

**William Wenzel**, Town Supervisor  
**Jennifer Howe**, Town Clerk  
**Carol Sowycz**, Deputy Town Clerk  
**William Reed**, Highway Superintendent



**Michael Santulli**, Council Member  
**Dianne Grant**, Council Member  
**Andrew Lucks**, Council Member

**Thursday February 22, 2024**  
**Regular Town Board Meeting**  
**Meeting Time: 7:00PM**

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

**Present:** Supervisor Wenzel, Council Members Lucks (Late Arrival), Grant and Santulli, Deputy Town Clerk Sowycz, and Attorney Randall Beach.

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

**Resolution 44-24:** Council Member Grant motioned, seconded by Supervisor Wenzel to approve the February 8, 2024, Town Board Meeting minutes.  
Motion carried. 3 ayes.

**Resolution 45-24:** Council Member Santulli motioned, seconded by Council Member Grant to approve the February 13, 2024, Town Board Meeting minutes. 3 ayes.

**Resolution 46-24:** Council Member Grant motioned, seconded by Supervisor Wenzel to pay the attached Payment of Claims. (Please see attached).  
Motion carried. 3 ayes.

#### **Committee Reports**

**Highway:** Supervisor Wenzel stated that there had been a motor vehicle accident involving one of the towns plow trucks on Schoharie Turnpike. The plow truck was westbound, and the car was eastbound. A woman operating the car sustained minor injuries and it was determined to

be at fault. There is a claim into the insurance company. The plow truck will not be operable for the balance of the season but there is a backup truck that can be used.

**Public Safety:** Council Member Grant reported that the Duanesburg Ambulance Corp will be having fish dinners the two Fridays before Easter.

**Parks:** Supervisor Wenzel stated the skating rink that was proposed for the Little League will be put on hold until next year because of weather, insurance, and legalities. The town might look for a more suitable location for an ice rink.

**Sewer:** Council Member Santulli stated that the NYS DEC inspections were completed for both Mariaville and Delanson sewer districts and that both went well.

**IT:** Council Member Santulli reported that the new servers have been installed and are up and running in the Town Hall Building. Supervisor Wenzel stated that they got a new proposal from Charter Spectrum for the broadband and Schenectady County will be providing up to \$200,000.00 and that it should be near completion in the next 6 months.

#### **Business Meeting:**

**Resolution 47-24:** Council Member Santulli motioned, seconded by Council Member Grant to introduce Local Law 2 of 2024 entitled "Moratorium on Utility Scale Battery Storage Systems over 600 kWh". (Please see attached).

Motioned carried. 3 ayes.

#### **Privilege of the Floor:**

No comment.

Council Member Grant motioned, seconded by Council Member Lucks to adjourn the meeting. Motioned carried. 4 ayes. 7:15PM

I, Carol Sowycz, Deputy Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Meeting held on Thursday February 22, 2024.



## 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 of JANUARY 2024

### Revenues

Fund	Amount
General Fund	\$9,081.16
Highway Fund	\$280.05
Fire District	\$974,799.50
Lighting District #1	\$4,500.00
Lighting District #2	\$8,500.00
Lighting District #3	\$3,800.00
Drainage	\$1,000.00
Sewer District #1	\$320,452.05
Sewer District #2	\$270,369.32
Sewer District #3	\$117,056.91
<b>Total</b>	<b><u>\$ 1,709,838.99</u></b>

### Disbursements

General Fund	\$139,459.37
Highway Fund	\$95,861.31
Fire District	\$432,040.00
Lighting District #1	\$739.47
Lighting District #2	\$1,391.75
Lighting District #3	\$634.05
Drainage	\$0.00
Sewer District #1	\$188,470.96
Sewer District #2	\$20,054.26
Sewer District #3	\$95,900.55
<b>Total</b>	<b><u>\$ 974,551.72</u></b>

**TOWN OF DUANESBURG**  
**CASH REQUIREMENTS PER FUND**  
**2/22/24**

<b>FUND</b>		<b>AMOUNT</b>
General Fund A		232,157.89
General OV B		64.35
Highway Fund DA		5,461.73
Highway OV-DB		630.40
Fire Protection		86,146.00
Lighting District #1		40.73
Lighting District #2		50.75
Lighting District #3		34.21
Sewer District #1		5,431.75
Sewer District #2		4,072.34
Sewer District #3		3,034.59
	<b>TOTAL TRANSFERS TO AP</b>	<b>337,124.74</b>

