

The regular meeting of the Villenova Town Board, held October 09, 2019 at 1094 Butcher Road, South Dayton NY was called to order by Supervisor Park at 7:00PM after the Pledge to the Flag.

Present: **Yvonne Park** - **Supervisor**
 Sarah LoManto - **Councilmember**
 Keith Butcher - **Councilmember**
 Nathan Palmer - **Councilmember**
 Donald Chase - **Councilmember**

Others Present:
 Chuck Luce - **Highway Superintendent**
 Donald Michalak - **Town Attorney**

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

*****A MOTION** was made by Nathan Palmer, seconded by Sarah LoManto WHEREAS, minutes of the Sept. 11, 2019 meeting be accepted as presented by Town Clerk Goodway.

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

Supervisor Park read the following letter:

I would like to take the opportunity to address the reasons to vote in favor of Local Law Introduction Number 1 of 2019 to abolish the Planning Board.

There is no requirement that a town have a planning board.

If the planning board is abolished the Town will continue to have a Zoning Board of Appeals and a Town Board. There is no need to have three boards.

The Planning Board has certain advisory functions including when matters are referred to it by the Town Board or Zoning Board of Appeals. The Planning Board also has independent jurisdiction over some special use permit applications. The last such application was in February 2011, and nothing since then.

As pointed out by our Code Enforcement Officer over the last 10 years the Planning Board has only met on a handful of matters, his records show three meeting during that time. There simply is no work for a planning board to do that cannot be covered by the zoning board of appeals and the town board.

Villenova is not alone in being in this situation and taking this action. As reported in the Observer the town of Dunkirk and the town of Ripley are considering abolishing their planning boards. As reported by our code enforcement officer the towns of Charlotte, Gerry and Sinclairville have already abolished their planning boards.

At the last meeting our town attorney provided a memorandum to the board explaining the Villenova local zoning law, where the planning board fits in, and the effect of abolishing the planning board, which is that the town board takes over the actions and responsibilities previously delegated to the planning board.

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

WHEREAS, the proposed Local Law No. 1 of 2019, entitled, "Abolishment of the Planning Board of the Town of Villenova" was introduced by the Town Board on August, 14, 2019; and

WHEREAS, out of an abundance of caution, the Town Board determined that the action was a Type I action under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board held the required public hearing on the proposed Local Law, which was duly noticed, on September 11, 2019, at which members of the public were heard; and

WHEREAS, the Town Board referred the proposed Local Law to the Chautauqua County Planning Board pursuant to the General Municipal Law, and the County Planning Board determined the matter to be of local concern, but nonetheless submitted comments on the proposed Local Law; and

WHEREAS, the Town Board completed part 1 of the environmental assessment form ("EAF"), and then completed parts 2 and 3;

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

1. The Town Board issues a negative declaration for the proposed Local Law. The Town Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Town Board compared the proposed Local Law with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The Town Board has completed parts 2 and 3 of the EAF. The action will not have a significant adverse impact on the environment. This is a procedural legislative action that does not authorize any specific activity. It merely abolishes the Planning Board and transfers any functions it carried out to the Town Board. The Town Board believes that this proposed Local Law could be classified as a Type II action under SEQRA as it is “routine or continuing agency administration and management,” 6 NYCRR §617.5(c)(26), but has determined to proceed out of an abundance of caution.
2. The proposed Local Law is hereby adopted, and shall take effect upon filing with the New York Secretary of State.
3. This resolution shall be effective immediately upon adoption.

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

Chuck Malcolm, special counsel addressed the board and public in attendance regarding the FEIS for the Ball Hill Wind Project. He states that in an abundance of caution the board did conduct a public hearing, although it was not required and extended a longer than required comment period, also not required. He states the FEIS has been reviewed by the engineering firm Haley and Aldrich and the town is in receipt of notice from Haley & Aldrich rep Jim Pippin stating the SFEIS has been reviewed, it is their opinion that the substance of the SFEIS is adequate and complete. Jim Pippin recommends that the Town issue the SFEIS.

Sarah LoManto was excused from the room.

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

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”) submitted a draft supplemental environmental impact statement (“SDEIS”) for the Ball Hill Wind Energy Project (the “Project”); and

WHEREAS, the Town Board determined that the SDEIS was adequate for public review and was therefore accepted for such purpose; and

WHEREAS, the Town Board filed and circulated the notice of completion, established a public comment period, and determined to hold a public hearing with respect to the SDEIS, all of which has been completed; and

WHEREAS, the Town Board has considered public comments received, has reviewed and analyzed the supplemental final environmental impact statement (“SFEIS”) for the Project, and has reviewed a memorandum from its consultant Haley & Aldrich (James B. Pippin) with respect to the contents and adequacy of the SFEIS;

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 SFEIS for the Project, dated October 4, 2019, is incorporated herein by reference, and is hereby issued by the Town Board. The Town Board determines that the SFEIS is adequate, complete, and complies with the SEQRA regulations.

