

The regular meeting of the Villenova Town Board, held June 13, 2018 at 1094 Butcher Road, South Dayton NY was called to order by Supervisor Ardillo at 7:00PM after the Pledge to the Flag.

Present: **Richard Ardillo** - **Supervisor**
 Westley Tessey - **Councilmember**
 Sarah LoManto - **Councilmember**
 Keith Butcher - **Councilmember**
 Nathan Palmer - **Councilmember**

Others Present:

Chuck Luce - **Highway Superintendent**
Donald Michalak - **Town Attorney**
See scanned attendance sheet at end of the minutes

Recording Secretary:

Julie Goodway - **Town Clerk**

***A MOTION was made by Sarah LoManto seconded by Keith Butcher WHEREAS, minutes of the May 9, 2018 meeting be accepted as presented by Town Clerk Goodway.

Adopted: **Ardillo** - **aye**
 Tessey - **aye**
 LoManto - **aye**
 Butcher - **aye**
 Palmer - **aye**

Reports:

Town Clerk – Received and disbursed a total of \$305.00, presented a check to the Supervisor in the amount of \$295.00 for town fees collected. Informed the board of a back up of water and mud into the entry and hall way; states we will have to contract to have someone come in and clean the carpets. Notified them the office will be closed the first week of July, the clerk will be on vacation.

Justice – Received and disbursed a total of \$1,404.00 presenting a check to the Supervisor on 6/5. The Clerk also states she is registered for clerk training taking place in Potsdam July 17th and 18th, however due to the distance she will have to register a room for July 16 – 18th, as classes begin early on the 17th. Informed the board training will become mandatory and the district is trying to get this training approved toward the hours needed. A letter was presented notifying the board the court books are ready for examination.

Assessor – Issued 2 STAR Enhanced exemptions.

Code Enforcement Officer – David Crossley presented a written report to the board, a copy is on file with the clerk.

Highway Superintendent – Chuck Luce reports the surplus truck sold at auction for \$5,600.00, he is waiting for the check to be delivered. They loaded up scrap and took it to Weitzman where they received \$3,000.00 and presented a check to the Supervisor for the scrap. They have been mowing roadsides; putting millings on Aldrich Hill and after that has been properly compacted they will seal and move on to Dye Road which will be profiled from Danker to Bartlett. Dye Road will be the CHIPS project road this season.

***A MOTION was made by Westley Tessey, seconded by Nathan Palmer as follows:

TOWN OF VILLENOVA BOARD RESOLUTION NUMBER 1-2018
 Multi Modal Program Project

Authorizing the implementation, and funding in the first instance of the State Multi-Modal Program-aid [and State administered federal program-aid] eligible costs, of a capital project, and appropriating funds therefore.

WHEREAS, a Project for the Town of Villenova, P.I.N. 5MA269.30N (the “Project”) is eligible for funding [under Title 23 U.S. Code, as amended, and] New York State=s Multi-Modal Program administered by the NYS Department of Transportation (ANYSDOT@); and

WHEREAS, the Town of Villenova desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the Villenova Board, duly convened does hereby

RESOLVE, that the Villenova Board hereby approves the above-subject project; and it is hereby further RESOLVED, that the Villenova Board hereby authorizes the Town of Villenova to pay in the first instance 100% of the federal and non-federal share of the cost of road work for the Project or portions thereof; and it further

RESOLVED, that the sum of \$50,000.00 is hereby appropriated from DA5110.4 [or, appropriated pursuant to] and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Villenova shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Board thereof, and it is further

RESOLVED, that the Board of the Town of Villenova be and is hereby authorized to execute all necessary

Agreements, certifications or reimbursements requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the Town of Villenova with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible, and it is further

RESOLVED, that a certified copy of the resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

RESOLVED, that a Certified Copy of the Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the Town of Villenova and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

I, Julie Goodway, Clerk of the Town of Villenova, New York do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Board at a meeting duly called and held at the Town of Villenova, 1094 Butcher Road, South Dayton, NY 14138 on June 13, 2018 by the required and necessary vote of the member to approve the Resolution.

WITNESS My Hand and the Official Seal of the Town of Villenova, New York this 13st day of June 2018.

Adopted: **Ardillo** - aye
 Tessey - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

Supervisor Ardillo asked town attorney the status of the contract between Spectrum and the Town. Attorney Michalak states there has been no new developments. Ardillo states he learned Spectrum is in the process of placing lines on Fluker Hill Road and according to his source they are also supposed to go down the South Dayton Silver Creek Road. Ardillo reports he has paid all bills approved at the last meeting, met payroll and issued copies of the financial statement as prepared by Bahgat & Laurito Bahgat.

***A MOTION was made by Sarah LoManto, seconded by Nathan Palmer to accept all department head reports as given.

Adopted: **Ardillo** - aye
 Tessey - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

***A MOTION was made by Keith Butcher, seconded by Westley Tessey WHEREAS General Vouchers #61-69 totaling \$1,232.40 with General Prepays #22-25 totaling \$4,362.44 and Highway Vouchers #63-72 totaling \$6,125.55 with Highway Prepay #4 totaling \$85.88 were submitted, reviewed and approved for payment.

Adopted: **Ardillo** - aye
 Tessey - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

***A MOTION was made by Nathan Palmer, seconded by Sarah LoManto to make the following transfers and budget modifications as recommended by the accounting firm Bahgat & Laurito Bahgat.

