDA

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 31, 2019

Oak Hill Solar 2, LLC
333 Broadway
Troy, NY, 12088

Customer/Payee: Oak Hill Solar 2, LLC
Contractor: Eden Renewables, LLC

NYSERDA is pleased to inform you that we have approved project application 181604, contract 145808 for incentives under the NY-Sun Program.

Your award in the amount of \$1,498,728.00 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 2, LLC at 13686 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application.

Your solar electric system must be completed within 30 months of the Program approval date.

NYSERDA will require a satisfactory field inspection of the completed project. Contractor and or builders are required to take construction photos for each project.

Refer to the Program Manual for all Program rules and requirements.

Thank you for your participation in the NY-Sun Initiative, and for your commitment to the promotion of renewable energy in New York State.

Signature: Alicia Barton
NYSERDA Authorized Signatory

Digitally signed by Alicia Barton
Date: 2019.10.31 15:10:00
+0400

NY State Office of General Services 100 State Street, Albany, NY 12242-0500 Phone: 518-474-2000 Fax: 518-474-2000 www.gos.state.ny.us	NY State Office of General Services 100 State Street, Albany, NY 12242-0500 Phone: 518-474-2000 Fax: 518-474-2000 www.gos.state.ny.us	NY State Office of General Services 100 State Street, Albany, NY 12242-0500 Phone: 518-474-2000 Fax: 518-474-2000 www.gos.state.ny.us	NY State Office of General Services 100 State Street, Albany, NY 12242-0500 Phone: 518-474-2000 Fax: 518-474-2000 www.gos.state.ny.us
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EXHIBIT "F"

salesforce

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Oak Hill Solar 1, LLC - 13590 Duaneburg Rd - PV Systems

Project Information

Project Name	Oak Hill Solar 1, LLC - 13590 Duaneburg Rd - PV Systems	Record Type	NY Sun - Commercial/Industrial
Application Number	0000191916	Status	Approved
Solicitation	NYSERDA - Commercial and Industrial - 2	Commercial Solar Application Track	
Total System Size	7,493.640	Program Incentive Block	Rest of State Commercial/Industrial 13-1
Total NYSERDA Incentive Amount (d)	\$1,496,728.00	Current Block Rate	0.20
Battery Storage Integration?		Strategic Location?	<input type="checkbox"/>
PBI Rate	0.042600	Energy Efficiency Integration?	<input type="checkbox"/>
Payment Assignment	<input checked="" type="checkbox"/>	Total Cost Before NYSERDA Incentive	\$8,421,446.00
Private Investment Amount		Energy Storage System Cost	\$0.00
		Brownfield Amount	
		Landfill Amount	
		Community Adder Amount	\$0.00
		Energy Storage Incentive Amount	\$0.00

Project Review

Application Under Review		Waiting for External Response	
CESIR	Yes	Coastal Zone	No
CESIR ID #	NY-165990	SEQRA Lead Identified	<input type="checkbox"/>
Coastal Form Sent		Project Selected for QA Inspection	
Storage CESIR Required	<input type="checkbox"/>		
Storage CESIR Completion Date			

Invoicing

Invoice Approval Date

Project Timeline

Project Approval Date	11/1/2019	Expected Original Days to Complete	912
Total Days Since	52	Extension Days	

12/23/2019

Oak Hill Solar 1, LLC - 13690 Duaneburg Rd - PV Systems ~ Salesforce - Unlimited Edition

Approval

Completion Deadline Date 5/1/2022

Completion Deadline Date Override

Utility Interconnect Date

Date of 25% Interconnection Payment 6/9/2019

75% Interconnection Payment Due Date 10/26/2019

CESIR Milestone

CESIR Milestone Submitted

CESIR Milestone Original Due Date 4/29/2020

CESIR Milestone Extension Days

CESIR Milestone Reporting Due Date 4/29/2020

Reason for CESIR Extension

CESIR Milestone Completion Date 12/12/2019

Status Dates

Unsubmitted Date 6/21/2019 12:14 PM

Current Application Status Date 11/1/2019

Submitted Date 9/27/2019 9:11 AM

Completed Date

Application Pending Approval Date 10/22/2019

Application Received Date 10/8/2019 6:09 AM

Document Approval / Rejection

[Edit](#)[Request for Information](#)