3. Town staff and/or its special counsel are directed to publish a notice of completion of the SFEIS and file and circulate the same as required by SEQRA. Ball Hill is directed to, in addition to the hard copy filing requirements, to post a full copy of the SFEIS with appendices on its website www.ballhillwind.com.

4. The Town Board will allow for additional written comments on the SFEIS to be received no later than 5:00 p.m. on Monday, October 21, 2019

5. 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
Chase	- aye

Chuck Malcolm discussed the next step in the process of issuing the FEIS, making the document public, publishing of such, SEQRA, notifying agencies of the completion, the comment period and decision.

Sarah LoManto was asked to return to the meeting of the Villenova Board.

Reports:

Town Clerk - received and disbursed \$1,134.00, presenting a check to the Supervisor in the amount of \$73.68 for the portion of town fees collected; has received a quote from one prospective vendor for the replacement of the 2 town computers that will soon be out of support because they are windows 7. The quote received was from Network Consulting Group of WNY and totals \$1,513.99. The other quote was requested from DFT Communications and it has not been received.

Justice – received and disbursed a total of \$396.00, presented a check to the Supervisor 10/2/19. Court clerk reported on the conference in Syracuse, and the status of applying for the JCAP.

Highway Superintendent – they have been busy assisting the state with hauling away millings from route 83, we've quite a stockpile of millings that will be beneficial to the town; they've been patching on North Hill, it's nearly complete at a cost of \$30,000; they will continue to cut shoulders and start prepping for the winter season.

Supervisor- issued copies of the financial reports as prepared by Bahgat & Laurito Bahgat; issued payroll; paid bills from last meeting; reworked budget figures in anticipation of abolishing the planning board and increasing the contractual line for the assessor.

*****A MOTION** was made by Sarah LoManto, seconded by Nathan Palmer WHEREAS, General Vouchers #90 – 98 totaling \$3,300.19 with General Prepays #39 – 43 totaling \$5,566.43, and Highway Vouchers #115 – 123 totaling \$21,510.21 with Highway Prepay #9 totaling \$86.42 were submitted, reviewed and approved for payment.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- aye

*****A MOTION** was made by Nathan Palmer, seconded by Keith Butcher WHEREAS Ball Hill Wind Voucher #84 was submitted, reviewed (Sarah LoManto neither reviewed, nor approved) and approved for payment.

Adopted:

Park	- aye
LoManto	- abstain
Butcher	- aye
Palmer	- aye
Chase	- aye

*****A MOTION** was made by Keith Butcher, seconded by Nathan Palmer approving all department head reports as given.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- aye

A review of the tentative 2020 budget having been completed and changes made as follows:

Highway Superintendent Salary reduced from \$40,000. to \$38,000.
Delete the Planning Board compensation –(\$300.)
Increasing Assessor Contractual Expense line from \$1,030. to \$4,115.00.

It is noted that the total amounts in the original proposed 2020 budget will remain the same at \$13.53/\$1000.

***A **MOTION** was made by Yvonne Park, seconded by Keith Butcher to approve the 2020 preliminary budget with the above listed modifications.

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

***A **MOTION** was made by Sarah LoManto, seconded by Donald Chase pursuant to the town budget calendar as established by the Office of the State Comptroller, the next regularly scheduled town board meeting will be held November 06, 2019 at 7:00PM at the town hall, **THEREFORE** the Preliminary Budget for the Town of Villenova for the year beginning January 1, 2020 has been completed and filed in the office of the Town Clerk, where it is available for inspection by any interested persons during regular business hours. **FURTHER NOTICE IS HEREBY GIVEN** the Town of Villenova Board will meet and review such budget and hold a **PUBLIC HEARING** at 7:15PM, November 06, 2019 at the Town Hall. Pursuant to Section 108 of the Town Law, the proposed salaries of the Town Officials are hereby specified:

Highway Superintendent - \$38,000.00/year
 Town Clerk - \$13,600.00/year
 Supervisor - \$8,000.00/year
 Council persons (4) - \$1,000.00/each per year

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

privilege of the floor was extended:

Judy Phillips thanked the town for the use of cones during their fund raiser; asked if the website could be updated, is disappointed about the elimination of the planning board.

Nancy Huber is disappointed in the elimination of the planning board.

Susan Baldwin is disappointed in the elimination of the planning board and questioned Don Chase's qualification to hold a council seat.

with all being given an opportunity to be heard

***A **MOTION** was made by Sarah LoManto, seconded by Nathan Palmer to adjourn meeting at 7:30PM.

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

Respectfully Submitted

Julie Goodway
Villenova Clerk