Transfer \$99.00 from A1990.4 Contingent Account to A1920.4 Municipal dues

Modify the 2018 Budget by increasing Revenue line DA3501 CHIPS Funding by \$38,317.00 and increasing expenditure line DA5112.2 Capital Outlay by \$38,317.00

Adopted: **Ardillo** - aye
 Tessey - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

Chuck Malcolm, Town legal counsel from Dan Spitzer's Firm addressed the town board regarding a request from RES Americas, applying for a modification to their Special Use Permit granted Dec. 2016 to construct the Ball Hill Windpark. They are asking to modify two local laws regarding height and wind overlay. He notes this application for modification has been presented to Jim Pippin, town consultant to the project for review. He has deemed the

application complete and adequate to present to the Villenova Board. He then explained the process going forward.

Mark Lyons, RES representative responded to questions from the board and explained their intent is to make this project more efficient by generating more electricity without increasing the size and scope of the project. Technology has evolved that has made the market more competitive by capturing more wind, more efficiently generating electricity. They propose to change the model of turbine they will use, increase the overall height while using essentially the same positioning with the exception of moving 3 of the towers due to the larger size they create a larger wind overlay area and they suggest increasing the setback, thereby creating the need to relocate 3 of the towers. They have secured the additional set back waivers with the 3 lessees involved. They also propose to place nearly all lines underground which will further minimize the wetland impact. They have also obtained the tax roll from the clerk and propose to notify everyone on the tax roll of their intent and notice of public hearing.

It is noted that councilperson Sarah LoManto does hereby official recuse herself from any/all action/vote regarding the Ball Hill Windpark Project.

***A MOTION was made by Nathan Palmer, seconded by Keith Butcher as follows:

RESOLUTION #2 of 2018

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF VILLENOVA ACCEPTING THE APPLICATION FOR THE MODIFICATION OF THE PROPOSED BALL HILL WINDPARK, STATING THE TOWN BOARD'S INTENT TO ACT AS LEAD AGENCY ON THE MODIFICATION APPLICATION, INTRODUCING LOCAL LAW INTRODUCTION NO. 1 OF 2018 MODIFYING THE TOWN OF VILLENOVA WIND ENERGY FACILITIES LAW AND LOCAL LAW INTRODUCTION NO. 2 OF 2018 MODIFYING THE WIND OVERLAY DISTRICT, CALLING FOR A PUBLIC HEARING ON THE PROPOSED MODIFICATION AND THE PROPOSED LOCAL LAWS, AND REFERRING THE PROPOSED MODIFICATION AND THE LOCAL LAWS TO THE TOWN AND COUNTY PLANNING BOARDS

WHEREAS, the Ball Hill Windpark has been approved in the Town of Villenova and the Town of Hanover (the "Project"); and

WHEREAS, Ball Hill Wind Energy, LLC ("Ball Hill") has submitted an application (the "Application") to the Town of the Villenova to modify the Special Use Permit for the Project, and the existing Wind Overlay District, as well as for an amendment of the Wind Energy Facilities Law of the Town of Villenova, as amended (the "Wind Energy Facilities Law"); to raise the maximum height and amend the setbacks and

WHEREAS, the Town Board of the Town of Villenova and its consultants have reviewed the application for completeness in accordance with the requirements of Wind Energy Facilities Law; and

WHEREAS, The Town Board wishes to reestablish itself as Lead Agency for review of the proposed modification pursuant to the State Environmental Quality Review Act ("SEQRA")

NOW THEREFORE, based on such review and consideration, the Town Board of the Town of Villenova hereby

1. Declares that the Ball Hill Windpark Modification Application is complete.
2. As required by §690.08(E) of the Wind Energy Facilities Law, Ball Hill shall post the completed Application on the Internet.
3. Local Law Introduction No. 1 of 2018 modifying the Town of Villenova Wind Energy Facilities Law and Local Law Introduction No. 2 of 2018 modifying the Wind Overlay District, copies of which are attached, are hereby introduced.
4. The Application and the Local Law Introductions are hereby referred to the Town and County Planning Boards.
5. The Town Board hereby declares the Application and the Local Laws to be Type I actions, and adopts the attached Notice of Intent to act as Lead Agency under SEQRA and directs Ball Hill and the Town Special Counsel to notify all Involved and Interested Agencies.
6. A public hearing on the modification of the Special Use Permit for the Project and the proposed Local Laws shall be held on June 26, 2018 at 7 p.m. at the Hamlet United Methodist Church located at 1119 Route 83, South Dayton, New York 14138
7. Ball Hill shall publish the notice of the public hearing in the Town's official newspaper and provide proof of publication to the Town Clerk.

8. Ball Hill shall mail written notice of the public hearing to the Town residents, including the Agricultural Data Statement, as required by state and local law, and provide an affidavit of mailing to the Town Clerk.

9. This Resolution is effective immediately.

Adopted: **Ardillo** - aye
 Tessey - aye
 LoManto - abstained
 Butcher - aye
 Palmer - aye

ADOPTED: June 13, 2018

***A MOTION was made by Sarah LoManto, seconded by Westley Tessey to adjourn meeting at 8:00PM.

Adopted: **Ardillo** - aye
 Tessey - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

Respectfully Submitted:
Julie Goodway
Villanova Town Clerk

TOWN OF VILLENNOVA

TOWN OF VILLENNOVA: Sign in sheet . 6-13-18

	NAME	ADDRESS
1.	Michael Joffart	9276 Prospect Rd Forestville
2.	Walter Lyons	RES - CT
3.	Barbara & Richard Weir	Hartford
4.	Jessona Kelly	RES - CT
5.	Kristin McCarty	Alden NY
6.	Patrick McCarthy	Alden NY
7.	Sue Palmer	
8.	Chuck Malcolm	
9.		