Document Name	Uploaded Doc	Approve / Reject	Document History
Coast Zone Determination	Coastal Assessment-Oak Hill 1.png	Approve	Attachment History
Executed Interconnection Agreement	20191208 Oak Hill 1 ISA.pdf	Approve	Attachment History
One-Line or Three-Line Wiring Diagram	Copy of Eden_OH1_E-102-3LD.pdf	Approve	Attachment History
Planning / Zoning Board Approval	Town of Duanesburg Authorization.pdf	Approve	Attachment History
Proof of 75% Interconnection Upgrade Payment	75% CIAC payment for Oak Hill 1 & 2.pdf	Approve	Attachment History
SEQRA	1-3 EAF.pdf	Approve	Attachment History
Signed Application	Signed Application -Oak Hill Solar 1, LLC.pdf	Approve	Attachment History
Site Map (including mounting details stamped by Professional Engineer or Registered Architect,	Copy of Eden_OH1_E-110-SITE.pdf	Approve	Attachment History

Cancellation Fields

Cancellation Reason	Internal Comments
Request for Cancellation	Cancel Type

Change Modification

Change Modification Requested

Project Summary

Net Metering Crediting Method	Community Solar Project
Budget Type	Purchase Type Purchase
	Expected Interconnection Date 4/30/2020

Financial Security Tracking

Application Security Status	Extension Security Status
Application Security Received Date	Extension Security Received Date
Application Security Received Amount	Extension Security Received Amount
App Security	Ext Security

Retained/Returned
DateRetained/Returned
DateApp Security
Retained/Returned
AmountExt Security
Retained/Returned
Amount**Project Component Summary**

Expansion of Completed System	No	Expansion size	
Labor	\$2,141,292.00	Land Use	Agricultural
Battery Costs		Historical Annual Energy Consumption	0.00
Inspection Costs	\$50,000.00	Estimated Annual Energy Production (kWh)	10,503,085.82
Permitting Fees	\$123,000.00	Annual Electrical Offset	0.00
Balance of System Cost	\$749,364.00	Total Annual Energy Costs	
Array Costs	\$4,907,790.00	Cost per Watt	\$1.12
Inverter Costs	\$450,000.00	Agriculture District	No
		Total Number Acres	46.00
		NYSOAM NOI Sent	

Contractor Information

Primary Contractor Account Name	Eden Renewables, LLC	Primary Contractor First Name	Stephanie
Primary Contractor Email	stephanie.pullafico@edenrenewables.com	Primary Contractor Last Name	Pullafico

Legacy Information

Legacy Application #	Migration ID
Legacy Program	Legacy Incentive Amount
Legacy Payment Assignment	Previous Contractor Name

Approval Notes

Approved as Noted

System Information

Created By	Stephanie Pullafico, 6/21/2019 12:14 PM	Last Modified By	Alison Neligan, 12/12/2019 4:41 PM
Owner	Stephanie Pullafico		

Temporary Section

Number of Members	Non-Residential: Number of Members
Distribution Percentage (%)	Non-Residential: Distribution Percentage

Inspection Information



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Oak Hill Solar 2, LLC - 13686 Duaneburg Rd - PV Systems

Project Information

Project Name	Oak Hill Solar 2, LLC - 13686 Duaneburg Rd - PV Systems	Record Type	NY Sun - Commercial/Industrial
Application Number	0000181604	Status	Approved
Solicitation	NYSERDA - Commercial and Industrial - 2	Commercial Solar Application Track	
Total System Size	7,493.840	Program Incentive Block	Rest of State Commercial/Industrial 13-1
Total NYSERDA Incentive Amount (d)	\$1,498,728.00	Current Block Rate	0.20
Battery Storage Integration?		Strategic Location?	
FBI Rate	0.042500	Energy Efficiency Integration?	
Payment Assignment	<input checked="" type="checkbox"/>	Total Cost Before NYSERDA Incentive	\$8,359,077.00
Private Investment Amount		Energy Storage System Cost	\$0.00
		Brownfield Amount	
		Landfill Amount	
		Community Adder Amount	\$0.00
		Energy Storage Incentive Amount	\$0.00

