

The regular meeting of the Villenova Town Board held March 11, 2020 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**

**Absent:**         **Donald Chase**            - **Councilmember**

**Others Present:**  
                      **Doug Rumsey**             - **Highway Superintendent**  
                      **Donald Michalak**        - **Town Attorney**

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

\*\*\*A MOTION was made by Sarah LoManto, seconded by Nathan Palmer, WHEREAS, minutes of the Feb. 12, 2020 meeting be accepted as presented by Town Clerk Goodway.

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

#### REPORTS:

**Assessor** – Written report issued, on file at the clerk’s office.

**Code Enforcement Officer** – No activity in February, his office is facing some property maintenance issues. He will be working on resolving these.

**Town Clerk** – Received and disbursed a total of \$138.00, presented a check to the Supervisor in the amount of \$122.00 for the portion of town fees collected. Tax season has slowed but still moving along.

**Justice** –Received and disbursed a total of \$1,031.00, presented a check to the Supervisor 3/2/2020.

**Highway Superintendent** –asked the boards permission to attend the training offered at Corning May 12, there is no fee however he must pre-register.

\*\*\*A MOTION was made by Yvonne Park, seconded by Nathan Palmer approving the highway superintendent to register and attend the training in Corning on May 12, 2020.

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

continuing with his report – he has equipment down, the Sterling needs major front axle repairs, kingpins, front springs, he is concerned with adhering to the procurement policy for these repairs, DeMarco can not give an estimate without tearing it apart, resulting in charges for labor. He would like to send it to Brute Spring for custom fabrication, they estimate a parts cost of \$966.90 plus fabrication and labor. The board asked him to price out the fabrication. The board tabled any action until he obtains quotes. He states the loader needs repairs to the parking brake. The overhead doors need preventive maintenance; the closest door is waterlogged and is not safe.

\*\*\*A MOTION was made by Yvonne Park, seconded by Sarah LoManto to have the doors repaired, however when he calls to schedule the repairs he is to require the company to service all overhead doors to avoid separate service fee calls.

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

Rumsey asked for permission to purchase a signal booster for the cell phones at the highway department as the reception is poor in the building. The board did discuss this, Rumsey states the cost is \$174.98, and concluded he could do this and it would come from line A5010.4.

**The clerk notes there were 4 sealed bids submitted for mowing, however no tractor bids were submitted. Therefore the board proceeded as follows with the mowing bids:**

\*\*\*A MOTION was made by Sarah LoManto, seconded by Nathan Palmer to close the regular meeting of the board at 7:15PM for the purpose of opening the mowing bids submitted.

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

Town Attorney, Donald Michalak proceeded with the bid opening, they are as follows:

**Gardner Enterprise** - \$205.00 per mowing of all 5 properties. Spring clean up was not bid separately, and no cost was outlined.

**C Bell** - \$220.00 per mowing of all 5 properties, spring clean up is included in the price.

**Roger Gloss** -\$285.00 per mowing of only the 4 cemeteries, he did not bid the town hall. Spring clean up \$150.00.

**Meyers Tree Service** - \$160.00 per mowing of all 5 properties, he did not provide liability insurance document; his paperwork states that upon reward of the bid he will provide it.

\*\*\***A MOTION** was made by Nathan Palmer, seconded by Keith Butcher to reconvene the regular meeting of the board at 7:25PM. By order of the same motion the board will receive all bids and table the reward, if any until the next regular meeting of the board to be held April 8, 2020.

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

**Barbara Wise, historian** read to the board a report wherein she states all the historians held a meeting in Fredonia and discussed WW1, she has a picture of local soldiers in 1919. Work is continuing on the tombstones that were damaged by a vehicle. She has discussed a note she received regarding the purchase of the Baptist church in town and it being opened as a Methodist church, this occurred from 1911-1917.

**Supervisor Park** – reports all bills were paid, payroll met, deposits made and issued copies of the financial report as prepared by the accounting firm Bahgat & Laurito Bahgat.

\*\*\***A MOTION** was made by Keith Butcher, seconded by Nathan Palmer WHEREAS General Voucher #29 – 43 totaling \$6,059.40 with general prepays #10 – 16 totaling \$6,772.07 and Highway Vouchers #24 – 38 totaling \$30,858.61 were submitted, reviewed and approved for payment.

