

## Resolution #14 of 2010

At the monthly meeting of the Town Board of the Town of Westfield, Chautauqua County, New York, held at Eason Hall, 23 Elm Street, in said Town, on the 3<sup>rd</sup> day of March, 2010, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Town Supervisor Martha R. Bills, and upon roll being called, the following were

Present: Martha R. Bills, Town Supervisor  
Raymond Schuster, Town Councilman  
David Brown, Town Councilman  
James Herbert, Town Councilman  
David Spann, Town Councilman

Absent: None

The following resolution was offered by Martha Bills who moved its adoption, seconded by David Brown to-wit:

### Resolution No. 14 of 2010 Amended Notice of Completion

**WHEREAS**, the Town of Westfield is co-lead agency with the Town of Ripley under the New York State Environmental Quality Review Act, ECL §8-0101, et seq. and its implementing regulations at 6 NYCRR Part 617 (collectively, "SEQRA") for the Ripley-Westfield Wind Power project (the "Project"); and,

**WHEREAS**, on February 24, 2010, at a Special Meeting, the Town Board of the Town of Westfield ("this Town Board") passed Resolution No. 12, by which it made its determination pursuant to SEQRA that the Draft Environmental Impact Statement (the "DEIS") for the Project filed with the Town on or about February 17, 2010, by Ripley-Westfield Wind LLC (the "Applicant") is adequate with respect to its scope and content for the purpose of commencing public review (the "completeness determination") and provided for a public comment period on the DEIS; and,

**WHEREAS**, Resolution No.12 also directed the Town Clerk to file a Notice of Completion and otherwise give notice of the completeness determination and the public comment period on the DEIS, which public comment period was to end on April 26, 2010; and,

**WHEREAS**, at its Special Meeting on February 24, 2010, this Town Board also passed Resolution No. 13, setting a public hearing date on the DEIS for April 13, 2010, and directing the Town Clerk to incorporate the Notice of Hearing into the Notice of Completion, file the Notice of Completion and otherwise give notice of the public hearing; and,

**WHEREAS**, thereafter, the Town Board of the Town of Ripley ( the "Ripley Town Board") was unable to meet and set a public hearing date for and public comment period on the DEIS to co-ordinate with the dates set by this Town Board; and,

**WHEREAS**, the Ripley Town Board requested and did receive an extension of time from the Applicant to conduct its public hearing on the DEIS and receive public comments thereon; and,

**WHEREAS**, at a Special Meeting on February 26, 2010, the Ripley Town Board made its completeness determination of the DEIS, set a public hearing thereon for May 4, 2010, and set a public comment period thereon to conclude on May 17, 2010; and,

**WHEREAS**, at its February 24 Special Meeting this Town Board heard from some members of the public that they would like a longer time to comment on the DEIS; and,

**WHEREAS**, an extension of time of the public comment period on the DEIS by this Town Board would serve to better coordinate the receipt of public comments on the DEIS with the Town of Ripley and be responsive to the requests of the Town residents who spoke at the Special Meeting; and,

**WHEREAS**, the Town of Westfield and the Applicant have now agreed to an extension of time for the Town to receive public comments on the DEIS.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board will hold a public hearing on the DEIS starting at 1:00 p.m. and continuing until the last person asking to speak is heard, on Tuesday, April 13, 2010, in Eason Hall, at 23 Elm Street, Westfield, New York, as previously determined by this Town Board in Resolution No. 12; and, be it further

**RESOLVED**, that the public comment period on the DEIS for the Project be and hereby is extended to May 17, 2010; and, be it further

**RESOLVED**, that the Town Clerk is directed to take such steps as may be necessary to withdraw or otherwise supersede the filing, publishing and posting of the Notice of Completion attached to Resolutions No. 12 and 13; and, be it further

**RESOLVED**, that the Town Clerk is directed to incorporate the Notice of Hearing into the Amended Notice of Completion in the form attached to this Resolution; and, be it further

**RESOLVED**, that the Town Clerk is directed to file an Amended Notice of Completion in the form attached to this Resolution with the Town of Ripley, New York, the New York State Department of Environmental Conservation, all involved agencies, any person who has requested a copy and the Applicant; and, be it further

**RESOLVED**, that the Town Clerk is directed to give notice of the completeness determination, the public comment period on the DEIS and the public hearing on the DEIS by publishing the Amended Notice of Completion in the form attached to this Resolution in the New York State Department of Environmental Conservation Environmental Notice Bulletin, the Dunkirk Observer, and the Westfield Republican, and by posting this Amended Notice in Westfield Town Hall.