Project Review

Application Under Review		Waiting for External Response	
CESIR	Yes	Coastal Zone	No
CESIR ID #	100810	SEQRA Lead Identified	
Coastal Form Sent		Project Selected for QA Inspection	
Storage CESIR Required			
Storage CESIR Completion Date			

Invoicing

Invoice Approval Date

Project Timeline

Project Approval Date	11/1/2019	Expected Original Days to Complete	912
Total Days Since Approval	62	Extension Days	
		Completion Deadline Date	5/1/2022
		Completion Deadline Date Override	
Utility Interconnect Date			
Date of 25% Interconnection Payment	5/8/2019		
75% Interconnection Payment Due Date	10/29/2019		

CESIR Milestone

CESIR Milestone Submitted		CESIR Milestone Original Due Date	4/29/2020
CESIR Milestone Extension Days		CESIR Milestone Reporting Due Date	4/29/2020
Reason for CESIR Extension		CESIR Milestone Completion Date	12/12/2019

Status Dates

Unsubmitted Date	4/3/2019 3:06 PM	Current Application Status Date	11/1/2019
Submitted Date	9/27/2019 10:03 AM	Completed Date	
Application Pending Approval Date	10/22/2019		
Application Received Date	10/8/2019 8:09 AM		

Document Approval / Rejection

Edit

Request for Information

Document Name	Uploaded Doc	Approve / Reject	Document History	Notes
Coast Zone Determination	Coastal Assessment Oak Hill 2.pdf	Approve	Attachment History	
Executed Interconnection Agreement	2019-1205 Oak Hill 2 ISA.pdf	Approve	Attachment History	
One-Line or Three-Line Wiring Diagram	Copy of Eden OH2 E-101- SLD.pdf	Approve	Attachment History	
Planning / Zoning Board Approval	Town Land Use Authorization.pdf	Approve	Attachment History	
Proof of 75% Interconnection Upgrade Payment	75% CHAC payment for Oak Hill 1 & 2.pdf	Approve	Attachment History	
SEQRA	1.3 EAF.pdf	Approve	Attachment History	
Signed Application	Signed Application - NY Sun - Commercial & Industrial - Oak Hill Solar 2, LLC.pdf	Approve	Attachment History	
Site Map (including mounting details stamped by Professional Engineer/Professional Architect)	Copy of Eden OH2 E-110- SLD.pdf	Approve	Attachment History	

Cancellation Fields

Cancellation Reason

Request for Cancellation

Internal Comments

Cancel Type

Change Modification

Change Modification Requested

Project Summary

Net Metering Credit Method

Budget Type

Community Solar Project

Purchase Type Purchase

Expected Interconnection Date 4/30/2020

Financial Security Tracking

Application Security Status

Application Security Received Date

Application Security Received Amount

App Security Retained/Returned Date

App Security Retained/Returned Amount

Extension Security Status

Extension Security Received Date

Extension Security Received Amount

Ext Security Retained/Returned Date

Ext Security Retained/Returned Amount

Project Component Summary

Expansion of Completed System	No
Labor	\$2,115,292.00
Battery Costs	
Inspection Costs	\$50,000.00
Permitting Fees	\$100,000.00
Balance of System Cost	\$749,364.00
Array Costs	\$4,894,803.00
Inverter Costs	\$449,618.00

Expansion size

Land Use Agricultural

Historical Annual Energy Consumption

0.00

Estimated Annual Energy Production (kWh)

10,803,065.82

Annual Electrical Offset

0.00

Total Annual Energy Costs

Cost per Watt \$1.12

Agriculture District No

Total Number Acres 49.00

NYS&AM NOI Sent

Contractor Information

Primary Contractor Account Name Eden Renewables, LLC

Primary Contractor Email stephanie.pulafico@edenrenewables.com

Primary Contractor First Name Stephanie

Primary Contractor Last Name Pulafico

Legacy Information

Legacy Application #

Legacy Program

Migration ID

Legacy Incentive Amount

EXHIBIT "G"



ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 28, 2019

Stephanie Puliafico
Eden Renewables, LLC
333 Broadway
Suite 460
Troy, NY 12180
Email: stephanie.puliafico@edenrenewables.com
Subject: Contract #145716

Dear Stephanie Puliafico,

NYSERDA is pleased to inform you that we have approved your Project Application #214683 Contract #145716 for incentives under the Retail Energy Storage Incentive Program. Your award in the amount of \$2,358,000 is contingent upon the installation and grid interconnection of a 5,000 kW/11,790 kWh (useable installed energy capacity measured in AC) energy storage system at 13590 Duaneburg Rd, Delanson, NY 12053, as outlined in the Project Application. This approval is subject to the terms and conditions set forth in the Project Application, Retail Energy Storage Incentive Program Manual, and Participation Agreement.

Please note that this letter does not commit NYSERDA to pay any potential incentive or cost incurred. You may now begin submitting the required deliverables to earn the milestone payment. Payment by NYSERDA is contingent upon approval of the required deliverables.

The energy storage project must be completed within 730 calendar days of the Program approval date. NYSERDA may require a satisfactory photo or field inspection of the completed project prior to the milestone payment.

Refer to the Program Manual for all Program rules and requirements. The Contractor is responsible for ensuring compliance of the system with all applicable laws, regulations, rules and standards. The system must meet the requirements set forth in the Battery Energy Storage Guidebook published by NYSERDA, which is based on the 2021 International Fire Code, even if these requirements are greater than those required by the local authority having jurisdiction.

Thank you for your participation in the Retail Energy Storage Incentive Program, and for your commitment to the promotion of clean energy in New York State.

Sincerely,

Alicia Barton

Digitally signed by Alicia Barton
Date: 2019.11.22 10:20:52
+0500

Signature:

NYSERDA Authorized Signatory

NY State Energy Research and Development Authority
120 South Street
Albany, NY 12242-5500
Phone: 518-474-2000
Fax: 518-474-2001
www.nysed.gov

NY State Energy Research and Development Authority
120 South Street
Albany, NY 12242-5500
Phone: 518-474-2000
Fax: 518-474-2001
www.nysed.gov

NY State Energy Research and Development Authority
120 South Street
Albany, NY 12242-5500
Phone: 518-474-2000
Fax: 518-474-2001
www.nysed.gov

NY State Energy Research and Development Authority
120 South Street
Albany, NY 12242-5500
Phone: 518-474-2000
Fax: 518-474-2001
www.nysed.gov



ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 28, 2019

Stephanie Puliafico
Eden Renewables, LLC
333 Broadway
Suite 460
Troy, NY 12180
Email: stephanie.puliafico@edenrenewables.com
Subject: Contract #145721

Dear Stephanie Puliafico,

NYSERDA is pleased to inform you that we have approved your Project Application #214694 Contract #145721 for incentives under the Retail Energy Storage Incentive Program. Your award in the amount of \$2,358,000.00 is contingent upon the installation and grid interconnection of a 5,000.00 kW/11,790.00 kWh (useable installed energy capacity measured in AC) energy storage system at 13686 Duaneburg Road, Delanson, NY 12053, as outlined in the Project Application. This approval is subject to the terms and conditions set forth in the Project Application, Retail Energy Storage Incentive Program Manual, and Participation Agreement.

Please note that this letter does not commit NYSERDA to pay any potential incentive or cost incurred. You may now begin submitting the required deliverables to earn the milestone payment. Payment by NYSERDA is contingent upon approval of the required deliverables.

The energy storage project must be completed within 730 calendar days of the Program approval date. NYSERDA may require a satisfactory photo or field inspection of the completed project prior to the milestone payment.

Refer to the Program Manual for all Program rules and requirements. The Contractor is responsible for ensuring compliance of the system with all applicable laws, regulations, rules and standards. The system must meet the requirements set forth in the Battery Energy Storage Guidebook published by NYSERDA, which is based on the 2021 International Fire Code, even if these requirements are greater than those required by the local authority having jurisdiction.

Thank you for your participation in the Retail Energy Storage Incentive Program, and for your commitment to the promotion of clean energy in New York State.

