

The SPECIAL meeting of the Villenova Town Board held Sept. 28, 2016 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**
 Keith Butcher - **Councilmember**

Absent: **Sarah LoManto** - **Councilmember**
 Angelo Graziano - **Councilmember**

Others: **Donald Michalak** - **Town Attorney**
 Dan Spitzer - **Special Counsel**
 Jim Pippen - **Consultant (Haley & Aldrich)**
 RES Americas Representatives
 Sign in Sheet attached

Recording Secretary:
 Julie Goodway - **Town Clerk**

Richard Ardillo, Supervisor introduced Dan Spitzer, special counsel for the Ball Hill Wind project.

Dan Spitzer explained the next phase of the project and the purpose of this special meeting, to accept the amended DEIS, based on its review and determination of the completeness of the documents.

Questions were addressed by attending representatives.

**TOWN BOARD OF TOWN OF VILLENOVA
 RESOLUTION ACCEPTING THE AMENDED APPLICATION OF BALL HILL WIND, LLC FOR THE
 PROPOSED BALL HILL WIND ENERGY PROJECT SEEKING A SPECIAL PERMIT, CREATION OF A WIND
 OVERLAY ZONING DISTRICT AND AN AMENDMENT TO THE TOWN LAW**

WHEREAS, on or about October 2008, the Town of Villenova Town Board (“Town Board”), acting as Lead Agency pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617] (“SEQRA”) accepted a Draft Environmental Impact Statement (“DEIS”) for the proposed wind energy project calling for the development of wind energy facilities, including wind energy conversion systems, access roads and utility infrastructure (“Project”) in the towns of Villenova and Hanover;

WHEREAS, development of the Project continued with the submission of several revised layouts utilizing different turbine technology all within the same location or Project Area;

WHEREAS, as a result of the continued development, the Town Board required the preparation of an Supplemental DEIS to describe the revised Project, identify impacts that were different than those identified in the DEIS and detail the proposed mitigation for such impacts;

WHEREAS, on or about October 29, 2015, in connection with the revision of the Project layout and decision to again utilize different turbine technology, the Town Board adopted a resolution confirming its Positive Declaration of Significance, determined that scope of the Supplemental DEIS should be the same as previously ordered with the addition of analyses of cumulative impact and the requested increase in maximum height, ordered the preparation of a Supplemental DEIS for the Project;

WHEREAS, On or about January 29, 2016, the Town accepted the Supplemental DEIS prepared by the Project Sponsor, Ball Hill Wind Energy, LLC, as to its completeness and suitability for public comment and review;

WHEREAS, the Applicant proposed a revised layout for the Project within the same Project Area as originally proposed and examined in both the DEIS and the Supplemental DEIS and submitted an Amended Application for review under the Town’s Wind Law;

WHEREAS, the Town’s consultants, Haley and Aldrich, P.C., reviewed the Amended Application and found it to be complete pursuant to Section 690.07 of the Town’s Wind Law and advised the Town Board the Amended Application may be accepted as complete; and

WHEREAS, the Town Board has reviewed the Amended Application and consulted with its experts and is prepared to make a determination on its completeness.

NOW, THEREFORE, be it hereby resolved by the Town Board of the Town of Villenova as follows:

1. That, based on the advice of its experts and the Town Board’s own review, the Amended Application is hereby determined to be complete pursuant to Section 690.07 of the Town’s wind law;
2. Local Law Introduction No. 6 of 2016, to amend the maximum allowable height of a WECS, and Local Law Introduction No. 7 of 2016, to create a Wind Overlay zone, are hereby introduced.

3. That a public hearing on the Amended Application, including the proposed local laws to create the wind overlay district and to increase the maximum Total Height of the WECS to 495', shall be held on October 13, 2016 at 7 p.m. at the Hamlet United Methodist Church, 1119 Rt. 83, South Dayton, NY, pursuant to the Town of Villenova Wind Energy Facilities Law;
4. The Town Clerk shall post on the Clerk's bulletin board and publish in the official newspaper of the Town a Notice of Public Hearing.
5. That Ball Hill is directed to prepare, file, mail and publish as appropriate:
 - a. notice of the public hearing including appropriate Agricultural Data Statements,
 - b. to display the Amended Application and any other necessary documents on the Project website at www.ballhillwind.com, and
 - c. otherwise to take all steps necessary to comply with applicable laws, statutes and regulations.
6. That the Town's Special Counsel shall refer the Amended Application to the Chautauqua County Planning Department pursuant to General Municipal Law Section 239-m as necessary.
7. Pursuant to Town Law § 264(2), the Town's Special Counsel shall notify the Town of Hanover and the Town of Arkwright of the proposed creation of the Wind Overlay District.
8. That this resolution shall take effect immediately.

***A MOTION was made by Keith Butcher, seconded by Westley Tessey to pass and adopt the resolution:

PASSED AND ADOPTED by the Town Board of the Town of Villenova on the 28th day of September, 2016

ROLL CALL	Yea	Nay	Abstain
Supervisor Ardillo	Yea		
Councilmember Butcher	Yea		
Councilmember Graziano	Absent		
Councilmember LoManto	Absent		
Councilmember Tessey	Yea		

Dan Spitzer issued a written disclosure of interest, as follows:

Disclosure of Interest Pursuant to General Municipal Law §809

Please be advised that Councilmember Sarah LoManto has entered into a lease agreement with Ball Hill Wind Energy, LLC ("Ball Hill") for use of lands with tax map numbers 134.00-2-10, 143.00-2-11, 135.00-1-6 owned by Councilmember LoManto and her husband, located on Prospect Road in the Town of Villenova, Chautauqua County, New York (the "Property"). The Property is located within the proposed Wind Overlay District requested by Ball Hill and may have wind energy facilities placed thereon if the Amended Application is approved. A copy of the Memorandum of Lease between Ball Hill and Michael and Sarah LoManto is attached hereto as Exhibit A.

Councilmember LoManto has previously disclosed her agreement with Ball Hill at open meeting of the Villenova Town Board and recused herself with all prior proceedings related to the project. Ball Hill has requested that Councilmember LoManto continue to recuse within herself from the proceedings before the Villenova Town Board for all matters related to the project, including, without limitation, all deliberations and votes related to Ball Hill's Amended Application.

***A MOTION was made by Westley Tessey, seconded by Keith Butcher to adjourn meeting at 7:42PM.

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

Respectfully Submitted
 Julie Goodway
 Villenova Town Clerk