

Town Attorney Donald Michalak updated the board on the cable franchise renewal agreement, he feels confident it is complete and ready for the board.

*****A MOTION** was made by Nathan Palmer, seconded by Keith Butcher hereby authorizing the town supervisor to execute the Final Franchise Agreement between the Town of Villenova and Charter Communications with the changes discussed (increase in insurance, term of 10 years).

Adopted:	Park	- aye
	LoManto	- aye
	Butcher	- aye
	Palmer	- aye

Attorney Michalak continued with a presentation of the Host agreement with the Cassadaga Wind farm, Susan Baldwin interrupted from the audience stating “this is what I am here for, waving papers”, Attorney Michalak continued his report to the board and asked the highway superintendent Chuck Luce if he was familiar with the agreement, at which time Chuck Luce states he was aware of it and confirmed the details with the attorney, and moved forward with his presentation to the board regarding the agreement.

Resolution of the Town of Villenova Approving Exhibits to the Host Community Agreement for the Cassadaga Wind Farm

*****A MOTION** was made by Sarah LoManto, seconded by Nathan Palmer

WHEREAS, Cassadaga Wind, LLC (“Cassadaga”) and the Town entered into a Road Use Agreement (“RUA”) on May 9, 2018, which referenced exhibits to be prepared and approved after the effective date of the RUA; and

WHEREAS, Cassadaga and the Town have mutually prepared the referenced exhibits in consultation with the Town’s consultant in accordance with the provisions of the RUA; and

WHEREAS, the Town now wishes to approve those exhibits and provide for a process for changes to said exhibits should they be required; and

WHEREAS, the Town has also requested that Cassadaga post a Construction Security as defined in the RUA for the tree clearing phase of construction;

WHEREAS, Cassadaga will post the Construction Security for the tree clearing phase of construction in the amount of \$163,333 and the Town wishes to approve said Construction Security for the tree clearing phase of construction;

WHEREAS, said Construction Security only covers the tree clearing phase of construction, and the Town reserves the right to request an additional Construction Security for additional phases of construction;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Villenova as follows:

1. The following exhibits to the RUA are hereby approved:
 - Exhibit A Schedule of Roads;
 - Exhibit B Pre-Construction Inspection Report;
 - Exhibit C Schedule of Project Facilities Requiring Municipal Franchises, Road Permits and Curb Cuts; and
 - Exhibit E Haul Route Map for Oversized Vehicles
2. The Town Board hereby authorizes the Highway Supervisor, in consultation with the Town’s consultants, to approve any minor amendments or changes to the approved exhibits should they be requested by Cassadaga, provided such changes do not alter the material terms of the RUA.
3. The Town hereby approves the Construction Security in the amount of \$163,333 for the tree clearing phase of construction, provided that the vehicles that will use the Town roads will be limited to those necessary to facilitate tree clearing and pre-construction road upgrades.

The Town Supervisor is directed to execute any agreement needed to effectuate this Resolution on behalf of the Town.

1. This Resolution shall be effective immediately.

Exhibits for the purpose of the minutes are not attached, refer to the original documents.

Deputy Supervisor issued copies of the financial report as prepared by Bahgat & Laurito Bahgat. The tentative 2020 budget has been prepared and submitted to the board for review. Upon recommendations from Bahgat & Laurito Bahgat;

*****A MOTION** was made to decrease DA5110.4 General Repairs Contractual \$2,610.00 and increase DA5110.45 General Repairs Gravel \$2,610.00, by order of the same motion the 2019 adopted budget be modified by increasing revenue line DA3501 CHIPS funding by \$38,324.00 and increasing expenditure line DA5112.2 Capital Outlay by \$38,324.00

Adopted:	Park	- aye
	LoManto	- aye
	Butcher	- aye
	Palmer	- aye

*****A MOTION** was made by Keith Butcher, seconded by Nathan Palmer WHEREAS the appointment of Yvonne Park as Deputy Supervisor be and hereby accepted, ratified and confirmed, THEREFORE she be authorized to do payroll, banking, sign checks, and any other business related to official town business.

Adopted:	Park	- aye
	LoManto	- aye
	Butcher	- aye
	Palmer	- aye

Sarah LoManto, councilperson was asked to excuse herself from the meeting for the purpose of discussing the Ball Hill Wind Project.