Sincerely,
Signature: Alicia Barton
NYSERDA Authorized Signatory

Digitally signed by Alicia Barton
Date: 2019.11.22 10:18:32
-05'00'

New York State Energy Research and Development Authority

Albany
120 Columbia Street, Albany, NY 12202-6000
NY 12202-6000 (NY 12202-6000)
nyserda.org

Buffalo
204 Northampton Street
Buffalo, NY 14202-1000
NY 14202-1000
NY 14202-1000

New York City
530 Amsterdam
New York, NY 10012-1000
NY 10012-1000
NY 10012-1000

**West Valley Site
Management Program**
2000 E. Route 209
West Valley, NY 14173-0000
NY 14173-0000
NY 14173-0000

EXHIBIT

G

**Department of
Environmental
Conservation****ENB Region 4 Notices 7/1/2020****Negative Declaration**

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

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

Schoharie County - The New York State Department of Environmental Conservation (NYS DEC), as lead agency, has determined that the proposed Dalhberg Sand and Gravel Mine will not have a significant adverse environmental impact. The action involves the mining of a new life of mine area totaling 32.41 acres. The first permit term will affected a 8.94 acre area and a portable screener will be used to process material on the site. The project is located off Robinson Road near NYS Route 990V in the Town of Conesville, New York.

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

PO Box 160
Quaker Street, NY 12141

Rodger Tidball, Supervisor
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

October 8, 2020

Re: NYS Open Meeting Law and October 8, 2020 Correspondence Bruning to National Grid

Dear Supervisor Tidball,

Draft minutes for Town Board meeting September 24, 2020 are not posted on the town website.
<https://www.duanesburg.net/node/238/minutes/2020>

Draft minutes for Planning Board meeting September 17, 2020 are not posted on the town website. <https://www.duanesburg.net/node/35/minutes/2020>

It appears that the town is not adhering to New York State open meeting rules by providing meeting minutes within two weeks.

Additionally, the "Legal Notices and Public Notices" page hot linked on the town website homepage hasn't been updated since October 2018. For the past two years not a single public hearing, special meeting or town law notification has been recorded on this webpage. This omission of information misleads and misrepresents town actions. Residents are unable to fully and freely participate in their town government without accurate and timely notifications.

It is my personal experience that the town's failure to provide and their withholding of information was a factor in the Biggs/Bruning Article 78 proceedings against Eden Renewables, Richard Murray and the Duanesburg Planning Board presently pending in the Appellate Division, Third Judicial Department.

Why has the town attorney permitted this failure to uphold New York State law for over two years? Is the town being preferential to who is informed of official town business and when the residents learn of the town's actions?

Supervisor Tidball what are you doing to improve the town's communication with the residents?
How will you make the town's actions transparent, accountable and equitable to the residents?

Additionally, please include the enclosed correspondence and supporting exhibits as I sent to National Grid on October 8, 2020 in tonight's official meeting minutes as recorded on the town website. These documents explain that Oak Hill Solar, LLC two power plants located at 13590 Duanesburg Road, Delanson, Schenectady County New York as approved by the Duanesburg Planning Board on September 19, 2019 do not include energy storage.

If Eden Renewables, LLC, New PowerCo Inc, Amp Solar Dev. Inc. or subsequent owner operator of Oak Hill Solar 1 and 2, LLCs construct anything beyond that approved in the September 19, 2019 Resolution and Site Plan then Susan Biggs and Lynne Bruning will retain all legal rights and remedies.

Please see attached Correspondence PDF 3 pages and Exhibits PDF 79 pages.

Thank you for your time and attention to this matters.

Respectfully,

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

Monthly Statement of the Town Supervisor

TO THE TOWN BOARD OF THE TOWN OF DUANESBURG, NEW YORK:

Pursuant to Section 119 of Town Law, I hereby render the following statement of all money received and disbursed by this office during the month September 2020.