Amended Notice of Completion of Draft EIS and Public Hearing

Chautauqua County -This amended notice is issued pursuant to the State Environmental Quality Review Act (SEQRA), ECL Article 8 and its implementing regulations at 6 NYCRR Part 617. The Town of Westfield, New York (Westfield), as co-lead agency with the Town of Ripley, New York (Ripley), has accepted a Draft Environmental Impact Statement (DEIS) on the proposed Ripley-Westfield Wind Power project, a Type I action under SEQRA. A public hearing on the DEIS will be held starting at 1:00 pm and continuing until the last person asking to speak is heard, on Tuesday, April 13, 2010, at Eason Hall, 23 Elm Street, Westfield, New York 14787. Written comments on the DEIS may be submitted in the following ways: 1) in person at the public hearing; 2) in person or by mail to the Town Clerk at Westfield Town Hall, 23 Elm Street, Westfield, New York 14787; or, 3) by email to the Town Clerk at [comments@townofwestfield.org](mailto:comments@townofwestfield.org). Written comments must be received by 5:00 p.m. Monday, May 17, 2010 to be considered in the Final EIS. A paper copy of the DEIS is available at Westfield Town Hall, and at Patterson Library, 40 South Portage Street, Westfield, New York 14787. The online version is available at <http://www.ripleywestfieldwind.ene.com>. The action involves the construction of a commercial wind power project with a total installed capacity of approximately 125 megawatts, including the construction of up to 31 wind turbine generators in Westfield and up to 30 wind turbine generators in Ripley and associated collection lines, access roads, a substation, an operations and maintenance building, a laydown area and two permanent meteorological

towers; the construction of road improvements in the Towns of Chautauqua, Sherman and North Harmony, and the Village of Sherman; and, the construction of a temporary concrete batch plant in the Town of Chautauqua. The Project Area is generally bounded by Belson Road to the north; Sherman Westfield Road (Route 21) to the east; Wattlesburg and Sherman Ripley Roads (NYS Route 76) to the west; and Sprague, Johnson, and Sherman Ripley Roads to the south.

Contact: Martha Bills, Supervisor, Town of Westfield, New York, Eason Hall, 123 Elm Street, Westfield, NY 14787; Phone: (716) 326-3211; Fax: (716) 326-3611; E-mail: [marthabills@townofwestfield.org](mailto:marthabills@townofwestfield.org).

Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; and David Spann, aye.

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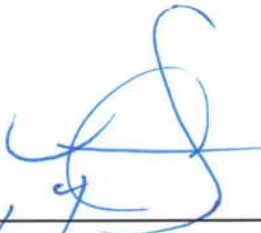
**Resolution #14 of 2010 Certification**

STATE OF NEW YORK     )  
  )  
COUNTY OF CHAUTAUQUA)     ss.:

I, the undersigned Clerk of the Town of Westfield, Chautauqua County, New York (the "Town"), DO HEREBY CERTIFY:

1. That a meeting of the Town Board was duly called, held and conducted on the 3<sup>rd</sup> day of March, 2010.
2. That such meeting was a regular meeting.
3. That attached hereto is a resolution of the Town Board which was duly adopted by it at such meeting.
4. That such attachment constitutes a true and correct copy of the entirety of such resolution as so adopted by said Board.
5. That all members of the Board had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 3<sup>rd</sup>, day of March, 2010.

  
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Timothy C. Smith, Town Clerk

(CORPORATE SEAL)