**TOWN OF DUANESBURG TOWN BOARD**

**RESOLUTION NO. 47 - 2023~~4~~**

**February 22, 2024**

**Resolution Introducing a Moratorium  
on Utility Scale Battery Energy Storage in the Town of Duanesburg**

**WHEREAS**, the Governor of the State of NY has formed a task force for the purpose of determining how to address the recent large number of battery energy storage fires which have occurred in New York State and in other States;

**WHEREAS**, at the time the Town of Duanesburg Town Board adopted local law no. 1 of 2023 which regulates both solar facilities and battery energy storage facilities, specific State guidance on fire safety and battery energy storage was not available to the Town Board;

**WHEREAS**, the Town Board would like to ensure that any new projects in Town which have not been previously approved and issued a Building Permit and that are proposing Utility Scale Battery Energy Storage will not be reviewed or approved in the Town until the recommendations from the Taskforce are available and can be incorporated into Local Law no. 1 of 2023 to safeguard public health and safety;

**WHEREAS**, the attached Local Law entitled "Moratorium on Utility Scale Battery Energy Storage" has been reviewed and considered by the Town Board as the most reasonable step it can take given the Governor's creation of the taskforce, the recent battery energy storage fires and the Town Board's responsibility to ensure the public health and safety;

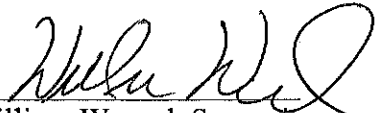
**WHEREAS**, the adoption of Moratoria are Type 2 actions pursuant to the NYS Environmental Quality Review Act;


**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby introduces the attached local law 2 of the Town of Duanesburg entitled "Moratorium on Utility Scale Battery Energy Storage;"

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the adoption of the moratorium local law at the next regularly scheduled meeting of the Town Board on March 14, 2024, at the Town of Duanesburg Town Offices at 5853 Western Turnpike, Duanesburg, New York at 7:00 p.m. and that all public comments submitted in writing by 4:00 p.m. March 14, 2024 or made during the public hearing shall be considered by the Town Board;

**BE IT FURTHER RESOLVED** that the moratorium local law shall be provided to the Schenectady County Planning Department for a recommendation pursuant to the NYS General Municipal Law and that the notice of public hearing shall be posted on the Town website, on the Town notice board and in the Daily Gazette as required by law.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on February 22, 2024.

  
William Wenzel, Supervisor

  
Jennifer Howe, Town Clerk  
Deputy

February 22, 2024

Present: Supervisor Wenzel, Council Members Santulli & Grant

Absent: Council Member Lucks

Council Members:

William Wenzel	<u>Yea</u>	Nay	Abstain
Michael Santulli	<u>Yea</u>	Nay	Abstain
Dianne Grant	<u>Yea</u>	Nay	Abstain
Andrew Lucks	Yea	Nay	<u>Abstain</u>

**Proposed by Supervisor Wenzel**

**Proposed Town of Duanesburg Local Law (Introductory) No. 2 of 2024**

**February 22, 2024**

**Town of Duanesburg**

**County of Schenectady, New York**

Be it enacted by the Town Board of the Town of Duanesburg, Schenectady County, New York as follows:

**Section A Title and Enactment**

The title of this Law is: MORATORIUM ON UTILITY SCALE BATTERY ENERGY STORAGE SYSTEMS OVER 600 kWh.

**Section B Intent and Effect of Moratorium**

The Town of Duanesburg Local Law No. 1 of 2023 “The Solar Energy Facilities Law of the Town of Duanesburg” currently regulates solar installations and Utility Scale Battery Energy Storage Systems (“BESS”) over 600KWh associated with solar installations. This moratorium will affect all such Utility Scale BESS, whether associated with solar or not, by placing a moratorium on the review of any new application or the approval of any applications for special use permit or site plan review for such facilities. It is not the intention of the Town Board to affect any existing solar facilities or Utility Scale Bess projects in the Town that have already been approved and are under construction or constructed and operating.