Revenues

Fund	Amount
General Fund	\$ 5,045.48
Highway Fund	\$ 38,548.50
Fire Protection	\$ 0.00
Parks & Recreation	\$ 0.00
Parklands	\$ 0.00
Service Award	\$ 0.00
Sewer District #1	\$ 0.00
Sewer District #2	\$ 0.00
Sewer District #3	\$ 0.00
Total	<u>\$ 43,593.98</u>

Disbursements

General Fund	\$ 114,805.22
Highway Fund	\$ 40,198.96
Fire Protection	\$ 0.00
Park & Recreation	\$ 0.00
Parklands	\$ 0.00
Sewer District #1	\$ 14,585.00
Sewer District #2	\$ 13,355.62
Sewer District #3	\$ 3,649.55
Total	<u>\$ 186,594.35</u>

Dated October 8, 2020

Supervisors Office – Town of Duanesburg

Account#	Account Description	Fee Description	Qty	Local Share
	Building Permit Renewal	Building Permit Renewal	1	730.00
	Marriage License Fee	Marriage License Fee	2	35.00
	Misc. Fees	Certified Copies - Death	10	100.00
		Certified Copies - Marriage	1	10.00
	septic repair	septic repair	1	50.00
	Subdivision Major	Subdivision Major	1	500.00
	subdivision minor	Subdivision	1	100.00
		Sub-Total:		\$1,525.00
A1255	Conservation	Conservation	13	173.35
		Sub-Total:		\$173.35
A2544	AFTER 30 DAYS	AFTER 30 DAYS	4	20.00
	Dog Licensing	Exempt Dogs	1	0.00
		Female, Spayed	22	308.00
		Female, Unspayed	2	44.00
		Male, Neutered	20	280.00
		Male, Unneutered	3	66.00
		Sub-Total:		\$718.00
B2110	Zoning Variances	Zoning Variances	2	200.00
		Sub-Total:		\$200.00
B2555	Building Permits	Building Permits	8	5,215.00
	Special Use Permit	Special Use Permit	2	200.00
	Subdivision	Subdivision	3	350.00
		Sub-Total:		\$5,765.00
		Total Local Shares Remitted:		\$8,381.35
Amount paid to: NYS Ag. & Markets for spay/neuter program				57.00
Amount paid to: NYS Environmental Conservation				2,955.65
Amount paid to: State Health Dept. For Marriage Licenses				45.00
Total State, County & Local Revenues:				\$11,439.00
		Total Non-Local Revenues:		\$3,057.65