Attorney Michalak upon recommendations and approval from special counsel; briefed the board on the materials before them, known as the SEIS. He noted nothing is to be decided on, this is only to accept the document and start the next process. Attorney Michalak summarized the resolution, after his summarization

*****A MOTION** was made by Keith Butcher, seconded by Nathan Palmer **BE IT HEREBY RESOLVED the Town Board of the Town of Villenova (1) Accepts the Supplemental Draft Environmental Impact Statement (“SDEIS”) as Adequate for Public Review; (2) Setting the Public Comment Period on the SDEIS; (3) Reintroducing Local Laws; (4) Calling for a Public Hearing on the SDEIS, Local Laws, and Permit Modification Request; and (5) Authorizing All Such Other and Further Steps as are Necessary to Comply with SEQRA and/or State or Local Law with Respect to the Project Application**

WHEREAS, following the July 10, 2019 resolution of the Town Board of the Town of Villenova (the “Town Board”), Ball Hill Wind Energy LLC (“Ball Hill”) has submitted a draft supplemental environmental impact statement (“SDEIS”) for the Ball Hill Wind Energy Project (the “Project”); and

WHEREAS, the Town Board, its consultant Haley & Aldrich (James B. Pippin), and the Town’s special counsel Hodgson Russ LLP have reviewed the SDEIS; and

WHEREAS, further procedural steps are now in order to complete the Town Board’s review;

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Villenova as follows:

1. This resolution is adopted by the Town Board without prejudice to its position in litigation and/or on appeal in *McGraw et al. v. Town Board of the Town of Villenova et al.*; Index No. EK12018001343 (the “*McGraw* matter”). The rationale set forth in the Town Board’s July 10, 2019 resolution concerning the Project is hereby incorporated by reference. The Town Board has appealed the order and judgment in the *McGraw* matter. In the event that the order and/or judgment of Supreme Court, Chautauqua County is reversed, with the litigation being finally concluded, this resolution shall be deemed rescinded because the Negative Declaration previously issued by the Town Board will remain in full force and effect pursuant to the Town Board’s July 10, 2019 resolution.
2. The SDEIS is hereby accepted as adequate with respect to its scope and content for the purpose of commencing public review.
3. Town staff and/or its special counsel are directed to publish a notice of completion of the SDEIS and file and circulate the same as required by SEQRA. Filing and circulation shall occur on August 15, 2019. Ball Hill is directed to, in addition to the hard copy filing requirements, to post a full copy of the SDEIS with appendices on its website www.ballhillwind.com.
4. The public comment period shall commence on August 15, 2019 and end on September 23, 2019.
5. The Town Board determines to hold a public hearing on the SDEIS based on the factors set forth in 6 NYCRR § 617.9(a)(4). The public hearing will be held on September 4, 2019 at 6:00 PM at the Hamlet United Methodist Church, 1119 Route 83, South Dayton, NY 14138. The notice of hearing shall be published at least 14 calendar days in advance of the public hearing, in a newspaper of general circulation in the Town and the Town of Hanover.

6. Local Law Nos. 1 and 2 of 2018 (the “Local Laws”), attached hereto, are hereby reintroduced. The Town Board will hold a public hearing on the Local Laws on September 4, 2019 at 6:00 PM at the Hamlet United Methodist Church, 1119 Route 83, South Dayton, NY 14138, to be completed together with the public hearing on the SDEIS. Public notice shall be provided as required by law.

7. The Town Board will have another public hearing on the Project modification application, submitted by Ball Hill. That public hearing will be held on September 4, 2019 at 6:00 PM at the Hamlet United Methodist Church, 1119 Route 83, South Dayton, NY 14138, to be completed together with the public hearing on the SDEIS and the Local Laws. Public notice shall be provided as required by law.

8. While the Town Board does not agree that re-referral of the Project modification application, SDEIS, and/or Local Laws is required to be made to the Chautauqua County Planning Board, it determines to do so out of an abundance of caution, and directs the Town’s special counsel to complete the same.