The Governor of the State of NY, acting in response to several fires at Utility Scale BESS (whether stand-alone or associated with wind or solar projects), formed a task force to address how such fires may be prevented or at a minimum how the State can ensure that adequate fire protection and training has been developed for such fires. The task force has provided some recommendations but the recommendations are still subject to public comment and have not been implemented to date.

The Board’s need for additional information and assurance about the safety of these types of facilities, including, but not limited to, ensuring the technology and availability of equipment necessary for local fire districts to be able to suppress or appropriately respond to a fire should one occur, taking precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and addressing the adequacy of standards for siting these facilities, has persuaded the Town Board to institute this moratorium. This moratorium shall be in place for six months and may be extended for an additional six months by resolution of the Town Board to allow a sufficient period of time for the Governor’s Taskforce to complete its work and to implement any final recommendations and for the Town Board to amend Local Law no. 1 of 2023 and/or to adopt a new law pertaining to Utility Scale BESS.

**Section 1 Moratorium.**



No new applications pursuant to Local Law 1 of 2023 for Utility Scale BESS shall be accepted by the Town during the period of the moratorium. No existing approved solar projects or other projects, whether under construction or operating with Utility Scale BESS will be affected by this moratorium.

## **Section 2      Moratorium Period.**

The moratorium established under Section 1 shall be in effect during the period between the adoption of this Local Law and for a period of 6 months following adoption of this local law, and the filing of the same with the Secretary of State. The same may be extended for periods of six months by resolution of the Town Board.

## **Section 3      Applications that may be exempted.**

(1) Applications may be exempted from the Moratorium provisions of this Local Law with a showing of hardship, following a public hearing on due notice before the Town Board. Upon such application, the Town Board shall consider:

- a.      The location of the proposed BESS in relation to habitable structures and fire fighting facilities, including the provision of an adequate response time and sources of fire fighting water or chemicals;
- b.      The management of fire fighting in the area where the BESS is proposed relative to preventing brush and structure fires;
- c.      The environmental significance, if any, of the applicant's parcel and surrounding parcels and the proposed development's impact upon the environment, including existing transportation resources and occupied residential structures;
- d.      The sufficiency of any plans for evacuation, air monitoring and testing and any other measures deemed necessary by the Town Board for addressing the concerns arising out of Utility Scale BESS fires.
- e.      Compatibility of the proposed development with the recommendations of the Comprehensive Plan Update.

(2) In making a determination under this Subsection, the Town Board may obtain and consider written reports from such other sources as required in the judgment of the Town Board and consistent with the purpose of this this Local Law. A grant of an exemption to an applicant's premises shall include a determination of hardship and unique circumstances which do not generally apply throughout the Town, and a finding that the grant of an exemption will be in harmony with and will not be unduly disruptive to the goals and purposes of this moratorium.

(3) An application under this subsection shall be accompanied by a fee of \$1,000.00 and seven (7) copies of the application, together with the applicant's written undertaking to pay all out-of-pocket costs incurred by the Town in studies and/or by retainer of resource personnel relating to the hearing, review, and determination of such application, in form and substance acceptable to the Town Board.

#### **Section 4      Statutory Authority/Supersession.**

This MORATORIUM AMENDMENT TO THE SOLAR ENERGY FACILITIES LAW OF THE TOWN OF DUANESBURG with respect to Utility Scale Battery Energy Storage Systems over 600 kWh is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and expressly supersedes any inconsistent provisions of Local Law No. 1 of 2023 for the period of the moratorium.

#### **Section C      Severability**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

#### **Section D      Effective Date**

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

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

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PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, Duanesburg New York, on **Thursday, March 14 , 2024 at 7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

**Local Law No. 2 of 2024** entitled “MORATORIUM ON UTILITY SCALE BATTERY ENERGY STORAGE SYSTEMS OVER 600 kWh,” establishing a moratorium on such systems in the Town of Duanesburg because the State is currently evaluating such systems and whether to impose public health and safety measures for such systems. The proposed local law is posted on the Town Website and on the Town Bulletin Board.

BY ORDER OF THE TOWN BOARD

TOWN OF DUANESBURG