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



Shafer Park

393 views

SHARE



Blobs

- Hole 1 Area
- Hole 2 Area
- Hole 3 Area
- Hole 4 Area

... 5 more



Disc Golf Lines

- Line 1
- Line 2
- Line 3
- Line 4

... 5 more



Walking Paths

- Path 1
- Path 2
- Path 3
- Path 4
- Path 5

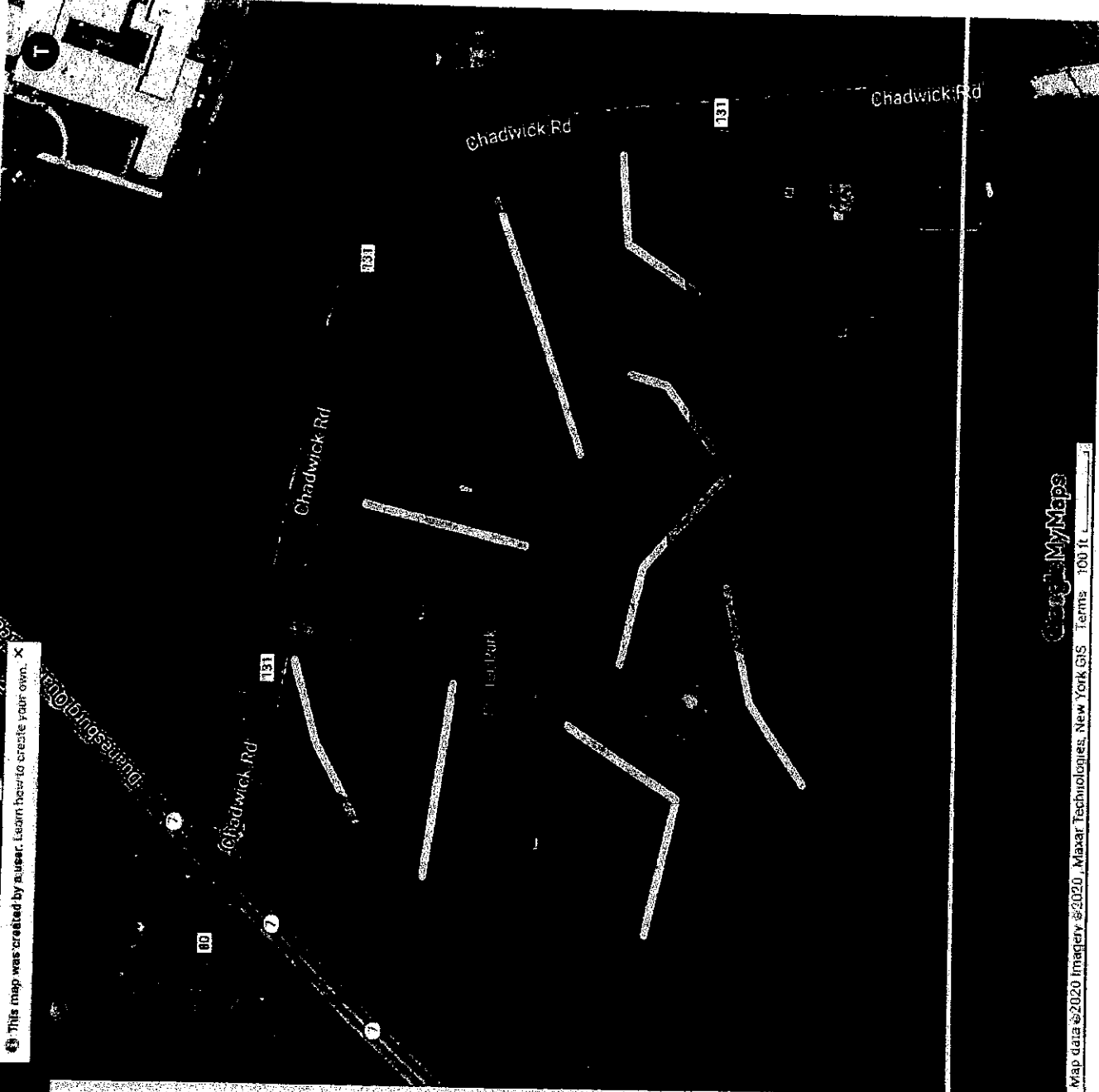


Mowing/Clearing

- Polygon 1

See details

This map was created by a user. Learn how to create your own. X



Google My Maps

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RESOLUTION INTRODUCING LOCAL LAW

RESOLUTION NO. -2020

October 8, 2020

WHEREAS, the Town of Duanesburg is subject to a tax levy limitation as a result of the New York State Property Tax Cap Legislation set forth in General Municipal Law § 3-C; and

WHEREAS, General Municipal Law § 3-C(5) provides that a Town Board may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year only if the Town Board first enacts, by a vote of sixty percent of the total voting power of the Town Board, a local law to override such limit for such coming fiscal year only; and

WHEREAS, Local Law No. 3 of 2020 is entitled "Tax Cap Override for FY 2021" (the "Proposed Local Law") is hereby introduced; and

WHEREAS, adoption of the Proposed Local Law is a Type II action under SEQRA.

NOW THEREFORE BE IT RESOLVED, that each member of the Town Board has received the attached Proposed Local Law attached hereto; and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to publish a notice of public hearing on the local law in the Schenectady Gazette and post to the Town's bulletin board and website, all to appear once no later than five (5) days before the date of the public hearing which shall take place at the regular meeting of the Town of Duanesburg Town Board at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 on October 22, 2020 at 7:00 p.m.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of October 8, 2020.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG**

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 22, 2020** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of Local Law No. 3 of 2020.

The Proposed Local Law No. 3 of 2020 is entitled "Tax Cap Override for FY 2021." The proposed local law will allow the Town of Duanesburg to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law § 3-C, and allow the Town of Duanesburg to adopt a town budget for fiscal year 2021 that requires a tax levy in excess of the tax levy limit. A copy of the proposed local law is on file at the office of the Town of Duanesburg Town Clerk, 5853 Western Turnpike, Duanesburg, New York, 12056.

**BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG**

Dated: October 8, 2020

TOWN OF DUANESBURG LOCAL LAW NO. 3 OF 2020

TAX CAP OVERRIDE FOR FY 2021

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

Section 1. Title of the Local Law.

This local law shall be entitled "Tax Cap Override for FY 2021."

Section 2. Authorization.

This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-C, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Purpose.

The purpose of this local law is to permit the override of the limit on the amount of real property taxes that may be levied by the Town of Duanesburg, County of Schenectady, pursuant to General Municipal Law § 3-C, and to allow the Town of Duanesburg to adopt a town budget for the fiscal year 2021 ("FY 2021") that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-C.

Section 4. Tax Cap Override for FY 2020

The Town Board of the Town of Duanesburg, County of Schenectady, is hereby authorized to adopt a budget for FY 2021 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-C.

Section 5 Supersession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

Section 6. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

**TOWN OF DUANESBURG TOWN BOARD
RESOLUTION**

October 8, 2020

WHEREAS, the Town of Duanesburg Town Supervisor, as Town Budget Officer, has received and reviewed the budget estimates for the 2021 fiscal year budget with the Town Departments; and

WHEREAS, the Town Supervisor has prepared the tentative budget from the budget estimates (the "Tentative Budget"); and

WHEREAS, the budget estimates and Tentative Budget were filed with the Town Clerk's Office; and

WHEREAS, the Town Clerk presented the Tentative Budget to the Town Board at the special meeting of the Town Board on October 5, 2020.

NOW, THEREFORE, BE IT RESOLVED, the Town Board has reviewed the Tentative Budget and approved it as the preliminary budget (the "Preliminary Budget"); and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to file a copy of the Preliminary Budget with the Town Clerk's Office for review by any interested party during regular office hours; and

BE IT FURTHER RESOLVED, that pursuant to Town Law § 108, the Town Board shall meet and hold a public hearing on October 22, 2020 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to hear any person in favor of or against the Preliminary Budget as compiled or for or against any item therein contained; and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to publish a notice of public hearing on the Preliminary Budget in the Schenectady Gazette and posted to the Town's website and Town signboard, all to appear once more than five (5) days before the date of public hearing.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on October 8, 2020.

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG**

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 22, 2020 at 7:00 p.m.** for the purpose of hearing all persons interested in the Preliminary Budget for 2021, and that any person may be heard in favor or against the items therein contained.

The Preliminary Budget for the Town of Duanesburg for the fiscal year beginning January 1, 2021 has been filed in the office of the Town Clerk, Town Hall, 5853 Western Turnpike, Duanesburg, New York, where it is available for inspection during regular office hours.

Pursuant to Section 108 of the Town Law, the proposed salaries of Town Officers are hereby specified as follows:

Town Supervisor: \$21,140
Town Justice: \$16,315
Town Justice: \$16,315
Town Council-Member: \$7,025
Town Council-Member: \$7,025
Town Council-Member: \$7,025
Town Council-Member: \$7,025
Town Clerk: \$45,511
Highway Superintendent: \$56,871.12

**BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG**

Dated: October 8, 2020

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION

October 8, 2020

WHEREAS, the Assessor to the Town of Duanesburg has completed, and filed the assessment roll for the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 (the "Assessment Roll"), pursuant to Article 15 of the New York State Town Law; and

WHEREAS, the Town Board caused due notice of the completion of the Assessment Roll and of the time and place wherein the Town Board would meet and hear and consider any objections to the Assessment Roll, to be duly published according to law; and

WHEREAS, the Town Board did meet at the Town Hall, 5853 Western Turnpike, Duanesburg, New York, on the 8th day of October 2020, at the time and place specified in said notice and heard and considered all objections to the Assessment Roll.

NOW, THEREFORE, BE IT RESOLVED, that the Assessment Roll is affirmed and adopted as originally proposed and filed; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file, in the office of the Town Clerk, with the Assessment Roll, a warrant which shall be signed by the Town Supervisor and countersigned by the Town Clerk, commanding the Receiver of Taxes and Assessments to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said supervisor.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on October 8, 2020.

Roger Tidball, Supervisor

Jennifer Howe, Town Clerk

Present:

Absent:

Council Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

