

Town of Windsor, County of Broome, State of New York
RESOLUTION APPROVING ROAD USE AGREEMENT
WITH BLUESTONE WIND, LLC
Resolution #16-2019

PRESENT: Supervisor Carolyn W. Price
Deputy Supervisor William J. McIntyre
Councilwoman Lesa Hawk-Shuler
Councilman Gary M. Hupman
Councilman Mark Odell

OFFERED BY: Councilman _____
SECONDED BY: Councilman _____

The Town Board of the Town of Windsor (“Town”), duly convened in regular session, does hereby resolve as follows:

WHEREAS, Bluestone Wind LLC (“Bluestone”) has filed an application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law (“Certificate”) with respect to its proposed construction and operation of a wind farm partially in the Town (“Project”);

WHEREAS, if the state Siting Board charged with reviewing Bluestone’s application approves the Certificate, then it is anticipated that Bluestone will cause heavy truck traffic on Town roads during different phases of the Project;

WHEREAS, pursuant to Public Service Law § 168, 16 NYCRR 1001.25 and 6 NYCRR 617.5(c)(44), the Siting Board is solely responsible for awarding the Certificate and evaluating the environmental impacts of the Project, including impacts on transportation, infrastructure and traffic;

WHEREAS, to ensure, among other things, that Town roads damaged by Bluestone during construction and other phases of the Project are repaired at no cost to the Town and that the Town is indemnified from claims resulting from such damage, Bluestone has proposed entering into the attached road use agreement with the Town (“RUA”);

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to enter into said RUA; and

NOW, THEREFORE, BE IT RESOVED that the Town Board hereby makes a determination that the RUA is an Type II action under 6 NYCRR 617.5(c)(26) and 6 NYCRR 617.5(c)(44), thus requiring no further analysis under SEQRA; and further

BE IT FURTHER RESOLVED, that the Town Board hereby approves the RUA and authorizes the Town Supervisor to execute said agreement; and

BE IT FURTHER RESOLVED, the Town Clerk be and hereby is directed to enter this resolution in the minutes of this meeting; and

BE IT FURTHER RESOLVED, that this resolution will take effect immediately.

CERTIFICATION

I, _____, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held at the Windsor Town Hall, 124 Main Street, Windsor, New York on the **9th day of July, 2019**. Said resolution was adopted by the following roll call vote:

Supervisor Carolyn W. Price _____

Deputy Supervisor William McIntyre _____

Councilmember Lesa Hawk-Shuler _____

Councilmember Gary M. Hupman _____

Councilmember Mark Odell _____

Town of Windsor Seal

Dated: July 9, 2019

Town Clerk of the Town of Windsor