

RESOLUTION
THE TOWN OF BOARD OF THE TOWN OF ORANGEVILLE
ISSUING "NOTICE OF COMPLETION" PURSUANT TO THE STATE ENVIRONMENTAL
QUALITY REVIEW ACT RELATIVE TO THE PROPOSED PROJECT
Adopted: February 18, 2010

WHEREAS, the Town Board of the Town of Orangeville met at a regular board meeting of the Town of Orangeville at the Town Offices on Thursday, February 18, 2010 commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	<u>Susan May</u>
	Council Member	<u>Henry Boxler</u>
	Council Member	<u>Andy Teint</u>
	Council Member	<u>Jumbo Herman</u>
<u>Abstain:</u>	Council Member	<u>Thomas Schabster</u>

WHEREAS, all Town Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town of Orangeville Town Board (hereinafter the "Board") has received an application from Stony Creek Energy, LLC (hereinafter the "Applicant") who is proposing to construct a wind-powered generating facility consisting of up to 59 General Electric 1.5xle or 1.6xle, or equivalent, wind turbine generators ("WTGs"), each with a maximum height of nearly 400 feet, which includes an operation and maintenance "O&M" facility, a system of gravel access roads, a 34.5 KV electrical collection system of buried electrical cable from the 59 WTG(s) to a substation, and one 262 foot permanent meteorological tower (hereinafter the "Project"); and

WHEREAS, pursuant to the State Environmental Quality Review Act (hereinafter "SEQRA"), the Applicant submitted to the Board Part 1 of a Full Environmental Assessment Form for the Project dated October 1, 2009 (hereinafter the "FEAF"); and

WHEREAS, on December 10, 2009, after completing Parts II and III of the FEAF the Board made its "Determination of Significance" with respect to the Project in accordance with the SEQRA regulations at 6 NYCRR §617.7 and issued a "Positive Declaration"; and

WHEREAS, the Applicant submitted a "Draft Scope", which was subject to the Scoping process pursuant to 6 NYCRR §617.8 to provide for an opportunity for public participation, including an opportunity to provide written comments; and

WHEREAS, the Board issued the "Final Scope" for the Project in accordance with the SEQRA regulations at 6 NYCRR §617.8 on January 14, 2010; and

WHEREAS, the Applicant submitted to the Town Board a preliminary "Draft Environmental Impact Statement" (hereinafter the "DEIS"); and

WHEREAS, the Town Board has reviewed the DEIS for adequacy with respect to its

scope and content in accordance with the SEQRA regulations at 6 NYCRR §617.9; and

WHEREAS, the Town Board also desires to make its "Determination of Adequacy" with respect to the scope and content of the DEIS in accordance with the SEQRA regulations at 6 NYCRR §617.9.

NOW ON MOTION OF Mr. Boxley which has been duly seconded by Mr. Feint, therefore, be it

RESOLVED, that based upon a thorough examination and analysis of the DEIS and review of the SEQRA regulations at 6 NYCRR §617.9, and based upon such further investigation as the Town Board has deemed appropriate, the Town Board determines that the DEIS is adequate and acceptable, with respect to scope and content, for the purpose of commencing public review in accordance with the SEQRA regulations at 6 NYCRR §617; and be it further

RESOLVED, the public comment period shall commence on February 22, 2010 and shall close on April 23, 2010; and be it further

RESOLVED, that the Town Board will hold a public hearing on the Project on Thursday, March 25, 2010 at 6:00 p.m. at 2780 Buffalo Road (commonly known as the 4-H Building), Varysburg, New York 14167; and be it further

RESOLVED, that the Clerk to the Town Board is hereby directed to file a copy of the DEIS and a "Notice of Completion" as set forth below:

1. Copies of said DEIS and "Notice of Completion" shall be mailed simultaneously to those agencies and/or persons listed on Attachment "A" annexed hereto and made a part of this "Resolution"; and
2. A copy of the "Notice of Completion" shall be mailed to the Environmental Notice Bulletin, New York State Department of Environmental Conservation, 4th Floor, 625 Broadway, Albany, New York 12233-1750 for publication in the "Environmental Notice Bulletin"; and
3. Copies of said DEIS and "Notice of Completion" shall be filed in the office of the Town of Orangeville and made available for public inspection and review.

Quorum Present: Yes No

Ayes:

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Nays:

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Abstain:

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Dated: February 18, 2010

(SEAL)

Rosann Lowder, Clerk
Rosann Lowder, Clerk
Town of Orangeville

ROLL CALL

Yes

No

Abstain

Absent

Susan May, Supervisor

Andrew Flint, Councilmember

James Herman, Councilmember

Hans Boxler, Jr., Councilmember

Thomas Schabloski, Councilmember

STATE OF NEW YORK)
COUNTY OF WYOMING) ss:

I, **Rosann Lowder**, the undersigned Town Clerk of the Town Board of the Town of Orangeville **DO HEREBY CERTIFY**:

That I have compared the foregoing copy of minutes of the meeting of the members of the Town Board of the Town of Orangeville (the "Town Board"), including the Resolution contained therein, held on February 18, 2010 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (i) all members of the Town Board had due notice of said meeting, (ii) said meeting was in all respect duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Town Board present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town Board this 18th day of February 2010.

TOWN OF ORANGEVILLE TOWN BOARD

Rosann A Lowder Town Clerk
Rosann Lowder, Town Clerk