

The special meeting of the Villenova Town Board held Nov. 22, 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
Angelo Graziano	- Councilmember
Sarah LoManto	- Councilmember
Keith Butcher	- Councilmember

Others Present:

Chuck Luce	- Highway Superintendent
Donald Michalak	- Town Attorney
Dan Spitzer	- Special Counsel, Hodgson & Russ
Mark Sweeney	- Hodgson & Russ
Mark Lyons	- RES
Others	- see attached scanned sign in sheet

Recording Secretary:

Julie Goodway	- Town Clerk
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Rich Ardillo, Supervisor opened the meeting by stating this is a special meeting, not a public hearing, the public is welcome to attend, but no comments will be taken. The purpose of the special meeting is to vote to accept or reject the Final Environmental Impact Statement as prepared by R.E.S. America for the Ball Hill Windpark Project. After the vote the board will meet in executive session to discuss with special counsel a possible host community agreement.

Angelo Graziano, Councilmember stated before the vote, he has questions and needs clarity on some issues he has. He feels the entire township should have been involved, or notified of the public hearing by RES, he has concerns with the setback, the sound levels and the town hasn't met the requirements in filing for petition from the public service commission.

Mr. Spitzer responded by stating the town is not waiting on anything from the public service commission nor the department of public service. The certificate he is speaking of is the responsibility of the project company, RES, to apply for and receive, not the town's. RES can't go forward and apply with the public service commission for the certificate of public convenience and necessity, until the town accepts and moves forward with the project. Mr. Spitzer also states RES and the town have gone over and above what the legal requirements are for notification of public hearings. This project has been in the works since 08 or before and there have been at least 6 or 8 public hearings, he finds it hard to believe that anyone in the town hasn't heard of it or doesn't know of the project. The Board decides the level of notification and notice did go out to everyone within 500' of the wind overlay district. This project is a non article 10 project, Article 10 was a process put in place by the State to license wind farms that were not grandfathered in. Arkwright is the first to go thru the grandfathered article 10, this project will be treated the same. Article 7 is related to the transmission lines only and is exempt from SEQRA, the PSC does that, not the DEC or any other agency. The Town is not waiting on the PSC, RES is waiting for the town to finish the SEQRA. Mr. Lyons, RES rep confirmed that statement.

Mr. Graziano believes we are waiting a decision from the state, if this project will stay as an article 10 or SEQRA, again Mr. Spitzer insists RES is waiting on that certificate not the town. He says he can't go thru with a vote until his questions are answered.

Mr. Spitzer asked what questions haven't been answered, stating he would be happy to meet with or discuss any concerns Angelo has, all that's needed is to contact him.

Mr. Graziano continued with questions concerning the 60% tax reduction to the town and where did that figure come from since they haven't discussed an agreement with RES, what about the health concerns, and the noise level of the turbines, he feels his questions haven't been addressed.

Mr. Spitzer addressed his questions, and states there have been no discussions with RES for a host community agreement as of yet. The figure he is referring to was a ball park figure put out by RES at the public hearing to demonstrate how the town could benefit financially from this project, as well as how the land owners would benefit. The Wind Turbine Syndrome, has been put to rest by the medical community, the noise level, the town chooses what level they consider safe by their adopted noise ordinance. To conclude he states nobody will tell you it won't change the Town, no one ever hid the impacts. However, as this project matures, the impacts get lower and lower, there are less turbines, less impacts to wet lands, this project will produce the same power as when originally proposed, but with less turbines and less impacts.

Mr. Spitzer explained to the board by accepting this FEIS, it affords you the information to research, it is the second to last document in the SEQRA process. It also allows the town to put it out to the public for review; next the statement of findings will be presented, then the host community agreement will be finalized; there will be a vote on the two proposed laws, and the issuance of a special use permit.

***A MOTION was made by Keith Butcher, seconded by Westley Tessey

**TOWN BOARD OF THE TOWN OF VILLENOVA
RESOLUTION ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT UNDER THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED BALL HILL WIND
ENERGY PROJECT, THE CREATION OF A WIND OVERLAY ZONING DISTRICT AND THE
REQUESTED 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 a 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 for the Project;

WHEREAS, the Town Board’s outside engineering and legal consultants reviewed the Supplemental DEIS prepared by the Project Sponsor, Ball Hill Wind Energy, LLC (“Ball Hill”), advised the Town Board as to its completeness and suitability for public comment and review;

WHEREAS, the draft Supplemental DEIS was provided to the Town Board members for their individual review given their unique knowledge of the Town and its character, the Project and the Project Area; and

WHEREAS, on January 27, 2016 the Supplemental DEIS was accepted by the Town Board; and

WHEREAS, Ball Hill has now submitted to the Town and its consultants a draft Final Environmental Impact Statement (FEIS).

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

1. That the Town Board’s engineering consultants reviewed the FEIS and found it complete, and recommended the Town Board issue the FEIS.
2. That the Town Board has reviewed the FEIS and consulted with its experts on the Project and the FEIS;
3. That, based on the advice of its experts and the Board’s own review, the Town Board hereby determines the FEIS has been prepared in accordance with SEQRA, is adequate and is hereby issued by the Town Board;
4. That Ball Hill is directed to prepare, file and publish as appropriate
 - a. all required SEQRA notices of completeness including a notice in the Environmental Notice Bulletin,
 - b. to display the FEIS and any other necessary documents on the Project website at www.ballhillwind.com in compliance with SEQRA,
 - c. otherwise to take all steps necessary to comply with applicable laws, statutes and regulations, and
5. That the Project Sponsor shall distribute the FEIS to all interested and involved agencies pursuant to the SEQRA regulation (Part 617.12) and place a copy of the FEIS on file at the Town of Villenova Town Hall located at 1094 Butcher Rd, South Dayton, NY 14138, and the Town of Hanover Town Offices located at 68 Hanover Street, Silver Creek, NY 14136;
6. That this resolution shall take effect immediately.

Roll Call:	Richard Ardillo	- aye
	Westley Tessey	- aye
	Keith Butcher	- aye
	Angelo Graziano	- nay
	Sarah LoManto	- abstain

PASSED AND ADOPTED by the Town Board of the Town of Villenova on the 22nd day of November, 2016.

***A MOTION was made by Rich Ardillo to enter into executive session at 7:25. The purpose of the executive session is to discuss with Special Counsel a possible host community agreement.

Executive session was closed at 8:30PM, and the special meeting of the Villenova Board was adjourned at 8:30PM.

**Respectfully Submitted,
Julie Goodway/Town Clerk**