9. While the Town Board does not agree that re-referral of the Project modification application, SDEIS, and/or Local Laws is required to be made to the Town of Villenova Planning Board, it determines to do so out of an abundance of caution, and directs the Town’s special counsel to complete the same.

10. This resolution shall be effective immediately upon adoption and shall remain in effect except as set forth in paragraph 1 of this resolution.

Adopted: **Park** - **aye**
 Butcher - **aye**
 Palmer - **aye**

Having completed the matter of Ball Hill Wind, councilperson Sarah LoManto was asked to return to the regular meeting of the board.

Town Attorney Michalak summarized the process in abolishing the planning board and answered question of the board. Introduction of Local Law No. 1 of 2019 to abolish the planning board of the Town of Villenova was distributed to the board

*****A MOTION** was made by Sarah LoManto, seconded by Nathan Palmer

**LOCAL LAW
 INTRODUCTION NO. 1 OF 2019
 OF THE TOWN OF VILLENOVA**

A LOCAL LAW TO ABOLISH THE PLANNING BOARD OF THE TOWN OF VILLENOVA

Be it enacted by the Town Board of the Town of Villenova as follows:

Section 1. Legislative Intent.

The Town of Villenova Town Board hereby finds and determines that it is in the public interest to dissolve the Planning Board of the Town of Villenova. The Planning Board is entirely vacant and therefore serves no tangible purpose in the implementation of the Code of the Town of Villenova. The Town Board desires to abolish the Planning Board and undertake its responsibilities in order to more easily effectuate the Code.

Section 2. Authority.

This Local Law is enacted pursuant to the authority granted by General Municipal Law, Town Law, and Municipal Home Rule Law of the State of New York to regulate property within the Town, to establish a Planning Board, and to establish its own standards and procedures relating to comprehensive and other planning work in the Town.

Section 3. Effect.

- a. From the date of effectiveness forward, all actions and responsibilities previously granted to the Planning Board shall be undertaken by the Town Board.
- b. Where the Code of the Town of Villenova previously required that the Town Board make a referral to the Planning Board for a recommendation, the referral shall no longer be required. If any other entity is required to make a referral to the Planning Board, the Town Board shall assume the responsibility of issuing such recommendation.
- c. For any application under review or referral under consideration as of the effective date of this Local Law, the Town Board shall complete the required review or make the requested recommendation.

Section 4. Effective Date. Immediately upon filing.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

Resolution Introducing a Local Law Abolishing the Town of Villenova Planning Board and Calling for a Public Hearing

***A MOTION was made by Sarah LoManto, second by Nathan Palmer

WHEREAS, the Planning Board of the Town of Villenova (“Planning Board”) has no members and each seat is vacant; and

WHEREAS, the Town Board of the Town of Villenova (“Town Board”) finds that the Planning Board is not required in order to implement the zoning provisions of the Code of the Town of Villenova; and

WHEREAS, the Town Board desires to eliminate the superfluous Planning Board in order to more effectively implement the Code.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Villenova as follows:

1. That a Local Law entitled “Abolishment of the Planning Board of the Town of Villenova” as more particularly set forth in Exhibit A attached hereto, is hereby introduced before the Town Board; and
2. The proposed Local Law is hereby referred to the County Planning Board.
3. That a public hearing will be held on September 11, 2019 at 7:10 PM at Town Hall, located at 1094 Butcher Road, South Dayton, NY 14138.
3. That this resolution shall take effect immediately.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

Deputy Supervisor Park discussed the need to conduct interviews for the upcoming vacancy of the Assessor position as the long time assessor Roger Newell will be retiring at the expiration of his term in September. She reminds the board this is a 6 year appointment.

***A MOTION was made by Sarah LoManto, seconded by Nathan Palmer to conduct a special meeting of the Town Board on August 29, 2019 at 6:00PM at the Town Hall, 1094 Butcher Road, South Dayton, NY 14138. The board will enter into executive session upon calling the meeting to order for the purpose of discussing personnel and conducting interviews for the Assessor position.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

With no other official business, Deputy Supervisor Park announced there would be no privilege of the floor.

***A MOTION was made by Sarah LoManto, seconded by Nathan Palmer to adjourn meeting at 7:27PM.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye

Respectfully Submitted,
Julie Goodway
Villenova Town Clerk