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

\*\*\***A MOTION** was made by Sarah LoManto, seconded by Keith Butcher accepting all department head reports as presented.

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

\*\*\***A MOTION** was made by Yvonne Park, seconded by Sarah LoManto to close the regular meeting of the board at 7:45PM for the purpose of entering into a “private session” with the Town Attorney for legal advice.

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

\*\*\***A MOTION** was made by Yvonne Park, seconded by Sarah LoManto to reconvene the regular meeting of the board at 8:00PM.

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

Attorney Michalak stated he attended the Association of Towns annual meeting in NY City.

**Town Attorney** asked that due to the nature of the next item up for discussion, Sarah LoManto recuse herself, at which time she exited the meeting.

Attorney Michalak discussed with the board information received from firm Hodgson & Russ that represents the town in the Ball Hill Wind Project. After a brief discussion

**\*\*\*A MOTION** was made by Nathan Palmer, seconded by Keith Butcher WHEREAS, Hodgson Russ LLP has represented and currently represents the Town of Villenova (the “Town”) with respect to the Ball Hill Wind Energy Project (the “Project”) and values the Town as a client; and

WHEREAS, Hodgson Russ LLP has been asked to represent Northland Power in connection with review of the Project, including for compliance with federal, state, and local law, and with respect to pending litigation, and other matters related to the Project; and

WHEREAS, given that the Town is a public entity, whose records are public, Hodgson Russ LLP does not believe that it possesses any confidential information learned from the Town concerning the Project, and has represented that it is confident that this representation will not impact its independent professional judgment on any other matter involving the Town; and

WHEREAS, the Town is currently represented by the Town Attorney, who has reviewed this resolution, and Town Board has had the opportunity to address any questions with him; and

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

1. That the Town hereby agrees to waive any conflict of Hodgson Russ LLP as the result of the representation described above, with the understanding that this may be revoked at any time.
2. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 11th day of March, 2020 by the Town Board of the Town of Villenova.

**ROLL CALL:**

|                 |             |
|-----------------|-------------|
| <b>Park -</b>   | <b>-aye</b> |
| <b>Butcher-</b> | <b>-aye</b> |
| <b>Palmer -</b> | <b>-aye</b> |

**MOTION CARRIED: QUORUM PRESENT**

Sarah LoManto was summoned to return to the meeting.

**Town Attorney Michalak** states due to the nature of the next order of business that Keith Butcher recuse himself at which time he exited the meeting.

Attorney Michalak discussed with the board information received from OYA SOLAR stating their desire to construct a solar farm in Villenova,

**\*\*\*A MOTION** was made by Yvonne Park, seconded by Sarah LoManto WHEREAS The Town Board hereby adopts, ratifies and confirms the notice to OYA Solar, L.P. pursuant to NY Real Property Tax Law sec. 487 that the Town will and does require a payment(s) in lieu of taxes (PILOT) regarding the proposed potential solar energy project in the Town.

**ROLL CALL:**

|                 |                |              |
|-----------------|----------------|--------------|
| <b>Adopted:</b> | <b>Park</b>    | <b>- aye</b> |
|                 | <b>LoManto</b> | <b>- aye</b> |
|                 | <b>Palmer</b>  | <b>- aye</b> |

**MOTION CARRIED: QUORUM PRESENT**

Keith Butcher was summoned to return to the meeting.

Privilege of the floor was extended:

John Robinson questioned the board regarding the private session and if it was proper or not.

Attorney Michalak responded with, under the municipal law a town board has the right to a private session with the Attorney for the purpose of seeking legal counsel; giving legal advice to the board and that legal advice is

confidential.

with no further questions from the public in attendant;

\*\*\*A **MOTION** was made by Sarah LoManto, seconded by Nathan Palmer to adjourn meeting at 8:05PM.

|                 |                |              |
|-----------------|----------------|--------------|
| <b>Adopted:</b> | <b>Park</b>    | <b>- aye</b> |
|                 | <b>LoManto</b> | <b>- aye</b> |
|                 | <b>Butcher</b> | <b>- aye</b> |
|                 | <b>Palmer</b>  | <b>- aye</b> |

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